



Thursday, 23 March 1961,  
 at 3.15 p.m.

New York

**C O N T E N T S**

	Page
Agenda item 43:	
Question of South West Africa ( <i>continued</i> )	
Preliminary report of the Committee on South West Africa on the implementation of General Assembly resolution 1568 (XV) ( <i>continued</i> ) .....	91

**Chairman:** Mr. Adnan M. PACHACHI (Iraq).

*In the absence of the Chairman, Mr. Ortiz de Rozas (Argentina), Vice-Chairman, took the Chair.*

**AGENDA ITEM 43**

**Question of South West Africa (*continued*)**

PRELIMINARY REPORT OF THE COMMITTEE ON SOUTH WEST AFRICA ON THE IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 1568 (XV) (A/4705; A/C.4/L.675/Rev.1) (*continued*)

1. Mr. KUDRYAVTSEV (Byelorussian Soviet Socialist Republic) said that while everywhere the shameful colonialist system was on the brink of complete dissolution, the Fourth Committee, in its consideration of the question of South West Africa, was dealing with the worst form of colonialism. The question had been before the Assembly for many years, in the course of which the inhuman policy of *apartheid* had been castigated and shown to be a threat to peace and international security; numerous resolutions had been adopted calling upon the Government of the Union of South Africa to abandon its racialist policies and carry out its obligations under the Mandate. The reasons why the Union had been allowed for fifteen years to violate the Charter were to be sought in the fact that all previous United Nations decisions on the question of South West Africa had been in the nature of palliatives and of attempts at persuasion, whereas it had been demonstrated in practice that appeals to the common sense or the conscience of the colonialists were a waste of time. A vivid example was to hand in the preliminary report of the Committee on South West Africa (A/4705), from which the Fourth Committee could see that the Union Government's refusal to comply with General Assembly resolution 1568 (XV) had been communicated to the Committee on South West Africa by telephone; yet the preliminary report did not include any appraisal of that intolerable attitude. It was being said in some quarters that the United Nations was incapable of coping with the Union Government's violations of the Charter. If the United Nations wished to preserve its prestige as an agency which stood guard over peace and security, it should find within itself the necessary resources for a radical solution to the problem of South West Africa.

2. His delegation favoured the proposals put forward by a number of delegations to annul the Mandate over

South West Africa and to hand over all administrative functions in the Territory to a special commission consisting of the representatives of the independent African States, which would be called upon to organize elections to a legislative assembly in 1961 on the basis of universal suffrage, so that the Territory could attain to independence not later than the first half of 1962. That would indeed be a radical solution to the question of South West Africa in keeping with the spirit of the times and in line with the Declaration on the granting of independence to colonial countries and peoples.

3. In the meantime, as could be seen from official documents and from statements by the petitioners, the situation in South West Africa was constantly deteriorating. The indigenous inhabitants lived in wretched conditions of poverty, deprived of all rights and exposed to the arbitrary rule of the "European" racists and to police terror. People were sold like cattle. Those considered undesirable by the Union authorities were lynched or expelled to Angola, where the living conditions of the indigenous population were hardly better than in South West Africa. The Union of South Africa, supported by its North Atlantic Treaty Organization (NATO) allies and by the foreign monopolists who wished to go on exploiting the manpower and natural resources of the Territory, opposed the efforts being made by the progressive world to ensure the liberation of all dependent peoples, including the people of South West Africa. It was the task of all freedom-loving peoples to implement the Declaration on the granting of independence to colonial countries and peoples (resolution 1514 (XV)), which included South West Africa.

4. The draft resolution before the Committee (A/C.4/L.675/Rev.1) could be regarded as a step in the right direction, although it had a number of shortcomings, the main one being that it did not outline a radical solution to the question of South West Africa that would lead the Territory to independence.

5. Mr. ACHKAR (Guinea) said that, while the sponsors of the draft resolution would have preferred to hear the representative of the Union of South Africa reply to the charges levied against his country, it had been the United Kingdom representative (1113th meeting) who had put South Africa's case to the Committee. He therefore wished to ask the United Kingdom representative whether he could guarantee that the Union Government would abide by the decision of the International Court of Justice in the proceedings now pending before it.<sup>1</sup> In the light of the Union's attitude of disregarding the Court's earlier opinion and violating the provisions of the Mandate, he had serious reservations on that score. The Committee was dealing with a political problem. The people of Africa were resolved to use every appropriate means at their disposal to rid

<sup>1</sup> I.C.J., *South West Africa Case, Application instituting proceedings, 1960* (General list, No. 47).

their continent of the festering wound in South West Africa. It was for the United Kingdom to choose between the gold of the Union and the friendship of the African peoples. Despite everything that the United Kingdom representative had said, the second preambular paragraph of the Mandate stated unequivocally that the Mandate for South West Africa had been conferred upon His Britannic Majesty to be exercised on his behalf by the Government of the Union of South Africa.

6. He was convinced that the revised draft resolution (A/C.4/L.675/Rev.1) would be approved by an overwhelming majority.

*Mr. Pachachi (Iraq) took the Chair.*

7. Mr. ABDEL WAHAB (United Arab Republic) said that he would like to associate himself with the representatives of India and Indonesia in assuring the representative of Ireland that the sponsors of the draft resolution did not contemplate the use of force in the furtherance of the request in operative paragraph 5. Indeed, he failed to see how the Committee on South West Africa could enter the Territory by force. In the draft resolution the Committee was merely requested to discharge its tasks by every means in conformity with the Charter; the choice of method was left to the Committee.

8. Mr. SHAHA (Nepal) supported the revised draft resolution. Time and again the Union Government had defied the authority and opinion of the United Nations, thereby forfeiting the goodwill of every Member State, including those which maintained special relations with the Union. The United Nations had special responsibilities in respect of South West Africa since it was a Mandated Territory. Without going into the legal merits of whether or not the United Nations had inherited the responsibilities of the League of Nations, he felt that the Union Government was answerable to the international community for the way in which it carried out its obligations under the Mandate.

9. It was essential that the Committee on South West Africa should be able to discharge the tasks outlined in operative paragraph 4 of General Assembly resolution 1568 (XV). Consequently, the key paragraph in the draft resolution before the Fourth Committee was operative paragraph 5, with its request to the Committee on South West Africa to proceed to discharge its tasks, if necessary without the co-operation of the Union Government—although he would have preferred the Committee's mandate to have been defined in clearer terms. Another positive feature of the draft resolution was that it called the Security Council's attention to the situation in respect of South West Africa, as a potential threat to international peace and security.

10. He hoped that even at that late hour the Union Government would see reason and abide by the recommendations of the United Nations.

11. Mr. BLUSZTAJN (Poland) said that despite certain shortcomings the revised draft resolution was an advance on previous resolutions on the question of South West Africa, in that it stressed the threat to international peace and security inherent in the situation in that Territory. A further point in its favour was that it provided for possible recourse to the Security Council and to the machinery provided for in the Charter for dealing with situations constituting a danger to international peace and security.

12. The draft resolution was not, however, consistent in its description of the situation: whereas the last pre-

ambular paragraph stated that the situation constituted a serious threat to international peace and security, operative paragraph 4 stated that it was likely to endanger international peace and security, while operative paragraph 7 stated that, if allowed to continue, it would endanger international peace and security. Those three expressions did not mean one and the same thing. Nor could their use have been accidental. The Committee was aware that the wording of operative paragraph 7 had been amended as a result of suggestions offered by the United States representative (1110th meeting), who had said that the language of the draft resolution should be in keeping with that of Chapter VI of the Charter, which referred to the pacific settlement of disputes. The dispute between the United Nations as a whole and the Union Government had persisted for the past fifteen years, in the course of which every one of the means enumerated in Article 33 of the Charter had been tried, without success. It was important for the Committee to decide whether the situation referred to in the draft resolution could be dealt with under the provisions of Chapter VI or whether the adoption of other measures was called for. If the draft resolution went before the Security Council in its present form, the wording of operative paragraphs 4 and 7 would give rise to a protracted procedural and legal discussion on whether or not the situation in South West Africa fell within the scope of Chapter VI or some other Chapter of the Charter. As the United Kingdom representative had said at the 1113th meeting, the language of the operative part of a resolution prevailed over that of the preamble; it was therefore in the interests of the sponsors to bring the former into line with the wording used in the preamble. Without wishing to introduce any formal amendment, he would ask the sponsors to give serious consideration to the matter, since the draft resolution would have to be carefully worded if the best possible conditions for action in the Security Council were to be achieved.

13. The United Kingdom representative had also said that in his view the Committee would be embarking upon a very dangerous path if it adopted resolutions outside its jurisdiction; in other words he had implied that the Committee would be breaking the law and violating the Charter, and that it was all being done for reasons of political expediency. The Polish delegation would never agree to a course of action which was not in conformity with the United Nations Charter; although it had stated that the Mandate should be revoked, it was acting within the terms of the Mandate despite the fact that the Union Government was behaving as if the Mandate no longer existed. It was, however, too much to ask the General Assembly to accept the view that while one party did not consider itself bound by legal considerations the other should be so bound and should allow the situation to deteriorate without taking any action. The draft resolution was fully in conformity with the Charter. It was high time that the Assembly made up its mind and acted in the matter.

14. Mr. EL-MASRI (Libya) said that in co-sponsoring the draft resolution (A/C.4/L.675/Rev.1) his delegation had been prompted solely by its concern for the future of the people of South West Africa, who were at the mercy of a Government which seemed to have no respect for human rights and dignity, for world opinion or for the United Nations. Ever since the inception of the United Nations, when the Union Government's desire to incorporate the Mandated Ter-

ritory into the Union had been rejected, the United Nations had been discussing the problem of South West Africa and adopting resolutions urging the Union Government to abide by its obligations under the Mandate and the Charter. Instead of complying, the Union Government had been doing the very opposite: applying the policy of *apartheid*, deporting and killing indigenous inhabitants in the Mandated Territory and engaging in inhuman and illegal practices unworthy of a civilized Government. Since the United Nations had been unable to gain the co-operation of the Union Government, it should take more effective and concrete measures and bring freedom and security to the people of South West Africa despite the Union Government's unco-operative attitude.

15. The people in the Territory were losing patience and would not remain silent much longer. There was no reason why their right to freedom and independence should be denied, while elsewhere in Africa their brothers had already achieved, or were about to achieve, independence. Whereas he could understand the desire of the Union Government to continue to exploit the manpower and natural resources of the Territory, he could not understand why the United Nations should remain inactive. The United Nations should act before it was too late and before another dangerous crisis broke out in Africa. As a first step it should investigate the situation on the spot. His delegation therefore considered that the Committee on South West Africa should discharge the urgent tasks entrusted to it under General Assembly resolution 1568 (XV), with or without the co-operation of the Union Government. He disagreed with the views of those members of the Committee who had expressed concern that the draft resolution was calling for action which exceeded the provisions of the Mandate and the competence of the United Nations. It was not beyond the competence of the United Nations to send a Committee to investigate a situation which the General Assembly held to be a serious threat to peace and security. The draft resolution was very moderate and he appealed to all members of the Committee to vote in its favour.

16. Mr. ENKELL (Finland) said that in its approach to the problem of South West Africa his delegation had always had as its sole concern the fate of the people of the Territory and the need to find ways of helping those people as speedily as possible. Such a view was in keeping with the spirit of the League of Nations Mandate, and the continuing obligations of the Union Government under the Mandate had been affirmed in the Advisory Opinion of the International Court of Justice of 1950.<sup>2</sup> During the time Finland had served on the Committee on South West Africa his delegation had been faced with ample proof that the purposes of the Mandate had not been achieved and that many developments in the Territory were in fact running counter to the basic purposes of the Mandate. A deep-going change in the attitude of the responsible authorities was therefore required. His delegation was deeply concerned at the continuing deterioration in the situation to which the draft resolution made reference. In accordance with his delegation's approach to international problems in general it considered that the goals of the United Nations could best be achieved by negotiation and by seeking the co-operation of

Member States; the aim should be to lessen differences between States rather than to widen them.

17. He had doubts regarding some of the provisions of the draft resolution. He felt unable to subscribe, for example, to the last preambular paragraph. In several of the operative paragraphs, too, the language or the interpretation that could be given to it seemed to have gone beyond the true intentions of the sponsors and might not be helpful. It appeared premature to call the attention of the Security Council to the situation, at least until the results of the present resolution were known. These differences of view, however, related to the means and not to the end, in so far as that end was the welfare of the South West African people. His delegation felt that the draft resolution as a whole, however, was intended to serve the interests of the people concerned and it would cast its vote in the light of that consideration.

18. Mr. CARPIO (Philippines) said that there were very few problems other than the present one which had remained unsolved since the foundation of the United Nations. The authority of the United Nations and of the International Court of Justice had been persistently challenged and world public opinion flouted. All the other former Mandated Territories had been placed under the International Trusteeship System and either had attained independence by now or were soon to do so; only the South African Government continued to ignore the spirit of the times.

19. The present Administration of the Territory was guided by two basic policies. Firstly, there was the determination of the Union Government to incorporate South West Africa into the Union of South Africa. According to the League Covenant the Mandate was a "sacred trust of civilization" and the idea that the Mandatory Power should annex the Mandated Territory was entirely precluded. Nevertheless, the Union Government had come to the United Nations in 1946 with a proposal to incorporate South West Africa into the Union, a proposal which had been rejected by General Assembly resolution 65 (I). The South African Government had also introduced a mass of legislation tending to make the Territory a part of the Union; what was more, it had never agreed to negotiate with the United Nations on any other basis than that of the possible annexation of the Territory. That was clear from the report<sup>3</sup> of the Good Offices Committee set up by the Assembly in 1957; the only recommendation of that Committee had involved the annexation by the Union of the richer half of South West Africa. The South African Government had steadfastly refused to recognize the authority of the United Nations in respect of South West Africa, on the grounds that its obligations under the Mandate had ceased upon the demise of the League. Since the Mandate had made the Union Government a trustee for the Territory and not its owner, it was perfectly clear that if the Mandate had lapsed the Union Government's rights and privileges in respect of the Territory had also lapsed.

20. The second guiding principle in the Union's administration of the Territory was the application of the policy of *apartheid*, based on the concept of the superiority of the white race. In the political field, that policy involved the abolition of all semblance of political rights; the indigenous inhabitants were not permitted to vote and even the recent referendum had been re-

<sup>2</sup> *International status of South-West Africa, Advisory Opinion: I.C.J. Reports, 1950, p. 128. Transmitted to members of the General Assembly by a note of the Secretary-General (A/1362).*

<sup>3</sup> *Official Records of the General Assembly, Thirteenth Session, Annexes, agenda item 39, document A/3900.*

stricted to the white population. In the social sphere, the indigenous people were treated as social outcasts and corralled like animals in certain areas, from which they could move only if they possessed a pass and if they were seeking employment with the whites. Economically, they had little or no share in the fruits of commerce and industry and in the exploitation of the country's rich mineral resources. In the educational field, the system of "Bantu education" was designed to enclose the indigenous inhabitants in their tribal culture, immune from outside influences, and to prepare them to provide cheap labour for the whites. Consequently, the future facing the indigenous inhabitants was a lifetime of virtual slavery.

21. The temper of the times, and the recent liberation of a large number of African States naturally sympathetic towards the demands of their fellow Africans for freedom and rights, made a disturbance of international peace increasingly likely. Such a disturbance could lead to a world conflagration and to the extermination of the human race.

22. The leaders of the Union of South Africa had now decided to take their country out of the Commonwealth rather than renounce their policy of *apartheid*. Similarly, South Africa might well see fit to leave the United Nations rather than abide by the decisions of that Organization.

23. The present draft resolution requested the Committee on South West Africa to discharge its tasks with or without the co-operation of the Union Government; such an instruction was an entirely new departure in the history of the Organization but he felt that it was justified by the circumstances. Operative paragraph 6 of the draft resolution would perhaps be better omitted, although he thought he understood the intention behind it. Paragraph 7 introduced a timely new feature in that it laid the foundation for further action, perhaps including economic or other sanctions as envisaged under Articles 41 and 42 of the Charter, if the Union Government continued to be unco-operative.

24. He wished to make a few comments on the *sub judice* rule which had been invoked several times in the Fourth Committee. Firstly, he was not aware of any authority or precedent for the application of such a rule in international law. Secondly, the proceedings in the International Court of Justice had been instituted by two States, and neither the Philippines nor the United Nations were a party to the litigation. Thirdly, such a rule could apply only to legal questions, whereas the present problem was a political one. Lastly, it was an accepted principle that the form could sometimes be ignored for the sake of the substance, and in this case the purpose of the United Nations was to protect the inhabitants from intolerable oppression and to deal with a danger to international peace and security.

25. He was sorry that some of the sponsors had shown hostility towards some well-intentioned comments which had been made on the draft resolution. He sympathized with those who regretted the lack of precision in some of its phraseology. The drafting of the third preambular paragraph left something to be desired; he suggested the insertion of the word "not" before "facilitating". The wording of the fifth preambular paragraph would be improved if it were amended to read "continuing deterioration of the situation in South West Africa". In operative paragraph 3, it would have been more in accordance with previous resolutions on the subject to speak of attempts at the annexation or integration,

rather than the assimilation, of the Mandated Territory. The words "if such co-operation be available" in operative paragraph 5 might be replaced by the words "if possible" and the following word "and" replaced by "but".

26. Those were not formal proposals but suggestions for the consideration of the sponsors.

27. He hoped that, in the light of the statement made at the 1113th meeting by the United Kingdom representative, the sponsors would agree to delete the last part of the fourth preambular paragraph, after the words "South West Africa".

28. Despite the reservations he had put forward, his delegation would vote in favour of the draft resolution.

29. Mr. RASGOTRA (India) said that some very able replies had been made to the statement of the United Kingdom representative at the 1113th meeting, in particular by the delegations of Pakistan and Ghana (1114th meeting). Nevertheless he would like to express the views of his delegation on the subject.

30. Other delegations besides that of the United Kingdom had criticized the draft resolution. He felt sure they had been inspired by a genuine desire to improve the text and he therefore felt in duty bound to dispel some of the lingering doubts that had been voiced on the subject. The United Kingdom representative had dealt with the fourth preambular paragraph at great length. For obvious reasons, the words in that paragraph had been taken not from article 1, but from the second paragraph of the preamble, of the Mandate, which stated that the Principal Allied and Associated Powers had agreed that a Mandate should be conferred upon His Britannic Majesty to be exercised on his behalf by the Government of the Union of South Africa to administer the Territory of South West Africa. The last preambular paragraph read "Confirming the said Mandate, defines its terms as follows". Thus article 1 did not reflect the decision to confer the Mandate on a certain entity. It referred in substance to the boundaries of the territory which was to comprise the Mandate. The reference to His Britannic Majesty in that paragraph, contrary to what the representative of the United Kingdom had stated, was only incidental. The agreement of the Allied and Associated Powers regarding the entity on whom the Mandate was to be conferred, was clearly stated in the preamble of the Mandate. That was why the co-sponsors could not now agree to delete the words in question or to amend them on the lines suggested by the United Kingdom representative. He said that this was a side issue, and the sponsors of the draft did not wish to argue any further about it.

31. Various delegations had raised points with regard to the last preambular paragraph and had linked it with operative paragraphs 4 and 7. Clearly those three paragraphs dealt with the same subject, but in each case the context was somewhat different. The last preambular paragraph reiterated the opinion expressed in an earlier resolution of the General Assembly and therefore naturally used similar wording. The phrase in operative paragraph 4 "the continuance of which is likely to endanger international peace and security" referred to the prevailing conditions of South West Africa. In operative paragraph 7 the sponsors were not placing the General Assembly in the position of an ordinary plaintiff before the Security Council. No reference was intended either to Chapter VI or Chapter VII of the Charter. The sponsors were basing themselves

on Article 11, paragraph 3, and, therefore, the language of that paragraph was kept close to the language of Article 11, paragraph 3.

32. At the 1114th meeting the representative of Denmark had pointed out that the former Trust Territory of Togoland under British administration had not achieved independence but had merged with Ghana, and had asked why the sponsors insisted only on one future for South West Africa, namely that of complete national independence. It could hardly be supposed, however, that anyone contemplated the incorporation of South West Africa with the Union of South Africa. The only other neighbouring Territories were Bechuanaland, itself a colony, and Angola, about the status and conditions of which he would say little. Other than independence, therefore, he asked what were the alternatives for South West Africa. The sponsors wished there to be no doubt whatsoever on the subject and had therefore decided to retain the word "independence".

33. There had been some expressions of regret at the deletion of the word "immediate" in operative paragraph 4. The entire purpose of that paragraph, however, was to reinforce the operative part of General Assembly resolution 1568 (XV). Obviously the discharge of the tasks assigned to the Committee on South West Africa would take some time, so that the deletion of the word "immediate" would not make any practical difference. It had been replaced by the phrase "with the least delay" which conveyed appropriately the sense of urgency inherent in the situation. The representative of Denmark had suggested the substitution of the phrase "as soon as possible" for "immediately" occurring in the following paragraph, but obviously the sponsors did not contemplate that a Member of the United Nations should attempt to accomplish the impossible. On the other hand the use of such a phrase in that context might become a mere pretext for delay. Therefore the sponsors were unable to agree to that suggestion.

34. With regard to operative paragraph 5, he hoped that the question whether the sponsors envisaged the use of force had been satisfactorily answered by his delegation and others. The notion had never entered their minds. Several delegations had used the word "deception", but in his speech at the previous meeting the representative of Uruguay had repudiated any such idea and he wished to make it clear that it was also emphatically rejected by the sponsors.

35. In his statement at the 1113th meeting the United Kingdom representative had asserted that representatives seemed sometimes to say that because the problem was a grave and tragic human problem, it was somehow immoral and politically reprehensible to be circumscribed by the law. The United Kingdom representative appeared to think that his delegation alone respected the law, which was certainly not the case. There were only two laws in relation to the Territory of South West Africa: the law of the Mandate and the law of the Charter. The United Nations had requested the Union Government to place the Territory under trusteeship in accordance with Chapter XII of the Charter, but the Union Government had declined to do so, basing its whole argument on the word "may" in that Chapter and claiming that the use of that word meant that the placing of Mandated Territories under the Trusteeship System was optional. The United Kingdom Government had consistently supported that attitude

of the Union Government, which was an evasion of the law.

36. The United Kingdom representative had quoted a resolution adopted by the House of Commons which requested the United Kingdom Government "to ensure that the Government of South Africa carries out the solemn obligations it undertook in accepting the Mandate for South West Africa, or surrenders it to the United Nations so that alternative trusteeship arrangements can be made". It was most satisfactory to know that the position adopted by numerous delegations had been vindicated by the British Parliament even though the representative of the United Kingdom challenged their adherence to law. As regards the law of the Mandate he recalled what his delegation had often stated, that if it were the Union's position that, while not agreeing to Trusteeship, it would abide by the Mandate, that position would be acceptable. The Mandate was enough; but that itself was being violated daily by the Union both in letter and spirit. Was it the United Kingdom representative's argument that *apartheid* was not a breach of the Mandate. Mr. Rasgotra wondered whether the former would cite one example of the United Nations ever violating the Mandate. How often, Mr. Rasgotra further questioned, had a United Kingdom representative supported any resolution of the General Assembly requesting the Government of the Union of South Africa to abide by the law of the Mandate. He himself was not aware of a single instance of that kind. Indeed, had that ever been the case, the situation in South West Africa might have been different. In the circumstances it was somewhat odd that the representative of the United Kingdom should choose to lecture the United Nations on the need to adhere to the law.

37. The United Kingdom representative considered that General Assembly resolution 1568 (XV) exceeded the obligations imposed on the Union Government by the Mandate. Mr. Rasgotra presumed that the representative was referring to the investigatory functions conferred upon the Committee on South West Africa under that resolution. The Indian delegation had examined the records of the League of Nations and had found that in at least four cases the League Council had appointed commissions to visit Mandated Territories. Naturally the circumstances were not, and could not be, identical, but nevertheless those were relevant precedents. The United Kingdom representative had brushed all that aside by saying that while the facts cited by the Indian representative might be correct, they were not necessarily relevant to the case of South West Africa. It would be interesting to know what that representative did regard as relevant to that case.

38. The United Kingdom representative had said that his Government adhered to the Advisory Opinion of the International Court of Justice of 11 July 1950. Presumably, therefore, it also accepted the subsequent Opinions of the Court, including that of 1 June 1956<sup>4</sup> concerning the admissibility of hearings of petitioners. In that connexion he asked the United Kingdom representative on how many occasions his delegation had supported the right of petitioners to be heard by the Fourth Committee.

39. According to the United Kingdom representative, experience had shown that conflicts between nations

<sup>4</sup> *Admissibility of hearings of petitioners by the Committee on South West Africa, Advisory Opinion of June 1st, 1956, I.C.J. Reports, 1956, p. 23.*



were best regulated within the framework of the rule of law. The Indian delegation of course endorsed that sentiment. He challenged the United Kingdom representative to cite a single instance in which the Fourth Committee or the Committee on South West Africa had failed to abide by the terms of the Mandate.

40. In view of the statement made at the previous meeting by the Chairman of the Committee on South West Africa he felt that there was no need to give any further interpretation of the provisions of the draft resolution.

41. Mr. EDMONDS (New Zealand) said that his delegation was in favour of the general tendency of the revised draft resolution and could not do otherwise than support it as an expression of extreme distaste for the policies pursued in South West Africa. There were, however, formulae and expressions in the draft resolution which his delegation could not approve. It would therefore vote in favour of the draft resolution as a whole but would not participate in any voting on parts of the text.

42. Mr. GREGORIADES (Greece) said that his delegation would support the draft resolution, in line with the traditional anti-colonialist policy of his country, but it had reservations on certain aspects of the draft resolution. He agreed with those who had expressed the view that, in operative paragraph 1, it would be preferable to speak of the right to self-determination rather than of independence. As the Finnish representative had said, the basic consideration was the well-being of the people of the Territory, and their ultimate choice should not be prejudged. He also sympathized with the Danish (1114th meeting) and Irish (1113th meeting) representatives, who had asked how the Committee on South West Africa was expected to proceed in the absence of co-operation from the Union Government.

43. His delegation accepted the explanations of the United Kingdom representative at the 1113th meeting regarding the conferment of the Mandate upon His Britannic Majesty and agreed that the United Kingdom Government was in no way implicated. Finally, he wished to assure the Government of the Union of South Africa of his country's unchanged friendship towards South Africa, which transcended divergencies of views on particular matters, however important.

44. Mr. ASSELIN (Canada) said that the attitude of his delegation had changed from that which it had adopted with regard to General Assembly resolution 1568 (XV): his delegation would vote in favour of the revised draft resolution (A/C.4/L.675/Rev.1) in the belief that, under the Mandates System, the supervision of the League of Nations was intended to be effective and genuine and not merely formal.

45. When, in the days of the League of Nations, the question had been asked whether the Council of the League should content itself with ascertaining that the Mandatory Power had remained within the limits of the powers conferred on it or whether it should also ascertain that the Mandatory Power had made good use of those powers and that its administration had conformed to the interests of the indigenous inhabitants, the Council of the League had approved the wider interpretation of its right of supervision.

46. In its Advisory Opinion of 11 July 1950, the International Court of Justice had concluded that the General Assembly should replace the Council of the

League in the supervision of the administration of South West Africa and that in so doing it should conform to the procedure followed by the Council of the League. The latter had received extensive information concerning South West Africa from direct sources such as annual reports, written petitions and the hearings of accredited representatives of the Mandatory Power. What action the Council of the League would have taken if such information had been denied to it was necessarily a matter for speculation, but it could be argued that the Council had considered itself competent to authorize the Mandates Commission to obtain information by such appropriate means as circumstances might require for the effective supervision of the Mandates System.

47. Under the United Nations, the Mandates System in South West Africa had broken down completely; the Union Government had failed to provide the United Nations with the information it required to exercise effective supervision, had discontinued the submission of annual reports and had refused to submit petitions. It had accepted neither the judgement of the International Court nor the principle of accountability to the United Nations. Under the League of Nations, it had been contended in some quarters that the fact that it was the duty of the League of Nations to supervise the mandatory administration implied a right of investigation on the spot. It was at least arguable that, where the United Nations body entrusted with the supervision of a mandate was denied access to direct sources of information, the General Assembly could properly authorize recourse to other sources to obtain such information. At the same time, his delegation wished to make it clear that the Canadian Government still hoped for co-operation from the Union of South Africa. It did not agree that, in adopting draft resolution A/C.4/L.675/Rev.1 and previous resolutions, the United Nations intended to close the door on negotiations with the Union.

48. Turning to the fourth preambular paragraph of the draft resolution, he stated that, in his delegation's view, it was beyond question that, under its article 1, the Mandate had been conferred upon His Britannic Majesty for and on behalf of the Government of the Union of South Africa. All the Mandatory Power's rights and duties had been conferred upon South Africa through the agency of the Crown: at no time had the United Kingdom Government possessed any rights or duties under the Mandate.

49. With regard to paragraph 5 of the draft resolution, his delegation had noted the statements by some of the sponsors that no forcible action was contemplated under that paragraph and it considered that paragraph 5 could not be construed as authorizing deception. Nevertheless, the language lacked precision and was open to varying interpretations; in the absence of clarification, he must reserve his Government's position with respect to that paragraph.

50. His delegation understood the references to national independence in operative paragraphs 1 and 4 to mean that only the inhabitants of South West Africa could decide their own future and that they alone were entitled to choose between complete independence and association or integration with an independent State. The Canadian Government and people had always been resolutely opposed to the racial policies of the Union as being contrary to the Charter, the Universal Declaration of Human Rights and the principle of equality

between the races. That position had been confirmed by the Canadian Prime Minister in connexion with the recent Commonwealth conference in London.

51. Mr. KENNEDY (Ireland) said that his delegation would vote in favour of the draft resolution because it was in agreement with the basic purpose of expressing the General Assembly's sense of frustration at the unwillingness of the Union Government to co-operate with the United Nations in its efforts to lead peoples toward self-government and independence. His country's condemnation of the policies pursued by the Union had been made clear for years; with its own experience of racial discrimination and territorial annexation, it would have been strange if his country had adopted any other attitude.

52. Nevertheless, his delegation was concerned at the imprecise language used in operative paragraph 5. By the terms of that paragraph, the Committee on South West Africa was requested to proceed to the Territory with or without the co-operation of the Government of the Union of South Africa. It was only realistic to expect that the Union Government would continue not to co-operate. It had been made clear by the sponsors that the Committee on South West Africa was not to use force or deception. His delegation welcomed that clarification, but, if no force or deception was to be used and the Union Government did not co-operate, how was the Committee on South West Africa expected to carry out its task? The paragraph provided no answer to that question. The adoption of that paragraph might well pave the way to a further rebuff from the Union Government. At the 1114th meeting, the Chairman of the Committee on South West Africa had apparently suggested that that Committee should proceed to a neighbouring territory if it could not enter South West Africa. General Assembly resolution 1568 (XV) did not, however, provide for visits to any other territory; it specifically stated that the Committee should go to South West Africa. Moreover, a representative of the South West Africa Peoples Organisation had said (1100th meeting) that his party was opposed to the Committee on South West Africa proceeding to a neighbouring territory.

53. In view of the ambiguity of that paragraph, his delegation asked that it should be put to the vote separately. He would have no alternative but to abstain.

54. Mr. KIANG (China) said that his delegation would vote in favour of the draft resolution as a whole. It deplored the extension of racial discrimination to the Territory and felt that the policy of the Union Government was bound to make it open to doubt whether that Government could be expected to follow a course calculated to promote the well-being of the inhabitants in accordance with article 2 of the Mandate.

55. His delegation hoped that the draft resolution would ensure the early implementation of the 1950 Advisory Opinion which his Government had accepted. A hopeful alternative would be to place South West Africa under the International Trusteeship System. The petitioners themselves had asked that, as a first step, the Territory should be placed under trusteeship in accordance with the provision of Article 81 of the Charter.

56. His delegation, like many others, would have preferred a more satisfactory wording for operative paragraph 5. Pending an investigation by the Committee on South West Africa, his delegation thought that the

word "refrain" should replace the word "desist" in operative paragraph 8. With regard to operative paragraph 7, his delegation's vote was not to be regarded as prejudicing the position of the Security Council, which itself would have to determine whether a situation brought to its attention was endangering or likely to endanger the maintenance of international peace and security.

57. Mr. GRINBERG (Bulgaria) suggested that the words "dependent peoples" in the first preambular paragraph should be replaced by the words "colonial countries and peoples" so as to bring the language into line with that of General Assembly resolution 1514 (XV).

58. The CHAIRMAN said that, in the absence of any objection by the sponsors, that amendment would be considered as being acceptable to them.

59. Mr. GARCIA (Portugal) asked for separate votes on the last preambular paragraph, and on operative paragraphs 4 and 7.

60. The CHAIRMAN invited the Committee to vote on draft resolution A/C.4/L.675/Rev.1, beginning with the first five preambular paragraphs.

*A vote was taken by roll-call.*

*Mali, having been drawn by lot by the Chairman, was called upon to vote first.*

*In favour:* Mali, Mexico, Morocco, Nepal, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Romania, Senegal, Somalia, Sudan, Sweden, Thailand, Togo, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia, Afghanistan, Argentina, Austria, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Cameroun, Canada, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Cuba, Cyprus, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Ethiopia, Federation of Malaya, Finland, France, Ghana, Greece, Guatemala, Guinea, Haiti, Hungary, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Lebanon, Liberia, Libya.

*Against:* None.

*Abstaining:* Netherlands, Portugal, United Kingdom of Great Britain and Northern Ireland, Australia, Belgium.

*Present and not voting:* New Zealand.

*The first five paragraphs of the preamble were approved by 76 votes to none, with 5 abstentions.*

61. The CHAIRMAN put the sixth preambular paragraph to the vote.

*A vote was taken by roll-call.*

*The United States of America, having been drawn by lot by the Chairman, was called upon to vote first.*

*In favour:* Uruguay, Venezuela, Yemen, Yugoslavia, Afghanistan, Argentina, Austria, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Cameroun, Canada, Central African Republic, Ceylon, Chad, Colombia, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Cuba, Cyprus, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Ethiopia, Federation of Malaya, Ghana, Greece, Guate-

mala, Guinea, Haiti, Hungary, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Lebanon, Liberia, Libya, Mali, Mexico, Morocco, Nepal, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Romania, Senegal, Somalia, Sudan, Thailand, Togo, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic.

*Against:* Portugal.

*Abstaining:* United States of America, Australia, Belgium, Chile, China, Finland, France, Netherlands, Sweden, United Kingdom of Great Britain and Northern Ireland.

*Present and not voting:* New Zealand.

*The sixth preambular paragraph was approved by 70 votes to 1, with 10 abstentions.*

62. The CHAIRMAN put operative paragraph 4 to the vote.

*Operative paragraph 4 was approved by 75 votes to 1, with 5 abstentions.*

63. The CHAIRMAN put operative paragraph 5 to the vote.

*A vote was taken by roll-call.*

*Canada, having been drawn by lot by the Chairman, was called upon to vote first.*

*In favour:* Central African Republic, Ceylon, Chad, Colombia, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Cuba, Czechoslovakia, Dominican Republic, Ecuador, Ethiopia, Federation of Malaya, Ghana, Guatemala, Guinea, Haiti, Hungary, India, Indonesia, Iran, Iraq, Israel, Japan, Lebanon, Liberia, Libya, Mali, Mexico, Morocco, Nepal, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Romania, Senegal, Somalia, Sudan, Sweden, Thailand, Togo, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia, Afghanistan, Argentina, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Cameroun.

*Against:* None.

*Abstaining:* Canada, Chile, China, Cyprus, Denmark, Finland, France, Greece, Ireland, Italy, Netherlands, Portugal, United Kingdom of Great Britain and Northern Ireland, Australia, Austria, Belgium.

*Present and not voting:* New Zealand.

*Operative paragraph 5 was approved by 65 votes to none, with 16 abstentions.*

64. The CHAIRMAN invited the Committee to vote on operative paragraph 7.

*A vote was taken by roll-call.*

*Australia, having been drawn by lot by the Chairman, was called upon to vote first.*

*In favour:* Austria, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Cameroun, Canada, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Cuba, Cyprus, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Ethiopia, Federation of Malaya, Ghana, Greece, Guatemala, Guinea, Haiti, Hungary, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Lebanon, Liberia, Libya, Mali, Mexico, Morocco, Nepal, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Romania, Senegal, Somalia, Sudan, Sweden, Thailand, Togo, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia, Afghanistan, Argentina.

*Against:* Portugal.

*Abstaining:* Australia, Belgium, Finland, France, Netherlands, United Kingdom of Great Britain and Northern Ireland.

*Present and not voting:* New Zealand.

*Operative paragraph 7 was approved by 74 votes to 1, with 6 abstentions.*

65. The CHAIRMAN put to the vote draft resolution A/C.4/L.675/Rev.1 as a whole.

*At the request of the representative of India, a vote was taken by roll-call.*

*The Sudan, having been drawn by lot by the Chairman was called upon to vote first.*

*In favour:* Sudan, Sweden, Thailand, Togo, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia, Afghanistan, Argentina, Austria, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Cameroun, Canada, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Cuba, Cyprus, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Ethiopia, Federation of Malaya, Finland, Ghana, Greece, Guatemala, Guinea, Haiti, Hungary, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Lebanon, Liberia, Libya, Mali, Mexico, Morocco, Nepal, New Zealand, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Romania, Senegal, Somalia.

*Against:* None.

*Abstaining:* United Kingdom of Great Britain and Northern Ireland, Australia, Belgium, France, Netherlands, Portugal.

*The draft resolution as a whole was approved by 76 votes to none, with 6 abstentions.*

The meeting rose at 6.55 p.m.