

United Nations
**GENERAL
ASSEMBLY**

SEVENTEENTH SESSION

Official Records



**FOURTH COMMITTEE, 1369th
MEETING**

Thursday, 1 November 1962,
at 11 a.m.

NEW YORK

CONTENTS

	Page
<i>Question of procedure raised by the representative of Mexico</i>	261
<i>Agenda item 57:</i>	
<i>Question of South West Africa:</i>	
<i>(a) Report of the United Nations Special Committee for South West Africa;</i>	
<i>(b) Special educational and training programmes for South West Africa: report of the Secretary-General.</i>	262

Chairman: Mr. Guillermo FLORES AVENDAÑO
(Guatemala).

Question of procedure raised by the representative of Mexico

1. Mr. CUEVAS CANCINO (Mexico), speaking on a point of order, said that on the previous day, at the end of the debate on the question of Southern Rhodesia, certain incidents had occurred which might have serious consequences for the future of the General Assembly and concerning which the Mexican delegation felt obliged to make known its position.

2. The General Assembly was now operating with a majority of African-Asian States, many of which had achieved sovereignty recently and were strongly imbued with the cult of independence. His delegation had the highest respect for the policies of those States and had given them its unstinted support in their efforts to attain objectives of which it approved. That fact, however, did not prevent it from considering that those efforts should remain within the framework of the provisions of the Charter and of the rules of procedure of the General Assembly. It was easy for an active majority to believe that it could do exactly what it liked. There were, however, certain limits which should not be overstepped, and it was those limits which separated what was legal from what was not. The rules of procedure were doubtless not immutable, but so long as they had not been amended in accordance with the proper procedure, they remained compulsory and binding upon all.

3. On the previous day a delegation had stated that explanations of vote were devoid of any importance whatsoever. That delegation therefore seemed to think that the role of countries outside the African-Asian majority was confined to voting in favour of the draft resolutions submitted by that majority. In the interests of the State concerned and of the future of the United Nations, it was essential that every delegation should have an opportunity of explaining the reasons that had prompted its vote, and that those reasons should be duly recorded. That right was of capital importance and the Mexican delegation could not agree to its being jeopardized by anyone.

4. Furthermore, during the 1163rd plenary meeting, held the previous day, a delegation had twice interrupted others that were speaking in explanation of vote. It had always been the rule that any delegation that had not taken part in the general debate could explain its vote, and in such cases it often happened that the explanations given were very detailed. The Chairman of the Committee had acted wisely the previous day in stating that the explanations of vote given by the Portuguese delegation were entirely admissible within the framework of the debate.

5. His delegation wished to protest against a tendency which seemed to be apparent from the interventions of a certain delegation at the plenary meeting held the previous day, and which consisted in treating the rules of procedure as mere instruments in the hands of the majority, which could interpret them at will in the manner that best suited it. His delegation felt that in denouncing such an attitude it was defending the interests of the international community, of which it was a member. The General Assembly was a body that exercised a moral interest in world affairs; it could not be anything else. It was a relatively easy matter for a majority to make the Assembly adopt resolutions that it considered necessary or opportune, but the strength of such resolutions lay in their ability to convince the world that the cause defended by that majority was a just one. A resolution which was not supported by the countries that did not belong to the majority group was no longer of any importance. If the tendency to disregard the relevant rules of procedure were to become customary, his delegation, and probably a number of others, would be obliged to reconsider their attitude towards the draft resolutions submitted by the majority. The result would be an abstention which would not further the achievement of the desired objectives.

6. Mr. EREBIH (Mauritania) said that his delegation, which had been responsible for the interruptions to which the representative of Mexico had referred, was anxious that every courtesy should be shown to speakers but it was equally anxious that the rules of procedure should be strictly observed. His delegation had invoked the rule of procedure according to which a fresh debate could not begin unless two thirds of the members present and voting so decided. It had done so because speakers had gone beyond the scope of explanations of vote and had made statements that properly belonged to the general debate.

7. Mr. ACHKAR (Guinea) said that it was painful for his delegation to hear it said that there was in the Committee a majority that was determined to impose its decisions regardless of the rules of procedure and the provisions of the Charter. His delegation had had no objection to Portugal's exercising its right of reply provided that it had done so at the appropriate time, which had not been the case. Moreover, it should not be forgotten that time had been of the essence in the

conduct of the previous day's proceedings, for it had been imperative to arrive at a quick decision within a certain time-limit.

8. His delegation wished to reassure the Mexican delegation—which to all intents and purposes belonged to the anti-colonialist majority—that no delegation of the African-Asian group had the slightest intention of depriving any delegation whatsoever of its legitimate rights and that all the delegations in that group were anxious to comply with all the provisions of the rules of procedure. What had taken place the previous day had certainly not been the result of any move on the part of the majority to prevent any delegation whatsoever from stating its views. His delegation had regretted that it had not been possible to devote more time to hearing Sir Edgar Whitehead, for it had thus been deprived of further data on the situation in Southern Rhodesia, but it had been necessary to bring the debate to an end so that a vote could be taken on the draft resolution within the necessary time-limit.

9. Mr. YOMEKPE (Ghana) said that rule 118 of the rules of procedure had been invoked on account of the lack of time to which the representative of Guinea had referred, and that there could be no question of accusing the majority of having tried to prevent the minority from making known its views. That had not been the first time that rule 118 had been invoked, and it had been invoked by groups other than the African-Asian group. The Mexican delegation could rest assured that unless a similar set of exceptional circumstances were to arise again the majority had no intention of invoking that rule.

10. Mr. ARTEH (Somalia) emphasized that the intervention of Mauritania at the previous day's plenary meeting had been justified and had not been made in any discriminatory spirit. It had been the wrong moment for a detailed discussion of the question. He hoped that the explanations which had been given by the delegations of Mauritania, Guinea and Ghana would satisfy the Mexican delegation.

11. Mr. CUEVAS CANCINO (Mexico) thanked the delegations of Mauritania, Guinea, Ghana and Somalia for the explanations and assurances that they had given him.

AGENDA ITEM 57

Question of South West Africa:

- (a) Report of the United Nations Special Committee for South West Africa (A/5212 and Add.1-3);
- (b) Special educational and training programmes for South West Africa: report of the Secretary-General (A/5234 and Add.1)

12. Mr. ARTEH (Somalia), Rapporteur of the Special Committee for South West Africa, presented the Committee's report (A/5212 and Add.1-3). The Chairman and Vice-Chairman of the Special Committee were unable to be present at the debate on the question of South West Africa, but the Committee could decide to ask them to appear if it considered their presence necessary.

13. He recalled the terms of reference and the composition of the Special Committee and drew attention to some important points in the report, particularly the paragraphs relating to the activities of the Special Committee and the circumstances in which its Chair-

man and Vice-Chairman had gone to South West Africa (A/5212, part I, paras. 7-11). He laid particular stress on the conclusions and recommendations of the Chairman and Vice-Chairman following their visit to the Territory, which were set forth in paragraphs 42 and 43 of their report (A/5212, part II), and on the final conclusions and recommendations of the Special Committee in part IV, paragraphs 78 to 82 of its report, which had been adopted unanimously.

14. Mr. LOUW (South Africa), Minister for Foreign Affairs of South Africa, said that once again he protested against the violation by the United Nations of the sub judice principle. At the present time, when the International Court of Justice was engaged in hearing Counsels' arguments for and against the complaints in the contentious proceedings instituted by Liberia and Ethiopia, strict compliance with the sub judice rule was more necessary than ever.

15. Furthermore, the Special Committee on South West Africa had recommended that punitive action be taken against South Africa. In other words, what was proposed was concurrent action on the same issue by two different bodies of the United Nations. The action of the Special Committee in adopting resolutions affecting a contentious matter being argued in the International Court was not only improper but amounted to lack of respect for the International Court. What was happening in the Fourth Committee could rightly be regarded as an attempt to influence the Court, which placed the Court in an undesirable and, indeed, invidious position. If the Fourth Committee and the General Assembly continued the same line of action South Africa must firmly decline to share the responsibility.

16. Turning to the subject of the Pretoria discussions, he said that he would not repeat all the facts concerning the visit to South Africa by the Chairman and Vice-Chairman of the Special Committee, which he had already set forth during the debate in the General Assembly (1128th plenary meeting). The facts regarding the Chairman's admissions were incontrovertible. The African delegations, and some Asian delegations, had chosen to ignore the Pretoria joint statement, which had been approved by both the Chairman and the Vice-Chairman of the Special Committee; such an attitude was hardly worthy of responsible representatives of Member States. The two members of the Secretariat who had been present at the Pretoria discussions and had visited the Chairman in his hotel room during his indisposition would undoubtedly be able to testify that he had agreed to the joint statement as amended by him. The South African delegation had a copy of the statement as originally drafted, on which were noted the amendments suggested by the Chairman, all of which had been accepted. Photostat copies of the document would be made available to members of the Committee.

17. Obviously the reason for the Committee's decision to ignore the joint statement was that it provided a complete answer to the more serious charges levelled against South Africa. If the Chairman and Vice-Chairman, after visiting the Territory, had confirmed those charges, their findings would undoubtedly have been seized upon by those who desired that the Security Council should take action against South Africa. It was noteworthy that today, as in past years, aspects of the situation in South West Africa that were favourable to South Africa were being deliberately suppressed for the purpose of influencing the Western delegations and of inducing the General Assembly to

adopt resolutions condemning South Africa's administration of the Territory. Clearly South Africa's critics were desirous not of "harmonizing the actions of nations", to use the words of Article 1, paragraph 4, of the Charter, but of creating enmity against the permanent white population of South Africa. They hoped by means of threats and intimidation to compel the South African Government to act against the interests of South West Africa and also of the Bantu, about whose welfare they professed to be concerned.

18. It had been hoped that the visit of the Chairman and Vice-Chairman of the Special Committee would lead to a better understanding of the Territory's problems and to improved relations between the United Nations and South Africa. In extending the invitation the South African Government had particularly had in mind some of the more serious charges that had been levelled against it, such as that international peace was being endangered, that a policy of genocide was being practised, that there was police terrorization and that the Territory was being militarized. For the same reasons in 1961 the South African Government had invited three ex-Presidents of the General Assembly to visit the Territory. Anyone who was not blinded by prejudice must realize that the South African Government would not have extended that invitation unless it had been satisfied that it was administering the Territory in the spirit of the Mandate.

19. At the beginning of the Pretoria discussions the Prime Minister had spoken frankly to the Chairman and Vice-Chairman of the Special Committee about the need to get to the bottom of those allegations, and had informed them that on their return from the Territory he would ask them to let him have the results of their observations. He had further given an undertaking that if the Chairman and Vice-Chairman could provide evidence to substantiate the charges he would take immediate action.

20. The Prime Minister had made it clear to the Chairman and Vice-Chairman that if they wished to visit any places not included in the itinerary the necessary arrangements would be made. They had been free to see whom they pleased and could have prolonged their visit had they so desired. The Chairman, however, had been anxious to take up his new ambassadorial post at Cairo and had therefore not wished to prolong the visit; his statement that he and the Vice-Chairman had not been allowed sufficient time for the visit was quite untrue.

21. On the return of the United Nations representatives to Pretoria, the Prime Minister had asked them for the results of their observations during the visit. Both representatives had stated that they had found no evidence to support the charges of a threat to international peace and of genocide. The Vice-Chairman had further agreed that he had seen no evidence of militarization. The Chairman had said that he could testify only regarding the few places which he had visited. Thereupon the Prime Minister had asked why he had not taken the opportunity to visit other places; he had further suggested that the military attachés of any two embassies should be asked to fly to the Territory and make an investigation regarding the alleged fifteen military bases referred to by the Chairman. At the following meeting the Chairman had agreed to accept that there was no evidence of militarization.

22. The rest of the story was familiar to members of the Committee: the Chairman, after authorizing the

Vice-Chairman to agree to the joint statement as amended by him, had subsequently repudiated the statement and claimed that he had been too ill at the time to give the matter his attention. The report of the doctor who had attended him on the morning in question disposed of that claim.

23. Stress had been laid on the fact that the Chairman and Vice-Chairman had submitted a unanimous report to the Special Committee. It was known, however, that they had quarrelled violently. The reason why many delegations had been so disturbed by the Pretoria communiqué was that it refuted the three major allegations made against South Africa. In particular, the admission that there was no evidence of a threat to world peace gave the lie to a charge which had been made by no less than thirty-one delegations in 1960 and 1961, and which would have given the Security Council grounds for action against South Africa. In order to escape from their dilemma, the majority in the Special Committee had decided that the joint communiqué should be ignored.

24. He emphasized that the admissions of the Chairman and Vice-Chairman regarding the serious charges in question had not only appeared in the Pretoria communiqué: they were also to be found in the informal records of the Pretoria talks held before the drafting of the joint communiqué.

25. Apart from issuing a brief statement to the Press following the Chairman's denial of responsibility for the joint communiqué, neither the speaker nor the Prime Minister had discussed the affair in public. Nevertheless, the newspapers of both political parties in South Africa had freely criticized the attitude of the Special Committee's Chairman.

26. His delegation considered that a step forward had been made in the improvement of relations between the United Nations and South Africa and that it was no longer necessary for the Fourth Committee to devote time to allegations regarding a threat to peace, genocide, police terrorization and the militarization of South West Africa. Meanwhile, his Government had appointed a commission to work out a five-year plan for further promoting the material and social welfare of the non-white inhabitants of the Territory.

27. Mr. MONGUNO (Nigeria) proposed that the full text of the South African representative's statement should be issued as an official document of the Committee.

It was so decided.^{1/}

28. Miss BROOKS (Liberia), speaking in exercise of her right of reply, drew the Committee's attention to the illogical position adopted by the South African Government, which asserted that the Committee was not competent to consider the question of South West Africa while the matter was sub judice before the International Court of Justice, but continued at the same time to deny the Court's jurisdiction in the case before it. In her view, the fact that the question was being debated by the Committee was ample evidence that the majority of States Members of the United Nations did not agree with the South African Government's position; moreover, it was not the United Nations which was a party to the case before the Court but the two African States which had brought the action.

^{1/} See A/C.4/572.

29. If the South African Government was pursuing a liberal policy in South West Africa, as it claimed, she wondered why it denied the people of the Territory the right to self-determination and the United Nations the right to supervise a referendum on the future of South West Africa. It might also be asked why it had excluded the Rapporteur of the Special Committee, the only African officer of the Committee, from the United Nations mission which had gone to South West Africa.

30. The Liberian delegation's view was that the General Assembly had appointed Governments, not individuals, to form the Special Committee. Each Government was accordingly responsible for defending its representatives against any charges which might be made against them and it therefore lay with the Philippine and Mexican delegations to take steps to that end.

31. She reserved her delegation's right to reply point by point to the questions raised by the South African Minister for Foreign Affairs.

32. Mr. ARTEH (Somalia), Rapporteur of the Special Committee for South West Africa, said that he had not been surprised at the language used by the South African representative, since the truth was often painful to hear and it was the truth which appeared in the Special Committee's report. He endorsed the Liberian representative's remarks concerning the jurisdiction of the International Court of Justice and pointed out that the views she had expressed were also the views of the Special Committee.

33. With respect to certain allegations made by the South African representative, he observed that the Chairman and Vice-Chairman of the Special Committee had not had complete freedom of movement while in South West Africa; in particular, they had not had the opportunity to meet all the persons they would have liked to see. The reason the alleged joint communiqué issued after the visit was not mentioned in the Special Committee's report was that that Committee did not acknowledge its validity. As for the conclusions and recommendations of the Chairman and Vice-Chairman of the Committee, the South African representative had simply omitted any mention of the fact that, in paragraph 43 of their report (A/5212, part II), those two officers had drawn the attention of the General Assembly "to the imperative need for continued firm action on this question by giving the South African Government a short period of time within which to comply with the Assembly resolutions, or, failing that, by considering the feasibility of revoking the Mandate and of simultaneously assuming the administration of the Territory to prepare its people for independence, if need be by imposing sanctions or employing other means to enforce compliance with its decisions or resolutions."

34. With reference to the South African representative's remarks concerning the Chairman of the Special Committee, the latter was quite capable of defending himself. He hoped that the Philippine delegation would co-operate by asking him to come and take part in the debate.

35. Mr. ACHKAR (Guinea), too, agreed with the Liberian representative's views. He asked whether the Chairman and Vice-Chairman of the Special Committee—the only persons who could effectively answer the charges made against them—would be able to take part in the debate.

36. Mr. PROTITCH (Under-Secretary for Trusteeship and Information from Non-Self-Governing Territories) stated that once a report had been approved by a Committee and was submitted to the General Assembly, it was normally the task of the Rapporteur of the body concerned to present it. Members of the body which had drafted and approved the report were not obliged to attend the discussion of that report. It therefore lay with the delegations to which the Chairman and Vice-Chairman of the Special Committee for South West Africa belonged to decide, if they so desired, that the Chairman and Vice-Chairman should participate in the discussion of the report as members of their delegations.

37. Miss BROOKS (Liberia) added it would be in the interest of their Governments for the Chairman and Vice-Chairman of the Special Committee to take part in the discussion, for the accusations that had been made against them reflected on their Governments too. In his statement the Minister for Foreign Affairs of South Africa had mentioned some members of the Secretariat; in her opinion it would be better if members of the Secretariat were left out of the matter.

38. Mr. YOMEKPE (Ghana) noted that according to the South African Minister for Foreign Affairs, the accusations made against South Africa at the United Nations were the same as those before the International Court of Justice and the Committee was therefore not competent to discuss the question of South West Africa. The Liberian representative had rightly pointed out that the Court was at present examining the question of competence. Perhaps the South African representative could make it clear whether the Court was discussing the accusations against his country or the question of competence in the matter of South West Africa.

39. U TIN MAUNG (Burma) said that he felt it his duty, as a member of the Special Committee, to comment on the speech of the South African Minister for Foreign Affairs.

40. It was common knowledge that Burma had always opposed colonialism in all its forms and would continue to seek a peaceful solution, in conformity with the principles it had always held and with the provisions of the Charter and of General Assembly resolution 1514 (XV), to problems arising from the existence of that system. The attitude of the Burmese delegation to the question of South West Africa would depend on that of the Mandatory Power and of all the Powers which had supported and were still supporting the policy of South Africa.

41. He recalled that the report of the Special Committee had been unanimously adopted by that body. It gave a detailed account of the situation in South West Africa and it included one addendum recording the hearings held by the Chairman and Vice-Chairman of the Special Committee and another reproducing the petitions and written communications submitted to that Committee. He urged members of the Committee to read the report and those two addenda carefully. They would then see that the only possible solution for the Committee was to adopt the conclusions and recommendations appearing in part IV of the report, which had been unanimously adopted by the Special Committee after thorough discussion. He drew particular attention to paragraph 82 of the report, which he read out. His delegation was sure that after hearing the petitioners the Committee would have no choice but to adopt those conclusions itself.

42. It was to be deeply regretted that the Chairman and Vice-Chairman of the Special Committee were not present to discuss so important a question. Their contribution would have been most valuable. His delegation associated itself with the preceding speakers in requesting the two delegations concerned to ask their Governments to arrange for the Chairman and Vice-Chairman of the Special Committee to be present at the discussion of the question of South West Africa. As might have been expected, the South African Minister for Foreign Affairs had taken advantage of their absence to make remarks about them which were, to say the least, unfair. The Minister had particularly attacked the Chairman of the Special Committee, who, had he been present, would certainly have refuted the accusations and allegations made against him. In attacking officers of the United Nations the Minister had cast a slur on the dignity and integrity of the Organization. In view of the feelings expressed by certain delegations it was important that the two persons concerned should be able to come forthwith to attend the meetings of the Committee, even if only temporarily.

43. In any case, the statement of the South African Minister for Foreign Affairs would not alter the situation in South West Africa. The racial policy of apartheid was condemned by the whole world and the United Nations attitude on that subject could not be modified by the ruses and manœuvres of the South African Government.

44. The Burmese delegation was not convinced by the arguments of the South African Minister for Foreign Affairs. It felt that the Mandated Territory was one of the African territories of which it could be said, in agreement with the Special Committee, that if the United Nations did not intervene promptly the result might be a political disaster with far-reaching consequences.

45. The Burmese delegation would make a longer statement later in the discussion in order to reply in detail to the South African Minister for Foreign

Affairs. For the moment, it would merely comment that to try to confuse the issue and to bring in questions unconnected with the real problem was hardly conducive to finding a peaceful settlement of the question of South West Africa.

46. Mr. BOZOVIC (Yugoslavia) said that it was not the Committee which was showing scant respect for the International Court of Justice, as the South African Minister for Foreign Affairs had said, but rather the Minister himself when he alleged that the Court might allow its judgement to be influenced by the Committee's decision.

47. It was no accident that in his statement the Minister had dealt almost exclusively with the question of the joint communiqué. The Yugoslav delegation considered that the situation in South West Africa was a real threat to peace, which had its roots in the policy followed by South Africa, and that the Minister had tried to divert the Committee from the real problem.

48. The Yugoslav delegation would like to know whether the South African Government intended to recognize the right of the inhabitants of South West Africa to self-determination and independence; whether the South African Government admitted that it was carrying out a racist policy in the Territory; and whether it recognized the competence of the International Court of Justice to determine the status of the Territory. If the South African Government's answer to those three basic questions was negative, it was pointless for the Committee to discuss secondary problems connected with the situation in South West Africa. If, on the other hand, the South African Government replied affirmatively, the Committee could try to make clear to the South African Minister for Foreign Affairs the meaning of the accusation made against his country.

49. The Committee must not allow itself to be deflected from the essential problem, namely, South Africa's policy in South West Africa.

The meeting rose at 1 p.m.