

the necessary two-thirds majority in the General Assembly and was defeated. As no other proposal on this subject secured the required two-thirds majority the General Assembly took no action on this matter in 1947.

64. The policy of the Canadian Government on this subject, as stated by the Canadian representative in the joint Legal and Political Committees of the Assembly on November 25, 1946, was to encourage a friendly settlement of the dispute between the two parties. It was the Canadian view that any resolution passed by the Assembly should not contain a judgment against either party since neither the facts, nor the legal position in the dispute, had been established by an impartial tribunal. What was obviously required, in the Canadian view, was "a proper determination of the facts, an authoritative exposition of the law, and a judicial application of the law to the facts so determined". Accordingly in 1946 Canada had supported the reference of this question, specifically the question of the jurisdiction of the General Assembly to deal with the substance of India's complaint, to the International Court of Justice. For the same reason the Canadian delegation in 1947 voted against the Indian resolution which implied that a judgment had already been taken against South Africa. On the other hand, Canada supported another proposal which called upon the two Governments and Pakistan to continue their efforts to reach an agreement and, in the event that no agreement was reached, to submit the question to the International Court. This resolution was however defeated.

65. The General Assembly's consideration of this subject showed, in the Canadian opinion, the great difficulty of discussing an issue of this nature in a political body such as the General Assembly without first obtaining an impartial legal opinion. The Indian Government had argued that racial discrimination had taken place against their nationals in the Union of South Africa, and the Union Government had replied by saying that this was, in any case, a matter within their domestic jurisdiction. Before the Assembly could take action in this matter it was essential that a legal ruling should be given as to whether this matter was entirely within the domestic jurisdiction of the Union Government or whether it came within the jurisdiction of the General Assembly. The obvious body to give such a legal ruling was the International Court of Justice. In the absence of such a legal ruling the Assembly has debated this subject at length at two Sessions of the General Assembly and has still not taken any remedial action which would lead to a solution of the dispute in question.

#### IV. ECONOMIC AND SOCIAL QUESTIONS

##### (a) The Economic and Social Council

66. Under Article 55 of the Charter, the United Nations has an obligation to promote: (a) higher standards of living, full employment, and conditions of economic and social progress and development; (b) solutions of international economic, social, health, and related problems; and international cultural and educational co-operation; and (c) universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

67. The responsibility for carrying out this vast field of activity is vested under the authority of the General Assembly in the Economic and Social Council (ECOSOC). The Council consists of eighteen states elected by the Assembly for three-year terms. Canada was elected to the Economic and Social Council at the First Part of the First Session of the General Assembly and its term of office expires on December 31, 1948.