

of 8 December, 1946, which had recommended that the treatment of Indians in South Africa be in conformity with the agreements concluded between the two Governments and the relevant provisions of the Charter. The problem was thus of concern to all members of the United Nations, which was faced with the open affirmation and arrogant practice of the doctrine of racial superiority. It was essential that the United Nations proceed now to investigate the position, to request the discontinuance of the racial policies which had aroused the dispute, and to accomplish the re-establishment of good relations between India and South Africa.

The basic contention of the *South African* delegation was as follows. South Africa should be left to solve its multi-racial problem in its own way on the basis of local conditions. None of the disabilities alleged by the Indian delegation to be suffered by Indians in South Africa were peculiar to South Africa, nor was it certain that they fell within the scope of human rights and fundamental freedoms. None of the human rights universally recognized as being fundamental had been or were being violated in the Union of South Africa. It was wrong to claim that the Capetown Agreement was a treaty in the sense envisaged by the Charter, since the South African Government had never considered it a binding document and the Indian Government had never until 1946 claimed that it had the force of a treaty obligation. The so-called agreement (which had incidentally never been registered with the League of Nations) had been nothing more than a statement of policy and outlined arrangements (first for repatriation, later for colonization) which had lapsed for many years owing to the lack of necessary co-operation from the Indian Government. That the so-called agreement no longer existed was conclusively proved by a recent statement of Pandit Nehru to the effect that the Indian Government disapproved of any scheme for the repatriation of Indians from South Africa as the latter were South African citizens and not Indian nationals. So far as South Africa was concerned no dispute with India existed. India had, in fact, subjected South Africa to hostile unilateral action—had, for instance, withdrawn its High Commissioner in South Africa, had ejected South African nationals from India, and had applied economic sanctions. It was thus India itself that was ignoring the Charter, Article 1, paragraph 2 of which provides for the development of friendly relations among member States. The best and most helpful approach which India might make towards settlement of the alleged dispute would therefore be to remove the measures of discrimination it had imposed.

The Question of Competence

The core of the South African case was the already familiar one that Article 2, paragraph 7, of the Charter precluded any intervention by the United Nations in matters which were essentially within the domestic