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Chairman: Mr. Rafik ASHA (Syria).

**Requests for hearings (A/C.4/275, A/C.4/276)
(continued)**

1. The CHAIRMAN drew attention to two requests for hearings, one from the Buem-Krachi District Council (A/C.4/275) and one from the Dagomba District Council (A/C.4/276). Since both concerned Togoland under British administration, he suggested that they should be considered together.

2. He asked the United Kingdom representative whether the Administering Authority had any objection to the granting of the requests.

3. Mr. BOURDILLON (United Kingdom) said that his Government would have no objection.

It was decided to grant the requests.

AGENDA ITEM 34

**Question of South West Africa: report of the
Committee on South West Africa (A/2666 and
Corr.1 and Add.1, A/C.4/274, A/C.4/L.340,
A/C.4/L.341, A/C.4/L.342) (*continued*)**

4. Mr. BOURDILLON (United Kingdom) wished to explain his vote at the previous meeting on the draft resolution in annex VI to the report of the Committee on South West Africa (A/2666 and Corr.1). In his delegation's opinion the procedure adopted by the Committee in dealing with the petition from Miss Perham had gone beyond the procedure under the Mandates System, and therefore beyond the terms of the advisory opinion of the International Court of Justice,¹ which the General Assembly had accepted, since it had been considered without South African participation. Moreover, the decision of the South African Government not to issue a passport appeared to be in accordance with its rights under the Mandate. For those procedural and legal reasons he had voted against the draft resolution.

5. Mr. JOHNSON (United States of America) wished to explain his vote at the previous meeting on

the recommendation made in paragraph 14 of the report of the Sub-Committee on South West Africa (A/C.4/274). The action taken by the Fourth Committee in voting not to act in accordance with that recommendation had re-established the United States delegation's position as it had existed on 19 October, at the Committee's 409th meeting. In conformity with its position as stated on that date, his delegation had not participated in the voting at the previous meeting on the draft resolutions contained in the report.

6. His delegation had urged more than once that it would be unwise not to refer the matter of procedure to the International Court of Justice. The members of the Committee had had every opportunity to consider that course. His delegation had felt that the report of the Sub-Committee should be adopted in its entirety, but the Fourth Committee's action in refusing to accept paragraph 14 had rendered the report meaningless. The United States delegation was therefore of the opinion that the members of the Sub-Committee had been relieved of any obligation to support the report and hence were no longer bound to serve on the Committee on South West Africa, should it be continued. The Fourth Committee's action had convinced his delegation that it would be very difficult, if not impossible, to make an effective contribution to the work of the Committee on South West Africa at the present time.

7. He reserved his Government's right to follow any future course of action it might deem appropriate.

8. Mr. KHALIDY (Iraq) said it had been clear to the members of the Sub-Committee that part II of the Sub-Committee's report was contingent on paragraph 14 of part I, which had been rejected by the Fourth Committee at its previous meeting. The Sub-Committee had functioned in a spirit of conciliation. Its sole object had been to improve the situation and conciliate the various parties. The best way to accomplish that object would have been by referring the question to the International Court, in accordance with the wishes of a large proportion of the Fourth Committee. Since the proposal to do so had been defeated, none of the other conciliatory steps embodied in the report could be taken.

9. Speaking as representative of Iraq, he said that his delegation would be unable to serve on the enlarged Committee on South West Africa if it were established. The only course now open to the Fourth Committee would be to re-establish the original Committee on South West Africa.

10. It was regrettable that the Sub-Committee's excellent motives and hard work should have been underestimated by the Fourth Committee. He wondered whether all the members realized the seriousness of the situation. Furthermore, few of them realized how difficult it had been to induce the United States delegation to participate in the Committee's work.

¹ See *International status of South West Africa, Advisory Opinion: I.C.J. Reports 1950*, p. 128.

11. He regretted that a sincere attempt to improve the situation had been unsuccessful.

12. Mrs. SKOTTSBERG-AHMAN (Sweden), referring to the draft resolution in part II of the Sub-Committee's report, said that her delegation was not convinced of the necessity of increasing the Committee's membership. There was no reason to believe that the difficult task entrusted to the Committee would become any easier through an enlargement of its membership.

13. The Swedish Government appreciated the confidence placed in it by those who had proposed that Sweden should be included in the enlarged Committee on South West Africa, but it did not think that it would be able to make any active contribution to the Committee's work. Its reluctance to serve had been considerably increased by the decision taken at the previous meeting. The Fourth Committee had rejected the principal point in the Sub-Committee's report. The legal doubts entertained by several delegations as to the propriety of the voting procedure recently established by the General Assembly for questions relating to reports and petitions concerning South West Africa would remain. In those circumstances she had been instructed to ask that Sweden's name should be omitted from the list of proposed members of the Committee on South West Africa.

14. Mr. JOUBLANC RIVAS (Mexico) said that his Government would reserve its position with regard to its future participation in the Committee on South West Africa.

15. Mr. FRAZAO (Brazil) had nothing to add to what had been said by the Chairman of the Sub-Committee, who had placed the Fourth Committee squarely face to face with its responsibilities.

16. His Government would reserve its position with regard to future participation in the Committee on South West Africa.

17. Mr. Fida Muhammad KHAN (Pakistan) endorsed what had been said by the representative of Iraq. He reserved his Government's rights to take any decision it might deem appropriate with regard to its participation in the Committee on South West Africa.

18. The CHAIRMAN suggested that the draft resolution concerning the composition and terms of reference of the Committee on South West Africa proposed by the Sub-Committee (A/C.4/274, para. 18) should not be considered.

In the absence of any objection, it was so decided.

19. The CHAIRMAN asked the Committee to vote on the joint draft resolution on the question of South West Africa submitted by the delegations of Burma, Egypt, India, Lebanon, Liberia and the Philippines (A/C.4/L.341).

20. Mr. CAMPOS CATELIN (Argentina) requested a separate vote on the words "with concern" in paragraph 3 of the operative part, and the words "with satisfaction" in paragraph 4 of the operative part.

The words "with concern" in paragraph 3 of the operative part were adopted by 27 votes to 4, with 17 abstentions.

The words "with satisfaction" in paragraph 4 of the operative part were adopted by 24 votes to 1, with 22 abstentions.

The draft resolution (A/C.4/L.341) as a whole was adopted by 29 votes to 7, with 12 abstentions.

21. Mr. VERGARA (Chile) said that he had reached the meeting too late to participate in the voting on the two phrases in question. He had, however, voted in favour of the draft resolution as a whole.

22. Mr. BOZOVIC (Yugoslavia) recalled that his delegation had abstained in the vote on the advisory opinion of the International Court of Justice. His vote in favour of the draft resolution appearing in document A/C.4/L.341 should not be interpreted as a change of position on the basic principle that the only proper course for the Union of South Africa was to place the Territory of South West Africa under the International Trusteeship System. The Yugoslav delegation's vote was a proof of its desire to co-operate with the Fourth Committee in settling the question of South West Africa.

23. Mr. SCOTT (New Zealand) said that he had abstained from voting on the draft resolution because of his delegation's doubts as to the legality of the Fourth Committee's action. The New Zealand delegation would still prefer the General Assembly to consider its own voting procedure before the Fourth Committee took any action on resolutions relating, as paragraph 3 of the draft resolution in question did, to conditions in the Territory of South West Africa. The vote cast by New Zealand was without prejudice to its vote in the General Assembly should the Assembly take up the question of referring its own voting procedure to the International Court of Justice for an advisory opinion.

24. Mr. S. S. LIU (China) said that his delegation had abstained from voting on the draft resolution because it doubted that it could be effectively implemented. Furthermore, the General Assembly had suggested to the Trusteeship Council that it should not express general commendation for the actions of Administering Authorities in Trust Territories. Paragraph 3, as adopted, expressed general criticism, which should be regarded in the same light as general commendation, and the Chinese delegation had therefore abstained from voting on the draft resolution as a whole.

25. Mr. DURON (Honduras) said that his delegation had voted in favour of the draft resolution because it considered that it was the best that could be achieved in the matter for the time being.

26. The CHAIRMAN asked the Committee to vote on the joint draft resolution on the question of South West Africa submitted by the delegations of Burma, Egypt, India, Lebanon, Liberia, Pakistan and Syria (A/C.4/L.342).

The draft resolution was adopted by 36 votes to 2, with 12 abstentions.

Communications to the Chairman of the Fourth Committee

27. The CHAIRMAN read out a letter dated 9 November 1954, which he had received from the Reverend Michael Scott, appealing to members of the Fourth Committee to endeavour to overcome procedural difficulties so that it might be possible to appoint a fully representative Committee on South West Africa.

28. Mr. SOLE (Union of South Africa) inquired under what rules of procedure or in accordance with what practice a letter from a private individual on an item before a Committee of the General Assembly was read to that Committee. He wondered whether he would

be correct in understanding from the reading of the letter in question that such communications were read automatically.

29. The CHAIRMAN said that his understanding was that it was the practice in the Fourth Committee to read out such communications.

30. Mr. SOLE (Union of South Africa) said that, while he did not wish to dispute the Chairman's opinion on the practice in the Fourth Committee, he fully reserved his Government's position on the matter.

31. Mr. RODRIGUEZ FABREGAT (Uruguay) said that the Chairman had proceeded correctly and in accordance with established practice. In any case, the Reverend Michael Scott could scarcely be considered to be a private individual: he had submitted numerous documents to the Committee on South West Africa and the Fourth Committee and he was devoted to the cause of South West Africa and its people. It would be most regrettable were the United Nations to refuse to receive communications or information from such persons.

32. The CHAIRMAN announced that he had received three communications concerning the Cameroons under French administration: a cable from the Chairman of the Jeunesse démocratique du Cameroun, and two communications from Mr. Abel Kingue, Vice-President of the Union des populations du Cameroun. They would be circulated to the members of the Committee if the Committee so decided.

33. Mr. PIGNON (France) pointed out that all three communications referred to a Trust Territory. They should therefore be treated as petitions and dealt with under the rules of procedure applying to petitions. In other words, they should be considered by the Standing Committee on Petitions and the Administering Authority should be given sufficient time to submit its observations. He had no objection to the circulation of the communications to the Fourth Committee as well, provided that they were circulated as petitions with an appropriate symbol indicating that status.

34. The CHAIRMAN read out the cable from the Chairman of the Jeunesse démocratique du Cameroun, which stated that to prevent the delegate of the Jeunesse démocratique from appearing before the United Nations, the French authority was having recourse to strong judicial measures against leaders of the movement. The elected representative of the movement, Mr. Abel Kingue, who was due to leave the Territory of the Cameroons during the current week, had received a summons from the magistrate at Dschang. The Jeunesse démocratique du Cameroun consequently protested against such obstacles to the right of petition and human freedom and requested the Chairman of

the Fourth Committee to intervene to ensure that Mr. Abel Kingue, who had committed no legal crime or offence, was heard by the Fourth Committee.

35. The cable raised an urgent problem on which the French representative might be able to give the Committee some information.

36. Mr. PIGNON (France) explained that the cable referred to a court case of long standing. The same case was dealt with in a petition (T/PET.5/294) on which the Administering Authority had submitted detailed observations. Mr. Abel Kingue had received from the examining magistrate at Dschang several invitations to appear before the court (*convocations*), which he had entirely ignored; the examining magistrate had eventually issued a summons (*mandat de comparution*). It should be stressed that that was quite different from a warrant of arrest. Mr. Abel Kingue was still free; he had not been arrested. There was therefore nothing to prevent him from coming to New York to appear before the Committee. The situation could be modified only as the result of court action on the case.

37. Mr. CARPIO (Philippines) said that he could not understand why some representatives seemed to object when the Chairman informed the Committee of the contents of communications addressed to him. Any communications received by the Chairman of the Fourth Committee in that capacity were addressed to the Committee, which should be informed of their contents. It was particularly important that the Committee should be informed of communications relating to oral hearings granted by it. The possibility that a petitioner might be prevented from coming to New York was a very grave matter on which the Committee should be fully informed.

38. Mr. RODRIGUEZ FABREGAT (Uruguay) agreed that the Committee should be informed of all communications received in connexion with requests for hearing. He had been very glad to hear from the French representative that there was in fact nothing to prevent Mr. Abel Kingue from coming to New York. The petitioner was apparently under a misapprehension and it would be appropriate to inform him of the French representative's statement to the Committee.

39. The CHAIRMAN noted the explanations given by the French representative. He felt sure that the latter would see to it that the petitioner reached New York in time.

40. If there were no objections, the other two communications would be dealt with in accordance with the established rules for petitions.

It was so decided.

The meeting rose at 11.55 a.m.