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Chairman: Miss Angie BROOKS (Liberia).

AGENDA ITEM 47

Question of South West Africa (continued):

- (a) **Report of the Committee on South West Africa (A/4926, A/4957, A/AC.73/4, A/AC.73/L.15, A/C.4/L.711 and Corr.1, A/C.4/L.712);**
- (b) **Assistance of the specialized agencies and of the United Nations Children's Fund in the economic, social and educational development of South West Africa: reports of the agencies and of the Fund (A/4956 and Add.1)**

PRELIMINARY STATEMENTS AND QUESTIONS ARISING THEREFROM (concluded)

1. Mr. BOEG (Denmark) said that he wished to dispel certain misunderstandings which had arisen at the previous meeting in connexion with a question which was, in any event, of secondary importance compared to the well-being of the people of South West Africa.

2. At the 1224th meeting, the representative of the United Arab Republic had said that the Danish representative, in the Committee on South West Africa, had stated that in his opinion the request of the United Kingdom should be accepted; that was correct. According to the representative of the United Arab Republic, the Danish representative had further stated that there should not be any question of the Committee's entering the country without the permission of the South African Government. That, however, was not what the United Kingdom authorities had asked. In his letter of 7 July 1961, reproduced in section 11 of annex V of the Committee's report (A/4926), the High Commissioner for the United Kingdom at Salisbury had asked for confirmation "that it was not the intention of the Committee to enter South West Africa from Bechuanaland without the permission of the South African Government". The key words in that sentence were "from Bechuanaland", because they signified that there had been nothing to prevent the Committee, while complying with the wishes of the United Kingdom, from

entering the Territory without the permission of the South African Government from another starting-point. It was true that that particular point was not included in the letter reproduced in section 10 of annex V, but it had been made orally to the Chairman of the Committee on South West Africa and the Committee had been aware of it when it dispatched the letters appearing in sections 12 and 14 of annex V.

3. In view of the statement made by the Philippine representative at the 1224th meeting, he wished to explain the nature of the divergencies in views and in working methods which had arisen in the Committee. The Philippine representative had complained that the United Kingdom had replied only on 19 June to a letter from the Committee dated 15 June. However, that letter had only reached the United Kingdom authorities on 16 June, which had been a Friday. The United Kingdom authorities had consequently drafted their reply on the first working day after the week-end, a procedure which could hardly be criticized. The Danish representative had, moreover, warned the Committee against undue haste in arranging its departure, but his plea had gone unheeded.

4. The Philippine representative had said that he was concerned about the fact that the Danish delegation had expressed views on certain points which ran counter to his own and which did not appear in the Committee's report; on the other hand, the Danish delegation was concerned to note that the Philippine representative seemed to be attempting to muzzle those members of the Committee who did not share his opinion. The Philippine representative had also referred to secret information which he might place before the Fourth Committee. The meetings of the Committee on South West Africa had been public, and the records of those meetings were available to all. The Danish delegation would be happy to obtain any new information which might be available on the situation.

5. He regretted that the Philippine representative considered that he should be deprived of the right to set forth his views in the Fourth Committee merely because Denmark had approved the report of the Committee on South West Africa. It was because Denmark's reservations did not appear in the report that he wished to communicate them to the Fourth Committee. The Committee on South West Africa had moreover discussed the question whether minority views should be given as an annex to its report, and the idea had been strongly opposed. The Committee's report had been unanimously approved because all members were in agreement on its substance, but that did not mean that they approved all of its terms. He had explicitly told the Committee that he had certain reservations, which he would state in the Fourth Committee when it took up the question; indeed, the Philippine representative himself had acted as Chairman of the Committee on South West Africa at that time.

6. Mr. KARSENÖ (Indonesia) said that his delegation had clearly stated its views with regard to the Committee's visit to Bechuanaland in the meetings of the Committee, and that they had remained unchanged since the statement made by the United Kingdom representative at the 1224th meeting. It had been particularly important for the Committee to go to Bechuanaland because it had been unable to count on the co-operation of the South African Government. In Bechuanaland, the Committee could have contacted not only some of the 15,000 Hereros living in that Territory, but also many inhabitants of South West Africa who had crossed the frontier as soon as they had had word of the Committee's visit. That explained why the Committee on South West Africa had deeply regretted the decision of the United Kingdom Government to suspend the visas which had been granted.

7. He noted that in the light of paragraph 6 of the letter of 29 June 1961 from the Deputy High Commissioner for the United Kingdom at Accra to the Chairman of the Committee on South West Africa (A/4926, annex V, section 9), the United Kingdom had been perfectly aware of the fact that the Committee wished to go to Bechuanaland in order to interview the Hereros living in that Territory. In the same letter, however, the Deputy High Commissioner concluded that the Committee did not intend to enter South West Africa without the permission of the South African Government. Clearly, the difficulty in granting visas to the members of the Committee had stemmed not from the purpose of their visit but from other causes, as appeared from paragraph 3 of the letter of 4 July 1961 from the Office of the High Commissioner (A/4926, annex V, section 10). The Indonesian representative noted, as the representative of the United Arab Republic had done, that in that letter a founder Member of the United Nations and permanent member of the Security Council showed how General Assembly resolutions could be circumvented.

8. In view of the statements made by the High Commissioner in his letter of 9 July 1961 (A/4926, annex V, section 13), it was to be wondered what course the Committee on South West Africa could have taken if it still wished to comply with the provisions of General Assembly resolution 1596 (XV) and to visit Bechuanaland.

9. The Committee had decided while at Accra to enter South West Africa without the co-operation of the South African Government because it had wanted to comply with the provisions of operative paragraph 5 of General Assembly resolution 1596 (XV). The Committee had made every attempt to secure the co-operation of the South African Government, but the latter, in a letter dated 23 June 1961 (A/4926, annex I, section 9) had gone so far as to refuse to allow the Committee even to enter South African territory. In the face of that situation, the Committee had been unable to act otherwise than it had acted or to adopt any other position of principle than to state that it was compelled to dispense with the co-operation of the South African Government if it was to fulfil the mandate that had been entrusted to it. Consequently, for the United Kingdom which had been so determined to lend its assistance, to use the provisions of the General Assembly's mandate as a means of preventing the Committee on South West Africa from entering Bechuanaland seemed somewhat inconsistent.

10. He regretted that the Danish representative had felt compelled to imply that there had been some dis-

agreement between the members of the Committee on that point. The Danish representative had, moreover, been clearly of the opinion, when the Committee had been at Salisbury, that it must yield to the United Kingdom's opposition, an action which, for the Committee, had meant a departure from the principles of its mandate.

11. Mr. O'SULLIVAN (Ireland) regretted that the Philippine representative had thought fit to launch certain accusations against other members of the Committee on South West Africa with regard to the attitude that they had adopted towards the difficult problems which that Committee had encountered in accomplishing its tasks. The members of that Committee were perfectly entitled to inform the Fourth Committee of their views on various matters dealt with in the report, and the fact that the report had been unanimously adopted did not mean that all the members of the Committee on South West Africa were bound by each and every one of its terms. Furthermore, the report had only been adopted after it had been agreed that all the members would have an opportunity of expressing their views subsequently in the Fourth Committee. The Fourth Committee should not, however, be called upon to concern itself with difficulties which belonged to the past, and he urged the Philippine representative to be guided by that consideration.

12. Mr. SKALLI (Morocco) was chagrined that the matter under discussion was being carried to such lengths. The question whether visas had been suspended, temporarily refused or refused outright was a mere play on words to which the Committee should put an end if the debate was to prove a constructive one.

13. Mr. CARPIO (Philippines) assured the representative of Ireland that, whatever disagreement might have existed between the representative of Denmark and himself, he had never wished to prevent a member of the Committee on South West Africa from expressing his views in the Fourth Committee.

GENERAL DEBATE AND CONSIDERATION OF DRAFT RESOLUTIONS (A/C.4/L.711 AND CORR.1, A/C.4/L.712)

14. Mr. CARPIO (Philippines) said that over the past sixteen years no other colonial problem had caused the United Nations so much trouble, for never had an administering Power so persevered in its defiance of the Organization. Even a problem such as that raised by the "overseas provinces" of Portugal was relatively recent, and he was convinced that Portugal, whose civilizing influence had been so strong in the past, would not be long in reaching an amicable settlement.

15. The case of South West Africa was a special one because, from the time that the United Nations Charter had been adopted, South Africa had refused to respect the provisions of Article 77, whereas all the other Mandatory Powers had voluntarily placed under the Trusteeship System the Territories for which they were responsible.

16. The situation was aggravated by the fact that South Africa had, from the start of its administration, practised a policy of "apartheid", which was one of the vilest forms of racial segregation and resulted in the interests of the indigenous population being entirely subordinated to those of a minority of settlers for the sole reason that their skin was another colour. The application of the policy of "apartheid" had led South Africa to defy world public opinion, several advisory opinions of the International Court of Justice and many

resolutions of the General Assembly. After sixteen years, the problem was still as far from solution as it had been when it had first arisen.

17. South Africa held a Mandate for the Territory of South West Africa under the terms of Article 22 of the Covenant of the League of Nations. As some mandated territories had not become independent by 1945, the Charter of the United Nations had embraced, and had clarified, the principle that the administration of a mandated territory might remain the responsibility of the administering Power provided that the latter acquitted itself of that task as a sacred trust and recognized that the interests of the inhabitants of the territory were paramount. The doctrine having thus been expounded, the United Nations was within its rights in requiring a rendering of account from an administering Power which, in the exclusive interest of a minority of white settlers, was submitting the population of the Territory to treatment that was degrading in the extreme to human dignity. The United Nations had so far shown the greatest restraint, in the hope that South Africa would reconsider its attitude.

18. He recalled the various efforts that had been made over the past years to induce the Government of South Africa to modify its position in regard to the Territory of South West Africa. He made particular reference to the Good Offices Committee on South West Africa, which in its report (A/3900) had come to the conclusion that the only solution acceptable to the Mandatory Power would be partition, three quarters of the Territory—the Police Zone—to be annexed to South Africa, and the remainder placed under trusteeship with the Mandatory Power in the role of Administering Authority. The General Assembly had naturally been unwilling to approve that solution. At its fifteenth session it had authorized the Committee on South West Africa to go to South West Africa immediately, with the co-operation of the Government of South Africa or without it if necessary.

19. As was generally known, the Government of South Africa had not only refused the members of that Committee the right to enter the Territory but would not even authorize them to enter South Africa for an exchange of views. It was regrettable that the visas which the members of that Committee had already obtained for Bechuanaland, for the purpose of meeting refugees and petitioners, had been suspended. Despite those hindrances, the Committee had been able not only to obtain confirmation of what had already been known on the administration of the Territory during the past forty years but also to gather invaluable information on things not known before. It had also had an opportunity of appreciating the solidarity that existed between the African peoples, who were resolved to put an end to the abuses from which they had suffered in the past and to eliminate the last vestiges of colonialism on their continent. The Committee had also obtained confirmation from refugees of the dangers of racial warfare inherent in the policy applied by the Mandatory Power in the Territory. That was a situation to which the United Nations, in view of its mission, could not remain indifferent.

20. Referring to the documentation before the Fourth Committee, he drew attention to part I, sections I and II, of the report in document A/4957, and to the conclusions in that report. Most important, however, was the report in document A/4926, which had been prepared in compliance with operative paragraph 9 of General Assembly resolution 1596 (XV). That report

had taken considerable time to draft because of fundamental differences of opinion between the various members of the Committee on South West Africa, but it contained the essential elements that should be borne in mind in resolving the problem of South West Africa.

21. The first of those elements was the policy of "apartheid" being applied by the Mandatory Power, the nature and consequences of which were described in paragraphs 78 and 155 of the report.

22. The second element was the obvious desire of the Mandatory Power to annex the Territory in violation of the Mandate, according to which it ought to safeguard the interests of the people entrusted to its care and not take advantage of its own privileged position. South Africa had moreover clearly expressed its intentions in that respect even before the United Nations had been established. At the first session of the General Assembly, it had maintained that the provisions of the Charter were not applicable to the Territory of South West Africa on the pretext that with the dissolution of the League of Nations the Mandate had lapsed. According to that reasoning, the administration of South West Africa by South Africa should also have come to an end.

23. Another essential element that emerged from document A/4926 was that as far as the indigenous inhabitants of South West Africa were concerned, the Territory was not under the rule of law. The fact was that the laws in force in the Territory were valid only for Whites while the situation of the Blacks and the Coloureds was governed by the Department of Bantu Administration and Development. The opinion of the Committee on South West Africa on that subject had been confirmed on many occasions, as, for example, at the African Conference on the Rule of Law held at Lagos in January 1961.

24. In short, the Mandatory Power was flagrantly violating the terms of the Mandate and those of the United Nations Charter on three fundamental points, as it continued to sacrifice the interests of the indigenous population to those of the European minority. That was the reason underlying the conclusions set forth by the Committee in paragraphs 162 and 163, and the recommendations contained in paragraph 164, of its report (A/4926).

25. As to the argument advanced by the Minister for Foreign Affairs of the Republic of South Africa that no action could be taken because of the case that was pending before the International Court of Justice, he pointed out that the Court would consider the matter on a purely juridical level, while the United Nations was called upon to take a decision of a political nature. The General Assembly had already adopted resolutions concerning South West Africa at its previous session, namely, at a time when the International Court of Justice had had before it the complaints of Ethiopia and Liberia. It was his view that whatever decision the General Assembly made would have a political bearing and would not influence the Court in its decisions. The prestige of the United Nations would obviously be enhanced if its decision were supported by the judgements of the Court; nevertheless, the Fourth Committee and the General Assembly could adopt a resolution expressing their opinion on the fitness or unfitness of the Republic of South Africa to carry on with the Mandate for South West Africa.

26. He thought that a committee should be set up to study the question of how soon the administration of

the Territory could be assumed, directly or indirectly, by the United Nations. Should the administration be carried out indirectly, it might be entrusted to a group of nations. A group comprised solely of African nations had been suggested, but it would perhaps be preferable to avoid such a restriction, which might give rise to a new form of discrimination that would victimize the non-African Members of the United Nations.

27. The time had come for the United Nations to take a stand. It must adopt a bold decision and enforce it with all the means in its power if it did not want to become a laughing-stock and follow the path of the League of Nations.

28. U TIN MAUNG (Burma) recalled that for fifteen years the United Nations had been trying in vain to solve the problem of South West Africa. In the opinion of his delegation, every attempt had been made to promote a peaceful solution in accordance with the purposes and principles of the Charter; all peaceful means and measures open to the United Nations had been employed. The Committee on South West Africa had been refused entry to the international Territory of South West Africa and had been unable to discharge the mandate entrusted to it by the General Assembly under resolution 1596 (XV). The door to negotiations between the United Nations and South Africa was henceforth closed.

29. The statement by the South African representative at the 1218th meeting had contained nothing new except a proposal that three former Presidents of the General Assembly should be invited to go to South West Africa to appraise the situation and submit a report, not to the United Nations, but to the South African Government. Apart from the humiliating role which those three persons would have to play as servants and subordinates of a Government which preached and practised the policy of "apartheid," their assignment would by its very nature be not only delicate but also difficult and even dangerous, because of the strength of the Pan-African liberation movement. The South African Government would not succeed in convincing the United Nations that any conclusions the former Presidents of the General Assembly might reach could fully satisfy the aspirations of the South West African people; the history of the Good Offices Committee and its recommendations was still fresh in everyone's memory, and it was incredible that South Africa should now be prepared to surrender its Mandate to the United Nations and to the people of the Territory. Operative paragraph 3 of General Assembly resolution 1596 (XV) had warned the members of the Committee against the insidious manoeuvres to which colonial Powers in the evening of their life usually resorted in their efforts to assimilate territories.

30. He had been struck by the political maturity, sense of responsibility and team spirit displayed by the petitioners. They had demonstrated their dedication to the very principles which the United Nations was resolved to uphold. But beneath their moderation one could not help detecting signs that their endurance and their patience were at an end. One of them had remarked that the Fourth Committee might very well be hearing for the last time their appeals for firm and positive action and immediate intervention. His delegation itself had already emphasized in the Committee, at the resumed fifteenth session, that any United Nations action which appealed purely and simply to the reason of those advocating the cult of white racial supremacy would not only be harmful to the cause of

African independence but would also encourage racists and enhance the prestige of the South African Government. Certain replies by the petitioners to questions confirmed his opinion that that Government had gained prestige in the eyes of the indigenous population of the Territory by flouting the United Nations resolutions. To be sure, the Organization had discharged its moral obligations by condemning the policy of "apartheid"; but that was not enough, and the inability of the Committee on South West Africa to enter the Territory had demonstrated the impotence of the world Organization. The sixteenth session might thus well be the last time Member States could calmly ponder the consequences of a flagrant betrayal of the sacred trust which the Charter had imposed on all.

31. There was no need to point out that South Africa had violated the terms of the Mandate, the principles of the United Nations Charter, and the Universal Declaration of Human Rights. If the United Nations was not prepared to take resolute action and to intervene immediately, the extremely delicate and explosive situation in South West Africa would develop into a racial war the consequences of which no one could foresee. Many witnesses had testified before the Committee on South West Africa that if the people of the Territory lost their faith in the United Nations, they would undoubtedly resort to the same methods as in Angola. Moreover, everything indicated that racist Governments in Southern and Central Africa had devised a strategy aimed at suppressing the African political freedom fighters and their movements. An article in the Windhoek Advertiser of 16 August, reproduced in the publication Africa Digest, noted a movement by Europeans in South Africa and South West Africa "to render assistance to the Portuguese Defence Forces which are fighting to repel the onslaught of terrorists", for those Europeans supposed that what was happening in Angola today could happen in South West Africa tomorrow. The organizers of the movement had stated that they were not unaware of the political significance and international repercussions of their action. Thus the racist Governments of Central and Southern Africa were pooling their political, economic and military resources to suppress the African liberation movements. Despite official denials, elaborate military preparations were under way, and the Minister for Defence in the South African Government had himself stated that his country had a great role to play as a Western Power.

32. He noted that the Committee on South West Africa had expressed its conviction (A/4926, para. 157) that no peaceful solution to the question of South West Africa was likely to be acceptable to the South African Government except on the basis of its outright or virtual annexation of the Mandated Territory in whole or in part. For its part, his delegation had never doubted South Africa's intention of appropriating the object of its sacred trust and of itself exploiting the rich mineral and agricultural resources of South West Africa, or that certain imperialist and capitalist colonial Powers were conniving with South Africa in that sinister design. That was why his delegation, together with several others, had urged the General Assembly at its resumed fifteenth session to revoke the Mandate and support the proposal that complete independence be granted to the people of South West Africa not later than January 1963. He noted with satisfaction that a growing number of delegations shared that point of view.

33. While for the past fifteen years the United Nations had been endeavouring to solve that question with patience and persuasion, the political map of Africa, Asia and Latin America had undergone spectacular changes: several Trust Territories and Non-Self-Governing Territories had become independent and their representatives, having taken their place in the international community, were contributing to the solution of many thorny colonial problems. The South African Government was fully conscious of the changes which had taken place in the membership of the United Nations and of the great moral force that had succeeded in influencing the political thinking of all peace-loving peoples. But moral force alone would not suffice, because that Government was firmly convinced that, unless the great Powers were also prepared to apply sanctions against it under the Charter, it could continue to pursue its policy of "apartheid" and extermination with complete impunity. The year 1961 might be the most critical year for the United Nations, which must take a decision to re-establish its prestige and reaffirm its dedication to the cause of peace and international security.

34. By adopting the Declaration on the granting of independence to colonial countries and peoples (General Assembly resolution 1514 (XV)), the General Assembly had undertaken to put an immediate end to colonialism in all its forms and manifestations. The representatives of the South West African people had declared that they wanted nothing short of immediate independence for their country. The question was therefore what effective steps the United Nations could take immediately to reach that goal. The Fourth Committee must consider with the closest attention the well-considered courses of action proposed by the Committee on South West Africa and the petitioners, as well as all measures which might assist both in the protection of the lives and the property of the indigenous inhabitants of the Territory, and in ensuring the maintenance of international peace and security in Africa. His delegation was ready to participate in any solution of a problem which was becoming more and more international.

35. He was of the opinion that draft resolutions A/C.4/L.711 and Corr.1 and A/C.4/L.712, even if adopted, would not resolve the question. The United Kingdom draft resolution (A/C.4/L.712) offered little practical interest, since a special commission sent to South West Africa by the United Nations would probably not be well received by the South African Government. According to that draft, the commission would undertake a study of the question of South West Africa's future. But the future of the Territory was obvious: independence. The commission would be given as broad a mandate as possible and would be free to make recommendations, but it was doubtful whether the South African Government would accept such a mandate. The United Kingdom draft further recommended that the proposed commission should report and make recommendations to the General Assembly as soon as possible after the judgement of the International Court of Justice was known. But the situation called for urgent measures. His delegation could therefore not support that draft resolution, though it was couched in conciliatory terms. Draft resolution A/C.4/L.711 and Corr.1 needed some clarification by its sponsors. At all events, his delegation believed the recommendations by the Committee on South West Africa (A/4926, paras. 162-164) should be studied and an effec-

tive solution sought which would meet the interests of the people of South West Africa.

36. He reserved his delegation's right to speak again later.

37. Mr. DIALLO (Mali) submitted draft resolution A/C.4/L.711 and Corr.1, and in the name of the co-sponsors thanked the representative of Cuba, who had made the initial proposal. When preparing their first draft the co-sponsors had feared it might be considered a reaction to the proposal of the representative of South Africa to replace a body legally appointed by the General Assembly of the United Nations by a group of three persons. The statements made by the representative of the United Kingdom at the 1224th meeting and the United Kingdom draft resolution (A/C.4/L.712) confirmed that the question of South West Africa had grown to such dimensions as to oblige the Committee to display the utmost courage and vigilance. The declarations of the South African delegation had been virtually adopted by the great Powers, which, though not willing to give open support to South Africa, were ready to undermine any United Nations action for the welfare of the indigenous populations.

38. The representative of the United Kingdom had stated that his Government was prepared at all times to give the necessary facilities to the Committee on South West Africa to enable it to enter Tanganyika and Bechuanaland, but that it could not allow the Territories for which it was responsible to be used as bases for penetrating into South West Africa against the will of the Mandatory Power. That declaration amounted to a deliberate refusal by the United Kingdom to participate in applying General Assembly resolutions 1568 (XV) and 1596 (XV).

39. Thus it was not by mere chance that the United Kingdom had tabled its draft resolution, which reproduced the proposal of the representative of South Africa. The Mali delegation could give the names of three former Presidents of the General Assembly with whom the South African Government had entered into contact, but would not do so because it did not desire to embarrass certain delegations. Although South West Africa was the only Territory still under mandate, although South Africa had been censured by the General Assembly and, in the opinion of every delegation, was unworthy of bearing responsibility for administering African populations, the proposal was that, in order to impress public opinion, three persons already chosen should be appointed by the General Assembly. Thus the intention was to forget the existence of the Committee on South West Africa, which had been prevented from carrying out its mission. That trick could deceive nobody; and for that reason the sponsors of draft resolution A/C.4/L.711 and Corr.1 had submitted their text in the hope that it would be put to the vote at once, without waiting for the end of the general debate, for it did not relate to the substance of the question.

40. It could be assumed that the reason the United Kingdom, which was not directly concerned in exploiting the wealth of the Territory, had submitted its draft resolution in such haste, and seemed unwilling to attach any weight to the reports of the Committee on South West Africa or to the statements made by a number of delegations, was that it was bent on defending the sordid interests of South Africa. The vote on the draft resolution would remove any doubts, for States became great or small by their acts alone; their declarations changed nothing. He hoped that the United

Kingdom delegation would not press to the vote a draft resolution so opposed to the interests of the populations of South West Africa.

41. Draft resolution A/C.4/L.711 and Corr.1 coincided with the proposals made by the Committee on South West Africa, for the co-sponsors considered no solutions could be sounder. The Committee on South West Africa possessed the confidence of the great majority of the members of the Fourth Committee; it must be protected against the unfair insinuations of those who desired to dissolve it and replace it by a group of their own choice. Until the Committee on South West Africa had accomplished its mission, there could be no question of replacing it by another body, since that would mean disavowing it. Paragraph 1 of the operative part of the draft resolution did not require any explanation, for it was proper that the As-

sembly should protect a body it had itself appointed. Paragraph 2 was the logical consequence of the preceding considerations.

42. In conclusion, he called the attention of the members of the Committee to the seriousness of the situation, and invited the United Kingdom not to impair its prestige in the eyes of the Africans by hindering the United Nations.

43. Mr. ACHKAR (Guinea) asked if the Committee could take a decision on the draft resolutions before the end of the general debate.

44. The CHAIRMAN pointed out that that was not the customary procedure; the Committee always voted on draft resolutions at the end of the general debate.

The meeting rose at 6.5 p.m.