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MEETING**

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

**AGENDA ITEM 39**

**Question of South West Africa (*continued*):**  
**(a) Report of the Good Offices Committee on South West Africa (A/3900, A/C.4/L.531, A/C.4/L.532)**

**LETTER FROM THE REVEREND MICHAEL SCOTT**

1. The CHAIRMAN read out a letter dated 20 October 1958 which he had received from the Reverend Michael Scott referring to a statement made by the United Kingdom representative on the status of the South West African Mandate in relation to the British Crown (763rd meeting). According to the writer, that statement had implied that Queen Elizabeth II was not one person but several legal entities which might be moved in several different and even opposite directions according to the advice of the different Commonwealth Governments. Such a position placed the representatives of Commonwealth countries on the Fourth Committee in a political dilemma. The Governments of Ghana, Ceylon, India, and Pakistan had accepted the advisory opinions of the International Court of Justice on the status of South West Africa and would advise Queen Elizabeth accordingly with respect to her obligations under the Mandate. The Government of the United Kingdom, on the other hand, accepted the advisory opinions only in part, and that of the Union of South Africa had rejected the opinions both of the International Court of Justice and of the General Assembly.

2. The letter went on to refer to the way in which a petition from South West Africa, the text of which was reproduced in annex XXII of the report of the Committee on South West Africa (A/3906 and Add.1) and which had been addressed originally to Queen Elizabeth II, had been dealt with. The writer had received it and forwarded it to Queen Elizabeth, as requested by the petitioners. He had received in reply a suggestion from the Queen's private secretary that the petitioners should be asked to send their petition through the Governor-General of the Union of South Africa.

3. The Reverend Michael Scott expressed the opinion that a matter vitally affecting the integrity of the British Commonwealth and the United Nations could

not be dealt with by the erection of such legal fictions. The Commonwealth countries and the United Nations could resolve their dilemma by agreeing to accept the judgement of the International Court. He went on to suggest that a resolution should be introduced inviting the Commonwealth countries, the former Members of the League of Nations and the Principal Allied and Associated Powers to seek the judgement of the International Court through the proper procedure provided by article 7 of the Mandate and Article 36 of the Statute of the Court, as the petitioners heard by the Fourth Committee had requested, and thereby determine the status and responsibilities of those concerned in the destiny of South West Africa and of its people.

**QUESTION OF A VERBATIM RECORD OF THE  
DEBATE ON SUB-ITEM (a) (*continued*)**

4. Mr. RASGOTRA (India) said he would like to reopen the discussion on the question of a verbatim record of the debate on sub-item (a) of agenda item 39. The Committee was dealing with a problem of vital concern to over 500,000 people with whom it had no direct contact. It should keep petitioners representing those people informed of its views on that problem. Furthermore, the Union Government should be made fully aware of the tone of the discussions in the Committee and summary records were insufficient for that purpose; for example, legal arguments had been used, the finer shades of which were missed in summary records.

5. Members of the Good Offices Committee on South West Africa had not been present during the debate. If that committee was to continue its work, it was imperative that verbatim records of the debate on its report (A/3900) should be available to it as indeed was implied in two of the draft resolutions before the Fourth Committee (A/C.4/L.531, A/C.4/L.532). Again, those draft resolutions reflected the spirit of compromise necessary to find a just settlement rather than the debate itself; but it was misleading to read the resolutions without having read a full account of the debate.

6. The financial aspect was not of overriding importance. Expenditure was already incurred on the daily summary records, and he thought that if verbatim records were made, the additional expenditure would be inconsiderable. Economy should not be at the expense of efficiency, especially in view of the great importance of the debate to the peoples concerned.

7. According to rule 60 of the rules of procedure, verbatim records were to be made of the proceedings of the Main Committees established by the General Assembly. In the Secretary-General's memorandum to the General Committee (A/BUR/149) it was stated that verbatim records had been authorized, in accordance with a recommendation made by the Fifth Committee at the second session, for one Main Committee

at a time, the Committee which, in the opinion of the General Committee, had the most important items on its agenda. But surely the Fourth Committee was a Main Committee and the item with which it was dealing was surely one of major importance in the thirteenth session? The Committee would be within its rights in asking for verbatim records. He would suggest that the estimates which the Secretariat had been asked to provide should also cover the cost of comprehensive summary records, which might well be as great as that of verbatim records.

8. The CHAIRMAN recalled that he had informed the Committee at the previous meeting of the view of the Chairman of the Fifth Committee on the subject of a verbatim record, namely, that the President of the General Assembly should be consulted in the first place. He further recalled that a draft resolution<sup>1/</sup> had been passed by a large majority in the Fifth Committee recommending that the existing practice with regard to verbatim and summary records should be followed.

9. He would suggest that a vote should be taken on the proposal that the President of the General Assembly should be approached on the question whether the General Assembly's decision, taken on the basis of a recommendation by the General Committee, could be altered so that the debate on sub-item (a) would be circulated verbatim.

10. Mr. RASGOTRA (India) said that, in view of the wording of rule 154 of the rules of procedure, his understanding was that, before that resolution was submitted, estimates of expenditure on the lines which he had already suggested should be considered.

11. Mr. KANAKARATNE (Ceylon) asked whether the Secretariat could produce on the following day an estimate of the expenditure involved, since that would be relevant to the voting. It did not seem fair to expect certain delegations whose views on the subject were not as strong as those of his own to vote without having some idea of the amount of money involved.

12. Mr. ESPINOSA Y PRIETO (Mexico) agreed with the views of the Indian representative. The Committee on the Control and Limitation of Documentation had been assured by the Chief Editor that summary records were less expensive to produce than verbatim records, and they had had no option but to accept that statement. He would be prepared to agree that the Good Offices Committee should be provided with a much more extensive summary made from the sound recordings, but nevertheless, he wished to reserve his delegation's position on the matter.

13. Mr. BOZOVIC (Yugoslavia) supported the Indian representative's suggestion that the Secretariat should submit estimates of the expenditure involved. He was not convinced that the only procedure open was that suggested by the Chairman. The General Committee was not in a position to limit the rights of a Main Committee. The fact that a draft resolution had been adopted in the Fifth Committee did not preclude the Fourth Committee from reaching a decision of its own.

14. The CHAIRMAN pointed out that rule 154 of the rules of procedure would apply to a resolution involving expenditure but would not be an obstacle to its adoption. What was in fact being proposed, however,

was a resolution directly contrary to a decision of the General Assembly.

15. The correct course might be to look for an amendment by the General Assembly of its own decision. If the Committee felt that discussions on sub-item (a) should be recorded verbatim, a suggestion to that effect could be placed before the President of the General Assembly.

16. Mr. LOIZIDES (Greece) felt that the main question was to ascertain what was the best form in which to make the Committee's discussions available; he agreed that ordinarily summary records could not replace verbatim records, and supported the Indian proposal.

17. Mr. RASGOTRA (India), recalling that the draft resolution adopted by the Fifth Committee had provided that the existing practice with regard to the maintenance of verbatim and summary records should be continued unaltered in all respects, said that it seemed to him that the existing practice was embodied in rule 60 of the General Assembly's rules of procedure, in accordance with which committees might decide upon the form of their records. Under that rule the Fourth Committee was entitled to request verbatim records of its proceedings whenever it saw fit. In the present instance it was asking for a verbatim record not of its entire proceedings but only of its discussions on an item which had been recognized by the Fourth and other committees as having the greatest importance.

18. Mr. BOZOVIC (Yugoslavia) asked whether the Secretariat was transcribing the discussions in the Special Political Committee at the present time and what were the internal procedures determining whether or not they should be transcribed.

19. Mr. PEISSEL (Secretariat) replied that the Secretariat was now compiling a complete verbatim record of the proceedings in the Special Political Committee in English and French and the verbatim record in Russian and Spanish of the statements made in those two languages. The records were transcribed from sound recordings because the verbatim reporters' services were required for the plenary and/or the First Committee meetings. Only a few copies of the records were made. They were not circulated to the members of the Special Political Committee but were available to them for reference. Even with those two systems the Secretariat did not have the facilities for making verbatim records of more than two meetings held simultaneously.

20. Mr. PACHACHI (Iraq) said that if the five-Power draft resolution before the Committee (A/C.4/L.532) were adopted in its present form the financial implications of the provision in paragraph 5, that the Secretary-General should be requested to continue to provide the Good Offices Committee with all necessary staff and facilities, would have to be examined by the Fifth Committee before being voted on by the General Assembly. That would mean that the Secretary-General would be required to provide estimates of the cost of those services and his estimate would be discussed by the Advisory Committee on Administrative and Budgetary Questions. Therefore the present difficulty might be solved by adding to the draft resolution another operative paragraph requesting the Secretary-General to make available to the Good Offices Committee the verbatim record of the discussions on sub-item (a). The estimate for that service could then be studied

<sup>1/</sup> See A/3982, para. 10.

jointly with the estimate for the necessary staff and facilities.

21. Mr. RASGOTRA (India) said that he would prefer to maintain his original proposal, which he intended to submit in written form as soon as the Secretariat had provided the Committee with estimates of the expense involved in the preparation of verbatim records on the one hand and comprehensive summaries on the other.

22. Mr. KANAKARATNE (Ceylon) was at a loss to understand why the Secretariat was unable to give figures of the approximate cost of having a verbatim record made of the debate on sub-item (a).

23. The CHAIRMAN pointed out that much would depend on whether the sound recordings that had been made were transcribed during or after the session of the General Assembly, and whether the transcription would be made available to the Good Offices Committee only or would be given general circulation. The Secretariat must have precise details of what the Committee wanted before it could make an estimate.

24. Mr. RASGOTRA (India) said that his delegation would like the verbatim record to be available to representatives, to others who were interested and to the members of the Good Offices Committee, which, if it were renewed, would presumably begin functioning shortly after the conclusion of the current session of the General Assembly. So long as the record was prepared soon after the conclusion of the session his delegation's purpose would be served.

25. Mr. BOZOVIC (Yugoslavia) asked whether it would be possible for the Secretariat to apply the same procedure as was used in the Special Political Committee, i.e. whether a certain number of copies of the verbatim record could be made available to the Good Offices Committee, and, for reference purposes, to any delegation that asked for it.

26. Mr. PEISSEL (Secretariat) replied that after the conclusion of the session of the General Assembly it would be possible to make such a transcription. He pointed out, however, that each speech was recorded in the language in which it had been made so that a very large amount of translation work would be involved in the production of such a record, necessitating the allocation of supplementary funds.

27. Miss BROOKS (Liberia) thought that if the procedure used in the Special Political Committee could be used in the Fourth Committee, a paragraph could be added to the draft resolution stating that a copy of the verbatim record should be supplied to the Good Offices Committee.

28. Mr. GEBRE-EGZY (Ethiopia) did not accept the idea that the Secretariat would be unable to supply the desired information unless a specific resolution were adopted. His delegation associated itself with the other delegations which had asked for an estimate of the total cost involved.

29. Mr. KANAKARATNE (Ceylon) would put two questions to the Secretariat: firstly, what the estimated cost would be of producing a verbatim record of the general debate on sub-item (a) during the General Assembly, either for circulation among all delegations and the Good Offices Committee if reappointed, or for limited circulation for the use of the Good Offices Committee only; secondly, what expenditure would be

incurred if the reproduction were to be undertaken after the conclusion of the session of the General Assembly.

30. Mr. RASGOTRA (India) wished to add a third request to the two made by the representative of Ceylon, i.e. that similar information should be provided in respect of the preparation of comprehensive summary records.

31. The CHAIRMAN suggested that the Secretariat should prepare estimates as requested by the representatives of Ceylon and India.

It was so decided.

#### CONSIDERATION OF DRAFT RESOLUTIONS (A/C.4/L.531, A/C.4/L.532) (continued)

32. The CHAIRMAN invited the members of the Committee to consider the various draft resolutions that had been submitted (A/C.4/L.531, A/C.4/L.532).

33. Mr. Irving SALOMON (United States of America) said that his delegation was deeply concerned with the question of South West Africa and was anxious to give careful study to the various draft resolutions and amendments submitted. He would therefore reserve his delegation's position on the draft resolutions for the time being.

34. Mr. DORSINVILLE (Haiti) recalled that during the procedural debate at the beginning of the session his delegation had made formal reservations with regard to the timeliness of submitting draft resolutions concerning the report of the Good Offices Committee immediately after the close of the debate on sub-item (a). In doing so it had had in mind the need to take into consideration all aspects of the situation in the Territory before coming to any conclusion. His delegation had agreed to discuss the report of the Good Offices Committee on the understanding that delegations were free to advance all pertinent arguments in order to make their position clear. During the debate he had made it clear that although his delegation would be ready to examine that part of the report of the Good Offices Committee which dealt with the possibility of establishing an organ deriving from the League of Nations Mandate but fitting as closely as possible into the International Trusteeship System, it was irrevocably opposed in principle to any partitioning of the Territory.

35. In view of those considerations his delegation was prepared to give favourable consideration to the five-Power draft resolution (A/C.4/L.532). He warmly supported operative paragraph 1. With regard to operative paragraph 2, his delegation jointly with those of Ghana, Greece, India, Indonesia, Liberia, Philippines and Thailand had submitted the amendments to be found in document A/C.4/L.535. It felt that the General Assembly should recall a fact that was recognized by the Union Government itself, namely that it was obliged to administer the Territory in accordance with the Mandate even though it had refused to place it under trusteeship. With regard to the second amendment, he could not see how the Members of the United Nations could accept any agreement between the United Nations and the Union Government which was not in accordance with the principles and purposes of the Charter.

36. With regard to the amendments suggested by the Chilean representative at the previous meeting, his delegation strongly objected to the idea of a consultation of the indigenous inhabitants. The time was not yet ripe for such a consultation; the example of the consultation held by the Union of South Africa in the Territory in 1946 was sufficient to show the dangers of a consultation carried out without proper supervision and guarantees. It was because his delegation was aware of the situation of the people of South West Africa that it refused to debate any formula that might give rise to misunderstanding. Before a popular consultation could be held the people of South West Africa should be educated and their horizons broadened and they must be guaranteed a decent standard of living. He did not believe that world public opinion would wish the General Assembly to sacrifice the future of South West Africa by holding a consultation for which the people were not yet prepared.

37. Mr. ABIKUSNO (Indonesia) observed that two considerations had emerged from the debate. Firstly, there had been strong opposition to the idea of partition as being contrary to the principles and purposes of the United Nations and also to the interests of the inhabitants of the Territory. A majority of the members of the Committee also appeared to agree that since South West Africa was a Mandated Territory—a fact recognized by the Union Government itself—the Union Government was accountable for its policies in the Territory to the international community whose supervisory functions were now exercised by the United Nations. Obviously any solution must apply to the Territory as a whole. That position had been reaffirmed in numerous resolutions adopted by the General Assembly during the past ten years. Paragraph 2 of the five-Power draft resolution did not entirely satisfy his delegation in that respect.

38. It was unnecessary to emphasize that according to the 1950 advisory opinion of the International Court of Justice,<sup>2/</sup> the legal status of the Territory was that of a Mandated Territory, and that that fact should be brought to the attention of the Good Offices Committee in order to prevent any repetition of the mistake that had been so deeply deplored during the debate. He had therefore been moved to join with other delegations in sponsoring the two amendments in document A/C.4/L.535. Those amendments would greatly improve the original text and bring it into greater conformity with the views expressed by the members of the Fourth Committee.

39. His delegation believed in negotiation as an effective means of solving controversial problems. It could therefore agree in principle to the continuance of negotiations with the Union of South Africa. However, the conditions in which such negotiations would be held should be specifically laid down. While it was agreed that the Territory should be accorded an international status, there should be no doubt about exactly what the status should be.

40. Nevertheless, in a spirit of conciliation, his delegation was inclined to vote in favour of the draft resolution on condition that the amendments were accepted.

41. Mr. ZIKRIA (Afghanistan) said that while the Chilean draft resolution touched upon most of the important aspects of the matter it did not take into account the point raised by his delegation at a previous meeting, namely, that the Union Government could not question the right of the United Nations to supervise the administration of South West Africa, which, having had an international status under the League of Nations, should continue to have an international status now. The Mandates System had had its origin not in a bilateral treaty but in the Covenant of the League of Nations. The supervision exercised by the League of Nations should be continued under the United Nations. The five-Power draft resolution took that into account, in addition to having all the merits of the Chilean draft. His delegation thought that it was very important to mention the Territory's international status, the more so since the Good Offices Committee in its report had at times replaced the term by the term "international character", which no one had as yet precisely defined. He would likewise support the eight-Power amendments (A/C.4/L.535).

42. Mr. BAWUMIA (Ghana), speaking in support of the eight-Power amendments, of which his delegation was one of the sponsors, noted that the discussion had shown that there was general agreement on three points, namely, that the proposal to partition the Territory could not be entertained by the Committee, that negotiations with the Union Government must continue and that, whatever the solution ultimately adopted, the principles of the United Nations must prevail. The amendments merely emphasized those principles and it was difficult to see how anyone could have a valid objection to that. The fact that South West Africa was a Mandated Territory, as the Union of South Africa itself admitted, must be stressed so that there could be no doubt in anyone's mind on that score.

43. He agreed with the Haitian representative that the time was not ripe to consult the inhabitants of the Territory with regard to their future, for agreement must first be reached with the Union Government whereby such a consultation would be conducted in accordance with the principles of the Charter.

44. He hoped that the Chilean representative would facilitate the work of the Committee by withdrawing his draft resolution in favour of the five-Power draft resolution and the eight-Power amendments.

45. Mr. COHEN (Chile) said that he could not withdraw his draft resolution until he had received an answer from the sponsors of the five-Power draft to his suggestions for amendments designed to reconcile the two texts.

46. Mr. RAO (India) recalled that at the previous session his delegation, although it had doubted that the Good Offices Committee could achieve any measure of success, had refrained from opposing its establishment because it did not wish to stand in the way of the exploration of any possibility which might lead to recognition by the Union Government of the legitimate and inherent rights of the people of the Mandated Territory. Despite the unfavourable results of the Good Offices Committee's efforts, many delegations thought that it should continue its negotiations, and again his delegation, notwithstanding its own views, had decided not to oppose that view.

<sup>2/</sup>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).

47. The five-Power draft resolution was unsatisfactory, however, for the Committee's resolution should reflect at least in spirit the opinions expressed by the majority of delegations during the general debate. Although the draft resolution specifically rejected partition and annexation, it did not, in the view of his delegation, go far enough, for the sense of the statements made by a majority of the delegations was that acceptance of the proposals set forth in the Good Offices Committee's report would be tantamount to according an international status to the concept of apartheid. Nevertheless, in the hope that a draft resolution might be approved unanimously, his delegation would limit itself to insisting on the two amendments

proposed by the eight Powers: firstly, that the word "Mandated" should be inserted in order to describe the true nature of the Territory; and secondly, that it should once again be emphasized that any solution must be based on the principles and purposes of the Charter, particularly since the proposal which was the result of the Good Offices Committee's previous efforts was entirely opposed to those principles and purposes and even to the provisions of the Mandate. Unless those amendments were approved, his delegation would be obliged to oppose the draft resolution.

The meeting rose at 5.15 p.m.