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Chairman: Mr. Frederick H. BOLAND (Ireland).

AGENDA ITEM 39

Question of South West Africa (continued):

(a) Report of the Good Offices Committee on South West Africa (A/3900)

GENERAL DEBATE (continued)

1. Mr. RODRIGUEZ FABREGAT (Uruguay) said that the reports of the Good Offices Committee on South West Africa (A/3900) and of the Committee on South West Africa (A/3906 and Add.1), the statements of the representative of the Union of South Africa and of the Chairman of the Good Offices Committee and the evidence of the petitioners supplied the Fourth Committee with material which enabled it to judge all aspects of the South West African question.

2. He recalled the circumstances in which the Good Offices Committee had been established at the twelfth session. The Uruguayan delegation had opposed the draft resolution on the subject (A/C.4/L.494), which had not been submitted by a delegation but by the Chairman of the Fourth Committee, and it had secured the adoption of an amendment (A/3701, para. 331 (b)) designed, to defend the basic principles of the United Nations and to emphasize the obligations of the Union of South Africa. Having voted in favour of the draft resolution thus amended, his delegation was therefore surprised to find that the report of the Good Offices Committee appeared to disregard both the resolution and the principles of the Charter. The main feature of the report was a proposal for partition and annexation of the Territory of South West Africa, the responsibility for which no one seemed to want to assume. The Fourth Committee was thus called upon to state its views on a plan which was, in a sense, non-existent, the origins of which it did not know and about which it could obtain no information in view of the absence of one of the chief parties concerned, namely the Union of South Africa, which claimed to be the only competent party in the matter and refused to recognize the authority of the United Nations, to comply with the opinions of the International Court of Justice or respect the obligations laid upon it by the Charter.

3. After deciding to seek a basis for an agreement which would confirm the international status of the Territory, the Good Offices Committee admitted that it had exceeded its terms of reference and that an agreement based on the partition proposal would mean that

such a status was no longer recognized for the Territory as a whole. Furthermore the Good Offices Committee did not seem to have taken into account previous General Assembly resolutions and the opinions of the International Court of Justice.

4. The Mandates System had been set up to enable the democratic Governments of advanced countries to help the people of dependent territories to attain self-government. The aim had been to achieve not a new partition of the world but a transition from colonialism to independence. The Territory of South West Africa had not been wrested from the harsh German domination merely to be subjected to another form of slavery.

5. The task before the Committee was to promote the evolution of a dependent people so that it could determine its own future. For that purpose, there was no point in setting up new agencies modelled more or less on those of the League of Nations and not provided for in the Charter, merely to satisfy the Government of a country whose representatives were absent, and thereby run the risk of disappointing the hopes of an oppressed people.

6. The Territory of South West Africa had an international status. It should be able to benefit from the provisions of the Charter, and its indigenous population should be afforded the protection of the Trusteeship System and the enjoyment of all those rights to which, according to the Charter, all human beings could lay claim both in the field of politics and in all aspects of daily life. The problem was thus closely linked to that of the defence of human rights. Since the Territory had been entrusted to the Union of South Africa as the Mandatory Power, the Union had done nothing to promote the development of the indigenous people. In concerning itself with the fate of those people the United Nations was not trying to intervene in matters within the domestic jurisdiction of the Union, but it was rather carrying out its duty to ensure respect for human dignity wherever that respect was threatened.

7. The United Nations could not consider any further a proposal which, if adopted, would result in the annexation of part of South West Africa by a State whose laws were contrary to all the principles enshrined in the Charter. It was sufficient to refer to the report of the Committee on South West Africa (A/3906 and Add. 1), which described the conditions in which the people of the Territory were made to live, and to study the laws of apartheid promulgated by the Union of South Africa to realize that annexation would be a step backward, having regard to the basic principles of the United Nations.

8. His delegation would oppose any resolution intended to maintain the present situation or to express approval for the suggestion advanced by the Good Offices Committee in its report.

A/C.4/SR.761

9. Mr. KANAKARATNE (Ceylon) said that the attitude of the Union of South Africa was hardly worthy of one of the founders of the United Nations. While, according to paragraph 50 of the report of the Good Offices Committee (A/3900), the Union agreed, as a compromise, to explore the possibility of a partition of South West Africa—which would seem to justify concessions on the part of the Fourth Committee—it appeared from paragraphs 38, 42 and 46 of the report that it was not prepared to recognize either the competence of the United Nations or supervision by it. Those who found that the report had some value might well be asked what spirit of compromise the Union had shown.

10. His delegation could not approve the Good Offices Committee's report, which on its own authority had exceeded its terms of reference, as the Committee itself recognized. In that connexion it was interesting to note how careful the Committee had been to avoid the use of the word "recommendation": it spoke successively of an "approach", a "plan", a "suggestion", in order to arrive, in paragraph 52, sub-paragraph (7), at the expression of an "opinion" and a "hope". His delegation shared neither the opinion nor the hopes of the Good Offices Committee, since the partition and annexation of the Territory were, in its view, incompatible with the present stage of world evolution. It could not consider handing over even a very small part of South West Africa to the Union of South Africa, which practised an avowed policy of racial discrimination. The Chairman of the Good Offices Committee had given an assurance that the inhabitants of the Territory would be consulted if partition proved possible, but it would be well to bear in mind a statement made in Cape Town by the Prime Minister of the Union, who had declared, according to the *London Times* of 8 September 1958, that while the inhabitants of protectorates would be consulted before territories were annexed, their consent was not necessary. The United Nations could certainly not endorse such a view in advance. At the previous meeting the representative of Poland had rightly drawn attention to the second paragraph of the Preamble to the Charter, which referred to fundamental human rights, the dignity and worth of the human person and equal rights of all. He wondered how some delegations could profess such principles while suggesting that the United Nations should explore the course of action proposed by the Good Offices Committee. In that connexion, he thought it pertinent that the Committee should bear in mind the studied conclusions reached by the Committee on South West Africa regarding conditions in the Territory. That Committee reaffirmed that the existing conditions in the Territory and the trend of the administration represented a situation not in accord with the Mandates System, the Charter of the United Nations, the Universal Declaration of Human Rights, the advisory opinions of the International Court of Justice and the resolutions of the General Assembly (A/3906, para. 171).

11. He recalled that he had paid a tribute to the Chairman and the other two members of the Good Offices Committee and had said that he realized the difficulty of their task. His delegation would, however, be failing in its duty if it approved the Committee's report. It could not be a party, either directly or indirectly, to a decision which was tantamount to a betrayal of the sacred trust proclaimed in the League of Nations Covenant and in the United Nations Charter and to the

stifling of the voice of the inhabitants of South West Africa, who were asking to be placed under United Nations trusteeship. If it followed the Good Offices Committee's suggestion, the United Nations would endanger not only the people over whom it claimed to have jurisdiction, but also its very existence, because humanity would lose confidence in it. His delegation would, however, be interested in any proposal intended to convince the Union Government that the world was evolving in a direction opposite to that which it had chosen.

12. Mr. IRVING SALOMON (United States of America) said that the task entrusted to the Good Offices Committee had been extremely difficult, in view of the profound differences which had existed between the United Nations and the Union of South Africa for more than ten years. In a sense, the Good Offices Committee had been facing a wall, which there had been little hope of penetrating. Yet his delegation felt that there was now a discernible crack in that wall, in that negotiations had been resumed and the Union appeared to be willing to seek a solution which would bring to the inhabitants of South West Africa the advantages of international supervision to which they were rightfully entitled under the Mandate.

13. His delegation had received a twofold impression from the debate in the Fourth Committee. Delegations, although for the most part deeply disappointed, were sincerely desirous of seeking a constructive solution, and none felt that the effort to seek such a solution should be discontinued.

14. His delegation did not wish to prevent the continuance of the negotiations, which was desired by the majority of the Fourth Committee, and would therefore refrain from saying anything which might impede them. The report of the Committee on South West Africa dealt in detail with some discriminatory racial practices. The United States Government was definitely opposed to discrimination anywhere, and it hoped that continued efforts would eradicate that unfortunate and unjust practice not only in South West Africa, but everywhere else. Like the Canadian delegation, it strongly protested against the subjection of any people in any part of the world, whoever they might be.

15. His delegation understood the reasons motivating the opposition of many delegations to the idea of a partition of the Territory, and in the absence of any study or detailed proposal, it saw no point in prolonging that aspect of the discussion. It was clear from the debate that should any plan for partition be laid before the Fourth Committee, it would not be likely to receive support if it entailed annexation. Nevertheless, the debate had been useful, because it had indicated the limits within which further efforts to find a solution should be confined. Any draft resolution adopted by the Fourth Committee should, however, not limit any possible alternative solutions, provided they continued to recognize the international status of the Territory as a whole.

16. His delegation was convinced that there were other solutions acceptable to the Union, the people of the Territory, and the United Nations. It hoped that the administering Power of South West Africa, whose absence it regretted, would see its way to making a further effort to meet the wishes of the world community. It appealed to the Government and the people of the Union of South Africa and to the delegations repre-

sented in the Fourth Committee to make a further effort in order to meet the aspirations of the people of the Territory and to enable them to live in dignity and harmony with their neighbours. It felt that the members of the Good Offices Committee should be given an opportunity to continue their negotiations within their terms of reference, because it could think of no one in a better position than they were to resume negotiations with the prospect of bringing about a solution with a minimum of delay.

17. Mr. TARCICI (Yemen) said that this dismemberment of the Territory, which had been envisaged by the Good Offices Committee, and the accompanying transfer of population would be contrary to the moral principles on which the Mandates System was based. Their effects would be worse than those of colonization, because a colony could hope to rid itself some day of foreign domination. He asked what would become of the concept of a sacred mission that was embodied in the Mandate if the United Nations were a party to a decision which would tend to deprive South West Africa of the right of self-government. Since the fate of the inhabitants of the Territory was involved it was essential for them to be able freely to express their own wishes. That was an aspect of the problem which the Good Offices Committee had unfortunately neglected. The Union of South Africa, for its part, had done everything possible to prevent the appearance before the Committee of representatives of the indigenous population.

18. The delegation of Yemen deplored the attitude of the Union of South Africa towards the United Nations and towards the population of South West Africa and it could not endorse the suggestion made by the Good Offices Committee.

19. Mr. CHERNUSHCHENKO (Byelorussian Soviet Socialist Republic) said that his delegation agreed with those who had stated that the just solution would be to place South West Africa under trusteeship. The recommendations made in the report of the Good Offices Committee had been rejected outright by a large majority of the members of the Committee. It was indeed impossible to accept a proposal for partition and annexation, which was clearly in conflict with the aspirations of the indigenous population. If the problem of South West Africa was to be solved, the present position of its population must first of all be taken into account.

20. Under the false pretext of unifying the various peoples and tribes of the Territory, the Government of the Union of South Africa was practising a policy of racial discrimination and segregation; it was denying to the indigenous population the right to have political parties and trade unions and did not grant it voting rights. As shown in the report of the Committee on South West Africa (A/3906 and Add.1), that policy had been accentuated in the past few years, in defiance of the principles of the Charter and of the authority of the United Nations. Furthermore, contrary to the statements of the Union Government that South West Africa was not economically self-supporting, that Territory possessed considerable resources: in 1956 the revenue of the mining industries amounted to £35 million and the revenue from agriculture reached a yearly figure of £13 million. Moreover, those resources were not utilized in the interest of the indigenous population, which was subjected to a system of slavery incompatible with fundamental human rights, and on whose welfare only

paltry sums were being spent. By agreeing to partition and annexation, the United Nations would be approving that policy of racial discrimination and economic exploitation.

21. The Byelorussian delegation was convinced that the problem of South West Africa would have been solved long before had the United Kingdom and the United States not given their support to the Government of the Union of South Africa. The fact that the representative of the United States had not mentioned the annexation proposal in his statement certainly appeared to suggest that his Government approved the policy followed by the Union of South Africa in the matter. The reason why the United Kingdom and the United Kingdom and the United States had not opposed that policy was that many British and American companies had an interest in the maintenance of the prevailing system under which they were given a privileged position in South West Africa. That was further borne out by the proposal that the Union Government should submit reports on South West Africa only to the three remaining Principal Allied and Associated Powers, namely France, the United Kingdom and the United States.

22. The Byelorussian delegation considered that the refusal of the Union of South Africa to place South West Africa under trusteeship constituted a flagrant violation of Article 77 of the Charter and that the placing of the Territory under trusteeship would be the only equitable solution of the problem.

23. Mr. CHAMBERS (Australia) recalled that at the twelfth session his delegation had supported the proposal to establish the Good Offices Committee, and he congratulated the members of that Committee on their efforts which had made it possible to renew contact with the Government of the Union of South Africa. When the Fourth Committee had again taken up the question of South West Africa, it had had a choice of two ways of dealing with the problem, one of which had proved fruitless in the past, while the other was that suggested by the Good Offices Committee. His delegation regretted the absence of the Union delegation, and the attitude of those delegations who precluded the possibility of a diplomatic and political solution of the problem of South West Africa. The Australian delegation was nevertheless convinced that the possibility of further negotiation still existed. It therefore considered that the Good Offices Committee should be charged once more with the task of exploring paths to a solution, and requested to take into account the general course of the debate.

24. Mr. KENNEDY (Ireland) said that the Irish delegation regretted the absence of the representative of the Union of South Africa. The Committee's main function was to promote the welfare and development of the hundreds of thousands of indigenous inhabitants of the Territory of South West Africa. The debate had shown that none of the proposals or suggestions contained in the report of the Good Offices Committee were supported by the Fourth Committee. However, it should be borne in mind that the latter was faced with a difficult and complex situation which had lasted for twelve years. It did not have a choice between an ideal solution

and an imperfect modus vivendi, but had to decide whether it would attempt to find an imperfect but workable solution or whether it would abandon for the time being any hope of improving the condition of the Territory's inhabitants.

25. He believed that the Committee should try progressively to attain concrete and practical objectives. It was in that spirit that he had studied the report of the Good Offices Committee and the two main suggestions mentioned in paragraph 52 of that report. It was only natural that the discussion should have concentrated mainly on the suggestion involving partition of the Territory. The very fact that such a suggestion should have been made revealed the difficulty of finding a solution acceptable both to the United Nations and to the Union Government. It was that difficulty which had led the Good Offices Committee to make a proposal under which it would have been possible for the majority of the indigenous inhabitants of the Territory to come under the Trusteeship System, a proposal which was, however, clearly unacceptable to the majority of the members of the Committee. Reviewing the main criticisms levelled at the partition solution, he mentioned the case of Ireland, the partition of which, after centuries of national unity, had cruelly divided the population, had retarded the country's development and had caused incalculable damage to its relations with its nearest neighbours. It still remained to be established,

however, whether South West Africa did actually constitute, both geographically and ethnically, a national entity to which the principle of the right of self-determination of peoples should apply. The Territory's frontiers appeared, in fact, to have been established without any regard either for the political aspirations of the populations, or for their racial affinities or the common customs and traditions upon which homogeneous societies were based. It should be remembered that future generations might dispute the validity of political frontiers established during the period of colonial domination. Moreover, the Reverend Michael Scott had suggested the possibility of uniting South West Africa with other protectorates in the region in order to form a new Trust Territory.

26. In the circumstances, and even if the proposals for partition and annexation were unacceptable to the majority of the members of the Committee, the Good Offices Committee had not yet exhausted all the possibilities of negotiation which it could usefully explore in order to find a solution acceptable both to the United Nations and to the Union Government. The Committee should therefore instruct the Good Offices Committee to continue its negotiation efforts for a further year, bearing in mind that any solution put forward might be far from perfect. If the Committee approached the problem in a conciliatory and realistic spirit, it could ask the Union Government to do likewise.

The meeting rose at 5.25 p.m.