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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*)**
- (b) Report of the Committee on South West Africa (A/3906 and Add.1, A/C.4/L.533/Rev.1 and Add.1 and 2, A/C.4/L.534 and Add.1 and 2);
- (c) Study of legal action to ensure the fulfilment of the obligations assumed by the Mandatory Power under the Mandate for South West Africa: resumed consideration of the special report of the Committee on South West Africa (A/3625, A/3906 and Add.1, A/AC.73/L.10 and 12, A/C.4/L.537)

CONSIDERATION OF DRAFT RESOLUTIONS (A/3906, ANNEX I; A/C.4/L.533/REV.1 AND ADD.1 AND 2; A/C.4/L.534 AND ADD.1 AND 2; A/C.4/L.537) (*concluded*)

1. Mrs. PAYNE COOPER (Liberia) submitted the draft resolution on conditions in the Territory of South West Africa sponsored by her delegation and the delegations of Ethiopia and Poland (A/C.4/L.533/Rev.1).
2. With reference to paragraph 1, she observed that the Fourth Committee was fully aware of the obstacles which had confronted the Committee on South West Africa owing to the Union Government's lack of co-operation and refusal to submit information concerning the Territory. The Fourth Committee should express its appreciation of the untiring efforts made by the Committee on South West Africa to give a fair picture of conditions in the Territory.
3. She commended the draft resolution to the members of the Committee.
4. Mr. GEBRE-EGZY (Ethiopia) said that the draft resolution, of which his delegation was one of the sponsors, was essentially the same as the resolutions adopted during previous years. Very few delegations had taken part in the debate; he assumed that the silence of the other delegations could be interpreted to mean that they approved of the contents of the Committee's report (A/3906 and Add.1) and that there

would be no difficulty in the adoption of paragraph 2 of the draft. Paragraph 3 was the logical outcome of paragraph 2; having approved the contents of the report, the General Assembly was in duty bound to express concern regarding the situation in the Territory. Paragraph 4 would give the Union Government an opportunity to study the report and to submit its views if there was anything to which it objected.

5. The draft resolution on the status of the Territory of South West Africa (A/C.4/L.534), submitted by his delegation and the delegation of Liberia, was self-explanatory. The situation had not changed from previous years and the sponsors considered that the position of the General Assembly should be reiterated and maintained.

6. Mr. RAO (India) said that his delegation would support the two draft resolutions.

7. The members of the Committee on South West Africa should be warmly congratulated on the comprehensive and thorough report they had produced despite the lack of co-operation from the Union Government. The fact that a separate committee, the Good Offices Committee on South West Africa, had been appointed and was being recommended for another year's extension to negotiate with the Union Government in no way reduced the work of the Committee on South West Africa, which exercised the supervisory functions of the United Nations, both administrative and judicial, under the Mandate. Those supervisory functions were the most important aspect of the work of the United Nations on the question of South West Africa.

8. The Union Government was making increasing attempts to integrate the Territory with the Union of South Africa, in spite of the many assurances it had given to the United Nations that it would not proceed with the incorporation of the Mandated Territory into the Union. The fact of increasing administrative integration could not be ignored, since it was counter to the basic principles of the Mandate. Moreover, it worked to the detriment of the indigenous inhabitants for whose welfare the Mandate had been established. In a previous report the Committee had concluded that the Mandatory was failing to pay due regard to the international status of South West Africa and had pointed out that, without the consent of the United Nations or a proper consultation of the population as a whole under conditions agreed upon by the United Nations, the Mandatory Power was carrying out a unilateral process of integration of the Territory into the Union of South Africa (A/3626, annex I, para.19). The present report (A/3906 and Add.1) stated, in paragraph 48, that the same measures of integration were still in effect. Statements made in recent years by the Prime Minister of the Union of South Africa and by other members of the Union Parliament were no more reassuring. The indigenous population had no voice in the political institutions of the Territory and was allowed no political

organization through which it might express its views. The entire Territory was represented in the Union's House of Assembly by six European members.

9. In paragraph 64 of its report, the Committee had reiterated its recommendations that the Mandatory Power should transform the Territorial legislature into a properly representative body by extending representation to all the inhabitants as a first step towards the transfer of responsibility for the administration of the Territory to fully representative institutions. The Union of South Africa, however, continued to disregard its responsibilities under the sacred trust of civilization; everything that was being done in the Territory violated the basic principles of the Mandate.

10. Another point to which he would draw attention was the increasing application of the policy of apartheid in the Territory. The most disastrous expression of that policy had been the continuing displacement of peoples from their ancestral homes. The Committee had commented on that trend and, in paragraph 37 of its report, had expressed the opinion that the administration of South West Africa operated to the detriment of the population and particularly of the indigenous majority, contrary to the Mandate, the United Nations Charter and the Universal Declaration of Human Rights.

11. Developments in the economic field were no more encouraging. The European section of the population continued to enjoy favourable economic conditions, but among the indigenous inhabitants conditions were far from satisfactory. All industrial development was confined to the Police Zone and no effort was being made to develop the rich agricultural potential of the indigenous reserves in the North.

12. An analysis of expenditure on education and public health showed the wide disparity between expenditure incurred for the European minority and for the African majority. In addition to such discriminatory practices there were the restrictions on the movement of Africans, such as the severe pass laws. Those practices had created conditions similar to forced labour in the Territory. In connexion with land the disparity was painfully evident. Land proclaimed as Native reserves could now be alienated for the use of European settlers. As a result the northern boundary of the Police Zone was being pushed further northward. It was probably the same desire to make more land available for European settlement that had prompted the Union Government to shift the smaller Native reserves from the Police Zone.

13. A definite attempt was being made to give the indigenous people education inferior to that imparted to the European children. The intention was obviously to perpetuate the alleged inferiority of the Africans by denying them opportunities for growth, development and progress.

14. The conditions described in the Committee's report were not in conformity with the Mandates System and the Indian delegation was glad that the Committee on South West Africa had affirmed that view. It was essential that the administration of the Territory should be suitably changed to ensure the political, economic and social progress of the whole population, recognition of the right to equality and the need for equal opportunities for all.

15. The Fourth Committee should seriously ponder

over the report submitted to it and reflect how long it should continue considering the matter while the unhappy people of South West Africa suffered untold misery. It was the collective duty of all humanity to help the less privileged to take their rightful place among the nations of the world. What was happening in the Territory of South West Africa was a negation of that principle, a violation of human rights and fundamental freedoms and a challenge to the legal and moral authority of the United Nations.

16. His delegation would support the two draft resolutions on conditions in the Territory and on the status of the Territory respectively (A/C.4/L.533/Rev.1, A/C.4/L.534) and commended them to the other members of the Committee.

17. His delegation, together with those of Iran and Yugoslavia, was submitting a draft resolution (A/C.4/L.537) in connexion with sub-item (c) of agenda item 39, the purpose of which was to postpone consideration of the observations of the Committee on South West Africa on the subject of legal action until the fourteenth session of the General Assembly. Since the Fourth Committee had, at its 769th meeting, adopted a draft resolution under which the General Assembly would give a further lease of life to the Good Offices Committee, it would seem appropriate that consideration of possible action by Member States, singly or jointly, against the Union Government should be deferred until the next report of the Good Offices Committee had been examined. His delegation hoped that by the time the General Assembly met for its fourteenth session, a reasonable and just settlement would be in sight and that the forms of legal action set forth in the Committee's report (A/3906, part II) would not have to be considered further. He hoped that the draft resolution would receive a wide measure of support.

18. Mr. TARCICI (Yemen) said that the report of the Committee on South West Africa was a conscientious piece of work in accordance with the best traditions of the United Nations. The General Assembly was morally obliged to express its satisfaction with the work done by the Committee on South West Africa and approve its report. It was also proper that the General Assembly should express concern at the political, social and economic situation in the Territory and draw the Union Government's attention to the Committee's report. His delegation would therefore like to join in sponsoring the draft resolution in question (A/C.4/L.533/Rev.1).

19. Mr. EL-RIFAI (Jordan) also wished to join in sponsoring the draft resolution, which he felt rightly expressed the Fourth Committee's appreciation of the work done by the Committee on South West Africa.

20. Since no objections had been raised to the contents of the report, he assumed that the Committee would wish to approve it and to express concern regarding social, economic and political conditions in the Territory. He hoped the draft resolution would be adopted unanimously.

21. Mr. LOIZIDES (Greece), referring to the remarks of the representative of Ethiopia, explained that his delegation had not taken part in the debate because, like most other delegations, it had already dealt with conditions in the Territory during the debate on sub-item (a) (Report of the Good Offices Committee).

22. He would support the draft resolutions that had been submitted.

23. Mr. KANAKARATNE (Ceylon) wished his delegation's name to be added to the list of sponsors of the draft resolution concerning conditions in the Territory of South West Africa (A/C.4/L.533/Rev.1). He associated his delegation with the views expressed by the representative of Jordan. He felt it was unnecessary to expound the reasons why the draft resolution should be supported; that had already been ably done by the representatives of Ethiopia and Liberia, the original sponsors.

24. Mr. CARPIO (Philippines) suggested that the preambular paragraph of the draft resolution on conditions in the Territory of South West Africa (A/C.4/L.533/Rev.1) should be reworded to read: "Having considered the fifth report submitted by the Committee on South West Africa in accordance with resolution 749 A (VIII) of 28 November 1953". In paragraph 3, he thought the Committee's feeling might be better expressed by the words "the gravest concern over" than by the words "its deep concern regarding". Also, the word "educational" should be inserted before the word "situations" to make it clear that the Committee was also concerned about existing educational conditions in the Territory. He endorsed the suggestion with regard to the drafting of paragraph 4 made by the representative of Ceylon at the previous meeting.

25. With regard to the draft resolution on the status of the Territory of South West Africa (A/C.4/L.534), he thought the second preambular paragraph referring to the General Assembly's acceptance of the International Court's advisory opinion of 1950 to the effect that the Union Government was not obliged to place the Territory under the Trusteeship System not only was superfluous but actually weakened the point made in paragraph 2. The second preambular paragraph should therefore be either eliminated or expanded to include references to parts of that advisory opinion which would favour the objectives sought in paragraph 2. The word "Assets" in paragraph 2, should be replaced by the word "maintains", which would imply that the Committee was upholding a view repeatedly expressed in the past. The word "conditions" in that paragraph should be replaced by the word "state". Finally, the social and educational as well as the political and economic development of the Territory should be mentioned for otherwise it might be inferred that the Committee was not opposed to the policy of apartheid as applied in the Territory.

26. Mr. GEBRE-EGZY (Ethiopia), replying to the Philippine representative's suggestions regarding the draft resolution on conditions in the Territory (A/C.4/L.533/Rev.1) said that the preambular paragraph had simply been copied from the previous General Assembly resolution on the subject (1140 (XII)), while the omission of the word "educational" in paragraph 3 was due to the sponsors' understanding that in certain countries the term "social" covered education. The sponsors would be willing to consider making any of the changes suggested by the Philippine representative if he wished to press them. The amendment to paragraph 4 suggested by the representative of Ceylon had been accepted by the sponsors.

27. With regard to the draft resolution on the status of the Territory (A/C.4/L.534), the second preambular

paragraph was the same as in previous resolutions. As it was a fact that the General Assembly had accepted the International Court's advisory opinion, he doubted that it could be omitted at the present stage. He did not think there was any contradiction between that paragraph and paragraph 2, for he understood the words "the normal way" to mean the way in which the international status of the Territory could legally be modified. The sponsors would not object to adding the words "social and educational". The paragraph had been copied from the corresponding paragraph in General Assembly resolution 1141 (XII), adopted at the previous session, which did not include those words. The sponsors would, however, be willing to add those words if the Philippine representative insisted.

28. Mr. Irving SALOMON (United States of America) pointed out that it was not true, as some delegations seemed to think, that paragraph 3 of the draft resolution on conditions in the Territory (A/C.4/L.533/Rev.1) reproduced what had been said in previous resolutions. He felt that the carefully worded language of the report of the Committee on South West Africa, of which his country was a member, exactly reflected the views of that Committee and he would prefer that it stand as adopted in the report. Nothing was to be gained from the addition of paragraph 3, which merely gilded the lily in a somewhat inaccurate and abbreviated manner. He would not press the point, however, and would support the draft resolution as a whole.

29. With regard to the draft resolution on the status of the Territory (A/C.4/L.534), placing the Territory under the International Trusteeship System was not the only way of modifying its international status, but his delegation felt that it was the normal way and he would therefore cast an affirmative vote.

30. Mr. OSMAN (United Arab Republic) said that he would support the conclusions and recommendations set forth in the report of the Committee on South West Africa and the draft resolutions dealing with the conditions in, and status of, the Territory. As long as the United Nations and the Union Government failed to reach an agreement regarding the status of the Territory that was satisfactory to the United Nations, it would be necessary to reiterate that the normal way of modifying its international status was to place it under the International Trusteeship System.

31. Mr. ABIKUSNO (Indonesia) thought that as the Union Government had not abandoned its discriminatory practices in the Territory and persisted in refusing to fulfil its obligations under the Mandate it was fitting that the General Assembly should express its concern regarding present conditions. He would therefore vote in favour of the draft resolution on conditions in the Territory (A/C.4/L.533/Rev.1) as well as of that concerning the status of the Territory (A/C.4/L.534), which simply reaffirmed the General Assembly's position on the South West Africa problem.

32. Mr. BAWUMIA (Ghana) said with regard to the draft resolution on conditions in the Territory (A/C.4/L.533/Rev.1) that the General Assembly would not be doing justice to the work of the Committee on South West Africa if it failed to express its appreciation of the difficult task which that body had so ably accomplished. Its findings on conditions in the Territory had been borne out by the petitioners to whom hearings had been granted and in the absence of any evidence to the

contrary the report should be approved. Paragraph 3 would serve to express the Committee's concern at the denial of the fundamental human rights of the majority of the Territory's inhabitants, and although it represented a compromise in that it did not go so far as to condemn the practice of apartheid his delegation would support it. He felt strongly, however, that it should have included a paragraph appealing to the Union Government to alter its policies with regard to the treatment of the majority of the Territory's population.

33. He was entirely in agreement with the position set forth in the draft resolution on the status of the Territory (A/C.4/L.534) and would vote in favour of it.

34. Mr. KANAKARATNE (Ceylon) asked for clarification of the preambular paragraphs of the draft resolution sponsored by India, Iran and Yugoslavia (A/C.4/L.537), in which there was a reference to General Assembly resolution 1142 (XII) of 25 October 1957. Part B of that resolution mentioned the fact that, in its special report (A/3625), the Committee on South West Africa had stated that questions might be put to the International Court of Justice with a view to obtaining its advisory opinion. The second paragraph of the preamble of the draft resolution, however, referred to the latest report of the Committee on South West Africa (A/3906, part II). He wished to know what was implied by the draft resolution when it went on to say "Decides to resume further consideration of this question at its fourteenth session".

35. The CHAIRMAN replied that, if the paragraph quoted by the representative of Ceylon were adopted by the General Assembly, the agenda of the fourteenth session would contain a sub-item reading exactly like sub-item (c) of item 39 of the agenda of the thirteenth session.

36. Mr. KANAKARATNE (Ceylon) inquired whether the sponsors of the draft resolution agreed with that interpretation.

37. Mr. RASGOTRA (India) said that the intention was that the Committee would consider at the fourteenth session not only part II of the report of the Committee on South West Africa submitted to the General Assembly at its thirteenth session (A/3906), but also the special report of the Committee on South West Africa on the legal action which could be taken under article 7 of the Mandate (A/3625). They were, in fact, two parts of the same question and both would be considered at the fourteenth session.

38. Mr. CARPIO (Philippines) said that the second preambular paragraph of the draft resolution (A/C.4/L.537) implied that the special report of the Committee on South West Africa had been confined to the question of securing from the International Court of Justice advisory opinions in regard to the administration of South West Africa. But resolution 1060 (XI) requested that committee to study the question of what legal action was open to the organs of the United Nations or to the Members of the United Nations, or the former Members of the League of Nations; it did not confine itself to the question of advisory opinions.

Mr. Boland (Ireland) took the Chair.

39. Mr. KANAKARATNE (Ceylon) asked whether it was correct to say that, at the fourteenth session, the agenda item concerning South West Africa would include a sub-item reading: "Study of legal action to

ensure the fulfilment of the obligations assumed by the Mandatory Power under the Mandate for South West Africa: resumed consideration of the special report of the Committee on South West Africa (A/3625, A/3906)".

40. The CHAIRMAN replied that that was correct.

41. Mr. BOZOVIC (Yugoslavia), speaking as a co-sponsor of the draft resolution (A/C.4/L.537), observed that General Assembly resolution 1142 (XII) was in two parts. Part A referred to the special report on what legal action was open; part B requested the Committee on South West Africa to consider further the question of securing advisory opinions from the International Court of Justice. The second preambular paragraph of the draft resolution recognized the fact that the Committee on South West Africa had discharged its task; both questions—that of obtaining advisory opinions and that of the legal action which was open—would be taken up at the fourteenth session.

42. The CHAIRMAN invited the Committee to vote on the four draft resolutions that were before it (A/3906, annex I; A/C.4/L.533/Rev.1 and Add.1 and 2; A/C.4/L.534 and Add.1 and 2; A/C.4/L.537). He would put to the vote first the draft resolution submitted by the Committee on South West Africa (A/3906, annex I).

That draft resolution was approved by 51 votes to none, with 12 abstentions.

43. The CHAIRMAN pointed out that the draft resolution on conditions in the Territory of South West Africa (A/C.4/L.533/Rev.1) was now sponsored by Ceylon, Ghana, Indonesia, Jordan, Libya and Yemen (A/C.4/L.533/Rev.1/Add.1 and 2), as well as by Ethiopia, Liberia and Poland, by whom it had been originally introduced. The English text of operative paragraph 4 of that draft resolution had been altered to read: "Decides to draw the attention of the Government of the Union of South Africa to the report of the Committee". The representative of Finland had asked for a separate vote on operative paragraph 3; he would therefore put that paragraph to the vote first.

At the request of the representative of Ceylon, a vote was taken by roll-call.

The United States of America, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Uruguay, Venezuela, Yemen, Yugoslavia, Afghanistan, Albania, Argentina, Austria, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Ceylon, Chile, Colombia, Cuba, Czechoslovakia, Ethiopia, Federation of Malaya, Ghana, Greece, Guatemala, Haiti, Hungary, India, Indonesia, Iran, Iraq, Ireland, Israel, Japan, Jordan, Liberia, Libya, Mexico, Morocco, Pakistan, Panama, Paraguay, Philippines, Poland, Romania, Thailand, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic.

Against: United States of America, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Australia, Belgium, Brazil, Canada, China, Denmark, Dominican Republic, Finland, France, Italy, Netherlands, New Zealand, Norway, Peru, Portugal, Spain, Sweden, Turkey.

Operative paragraph 3 was approved by 46 votes to 2, with 18 abstentions.

The draft resolution (A/C.4/L.533/Rev.1) as a whole, as revised in the English text, was approved by 51 votes to 2, with 13 abstentions.

44. The CHAIRMAN said that the draft resolution on the status of the Territory submitted by Ethiopia and Liberia (A/C.4/L.534) was now sponsored also by Yugoslavia and Ghana (A/C.4/L.534/Add.1 and 2). He put that draft resolution to the vote.

The draft resolution was approved by 52 votes to none, with 13 abstentions.

The draft resolution submitted by India, Iran and Yugoslavia (A/C.4/L.537) was approved by 56 votes to none, with 9 abstentions.

The meeting rose at 5.10 p.m.