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Chairman: Mr. Rafik ASHA (Syria).

AGENDA ITEM 31

Information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter: reports of the Secretary-General and of the Committee on Information from Non-Self-Governing Territories (A/2651, A/2652, A/2653, A/2654 and Add.1 to 3, A/2655, A/2656, A/2657 and Add.1 to 4, A/2658, A/2729) (*continued*):

- (a) **Information on economic conditions;**
- (b) **Information on other conditions;**
- (c) **Transmission of information;**
- (d) **Participation of Non-Self-Governing Territories in the work of the Committee on Information from Non-Self-Governing Territories**

CONSIDERATION OF DRAFT RESOLUTIONS AND AMENDMENTS THERETO (A/C.4/L.349/REV.1) (*concluded*)

1. Mr. ITANI (Lebanon) introduced the revised draft resolution on the voluntary transmission of information on political development submitted jointly by the sponsors of the original draft—the delegations of Burma, Egypt, Lebanon and the Philippines (A/C.4/L.349/Rev.1). In their new draft, they had tried to meet nearly all the suggestions made at the 423rd meeting by various representatives, including the representatives of the United States, France, Denmark, Mexico and Iraq. He assured the representatives of the United States and Denmark that the sponsors of the original joint draft resolution had never intended to disregard the fact that some Administering Members had voluntarily transmitted information on political developments in the Non-Self-Governing Territories or

to cast doubt upon the good faith of any Member State in regard to the application of the principles of the Charter. The revised draft sought to dispel all the doubts to which the original draft resolution had given rise while remaining faithful to the essential spirit of the original.

2. U HLA AUNG (Burma) said that the sponsors of the revised joint draft resolution, of whom his delegation was one, had tried to produce a text which, while not weaker than the original, would be clearer and more consistent. The political advancement of the Non-Self-Governing Territories was of vital importance to world peace and to the proper working of the machinery of the United Nations. He had himself visited several Non-Self-Governing Territories in Africa recently and had been impressed by the overriding importance of political advancement in all spheres of activity. In some places there was tension; in others, the threat of its coming; or there had been escape from it owing to the development of self-government. The Fourth Committee had just considered the report of the Committee on Information on economic conditions in the Non-Self-Governing Territories (A/2729, part two). The Committee on Information was to be congratulated on the good work that had been done, but at the same time it should be realized that political objectives were also inherent in Chapter XI of the Charter. The revised draft resolution was an appeal to those Administering Members which had not yet done so to recognize the importance of political advancement in the work done for the Non-Self-Governing Territories. He hoped that the revised draft resolution would secure a large majority, not because it was a compromise, but because it was an appeal for co-operation on a question which was perhaps the most vital of those with which the General Assembly was concerned.

3. Mr. VIXSEBOXSE (Netherlands) said that his delegation's attitude in regard to the principle underlying the revised draft resolution was well known to the Committee. It was not the first time that the Committee had been asked to vote on resolutions of similar content. Indeed, the third paragraph of the preamble referred to three resolutions previously adopted by the General Assembly. The Netherlands delegation had not supported any of those resolutions, not because it was unwilling to transmit information voluntarily on political institutions in the Territory under Netherlands administration, but because neither the Fourth Committee nor the Committee on Information was competent to discuss and consider information on political developments together with information on economic, social and educational conditions in the Non-Self-Governing Territories. Moreover, any appeal for the voluntary transmission of political information was somewhat vitiated by the existence of the three General Assembly resolutions. The contradiction would be made even more apparent by the adoption of a further resolution.

4. The Netherlands Government had not failed in the past to include information on political conditions in its reports to the Secretary-General under Article 73 e of the Charter. It had done so to the extent to which that was necessary in order to give a clear and comprehensive picture of developments in the Netherlands Territory, not because it acknowledged the interpretation of Article 73 e supported by the sponsors of the revised draft resolution, nor because it tacitly agreed that the Fourth Committee or the Committee on Information was competent to assess the merits of political information which was available.

5. His delegation would vote against the revised draft resolution (A/C.4/L.349/Rev.1).

6. Mr. RYCKMANS (Belgium) said that during the general debate the Lebanese representative had recalled that the omission of political information from Article 73 e of the Charter at the San Francisco Conference had been deliberate, and occasioned by the objections of the administering Powers to the transmission of such information. Accordingly, it was impossible to say, as paragraph 1 of the operative part of the revised draft resolution did, that the voluntary submission of information on political developments was fully in accord with the spirit of Article 73 e of the Charter. The Belgian delegation would remain faithful to its well-known attitude in regard to the matter, and would vote against the revised draft resolution.

7. Miss ROESAD (Indonesia) congratulated the sponsors of the draft resolution on the revised version. Her delegation would vote in favour of it. She suggested, however, that the word "some" should be inserted between the words "transmitted" and "information" in the fourth paragraph of the preamble.

8. Mr. RIVAS (Venezuela) suggested that in the Spanish text of the revised draft resolution the words *de que se trate* in paragraph 2 of the operative part should be replaced by *que no lo hayan hecho*, to make it plain that the "Administering Members concerned" were those which had not yet voluntarily submitted information on political development. The revised draft resolution as a whole was a great improvement on the original text. In accordance with its traditional attitude, the Venezuelan delegation would vote in favour of it, though, as he had stated in the general debate, it would have preferred the Committee on Information to concentrate for the time being on the educational, social and economic fields.

9. Mr. CLAREY (Australia) said that the joint draft resolution reiterated, with certain inaccuracies which had been partially remedied in the revised version, the resolutions on the voluntary transmission of political information previously adopted by the General Assembly. Such a repetition of resolutions in no way increased the prestige of the United Nations. The considered position of the Australian delegation was that there was no obligation, either explicit or implicit, in Chapter XI of the Charter to submit political information and the Administering Members were not legally or morally obliged to do so. Australia had freely transmitted such information, but on the clear understanding that its action was not to be regarded as prejudicing the interpretation of Chapter XI. The Australian delegation objected to the assumption in the draft resolution that the General Assembly was entitled to alter or amend the obligations set forth in the Charter. It would therefore vote against the draft resolution.

10. Mr. BOURDILLON (United Kingdom) said that there were phrases in the draft resolution which implied an interpretation of the Charter to which his delegation could not agree. He wished, therefore, to restate his Government's position. The draft resolution appealed to those Administering Members which had not yet transmitted political information to do so. The United Kingdom was unable to comply with that request, for reasons which had been repeatedly made clear, and he would therefore vote against the draft resolution. He regretted that the Committee should be asked to adopt yet another resolution which the Powers to whom it was addressed had indicated they were unable to accept.

11. Mr. BOZOVIC (Yugoslavia) supported the suggestion made by the Indonesian representative. He had noted at the previous meeting that such information on political development as had been supplied had not always been sufficient. The Indonesian amendment would therefore serve to bring the draft resolution still more closely into line with the facts.

12. In regard to paragraph 1 of the operative part, he disagreed with the Belgian representative. The resolution did not refer to any obligation to transmit information on political conditions but merely stated that the voluntary submission of such information was in conformity with the spirit of Article 73 of the Charter, which did in fact contain references to political advancement.

13. Mr. CALLE Y CALLE (Peru) said that his delegation welcomed the revised draft resolution, as it would have had difficulty in voting in favour of the original text. The voluntary transmission of information on political development was of great importance, particularly as it was to be expected that at some future date certain Administering Members would inform the General Assembly of their intention of ceasing to transmit information on certain Non-Self-Governing Territories because of a change in their political status. The General Assembly would be in a better position to understand that final stage if it had previously enjoyed information on political developments in the Non-Self-Governing Territories concerned.

14. In connexion with the Spanish text of the third paragraph of the preamble, he noted that the word *colocados* was out of place. The English text referred simply to "territories under their administration". He felt that the use of *colocados* might cause some confusion with the Trust Territories, and suggested that it should be deleted. With regard to the fourth paragraph of the preamble, he suggested that the words "with satisfaction" should be inserted after "Noting". The resolution as a whole had been much improved by the deletion of the last paragraph of the original text. He recognized that the Committee on Information was a technical body, but noted that it did also deal with political matters, as was shown by the fact that the question of the cessation of the transmission of information on Greenland and Surinam had gone to the Committee on Information for its consideration.

15. Mr. TRIANTAPHYLAKOS (Greece) said that his delegation had consistently maintained that political information should be included in the information sent to the Secretary-General, and would therefore vote in favour of the revised draft resolution.

16. He supported the suggestions made by Indonesia and Peru regarding additions to the fourth paragraph of the preamble.

17. Mr. PIGNON (France) said that the sponsors of the revised draft resolution had successfully eliminated a number of the points which had elicited objections at the previous meeting of the Fourth Committee. However, the substance of the resolution remained the same, and his delegation would therefore be obliged to vote against it.

18. He noted that the amendment suggested by Indonesia was already implicit in the French version of the revised draft resolution.

19. Mr. JOUBLANC RIVAS (Mexico) thanked the sponsors of the draft resolution for taking into account the suggestions he had made at the previous meeting. His delegation would vote in favour of the draft resolution as it now stood. He agreed that paragraph 2 of the operative part would be clearer if the wording suggested by the Venezuelan representative was adopted in the Spanish text. His delegation would accept the amendments to the fourth paragraph of the preamble suggested by the representatives of Peru and Indonesia.

20. Mr. KHALIDY (Iraq) said that his delegation would vote in favour of the draft resolution, the revised version of which was a great improvement on the original text. He would also accept all the amendments proposed, particularly the addition to the fourth paragraph of the preamble suggested by the representative of Peru, an addition that would pay a deserved compliment to those Administering Members which had already voluntarily transmitted information on political developments.

21. Mr. DORSINVILLE (Haiti) said that his delegation would vote in favour of the revised draft resolution and of the amendment suggested by the representative of Peru. He agreed with the representative of France that the point made by the Indonesian representative would appear to be covered by the French text of the fourth paragraph of the preamble.

22. Mr. OFTEDAL (Norway) said that his delegation would have voted against the draft resolution as originally worded on the grounds that it was non-conciliatory. The new draft was a great improvement. Nevertheless, his delegation would be obliged to abstain from voting on it because the assumption in paragraph 1 of the operative part was not correct. The question of the submission of political information had been discussed at the San Francisco Conference, and any mention of it had been deliberately excluded from Article 73 e. If a separate vote was taken on that paragraph, his delegation would vote against it.

23. Mr. KUCHKAROV (Union of Soviet Socialist Republics) said that his delegation's position in regard to the Non-Self-Governing Territories was well known to the Committee. It believed that political development in the Non-Self-Governing Territories was closely linked with developments in the other functional fields. His delegation would therefore vote in favour of the revised draft resolution, and would also accept the amendments proposed by the delegations of Indonesia and Peru.

24. Miss SHELTON (Cuba) said that her delegation would support the revised draft resolution. She would also accept the additions to the fourth paragraph of the preamble suggested by the delegations of Peru and Indonesia.

25. Mr. HARARI (Israel) said that his delegation had been opposed to the original draft resolution but

would be able to vote in favour of the revised version. He felt that the addition of the word "some" before "information" in the fourth paragraph of the preamble, proposed by the representative of Indonesia, was out of place, as it would minimize the importance of the information already voluntarily transmitted. The draft resolution should not be concerned with passing judgment on the sufficiency or insufficiency of the information transmitted.

26. Mr. SCOTT (New Zealand) said that his delegation had not supported the General Assembly resolutions referred to in the third paragraph of the preamble of the draft resolution, and would be obliged to vote against the revised draft resolution also. His delegation did not recognize that the Charter imposed any obligation on the Administering Members to transmit political information on the Non-Self-Governing Territories. The draft resolution was an attempt to modify the Charter by means of a General Assembly resolution. New Zealand had voluntarily submitted such information for several years, but in so doing it had not recognized any obligation under the Charter. It had transmitted the information merely in order to provide the Secretary-General with a full picture of conditions in the Territories under New Zealand administration. It could not appeal to other Members to follow that course because there was no such obligation in the Charter. A General Assembly resolution on that point would be tantamount to an attempt to undermine the discretion and judgment of the Administering Members in that connexion. He recognized that the sponsors had made great efforts to improve the draft resolution, but since the question of principle remained, he would still be obliged to vote against it.

27. Mr. KAISR (Czechoslovakia) said that his delegation attached the greatest importance to the political development of the Non-Self-Governing Territories and was therefore in sympathy with the draft resolution. He would vote in favour of the revised text and would also support the amendments proposed by Indonesia and Peru.

28. Ato YIFRU (Ethiopia) said that his delegation considered that the draft resolution was in the spirit of Article 73 of the Charter and would therefore vote in favour of it. It would also agree to the amendments proposed by Indonesia and Peru.

29. Mr. ITANI (Lebanon) noted, in connexion with the statement of the Belgian representative, that although he had recalled in the general debate that the administering Powers at San Francisco had refused to agree to send political information to the Secretary-General, he had also recalled that the other Powers represented at the Conference had never recognized or accepted the legality of that refusal. His delegation considered that the Administering Members should in fact transmit such information in order to comply fully with the terms of the Charter.

30. His delegation would accept the addition of the word "some" in the English text of the fourth paragraph of the preamble proposed by the representative of Indonesia. He agreed with the representatives of France and Haiti that it was not necessary in the French text of the revised draft resolution. His delegation had no objection to the insertion of the words "with satisfaction" in that paragraph, as proposed by the representative of Peru and supported by the representative of Greece. His delegation would also accept

the Venezuelan proposal in regard to the Spanish text of paragraph 2 of the operative part.

31. Mr. OSMAN (Egypt) said that the statements made at the present meeting and at the previous one showed the usefulness of friendly discussion in achieving constructive results. His delegation, as one of the sponsors of the revised draft resolution, would have no objection to the insertion of the words "with satisfaction" in the fourth paragraph of the preamble, suggested by the representative of Peru. It hoped that the example of those Powers which had voluntarily transmitted political information would be followed by others. He agreed that the insertion proposed by the representative of Indonesia was not necessary in the French text of the fourth paragraph of the preamble; in the English, he would accept it. The amendment to the Spanish text of paragraph 2 of the operative part suggested by the Venezuelan representative would appear to be an improvement.

32. Mr. CARPIO (Philippines) said that, in a spirit of compromise, the sponsors of the draft resolution had agreed to delete certain concepts which they had believed to be basic to the functions of the General Assembly in considering the problems of the dependent peoples. The Philippine delegation would be able to agree to the insertion of "some" in the English text of the fourth paragraph of the preamble as proposed by the representative of Indonesia. However, it would prefer a vote to be taken on the insertion of the words "with satisfaction" proposed by the representative of Peru.

33. In conclusion, he asked for the vote on the revised draft resolution as a whole to be taken by roll-call, so that the positions of delegations on the basic principle would be made plain.

34. Mrs. SKOTTSBERG-AHMAN (Sweden) asked for a separate vote on paragraph 1 of the operative part of the revised draft resolution.

35. The CHAIRMAN put to the vote the Peruvian verbal amendment proposing the insertion of the words "with satisfaction" after the word "Noting" in the fourth paragraph of the preamble of the revised draft resolution (A/C.4/L.349/Rev.1).

The amendment was adopted by 34 votes to 1, with 13 abstentions.

36. The CHAIRMAN put to the vote paragraph 1 of the operative part of the revised draft resolution.

That paragraph was adopted by 36 votes to 11, with 1 abstention.

37. The CHAIRMAN put to the vote the revised joint draft resolution (A/C.4/L.349/Rev.1) as a whole, as amended.

In accordance with the request of the representative of the Philippines, the vote was taken by roll-call.

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

In favour: Venezuela, Yemen, Yugoslavia, Afghanistan, Argentina, Burma, Byelorussian Soviet Socialist Republic, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Ecuador, Egypt, El Salvador, Ethiopia, Greece, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, Pakistan, Peru, Philippines, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Against: Australia, Belgium, Canada, France, Netherlands, New Zealand, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Brazil, Denmark, Norway, Sweden.

The revised draft resolution as a whole, as amended, was adopted by 36 votes to 9, with 4 abstentions.

38. Mr. RYCKMANS (Belgium) said that he had voted against the inclusion of the words "with satisfaction" in the fourth paragraph of the preamble on the grounds that it would be impertinent of the General Assembly to demonstrate satisfaction in regard to the fulfilment by sovereign Governments of what were erroneously regarded as obligations. The phrase also implied dissatisfaction with those Administering Members which had not transmitted political information.

Requests for hearings (continued)

39. The CHAIRMAN announced that two requests for hearings had been received from Togoland under British administration: one from the Buem-Krachi District Council and the other from the Dagomba District Council. If there were no objections, the Secretariat would circulate those requests to the members of the Committee.

It was so decided.

40. Mr. JOHNSON (United States of America) said that up to Friday, 5 November, his Government had had no record of any applications for visas by those to whom hearings had been granted. The United States Government wished to avoid being held responsible for any delays that might occur. It had advised the foreign posts concerned of the schedule of hearings and had given instructions that applications for visas should be dealt with as rapidly as possible.

AGENDA ITEM 34

Question of South West Africa: report of the Committee on South West Africa (A/2666 and Corr.1 and Add.1, A/C.4/274, A/C.4/L.340, A/C.4/L.341, A/C.4/L.342) (continued)

41. The CHAIRMAN called on the representative of Iraq, as Chairman of the Sub-Committee on South West Africa, to present the Sub-Committee's report (A/C.4/274).

42. Mr. KHALIDY (Iraq) said that the Sub-Committee had worked harmoniously and in a spirit of compromise and friendliness.

43. He recalled that at an earlier stage in the debate he had felt it was unnecessary to take the question at issue to the International Court of Justice; he had, however, seen the danger of a rift in the Fourth Committee and had withdrawn his opposition. He thought the Fourth Committee would do well to ask the General Assembly to reconsider the matter, in accordance with paragraph 14 of the Sub-Committee's report. The question regarding voting procedure that had been causing some concern to many members of the Fourth Committee would then be settled once and for all.

44. He urged the members of the Committee, in order to save time, not to enter into a discussion of the substance of the problem, which had already been discussed at length. The main point to be decided was whether to ask the General Assembly to reopen the question.

45. The report raised a more important point, namely that the question of South West Africa should now be reviewed in a new light. The South African delegation need have no misgivings; nothing would be done without its knowledge and consent. The whole purpose of reviewing the question in a new light was to obtain that delegation's co-operation. It was in that hope and in order to facilitate such a review that the Sub-Committee had thought well to propose the enlargement of the Committee on South West Africa. He stressed that no reflection was intended on the Committee or on the work it had done. Nothing that had been accomplished would be lost. The object of enlarging that Committee would be to enable it to take over more duties and to set up sub-committees if necessary to study questions of detail.

46. The Sub-Committee had authorized its Chairman to ask the members of the Committee on South West Africa whether they would be willing to serve on that body again. All had agreed to do so with one exception. He appealed to all members of the Committee to look at the question in a broad and statesmanlike way, for that would greatly simplify the Committee's work.

47. Mr. Fida Muhammad KHAN (Pakistan), speaking as a member of the Sub-Committee, said he hoped that the recommendations in the report, including the two draft resolutions, would commend themselves to the Fourth Committee.

48. Mr. SOLE (Union of South Africa) thanked the representative of Iraq for the friendly spirit in which he had presented the Sub-Committee's report.

49. With reference to paragraph 14 of the report, the South African delegation had no objection whatsoever to the reopening of the question before the General Assembly. Nevertheless, having regard to the controversy on procedural questions which had arisen at an earlier stage in the debate, he felt the Committee should be quite clear as to the procedure it was to follow in considering the report.

50. At the 494th plenary meeting, on 11 October, the President of the General Assembly had ruled that the draft resolution on reference to the Court (A/2747, draft resolution B) could not be considered or voted upon. That ruling was in effect a proposal, in the sense in which the term was used in rule 83 of the rules of procedure. It had been voted upon and adopted. Under the terms of rule 83 it could not be reconsidered except by decision of a two-thirds majority. In the submission of the South Africa delegation, the Fourth Committee, if it wished to do so, should recommend that the General Assembly approve the reopening of the question of reference to the Court. That recommendation to the General Assembly should be made and acted upon before the Fourth Committee proceeded to consider that part of the Sub-Committee's report which dealt with the recommendation of a resolution on reference to the Court.

51. In the view of the South African delegation, once the General Assembly had taken a decision, any one of its committees was bound by that decision until it was altered by the General Assembly. If a committee were to reconsider a matter and vote on a draft resolution which the General Assembly had voted out of order, before the General Assembly had reconsidered its original decision, it might be said that the committee in question was exceeding its powers. Moreover, for a committee to consider and vote on a question before the

General Assembly had reopened it for reconsideration could be said to prejudice the decision on reconsideration to be taken by the General Assembly. He therefore asked the Chairman to give a ruling on the procedural course the debate should follow.

52. If the Committee decided to forward the proposed recommendation to the General Assembly, it should, in the light of the decision taken by the General Assembly, proceed to consider that part of the Sub-Committee's report which included the draft resolution on reference to the Court.

53. He agreed that part II of the Sub-Committee's report did not require prior consideration by the General Assembly, but felt it would be more logical to refer the whole matter to the General Assembly in the first instance and subsequently discuss the report as a whole.

54. Mr. CANAL RIVAS (Colombia) said that the Fourth Committee was not competent to recommend to the General Assembly to reconsider a decision it had previously taken. That could be done only by the General Assembly itself.

55. The CHAIRMAN, in reply to the representative of the Union of South Africa, ruled that the Fourth Committee should first consider the recommendation contained in paragraph 14 of the Sub-Committee's report (A/C.4/274), to the effect that the Fourth Committee should recommend to the General Assembly that the question of submitting special rule F to an advisory opinion by the International Court of Justice should be reopened, in accordance with rule 83 of the rules of procedure of the General Assembly. He explained that the decision would be left to the General Assembly.

56. Mr. LANNUNG (Denmark) fully supported the Sub-Committee's recommendation that the Fourth Committee should recommend the General Assembly to reopen the question of submitting special rule F to an advisory opinion by the International Court of Justice. In resolution 449 A (V) the General Assembly had accepted the Court's original opinion¹ and it had formed the basis for all United Nations action on South West Africa since then. In particular, the United Nations had complied with the Court's injunction to "conform as far as possible to the procedure followed . . . by the Council of the League of Nations" (p. 138), as could be seen from resolution 749 A (VIII). The Committee on South West Africa in turn had at all stages applied a procedure conforming as far as possible to that applied by the Permanent Mandates Commission. The procedure recommended by it for the examination of reports and petitions conformed as far as possible to the procedure of the League Council. The rule of unanimity had been taken into account by the recommendation that if special rule F was not acceptable to the Union of South Africa, it should be referred to the International Court for an advisory opinion. The Fourth Committee had adopted draft resolution B (A/2747) by 35 votes to one, with 11 abstentions. Up to that stage there had apparently been general agreement that the Court's opinion should be sought. Nothing had subsequently happened to justify any change of opinion. On the other hand, the Fourth Committee's recommendations to the General Assembly had been so phrased that the Assembly had been denied

¹ See *International status of South West Africa, Advisory Opinion: I.C.J. Reports 1950*, p. 128.

an opportunity of voting on draft resolution B, although many delegations regarded draft resolutions A and B as a substantial whole. A number of delegations might not have voted for resolution A had they known that no vote would be taken on draft resolution B. That argument by itself was sufficient to justify reopening the matter.

57. Some delegations entertained doubts on the legality of the voting procedure adopted by the General Assembly, which indeed represented a departure from the unanimity rule in the League Council. Several of them had said that they would not participate in the voting on any substantive recommendations because the voting procedure had not been submitted to the Court. Such legal doubts could be resolved only by a legal body. The existence of conflicting opinions was enough justification in itself for seeking the Court's opinion.

58. There was, however, a further and even weightier argument in favour of that course. The decision of several Members not to participate in the consideration of substantive resolutions unless the Court's opinion was sought would have serious implications. It would be very difficult, if not impossible, to obtain a balanced Committee on South West Africa. The absence of the support of a significant section of the General Assembly would rob the decisions of the majority of much of their moral value. Furthermore, refusal to refer to the Court for an advisory opinion might amount to rejecting in advance any recommendations to improve conditions in South West Africa, as it might subsequently be argued that such recommendations had been illegally adopted. The Fourth Committee should be careful not to jeopardize the effectiveness of United Nations action on South West Africa.

59. The United Nations had a moral obligation to carry out its supervisory functions as effectively as possible. Promising progress had been made in 1954 with the excellent report on conditions in South West Africa (A/2666 and Corr.1, annex V) and the South African representative's participation in the general debate. It was to be hoped that in 1955 South Africa would appoint a representative to consult with the Committee on South West Africa. In any event, the door should not be shut on that possibility. He therefore urged the Committee to support the Sub-Committee's recommendation on reopening the matter.

60. His delegation supported the draft resolution contained in part II of the Sub-Committee's report.

61. Mr. JOHNSON (United States of America) reminded the Committee that his delegation had consistently maintained that action on the report of the Committee on South West Africa would be incomplete without an advisory opinion from the International Court on the Committee's procedural recommendations.

62. He endorsed the Sub-Committee's report. The review of the developments leading up to the situation with which the Committee had been confronted at its 409th meeting, on 19 October, was correct and the recommendation that special rule F should be referred to the International Court was wise. Its adoption would not only serve to complete action on the report of the Committee on South West Africa, but would also provide a broader basis of harmony for the Fourth Committee's work.

63. His delegation was prepared to endorse the recommendations in part II of the Sub-Committee's re-

port, although in view of the distance between the South African and the United Nations positions, it was not optimistic about any immediate possibility of success by the Committee. Nevertheless, it was willing to support another effort to co-operate in seeking a solution and it hoped that the more flexible terms of reference would help the Committee to reach an acceptable compromise.

64. His delegation appreciated the Sub-Committee's efforts to improve the geographical composition of the Committee on South West Africa. The United States had been under considerable pressure to agree to serve on the Committee in 1955. The matter had been carefully weighed by his Government. The United States had been a member of the Committee a few years previously and felt that it would be preferable to introduce new blood and a new approach. He regretted that Canada was unable to serve on the Committee as the North American member. If, despite his Government's doubt about the wisdom of its serving on the Committee on South West Africa, the Fourth Committee still wished it to be a member, it would consent to serve and would do so to the best of its ability.

65. It should be stressed that the Sub-Committee's recommendations derived from General Assembly resolution 749 A (VIII) and attempted to build on the very careful work accomplished by the Committee on South West Africa in the past year. If that work were not maintained, there would be a parting of the ways and no combined United Nations position on the important problem of South West Africa would remain. He therefore appealed to the Fourth Committee to adopt the Sub-Committee's report in its entirety.

66. Miss ROESAD (Indonesia) recalled that her delegation had voted against establishing the Sub-Committee for reasons stated at that time (409th meeting). It would therefore vote against the Sub-Committee's recommendation that the General Assembly should be recommended to reopen the question of seeking the Court's advisory opinion. Nevertheless, if the Sub-Committee's recommendation were accepted by the Committee, her delegation would abstain in the plenary meeting in the vote on reopening the matter. It would also abstain in the vote on the draft resolution in part I of the Sub-Committee's report.

67. Mr. BOZOVIC (Yugoslavia) reminded the Committee that his delegation had decided to abstain in the plenary meeting on the question of seeking the Court's advisory opinion, although it was convinced that the reference to the Court was unnecessary: South West Africa was within the competence of the United Nations and the General Assembly was therefore fully entitled to decide to apply the two-thirds majority voting procedure. Incidentally, with regard to the Assembly's competence, it should not be forgotten that it was the Union of South Africa itself which had originally seized the Assembly of the South West African question by asking for recognition of its annexation of the Territory.²

68. The General Assembly's adoption of special rule F had introduced a new factor. It would be not only unnecessary but wrong to seek the Court's opinion on

² See *Official Records of the General Assembly, Second part of first session, Fourth Committee, Part I*, 14th meeting.

the legitimacy of a decision which the Assembly had been fully within its competence in adopting. The fact that certain delegations had legal doubts about the Assembly's decision was not a valid argument. Similar doubts had been expressed about other decisions but no suggestion had been made that the matter should be referred to the Court. In those circumstances his delegation had grave doubts about the procedure recommended in paragraph 15 of the Sub-Committee's report.

69. Although his delegation was not directly concerned, having voted in the negative, he deprecated the unofficial interpretation of 29 abstaining votes given in paragraph 10 of the report. The informal statements embodied in paragraph 11 were also out of place.

70. The procedural issues before the Committee need never have arisen had it given the matter sufficient consideration in the first place. It was clear from paragraph 14 of the report that the General Assembly alone was competent to reopen the matter. The proper course would have been for delegations with legal doubts to raise the matter there. Incidentally, in the present case, he had not been convinced by the Danish representative's argument about the moral value of decisions adopted by an overwhelming majority. Past experience had shown that such decisions on South West African matters had very little force.

71. For all the reasons he had stated he would vote against recommending the General Assembly to reopen the matter. If the matter were reopened, his delegation would abstain in the plenary meeting in the vote on seeking the Court's advisory opinion.

72. Mr. JOUBLANC RIVAS (Mexico) said that his delegation's position was that no reference to the International Court of Justice was necessary. Nevertheless, it wished to keep within the bounds of strict legality. Legal doubts had been expressed in the Working Group of the Committee on South West Africa which had prepared draft resolutions A and B (A/2666 and Corr.1, annex IV), and his delegation had therefore agreed to the insertion in the report of the Committee on South West Africa of a recommendation that the General Assembly should seek the Court's advisory opinion in certain circumstances. Those circumstances had not in fact materialized, since the General Assembly had adopted special rule F but had rejected the phrase "subject to the acceptance by the Union of South Africa", in paragraph 2 of draft resolution A of document A/2747. Furthermore, his delegation had accepted draft resolution B (A/2666 and Corr. 1, annex IV) in the Committee on South West Africa on the understanding that the Court would be consulted as a previous question. The drafting of paragraph (a) of that draft resolution clearly indicated that the Court was to be consulted about an action which had not yet been taken. He had serious doubts about the wisdom of seeking the Court's opinion on a resolution already adopted by the General Assembly. The General Assembly was a sovereign body, and that might set a very dangerous precedent. Nevertheless since various Members doubted the legality of the General Assembly's decision, he would not object to recommending to the Assembly to reopen the matter, although he would abstain in the vote in the plenary meeting.

The meeting rose at 1 p.m.