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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)

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

1. Mrs. ZEUTHEN (Denmark) said that the people of Denmark were greatly interested in the question of South West Africa and in the welfare of the inhabitants of the whole Territory. Her delegation had voted in favour of General Assembly resolution 1143 (XII) establishing the Good Offices Committee on South West Africa in the hope that it would find an acceptable solution to the problem. Her delegation appreciated the work done so far by that Committee and did not agree with the delegations which had criticized it. The whole of the report (A/3900) had led to fruitful exchanges of views, which would perhaps not have taken place if the Committee had interpreted its terms of reference literally. The Committee had done well to submit a very detailed account of its negotiations with the Union of South Africa, and the confidence which the Danish delegation had placed in it was unshaken.

2. Her delegation was grateful to the sponsors of the five-Power draft resolution (A/C.4/L.532) for the spirit of co-operation they had shown, and it was in general agreement with that draft. It was, however, not entirely satisfied with operative paragraph 1, which did not correspond exactly to the statements made by the Chairman of the Good Offices Committee. It would, however, vote in favour of the paragraph and of the draft resolution as a whole and also of the eight-Power amendments (A/C.4/L.535).

3. Her delegation hoped that the resolution to be adopted by the Fourth Committee would encourage the Good Offices Committee to continue its commendable efforts, and it wished the Good Offices Committee success in the difficult task that lay ahead. It regretted the absence of the South African delegation and hoped that the Union would receive the Good Offices Committee in the spirit in which the Fourth Committee would send it. Her delegation appealed to the Union of South Africa to make every effort in order that a solution acceptable to all might be found.

4. Mr. KENNEDY (Ireland), speaking on behalf of the sponsors of the five-Power draft resolution, recalled that the draft was the outcome of extensive discussions in which many delegations had participated and that it represented a compromise formula. The sponsors knew that it was not perfect, but preferred to retain it as it stood in order not to upset the laboriously established balance between conflicting views. They could not, therefore, accept the amendments that had been submitted, even while recognizing the good intentions of those who were proposing them. Needless to say, everyone remained free to vote on the amendments as his Government decided and to reconsider, if necessary, his position as a sponsor of the draft resolution.

5. In reply to the Chilean and Italian representatives, who would like the draft to express approval of the Good Offices Committee's work, he pointed out that each of the sponsors, in introducing the text, had expressed appreciation of what the Good Offices Committee had done. The most tangible way in which the General Assembly could demonstrate its satisfaction was to invite the Good Offices Committee, as it would do in the draft resolution, to resume its work and to report on it to the Fourth Committee. It should also be noted that the text made no change in the Good Offices Committee's terms of reference or in its composition, whereas some delegations had advocated that its membership should be increased or that the Committee should be dissolved altogether. The sponsors of the draft hoped that the representatives of the United Kingdom, the United States and Brazil would be able to continue to give the Good Offices Committee the benefit of their experience and wisdom in the interests of the United Nations.

6. Mr. KIANG (China) said that he understood and approved the spirit in which the Chilean representative had introduced his delegation's draft resolution (A/C.4/L.531), but he would not comment on that draft in view of the efforts of its sponsor to reconcile the two texts before the Committee.

7. The five-Power draft resolution (A/C.4/L.532) was based on the same considerations as those which had led his delegation to accept the establishment of the Good Offices Committee at the twelfth session and it accorded with the views his delegation had expressed at the current session. The good relations that had been established between the Good Offices Committee and the Union of South Africa from the outset should be utilized to the full so that some basis for agreement might be found. His delegation accordingly thought that the Good Offices Committee should be reappointed for a year, and it would vote in favour of the five-Power draft resolution. It hoped, however, that the sponsors of the draft would agree to mention and commend the efforts of the Good Offices Committee in their text. His delegation would also vote in favour of the eight-Power amendments (A/C.4/L.535).

8. Mr. CLAEYS BOUUAERT (Belgium) associated himself with those who had paid a tribute to the members of the Good Offices Committee for the dedicated and able manner in which they had discharged a delicate task. His delegation would regard with favour any attempt to seek a solution, acceptable to all parties, which would put an end to the dispute between the Government of the Union of South Africa and the General Assembly. He was sure that the peoples of South West Africa could not but benefit from such an agreement.

9. The assertions that the Good Offices Committee had exceeded its terms of reference by transmitting to the General Assembly a suggestion for partition were unjustified and were based upon a misunderstanding. In point of fact, the Good Offices Committee had not taken up a position favouring partition; it had confined itself to informing the General Assembly that during the negotiations the idea had been considered as a possible basis for agreement, that before it would be possible to form a considered judgement of partition, the Union of South Africa would have to present it in a practical form after investigating its various aspects, and that at the present stage the Union might be encouraged to inquire into the possibility of such partition. Moreover, the Good Offices Committee said in paragraph 24 of its report (A/3900) that the idea of partition as envisaged by it implied that a majority of the population, in the southern part or alternatively in the entire Territory, gave their approval by means of a consultation by universal adult suffrage under United Nations supervision. To be fair, it should also be recognized that the Union Minister of External Affairs had accepted that proposal.

10. At any rate, there was no question of the General Assembly's approving in advance a plan which, for the time being, did not exist; but neither should it say in advance that, whatever the circumstances and whatever the outcome of subsequent studies, it would refuse to consider partition even if it corresponded to the principles of international law and the wishes of the population. The Belgian delegation could not accept the discarding of a possibility before it had even been proposed.

11. With regard to the eight-Power amendments, the insertion of the word 'Mandated', as proposed in the first amendment, would constitute a useful addition to the text. The second amendment, while not in principle open to objection, was less desirable. The Good Offices Committee was an instrument of diplomatic negotiation, not of decision. It was the Member States which would have to decide on the terms of any agreement that was reached.

12. The draft resolutions relating to other aspects of the question of South West Africa (A/C.4/L.533, A/C.4/L.534) merely reaffirmed past resolutions and would serve only to impede the negotiations. His delegation, which had never approved the resolutions on which they were based, now regarded them as less useful than ever.

13. Mr. GEBRE-EGZY (Ethiopia) analysed the draft resolution submitted by the Chilean delegation (A/C.4/L.531). The second paragraph of the preamble, which said that none of the solutions so far advanced had proved acceptable "to all parties", might give the impression that one of the parties at least, namely,

the General Assembly, was agreeable; but that was untrue, since sixty or so delegations had not accepted any of the solutions put forward so far. The fifth paragraph of the preamble said that any solution must conform to the principles of self-determination and of equality for all the inhabitants. Those, however, were not the only principles at stake; the principles upon which the status of the Territory depended and the principles of international law must also be defended. According to operative paragraph 1, the General Assembly was to take note of the report, with appreciation. While the members of the Fourth Committee would have no difficulty in taking note of the efforts of the Good Offices Committee with appreciation, they might, if they took note of the report with appreciation, give the impression that they were endorsing its contents. For all those reasons, his delegation would be unable to accept the Chilean draft resolution.

14. Turning to the eight-Power amendments (A/C.4/L.535), he said that his delegation accepted the first and also the second, which was in line with an idea which it had defended vigorously at the twelfth session. If those amendments were adopted, he would vote in favour of the five-Power draft resolution (A/C.4/L.532). Without the amendments, he would have to make certain reservations, because the draft was not exactly what the Ethiopian delegation would have liked. It believed that the General Assembly could improve the decision taken in resolution 1143 (XII) in at least two respects. In the first place, the terms of reference could be redefined, for the task of the Good Offices Committee would obviously have been facilitated if the resolution establishing it had set forth its terms of reference explicitly. In the second place, there might well be an increase in the number of members of the Good Offices Committee so as to ensure wider geographical representation and the participation of those Member States which were the most directly interested in the Territory's fate.

15. Mr. EDMONDS (New Zealand) recalled that his delegation had voted in favour of General Assembly 1143 (XII) setting up the Good Offices Committee. It had done so in the full realization that the Committee's task would be difficult but at the same time of capital importance for the United Nations, the Union of South Africa and the people of South West Africa.

16. With regard to the five-Power draft resolution the New Zealand delegation felt, as the General Assembly had felt in setting up the Good Offices Committee, that no possibility of agreement should be neglected. It wished to pay a tribute to the members of the Good Offices Committee, who had re-established contact with the Union of South Africa and had found it ready to co-operate freely and frankly; his delegation was convinced that those links which had been so difficult to reforge should be strengthened. It would therefore vote in favour of the five-Power draft resolution as a whole, and of the eight-Power amendments. However, if operative paragraphs 1 and 2 of the draft resolution were put to the vote separately, it would be unable to support them. By adopting paragraph 1, the Assembly might seem to be siding with those who argued that the Good Offices Committee had actually put forward definite suggestions for partition and annexation, which the New Zealand delegation did not consider to be the case. In regard to paragraph 2, the words "the Territory of South West Africa as a whole" were rather

ambiguous and could be interpreted more restrictively than the majority of opinions expressed in the debate would warrant. The New Zealand delegation felt that the ideas which those paragraphs tried to convey were satisfactorily covered in paragraph 3.

17. Mr. PIETERS (Netherlands) recalled that at the twelfth session the Netherlands delegation had voted in favour of the establishment of the Good Offices Committee because it had been understood that the Union of South Africa would be willing to negotiate with such a committee. On examining the five-Power draft resolution, which invited the Good Offices Committee to renew its discussions with the Union Government, the Fourth Committee must take into account the two essential conditions that must be fulfilled: firstly, that the members of the Good Offices Committee were willing to continue their task; and secondly, that the Union Government was agreeable to the resumption of discussions with the Committee. Assuming that those conditions would be fulfilled, the Netherlands delegation would vote in favour of the draft resolution, and of the eight-Power amendments. Moreover, since it felt that operative paragraph 1 of the draft resolution did not adequately convey the suggestions made in the Good Offices Committee's report (A/3900), the Netherlands delegation would abstain if a separate vote was taken on that paragraph.

18. Mr. BOZOVIC (Yugoslavia) said that he would vote in favour of the five-Power draft resolution on condition that the eight-Power amendments were adopted.

19. In regard to the amendments just submitted by the Chilean representative (A/C.4/L.536), which were very skilfully framed despite their simple appearance, he was afraid that they might necessitate certain clarifications in the text of the draft resolution proper and would thus destroy the balance which the sponsors of that draft had had so much difficulty in achieving.

20. He did not think that the Fourth Committee could accept an amendment approving the work of the Good Offices Committee. In point of fact, the results of that work had not been accepted by any delegation, and the Good Offices Committee itself had admitted that it was laying itself open "to the charge of having exceeded its terms of reference" (A/3900, para.51) by formulating the opinion that a certain form of partition might constitute a basis for agreement. Such an amendment would therefore be unacceptable to the Yugoslav delegation. The General Assembly could, of course, thank the Committee for its efforts, but the fact that the Committee's terms of reference were being renewed was in itself sufficient proof of confidence.

21. Mr. NOGUEIRA (Portugal), recalling the principles he outlined in his statement at the 760th meeting, during the general debate on sub-item (a) of agenda item 39, asked for a separate vote on the preamble and on operative paragraphs 1 and 2 of the five-Power draft resolution. The Portuguese delegation would abstain on the preamble, because it considered that it ought to contain some mark of appreciation of the work done by the Good Offices Committee, without at the same time approving the results achieved. His delegation would also abstain on operative paragraphs 1 and 2, because it considered that no possibility should be discarded without examination. Since, moreover, the Fourth Committee had not examined the idea of parti-

tion fully, those paragraphs did not give a true picture of the situation. His delegation would, however, vote in favour of the draft resolution as a whole and of the eight-Power amendments.

22. Mr. RODRIGUEZ FABREGAT (Uruguay) stated that the Uruguayan delegation was prepared to vote for the preamble and paragraph 1 of the five-Power draft resolution in their present form, for it could not agree to a solution which would be contrary to the principles of the Charter and to the General Assembly resolutions requesting that South West Africa should be placed under United Nations trusteeship. His delegation would also vote for the eight-Power amendments, the aim of which was to ensure that the solution arrived at was in conformity with the Principles and Purposes of the United Nations. Should those amendments not be adopted, his delegation would find it very difficult to vote for the draft resolution as a whole.

23. With regard to the amendments proposed by the Chilean representative, he considered that the first (A/C.4/L.536, para.1) was unnecessary and that it was sufficient to inform the Good Offices Committee of the General Assembly's desire that it should continue its work. The Uruguayan delegation would not, however, object to the incorporation of that amendment in the draft. On the other hand, the meaning of the second amendment proposed by Chile (A/C.4/L.536, paras.2 and 3) was not clear, since the expression "prevailing conditions" might refer to present conditions, to those obtaining when the Good Offices Committee resumed its work or to those which would exist when the indigenous population would have been forced to emigrate as a result of the racial policies of the Union Government. It was important to specify that the Good Offices Committee should not give any further consideration to the possibility of partition, let alone annexation, and that it must avoid any action which would lead to a transfer of population within the Territory.

24. Mr. KANAKARATNE (Ceylon) said that the Ceylonese delegation would not hesitate to vote for the five-Power draft resolution and the eight-Power amendments. He thought that a tribute should be paid to the delegations of Argentina, Iran, Ireland, Japan and Venezuela for the constructive effort they had made in putting forward their draft resolution, and he very much regretted that several delegations had made reservations in connexion with operative paragraphs 1 and 2 of that draft.

25. The Belgian representative had stated that his delegation would find it difficult to support the second of the eight-Power amendments (A/C.4/L.535, para. 2) since the interpretation of the phrase "Principles and Purposes of the United Nations" was difficult. The Ceylonese delegation could not easily comprehend how a representative of one of the original Member States could find it difficult to understand what the Principles and Purposes of the United Nations were. If juridical aspects of complicated international situations might sometimes need to be clarified by the International Court of Justice, that was certainly not so with regard to the present conditions in South West Africa, which were manifestly not in conformity with the Principles and Purposes of the United Nations.

26. It was also regrettable that the New Zealand representative had made reservations in connexion with paragraph 1 of the five-Power draft resolution

and had claimed that no question of refusing to agree to a suggestion arose, since the Good Offices Committee had not made any recommendation in its report. The members of the Good Offices Committee had indeed been very careful not to use the word "recommendation" in their report, as he had already remarked in the course of the general debate, but it was equally true that that word did not appear in the draft resolution, which, quoting from paragraph 51 of the Good Offices Committee's report, used the word "suggestion".

27. It was evident, as the Netherlands representative had stated, that the resolution would be of no avail unless the members of the Good Offices Committee were willing to continue their task and the Union was willing to resume negotiations. By adopting the draft resolution, the Fourth Committee would be doing no more than expressing its views and wishes. It was a matter for the members of the Good Offices Committee to decide whether they would accept or reject the task entrusted to them and for the Union Government to decide whether it would agree to resume relations with that Committee.

28. The representative of Portugal had said that he would abstain from voting on the preamble and on operative paragraphs 1 and 2 as the text contained no mark of appreciation for the difficult work done by the members of the Good Offices Committee. The Ceylonese delegation would be the last to refuse an expression of gratitude to the members of that Committee. Like all other delegations, his delegation had paid an unqualified tribute to Sir Charles Arden-Clarke and the other two members of the Committee during the general debate. There was accordingly no need to overload the text of the draft resolution with a mere formal compliment, especially as it would then also be necessary, in all fairness, to refer to the dissatisfaction and misgivings felt by the Fourth Committee in connexion with the Union of South Africa's attitude and the statements of its Minister of External Affairs, particularly his statement at the 746th meeting on the personal quality of the petitioners. Those so-called arguments appeared to him to be no more than mere excuses for refraining from supporting the adoption of paragraphs 1 and 2 of the draft resolution. If any delegation could find any solid argument in support of its opposition to those paragraphs, his delegation would be only too willing to hear it.

29. Mr. MACQUARRIE (Canada) paid a tribute to the efforts made by the authors of the five-Power draft resolution to find a compromise solution. He nevertheless regretted that the draft contained no reference to the praiseworthy way in which the members of the Good Offices Committee had performed their delicate task. It would be in accordance with the usual practice for the draft resolution to take into account the statements made in that connexion in the course of the discussion. It was for that reason that the Canadian delegation would support the amendments submitted by the Chilean delegation (A/C.4/L.536). It would also support the eight-Power amendments (A/C.4/L.535) while taking due note of the observations made by the Belgian representative on the subject of the interpretation of the Principles and Purposes of the United Nations.

30. On the other hand, the Canadian delegation would hesitate to vote for paragraph 1 of the draft resolution because of the implication there that the Good Offices

Committee had recommended the partitioning of the Territory. That was in no sense true, as had been fully explained by the Chairman of the Good Offices Committee at the 752nd meeting. As there was a present no partition plan in existence, it seemed difficult for the Fourth Committee to decide for or against a proposal which had not yet been put forward. Furthermore, the inhabitants would be consulted on whatever solution was contemplated, and the United Nations had no right to reject the idea of partitioning without even knowing the inhabitants' views. He wished to make the same reservations as those which had been expressed by the New Zealand representative concerning operative paragraph 2, particularly with regard to the phrase "to the Territory of South West Africa as a whole".

31. His delegation would vote for paragraphs 3, 4 and 5 of the five-Power draft resolution because it considered that the Good Offices Committee should go on with its work and continue to seek a solution in conformity with the interests of the Territory's inhabitants.

32. Miss BROOKS (Liberia) recalled that at the 764th meeting, when the Chilean delegation had submitted its draft resolution, the Liberian delegation had asked that the meeting should be suspended so that the members of the Committee might be able to work out a draft resolution which would be acceptable to the majority. Effective measures which would be in the interests of the inhabitants of the Territory could be taken only if the Fourth Committee agreed on certain principles and had the support of world public opinion. Although the five-Power draft resolution was obviously not perfect, it represented a compromise solution based on the various views expressed in the Fourth Committee. The Liberian delegation had asked that the membership of the Good Offices Committee should be enlarged, while other delegations had considered that that Committee should discontinue its work. During the consultations outside the Fourth Committee that had led to the drafting of the present text of the draft resolution, it had been agreed to delete any reference that might lead to further debate on sub-item (a) of agenda item 39. Having studied the draft, the Liberian delegation had felt compelled to join with other delegations in submitting the amendments in document A/C.4/L.535.

33. The Liberian delegation agreed with those representatives who had said that asking the members of the Good Offices Committee to continue their work even though the results of their previous negotiations had not been satisfactory was in itself a sufficient expression of the Fourth Committee's confidence in them. The amendments proposed by the Chilean delegation (A/C.4/L.536) did not seem necessary and, as the representative of Uruguay had said, were open to various interpretations. It was to be hoped that the Chilean delegation, in a spirit of co-operation, would agree to withdraw its amendments. The five-Power draft resolution, as amended in accordance with the eight-Power amendments, took sufficient account of the main arguments advanced during the debate, and it was to be hoped that a large majority would vote for its adoption.

34. Mr. EL-RIFAI (Jordan) said that he would support the five-Power draft resolution and the eight-Power amendments even though the proposed text was not completely satisfactory. His delegation would not, however, be able to vote for the Chilean draft resolution

(A/C.4/L.531), since the proposals it embodied would tend to maintain the status quo which, as the third preambular paragraph of that draft resolution stated, would further complicate the problem. Operative paragraph 1 of the Chilean text was superfluous, because the fact that the Fourth Committee had invited the Good Offices Committee to continue its work was a sufficient expression of confidence. Furthermore, operative paragraph 2 did not make sufficiently clear what was meant by "the concurrence of the inhabitants".

35. With regard to the Chilean amendments, he agreed with the views expressed by the representative of Uruguay on the first of them (A/C.4/L.536, para.1). In addition, he feared that the second amendment (A/C.4/L.536, paras.2 and 3) might cause the Government of the Union of South Africa to undertake extensive transfers of population in the near future, with the result that the Fourth Committee would then be faced with conditions which were no longer the same as the "prevailing conditions". If the Chilean amendments were adopted, the Jordanian delegation would have to reconsider its position.

36. Mr. Osman (United Arab Republic) said that no effort should be spared to find a solution that would safeguard the interests of the 450,000 inhabitants of the Territory. However, he had reservations with regard to the membership and terms of reference of the Good Offices Committee, since a committee established by the United Nations and responsible for negotiations on a problem concerning the fate of an African territory should include an African member. The disappointing results of the first negotiations only went to demonstrate the validity of that view. The delegation of the United Arab Republic would vote for the five-Power draft resolution if the eight-Power amendments were adopted. The Chilean representative's intentions were praiseworthy, but the delegation of the United Arab Republic would vote against the amendments that he had proposed because they might destroy the delicate balance of the five-Power draft resolution.

37. Mr. RAHNEMA (Iran) paid a tribute to the motives that had led the representative of Chile to submit his draft resolution. That text had served as a guide to other delegations in their efforts to arrive at a draft which would be more acceptable to the majority of the majority of the Committee. He also thanked the representative of Chile for not having insisted that his draft resolution should have priority in the voting.

38. As the representative of Ireland had explained so clearly, the Good Offices Committee was invited to continue its work as the only mediator between the United Nations and the Union of South Africa, with almost the same terms of reference. Any expression of congratulations from the Fourth Committee to the Good Offices Committee for the way in which it had carried out its work might be interpreted as approval of the substance of the report. Nevertheless, the Iranian delegation would not oppose the first of the amendments proposed by the representative of Chile (A/C.4/L.536, para.1), particularly in the form in which it appeared in the French version.

39. The second Chilean amendment (A/C.4/L.536, paras.2 and 3) seemed to be based on groundless fears, because if the situation of the Territory was changed by reason, for example, of the Union of South Africa's agreeing to recognize the international status of the Territory, the population would be at complete liberty to decide their own future by means of a free popular consultation. The five-Power draft resolution in no way constituted an obstacle to an expression of the will of the inhabitants. The amendment proposed by Chile did not add anything to the text of the draft resolution and had a dangerous aspect, since, as other speakers had pointed out, it might cause the Union of South Africa to undertake transfers of population—an action that would bring about an undesirable change in the present situation. The Iranian delegation would therefore be obliged to vote against that amendment and hoped that the Chilean delegation would not make its adoption a condition for voting in favour of the five-Power draft resolution.

40. The Iranian delegation reserved the right to express its views on the eight-Power amendments at a later stage.

41. Mr. NOGUEIRA (Portugal) said that he believed, contrary to the view held by the delegation of Ceylon, that if the Fourth Committee expressed its satisfaction with the work of the Good Offices Committee, that would not be a mere formal compliment. To do so would be simply to follow the practice adopted in a large number of resolutions, including the draft resolution in document A/C.4/L.533, for which the delegation of Ceylon would probably vote.

The meeting rose at 1.5 p.m.