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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);
- (b) Report of the Committee on South West Africa (A/3906 and Add.1)

**QUESTIONS ON THE REPORT OF THE GOOD OFFICES COMMITTEE ON SOUTH WEST AFRICA (A/3900) (*continued*) AND REPLIES THERETO**

At the invitation of the Chairman, Sir Charles Arden-Clarke, Chairman of the Good Offices Committee on South West Africa, took a place at the Committee table.

1. Sir Charles ARDEN-CLARKE (Chairman of the Good Offices Committee on South West Africa) said he would give the answers of the Good Offices Committee to the questions which had been put at the 750th meeting, to the extent that it felt competent to reply.

2. The Committee wished to point out that its report (A/3900) was a factual account of bilateral diplomatic negotiations between a body appointed by the General Assembly and the Government of the Union of South Africa. Its terms of reference did not authorize it to commit the General Assembly in any way: it was required to report to the Assembly, and the decision rested with the Assembly. The Committee felt that it would have been failing in its duty if it had not reported all the proposals made during the preliminary discussions (part B of the report) and during the discussions with the representatives of the Union Government (part C). The only proposal which the Committee had made to the Union Government, short of the submission of the Territory to trusteeship, was for a reconstitution of the Mandates System within the framework of the United Nations. Only when it had become clear that the positions of the Committee and the Union Government on that subject could not be reconciled had discussions been held as to whether partition might provide a basis for an agreement.

3. The Committee was not proposing the partitioning of the Territory, let alone putting forward any specific plan. It was merely proposing that the Union Government should investigate the practicability of partition, and if partition proved to be practicable, that it should submit concrete proposals to the United Nations. In the Committee's view it was axiomatic that the Assembly considered international supervision to be in the best interests of the inhabitants of the Territory, and the appropriate means of promoting their welfare. The Committee had felt that if it failed to find a basis of agreement which would ensure such supervision for all the inhabitants, the Assembly would wish to consider any proposal for ensuring the supervision of the majority of the inhabitants.

4. Replying to a question from the representative of Venezuela as to what the Committee had done to communicate with the people of the Territory in order to ascertain their views concerning its status, he explained that the Committee was only called upon by its terms of reference to discuss a basis for an agreement which would continue to accord to the Territory of South West Africa an international status, and that its terms of reference neither required it nor authorized it to carry out any investigation on behalf of the United Nations.

5. The representative of Japan had raised a question concerning participation by the United Nations in investigating the practicability of partition and drawing up appropriate proposals. He pointed out 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. The Committee had felt that it would be desirable at some stage for the United Nations to be associated with any investigations which it might consider should be carried out. The Union Government, however, had taken the view that, as the Government responsible for the administration of the Territory, it should decide whether partition was practicable and whether it felt able to put forward precise proposals, including the proposed terms of a trusteeship agreement.

6. The representative of Iraq had asked why the Committee had departed from the decisions it had taken during its London meetings to consider the question of partition only if the Union Government proposed it; and the representative of Uruguay had inquired where the idea of partition originated. He recalled that during the talks in London, the members of the Committee had pooled their knowledge of every possible solution suggested, whether inside or outside the United Nations. One idea which had been mooted from time to time was that the Territory might be partitioned in such a way as to place the majority of the population under the Trusteeship System. In discussing that idea,

the members of the Committee had appreciated that it involved many practical difficulties and that there must be a consultation of the population before any final decision could be reached. They had agreed that they would not themselves put forward any proposals for partition but would leave the initiative to the Union Government. At Pretoria, after the Union Government had rejected the Committee's proposal for the reconstitution of the Mandates System and the Committee had felt unable to endorse counter-proposals put forward by the Union Government for an agreement with the three remaining Principal Allied and Associated Powers, the Union Government representatives had asked what other possible approaches had been considered by the Committee, and partition had been mentioned. That had been picked up by the Union Government as an idea which did at least merit further consideration.

7. The representative of Iraq had also asked whether the Committee had discussed with the Union Government the possibility of a consultation of the inhabitants, to be carried out under United Nations supervision, in the area which would be attached to the Union; he had inquired as to the reactions of the Union and had felt misgivings concerning the transfer of the indigenous reserves and the viability of that part of the Territory which would be placed under the Trusteeship System. Those questions seemed to assume that the Committee already had a partition plan. That was not the case.

8. The representative of Uruguay had raised a question concerning the lack of experience in voting of the non-European population. The Committee had not been in a position to anticipate the precise form of consultation that the General Assembly might consider necessary if a partition plan were put forward. If the General Assembly should consider the people incapable of expressing their wishes regarding the status of the Territory by means of universal suffrage, he had no doubt that it would evolve some other means of consultation.

9. The representative of Uruguay had also asked whether the Committee had inquired as to the attitude of the population towards the annexation of a portion of the Territory by the Union Government. The Committee had not made a study of conditions in South West Africa and had not wished to trespass on the domain of the Committee on South West Africa; it had confined itself to discussing with representatives of the Union Government a possible basis for agreement on the international status of the Territory.

10. The representative of Ireland had recalled that the Committee had mentioned the possibility of administering under mandate the part of the Territory which would not be placed under trusteeship, and had asked whether that method of administration had been considered possible in the discussions held with the Union. The answer was that the Union Government was not willing to consider any possibility of the remaining part of the Territory being administered under mandate. With regard to the remark by the representative of Ireland that partition was spoken of in some quarters as a solution actually proposed by the Committee, it should be emphasized that the Committee had made no such proposal.

11. The representatives of Indonesia and Iraq had

asked why the Committee had put the idea of partition to the General Assembly and what factors of significance warranted the belief that partition would be feasible. He would repeat that the Committee felt it to be its duty to submit to the General Assembly all the possible solutions that had been considered with the representatives of the Union. The Committee was not in a position to say whether partition was feasible or not; it merely stated that the feasibility of partition should be investigated and that if such a course proved possible, it might form the basis for an agreement.

12. The representative of the Philippines had asked some questions concerning a visit by members of the Committee to the Territory. The reason why there was no mention of that visit in the report was simply that the Committee as such had not been invited to visit South West Africa. On completion of the discussions, the individual members had been invited to visit the Territory and two of them, the Chairman and the representative of Brazil, having the time to spare, had accepted. There had been no official itinerary or investigation.

13. As for the three further questions asked by the representative of the Philippines, the Committee did not feel that it was within its competence to reply to them. However, with regard to the possibility of applying the provisions of Article 73 of the charter to the Territory, it did not consider that to be an appropriate basis for an agreement which, in the words of the Committee's terms of reference, would continue to accord to the Territory an international status.

14. In reply to questions asked by the representative of Ethiopia, he would state that the Good Offices Committee had always felt that United Nations supervision of the administration of a Territory would serve the interests of the people concerned. As it did not seem possible, in view of the attitude of the Union of South Africa, for the United Nations to exercise supervision over the whole Territory of South West Africa, the Committee had believed that a system whereby the United Nations would be able to supervise the administration of part of the Territory, where the majority of the non-European population resided, would be worth considering.

15. Naturally, any form of partition would raise a number of economic, social and political problems which would require close examination in order to determine whether such a solution was possible. Under its terms of reference the Good Offices Committee was not empowered to undertake such an investigation and, in the absence of any definite plan, the Committee was in no position to assess the consequences of partitioning the Territory. That aspect of the question could only be considered after the United Nations received detailed proposals from the Union of South Africa.

16. Turning to the questions put by the representative of Ceylon, he reiterated that the two members of the Committee who had visited South West Africa had done so strictly in a personal capacity; moreover, the Committee's terms of reference did not entitle it to arrange interviews or make contacts with the people.

17. The Committee had never lost sight of the funda-

mental principle that United Nations supervision should be exercised in the interests of the inhabitants.

18. Finally, the question of a possible line of partition had never been raised during the discussions between the Committee and the representative of the Union Government.

19. Speaking personally, he would point out that for many years he had held a position which entailed working in close contact with Africans, and he was surprised to have been asked whether he had been concerned with the interests and well-being of the African inhabitants.

20. The representative of Iran had pointed to some incompatibility between previous statements by the Union Government and its present position, as reflected in the Committee's report. In paragraph 13 of the report, the Committee stated that it wished to avoid lending itself to any revival of the divergencies of interpretation which had characterized previous discussions. It had therefore refrained from commenting on the Union's attitude and, as a United Nations body, reserved its position in that regard, as indicated in paragraph 31.

21. As to the exact meaning of the term "international character", about which the representative of Afghanistan had inquired, the Committee was not able to give any explanation other than that provided in paragraph 33 of its report. It had always avoided using the term of its own accord and employed only the expression "international status", which was defined in paragraph 14.

22. The representative of Yugoslavia had said he had formed the impression that the Union Government would undertake no investigation of the possibility of partition unless the General Assembly invited it to do so and had asked why the Union Government apparently required that condition and why the Committee had accepted it. The Committee understood that the Union Government felt that such an investigation would only be of use if there were some hope of its providing a basis of agreement, but the Committee did not believe that an invitation by the General Assembly was an essential prior condition for such an investigation.

23. Mr. PACHACHI (Iraq) said he could not understand why the Committee, after arriving at the conclusion that it would not be proper for it to sponsor any suggestion concerning a possible partition of the Territory and that a proposal concerning partition should not be considered unless the initiative came from the Union Government, had none the less noted that possibility.

24. Mr. GEBRE-EGZY (Ethiopia) said that he had asked his questions with a view to obtaining specific information as to how the Committee considered that partition might serve the interests of the people. The Committee's report presented the idea of partition in abstract terms which did not make it clear why the negotiators had seen fit to go beyond their terms of reference. The General Assembly would have difficulty in accepting or rejecting a proposal without having all the necessary background information available and, in particular, without having a clear idea of the possible consequences of adopting the proposed solution.

25. Mr. KANAKARATNE (Ceylon) gave his assurance that his delegation had no doubt as to the interest which Sir Charles Arden-Clarke personally took in the African people. His question was by no means to be interpreted as a personal criticism. The delegation of Ceylon was merely surprised that the Committee as stated in its report (paras. 13-14), had worked on the basis of two guiding principles, namely that the discussions should be conducted in a spirit of mutual confidence and goodwill, and that every proposal should be realistically appraised in terms of its acceptability to both the United Nations and the Union Government, and had made no reference to a third principle, which was just as important as the other two, namely the interests of the inhabitants of the Territory.

26. Sir Charles ARDEN-CLARKE (Chairman of the Good Offices Committee on South West Africa) said that contrary to the belief of the representative of Iraq, the Committee had never envisaged any plan for partition or made any definite proposals to that effect. It had merely indicated the various solutions put forward, either in the United Nations or independently of that Organization, of which the members of the Committee were aware. The reason why the Committee had not mentioned the need to take into account the interests of the inhabitants as a guiding principle was that it had regarded that fundamental principle as the basis of any action taken by the United Nations, and the members of the Committee had kept it constantly in mind.

27. Mr. ABIKUSNO (Indonesia), referring to the concluding remarks in the Committee's report, wished to know whether the Committee was basically favourable to the idea of partition, even though it had not explicitly put forward the idea itself, since the General Assembly would have to determine to what extent that solution would be likely to improve the situation of the majority of the inhabitants.

28. Mr. BOZOVIC (Yugoslavia) said that although his delegation had regarded some of the provisions governing the establishment of the Good Offices Committee as unsatisfactory, it had not wished to stand in the way of negotiations with the Government of the Union of South Africa; on the contrary, it was anxious that the negotiations should continue. That was why he would like to revert to the question he had asked the Chairman of the Committee, because the reply to it seemed to be of prime importance in determining the future of the negotiations. Referring to paragraph 52, sub-paragraphs (5) and (7), of the Committee's report and to statements made by the representative of the Union of South Africa at the 745th meeting of the Committee, he wondered whether it was a fact that the Government of the Union of South Africa looked upon an invitation by the General Assembly as a *sine qua non* for any investigation by the Union of the possibility of partitioning the Territory.

29. Sir Charles ARDEN-CLARKE (Chairman of the Good Offices Committee on South West Africa) did not feel that he could speak for the Government of the Union of South Africa. The Committee had defined the Union Government's attitude as far as its terms of reference permitted and he could not provide a more precise definition without going beyond them.

30. With regard to the request by the Indonesian representative for the Committee's opinion whether

the partitioning of the Territory was desirable, as had already been pointed out, if partition appeared feasible, it could provide a basis for an agreement. In the meantime it was impossible to say whether partition was desirable, since the concept of partition was extremely complex and would have to be defined with greater precision before an opinion could be given.

31. Mr. ARAMBURU (Peru) drew attention to the efforts of the Good Offices Committee to find a solution to the problem; he considered that the Committee members had fulfilled their task satisfactorily. His delegation reserved the right to discuss the Committee's report in detail at a later stage.

32. Mr. AKO-ADJEI (Ghana) stated that the opinions expressed by his delegation with regard to the Committee's report should not be interpreted as aimed at the Chairman or the members of the Committee. His delegation was very much aware of the difficulties which the Committee had had to face. Sir Charles Arden-Clarke had accomplished his mission with great competence, and took an active interest in the people of the Territory. In that connexion his services to Ghana before the country became independent and during the ensuing period of difficulty might be mentioned.

33. Mr. ESPINOSA PRIETO (Mexico) recalled how he had worked with Sir Charles Arden-Clarke in the former Territory of the Gold Coast, and spoke of his devotion to the cause of the African people.

34. The CHAIRMAN thanked Sir Charles Arden-Clarke and the members of the Good Offices Committee on behalf of the Fourth Committee for the work they had done and the valuable information they had supplied to the Committee.

Sir Charles Arden-Clarke, Chairman of the Good Offices Committee on South West Africa, withdrew.

35. Miss BROOKS (Liberia) asked whether the complete text of the statement by the Chairman of the Good Offices Committee would be circulated to the members of the Fourth Committee.

36. The CHAIRMAN replied that the statement would be issued as a press release.

#### HEARING OF PETITIONERS (continued)

At the invitation of the Chairman, the Reverend

Michael Scott and Mr. Mburumba Kerina took places at the Committee table.

37. Mr. FERNANDEZ (Costa Rica) said he was not in a position to put questions to the petitioners since the text of their statements had not yet been issued in Spanish. He therefore proposed that the meeting should be adjourned until the texts in question had been circulated in all the official languages.

38. Mr. KANAKARATNE (Ceylon) thought that if delegations were ready to put their questions to the petitioners at once, the Committee would save time by hearing them.

39. Mr. EL-RIFAI (Jordan) agreed, though he thought that delegations so desiring should be allowed sufficient time to study the petitioners' statements more thoroughly.

40. Mr. ESPINOSA Y PRIETO (Mexico) also felt it a pity that the documents which the Committee was dealing with were not yet available in Spanish. He nevertheless supported the proposal made by the delegation of Ceylon because of the time it would take for the documents to be issued in all the official languages.

41. Mr. FERNANDEZ (Costa Rica) withdrew his proposal but observed that his delegation would not be able to question the petitioners until the text of their statements had been issued in Spanish.

The Reverend Michael Scott and Mr. Mburumba Kerina withdrew.

#### Requests for hearings (continued)

REQUESTS CONCERNING AGENDA ITEM 13 (REPORT OF THE TRUSTEESHIP COUNCIL) (continued)

42. The CHAIRMAN said that the Committee had before it a request for a hearing from the Union nationale des étudiants kamerunais; if there were no objections from members, the text of the request would be circulated in accordance with the normal procedure.

It was so decided.<sup>1/</sup>

The meeting rose at 12.30 p.m.

<sup>1/</sup> The request was subsequently circulated in document A/C.4/377/Add.2.