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Chairman: Mr. Enrique de MARCHENA
(Dominican Republic).

Welcome to the representative of Japan

1. The CHAIRMAN expressed his pleasure that Japan had become a Member of the United Nations by a unanimous vote of the General Assembly. He was happy to welcome that country's representative and felt sure that his delegation would make a valuable contribution to the Committee's work.
2. Speaking as the representative of the DOMINICAN REPUBLIC, he said that his country was linked by ties of cordial friendship with Japan. The Dominican Republic had trade relations with Japan, and moreover there was large-scale immigration of Japanese farmers into his country.
3. Mr. NOGUEIRA (Portugal) said he echoed the sentiments expressed by the Chairman. His delegation was particularly happy to see Japan admitted to the United Nations, and it extended a warm welcome to that country's representatives. Portugal had been the first non-Asian country to establish relations with Japan; nearly five centuries previously a close and cordial friendship had been established between the two countries which had lasted to the present day. He himself had been his country's representative in Tokyo for five years and had learned to admire and like the country and the people. There was no doubt that friendship and co-operation through the United Nations would strengthen the ties of friendship between two very ancient countries, both of which were newcomers to the United Nations.
4. Mr. ROLZ BENNETT (Guatemala) also welcomed Japan as a Member of the United Nations. Japan, with its centuries-old culture and its people whose vigour was manifested in every sphere of human activity, would no doubt make a valuable contribution to the work of the Organization. Guatemala and the other Latin-American countries had for many years been associated with Japan, and they witnessed that country's entry into the world Organization with sincere pleasure.
5. Mr. HASAN (Pakistan) had special pleasure in associating his delegation with the welcome extended to the Japanese representative in the Fourth Committee. Japan was undoubtedly one of the first nations of the

world and had led the way in the resurgence of the East. It combined the traditional culture of the East with the greatest technological advance registered by any country. In every sense it was one of the most civilized countries in the world and it had been an inspiring example to all the countries of Asia. He was particularly happy to welcome the new Member inasmuch as Pakistan was indebted to Japan for much that it had accomplished in the way of economic development since its establishment as an independent State.

6. Mr. KHOMAN (Thailand) associated himself with the remarks that had been made by the Chairman and other representatives. Japan had shown Asia and the rest of the world the great advances a nation could make in the fields of culture and technology. Thailand had close ties with Japan and he was happy to see that country represented in the United Nations and in the Fourth Committee.

7. Mr. LOOMES (Australia) also associated himself with the previous speakers. His delegation and his country had long believed that Japan should be admitted to the Organization and were happy to see that country taking its rightful place. He felt sure that the contribution the Japanese delegation would make to the Fourth Committee and other United Nations bodies would be to the benefit of the Organization.

8. Mr. BENHIMA (Morocco), speaking on behalf of Morocco and other Arab States, joined in the congratulations addressed to the representative of Japan upon his country's admission to the United Nations. The participation of a State so important on the Asian continent and which had played so large a role in world affairs would undoubtedly contribute to the success of the Organization's work.

9. He was particularly glad to welcome the representative of Japan, because that country had been among the first to recognize the independence of Morocco and to establish diplomatic representation there. He was convinced that the Japanese delegation would make a valuable contribution to the Fourth Committee's work; an Asian country would naturally be sensitive to the prevailing tendencies in the African continent, which constituted one of the most important areas dealt with in the Committee's work.

10. Mr. ESPINOSA Y PRIETO (Mexico) said he was happy to join in the congratulations addressed to the Japanese representative, not only because of Japan's importance in history and of the close bonds of friendship which existed between Mexico and Japan, but also because he himself had spent some of the happiest years of his life in Japan.

11. Mr. JAIPAL (India) associated himself with the expressions of welcome to the representative of Japan. He looked forward to close co-operation between two delegations which he felt sure would have much in common where the Committee's work was concerned, as well as in other spheres.

12. Mr. JAHANBANI (Iran) endorsed the remarks of the other members of the Committee and extended his warmest congratulations to the Japanese representative on his country's entry into the United Nations.

13. Mr. YAMAGUCHI (Japan) expressed his delegation's gratitude for the cordial welcome which had been extended to his country by the Chairman and other members of the Fourth Committee. He considered it a great privilege to be able to attend a meeting of the Committee so soon after Japan's admission to the United Nations and he hoped that his delegation would be able to make a useful contribution to the Committee's work.

14. He took the opportunity to congratulate the Chairman, Vice-Chairman and Rapporteur on their election to those offices, for which they were eminently fitted by their long experience in the work of the United Nations.

AGENDA ITEM 37

Question of South West Africa: report of the Committee on South West Africa (A/3151 and Corr.1, A/C.4/338, A/C.4/L.442 and Rev.1, A/C.4/L.443, A/C.4/L.444) (*continued*)

GENERAL DEBATE (*concluded*) AND CONSIDERATION OF DRAFT RESOLUTIONS (A/3151 and Corr.1, annexes VI and IX; A/C.4/L.442 and Rev.1, A/C.4/L.443, A/C.4/L.444)

15. Mr. BARRIGA (Ecuador) associated himself whole-heartedly with the expressions of welcome to the Japanese representative, whose delegation, he felt sure, would make a valuable contribution to the Committee's work.

16. The question of South West Africa had been a matter of concern to the General Assembly since 1946. During the past decade the General Assembly had adopted a number of resolutions calling upon the Union Government to place the Territory under the Trusteeship System and pointing out that that Government had no authority unilaterally to alter the Territory's status. The Union Government had, however, obstinately refused to co-operate with the General Assembly or to comply with the advisory opinions of the International Court of Justice. At its tenth session the General Assembly, in resolution 941 (X), had again invited the Union Government to co-operate with the Committee on South West Africa and to observe its obligations as a Mandatory Power.

17. His delegation had carefully examined the report of the Committee on South West Africa (A/3151 and Corr.1), which gave a complete and objective picture of the situation in the Territory. He congratulated the Committee on its admirable work. He drew particular attention to paragraphs 166, 167 and 168 of annex II of the report. The situation described in those paragraphs caused his delegation the greatest concern, and it consequently endorsed the conclusions and suggestions in the Committee's report.

18. His delegation considered that since the Trusteeship System had worked satisfactorily there was no good reason for establishing a special régime for one particular Territory, seeing that all the other former mandated territories had either achieved independence or had been placed under the International Trusteeship System. Moreover the International Court of Justice

had called on the Union Government to fulfil its international obligations and to agree to United Nations supervision of South West Africa. His delegation would vote in favour of the draft resolution proposed by the Liberian representative (A/C.4/L.443), since it complied with those principles, and in favour of the other Liberian draft resolution (A/C.4/L.444), for the petitioners' statements would undoubtedly be useful to the Committee on South West Africa, especially since it received no reports from the Mandatory Power. It would also vote in favour of the four-Power draft resolution (A/C.4/L.442), since it expressed the concern felt by his delegation and approved the report of the Committee on South West Africa.

19. All three draft resolutions were in conformity with the view frequently expressed by the General Assembly that the only means of settling the question would be to place South West Africa under the International Trusteeship System. He reserved the right to comment on any amendments proposed to any of the draft resolutions, or on the suggestions made by various delegations in the course of the debate.

20. He hoped that the Union of South Africa would reconsider its attitude and be ready to enter into negotiations which might lead to the placing of South West Africa under the International Trusteeship System, as advised by the International Court of Justice, in accordance with Chapter XII of the Charter and with the reaffirmation of faith in fundamental human rights and in the dignity and worth of the human person the Union Government had made in signing the Charter of the United Nations.

21. Mr. RODRIGUEZ FABREGAT (Uruguay) said that there was no need to reiterate the essential principles governing the attitude of his Government and his delegation with regard to the question of South West Africa. Nevertheless the fact that Uruguay was a member of the Committee set up by the General Assembly to study the question compelled him to state some of the central ideas which led his delegation to support that Committee's report.

22. The Fourth Committee had before it two main documents: the report of the Committee on South West Africa (A/3151 and Corr.1) and the letter of 30 November 1956 from the permanent representative of the Union of South Africa to the Chairman of the Fourth Committee (A/C.4/338). His delegation sincerely regretted the unbending attitude of the delegation of the Union of South Africa, a country which had received from the international community a mandate to lead the people of the Territory towards the aims of the Mandates System or of the Trusteeship System, or in other words to place their feet on the road leading to the exercise of self-government. The letter from the South African delegation betrayed an attitude which he could only deplore on the part of a Member State which, by signing the Charter, had recognized the existence of human rights, a country which had witnessed social progress, a Government which was bound by the Mandate, an instrument of international law, to comply with the principles under which the Mandate had been granted. If there were any errors of fact or of judgement either in his statement or in the Committee's report, the fault lay with those who were in duty bound to provide information concerning the administration of South West Africa and who refused to do so. The allegations in paragraph 166 of annex II of the Committee's report could not be

answered by silence or by absence; a mere refusal to answer would not stifle the protests of world opinion.

23. There was a clear tendency, referred to in the Committee's report and by various speakers during the debate, to incorporate the former mandated territory into the Territory of the Union of South Africa. The Members of the United Nations could not remain silent in the face of the annexation of a people whom the international community had tried to place on the road towards self-government.

24. The situation with regard to education in the Territory was particularly revealing. The single statement in paragraph 150 of annex II of the report that education was compulsory for European children only was in itself the gravest possible indictment of the Union Government. Discrimination applied to children was discrimination in its most monstrous form. What education was available for indigenous children was not equal in quality to that afforded white children. Furthermore, it might well be asked what was the purpose of educating the indigenous inhabitants at all if they were not to be permitted to hold public office or to have any opportunity to develop their potentialities.

25. In the field of labour the exploitation of the indigenous population was flagrantly apparent. The Territory possessed great natural resources but those who did the labour of extracting those resources derived little benefit from them. Politically, the indigenous inhabitants had no representation in the Legislative Assembly or even in local or municipal administrative bodies.

26. The Union of South Africa had taken the position that since the League of Nations no longer existed the Mandate had expired, leaving the Union Government solely responsible for the administration of the Territory. When the General Assembly had rightly challenged that position, the Union Government had denied the Assembly's competence in the matter. When the Assembly had sought an advisory opinion from the International Court of Justice, the Union Government had denied both the competence of the Court and the validity of its advisory opinion. Yet there must surely be some means whereby the United Nations and the Union Government could jointly solve the problem. It might be helpful if the Committee on South West Africa could make an on-the-spot investigation in the Territory itself.

27. His delegation would support the Liberian draft resolution in document A/C.4/L.444. He reserved the right to comment later on the other draft resolutions.

28. Mr. HASAN (Pakistan) expressed his delegation's appreciation of the work done by the Committee on South West Africa and by the members of the Secretariat who had assisted it.

29. Earlier speakers had dealt exhaustively with practically all aspects of the problem of South West Africa. Nevertheless, there were certain aspects which he wished particularly to emphasize. The fact that the League of Nations had ceased to exist did not relieve the Union of South Africa of the obligations which it had assumed when the Territory of South West Africa had been placed under its administration. In violating those obligations it had defied the International Court of Justice. In refusing to co-operate with the Committee on South West Africa it had defied the

United Nations. The people of the Territory, barred from participating in political activity and denied their fundamental human rights, had no recourse to the law. The gravest aspect of the situation, however, was the fact, to which the representatives of Guatemala and Syria had drawn attention at the previous meeting, that it was yet another instance of the methods by which a territory having a special status in the eyes of the United Nations might be absorbed by a larger neighbouring country. The extension to the Territory of representation in the Union Parliament was tantamount to the establishment of Union sovereignty over it. The subsequent transfer of the administration of Native Affairs to the Union and the motion passed by the Legislative Assembly declaring the Union of South Africa and South West Africa to be one nation, which was mentioned in paragraph 13 of annex II of the Committee's report, were further examples of the way in which the Union Government was seeking to modify the international status of the Territory in defiance of the International Court of Justice. It was the view of his delegation that in no circumstances should defiance of the United Nations, violation of the right of self-determination or annexation of a territory be tolerated. His delegation would support whatever course of action might prove most effective, such as further mediation or, if it could be arranged, a plebiscite.

30. Mr. TAZHIBAEV (Union of Soviet Socialist Republics) congratulated the representative of Japan upon his country's admission to the United Nations. He felt that the successful conclusion of the recent negotiations between the USSR and Japan was a positive factor which would help to lessen international tension in the Far East and in the world. As each new Member State took its seat, the United Nations became more truly universal and was thus better able to solve the problems with which it had to deal.

31. He wished to explain the vote which he would cast on the draft resolutions in annex VI, section (c) and annex IX, section (b), of the report of the Committee on South West Africa (A/3151 and Corr.1) and the three draft resolutions submitted during the debate. All were in substance acceptable and his delegation would vote in favour of them.

32. However there were some references to the Mandates System and to the advisory opinion of the Court of 11 July 1950¹ which his delegation could not support. It considered that the Territory of South West Africa had to be placed under the Trusteeship System and could not agree with the opinion that the Union Government should continue to administer South West Africa as a mandate, as that was tantamount to perpetuating the Mandates System, which had now been replaced by the Trusteeship System. Since such reference in the second paragraph of the Liberian draft resolution (A/C.4/L.443) had no substantive value, he would ask the sponsor to delete it; otherwise the Soviet delegation would not be able to support that paragraph and would abstain from voting on it.

33. Interesting suggestions had been made by some representatives which manifested the general concern about the refusal by the Union of South Africa to place the Territory under the Trusteeship System. It

¹ *International Status of South-West Africa, Advisory Opinion: I.C.J. Reports 1950, p. 128.* (Transmitted to Members of the General Assembly by the Secretary-General under cover of document A/1362.)

might be useful in those circumstances to instruct the Secretary-General to negotiate with the Union Government with a view to placing the Territory under the Trusteeship System. Such a procedure would not constitute interference in the domestic affairs of the Union of South Africa or infringe its sovereignty, for the Territory was not an integral part of the Union and the United Nations could send visiting missions and its officials to the Territory. The alternate proposal made by Liberia at the previous meeting to the effect that a committee composed of the representatives of various countries should be set up to negotiate with the Union Government, was not acceptable to his delegation, for it considered that the Committee on South West Africa, which was already in existence, could, if necessary, be asked to assume that function.

34. Mr. KOCIANCICH (Italy) associated his delegation with the welcome which had been extended to the representative of Japan. He was confident that the Committee would benefit from the wisdom and experience of that country.

35. The only practical way in which the United Nations could approach the problem of South West Africa would be to negotiate with the Union Government. The experience of ten years had shown that the course hitherto followed had produced no positive results. The four-Power draft resolution (A/C.4/L.442/Rev.1) and the Liberian draft resolution (A/C.4/L.443) only proposed a continuation of the same line of action. His delegation would have supported the suggestion that the Secretary-General or a small committee composed of the representatives of various countries should be instructed to negotiate with the Union Government in the matter. As that suggestion had not been submitted as a formal proposal, his delegation would abstain from voting on the two draft resolutions mentioned above and on the draft resolutions in annexes VI and IX of the report of the Committee on South West Africa. It would vote in favour of the other Liberian draft resolution (A/C.4/L.444) because it felt that the Committee on South West Africa should be given the greatest possible amount of information in order to enable it to carry out its functions.

36. Mr. MUNK (Denmark) associated his delegation with the congratulations extended to the Japanese representative on his country's admission to the United Nations. Denmark had for many years held the view that Japan should be admitted to the Organization and it therefore gave his delegation particular satisfaction to welcome the Japanese representative to the Committee.

37. In his view, the main obstacle with which the Committee was faced at the present stage of its work was the fact that there was no representative of the South African Government present. Hence the Committee's first goal should be to re-establish relations with the South African Government. The Committee was in general agreement on the facts of the situation and the Danish delegation shared the views of most of the Committee's members on how those facts should be interpreted. It felt, however, that it should be the Committee's first concern to seek a practical solution of the problem rather than to make statements of principle which brought no concrete results. For that the co-operation of the South African Government was essential.

38. The verbal suggestions for a new approach to the problem that had been made in the Committee were

all based on the premise that the Union of South Africa would co-operate. Those suggestions were an attempt to open a door which was at present closed and his delegation felt that by voting forthwith upon the draft resolutions before it the Committee might prejudice the possibility of achieving good results from the implementation of those suggestions. It therefore thought that the Committee should postpone the vote on the draft resolutions until the suggestions had been submitted as formal proposals.

39. Mr. CARPIO (Philippines) said that during the general debate his delegation had been glad to note the apparent agreement among Committee members that after the repeated failures of the United Nations to settle the question of South West Africa, the time had come for a thorough re-examination of the problem. His delegation had enumerated a number of possible new approaches to the question, stressing the point that if the General Assembly wished to maintain the authority of the United Nations it should turn its attention to the possibility of taking one of the alternative courses available to it under the Charter. Although many delegations had agreed that a new approach was needed, the draft resolutions before the Committee did not differ materially from those which the General Assembly had adopted in previous years. While his delegation would support those draft resolutions if they were put to a vote, it felt that the Committee should take some action along the lines suggested by the Liberian delegation at the previous meeting, and it greatly regretted that no draft resolution embodying some such proposal had been submitted.

40. His delegation agreed with the substance of the four-Power draft resolution (A/C.4/L.442/Rev.1) but felt that it merely repeated a request the Committee had already made in vain. It therefore doubted that anything constructive would be accomplished by adopting the draft resolution. It wondered, too, whether the words "and endorses" in paragraph 4 were necessary, since approval and endorsement were synonymous.

41. The first Liberian draft resolution (A/C.4/L.443) was open to the same general objections. It would add nothing to the previous General Assembly resolutions on the subject and would accomplish no more than they had.

42. With respect to the second Liberian draft resolution (A/C.4/L.444), he suggested that the words "a hearing" in the preamble should be replaced by the word "hearings"; and that, since the Committee had been anxious to emphasize the fact that South West Africa was a mandated territory, the word "Mandated" might be inserted before the word "Territory" in paragraph 1 of the operative part.

43. In summary, his delegation wondered if the Committee would not be doing the United Nations a disservice if it refused to take any new action at a time when some new action was obviously necessary. More powerful nations than the Union of South Africa had challenged the power and authority of the United Nations in the past, but even they had found it necessary to modify their actions in obedience to the moral force represented by the Organization. Yet in the present case, although the South African Government had defied the United Nations, the Committee was prepared to do nothing more than it had already done again and again in previous years.

44. Miss BROOKS (Liberia) said it was not easy to draw up a draft resolution which would be accept-

able to most members. Nevertheless, her delegation intended to submit a draft resolution embodying the first of the suggestions it had put forward at the previous meeting, namely, that the Secretary-General should be instructed to explore the possibilities of finding a solution to the problem of South West Africa and to report to the Committee on South West Africa on the results of his activities. Her delegation felt, however, that since the Committee was not yet sure it had in fact found a feasible new approach to the problem, it should not neglect to reaffirm its position. That was the purpose of the draft resolutions now before the Committee.

45. With regard to the Philippine representative's comments on the four-Power draft resolution (A/C.4/L.442/Rev.1), she considered that there was a legal difference between approval and endorsement; nevertheless she would agree to the deletion of the words "and endorses" in paragraph 4.

46. She had no objection to replacing the words "a hearing" by the word "hearings" in the preamble of the second Liberian draft resolution (A/C.4/L.444).

The meeting rose at 5.45 p.m.