

United Nations  
**GENERAL  
ASSEMBLY**

**SIXTH SESSION**

**Official Records**



**FOURTH COMMITTEE 224th**

**MEETING**

**Tuesday, 11 December 1951, at 3 p.m.**

**Palais de Chaillot, Paris**

**CONTENTS**

	<i>Page</i>
Question of South West Africa (A/1901 and Add. 1 to 3, A/C.4/L.156 and A/C.4/L.157) ( <i>continued</i> ) . . . . .	143

*Chairman* : Mr. Max HENRÍQUEZ UREÑA (Dominican Republic).

**Question of South West Africa (A/1901 and Add. 1 to 3, A/C.4/L.156 and A/C.4/L.157) (*continued*)**

[Item 38]\*

1. Mr. DE MARCHENA (Dominican Republic) said the question of South West Africa had first arisen at San Francisco and had been before the General Assembly since 1946. Throughout that period it had been impossible to devise any means—whether conciliatory or otherwise of satisfactorily settling the question.

2. The question was more than political ; it involved the fate of a people without self-government and entitled to the protection of the United Nations. It was also a legal question, for it involved an interpretation of a mandate conferred by the former League of Nations. It had been argued that with the disappearance of one party to the Mandate, namely the League, the Mandate itself had lapsed. Actually, however, the Mandate had created a responsibility towards the international community.

3. The advisory opinion rendered by the International Court of Justice<sup>1</sup> in 1950, though without binding force, described the legal status of South West Africa and the South African Government's obligations in clear terms ; it also suggested means of carrying on the idea of the Mandate and outlined the position of the United Nations with respect to the Mandate.

4. In 1950, by resolution 449 A (V), the United Nations General Assembly had set up a body which was to have been the successor to the League's Permanent Mandates Commission, and had tried to persuade the South African Government to recognize the Court's opinion. The *Ad Hoc* Committee on South West Africa, composed of five members, had been instructed to confer with the Union of South Africa concerning the procedural measures necessary for implementing the advisory

opinion of the Court. However, from the *Ad Hoc* Committee's report (A/1901 and Add.1 to 3), the Fourth Committee could only gather that the Union of South Africa had obstructed the international community's desire to solve the problem at the 1951 session of the General Assembly. Again hope had to be deferred while a most undesirable situation was being allowed to continue for reasons of domestic policy.

5. The Dominican delegation had considered the problem patiently year by year. It had supported the General Assembly's request (resolution 338 (IV)) to the International Court of Justice for an advisory opinion. The Court had ruled that the Union of South Africa had no right to change the legal status of the Territory of South West Africa by unilateral action. His delegation had wished to explore all the normal procedures of international law likely to lead to a satisfactory solution. Now it was in danger of losing not patience, but hope.

6. Turning to the first joint draft resolution (A/C.4/L.156) submitted to the Committee, he noted that it represented a conciliatory move which could have two results : either the Territory of South West Africa would continue as a mandated territory, in which case information on it would continue to be transmitted and the right of petition as recognized under the League of Nations system would be safeguarded ; or the dispute between the United Nations and the Member concerned would become more acute, in which case the United Nations would have to censure the Member's attitude, being unable to do more to enforce its decisions. That was a most undesirable possibility, and he hoped it would be avoided.

7. The draft resolution, in his opinion, showed a certain lack of co-ordination both in form and in substance. He suggested that a drafting committee might be set up to improve the wording and arrangement of the text. The preamble might usefully be condensed, while the word "solemnly" in paragraph 5 of the operative part appeared to be inappropriate. The second and third paragraphs of the preamble should be followed by the eleventh paragraph of that part in

\*Indicates the item number on the General Assembly agenda.

<sup>1</sup>See *International status of South-West Africa, Advisory Opinion*; I.C.J. Reports 1950, p. 128.

order to preserve the connexion between the request to the International Court of Justice for an advisory opinion and the attitude of the General Assembly to that opinion. Paragraph 3 of the operative part should become the paragraph 1 of the operative part.

8. Paragraph 2 of the operative part raised a difficult question and could not properly be accepted by the Fourth Committee without careful consideration. If the Committee accepted the text of that paragraph, it would *ipso facto* approve the terms of the proposal of the *Ad Hoc* Committee on South West Africa as contained in paragraph 27 of its report. It was clear that the Fourth Committee, in keeping with the spirit of the opinion of the International Court of Justice and with the desire of the General Assembly, was concerned with giving effect to the Court's opinion and applying the Mandate conferred upon the British Crown and exercised by the Union of South Africa as a member of the British Commonwealth. Careful examination of the *Ad Hoc* Committee's proposal would show that there were substantial and basic divergences from the original Mandate of 1920; yet it should be remembered that the alternative to a trusteeship agreement voluntarily concluded under Chapter XII of the Charter was the strict application of the Mandate. Accordingly, the *Ad Hoc* Committee's proposal could not be endorsed, in principle, as a minimum, without thorough discussion. The Fourth Committee could either delete operative paragraph 2 or discuss the *Ad Hoc* Committee's proposal in all its implications. The draft resolution would not in fact be affected by the deletion of the paragraph since the powers of the *Ad Hoc* Committee on South West Africa would be unchanged. In any case, the proposal referred to as a minimum had already been rejected by the Union of South Africa.

9. Another delicate point was that the *Ad Hoc* Committee's proposal did not expressly state that the Union of South Africa recognized the United Nations as the representative of the international community and the successor to the League of Nations. A clear statement like that would remove all doubt concerning recognition of jurisdiction, meet the arguments regarding intervention in the domestic affairs of the Union of South Africa and guarantee the right of supervision over the Territory of South West Africa. The same delicate point arose in article 8 of the proposal. In that connexion Mr. de Marchena noted that the General Assembly had, in resolution 65 (I), already expressed its opposition to any attempt to incorporate the Territory of South West Africa in the territory of the Union of South Africa. Any clause which reflected the Assembly's attitude would be in accordance with the opinion of the International Court of Justice regarding the status of the territory.

10. While he recognized the spirit of co-operation which animated the authors of the joint draft, he felt that the Committee should carefully weigh the points he had touched upon. His criticism did not alter his delegation's determination to support any honourable solution of the question of South West Africa.

11. The second joint resolution (A/C.4/L.157) was not inconsistent with the first (A/C.4/L.156) and in substance confirmed earlier decisions of the General Assembly, which the Dominican Republic had supported. Nevertheless, he felt that the Committee must consider whether it was timely, in view of the proposal to continue the *Ad Hoc* Committee on South West Africa, and whether it might not have the effect of making the question more intractable.

12. Mr. DEMCHENKO (Ukrainian Soviet Socialist Republic) stated that, according to the provisions of Chapter XII of the Charter, to which the Union of South Africa had subscribed on becoming a Member of the United Nations, the Territory of South West Africa should be placed under the International Trusteeship System. In 1946 the General Assembly had adopted a resolution (65 I) inviting the Government of the Union of South Africa to submit for its consideration a trusteeship agreement for the territory, and had reaffirmed the recommendation at its subsequent sessions.<sup>2</sup> The Government of the Union of South Africa had consistently refused to comply with that recommendation, despite its clear legal obligations under the Charter; it had indeed virtually annexed the Territory of South West Africa into the Union of South Africa. The provisions of the South West Africa Amendment Act, passed by the Government of the Union of South Africa in April 1949, clearly showed its intention to absorb the territory fully into the Union of South Africa—an action which *per se* was a breach of the Charter and of international law.

13. The Ukrainian delegation continued to maintain its position that the Territory of South West Africa should be placed under the International Trusteeship System. It was accordingly unable to support the joint draft resolution contained in document A/C.4/L.156, providing for the territory to remain under Mandate for another year. On the other hand, it would vote for the draft resolution in document A/C.4/L.157.

14. Mr. RYCKMANS (Belgium) observed that, from the outset, the Belgian delegation had always based its stand on the question of South West Africa on legal considerations. It considered that the Union of South Africa was not legally obliged to place the Territory of South West Africa under the International Trusteeship System. Belgium had itself voluntarily placed under United Nations trusteeship the mandated territories for which it had been responsible, because of the moral obligation arising out of its support of Chapters XII and XIII of the United Nations Charter.

15. Two factors concerning the Territory of South West Africa were especially significant. First, the territory lay within the same land frontiers as the Union of South Africa—a pertinent consideration since the Fourth Committee had always placed great weight on attachment of the dependent people to the metropolitan country. Secondly, the Union of South Africa had

<sup>2</sup> See General Assembly resolutions 141 (II), 227 (III), 337 (IV) and 449 B (V).

made express reservations, at the San Francisco Conference and subsequently, regarding the placing of the Territory of South West Africa under the International Trusteeship System.

16. He repeated that the Union of South Africa was not bound to accept the thesis that the United Nations was the legitimate successor to the League of Nations. Nor had it been legally obliged to sign the agreement submitted by the *Ad Hoc* Committee on South West Africa. Nevertheless, he considered the proposal of the *Ad Hoc* Committee on South West Africa acceptable as a basis for negotiation. It represented a loyal effort to establish a status for the territory as close as possible to that under the Mandate System, offering similar guarantees to the people of the territory and imposing no more substantial obligations upon the Mandatory Power. The Belgian representative therefore regretted that the Government of the Union of South Africa refused to accept that proposal as a basis for discussion.

17. He would have liked to support the draft resolution contained in document A/C.4/L.156, but some aspects of it gave rise to serious objection. The wording of the second paragraph of the preamble especially the term "essential", was too strong. The representative of the Dominican Republic had just pointed out the apparent contradiction in the terms of paragraph 2 of the operative part. Mr. Ryckmans considered that the reference to a "minimum" proposal was likely to hamper successful negotiations between the proposed *Ad Hoc* Committee on South West Africa and the Government of the Union of South Africa. That Government would naturally regard the proposal as a maximum, thus making any discussion on that basis impossible. The language of paragraph 3 of the operative part appeared to be unnecessarily offensive. It might be amended to signify that the Union of South Africa had indicated its willingness to give adequate expression to what were, in the General Assembly's opinion, its international obligations with respect to South West Africa. Paragraph 4, on the other hand, seemed unnecessarily verbose. The Belgian delegation would therefore not participate in the vote.

18. He wished to associate himself with the United Kingdom observations (223rd meeting) on the hearing of the South West African chiefs. The Belgian delegation had voted against that proposal (A/C.4/L.136) on grounds of principle and expediency, realizing that such an invitation, going far beyond the terms of the former Mandate, was likely to lead the United Nations into a deadlock. As an obligation outside the Mandate, it provided the Union of South Africa with a valid reason for refusing to comply with the proposal. If such a hearing had been essential, the Belgian delegation might have been inclined to support it. It was, however, unnecessary; a document stating the chiefs' views would have equally served the purpose without the disadvantages of a hearing.

19. Referring to the draft resolution in document A/C.4/L.157, he pointed out that there was nothing to be gained by repeating General Assembly resolutions.

To do so merely weakened resolutions still in force. He would therefore not participate in the vote.

20. Mr. LACHS (Poland) commiserated with the people of South West Africa on their sad lot. They had first suffered cruel persecution under German imperialism; later, when the Mandates System had been instituted by the League of Nations, the promised emancipation and equality of rights had not materialized. Under the United Nations the situation had not improved; little had been done to implement its sacred trust to help the people of the territory towards self-government and independence.

21. The question of South West Africa had gone through many strange phases in the United Nations. At its first appearance in 1946 the General Assembly had passed a resolution, reaffirmed each year thereafter, recommending that the Territory of South West Africa should be placed under the International Trusteeship System. Those resolutions had been based on the only possible interpretation of Article 77a of the Charter, namely that the Trusteeship System should apply to territories hitherto held under Mandate. Nevertheless, the Union of South Africa had adopted an attitude of non-cooperation which had finally developed into open defiance. Contrary to its own undertaking (A/334), it had decided to cease furnishing information on South West Africa and had notified the General Assembly of its intention to establish a closer association between the Territory of South West Africa and the Union of South Africa (A/957). That was an attempt to reverse the natural process of evolution; it was a unilateral decision to delay political advancement and re-colonize the territory, making implementation of the Charter impossible.

22. Turning to the reactions in the Fourth Committee and the General Assembly, he found the Assembly's reference of the question to the International Court of Justice in 1949 rather strange. The Polish delegation had opposed that course. The authority of the General Assembly, based on the Charter, should suffice to secure compliance with its recommendations, and hence there had been no need to seek the advisory opinion of the International Court of Justice. However, the opinion of the International Court of Justice had confirmed the General Assembly's previous stand. It had stated unequivocally that the Union of South Africa continued to have international responsibilities in respect of South West Africa, and also that the Union of South Africa acting alone had not the competence to modify the international status of the territory. By linking that competence with the consent of the United Nations the Court had clearly established the existence of international obligations in respect of the relationship between the Union of South Africa and South West Africa.

23. The Court had gone farther: it had expected that the Mandatory Power would comply with the provisions of the Charter and place the Territory of South West Africa under the International Trusteeship System. The Belgian representative had taken an opposite view, and had recalled the reservations made

by the Government of the Union of South Africa at the San Francisco Conference, although those reservations had not then been accepted.

24. The advisory opinion of the International Court of Justice had been delivered on 11 July 1950, but had as yet produced no concrete results. At the fifth session of the General Assembly a milder attitude had been advocated, leading to the establishment of the *Ad Hoc* Committee on South West Africa; again there had been no results save the loss of another year. Despite all the earnest efforts of the General Assembly, the Government of the Union of South Africa continued to set the wishes of the General Assembly at naught and to evade its obligations under the Charter. Whether the conclusions were to be drawn from equity or law, justice or the Charter, the results would be the same. The indigenous people expected some action by the United Nations. In that connexion, the history of the Permanent Mandates Commission came to mind. Each year its reports had continued the sorry tale of unsatisfactory conditions in the mandated territories, and each year the hope had been expressed that the following year would show an improvement. That had gone on for twenty years.

25. The United Nations showed a dangerous tendency to repeat that performance. A study of its previous resolutions raised the question whether there was any real determination to implement the aims of the Charter for the benefit of the people of South West Africa. The very language used, ranging from a recommendation in 1946 to an appeal in 1951, reflected the spirit in which the question was approached. It seemed that the less the respect shown by the Government of the Union of South Africa, the milder the General Assembly resolutions became. The prestige of the United Nations was at stake. The Permanent Mandates Commission had rejected any suggestion of the Government of the Union of South West Africa for the incorporation of South West Africa and had prevented such action; at the Commission's twenty-seventh session, it had been stated that in territories where white settlers lived among a Native population, there was always a tendency to reduce the Natives to a purely ornamental status.<sup>3</sup> The present attempt at annexation had, however, been encouraged by wavering in the United Nations. The Fourth Committee must consider seriously what action it was going to take on the flagrant violation of the Charter by a Member State. Honour and duty required that the General Assembly's previous stand should be reaffirmed and strengthened. No useful purpose could be served by re-establishing the *Ad Hoc* Committee on South West Africa; its past efforts had proved entirely fruitless.

26. In conclusion, he observed that, while the joint draft resolution set out in document A/C.4/L.157 did not fully cover the action which should be taken by the Fourth Committee, it was the only one acceptable.

The joint draft resolution in document A/C.4/L.156 was inconclusive. Apart from the passage appealing to the Government of the Union of South Africa, it proposed the re-establishment of the *Ad Hoc* Committee on South West Africa, which had proved of no use in the past. Moreover, it contained much that would weaken the Fourth Committee's authority. No result could be expected from any resolution couched in such mild terms. He therefore urged the adoption of the draft resolution in document A/C.4/L.157, in the best interests of the peoples of South West Africa and the prestige of the United Nations.

27. Mr. TAJIBNAPIS (Indonesia) said that the Indonesian delegation had originally had doubts regarding the joint draft resolution in document A/C.4/L.156 and would have preferred something stronger. For instance, paragraph 3 of the operative part might have been couched in more vigorous language. However, after hearing the sponsors, and especially the realistic and tolerant observations of the representative of Iraq, he was prepared to support that joint draft resolution as it stood. He fully realized that much thought and effort behind the scenes had gone into the draft.

28. The *Ad Hoc* Committee on South West Africa should be commended for its efforts to find a basis of agreement. Its failure to do so was entirely due to the stubborn attitude adopted by the Union of South Africa, which even that State's friends had found impossible to support. That loss of support was in itself eloquent proof of mistaken judgment and a warning to the Union of South Africa.

29. The Indonesian delegation hoped that the Union of South Africa would reconsider its position and that agreement would be reached, for the sake not only of the peoples of the territory but also of harmonious interracial relations throughout the continent of Africa and also of the prestige of the United Nations. For those reasons, it would vote for the joint draft resolution contained in document A/C.4/L.156. It would also vote for the draft resolution in document A/C.4/L.157, the object of which, namely to bring the territory under the International Trusteeship System, was dear to the heart of his delegation.

30. Mr. SHEIKIN (Byelorussian Soviet Socialist Republic) noted that, despite the various General Assembly resolutions on the matter, the Government of the Union of South Africa had consistently refused to submit a draft trusteeship agreement for South West Africa and had, moreover, ceased to furnish information on that territory. The General Assembly, at its fifth session, had reaffirmed its previous resolutions and called upon the Government of the Union of South Africa to comply with them. However, the subsequent actions of the Government of the Union of South Africa clearly showed that it had no intention of doing so.

31. At the fourth session of the General Assembly the question had been referred, at the instance of friends of the Union of South Africa, to the International Court of Justice for its advisory opinion. That opinion had maintained that the voluntary agreement of the Union

<sup>3</sup> See *League of Nations, Permanent Mandates Commission, Minutes of the twenty-seventh session*, C.251, M. 123. 1935. VI, p. 161.

of South Africa was required to place the Territory of South West Africa under the International Trusteeship System. In his opinion, that ruling directly contradicted Articles 77, 79 and 80 of the Charter. Under the provisions of the Charter, there were only two courses of action open in respect of South West Africa : to declare it independent or to place it under the International Trusteeship System. As the territory was not sufficiently advanced economically and politically, the second solution was the only feasible one ; Article 80, paragraph 2, would lose all significance otherwise.

32. The *Ad Hoc* Committee on South West Africa, established at the General Assembly's fifth session, had likewise produced no positive results. In the meantime, the Government of the Union of South Africa had become progressively more daring in its attempts at annexation. It had informed the United Nations that it was ceasing to send information on its administration and had referred to the Act passed by the legislature of the Union of South Africa in April 1949, which was tantamount to open annexation.

33. The Byelorussian delegation considered that the United Nations should take steps to see that the Government of the Union of South Africa carried out the provisions of Articles 77 and 80 of the Charter and, in the meantime, fulfilled the obligations set out in Article 73 of the Charter. It could not support the joint draft resolution (A/C.4/L.156) providing for the maintenance of the territory's status for another year and for negotiations of the basis of the Mandate. That proposal was contrary to Articles 77 and 80 of the Charter. Moreover, there could be no point in re-establishing an *Ad Hoc* Committee on South West Africa, whose previous efforts had proved completely fruitless. He would vote for the joint draft resolution contained in document A/C.4/L.157, which reaffirmed that the normal way of modifying the international status of the Territory of South West Africa was to place it under the International Trusteeship System, in accordance with Chapter XII of the Charter.

34. Mr. ATTAR (Syria) remarked that the General Assembly's efforts over the past five years to find a satisfactory solution to the question of South West Africa had made no progress because of lack of co-operation by the Union of South Africa. The representatives of the Union of South Africa had continually proclaimed their good intentions in that respect, but unfortunately deeds to correspond had been lacking. On the contrary, their attitude had become more and more intransigent, to the point of non-participation in the Fourth Committee's work. It might be asked how such an attitude could help the United Nations in its task of maintaining peace in the world. He failed to understand how the Government of the Union of South Africa could continue to disregard the appeals and recommendations of the General Assembly in the matter, thus showing the gravest disrespect for United Nations authority.

35. The refusal of the Union of South Africa to negotiate on the basis of the proposal of the *Ad Hoc* Committee on South West Africa could not fail to arouse

speculation as to its real wishes. If the Government of the Union of South Africa wanted complete annexation, it could be assured that neither the United Nations nor the peoples of the world would consent to such action, which would be a flagrant violation of all international obligations as well as of the provisions of the Charter. Despite the pessimism naturally engendered by past events, the Syrian delegation would vote for both the joint draft resolutions before the Committee, regarding them as final appeals to reason and common sense.

36. U. HLA MAUNG (Burma) said that the problem of South West Africa had been before the General Assembly since 1946. Despite several General Assembly resolutions, the Government of the Union of South Africa had refused to co-operate. In the face of previous failure, it seemed unlikely that further negotiations could ever result in a solution in harmony with the provisions of the Charter. In 1946 the Union of South Africa had been invited to place the Territory of South West Africa under the International Trusteeship System and to submit a trusteeship agreement to the General Assembly. The Union of South Africa had ignored that resolution. In 1947 the General Assembly had maintained its earlier recommendation and again asked for a trusteeship agreement. In 1948 it had reaffirmed its earlier position, noted with regret the non-compliance of the Union of South Africa, and recommended that that Government should at least continue to furnish annual information. In 1949 the Union of South Africa had informed the Secretary-General that it would transmit no more annual reports, thus preventing the Trusteeship Council from exercising its functions of supervision. The General Assembly had reiterated its previous resolutions and invited the South African Government to resume the submission of reports. It had also asked the International Court of Justice for an advisory opinion on the matter. That opinion had been received in 1950. The attitude of the Government of the Union of South Africa towards the opinion was summarized in the report of the *Ad Hoc* Committee on South West Africa. The recommendations had not been fulfilled. A further attempt to persuade the Government of the Union of South Africa to accept the terms of the advisory opinion and resume reports on South West Africa had culminated in the withdrawal of the delegation of the Union of South Africa from the Fourth Committee.

37. His delegation intended to vote in favour of the joint draft resolution in document A/C.4/L.157. With regard to the joint draft resolution in document A/C.4/L.156, it was doubtful whether any further attempt of that nature could be expected to meet with success. However, hope sprang eternal in the human breast, and no matter how remote the chance of success might seem, his delegation would vote in favour of the resolution.

38. Mr. ANDREN (Sweden) said that, although the atmosphere of the Committee's discussions had improved, the matter was still very delicate. His delegation could not regard success as probable. He urged the

Committee to display care and consideration and not to hazard the welfare of whole nations. A solution might be reached which would promote the interests of the peoples of South West Africa according to the provisions of international law. The only way in which such a solution could be achieved would be by agreement between the Union of South Africa and the United Nations. There might be reasons why the Territory of South West Africa should be placed under the International Trusteeship System, but he doubted whether it would be possible to negotiate from that point of view. His delegation did not wish the door to all new negotiations to be closed, and would therefore not vote in favour of the joint draft resolution in document A/C.4/L.157. On the other hand, the joint draft resolution in document A/C.4/L.156 appealed to the Union of South Africa to reconsider its position; it was in conformity with international law and the provisions of the Charter, and as such was in the true interests of the people of South West Africa. The Swedish delegation would therefore vote in favour of it.

39. Mr. S. S. LIU (China) said that the Fourth Committee's examination of the question of South West Africa had reached a stage where wisdom and statesmanship were needed more than ever before, if the way to a solution was not to be barred altogether. He sympathized with the many moving appeals that had been made for conciliation and moderation. He agreed that another attempt should be made to bring the Union of South Africa back to the atmosphere of the negotiations of the *Ad Hoc* Committee on South West Africa. Only in that way could a mutually satisfactory solution be found. He was therefore in favour of the joint draft resolution in document A/C.4/L.156. He hoped that the Union of South Africa would reconsider its position in the spirit of conciliation shown in that resolution, and would answer the appeal for further negotiations.

40. Although the joint draft resolution in document A/C.4/L.157 was not incompatible with the other joint draft resolution, its substance was largely taken from General Assembly resolution 449 (V), which was still in force and therefore need not be repeated. He would abstain from voting on that draft.

41. Mrs. COELHO DE LISBOA LARRAGOITI (Brazil) said that the Fourth Committee had divided itself into three parties: the Union of South Africa, the colonial conservatives, and the majority of the members. She, together with the representatives of the other so-called young nations of Latin America, had listened with amazement to the speeches of those who defended the South African Government, whose ideas seemed to them to belong to a distant epoch.

42. With reference to the joint draft resolution in document A/C.4/L.156, she did not share the views expressed by the United Kingdom representative (223rd meeting). She would not waste the Committee's time by dwelling upon the usefulness of hearing the Herero chiefs, as the question had already been discussed at length. The situation in South West Africa was illegal and shocking, and the people in the territory were

waiting and hoping that the United Nations would help them. It was difficult to find words to describe a mandatory Power which acted in a way that common law would prohibit to a private individual. But the United Nations existed to establish conditions in which justice and the obligations arising from treaties could be maintained, to promote social progress and better standards of living, and to inculcate tolerance. The Brazilian delegation, because it believed in the principles of the Charter considered the draft resolution to lack strength. The delegations who had sponsored the draft thought that the Government of the Union of South Africa should be given another chance, and that an appeal to it to act according to its international obligations under the Mandate and the Charter might be effective. She only hoped that they would prove right.

43. As the representatives of Guatemala and the Dominican Republic had pointed out, the joint draft resolution in document A/C.4/L.156 endorsed, as a minimum, a proposal of the *Ad Hoc* Committee on South West Africa which had not been considered by the Fourth Committee. If the reconstituted *Ad Hoc* Committee on South West Africa began negotiations on the basis of that minimum proposal, the minimum would obviously become a maximum. The South African Government had rebuffed all attempts at conciliation by the *Ad Hoc* Committee on South West Africa, and the draft resolution would doubtless meet the same fate. The eleventh paragraph of the preamble repeated some of the paragraphs of the preamble of General Assembly resolution 449 A (V), but omitted the fourth, which was very important.

44. For all those reasons, the Brazilian delegation had refused to join in sponsoring that joint draft resolution, and reserved the right to vote for or against it, or for any stronger draft resolution which might be submitted, or to propose any draft resolution it might think fit at a later stage. She also referred to the observations of the Mexican delegation (223rd meeting) and suggested that that aspect of the question should be examined.

45. Mr. PEREZ CISNEROS (Cuba) wished to speak again in reply to those speakers who had asserted that the two joint draft resolutions were incompatible.

46. Draft resolution A/C.4/L.156 was an attempt to make a realistic proposal within the limits established by the advisory opinion of the International Court of Justice; according to that opinion, the Government of the Union of South Africa was not obliged to place the territory under the International Trusteeship System, but it remained bound by the League of Nations mandates system and, therefore, a system as similar as possible to the mandates system should be set up under the United Nations. His delegation's action in sponsoring draft resolution A/C.4/L.157 was in no way inconsistent with the position it had taken in sponsoring draft resolution A/C.4/L.156, which did nothing more than recognize that future work and negotiations must be within the limits of the advisory opinion of the International Court of Justice. That did not hinder the General Assembly from reasserting its position that

the normal way of modifying the international status of the Territory of South West Africa would be to place it under the International Trusteeship System.

47. In the present circumstances, joint draft resolution A/C.4/L.156 should be adopted by the Committee, for its provisions were obviously the only realistic and practical ones, but it was still possible to hope that in the near future the Government of the Union of South Africa might agree to co-operate with the United Nations and draw up a trusteeship agreement.

48. Joint draft resolution A/C.4/L.157 expressed the policy and ideal of the United Nations and outlined a course of action which would be effective in the long run. Moreover, it exercised the only kind of pressure to which a government could yield with dignity—the moral pressure exercised by the whole international community.

49. Prince WAN WAITHAYAKON (Thailand), speaking as Chairman of the *Ad Hoc* Committee on South West Africa, referred to the remarks of the representative of Guatemala, who had expressed appreciation of the work done by the *Ad Hoc* Committee but had said that it had failed. He himself would not assert that the Committee had achieved success, but he would not admit that it had been a total failure.

50. In reply to the Polish representative, he pointed out that the word “urges” was used twice in paragraph 5 of the operative part of draft resolution A/C.4/L.156. Moreover, a step forward had been made through the efforts of the *Ad Hoc* Committee on South West Africa. The Government of the Union of South Africa had already made a unilateral declaration that it would observe those obligations, which had come to be known as a “sacred trust”, but it was now prepared to embody those obligations in an international legal instrument. That might be only a small step forward, but others might follow; the Government of the Union of South Africa might perhaps reconsider its position in response to the General Assembly’s solemn appeal and agree to submit reports on the administration of the territory and to transmit petitions.

51. Because he spoke as Chairman of the *Ad Hoc* Committee on South West Africa rather than as a co-sponsor of the joint draft resolution (A/C.4/L.156), he would not appeal to the Fourth Committee to adopt that draft, although he would be glad if it did so.

52. The representative of El Salvador had suggested (223rd meeting) that a time limit of six months might be set for the work of the reconstituted *Ad Hoc* Committee on South West Africa. The wording actually had that effect, for the report was to be submitted to the seventh session of the General Assembly, and the *Ad Hoc* Committee would hardly be able to begin its work before March.

53. With reference to the remarks of the representative of the Dominican Republic, the reconstituted *Ad Hoc* Committee on South West Africa would certainly take into account all the observations made by the members of the Fourth Committee.

54. A number of representatives had commented on paragraph 2 of the operative part of draft resolution A/C.4/L.156. He pointed out to the representative of the Dominican Republic that the words “Endorses, in principle, as a minimum, the proposal of the Committee” implied nothing more than an endorsement of the principle. The purpose of the proposal was to constitute a basis for discussion. There would be negotiations on that basis, and therefore undue attention need not be paid to the actual wording. The *Ad Hoc* Committee on South West Africa had put its proposal in the form of a draft for the sake of convenience and to make clear to the Fourth Committee its intention, which was to implement the advisory opinion of the International Court of Justice and to adapt the necessary machinery so as to be able to put the mandates system into effect. The words “as a minimum” meant that there might be other solutions, but that the *Ad Hoc* Committee on South West Africa would confine itself to the execution of the advisory opinion of the International Court of Justice.

55. Mr. DE MARCHENA (Dominican Republic) formally proposed that the eleventh paragraph of the preamble of draft resolution A/C.4/L.156 should become the fourth paragraph. He asked for a separate vote on paragraph 2 of the operative part. Furthermore, he proposed that the word “solemnly” in paragraph 5 of the operative part should be deleted, and that the word *lament* in paragraph 2 of the operative part of the Spanish text should be changed to *deplora*.

56. Mr. LACHS (Poland), speaking on a point of order, explained that he had not referred to the exact wording but to the general idea behind the respective resolutions.

57. Mr. MANTILLA (Ecuador) asked for the opinion of the other sponsors of draft resolution A/C.4/L.156 on the deletion of paragraph 2 of the operative part. Approval of that paragraph by the General Assembly would imply approval of the proposal of the *Ad Hoc* Committee on South West Africa contained in document A/1901 (para. 27), which had not been considered by the Fourth Committee. To recommend the Assembly to endorse that proposal seemed somewhat rash, especially as it was described as a minimum.

58. Mr. SAYRE (United States of America) could not agree to any change in the draft resolution not favoured by all the other sponsors. If the other sponsors agreed, however, he would have no objection to the omission of paragraph 2, nor to the suggestion of the Dominican delegation that the eleventh paragraph should become the fourth paragraph. He would not feel justified in accepting any of the other proposed changes.

59. Mr. KHALIDY (Iraq) pressed for the retention in paragraph 5 of the operative part of the word “solemnly”, which he thought had its place and significance there.

60. Mr. PEREZ CISNEROS (Cuba) also agreed to the deletion of paragraph 2 of the operative part, subject to the agreement of all the other sponsors. It

had been included chiefly to ensure that negotiations should not be entered upon without some minimum, but he felt sure that the reconstituted *Ad Hoc* Committee on South West Africa could be relied upon to respect the very low minimum represented by the advisory opinion of the International Court of Justice.

61. Mr. KHALIDY (Iraq), Mr. EL PHARAONY (Egypt), Prince WAN WAITHAYAKON (Thailand), Mr. MACAPAGAL (Philippines) and Mr. FRIIS (Denmark) agreed to the suggestions that paragraph 2 of the operative part should be deleted and that the eleventh paragraph of the preamble should become the fourth paragraph.

62. Mr. DE MARCHENA (Dominican Republic) withdrew his proposal for the deletion of the word "solemnly" from paragraph 5 of the operative part.

63. Mr. TANGE (Australia), explaining his vote, stated that he recognized in joint draft resolution A/C.4/L.156 the Committee's intention that patient negotiation should continue for the purpose of reaching agreement with the Government of the Union of South Africa, and his delegation naturally concurred in that hope. Nevertheless, it felt a certain disappointment that the room for negotiation had been circumscribed—unnecessarily in its opinion—by clauses in the draft resolution. Moreover, some parts of the text dealing with attitudes rather than substance appeared to his delegation to prejudice the prospects of successful negotiation. He welcomed the sponsors' decision to delete paragraph 2 of the operative part.

64. He doubted the wisdom of including paragraph 4 of the operative part which implied a judgment that the Government of the Union of South Africa intended to evade its international obligations. In recent months the Government of the Union of South Africa had made a proposal for carrying out its international obligations. Although he was opposed to that paragraph, he would not vote against the draft resolution as a whole. As, however, he could not support it, he would abstain from voting.

65. He had difficulty in reconciling draft resolution A/C.4/L.157 with what he understood to be the essential purpose of draft resolution A/C.4/L.156, and thought that to adopt the former might prejudice the effect of the latter. The Australian delegation would therefore abstain from voting on the former.

66. Mr. MIKAOUI (Lebanon), in explanation of his vote, said that he thoroughly approved of the attitude of the *Ad Hoc* Committee on South West Africa in its negotiations with the Government of the Union of South Africa, and regretted that that Government had not accepted the proposal of the *Ad Hoc* Committee on South West Africa.

67. He had noted with satisfaction the statement by the United Kingdom representative that His Majesty's Government would not prevent the Herero representatives from Bechuanaland from travelling to Paris.

68. He considered the draft resolutions to be satisfactory and would vote for both of them.

69. Blatta Dawit OGBAZGY (Ethiopia), in explanation of his vote, referred to the part played by South African troops in the liberation of Ethiopia from the fascist yoke, for which Ethiopia owed a debt of gratitude. Moreover, the Mandates System had owed its inception to Field Marshal Smuts. For both those reasons, he greatly regretted the present attitude of the Government of the Union of South Africa.

70. The joint draft resolution in document A/C.4/L.156 was incomplete in that it did not provide for full execution of the General Assembly's decision. He hoped that the Government of the Union of South Africa would reconsider its attitude. He would vote for the joint draft resolution, subject to the deletion of paragraph 2 of the operative part and to the change in the position of the eleventh paragraph of the preamble.

71. Mr. VEJVODA (Yugoslavia), in explanation of his vote, stated that he would abstain from voting on the joint draft resolution in document A/C.4/L.156 because he had objections of principle to the text. He considered the proposed measures a retrograde step in view of the decisions already taken at previous sessions. However, since many delegations considered it to be a new effort to achieve a solution of the problem, he would not vote against it.

72. He would vote for the joint draft resolution in document A/C.4/L.157.

73. Mr. MENDOZA (Guatemala), in explanation of his vote, stated that he had intended to vote against draft resolution A/C.4/L.156 and that he would have explained his vote by analysing the implications of operative paragraph 2 and the articles of the *Ad Hoc* Committee's proposal mentioned in that paragraph. But as that paragraph had been deleted, his delegation would abstain, although it would vote for paragraph 4 of the operative part of the draft.

74. Mr. THEODOROPOULOS (Greece), in explanation of his vote, said that he would vote for joint draft resolution A/C.4/L.156, in the sincere hope that the way of negotiation would prove to be the best means of promoting the welfare of the people of South West Africa.

75. He would abstain from voting on draft resolution A/C.4/L.157, which he considered to be contrary to the objectives of the former draft resolution.

76. At the request of Mr. DE PAIVA LEITE (Brazil), the CHAIRMAN called for a separate vote by roll-call on paragraph 4 of the operative part of draft resolution A/C.4/L.156.

*A vote was taken by roll-call.*

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

*In favour:* Panama, Philippines, Poland, Saudi Arabia, Sweden, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America, Uruguay, Venezuela, Yemen.

Yugoslavia, Afghanistan, Argentina, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, Chile, China, Colombia, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Egypt, Ethiopia, France, Greece, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Netherlands, Nicaragua, Norway, Pakistan.

*Against* : United Kingdom of Great Britain and Northern Ireland, Australia.

*Abstaining* : Peru, Belgium, Canada, Israel, New Zealand.

*That paragraph was approved by 45 votes to 2, with 5 abstentions.*

77. At the request of Mr. DE PAIVA LEITE (Brazil), the CHAIRMAN called for a separate vote by roll-call on the retention of the words "on the basis of the *Ad Hoc* Committee's proposal", in paragraph 5 of the operative part of draft resolution A/C.4/L.156.

*A vote was taken by roll-call.*

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

*In favour* : United States of America, Uruguay, Canada, Chile, Denmark, Ethiopia, Greece, India, Netherlands, Norway, Sweden, Thailand.

*Against* : Yemen, Yugoslavia, Afghanistan, Australia, Brazil, Burma, Byelorussian Soviet Socialist Republic, Czechoslovakia, Guatemala, Iran, Iraq, Lebanon, Mexico, Panama, Philippines, Poland, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

*Abstaining* : Venezuela, Argentina, Belgium, Bolivia, China, Colombia, Cuba, Dominican Republic, Ecuador, Egypt, France, Haiti, Indonesia, Israel, Liberia, New Zealand, Nicaragua, Pakistan, Peru, Saudi Arabia, United Kingdom of Great Britain and Northern Ireland.

*The words were rejected by 19 votes to 12, with 21 abstentions.*

*The Committee decided to insert, in the place of the rejected words, the words "with the Ad Hoc Committee".*

*The first part of paragraph 5 of the operative part of the draft resolution (A/C.4/L.156) was approved by 42 votes to 5, with 6 abstentions.*

*The second part of that paragraph, beginning with the words "and urges it further", was approved by 48 votes to none, with 4 abstentions.*

78. At the request of Mr. PEREZ CISNEROS (Cuba), the CHAIRMAN called for a separate vote by roll-call on paragraph 5 of the operative part of the draft resolution, as a whole.

*A vote was taken by roll-call.*

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

*In favour* : Afghanistan, Argentina, Bolivia, Brazil, Burma, Canada, Chile, China, Colombia, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, Ethiopia, France, Greece, Haiti, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Philippines, Saudi Arabia, Sweden, Syria, Thailand, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen.

*Against* : Byelorussian Soviet Socialist Republic, Czechoslovakia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

*Abstaining* : Australia, Belgium, Guatemala, Mexico, Peru, Yugoslavia.

*That paragraph, as a whole, was approved by 41 votes to 5, with 6 abstentions.*

79. At the request of Mr. DE PAIVA LEITE (Brazil), the CHAIRMAN called for a separate vote by roll-call on paragraph 6 of the operative part of the draft resolution (A/C.4/L.156).

*A vote was taken by roll-call.*

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

*In favour* : Philippines, Saudi Arabia, Sweden, Syria, Thailand, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia, Afghanistan, Argentina, Bolivia, Burma, Canada, Chile, China, Colombia, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, Ethiopia, France, Greece, Haiti, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama.

*Against* : Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Byelorussian Soviet Socialist Republic, Czechoslovakia.

*Abstaining* : Peru, Australia, Belgium, Brazil, Guatemala, Mexico.

*That paragraph 1 was approved by 41 votes to 5, with 6 abstentions.*

80. At the request of Mr. PEREZ CISNEROS (Cuba), the CHAIRMAN called for a vote by roll-call on the joint draft resolution (A/C.4/L.156), as a whole.

*A vote was taken by roll-call.*

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

*In favour* : Netherlands, Nicaragua, Norway, Pakistan, Panama, Philippines, Saudi Arabia, Sweden, Syria, Thailand, United States of America, Uruguay, Venezuela, Yemen, Afghanistan, Argentina, Bolivia, Brazil, Burma, Canada, Chile, China, Colombia, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, Ethiopia, France, Greece, Haiti, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia.

*Against* : Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Byelorussian Soviet Socialist Republic, Czechoslovakia.

*Abstaining* : Mexico, New Zealand, Peru, United Kingdom of Great Britain and Northern Ireland, Yugoslavia, Australia, Belgium, Guatemala.

*The draft resolution (A/C.4/156) as a whole was approved by 39 votes to 5, with 8 abstentions.*

81. The CHAIRMAN then asked the Committee to take a decision on the joint draft resolution in document A/C.4/L.157.

82. Mr. SAYRE (United States of America), in explanation of his vote, said that it was not obligatory for the Government of the Union of South Africa to put South West Africa under the International Trusteeship System, although that could be regarded as the desirable and normal procedure. He felt, therefore, that nothing was to be gained by repeating General Assembly resolution 449 (V), and that there would even be a danger of cheapening United Nations resolutions by reiterating the previous year's resolution. A solemn appeal had already been made to the Government of the Union of South Africa to reconsider the implementation of the advisory opinion of the International Court of Justice, and he felt it inadvisable to urge that Government at present to go farther. He would therefore abstain from voting on draft resolution A/C.4/L.157.

83. Mr. DE MARCHENA (Dominican Republic) agreed with the representative of the United States that draft resolution A/C.4/L.157 was inopportune. Although his delegation had voted in favour of all the General Assembly's resolutions on South West Africa, it would abstain on draft resolution A/C.4/L.157.

84. Mr. ZARUBIN (Union of Soviet Socialist Republics) asked for a separate vote on sub-paragraphs (a), (b) and (c) of the second paragraph of the draft resolution.

85. Mr. DE PAIVA LEITE (Brazil) was opposed to sub-paragraph (b). He felt that the decision of the International Court of Justice that Chapter XII of the Charter did not impose on the Union of South Africa a legal obligation to place South West Africa under the International Trusteeship System should not be emphasized, as it had been reached by such a small majority. He intended to vote in favour of the draft resolution as a whole.

86. Mr. DE GUZMAN NOGUERA (Colombia) said that he, too, had some objections to the decision of the International Court of Justice on that point, but that, since the decision had been accepted by the General Assembly, he would abstain from voting on sub-paragraph (b) of the draft resolution.

*Sub-paragraph (a) of the second paragraph of the preamble (A/C.4/L.157) was approved by 44 votes to none, with 6 abstentions.*

*Sub-paragraph (b) of the second paragraph of the preamble was approved by 24 votes to 10, with 14 abstentions.*

*Sub-paragraph (c) of the second paragraph of the preamble was approved by 45 votes to none, with 4 abstentions.*

*The joint draft resolution (A/C.4/L.157) as a whole was approved by 33 votes to none, with 17 abstentions.*

The meeting rose at 7.5 p.m.