

GENERAL ASSEMBLY

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

In the absence of the Chairman, Mr. Rodzinski (Poland), Vice-Chairman, took the Chair.

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. ZULOAGA (Venezuela) observed that the results achieved by the Good Offices Committee on South West Africa had not been entirely satisfactory. The delegation of Venezuela had never felt very optimistic about its prospects, but since the General Assembly had been given to understand at the twelfth session that the Government of the Union of South Africa was prepared to negotiate, his delegation had supported General Assembly resolution 1143 (XII) establishing the Committee.

2. He drew attention to the statement in paragraph 24 of the Committee's report (A/3900) that the Committee had concluded that any proposal for partition should be discussed only on the initiative of the Union Government; and also to paragraphs 47, 48 and 52, subparagraph (6). In all those paragraphs there were references to a plan for the partition of the Territory but, as other delegations had pointed out, it was not clear with whom the proposal for such a plan had originated.

3. The Good Offices Committee made the somewhat unusual proposal that the General Assembly should encourage the Government of the Union of South Africa to carry out an investigation of the practicability of partition. There could be no doubt that the proposal would be rejected by an overwhelming majority, since the whole spirit of Chapters XI and XII of the Charter meant that all the former mandated territories should be placed under the International Trusteeship System until their peoples had progressed sufficiently to achieve self-government or independence. South West Africa was the only mandated territory which had neither been placed under trusteeship nor achieved self-government.

4. Although rejecting the proposal for the partition of the Territory, the General Assembly should be grateful

to the members of the Good Offices Committee for having initiated negotiations and maintained contact with the Union Government.

5. He reserved his delegation's position with regard to the suggestion that the activities of the Good Offices Committee should be continued for a further period; before expressing his views on that subject he would like to hear the opinions of other delegations and in particular those of the United Kingdom delegation.

6. Some delegations had intimated that they would shortly be prepared to submit draft resolutions. He would suggest that members should, as the representative of Mexico had recommended, refrain from submitting draft resolutions for the time being.

7. Mr. PACHACHI (Iraq) expressed his delegation's regret at the withdrawal of the South African delegation from the discussion in the Committee on an issue which the Chairman had rightly described as procedural and which could not materially affect the problem.

8. One of the most regrettable results of the so-called new approach had been the tendency on the part of some members of the Committee to ignore the background and origins of the problem. It should never be forgotten that there would have been no problem if the Union Government had followed the example of the other Mandatory Powers and placed the Territory under trusteeship, and it could still follow that course and thus settle the whole question. The case was not one in which right and wrong were evenly balanced on both sides and in which a solution might be sought through compromise. The fault lay entirely with the Union Government. Ever since 1946 that Government had adopted an uncompromising and at times provocative attitude, yet the General Assembly had taken no drastic action but had waited year after year in the hope that there would be a change.

9. At the eleventh session of the General Assembly two new lines of action had been adopted: one, in resolution 1059 (XI) was the request to the Secretary-General to carry out negotiations with the Union Government; the other, in resolution 1060 (XI), was the request to the Committee on South West Africa to study what legal action could be taken to ensure the fulfilment by the Union Government of its obligations under the Mandate. A number of delegations had suggested at that time that a further year of grace should be given to the Union before recourse was had to the legal means available under the Mandate.

10. That had been the situation at the twelfth session when the Chairman of the Fourth Committee had thought it necessary to intervene and had introduced a draft resolution (A/C.4/L.492) that was obviously controversial in character. Furthermore he had hinted that no substantive changes in the draft resolution would be acceptable to him. He had declared that there was need

for mediation between the United Nations and the Union Government—a serious departure from the view previously held by the majority of the General Assembly. The whole idea of mediation was objectionable. Mediation involved concessions on both sides; in the present issue there was no room for further concessions by the United Nations. Moreover the proposal to establish a good offices committee had seemed unnecessary in view of the existence of the Committee on South West Africa. The delegation of Iraq had suspected that the proposed good offices committee was intended to deal with matters outside the competence of the Committee on South West Africa, and the fear that it might be used to obtain further concessions from the United Nations had not been lessened by the fact that the Union Government had in the past proposed the establishment of a separate negotiating group composed of members acceptable to it and the Fourth Committee had shown little sympathy for that idea.

11. Thus all the circumstances had combined to make his delegation sceptical about the so-called new approach. It had not, however, opposed the establishment of the Good Offices Committee, in the hope that some good would come of it.

12. The most striking feature of the report of the Good Offices Committee was the way in which it contradicted itself. After concluding that it would not be justified in making any suggestions relating to the partition of the Territory and that such proposals should be discussed only on the initiative of the Union Government, the Committee had volunteered to mention partition as a possible alternative. That action had not only exceeded the Committee's terms of reference but was contrary to the stand so far maintained by the General Assembly, and to the principles of the Mandate. By even contemplating the possibility of the annexation of part of the Territory the Good Offices Committee had violated the cardinal principles upon which the Mandates and Trusteeship Systems had been based.

13. No adequate explanation had been given for the contradictions in the report. In reply to a question he himself had asked at the 750th meeting, the Chairman of the Good Offices Committee had stated (752nd meeting) that when the proposal had first been mentioned, it had been taken up by the Union Government. That was not surprising; it was what that Government had been awaiting for many years.

14. The statement made by the United Kingdom representative at the 755th meeting that the Good Offices Committee had not proposed that the Administering Authority should be the South African Government was not borne out by the report. Paragraph 47 clearly implied that partition had been discussed within the context of the conclusions set forth in paragraphs 23-26, one of which was that the northern section of the Territory would be placed under trusteeship with the Union Government as the Administering Authority. It was clear from paragraph 51 that that had been the Union Government's understanding and there was no indication in the report that the Committee disagreed with that interpretation.

15. The most interesting part of the report was perhaps that dealing with the reasons that had persuaded the Union Government to change its attitude. Paragraphs 38, 39, 40, 41 and 46 showed that it had not been willing at that time to accept the United Nations as the

possible second party to any agreement. With the mention of partition all reasons of principle, law, national security and local politics were forgotten. The explanation offered to justify that change of attitude gave the impression that the only reason which had prevented the conclusion of a trusteeship agreement had been a discussion of the Union Government's racial policies. The fact that the original proposal for annexation^{1/} had long preceded any such discussion was ignored. The impression gained was that the Union Government would be ready to agree to a trusteeship agreement at a price—the price being that the southern part of the Territory, which contained most of its mineral wealth, should be annexed to the Union. Under any such agreement, moreover, the northern part of the Territory would still be administered as an integral part of the Union.

16. His delegation felt strongly that the General Assembly should give a negative response to any proposal for partition. Even if partition were accepted as a possible alternative, his delegation considered that the task of investigating its practicability should be carried out by the United Nations rather than by the Union Government. For the time being the Fourth Committee should do no more than take note of the report of the Good Offices Committee and, as in the past, wait for the Union Government to reconsider its position and make whatever counter-proposals it might deem fit. His delegation favoured trusteeship as the only just solution of the problem. It was opposed to the suggestion that there should be an agreement between the South African Government and the three remaining Principal Allied and Associated Powers, as that would be based on a legal fiction and would violate the principles of the Mandate. In any event the Union Government itself seemed to have lost interest in that proposal. The suggested arrangements for reproducing the Mandates System, outlined in paragraphs 16 to 21 of the report, appeared rather complex and needed further study.

17. The partition plan had been welcomed by some members of the Fourth Committee because it would enable the majority of non-European inhabitants of the Territory to be placed under trusteeship and there was a possibility that the administration might be entrusted to a State other than the Union Government. In other words, they were ready to pay the price. All members of the Committee were interested in the welfare of the African inhabitants of the Territory, but would it really be protecting their interests to surrender them to the Union Government? Those Member States which had close relations with the Union Government could render greater services to the United Nations and to the Union itself if instead of calling on the Fourth Committee to make concessions they would direct their appeals to the Union Government. He therefore appealed to the representatives of those Member States to use whatever influence they had to bring about a just solution in accordance with the Charter.

18. Mr. MARTIROSYAN (Union of Soviet Socialist Republics) observed that South West Africa was one of the many areas on the African continent where colonialism was still holding out against the movement for the liberation of the dependent peoples of the world. The Union Government refused to acknowledge that it

^{1/} See A/123.

had any responsibility to the United Nations with regard to the Territory although it was itself a member of the Organization and a signatory to the Charter. In violation of the principles of the Charter, its international obligations and the resolutions of the General Assembly, it had in effect converted the Territory into its colony, instead of placing it under the Trusteeship System.

19. The General Assembly could not tolerate such a situation. It should demand compliance with the provisions of the Charter and fulfilment by the Union of South Africa of its international obligations in respect of South West Africa. In conformity with the provisions of the United Nations Charter, it should take the necessary steps to ensure the restoration of the rights and freedoms of the people of the Territory and should give them the right to establish their own representative governing bodies and to exploit freely for their own purposes the very rich resources of the Territory.

20. It was evident, however, from the petitions and communications received by the Committee on South West Africa that trusteeship status was what the indigenous inhabitants wanted and that they wanted it not for a part of the Territory only but for South West Africa as a whole. He drew attention in that connexion to the petitions from the Nama inhabitants of the Hoachanas Reserve, the petition from the Kuanyamas of the Ukuanyama Tribal Congress and several petitions from the Ovambos, in which they demanded that the Territory should be placed under United Nations trusteeship. All those petitions were included in the annexes to the report of the Committee on South West Africa (A/3906 and Add.1). The report showed that the application in the Territory of the policy of apartheid had been accelerated during 1957 and the beginning of 1958 and that the economic and social restrictions imposed on the indigenous population had been tightened. Under the racist legislation of the Union Government the great majority of the Territory's inhabitants were deprived of a voice in the administration of their affairs, while power was concentrated in the hands of the European minority. The petition from the Namas to which he had referred complained that the white settlers had robbed the Africans of all that they possessed and had made them strangers in their own land. Chief Kutako of the Herero tribe, in one of his petitions (A/3906, annex VI), described the reserves to which the Africans were confined as jails, while a petition from representatives of the Ovambo likened Ovambo-land to a concentration camp. The Kuanyamas' petition described the arrests, heavy fines and prison sentences to which the Africans were subjected in accordance with the apartheid policy; it also told of the killings of Ovambo workers by white settlers.

21. Although most of the land in the Territory had already been seized by Europeans and large numbers of Africans had consequently been forced to settle in the infertile areas of the North, the process of land alienation was continuing, as paragraph 110 of the report of the Committee on South West Africa showed. The lands on which valuable mineral deposits were situated had been seized and were being exploited by South African, United States and other foreign companies. A substantial proportion of the enormous profits derived from the exploitation of those deposits went into the pockets of United States investors. Despite the Territory's considerable revenue, the

indigenous inhabitants were not provided with adequate medical care or education. The petition from Chief Kutako to which he had referred noted that the death rate in the reserves was exceedingly high owing to the lack of medical facilities and personnel and the appalling living conditions of the indigenous inhabitants. The complaints set forth in the petitions annexed to the report of the Committee on South West Africa had been supplemented and confirmed by the informative statements made to the Fourth Committee by Mr. Scott and Mr. Kerina.

22. With regard to the report of the Good Offices Committee (A/3900), he recalled that his delegation had warned the General Assembly at the twelfth session (709th plenary meeting) that as the proposed body was to include representatives of two of the colonial Powers it could hardly be expected to negotiate with the Union Government on the basis of the United Nations Charter. Indeed, those Powers had brought pressure to bear to ensure that no mention of the Charter was made in the terms of reference of the Good Offices Committee. His delegation's misgivings were confirmed by the report, for it recommended that the General Assembly should consider the plan of partition of the Territory as a basis for the settlement of the question of South West Africa. The Good Offices Committee had entered into collusion with the Union Government to flout the principles of the Charter and override the interests of the indigenous population. The delegation of the Soviet Union had pointed out at the time that, in those circumstances, it was to be expected that the members of the Committee representing the United States and the United Kingdom would take the line of defending the colonialist aspirations of the Union of South Africa. The Charter called for the protection of the rights of dependent peoples and defined the obligations of the Powers administering them, yet there was no mention of the Charter in the report of the Good Offices Committee, since all its efforts from the very beginning were aimed at side-tracking and violating the principles of the Charter. The members of the Committee were obviously bent upon furthering the Union Government's desire to annex the Territory despite the General Assembly's categorical rejection, in its resolution 65 (I), of South Africa's request for United Nations sanction of its annexationist designs in 1946. The Committee's report showed that, under the plan, the entire Territory of South West Africa would be joined to the Union of South Africa, with the exception of those of its northern areas which would be governed by the Union of South Africa as an inalienable part of the Union, on the basis of a trusteeship agreement with the United Nations. Under the partition scheme the natural wealth of the southern and central parts of the Territory, which should be the mainstay of the well-being and economic independence of the indigenous inhabitants, would enrich the South African and United States monopolies exploiting it while the indigenous inhabitants would be relegated to the poorest part of the Territory.

23. The alternative proposal put forward in the report of the Good Offices Committee, namely, that the Union Government should enter into an agreement with the Governments of France, the United Kingdom and the United States concerning its obligations with regard to the administration of South West Africa was likewise a proposal which had already been put forward by the Union Government and rejected by the General As-

sembly in its resolution 749 A (VIII). The obvious explanation for its resurrection now was that two of the members of the Good Offices Committee were representatives of the very colonial Powers with which the Union Government was prepared to deal.

24. The representatives of the United States and of the United Kingdom would like the General Assembly to become an organ of the colonialists and, in disregard of its principles and its obligations towards the peoples of South West Africa, to agree to approve the annexation of South West Africa by the Union Government. The United States representatives tried to conceal under a hypocritical profession of sympathy with oppressed peoples the colonialist character of United States imperialism, which did not even shrink from using armed force to halt the process of the liberation of peoples from the colonial yoke. Many peoples had learned by experience the meaning of United States imperialism; they had satisfied themselves that the only difference between that imperialism and the old colonialism was one of form and method of colonial exploitation, and that in essence they were identical. The report of the so-called Good Offices Committee, in which the United States played a leading part, showed clearly that the United States was not in the least concerned with the interests of the indigenous inhabitants of the colonial territories and that the interests of the colonialists meant more to it than the principles of the United Nations Charter.

25. At the beginning of the discussion, the representatives of the United States, the United Kingdom and the Union of South Africa had tried to prevent the Fourth Committee from discussing the issue in accordance with its normal procedures because they knew that close scrutiny would reveal the colonialist character of their proposals. First of all, in defiance of good sense and logic, they had tried to persuade the Committee to agree to an artificial breakdown of its consideration of agenda item 39 so that the report of the Good Offices Committee could be discussed apart from the other aspects of the problem. Next, they had made every effort to prevent the granting of hearings to the two petitioners. The report itself, however, made clear what had been the real purpose of the United States and the United Kingdom in forcing the Fourth Committee, by means of an ultimatum, to approve the composition and terms of reference of the Good Offices Committee at the twelfth session. He believed also that the report submitted by the Committee had destroyed all the illusions obviously cherished by the delegations of a number of countries which had allowed themselves to be persuaded to vote for the establishment of such a committee. The report showed them that they had been deceived and that their votes had been used for the realization of a low colonialist plot.

26. The report contained no new ideas but under cover of the vaunted new approach sought to resurrect the annexation scheme which had been rejected twelve years earlier. The Union Government, continuing to flout the Charter and the numerous resolutions adopted by the General Assembly in connexion with South West Africa, had virtually annexed the Territory and was once again trying to obtain United Nations approval of its action through one or the other of the two allegedly new proposals.

27. The General Assembly must insist that the problem should be solved within the framework of the

United Nations and in accordance with its Charter and must take the necessary steps to enable the indigenous inhabitants of the Territory to recover all their rights and build their lives in accordance with their own wishes and interests.

28. In the view of his delegation, the Territory should be placed under the Trusteeship System of the United Nations in accordance with the express wishes of the indigenous population and the provisions of the Charter. His delegation would support the General Assembly in carrying out such steps as would ensure the protection and full exercise of the rights of the indigenous inhabitants, and make it really possible for the indigenous people to exercise their legitimate right to self-determination.

Mr. Boland (Ireland) resumed the Chair.

29. Mr. EL-RIFAI (Jordan) emphasized that any criticisms he might make of the report of the Good Offices Committee were not intended to reflect on the integrity of its members.

30. His delegation had been dismayed to find that while great consideration had been paid to the wishes of the Union Government, the desires of the people of South West Africa were not taken into account. As an explanation of that fact the Chairman of the Good Offices Committee had stated that the Committee had not been required to carry on discussions with the indigenous inhabitants. It was regrettable that the report represented only one side of the picture and even more regrettable that some of the representatives in the Fourth Committee maintained that the voice of the people should be silenced and had even attempted to prevent representatives of the inhabitants of South West Africa from being granted a hearing.

31. The report was most informative regarding the attitude taken up by the Union Government. That Government had not only refused to discuss the question of South West Africa in the United Nations but had strictly limited the scope of its discussions with the Good Offices Committee. Paragraph 30 of the Committee's report was self-explanatory in that regard.

32. The Union Government had alleged that 90 per cent of the population of the Territory approved of incorporation in the Union of South Africa. It was not clear, however, whether that meant 90 per cent of the white inhabitants or of the population as a whole. That doubt was strengthened by the Union Government's objection to the granting of hearings.

33. Despite the resolutions adopted by the General Assembly and the Trusteeship Council, the Union Government still refused to place the Mandated Territory under the Trusteeship System. The indigenous people of South West Africa had the right to decide their own future. Their word on the subject should be the last word.

34. In the light of those considerations his delegation would support any draft resolution that would take into account the right of the people of South West Africa to independence and freedom. He reserved the right to comment on any draft resolutions that might be submitted.

35. Mr. SHIMA (Japan) said that his delegation fully endorsed part B of the Good Offices Committee's report, concerning the formulation by the Committee

of general principles and proposals. It felt however that the conclusions reached by the Committee, and more especially those contained in paragraph 52, sub-paragraph (7), of its report, went further than had been expected by the General Assembly when it set up the Committee. He recognized, however, that if the Committee had remained strictly within its terms of reference, it would have been impossible to learn whether in fact there was any basis for agreement with the Union Government. He would accordingly commend the Committee for its efforts to find a solution to the difficult problem of South West Africa.

36. The purpose of the so-called new approach was surely to tackle the problem from a new angle which might lead to a settlement satisfactory not only to the South African Government but also to the United Nations. The report had revealed what would be acceptable to the Union Government; the Fourth Committee should therefore consider the recommendations in the report and decide whether they were acceptable to the United Nations in the light of the principles of the Charter.

37. The Good Offices Committee felt that, if the General Assembly were able to consider partition as a possible basis for agreement, the preliminary investigation and the preparation of detailed proposals should be carried out solely by the Union Government. At the 750th meeting he had asked the Chairman of the Good Offices Committee to elucidate that point, and the latter had replied at the 752nd meeting that it had been the practice, in the case of all mandated territories placed under trusteeship, for the Administering Authority to submit to the United Nations the terms under which it proposed that a trusteeship agreement should be made. But the Committee's proposal was not merely one for trusteeship; it was for the partitioning of South West Africa. If the investigation were carried out by the Union Government, the United Nations would have no further opportunity of having its views reflected in the plan for partition until every detail had been worked out by the Government of South Africa alone. His delegation could not agree with the Good Offices Committee that that procedure was desirable.

38. In the absence of a definite proposal, it was impossible for the General Assembly to express an opinion on partition. As for the question whether the General Assembly could accept, as a matter of principle, the idea of partition, in the hope of reaching an agreement with the Union Government, it must be remembered that partition was something entirely new and could hardly be considered by the General Assembly without examining all the relevant factors. It might be dangerous to accept even in general terms a commitment which could be morally binding in future dealings with the Union Government.

39. Although the International Court of Justice had stated in its 1950 advisory opinion^{2/} that there was no obligation on South Africa to place the Territory under the Trusteeship System, that did not mean that the existing situation should continue. It had to be assumed that the Union Government was also anxious to find a way to solve the problem. Consequently, the

^{2/} International status of South-West Africa, Advisory Opinion: I.C.J. Reports 1950, p. 128. Transmitted to Members of the General Assembly by a note of the Secretary-General (A/1362).

report should not be rejected outright, and efforts to seek a mutually acceptable basis of agreement should be maintained.

40. The United Nations naturally wished to see the remaining mandated territory become a Trust Territory under the Charter. That was not merely a question of legal obligations; Member States were surely expected to go beyond such obligations in their efforts to co-operate with the Organization. The Union Government, when it joined with other nations to establish the United Nations, had accepted the Charter as the guiding principle of its international activities. He appealed to the Union Government to expand the scope of its efforts to seek further means of co-operation with the United Nations.

41. He was unable to support at that stage the conclusions reached by the Good Offices Committee, but felt that the General Assembly had followed the right course in establishing that Committee in an effort to explore new possibilities of reaching an amicable settlement of the question of South West Africa. As a result, contacts with the Union Government had been re-established, and further efforts in that direction should be made. His delegation would support any proposal aimed at such further exploration.

42. Miss POHJALA (Finland) said that Finland, as a member of the Committee on South West Africa, felt bound by the 1950 advisory opinion of the International Court of Justice and by the various resolutions of the General Assembly, particularly resolution 749 A (VIII) under which the Committee on South West Africa made a full report each year on conditions in the Territory. Her country's relations with the Union of South Africa were most friendly, and Finnish participation in the work of that Committee was in the spirit of those good relations.

43. Her delegation had accordingly been in favour of the establishment of the Good Offices Committee, and had hoped that that would lead to the initiation of a negotiated settlement of the problem.

44. Expressing her appreciation to the members of the Good Offices Committee, she said that, in her view, its most important achievement had been that discussions had been begun, and she felt that such efforts should be continued without prejudice to the substantive position of the parties. The Good Offices Committee had paid a tribute to the spirit of frankness and friendliness and to the desire to find a mutually acceptable basis for agreement with which it had been met by the Government of South Africa. That was the spirit in which her delegation wished to approach the question and which would govern its attitude towards any draft resolutions that might be submitted.

45. Mr. PEREZ GALLIANO (Guatemala) observed that it was clear from the report of the Good Offices Committee that South Africa was not disposed to accept the United Nations as the second party in the question of South West Africa, but that it was ready to come to an agreement with the three remaining Principal Allied and Associated Powers. The latter idea was unacceptable; the Powers in question had not been the only Members of the League of Nations and in any case the United Nations was the legal successor to the League.

46. In his opinion, the Good Offices Committee had not been empowered to discuss partition with the Union or to make recommendations that the Union should be encouraged to investigate the practicability of partition. But no doubt it had wished to do more than merely produce a barren report.

47. The great majority of the members of the Fourth Committee seemed to agree that partition should not be considered unless it were put forward as a formal proposal. Before deciding whether the Union should be asked to make such investigations, the Committee and the General Assembly would have to decide whether

partition was the right way to settle the problem of South West Africa.

48. The Committee should take note of the report and then decide whether the Good Offices Committee should remain in being and, if so, whether its terms of reference should be changed. His delegation felt that the Good Offices Committee had achieved nothing and that it should not continue its efforts. The Committee on South West Africa was in existence and was fully equipped to continue negotiations with the Union; if necessary, its powers could be extended.

The meeting rose at 12.40 p.m.