

Notwithstanding explanations which have been given in this committee, the South African resolution does not, we consider, place before the committee in clear terms the issues on the question of competence with which we are faced. In the first place, although the resolution has been put before us as a motion under Rule 120, it does not call for a decision on the competence of this committee to adopt the proposal submitted to us. It does not relate to the proposals before this committee. It attempts to broaden the matter to exclude any proposal and presumably any discussion. This has been made clear not only by the explanation of South Africa but it has been ruled by the Chairman that if this motion is adopted, the 17-power resolution for continuance of the commission will not be put to a vote.

Apart from the fact that we do not accept the assumptions upon which the first paragraph of the preamble is based for the reasons which I have explained, the statement in the operative part that this committee has no competence to intervene leaves undecided the very important question as to what constitutes intervention. To say that the Assembly is not competent to intervene in matters essentially within the domestic jurisdiction of any state is to do no more than repeat provisions of the Charter to which no one can take exception, but we are told that to vote in favour of this resolution would in effect deny the competence of the Assembly even to discuss this matter. The Canadian Delegation agrees that there are grave doubts as to whether the establishment of the commission last year and its re-establishment this year amount to prohibited intervention. For this and other reasons we abstained on the vote which established the commission last year. We do not agree, however, that the matter will be at all resolved by the adoption of the resolution proposed. We do not consider, if the South African resolution is rejected, it should create any precedent whatsoever for permitting the Assembly to intervene in matters essentially of domestic jurisdiction in contravention of Article 2, paragraph 7. On the other hand, we do consider that if the resolution is adopted, it solves the problem as to what constitutes intervention.

The problem posed by the resolution might be compared to that which is said to have been faced by a man who was asked the question "have you stopped beating your wife? Answer yes or no". Faced with a resolution which obscures and does not clarify the issue we can neither support nor oppose it and will be compelled to abstain. We consider that we can discuss this matter. There is the further question as to what such discussion may or should lead. Some countries contend that any discussion is intervention. Some take the completely opposite view and contend that the General Assembly may make recommendations in any matter whatsoever and can itself decide just what these matters are. As the General Assembly can do no more than recommend in any event, this would be to deny any effect whatsoever to Article 2, paragraph 7. We cannot accept either of these extreme views. Even if the view should be accepted that "dictatorial interference" is prohibited the question is left open as to what constitutes dictatorial interference. Some states would seem to argue that we may deal with this matter and all matters of human rights which may arise in member states in any way open to the Assembly because matters of human rights are completely outside domestic jurisdiction. The arguments for absolute powers of the General Assembly in this matter, denying any effect to