



Friday, 11 October 1957,
 at 3.10 p. m.

NEW YORK

CONTENTS

Agenda item 38:	
Question of South West Africa (continued):	
(a) Report of the Committee on South West Africa;	
(b) Study of legal action to ensure the fulfilment of	
the obligations assumed by the Mandatory Power	
under the Mandate for South West Africa: special	
report of the Committee on South West Africa	
Consideration of draft resolutions (concluded) . . .	83
Organization of work	89

Chairman: Mr. Thanat KHOMAN (Thailand).

AGENDA ITEM 38

Question of South West Africa (continued):

- (a) Report of the Committee on South West Africa (A/3626, A/AC.73/L.10, A/C.4/L.487/Rev.2, A/C.4/L.488/Rev.1, A/C.4/L.492);
- (b) Study of legal action to ensure the fulfilment of the obligations assumed by the Mandatory Power under the Mandate for South West Africa: special report of the Committee on South West Africa (A/3625, A/C.4/L.490) (continued)

CONSIDERATION OF DRAFT RESOLUTIONS (A/C.4/L.487/Rev.2, A/C.4/L.488/Rev.1, A/C.4/L.490, A/C.4/L.492) (concluded)

1. Mr. CHAMANDI (Yemen) said that his delegation had long been in favour of finding a new approach to the problem of South West Africa and had, in fact, urged that course in earlier years when the Union Government had refused to heed the General Assembly's resolutions. It had therefore welcomed the Chairman's proposal that a good offices committee should be set up to negotiate with the Union Government (A/C.4/L.492). It had been disappointed, however, that the Fourth Committee should virtually have been confronted with an ultimatum, having been told that unless the draft resolution were adopted in its original form, no positive results could be expected. That situation had few parallels in the annals of the United Nations. It was the right and the practice of the General Assembly and its committees to examine all resolutions and amendments submitted by delegations. Furthermore, each committee must make its own decisions and adopt or reject resolutions and amendments by putting them to the vote. Most of the amendments now before the Committee were of a constructive character and his delegation saw no reason why they should not be adopted if the Committee deemed them useful. It was convinced that most of them would contribute to the attainment of the goal which the Committee was seeking and he would therefore vote upon them as he saw fit, in accordance with their merits.

2. Mrs. FLOURET (Argentina) thought that the draft resolution submitted by the Chairman was a most significant step towards the solution of the problem of

South West Africa and said that her delegation would support it. However, although it placed great hopes in the establishment of the good offices committee, it felt that the draft resolution was far from perfect. Its imperfection was more a matter of what it omitted than of what it included. The amendments which the Committee had before it rectified some of those omissions and improved upon the wording of the original text. For example, the words "Being confident" in the first of the amendments proposed by Ecuador and Guatemala (A/C.4/L.495) seemed more accurate than the corresponding phrase in the Chairman's text. The second of those amendments was likewise helpful in that it specifically indicated that the General Assembly should examine the report of the good offices committee and take the final decision in the matter. She would also support the second of the Indian-Uruguayan amendments (A/C.4/L.493/Rev.2) on the understanding that it defined more appropriately the terms of reference of the good offices committee; she was in favour of including a specific reference to the Charter on the understanding that its effect would not be to restrict the good offices committee to one particular Chapter of that document but to the spirit of the Charter as a whole.

3. Mr. AHMED (India), noting that the United Kingdom representative seemed to doubt the propriety of the methods used in the past in the attempt to find a solution to the South West African problem, pointed out that the establishment of a good offices committee to discuss with the Union Government a basis for an agreement was not the first attempt to solve the problem by negotiation. General Assembly resolution 449 (V) setting up a five-member committee to confer with the Union Government concerning procedural measures for implementing the advisory opinion handed down by the International Court of Justice on 11 July 1950 had represented an attempt at negotiation. That attempt had failed to elicit any response from the Union Government. If the United Kingdom representative or any other member of the Fourth Committee believed that the Union Government was now willing to discuss a solution which would be in the interests of the people of South West Africa, his delegation would not be opposed to entrusting such negotiations to any Member State authorized by the General Assembly to conduct them. He wished to make it absolutely clear that his delegation was not opposed to such discussions nor did its amendments imply such opposition. It had therefore been surprised to hear certain delegations, including that of the United Kingdom, express the view that no amendments of any kind would be acceptable. That attitude seemed to indicate not only that negotiations with the Union Government had preceded the submission of the draft resolution but also that certain advance commitments had been given to that Government.

4. With regard to the amendments submitted by his

amble (A/C.4/L.494/Rev.1), but he would like to make a drafting change in the text so that it would read as follows:

"Considering that the United Nations Charter makes it incumbent on each Member State to pursue every available means of negotiation and conciliation for the settlement of international problems on the basis of respect for the purposes and principles of the Charter".

25. The CHAIRMAN thanked all members who had supported his action in submitting a draft resolution, for which, however, he disclaimed any credit. A number of other members had made the same suggestion, and credit was entirely due to the Committee itself.

26. The representatives of Ghana and Yugoslavia had expressed doubts concerning the interpretation of the words "international status" in operative paragraph 1 of his draft resolution. The key to the two words was to be found in the immediately preceding part of the sentence, namely in the words "continue to accord". The United Kingdom representative had also provided an explanation in stating that it was unlikely that the good offices committee would approve a solution not in accordance with the Charter, since it would be composed exclusively of United Nations Members and since any solution it might put forward would have to be approved by the General Assembly.

27. Mr. SULTANOV (Union of Soviet Socialist Republics) said that as a result of successive compromises and rejections nothing was left of the principal Indian and Uruguayan amendments and the Chairman's draft resolution remained in its original form, since all the surviving amendments could not change its substance. The Committee was confronted with the need to adopt a resolution dictated in the form of an ultimatum and entrusting negotiations to a committee whose terms of reference were deliberately not linked to the principles of the Charter. The start of negotiations was contingent on the renunciation of any restriction imposed by the United Nations Charter. In view of his delegation, such negotiations could not be conducive to the accomplishment of the purpose defined in the Charter.

28. In the circumstances, the Soviet delegation would vote against the Chairman's draft resolution. It would abstain in the vote on the remaining amendments, since they could not alter the substance of the draft resolution and might give a wrong impression of the discussion which had taken place in the Committee.

29. Mr. MESTIRI (Tunisia) proposed that the eight-Power draft resolution (A/C.4/L.490) should be amended by the replacement of the words "at the thirteenth session of the General Assembly" in paragraph 4 of part A by the words "at a later date". If the sponsors would agree to that amendment he would vote in favour of the draft resolution and would withdraw the request he had made at the 667th meeting for a separate vote on the paragraph in question.

30. Mr. ROLZ BENNETT (Guatemala) said that he would vote in favour of the first Liberian draft resolution (A/C.4/L.487/Rev.2). He thanked the representative of Liberia for her explanation that she had not withdrawn her two draft resolutions and agreed that the General Assembly ought to express appreciation of the work done by the Committee on South West Africa.

31. He would also vote in favour of the second Liberian draft resolution (A/C.4/L.488/Rev.1), which was in conformity with the resolutions adopted in previous years and reaffirmed the General Assembly's position, which was that the normal procedure for changing the status of the Territory was to place it under the International Trusteeship System.

32. He would vote in favour of the eight-Power draft resolution (A/C.4/L.490), concerning legal action to ensure that the Union of South Africa fulfilled the obligations it had assumed. The first part of the draft resolution merely drew the attention of Member States to the failure of the Union of South Africa to render annual reports to the United Nations and to the legal action provided for in article 7 of the Mandate read with Article 37 of the Statute of the International Court of Justice and decided that consideration of the Committee's special report (A/3625) should be resumed at the thirteenth session of the General Assembly. In that way, the Governments of Member States were given time to study the important special report of the Committee on South West Africa. The second part merely requested the Committee on South West Africa to consider further the question of securing from the International Court of Justice advisory opinions in regard to the administration of the Territory and to make recommendations in its next report concerning the questions which might be referred to the Court.

33. With regard to the proposed amendments to the Chairman's draft resolution, he would vote in favour of the Uruguayan amendment (A/C.4/L.494/Rev.1) and of the joint amendments submitted by the delegations of Ecuador and Guatemala (A/C.4/L.495), with the addition proposed orally by the representative of India.

34. His vote on the Chairman's draft resolution (A/C.4/L.492) would depend on whether the amendments to it were adopted or rejected.

35. Mr. MACKAY (Canada) said that his delegation had hoped that if the Chairman's draft resolution were adopted there would be no necessity for the Fourth Committee to adopt any further resolutions concerning the question of South West Africa at the present session.

36. With reference to the first Liberian draft resolution (A/C.4/L.487/Rev.2) he suggested that operative paragraph 2 might more appropriately begin "Notes" instead of "Approves", firstly because it was the word generally used in such a connexion and secondly because the word "Approves" might be deemed to restrict the terms of reference of the good offices committee. Furthermore, it might not improve the general atmosphere in which that committee would begin its work. He hoped that the Liberian representative would be willing to accept that amendment.

37. Mr. MESTIRI (Tunisia) said that since none of the sponsors of the eight-Power draft resolution (A/C.4/L.490) had responded to his suggestion for an amendment to paragraph A 4, he was obliged to maintain his request for a separate vote on that paragraph.

38. The CHAIRMAN invited the Committee to vote on the various proposals before it.

The draft resolution in annex VIII of the report of the Committee on South West Africa (A/3626) was approved by 51 votes to none, with 16 abstentions.

The draft resolution in annex XIII of the report of

the Committee on South West Africa (A/3626) was approved by 60 votes to none, with 14 abstentions.

The amendment to the Liberian draft resolution (A/C.4/L.487/Rev.2) proposed orally by the representative of Canada was rejected by 40 votes to 20, with 9 abstentions.

The Liberian draft resolution (A/C.4/L.487/Rev.2) was approved by 60 votes to none, with 16 abstentions.

The Liberian draft resolution (A/C.4/L.488/Rev.1) was approved by 55 votes to 3, with 18 abstentions.

Paragraph 4 of part A of the eight-Power draft resolution (A/C.4/L.490) was approved by 51 votes to 1, with 22 abstentions.

The eight-Power draft resolution (A/C.4/L.490) as a whole was approved by 55 votes to 4, with 18 abstentions.

The first paragraph of the preamble of the Chairman's draft resolution (A/C.4/L.492) was approved by 60 votes to none, with 16 abstentions.

39. Mr. RODRIGUEZ FABREGAT (Uruguay) requested a roll-call vote on his delegation's amendment (A/C.4/L.494/Rev.1) to the second paragraph of the preamble of the Chairman's draft resolution, as revised orally at the present meeting.

A vote was taken by roll-call.

Venezuela, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Yemen, Yugoslavia, Afghanistan, Argentina, Bolivia, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Czechoslovakia, Egypt, Ethiopia, Greece, Guatemala, Hungary, India, Indonesia, Iran, Iraq, Israel, Jordan, Lebanon, Morocco, Nepal, Panama, Poland, Romania, Saudi Arabia, Sudan, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay.

Against: Australia, Austria, Belgium, Denmark, Finland, France, Iceland, Ireland, Italy, Japan, Luxembourg, Malaya (Federation of), Netherlands, New Zealand, Norway, Pakistan, Sweden, Thailand, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Venezuela, Albania, Brazil, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Ghana, Haiti, Honduras, Laos, Liberia, Mexico, Paraguay, Peru, Philippines, Portugal, Spain, Tunisia, Turkey, United States of America.

The amendment was approved by 33 votes to 19, with 27 abstentions.

The amendment of Ecuador and Guatemala (A/C.4/L.495, para. 1) to the third paragraph of the preamble of the Chairman's draft resolution was approved by 58 votes to none, with 17 abstentions.

The third paragraph of the preamble of the Chairman's draft resolution (A/C.4/L.492), as amended, was approved by 57 votes to none, with 19 abstentions.

40. Mr. RODRIGUEZ FABREGAT (Uruguay) requested that the vote on the Uruguayan amendment to operative paragraph 1 of the Chairman's draft resolution (A/C.4/L.493/Rev.2, para. 1) should be taken by roll-call.

A vote was taken by roll-call.

Chile, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Egypt, El Salvador, Ethiopia, Greece, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Jordan, Lebanon, Mexico, Morocco, Panama, Poland, Saudi Arabia, Sudan, Syria, Tunisia, Uruguay, Yemen, Yugoslavia, Afghanistan, Bolivia, Burma, Cambodia, Ceylon.

Against: Chile, Colombia, Costa Rica, Denmark, Dominican Republic, Ecuador, Finland, France, Ghana, Honduras, Iceland, Ireland, Israel, Italy, Japan, Laos, Luxembourg, Malaya (Federation of), Netherlands, New Zealand, Norway, Pakistan, Paraguay, Peru, Portugal, Sweden, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Australia, Austria, Belgium, Brazil, Canada.

Abstaining: China, Cuba, Czechoslovakia, Hungary, Liberia, Nepal, Philippines, Romania, Spain, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Albania, Argentina, Bulgaria, Byelorussian Soviet Socialist Republic.

The amendment was rejected by 35 votes to 28, with 16 abstentions.

Operative paragraph 1 of the Chairman's draft resolution (A/C.4/L.492) was approved by 53 votes to 11, with 14 abstentions.

The amendment of Ecuador and Guatemala (A/C.4/L.495, para. 2) to operative paragraph 2 of the Chairman's draft resolution, with the addition proposed orally by India, was approved by 67 votes to none, with 10 abstentions.

Operative paragraph 3 of the Chairman's draft resolution (A/C.4/L.492) was adopted without objection.

At the request of the representative of Norway, a vote was taken by roll-call on the draft resolution (A/C.4/L.492) as a whole, as amended.

Austria, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Austria, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, France, Ghana, Haiti, Honduras, Iceland, Iran, Ireland, Israel, Italy, Japan, Laos, Lebanon, Liberia, Luxembourg, Malaya (Federation of), Mexico, Nepal, Netherlands, New Zealand, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Portugal, Spain, Sweden, Thailand, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Afghanistan, Argentina, Australia.

Against: Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Czechoslovakia, Hungary, Poland, Romania, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Albania.

Abstaining: Cambodia, Ceylon, Egypt, Ethiopia, Greece, Guatemala, India, Indonesia, Iraq, Jordan, Morocco, Saudi Arabia, Sudan, Syria, Uruguay, Yemen, Yugoslavia.

The draft resolution (A/C.4/L.492), as a whole, as amended, was approved by 52 votes to 10, with 17 abstentions.

41. Mr. VIXSEBOXSE (Netherlands) wished to explain

his delegation's vote on the eight-Power draft resolution (A/C.4/L.490). Its objections to part A were mainly directed to paragraph 3; it doubted the advisability of the reference to legal proceedings, quite apart from the question whether or not every Member of the United Nations would be entitled to invoke article 7 of the Mandate. With reference to part B, his delegation felt that the action outlined in the operative paragraph would be likely to result in a case of a contentious character and would go beyond the scope of questions on which the International Court of Justice should be requested to give an advisory opinion. For those reasons he had abstained in the vote.

42. Mr. SMOLDEREN (Belgium) said that the fact that his delegation had refrained from taking an active part in the discussions on the question of South West Africa that had been held for so many years should not be interpreted as indicating indifference to the fate of the people of the Territory. On the contrary, it was concern for the welfare of those people that had prompted Belgium's attitude, for it had long been convinced that the Assembly had embarked upon a course that would lead nowhere. He paid a tribute to the Chairman for his efforts to extricate the Committee from the present deadlock by an action which had revived the hope of a solution to the problem and in any event could only be beneficial to the indigenous population of the Territory. His delegation had therefore voted in favour of the draft resolution proposed by the Chairman (A/C.4/L.492).

43. It had abstained on the amendments proposed by the delegations of Ecuador and Guatemala (A/C.4/L.495), as amended orally by the Indian delegation, because it was unable to support any proposal which would prejudice the Assembly's freedom of judgement by terms of reference which that body had imposed on itself.

44. His delegation had been unable to vote in favour of the other amendments that had been submitted because it had felt that their adoption could not facilitate the work of the good offices committee but on the contrary might compromise its chances of success. For similar reasons it had been unable to vote in favour of the eight-Power draft resolution (A/C.4/L.490) and the two Liberian draft resolutions (A/C.4/L.487/Rev.2, A/C.4/L.488/Rev.1).

45. Mrs. SKOTTSBERG-AHMAN (Sweden) said that her delegation had voted in favour of the Chairman's draft resolution (A/C.4/L.492) and since, in accordance with that resolution, the United Nations was about to embark on new negotiations it considered it logical not to support any other draft resolutions on the item at the present session.

46. Mr. JELEN (Poland) said that, desiring to co-operate in any effort that might bring about a solution of the problem of South West Africa, he had voted in favour of the Liberian draft resolution in document A/C.4/L.488/Rev.1, which asserted that the normal way of modifying the status of the Territory was to place it under the International Trusteeship System.

47. His delegation had also voted in favour of the other Liberian draft resolution (A/C.4/L.487/Rev.2), since it considered that the work of the Committee on South West Africa deserved approval; and of the eight-Power draft resolution (A/C.4/L.490) because it felt that any effort at conciliation should be supported.

48. His delegation had been unable to support the draft resolution proposed by the Chairman (A/C.4/L.492) because it did not state that the agreement to be reached must be in accordance with the principles of the Charter. It had voted in favour of the amendment proposed by the delegation of Uruguay (A/C.4/L.493/Rev.2, para. 1) but since that amendment had been rejected, it had been obliged to vote against the draft resolution as a whole.

49. Mr. BOZOVIC (Yugoslavia) said that in view of the Chairman's explanations regarding the international status of South West Africa, which implied a continuation of its present status, and the reservations made by the United Kingdom representative, the Yugoslav delegation had misgivings about the possibility of the League of Nations' supervisory functions being exercised by the United Nations. It had therefore abstained in the vote on the Chairman's draft resolution (A/C.4/L.492).

50. His delegation reserved the right to vote differently in the future in the light of subsequent events.

51. Mr. RAHNEMA (Iran) said that, while maintaining his delegation's position of principle, which was the same as that set forth in the Indian and Uruguayan amendments, he had voted in favour of the Chairman's draft resolution (A/C.4/L.492) because he felt it gave grounds for hope that a solution to the problem might be found.

52. His delegation had abstained in the vote on the second Ecuadorian and Guatemalan amendment (A/C.4/L.495, para. 2) as amended, because it felt that the reference to the Charter which was needed in operative paragraph 1 added nothing useful to paragraph 2 of the draft resolution. That vote should therefore not be interpreted to mean that his delegation was opposed in general to references to the Charter in resolutions of the Committee.

53. Mr. TAYLHARDAT (Venezuela) said that his delegation had voted in favour of the Chairman's draft resolution (A/C.4/L.492) because it felt that the General Assembly should not lose the opportunity that was offered to it to negotiate with the Union Government. It interpreted operative paragraph 1 as meaning that the negotiations would be conducted on the assumption that the Territory was still under mandate, in conformity with the advisory opinion of the International Court of Justice. That was the only status for the Territory that his Government could recognize. Furthermore, he understood that the negotiations would be directed towards the placing of the Territory under the International Trusteeship System.

54. His delegation had abstained in the vote on the amendment proposed by the delegation of Uruguay (A/C.4/L.494/Rev.1), which it considered might prejudice the new committee's chances of success.

55. Mr. SPACIL (Czechoslovakia) said he had voted against the Chairman's draft resolution (A/C.4/L.492). As his delegation had stated at previous sessions, it considered that a settlement of the question should be sought only within the framework of the Charter and it had therefore voted in favour of the proposed amendments in so far as they embodied that idea.

56. It would have been prepared to support the Liberian draft resolution in document A/C.4/L.487/Rev.1, which however had not been put to the vote. In

accordance with its position, it had supported the Liberian draft resolution in document A/C.4/L.488/Rev.1.

57. Mr. KADRY (Iraq) said that his delegation had abstained in the vote on the Chairman's draft resolution (A/C.4/L.492) as a whole because it considered that that text did not make it sufficiently clear that any new approach to the problem should be based on the same principles as had governed United Nations action in its past resolutions.

58. It had voted against operative paragraph 1 of the draft resolution because it believed that members of bodies established by the Fourth Committee should be elected rather than appointed.

59. Mr. THORP (New Zealand) said that his delegation had voted against those amendments proposed to the Chairman's draft resolution (A/C.4/L.492) which it judged to be no improvement on the original, in addition to those which it had reason to believe would be prejudicial to the full functioning of the proposed good offices committee.

60. He regretted that the delegation of Liberia and the sponsors of the eight-Power draft resolution had felt obliged to press their draft resolutions to a vote, since in his view those resolutions could not fail to have an adverse effect on the discussions whose conduct would be entrusted to the good offices committee. He had therefore been compelled to abstain in the vote, irrespective of the merits of the proposals in question.

61. Mr. MCGREGOR (United States of America) said that his delegation had abstained in the vote on the eight-Power draft resolution (A/C.4/L.490) in view of the fact that his delegation was named as one of the members of the proposed good offices committee.

62. Mr. MACKAY (Canada) welcomed the Chairman's initiative and expressed the view that the establishment of a good offices committee offered the best hope of a solution to the problem of South West Africa.

63. His delegation regretted that the other draft resolutions on the subject had not been withdrawn in order to create the most favourable atmosphere for the work of the good offices committee. Had there been no pro-

posal for the establishment of such a committee, his delegation would have voted in favour of the eight-Power draft resolution (A/C.4/L.490) but in the circumstances it had felt obliged to abstain.

64. Since the Liberian representative had been unable to accept the suggestion that the word "Approves" in the draft resolution in document A/C.4/L.487/Rev.2 should be replaced by the word "Notes" his delegation had abstained in the vote on that proposal.

65. It had also abstained on the other Liberian draft resolution (A/C.4/L.488/Rev.1) because Canada accepted the advisory opinion of the International Court of Justice that South Africa was not under a legal obligation to place South West Africa under the Trusteeship System and the Canadian delegation felt that the draft resolution went beyond the Court's opinion.

Organization of work

66. The CHAIRMAN proposed that, in taking up agenda item 35 (Information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter), the members of the Committee should cover in a general debate as many sub-items as they wished; on the conclusion of such general debate, the Committee should consider sub-items (a) and (b) jointly and sub-items (c), (d) and (e) each separately.

67. Mr. ROLZ BENNETT (Guatemala) believed that he was right in interpreting the Chairman's proposal to mean that in the discussion of each of the sub-items delegations would be free to discuss that sub-item in as much detail as they desired.

68. Mr. BOZOVIC (Yugoslavia) suggested that there should first be a general debate on sub-items (a) and (b) and then on sub-items (c), (d) and (e) separately.

69. Mr. KADRY (Iraq) explained that, in the view of his delegation, there were four items for discussion. Sub-items (a) and (b) formed one item for discussion, and each of the other three sub-items should be discussed separately. He recalled the decision taken by the Committee at its 600th meeting, during the eleventh session, to discuss sub-items (a) and (b) jointly and sub-item (c) separately.

The meeting rose at 6.40 p.m.