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President : Mr. Luis PADILLA NERVO (Mexico).

Consideration of the various items on the agenda of the meeting

1. The PRESIDENT (*translated from Spanish*): The Assembly's agenda for this meeting consists of the reports of the Fourth Committee, which has finished its work, and a report of the First Committee. Before we proceed to consider these reports, I ought to consult the Assembly regarding the application of rule 67 of the rules of procedure which reads as follows :

" Discussion of a report of a Main Committee in a plenary meeting of the General Assembly shall take place if at least one-third of the Members present and voting at the plenary meeting consider such a discussion to be necessary. Any proposal to this effect shall not be debated, but shall be immediately put to the vote. "

2. Does any representative wish to propose that there should be a debate on any one of the first seven items on our agenda ?

It was decided not to discuss the first seven items (items 12, 32, 33, 34, 35, 36 and 37).

3. The PRESIDENT (*translated from Spanish*) : Naturally the decision just taken does not deprive representatives of the right to explain their votes on each item.

4. Now we come to the eighth item on which the representative of the Union of South Africa has asked for a debate. Accordingly I ask the Assembly to decide by a vote whether the eighth item should be debated.

It was decided to discuss the eighth item (item 38), there being 17 votes in favour, 18 against, with 12 abstentions.

5. The PRESIDENT (*translated from Spanish*) : There is another item on our agenda, the ninth, which is the report of the First Committee on measures to combat the threat of a new world war and to strengthen peace and friendship among the nations.

6. Is there a proposal in favour of discussing this item ?

It was decided not to discuss the ninth item (item 67).

Report of the Trusteeship Council : reports of the Fourth Committee (A/2061) and the Fifth Committee [Agenda item 12]

7. Mr. LANNUNG (Denmark) (Rapporteur of the Fourth Committee) : On behalf of the Fourth Committee I have the honour to submit to the General Assembly the report of that Committee dealing with its consideration of the report of the Trusteeship Council covering its eighth

and ninth sessions. The Committee's report contains nine separate draft resolutions which the Fourth Committee recommends the General Assembly to adopt. The report contains a detailed account of the consideration by the Committee of the various proposals which were introduced in the course of the discussions on this item.

8. As the Members may note, the Committee was animated in its debate by a desire to reach solutions the application of which is intended to further the welfare of the inhabitants of the Trust Territories.

9. It has also considered the operation of the International Trusteeship System and the procedures of the Trusteeship Council, and has adopted a number of recommendations devised to improve, in the opinion of the Committee, the functioning of the system and the working of the main organ of the United Nations primarily responsible for the implementation of the provisions set forth in Chapter XII of the Charter of the United Nations.

10. In this connexion the Committee is now recommending the adoption by the General Assembly: draft resolutions I and II in respect to the procedures of the Trusteeship Council concerning examination of petitions, and organization and methods of functioning of visiting missions; draft resolution III on the participation of the indigenous inhabitants of the Trust Territories in the work of the Trusteeship Council; draft resolution IV relating to the participation of non-members of the Trusteeship Council in its subsidiary organs; draft resolution VI on the dissemination of information on the United Nations and on the International Trusteeship System in Trust Territories; draft resolution VII relating to educational advancement in Trust Territories; and draft resolution VIII relating to the attainment by the Trust Territories of the objective of self-government or independence.

11. In addition to the consideration of the matters I have just mentioned the Committee has examined a great number of petitions concerning Togoland under British administration, and Togoland under French administration, with particular reference to the problem of the Ewe people and the unification of the two Togolands, and is now recommending to the General Assembly draft resolution V which, in the opinion of the Committee, will contribute to the satisfactory solution of this problem.

12. Finally, the Committee proposes the adoption of draft resolution IX which is of a general nature and is intended to ensure that the various comments and suggestions which have been made in the course of discussion of the report at this session of the General Assembly will be taken into consideration by the Trusteeship Council.

13. May I say that the deliberations of the Fourth Committee have shown that all members of that Committee have been motivated during the debates by a common purpose, namely, that of promoting the progress of the people whose administration has been brought under the provisions of the United Nations. The record of voting on the different proposals shows clearly that the Committee has, in the majority of cases, made a successful effort to reconcile, as far as possible, differences of opinion which necessarily exist and has in most cases found solutions which have been considered satisfactory by a great majority of the Committee and in several cases by the Committee as a whole. In the case of draft resolution III the opinions of the members of the Committee were divided.

14. Although the remaining reports of the Fourth Committee concerning Trusteeship matters are not all

before the Assembly as yet, may I be allowed to submit them to the General Assembly for its consideration. These reports speak for themselves, and contain decisions taken by the Committee on each of these matters. Therefore, with your permission, I should like to submit to the General Assembly the reports of the Fourth Committee on the following agenda items: Information of the implementation of Trusteeship Council and General Assembly resolutions relating to Trust Territories (A/2059); Rural economic development of the Trust Territories (A/2058); Abolition of corporal punishment in Trust Territories (A/2060); and Administrative unions affecting Trust Territories (A/2062).

15. The PRESIDENT (*translated from Spanish*): The Fourth Committee is submitting to the Assembly nine draft resolutions, the texts of which appear in document A/2061. In order to proceed with the voting in an orderly manner, I request the Assembly to pay attention to these resolutions.

16. Representatives will have an opportunity of explaining their votes on one or more of these draft resolutions after the voting on all of them has taken place.

17. I now put to the vote draft resolution I.

Draft resolution I was adopted by 39 votes to 5, with 8 abstentions.

18. The PRESIDENT (*translated from Spanish*): We shall proceed to the vote on draft resolution II...

19. Mr. KERNKAMP (Netherlands): On a point of order, I have informed the Secretariat that I desire a separate vote on paragraph 6 of the operative part of this particular draft resolution.

20. The PRESIDENT (*translated from Spanish*): As requested by the Netherlands representative, I shall put paragraph 6 of the operative part of draft resolution II to the vote.

Paragraph 6 of the operative part was adopted by 32 votes to 14, with 8 abstentions.

21. The PRESIDENT (*translated from Spanish*): I shall now put draft resolution II to the vote as a whole.

Draft resolution II as a whole was adopted by 34 votes to 8, with 9 abstentions.

22. The PRESIDENT (*translated from Spanish*): We shall now vote on draft resolution III.

Draft resolution III was adopted by 41 votes to 5, with 5 abstentions.

23. The PRESIDENT (*translated from Spanish*): A roll-call vote has been requested on draft resolution IV, and we shall proceed accordingly.

A vote was taken by roll-call.

Ecuador, having been drawn by lot by the President, voted first.

In favour: Ecuador, Egypt, El Salvador, Haiti, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Nicaragua, Philippines, Saudi Arabia, Syria, Thailand, Uruguay, Venezuela, Yemen, Yugoslavia, Afghanistan, Argentina, Bolivia, Brazil, Burma, Chile, Colombia, Cuba.

Against: Ethiopia, France, Luxembourg, Netherlands, New Zealand, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Australia, Belgium, Byelorussian Soviet Socialist Republic, Canada, China, Costa Rica, Czechoslovakia, Denmark.

Abstaining: Greece, Guatemala, Israel, Norway, Pakistan, Paraguay, Peru, Sweden, Turkey, Dominican Republic.

The result of the vote was 28 in favour, 18 against, with 10 abstentions. Draft resolution IV was not adopted, having failed to obtain the required two-thirds majority.

24. The PRESIDENT (*translated from Spanish*): We come now to draft resolution V. Before putting this draft resolution to the vote, I call upon the Rapporteur of the Fifth Committee who, in accordance with rule 152 of the rules of procedure, will report on the effect of this draft resolution upon the budget estimates of the United Nations.

25. Mr. ASHA (Syria) (Rapporteur of the Fifth Committee): In accordance with rule 152 of the rules of procedure of the General Assembly, and with the request of the President of the General Assembly in his letter dated 17 January 1952, the Fifth Committee, at its 329th meeting held on 17 January 1952, considered the effect on the budget estimates for 1952 of the draft resolution adopted by the Fourth Committee on 2 January 1952 concerning the Ewe and Togoland unification problem.

26. As a basis for its consideration of the financial implications of this draft resolution the Fifth Committee had before it a statement of estimates submitted by the Secretary-General in a report (A/C.5/488). The Committee also heard an oral statement on this report from the Chairman of the Advisory Committee on Administrative and Budgetary Questions which he delivered after consultation with the other members of the Advisory Committee.

27. The Advisory Committee noted that in the report from the Secretary-General it was stated that the particular draft resolution referred to leaves it to the Trusteeship Council to decide, in the course of its tenth session, as to whether a special mission or the 1952 regular visiting mission should study the problem. Depending upon this particular decision, the Committee noted that additional expenditures to be incurred in 1952 would be either of the order of \$41,000, representing the cost of a five-week special mission to the territories of Ewe and Togoland, or alternatively that the existing appropriation already voted by the General Assembly might be sufficient should the Trusteeship Council decide to make the visit to Ewe and Togoland a part of the assignment of the 1952 regular visiting mission.

28. In his statement the Chairman of the Advisory Committee indicated that the financial implications appeared to be reasonably estimated by the Secretary-General in so far as the Advisory Committee could form a judgment without a detailed examination of the estimates. It was further pointed out that on the particular procedure for financing a special mission, if such special mission should be required, there was no urgency for an immediate decision. The Secretary-General had proposed a modification to the text of the resolution relating to unforeseen and extraordinary expenses as adopted by the General Assembly on 21 December 1951 [357th meeting], but since it might be necessary before the end of the current session to consider further modifications of this particular text, consideration could be given at that time to any change required to be made, following the Assembly's decision upon the particular draft resolution approved by the Fourth Committee.

29. The Fifth Committee agreed therefore to recommend to the General Assembly that the financial implications of the adoption of the Fourth Committee's draft resolution on the Ewe and Togoland unification problem might involve additional expenditures for 1952 within a maximum of \$ 41,000.

30. The PRESIDENT (*translated from Spanish*): We shall now vote on draft resolution V.

Draft resolution V was adopted by 46 votes to none, with 7 abstentions.

31. The PRESIDENT (*translated from Spanish*): Draft resolution VI deals with the dissemination of information on the United Nations and on the International Trusteeship System in Trust Territories. This draft resolution was approved unanimously in the Fourth Committee.

32. If there are no comments, I shall consider it adopted by the General Assembly.

Draft resolution VI was adopted without discussion.

33. The PRESIDENT (*translated from Spanish*): I now put to the vote draft resolution VII.

Draft resolution VII was adopted by 47 votes to none, with 8 abstentions.

34. The PRESIDENT (*translated from Spanish*): We shall now proceed to the vote on draft resolution VIII.

35. The representative of the Dominican Republic has the floor to speak on a point of order.

36. Mr. DE MARCHENA (Dominican Republic) (*translated from Spanish*): The delegation of the Dominican Republic wishes to propose that a separate vote should be taken on sub-paragraph 2 (e) of the operative part of the draft resolution, and also that the vote should be taken by roll-call on that sub-paragraph and on the draft resolution as a whole.

37. The PRESIDENT (*translated from Spanish*): I now put sub-paragraph 2 (e) of draft resolution VIII to the vote.

A vote was taken by roll-call.

Iceland, having been drawn by lot by the President, voted first.

In favour: India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yemen, Yugoslavia, Afghanistan, Brazil, Burma, Byelorussian Soviet Socialist Republic, Chile, Cuba, Czechoslovakia, Ecuador, Egypt, El Salvador, Ethiopia, Greece, Guatemala, Haiti.

Against: Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Peru, Sweden, the United Kingdom of Great Britain and Northern Ireland, Australia, Belgium, Canada, Costa Rica, Denmark, France.

Abstaining: Israel, Thailand, Turkey, United States of America, Argentine, Bolivia, China, Colombia, Dominican Republic.

Sub-paragraph 2 (e) of draft resolution VIII was adopted by 32 votes to 15, with 9 abstentions.

38. The PRESIDENT (*translated from Spanish*): We shall now take a roll-call vote on draft resolution VIII as a whole.

A vote was taken by roll-call.

El Salvador, having been drawn by lot by the President, voted first.

In favour: El Salvador, Ethiopia, Greece, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Pakistan, Panama, Philippines, Poland, Saudi Arabia, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yemen, Yugoslavia, Afghanistan, Argentina, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, Chile, Colombia, Cuba, Czechoslovakia, Dominican Republic, Ecuador and Egypt.

Against: France, Luxembourg, Netherlands, New

Zealand, United Kingdom of Great Britain and Northern Ireland, Australia, Belgium, Canada.

Abstaining: Israel, Nicaragua, Norway, Paraguay, Peru, Sweden, Turkey, United States of America, China, Costa Rica and Denmark.

Draft resolution VIII as a whole was adopted by 38 votes to 8, with 11 abstentions.

39. The PRESIDENT (*translated from Spanish*): Draft resolution IX was approved unanimously by the Fourth Committee. If there is no objection, I shall regard it as adopted.

Draft resolution IX was adopted without discussion.

40. The PRESIDENT (*translated from Spanish*): I call upon the representative of Brazil who wishes to explain his vote.

41. Mr. PEDROSA (Brazil) (*translated from French*): On behalf of the Brazilian delegation, I should like very briefly to explain my vote in favour of the resolution on the participation of States not members of the Trusteeship Council in the work of its subsidiary organs.

42. I should not like to repeat here the arguments put forward during the discussion in the Fourth Committee. The Trusteeship Council has sometimes found it difficult to fill vacancies in its subsidiary organs, especially in visiting missions, from among the delegations of States represented on the Trusteeship Council. It was impossible for the Council to send more frequent and larger visiting missions to the Trust Territories because it could not spare for long enough the services of a large number of members. Hence, the principle that States not members of the Council should be allowed to take part in the work of such subsidiary organs, including visiting missions, is both a reasonable and useful principle. It is also important for members of the Council to be able to acquire experience of trusteeship matters as it would be an advantage to them when participating in the proceedings of the General Assembly. Again, as has often been emphasized, the knowledge of outgoing members of the Council should be utilized while the new members are acquiring experience.

43. I should also like to point out that in the practice of the Economic and Social Council countries which are not members of the Council take part in the work of its subsidiary bodies. The Security Council also deemed it appropriate to invite Canada to join one of its subsidiary bodies, even though Canada was not a member of the Security Council.

44. The Trusteeship Council itself asked for the co-operation of Chile in carrying out one of its visiting missions when it found it impossible to select the members of the mission from among the non-administering countries sitting in the Council.

45. The United Nations Charter contemplated a Trusteeship Council much larger than it now is. This fact and the practical reasons pointed out in the Fourth Committee make it essential to enable Member States not represented on the Council to participate in the work of its subsidiary organs. For these reasons my delegation voted in favour of resolution IV.

Information on the implementation of Trusteeship Council and General Assembly resolutions relating to Trust Territories: report of the Secretary-General: report of the Fourth Committee (A/2059)

[Agenda item 32]

46. The PRESIDENT (*translated from Spanish*): The Rapporteur has already submitted the Fourth Committee's

report on this item [A/2059]. This draft resolution was approved by the Fourth Committee without any vote being cast against it.

The draft resolution was adopted without discussion.

Rural economic development of the Trust Territories: report of the Trusteeship Council: report of the Fourth Committee (A/2058)

[Agenda item 33]

47. The PRESIDENT (*translated from Spanish*): The Fourth Committee's report [A/2058] contains a draft resolution approved unanimously by the Fourth Committee.

48. If there is no objection, I shall consider the draft resolution adopted.

The draft resolution was adopted without discussion.

Abolition of corporal punishment in Trust Territories: reports of Administering Authorities: report of the Fourth Committee (A/2060)

[Agenda item 34]

49. The PRESIDENT (*translated from Spanish*): I shall put to the vote the draft resolution which appears in the Fourth Committee's report [A/2060].

The draft resolution was adopted by 48 votes to none, with 4 abstentions.

Administrative unions affecting Trust Territories: report of the Trusteeship Council: report of the Fourth Committee (A/2062)

[Agenda item 35]

50. The PRESIDENT (*translated from Spanish*): The Rapporteur has already introduced the Fourth Committee's report on this item [A/2062]. There is also a draft resolution submitted by the delegation of the Union of Soviet Socialist Republics [A/2063]. I shall put to the vote first the draft resolution submitted by the Fourth Committee. Before doing so, I call upon the representative of France on a point of order.

51. Mr. PIGNON (France) (*translated from French*): The French delegation wishes to make an observation concerning the wording of the draft resolution presented by the Fourth Committee on the subject of administrative unions. It proposes to the sponsors of the draft resolution the deletion, in paragraph 1 of the operative part, of the clause: "and in particular questions arising out of the membership of the Cameroons and Togoland under French administration in the French Union".

52. This change does not mean that the French Government has any objection to agreeing to consideration by the Trusteeship Council of the problem of the status of Togoland and the Cameroons in the framework of the French Union. It would merely have the advantage, in the view of the French delegation, of avoiding any confusion between the question of administrative unions proper and the particular problem which the sponsors of the draft resolution had in mind.

53. It seems to us, moreover, that with this change it would be possible to form a more objective and more realistic idea of the situation as it exists.

54. Mr. DEMCHENKO (Ukrainian Soviet Socialist Republic) (*translated from Russian*): The Ukrainian delegation wishes to explain the considerations which will

guide its vote on the agenda item "Administrative unions affecting Trust Territories".

55. The question of administrative unions affecting Trust Territories has been dealt with by the United Nations on more than one occasion. As far back as its third session, the General Assembly stated in its resolution 224 (III) of 18 November 1948 that "an administrative union 'must remain strictly administrative in its nature and its scope, and that its operation must not have the effect of creating any conditions which will obstruct the separate development of the Trust Territory, in the fields of political, economic, social and educational advancement, as a distinct entity'". In its resolution 326 (IV) the General Assembly again stated that the Trusteeship Agreements did not authorize any form of political association which would involve annexation of the Trust Territories in any sense or would have the effect of extinguishing their status as Trust Territories. However, the discussion in the Fourth Committee has shown that these General Assembly resolutions are being violated by the Administering Authorities.

56. The Administering Authorities—the United Kingdom, Australia and Belgium—are using so-called administrative unions in order to carry through their annexationist policy towards the Trust Territories, which seeks to bring about the complete amalgamation of those territories with their colonial possessions. Such actions on the part of the Administering Authorities infringe the status of the Trust Territories and obstruct their separate development towards the achievement of independence.

57. The Australian Government for example, instead of promoting the development of the Trust Territory of New Guinea towards independence, as required under the Charter of the United Nations, has amalgamated it with the adjacent Australian colony of Papua, thus preventing any further development of the Trust Territory as a distinct entity. The result has been the complete administrative, economic and political absorption of the Trust Territory into the colonial régime of Papua.

58. The Belgian Government's policy is similarly directed towards strengthening the colonial régime in Ruanda-Urundi by establishing a so-called administrative union between the Trust Territory and the colony of the Belgian Congo. Under the cloak of this union the Administering Authority has in reality incorporated Ruanda-Urundi into the colony of the Belgian Congo and subordinated it to that colony.

59. The United Kingdom authorities have in reality completely annexed the Trust Territory of the Cameroons by dismembering it and amalgamating it with various provinces and regions of the British colony of Nigeria. The complete subordination of the Cameroons to the adjacent British colony of Nigeria is illustrated by the additional fact that the Cameroons at present possess neither legislative, administrative, budgetary nor judicial autonomy. In violation of the provisions of the United Nations Charter with regard to the fundamental purposes and principles of the International Trusteeship System, and also of the Trusteeship Agreement, the United Kingdom authorities have similarly annexed the Trust Territory of Togoland, by dividing it into a southern and a northern region and incorporating those regions into the neighbouring British colony of the Gold Coast and the protectorate of the Northern Territories, respectively. Similar annexationist measures have been carried out by the United Kingdom authorities in the territory of Tanganyika.

60. As for the Trust Territories under French administration, Togoland and the Cameroons, the French Govern-

ment long ago incorporated them into the so-called French Union which embraces all the French colonies. Within that "Union" the Trust Territories are deprived of the most elementary rights.

61. All these facts show that the policy of the Administering Authorities with regard to the Trust Territories is designed to rob them of their special status and annex them by amalgamating them with the neighbouring colonies under the cloak of so-called administrative unions. The application of this policy by the Administering Authorities will clearly preclude any independent development of the Trust Territories as distinct entities, as required under the terms of the General Assembly resolution of 18 November 1948. It will thus prevent the development of the Trust Territories towards self-government or independence, in conformity with the principles of the United Nations Charter.

62. The General Assembly cannot accept this situation and should accordingly recommend the Administering Authorities to promote the independent development of the Trust Territories by establishing in them legislative and administrative organs not subordinate to any organs established on the basis of union between the Trust Territories and colonies.

63. That recommendation will be found in the USSR draft resolution [A/2063]. The Ukrainian Soviet Socialist Republic warmly supports the USSR draft resolution and will vote for it.

64. Mr. GAJEWSKI (Poland) (*translated from French*): The Polish delegation attaches great importance to the USSR draft resolution concerning administrative unions affecting Trust Territories. These unions and the plans in which they are embodied have already been amply discussed at previous sessions of the General Assembly.

65. We must never lose sight of the principal objective of the Trusteeship System, which is to make the Trust Territories entirely independent in accordance with the right of peoples to self-determination. The purpose of the Trusteeship System is to accelerate this process and to obtain the right to self-determination for the population of these Territories as rapidly as possible.

66. In the Trusteeship Agreements the Administering Authorities contracted precise and concrete commitments with respect to the realization of the essential requirements of the Trusteeship System. Yet, since the signing of these agreements, it has been established that a number of these Authorities which administer Trust Territories are attempting to create conditions which will postpone the complete independence of these Territories to the Greek kalends. For this purpose they resort to administrative unions, among other means. These unions, which are formed between the Trust Territories on the one hand, and the colonial territories on the other, involve a curtailment of the rights reserved to the Trust Territories.

67. The discussion in the Committee has shown, from concrete examples, whither administrative unions are leading. The Administering Authorities and the States sharing their views have been endeavouring to justify their policy by claiming that the Trusteeship Agreements made provision for and authorized the formation of administrative unions.

68. This is precisely where the infringement of the Trusteeship Agreements and of the Charter occurs. The Trusteeship Agreements do, it is quite true, speak of the possibility of constituting Trust Territories into unions with neighbouring territories by means of strictly technical

agreements, so-called administrative unions. But these agreements, as their name indicates, should be purely technical and may in no case prejudice the autonomous legal status of the Trust Territories. However, what happens in practice is quite different. The Administering Authorities are forming various kinds of unions and relationships between the Trust Territories and neighbouring colonial territories. They are depriving the Territories of their independence and autonomy, both in legislative and in administrative matters. For the sake of appearances and to create the impression that the Trusteeship Agreements are being respected, these unions are being called administrative unions.

69. That is the core of the problem. This state of affairs is depriving the Trust Territories of the rights specified in the United Nations Charter and in the Trusteeship Agreements. These so-called administrative unions are actually not genuine administrative unions, and it is this practice, which conflicts with the Charter and the Trusteeship Agreements, that the USSR draft resolution opposes. This draft resolution recommends the establishment, in Trust Territories, of legislative and administrative organs which shall not be subordinate to any organs set up on the basis of union between Trust Territories and colonies and requests that an end be put to a practice which is inconsistent with international agreement but which is represented as being in conformity with these agreements. In effect, this practice has gradually withdrawn even what little self-government the Trust Territories very often enjoyed.

70. The Polish delegation believes that it is important and essential to adopt the draft resolution of the Soviet Union. If you tolerate these so-called administrative unions, you are converting the Trust Territories back to the status of colonies and confirming their state of dependence. That is why the matter is one of capital importance. Accordingly, the Polish delegation feels that, after three years of discussion and experiment, a precise and concrete resolution ought to be adopted.

71. With regard to the draft resolution submitted by India and the Philippines, I feel bound to state that my delegation considers it inadequate and too vague.

72. The fact that the USSR draft resolution was rejected by the Fourth Committee by a majority of one vote, with 24 abstentions, proves that a large number of delegations feel concern about the present development of the situation in the Trust Territories; the figures which I have just quoted speak for themselves.

73. Only if we ask the administering States to discontinue their practice of constituting so-called administrative unions, and only if we insist on respect for the independence and the legislative and administrative self-government of the Trust Territories—only then shall we be remaining faithful to Chapter XII of the Charter. Believing as it does that these measures are indispensable, the Polish delegation will vote for the USSR draft resolution.

74. Mr. CHYLE (Czechoslovakia): The Czechoslovak delegation has already stressed during the discussions in the Fourth Committee that it considers the question of administrative unions concerning Trust Territories to be one of the problems the solution of which requires extraordinary care and attention. That is because on the decision of the General Assembly on this matter will depend directly the direction which further political, economic, social and cultural development of tens of millions of people in vast Trust Territories will take.

75. Starting from this viewpoint, the Czechoslovak delegation has already voted in the Fourth Committee,

and will also vote in this plenary meeting of the General Assembly, in favour of the draft resolution of the Soviet Union because the adoption of that draft resolution will really ensure for the peoples of the Trust Territories their development towards self-government or independence.

76. The establishment of independent legislative and administrative organs in the Trust Territories, completely separate from existing bodies created on the basis of unions between Trust Territories and Non-Self-Governing Territories, colonies and protectorates, as proposed by the USSR draft resolution, would mean that the effort of the Administering Authorities to incorporate permanently the Trust Territories into their overseas colonies would be clearly blocked.

77. This does not mean that the Member States of the United Nations which are really interested in upholding the provisions of the Charter would reject the institution of administrative unions provided for in the Trusteeship Agreements. They only oppose determinedly the procedure under which the administrative unions would be slowly transformed into instruments which the administering Powers would use for quietly annexing the Trust Territories placed under their temporary administration, making practically worthless the guarantees of the Charter, which, in Chapter XII, ensures those territories' development towards self-government or independence.

78. Resolutions 224 (III) and 326 (IV) of the General Assembly are in themselves a proof of the fact that the majority of the Member States of the United Nations understand the importance of this problem. This was underlined by the reports of the Trusteeship Council this year, and by the reports of the visiting missions and the Standing Committee on Administrative Unions, in spite of the fact that the results of such investigations remain far behind the generally known facts. Nevertheless, in the debates in the Fourth Committee, the representative of the Soviet Union and other delegations clearly proved, on the basis of official United Nations documents only, that certain Administering Authorities, regardless of the opinions and dissatisfaction of the native population, had been really preparing an annexation of the Trust Territories by various transparent measures.

79. The three years which have passed since the adoption of resolution 224 (III) have shown that the Administering Authorities have practically ignored its provisions, as well as the demand expressed in resolution 326 (IV). Not only has nothing been achieved in this matter since 1948, but the position of a number of Trust Territories has even substantially worsened because, in addition to economic exploitation of them as cheap sources of important raw materials, those Territories are being incorporated as strategic areas into the military plans of certain Powers which have been preparing for a new world war.

80. Therefore the General Assembly would be fully justified if it takes this year a further step on the road of protection of the Trust Territories by adopting the constructive and positive draft resolution of the Soviet Union. By the establishment of legislative and administrative organs independent of the present organs based on administrative unions, the political identity of those Territories would be placed beyond doubt once and for all. At the same time the peoples of the Trust Territories would also be given a clear proof that the General Assembly was really ensuring that the guarantees of Chapter XII of the Charter concerning their development towards self-government or independence were being put into effect.

81. In the debate on this draft resolution in the Fourth Committee a number of delegations declared that they

considered the draft to be fundamentally correct, and only twelve Member States of the United Nations voted against it. That by itself shows that the Soviet Union proposal deserves serious consideration. It would be a great mistake to believe that it is possible to overlook, postpone from one year to another, and to manoeuvre with the justifiable demands of the millions of people living in the Trust Territories according to the needs and wishes of the Administering Powers which, under the provisions of the Charter, are but the temporary administrators of those territories. Those millions often live in, to us, unimaginable poverty, without modern means of communication, without radio and Press. Nevertheless, in spite of their mass illiteracy, they are becoming rapidly aware of their rights, and reports reach them of how the United Nations is fulfilling its obligations towards them.

82. It would be a fatal mistake for the United Nations if only a minority in it should fight permanently for justice and for the rights of all, regardless of language, race or religion. The present draft resolution of the Soviet Union is one of the touchstones of our Organization. We have here a matter so clear, so concrete, a matter so fully corresponding to the spirit of the Charter, that I believe that in addition to the Czechoslovak delegation it will receive the support of all Member States which are sincerely interested in preventing the Trust Territories from being reduced progressively by the Administering Authorities to colonies.

83. Mr. INGLES (Philippines): As the General Assembly is well aware the draft resolution on administrative unions affecting Trust Territories was originally sponsored in the Fourth Committee by the delegations of India and the Philippines. It is for that reason that my delegation feels called upon to explain its vote on the amendment proposed by the French delegation.

84. We agree with the representative of France that the particular reference to the French Union in paragraph 1 of the operative part of the draft resolution could indeed be dispensed with, for two reasons: first, because that paragraph notes that the Council has not yet been able to examine fully all aspects of administrative unions, which means all forms of political, economic or administrative associations, either with the metropolitan country or with neighbouring territories, and therefore in our view such reference includes, among other things, territories integrated into the French Union. In the second place, paragraph 3 of the operative part of the resolution, which requires the Council to take action, specifically asks the Council to make an analysis of the status of the Cameroons and Togoland under French administration. After consultation with the representative of India, who was the co-author of the draft resolution in the Committee, we have agreed to support the French amendment to paragraph 1 of the operative part of the draft resolution, because in reality nothing would be lost in principle by its adoption, but on the contrary it would be in the interests of more concise drafting.

85. Mr. DE MARCHENA (Dominican Republic) (*translated from Spanish*): Our delegation voted in the Committee in favour of the draft resolution which appears in the report. It wishes to propose that, when we come to the voting, paragraph 4 of the operative part of the draft resolution should be put to the vote separately.

86. The PRESIDENT (*translated from Spanish*): The Philippine representative, and also the French representative in submitting his amendment, suggested that in paragraph 1 of the operative part of the draft resolution the words "and in particular questions arising out of the

membership of the Cameroons and Togoland under French administration in the French Union" should be omitted. If the Assembly agrees to the passage being dropped, paragraph 1 of the draft resolution would read as follows: "Notes that the Trusteeship Council has not as yet been able to examine fully all the aspects of administrative unions".

87. I should like first to ask the Assembly if there is any objection to the deletion of this phrase, which the Philippine representative considered redundant and unnecessary for the reasons he explained from the rostrum. If there is no objection, paragraph 1 will be worded as I have just read it.

It was so decided.

88. The PRESIDENT (*translated from Spanish*): Before we vote on the draft resolution, I should mention that I have been asked to put paragraph 4 of the operative part of the draft resolution to the vote separately. We shall therefore vote on paragraph 4.

Paragraph 4 was adopted by 30 votes to 14, with 11 abstentions.

89. The PRESIDENT (*translated from Spanish*): I now put to the vote the draft resolution as a whole.

The draft resolution was adopted by 36 votes to 8, with 11 abstentions.

90. Mr. CHYLE (Czechoslovakia) (*Speaking from the floor*): I request a roll-call vote on the USSR draft resolution.

91. The PRESIDENT (*translated from Spanish*): Before putting the USSR draft resolution to the vote, I give the floor to the United Kingdom representative for an explanation of vote.

92. Lord TWEEDSMUIR (United Kingdom): I shall attempt to deal as briefly as possible with the reasons why my delegation is opposed to this draft resolution submitted by the USSR, and why we shall vote against it.

93. The position of my delegation was fully explained during the debate in the Fourth Committee, when a draft resolution in identical terms was moved and rejected. A great deal has been said this afternoon, and much more has been inferred, regarding the evil intentions of the Administering Authorities, which, under cloak of administrative unions, are allegedly annexing Trust Territories. The representative of the Ukrainian SSR used the word "annexation" not once but several times.

94. There is, of course, no truth in this allegation whatsoever. His Majesty's Government in the United Kingdom, as Administering Authority for the Trust Territories of Togoland, the Cameroons and Tanganyika, administers those territories strictly in accordance with the relevant Trusteeship Agreements. In the case of Togoland and the Cameroons under United Kingdom administration the relevant Trusteeship Agreements provide that they should be administered as integral parts of the Territory of the Administering Authority. It is for this reason that these Territories have since the first days of the Mandates and subsequently under the Trusteeship Agreements been administered as integral parts. They play a full part in the political life of those Territories. They have a full representation in the legislative and administrative organs of the integrated Territories.

95. What would happen if my Government were to attempt to implement a resolution such as this? It would be required to disrupt the unified administration which has existed in Togoland and the Cameroons for some thirty years. The new organs thus established would be in direct competition with the organs already in being, and would

make it impossible for my Government to fulfil the injunctions of the Trusteeship Agreements to administer the territories as integral parts of the adjacent territories. We prefer to abide by the Trusteeship Agreements.

96. With regard to the Trust Territory of Tanganyika there exist in that territory independent legislative and administrative organs. Any powers relating to Tanganyika held by the East African High Commission or by the East African Central Legislative Assembly have been voluntarily accorded to these bodies by the Legislative Council of Tanganyika. The resolution would therefore be inapplicable to Tanganyika in spite of the arguments adduced by the sponsors of this draft resolution and some other arguments that we have heard put forward this afternoon. This position, however, does not mean that my Government does not believe that it is right and proper for the Trusteeship Council to continue to scrutinize the existing arrangements to satisfy itself that they are in accordance with the Trusteeship Agreements and the basic objectives of the International Trusteeship System. To this end my Government has co-operated fully with the Trusteeship Council and with its Standing Committee on Administrative Unions. We have done so in the past. We shall continue to do so in the future.

97. We therefore hope that the draft resolution submitted by the Union of Soviet Socialist Republics, which is now before the General Assembly, will be decisively rejected by the vote, and my delegation will vote against it.

98. The PRESIDENT (*translated from Spanish*): A roll-call vote has been requested on the draft resolution submitted by the Soviet Union [A/2063].

A vote was taken by roll-call.

Uruguay, having been drawn by lot by the President, voted first.

In favour: Yemen, Yugoslavia, Burma, Byelorussian Soviet Socialist Republic, Czechoslovakia, Guatemala, Indonesia, Liberia, Mexico, Poland, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Against: Uruguay, Australia, Belgium, Canada, Costa Rica, Denmark, France, Greece, Luxembourg, Netherlands, New Zealand, Norway, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Venezuela, Afghanistan, Bolivia, Brazil, Chile, China, Cuba, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Haiti, India, Iran, Iraq, Israel, Lebanon, Nicaragua, Pakistan, Panama, Paraguay, Peru, Philippines, Saudi Arabia, Thailand.

The draft resolution was rejected by 16 votes to 13, with 26 abstentions.

Information from Non-Self-Governing Territories :

(a) economic conditions and development in Non-Self-Governing Territories ; (b) summary and analysis of information transmitted under Article 73 e of the Charter ; (c) information transmitted under Article 73 e of the Charter : report of the Fourth Committee (A/2057)

[Agenda item 36]

99. Mr. LANNUNG (Denmark) (Rapporteur of the Fourth Committee) : I have the honour to submit to the General Assembly the report on information from Non-Self-Governing Territories as unanimously adopted by the Fourth Committee.

100. In regard to this matter, three questions were referred by this Assembly to the Fourth Committee under agenda item 36 : Economic conditions and development in Non-Self-Governing Territories ; Summary and analysis of information transmitted under Article 73 e of the Charter ; and Information transmitted under Article 73 e of the Charter.

101. So far as the item on economic conditions and development in Non-Self-Governing Territories is concerned, a draft resolution I is now submitted to the Assembly which approves the report of the Special Committee on Information transmitted under Article 73 e of the Charter on this matter, and invites the Secretary-General to communicate this report for further consideration to the Members of the United Nations responsible for the administration of Non-Self-Governing Territories to the Economic and Social Council, the Trusteeship Council and to the specialized agencies concerned. In drafting this resolution the Fourth Committee followed the same procedure as in the fifth session when it dealt with the report on education referred to it by the Special Committee. Taking into account the fact that many economic problems in Non-Self-Governing Territories are similar to those affecting the under-developed areas of the world, the Special Committee referred in its report to the relevant resolutions of the Economic and Social Council dealing with such questions as flow of capital in under-developed areas, land reform, etc.

102. Draft resolution II takes note of the report of the Special Committee covering its 1951 session and approves the arrangements for its work in 1952. After having dealt with educational problems in 1950 and economic development in 1951, the Special Committee will take up questions relating to the social field in 1952.

103. Draft resolution III aims at associating Non-Self-Governing Territories more closely with the work of the Special Committee, and that Committee is invited to examine the possibility of such closer participation.

104. Draft resolution IV deals with future procedure for the continuation of the study of factors which should be taken into account in deciding whether a territory is or is not a territory whose people have not yet attained a full measure of self-government. It decided to take as a basis the list of factors drawn up by the Sub-Committee 9 appointed by the Fourth Committee to study the factors, the list of which is annexed to the resolution. It also invites Members of the United Nations to transmit in writing to the Secretary-General a statement of the views of their governments on that problem, and it appoints an *ad hoc* committee in order to carry out a further study of the factors. This question, through one of its aspects, is linked with the problem of cessation of the transmission of information under Article 73 e of the Charter generally.

105. Draft resolution V, more particularly, deals with the cessation of the transmission of information in respect of the Netherlands Antilles and Surinam. It expresses an appreciation to the Government of the Netherlands for communicating full information in compliance with General Assembly resolution 222 (III). Finally, the draft resolution decides to refer the matter to the next session of the General Assembly having regard to the fact that by that time the *ad hoc* committee on factors will have further clarified the question which it has been asked to study, and that a round table conference of the representatives of the Netherlands Antilles and Surinam is to be held in March 1952 to decide upon the new constitutional order.

106. Draft resolution VI suggests that in order to be more conducive to a wide publicity, the title of the Special Committee should, without affecting its terms of reference,

be abbreviated to read "Committee on Information from Non-Self-Governing Territories". Further, on behalf of the General Assembly, the Committee elected Ecuador and Indonesia as members of the Special Committee in place of Mexico and the Philippines.

107. As I am at this rostrum perhaps the President will allow me, as the representative of DENMARK, to say that I and many of my colleagues in the Fourth Committee consider draft resolution IV concerning factors which should be taken into account in deciding whether a territory is or is not a territory whose people have not yet attained a full measure of self-government is an important question both in the general sense and, more particularly, in the sense of Article 18 of the Charter. We should, therefore, like to suggest that paragraph 2 of Article 18 of the Charter and rule 84 of the rules of procedure should be applied to draft resolution IV concerning factors.

108. The PRESIDENT (*translated from Spanish*): I call upon the representative of Cuba, on a point of order.

109. Mr. PEREZ CISNEROS (Cuba) (*translated from Spanish*): I wish only to raise a point regarding the procedure suggested by the representative of Denmark for the vote on draft resolution IV. He asks that it should be considered as an important question and hence subject to special voting rules. But I would respectfully point out that the draft resolution is concerned only with future procedure and not with the substance of the question. Consequently, my delegation does not believe that it would be logical, at the present stage, to raise the question whether the resolution should be regarded as involving an important question. At the present stage it is still merely a matter of the procedure to be adopted in our future work.

110. The PRESIDENT (*translated from Spanish*): The report of the Fourth Committee [A/2057] contains six draft resolutions recommended for adoption by the General Assembly. We shall vote separately on each draft resolution.

111. I now put to the vote draft resolution I.

Draft resolution I was adopted by 48 votes to 5, with 1 abstention.

112. The PRESIDENT (*translated from Spanish*): We shall now proceed to the vote on draft resolution II, which was approved by the Fourth Committee without opposition. If there are no objections, I shall consider it adopted.

Draft resolution II was adopted without discussion.

113. The PRESIDENT (*translated from Spanish*): I put to the vote draft resolution III.

Draft resolution III was adopted by 47 votes to 2, with 7 abstentions.

114. The PRESIDENT (*translated from Spanish*): We shall vote next on draft resolution IV.

Draft resolution IV was adopted by 46 votes to none, with 7 abstentions.

115. The PRESIDENT (*translated from Spanish*): We shall now vote on draft resolution V.

116. I call upon the representative of the Netherlands who wishes to explain his vote.

117. Mr. KERNKAMP (Netherlands): We should like to ask for a separate vote on paragraph 3 of this draft resolution, and at the same time I should like to explain my vote on this item. I shall be very brief, because we have already explained the position of my Government with reference to this draft resolution in the Fourth Committee.

118. We do not object to the so-called factors being studied. I mean, of course, factors which have to be taken into account to decide whether a territory is or is not a

territory whose people have attained a full measure of self-government. We fully approve that such a list of factors should be drawn up, but we can only accept such a list as a guide as, in our view, it only presents indications.

119. We remain convinced that legally it is for the administering Powers to decide on constitutional grounds if a given territory falls, at a certain time, outside the scope of Article 73 e. We feel sure that the Netherlands Antilles and Surinam have already attained a full measure of self-government, and their democratic governments themselves agree. Therefore, we are opposed to mentioning, in paragraph 3 of the draft resolution, the forthcoming round table conference because, important as this round table conference is in itself in respect to the reconstruction of the Netherlands kingdom, in our view this round table conference is irrelevant in view of the self-government that is already existing with respect to the Netherlands Antilles and Surinam.

120. Therefore, we shall vote against paragraph 3 of this draft resolution, and abstain from voting on the draft resolution as a whole.

121. The PRESIDENT (*translated from Spanish*): The representative of the Netherlands has requested a separate vote on paragraph 3 of the operative part of draft resolution V. I shall put the paragraph to the vote.

Paragraph 3 of the operative part was adopted by 41 votes to 7, with 8 abstentions.

122. The PRESIDENT (*translated from Spanish*): I shall put draft resolution V as a whole to the vote.

Draft resolution V as a whole was adopted by 47 votes to none, with 9 abstentions.

123. The PRESIDENT (*translated from Spanish*): Draft resolution VI, which was approved by the Fourth Committee without opposition, proposes to modify the present name of the Committee on Information transmitted under Article 73 e of the Charter. If there are no objections, I shall consider this draft resolution as adopted.

Draft resolution VI was adopted without discussion.

Election of two members of the Committee on Information from Non-Self-Governing Territories : report of the Fourth Committee (A/2057)

[Agenda item 37]

124. The PRESIDENT (*translated from Spanish*): The next item on our agenda is the election of two members of the Committee on Information from Non-Self-Governing Territories. I am using the new title of the Committee officially for the first time.

125. I would draw the General Assembly's attention to paragraph 30 of the report of the Fourth Committee [A/2057]. Paragraph 30 states that Ecuador and Indonesia have been elected members of the Committee in place of Mexico and the Philippines. The General Assembly should take note of this election.

The General Assembly took note of this election.

Question of South West Africa : report of the Fourth Committee (A/2066 and Corr. 1)

[Agenda item 38]

126. Mr. LANNUNG (Denmark) (Rapporteur of the Fourth Committee): I have the honour to submit to the

General Assembly the report of the Fourth Committee on the question of South West Africa. It would be improper for me not to mention that this is the only report of the Fourth Committee which has not been unanimously adopted, since an amendment to paragraph 6 of the draft report did not meet with the approval of all Members.

127. The report gives an account of the consideration by the Fourth Committee of the report of the *Ad Hoc* Committee on South West Africa [A/1901 and Add.1 to 3], which was submitted to the General Assembly in pursuance of General Assembly resolution 449 (V) of 13 December 1950. During the consideration of this item certain incidental questions were also examined by the Committee. The Committee had before it a request by certain chiefs and headmen from South West Africa that they should be given an opportunity to state their views before the Committee. By the resolution of the Committee which appears in paragraph 5 of the report, the Committee decided to grant this request when the question of South West Africa was taken up "in order that the Committee may enjoy the fullest information on this question". By the resolution of the Committee which appears in paragraph 34 of the report, the Committee at its last meeting directed its rapporteur to express in the report to the General Assembly the regrets of the Committee for not having been able to hear the Herero, Nama and Berg Damara Chiefs. Consequently a statement to this effect has been included in the report of the Committee and appears in paragraph 27.

128. In connexion with its consideration of the question of South West Africa, the Committee adopted two draft resolutions [A and B] which are to be found at the end of the report, and the Fourth Committee recommends to the General Assembly that these resolutions should be adopted.

129. Draft resolution A recommends that the General Assembly should solemnly appeal to the Government of the Union of South Africa to reconsider its position, and urges it to resume negotiations with the *Ad Hoc* Committee for the purpose of concluding an agreement providing for the full implementation of the advisory opinion of the International Court of Justice; and urges it further to submit reports on the administration of the Territory of South West Africa and to transmit petitions to the United Nations. The draft resolution recommends further that the General Assembly should reconstitute the *Ad Hoc* Committee on South West Africa and request it to continue to confer with the Union of South Africa concerning means of implementing the advisory opinion of the Court.¹

130. Draft resolution B reasserts the position of the General Assembly, expressed in its previous resolution [449 B (V)], 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. The Fourth Committee recommends to the General Assembly that these two draft resolutions should be adopted.

131. Mr. DONGES (Union of South Africa): I do not think I should be perfectly fair to you if I were not to say in advance that my speech is somewhat long and that it will take probably an hour. Perhaps you would feel that in the circumstances it would be useful and advantageous to sound the opinion of this meeting of the General Assembly as to whether they wish me to proceed or not.

132. I am perfectly ready and willing to proceed but I think it might be to the general convenience of the Assembly if I put the matter in the hands of the President. Perhaps the President will feel inclined to test the feeling of the meeting.

133. The PRESIDENT (*translated from Spanish*): Representatives have heard the suggestion made by the representative of the Union of South Africa and I am going to ask the Assembly whether it prefers to continue the discussion now or to postpone it until the meeting tomorrow morning.

134. I must point out that the work of the Committees is somewhat behindhand and that it would undoubtedly be advisable to press on. As it is 5.30, I think we have time to hear the representative of the Union of South Africa and to conclude this item today.

135. If there is no objection, I take it that the Assembly wishes to continue the discussion.

It was so decided.

136. Mr. DONGES (Union of South Africa): I am grateful to those delegations which have supported my request for a discussion on the present item. This request, let me assure you, was based on the most compelling considerations and was made only because of actions taken in one of the Committees which, in the opinion of my Government, threatens to deprive not only South Africa but also other Member States of guarantees inscribed in the Charter, guarantees without which the Charter would never have been accepted and consummated. It is this action, which I shall presently describe more fully, which requires the most careful and the most urgent attention of the highest organ of the United Nations, namely, the General Assembly.

137. The matter with which I propose to deal concerns certain proceedings in the Fourth Committee, proceedings which are reported by the Rapporteur in document A/2066 which is before you. I refer more particularly to the resolutions passed by the Committee on 16 November and 5 December 1951 [A/2066, paras. 5 and 6] as well as to certain events which followed thereon. Before doing so, however, I might usefully remind the Assembly of the events which preceded the consideration of the item concerning South West Africa by the Fourth Committee.

138. As representatives will recall, the question of South West Africa was last year referred to an *ad hoc* committee for the purpose of negotiating with my Government in regard to the procedural measures for implementing the Advisory Opinion of the International Court of Justice. Although I expressed the doubt last year that the terms of reference of the *Ad Hoc* Committee on South West Africa were too narrowly conceived to permit of the exploration of all avenues which might lead to agreement and a solution, my delegation was assured that the terms of reference, although restrictively drafted, would be interpreted in a manner permitting the *Ad Hoc* Committee to consider all proposals submitted by the Union of South Africa. On this understanding we entered into negotiations.

139. Unfortunately, however, our original doubts on this score proved to have been well founded. The discussions which took place in New York between the representatives of my Government and the *Ad Hoc* Committee were conducted in an atmosphere which was indeed heartening and in fact augured well for the future. But it soon became clear, and it was in fact declared by the *Ad Hoc* Committee, that proposals which had been introduced by the South African representatives, introduced as a basis for discussion, could not be considered by the Committee on the grounds

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

that they did not fall within the Committee's terms of reference. It was on this point that progress became impossible and it was soon clear to all concerned that the only way out of the impasse was to report the progress which had been achieved to the Fourth Committee in the hope that the terms of reference could be broadened in order to permit of further discussion. I should perhaps state here that the progress made towards a meeting of minds in the discussions with the *Ad Hoc* Committee was not inconsiderable and that it was due, at least in part, to the attitude of the South African representatives who, on the instructions of my Government, endeavoured to meet the Committee wherever possible. The records of those discussions disclose the nature of the concessions which South Africa was prepared to make. It is true that substantial differences remained but continued negotiation, in the event of less rigid terms of reference, was by no means impossible and could well have achieved a reasonable and realistic solution in a propitious atmosphere.

140. It was at this stage and in this atmosphere that we commenced the present session of the General Assembly and it was in this spirit that the delegation of South Africa intended to approach further consideration of the matter in the Fourth Committee. But what happened? Why was it impossible for us even to participate in the Fourth Committee when this matter was under consideration? Why was it that all the good work which had been done had to be destroyed?

141. The reason for all this is known to the delegations in this hall and I need not dwell on the facts unnecessarily. I need only remind representatives that at its first meeting, when it was busy arranging its agenda—I repeat arranging its agenda—the Fourth Committee was requested in the most improper manner to consider a matter of substance, namely, the hearing of petitioners from the territory of South West Africa. Therefore, even before we had reached the item on the agenda a draft resolution was introduced, which was entirely inappropriate, to permit oral petitions from certain Herero Chiefs. My delegation naturally objected, and objected strenuously, but unfortunately to no avail. The draft resolution was adopted and subsequently acted upon. An invitation was addressed to the Herero Chiefs in question and addressed to them direct instead of through the proper channels, a copy being merely forwarded to me for the information of my Government. In addition to this a Mr. Michael Scott, who had not asked to be heard, was invited at a later stage to address the Committee on, apparently, the alleged complaints of the tribes he purported to represent.

142. When this matter was considered in the Fourth Committee I attacked the constitutionality of the proposed action and also indicated how unwise such action would inevitably be. It is my intention to deal with these aspects again today, but before doing so I wish to indicate to the Assembly how precipitate and ill-considered the action of the Fourth Committee was in the light of practical commonsense considerations.

143. In the first place, let me repeat that the time was entirely inopportune for the introduction of a draft resolution to permit oral petitions. Even if the time was opportune, the occasion was inappropriate, since the nature of the item on the agenda was such as to make the hearing of petitioners, even if legally admissible, entirely pointless. The item on the agenda did not deal generally with the status of South West Africa. It was specific and dealt only with the procedural measures necessary for maintaining the status of South West Africa which the General Assembly apparently accepted last year. It was the report of the

Ad Hoc Committee in regard to such procedural measures which was referred to the Fourth Committee by the General Assembly. Surely no one can contend that the Hereros or their spokesmen could or even desired to offer assistance on a matter which was so highly technical. In fact, when Mr. Scott did speak, did he even touch upon this aspect of the matter? The Fourth Committee did not even trouble to inquire into the nature of the representations which the Hereros wished to make in order to ensure that they at any rate fell within the scope of the item on the agenda. The question automatically arises: why was it the desire that they should be heard; for what purpose? The conclusion seems inescapable that the Committee allowed itself to be stamped into accepting a resolution without that careful consideration which can be expected of so responsible a body.

144. In the second place, there was no attempt on the part of the Committee to establish the status of the tribes concerned or the authority of those who purported to speak for them. All the Committee had before it were the documents in A/C.4/187. Even *ex facie* these documents there is nothing to support the claim that the Damaras have, for instance, associated themselves with these petitions. In fact, as document 132/1/04 discloses, the Damaras have made it clear that they are not parties to the petition. In this document, which has been read out in the Committee, they have stated that the Hereros invaded their territory, dispossessed them of their ancestral lands and used them as slave labour until the Europeans liberated them.

145. I am informed that, in his second statement in the Fourth Committee on 11 January 1952 [244th meeting], Mr. Scott attempted to give an explanation regarding this communication from the Damaras whom he claims also to represent. His explanation was that of a man not sure of his own position. He said: "I do not know about the origin of that cable, but I have here the statement which I put down myself from those whom I understood were representatives of the Berg Damaras". How could he not know about the origin of the cable? It is signed "Angus Gariseb, Headman of the Damaras". What could be clearer? Mr. Scott said he had a statement from those whom he "understood" were representatives of the Damaras. Was he then not certain that the persons concerned did indeed represent the Damaras? In his own words, his claim to represent the Damaras is based on hearsay. He went on to refer to a photograph he had received of the Herero, Nama and Damara representatives waiting at Windhoek for permission to come to Paris and said that the person named in the picture was Abraham Gariseb. Note that Angus signed the cable, and Abraham appeared in the photograph. I have here, however, a sworn declaration submitted by Headmen of the Damaras—and we have no doubts about that—to the South West Africa administration in consequence of a certain newspaper report. The declaration is signed by Angus Gariseb who signed the cable, Abraham Gariseb who appears in the photograph, Johannes Gariseb and Hans Uirab. I shall read the whole sworn declaration:

"We went to the office of Advocate S. Frank on the 7th December, and asked him to assist us in drafting a telegram to the Trusteeship Committee of the United Nations. We informed him that we object to the Hereros obtaining any ground in South West Africa because we were in South West Africa before them, and that they entered the land, took our cattle away from us and treated us as slaves until the white people came and liberated us. We are more numerous than they, and they have no right to any ground here. We did not tell the Advocate that we are dissatisfied with the Government. All that

we said was that we have objections to the Hereros being heard, for the reasons set out above.

"A few days later Mr. F. A. Venter, representing the South African Press Association, as we discovered later, came to see us. We, the Counsellors, were present there, as well as other subordinate Damaras. The representatives asked us whether the telegram to the Trusteeship Committee was correct in the form in which it appeared in the newspaper which he had with him. We confirmed that that was so. Thereafter he informed us that the Hereros possess 8 million hectares of land, the Namas about 1 million and that the Damaras only possess half-a-million hectares, and he asked us whether we were satisfied with so little ground and whether we did not want more. There is no doubt concerning this statement of Mr. Venter. It is certain also that it was he who mentioned these figures and that they did not come from our side. Being of the opinion that they could exercise a choice, some of the subordinate Damaras mentioned the names of farms and portions of farms. We, the Headmen, intervened, however, and said that it was wrong to name farms or portions thereof. We told the representative that we are children of the Government. We are satisfied with the Government and we demand neither farms nor portions of farms. We leave it to the Government to treat us as it thinks best, because we have confidence in the Government. We were told later that the representative wrote in his newspaper that we had told him that we demand certain farms or portions thereof. This statement is totally untrue and we deny it in the strongest terms. We did not demand any farms or portions thereof, and we do not demand them now. We request"—that is the request to the South West Africa Administration—"that this statement of ours be published, because the impression has been created that we Damaras are dissatisfied with the manner in which the Government is treating us. Signed by Angus Gariseb, Abraham Gariseb, Johannes Gariseb and Hans Uirab".

I have read you the full sworn declaration translated.

146. These, then, are the headmen of the people whom Mr. Scott claims to represent together with the Hereros and the Namas. I leave it to the good judgment of the General Assembly to evaluate the action of the Fourth Committee in accepting Mr. Scott as a duly accredited representative of the Damaras. An old Bluebook published by the British Government in 1918, command paper 9146,² was quoted in support of the attempt to discredit the statement by the Headman of the Damaras in the telegram which was read out to the Committee. That Bluebook is a report on the treatment of the indigenous peoples of South West Africa by the Germans prior to World War I. It is not only quite irrelevant in regard to the treatment of the indigenous peoples today, but it is also, in so far as it relates to the history of the various tribes, a confirmation of the statement of the Damara Headman. The very passage quoted to the Committee from page 107 of the report refers to the Hereros as the masters of the Damaras. During German administration they, the Damaras, were the slaves of the Hereros. Under South African administration they have never been in a condition of slavery. The records of the League of Nations contain ample proof of this.

147. Mr. Scott also apparently claims to speak for the Nama tribes and derives his authority from a certain David Witbooi, who is the Headman of a group of only 400 Namas

whereas the Nama population is in the neighbourhood of 23,000. Again, *ex facie* the documents, Hosea Kutako is only one of the senior headmen of the Herero people. How, then, could he purport to act on behalf of all the Hereros? In this connexion it is interesting to refer to a letter by Brigadier Ernest Stubbs, wartime Commanding Officer of the Native Military Corps, to the *Johannesburg Star* which was published on 3 December of last year. After explaining that during the course of World War II he, Brigadier Stubbs, made contact with prominent men of the tribes of South West Africa as well as with the rank and file, he continues:

"On most occasions the Hereros were particularly vocal in their protestations of appreciation of the Union Government for the benevolent and sympathetic treatment meted out to their people upon their liberation during World War I from 'the barbarous and cruel yoke of their former German masters'. Not only did they express their appreciation for being allowed to serve the Union Government in common with Union Natives, but pledged, unreservedly, their loyalty. On their disbandment at Quaggaspoort near Pretoria, they spontaneously and with one accord voiced gratitude and loyalty. Why, then, this *volte face*? It is I think, a fair inference that, to put it bluntly, these misguided people have been rather badly got at".

148. Equally illuminating is the report of a Press interview with Colonel P. I. Hoogenhout, retiring Administrator of South West Africa, who has just been appointed South African Ambassador at The Hague. He refers to a letter received from the Herero Chief, Stephanus Hoveka, thanking the Administrator for everything that had been done in the interests of the Natives of South West Africa and referring to the close co-operation which existed in the Territory. In his reply Colonel Hoogenhout expresses his thanks for the letter, expresses the conviction that the Administration will continue to work in the interests of the Hereros and all other Natives, and adds:

"But I wish to warn against strange intruders who pretend to work for you. This is not the case, they seek only personal glory and will do nothing constructive for you".

149. I believe that the Assembly will agree that what I have said indicates clearly how ill timed and unwise, from an ordinary practical point of view, was the action taken by the Fourth Committee. And, let me add, the Fourth Committee could not have been unaware of the fact that the mere introduction of the draft resolutions, let alone their adoption, would be fiercely resented by South Africa, not only because of their unconstitutionality—which I shall presently demonstrate—but also because they could not be regarded otherwise than as a studied insult to South Africa and an attempt, successful as it later proved, to prejudice the main subject under discussion. In my endeavours to dissuade the Committee, I sounded a serious warning that the adoption of the draft resolutions would poison the atmosphere for further negotiations and would undo the good work which the *Ad Hoc* Committee had done. Experience with regard to a similar resolution in 1949 had shown in what a serious light South Africa regarded this matter, and it is difficult to escape the inference that a repetition of those tactics on the eve of the discussion of the report of the *Ad Hoc* Committee was designed to jam further negotiations and wound South Africa's feelings. Apart from their contents, the timing of the resolutions and the manner of their introduction can scarcely be regarded as reconcilable with a genuine desire to reach agreement on this vexed question. As an overture to negotiations it was unfortunate and deplorable.

² See *Union of South Africa, Report on the Natives of South West Africa and Their Treatment by Germany*, prepared in the Administrator's Office, Windhuk, South-West Africa, January 1918.

150. But there is another aspect, too, from which the action of the Fourth Committee must be judged. I do not wish to make an appeal *ad misericordiam* on behalf of South Africa, but I do wish to point out that there are certain rights to which each Member State is entitled. One of these rights is the right to protection against unfair and unjust action by fellow Members. I have already pointed out that the timing and the nature of the offensive resolutions are such as to lead irresistibly to the conclusion that they were inspired by the desire to hurt South Africa. Against action of this nature every Member State is entitled to protection by virtue of its membership. Public opinion in South Africa, of all political shades, is justly indignant and righteously incensed at the treatment meted out by the Fourth Committee to a country which has consistently tried, to the best of its ability and even beyond its capacity and resources, to carry out its obligations under the Charter.

151. My Government, therefore, views in the most serious light this unwarranted and undeserved slight to South Africa, and my instructions are to leave no stone unturned to place before the Assembly in plenary meeting South Africa's complaint in the confident expectation that a satisfactory way out of the impasse will be found.

152. I would remind the General Assembly that this is not the first occasion on which we have had just cause for complaint. For the past five years, with almost monotonous regularity, we have had to endure these outrageous insults from countries whose energies could have been far better employed in sweeping before their own doors. I should like to refer the Assembly to remarks made by the late Field-Marshal Smuts almost five years ago, and shortly after the 1946 session of the General Assembly:

"I say that we will stand behind the United Nations if it acts like a man of honour and if the United Nations honours the Charter which we drafted at San Francisco. If it does not do this, it will suffer the same fate as the League of Nations; it will fail, but it will not fail because of us, it will fail because it has not been true to its own principles and its own Charter. The fundamental principle of the Charter is this, that this Organization will not poke its nose into the domestic matters of other countries. If we had not laid down such a principle there would have been absolute chaos. No one in the world, no nation, big or small, would have known where he was. Unless nations are acknowledged as being sovereign and conduct their own internal affairs according to their own concept and their own system, you will have chaos in the world. I feel the time is rapidly approaching when other nations will find that it is not only small South Africa which is being subjected to the harrow. They will find that tomorrow they themselves will be under the harrow and those who have accused us may also be under the harrow.

"Something has been done to South Africa which, if it be repeated and be done to other countries, will destroy the United Nations and this will not be done by South Africa. It will not be done by its enemies. It will be done in its own house by its own Members, by people who have violated this Charter and this fundamental principle. People think that slavery still continues here, that slavery was abolished in the world a hundred years ago but that it still continues in South Africa. They think that we exploit people here. They think that we suppress our Native and Coloured population and that we exploit them for our own economical purposes. This is the impression which certain Communists and many others—and many of them are South Africans—continue to propagate and spread and, unfortunately, it is extremely difficult for us, and very

expensive, to fight such a campaign. Those who have read the history of South Africa for the past century know how we were misrepresented as slave drivers in Great Britain and other countries. Much of the history of South Africa is due to that misrepresentation. We must counter this ignorance and forgive people who are very ignorant and believe all these stories. They hear it in America. They hear it from the mouths of honourable Senators in this House"—He was speaking in the Senate of South Africa—"They hear it from journalists. They hear it from those world travellers who arrive here, spend a few weeks, and then write books. Then, of course, we also have those things which I have mentioned, the existence of those ideologies which are extremely destructive in the world. We are saddled with them.

"An entirely new wind blows in the world today. A change is coming over the world and we feel the shock thereof! But we will hold our own. I have challenged this Assembly (the United Nations) to prove that any Government, even the greatest Powers in the world which have interests in this continent, has done more for Native development than this little South Africa."

153. Those are the words of Field-Marshal Smuts and I would remind the Assembly that this represents the considered opinion, not given in the heat of argument, of a man whose experience of international organizations was almost unrivalled. Since he made those remarks almost five years ago, there has been no abatement in the vendetta of certain Member States against South Africa. In the present session, too, in the Fourth Committee, South Africa has been subjected to continuous exasperation. No opportunity of inflicting a pin-prick is allowed to pass.

154. The resolutions under discussion are cases in point, but a further example is provided by the draft resolution approved at the 224th meeting of the Fourth Committee [draft resolution B] which once again calls on South Africa to enter into a Trusteeship Agreement in regard to South West Africa. What is the sense of repeating this request to which South Africa has declared itself time and again unable to accede? More significant perhaps is the fact that ten countries specifically voted in committee against sub-paragraph (b) of the second paragraph of the preamble to draft resolution B. And what does that sub-paragraph contain? It declares that:

"The provisions of Chapter XII of the Charter do not impose on the Union of South Africa a legal obligation to place the Territory under the Trusteeship System".

In other words, it is merely quoting part of the Advisory Opinion of the Court. Yet these ten countries, together with a further fourteen countries which abstained on this vote, adjured South Africa to accept the Advisory Opinion of the International Court of Justice *in toto*, whilst refusing to accept it themselves. The fact is, of course, that some of these countries, in spite of South Africa's definite refusal and in conflict with the Advisory Opinion, desire to force South Africa to make the status of South West Africa equivalent to that of a Trust Territory. One of the steps in this process is to permit oral petitions in the case of South West Africa which, in terms of the Charter, are permissible only in the case of Trust Territories.

155. Another fact which is not without significance is the common core of sponsors of the resolutions dealing with the hearing of oral petitions, the placing of South West Africa under the Trusteeship System, and the report of the *Ad Hoc* Committee on South West Africa. Four of the sponsors of the last-mentioned resolution [draft resolution A] now before the Assembly which, *inter alia*, considers

" that the acceptance of the Advisory Opinion... is essential to the rule of law and reason in international affairs thus strengthening the cause of the United Nations "—four of them, I say, also sponsored the first two resolutions, and may be amongst the ten nations voting against, or the fourteen nations abstaining on the vote on sub-paragraph (b) of the second paragraph of the preamble to draft resolution B, while three of these sponsors are definitely not " strengthening the cause of the United Nations " in Korea. That is just one sample from the case-history of some of South Africa's greatest detractors. Further investigation along this line will be even more revealing.

156. The Fourth Committee, however, did not stop at these resolutions. It reopened a debate at the request of an individual who was not a member of the Committee ; it allowed him to suggest to the Committee amendments to a resolution already adopted ; it gave him an opportunity of discussing matters which, on his own admission, were not relevant to the item on the agenda ; and it permitted a discussion of South Africa's own internal policies in direct conflict with Article 2, paragraph 7, of the Charter. I am prepared to give chapter and verse for all these assertions. Certain Member States were apparently prepared to go to any lengths in their vindictive vendetta against South Africa in spite of the Charter which preaches tolerance and understanding.

157. I make no apology for stressing, in this part of my speech, South Africa's position, for we are the real victims at this stage and it is our rights which are now being trampled underfoot. It is we who are now being pushed around and who have to suffer these insults and indignities. We beg no favours. We do not ask for special consideration, but we do claim rights to which we are entitled. After all, membership of the United Nations brings with it not merely obligations but also rights, and the Member which shows itself ready to shoulder the obligations of membership, is all the more entitled to expect that it will not be denied the rights of membership. South Africa has in the past, and is still at present, discharging its obligations in various ways, particularly in resisting aggression in Korea, at a grievous cost. South Africa has, therefore, every right to claim its rights under the Charter—nothing more, but also nothing less. Foremost among those rights is the right to know definitely where we stand in regard to the Charter—where the United Nations stands. Are our rights and duties to be determined by the provisions of the Charter, as conceived and understood by its authors, or by a fortuitous majority of votes in a Committee often founded on political expediency and prejudice ? Can we rely on the guarantees inscribed in the Charter or must we be at the mercy of people who have demonstrated that the principles of the Charter are in many cases a dead letter to them, and many of its provisions more honoured in the breach than in the observance ? We claim that we are entitled to a clear answer to these questions. And if the answer is what it ought to be, then we are surely entitled to claim protection from all the responsible Members of the Organization when our rights under the Charter are infringed or when our guarantees are whittled away.

158. I now turn to the constitutional issues involved in these unfortunate resolutions of the Fourth Committee. I put our case on these issues fairly and briefly to you, Mr. President, in our correspondence, and I appealed to you to bring the resolutions against which we complained before the General Assembly. You assured me, Sir, that your powers did not permit your doing so, and I naturally abide by your decision. Our attempt in 1949 to get the Fourth Committee itself to agree to a similar resolution being reviewed by the General Assembly proved abortive.

The only way left is, therefore, to deal with these objectionable and irregular resolutions by way of discussion of the Rapporteur's report wherein they are duly recorded.

159. The resolution of 16 November in terms of which the Fourth Committee decided to hear oral petitions from certain Herero Chiefs, is clearly irregular and unconstitutional. The grounds for this contention are set out briefly in my letters to you, Mr. President, which I desire to be regarded as incorporated herein, but which need not be repeated here. For the purpose of refreshing the memories of my fellow representatives I merely summarize them shortly. It was contended that this resolution :

(a) is in conflict with the Charter of the United Nations which provides only for the hearing of petitions concerning Trust Territories, and as South West Africa is not a Trust Territory no oral petitions can be received by the Fourth Committee in terms of the Charter ;

(b) flouts resolution 449 (V) of the General Assembly of last year in terms of which an *ad hoc* committee was appointed to examine petitions and any other matters relating to South West Africa as far as possible in accordance with the procedure of the former Mandates System. In conflict with this resolution of the General Assembly, the Fourth Committee usurped the functions of the special committee and proceeded itself to deal with petitions concerning South West Africa in a manner in conflict with that prescribed by the General Assembly last year ;

(c) is contrary to the procedure adopted under the old Mandates System which never allowed oral petitions, a procedure which the Advisory Opinion of the International Court of Justice, whether rightly or wrongly, specifically enjoined.

The sponsors of the resolution of 16 November to hear oral petitions, and those who voted in its favour, are among those who have accepted that Advisory Opinion.

160. For the rest, I need merely say that the constitutional arguments advanced in support of our contention have not been met or refuted either inside or outside the Committee. It is true that an attempt was made to avoid their consequences by suggesting that the hearing of the Hereros or their spokesmen was not equivalent to accepting oral petitions. This reasoning which seeks to create a distinction where there is no difference, is in the first place based on a misreading of the item on the agenda. It assumes that the item is " the future status of South West Africa ", whereas the General Assembly last year apparently accepted the status of South West Africa and referred to the *Ad Hoc* Committee the question of devising the procedural measures necessary for maintaining this status. Hence the item on the agenda which was before the Fourth Committee reads as follows :

" Question of South West Africa : (a) implementation of the Advisory Opinion of the International Court of Justice : report of the *Ad Hoc* Committee on South West Africa ; (b) examination of any report on the administration of the Territory of South West Africa which may be submitted by the Government of the Union of South Africa : report of the *Ad Hoc* Committee on South West Africa ".

That was the matter which was referred by the General Assembly to the Fourth Committee, not the question of the determination of the status of South West Africa in general terms. However, in the second place this line of reasoning fails to take into account the fact that the *Ad Hoc* Committee considered and dealt with similar requests from the same source as petitions, and that at least one of the documents, namely that of 25 November 1950, on

which the Committee's resolution was founded, was actually referred by the *Ad Hoc* Committee to the South African Government as a petition on 3 October 1951.

161. The resolution of 5 December 1951, in terms of which the Fourth Committee decided to give a hearing to Mr. Scott, went even beyond the earlier resolution and carried the irregularity still further, if it has to have any meaning at all. It will be recalled that the earlier resolution permitted the Hereros or their spokesmen to appear before the Fourth Committee. If Mr. Scott was, therefore, to appear as a spokesman of the Hereros, no further resolution was necessary. He could have been heard in terms of the resolution already adopted. But the Committee, knowing all this, decided that a further resolution was necessary. Why? The reason, of course, was that the Committee must have realized that Mr. Scott was not the accredited spokesman for the people he purported to represent. The question, therefore, arises: in what capacity was he asked to appear before the Committee? And the only reply which can logically be suggested is in his personal capacity. It is, therefore, clear that the second resolution was adopted in order to give an individual the opportunity of appearing before the Committee, not as the representative or the spokesman of a section of the indigenous population of South West Africa, but in his individual capacity. This is a resolution so far-reaching in its consequences and implications, and so contrary to the provisions of the Charter, that one dares not allow it to remain on record to be invoked as a precedent at some future time.

162. As I pointed out before, the Fourth Committee did not only allow an individual to address it, whose qualifications and authority to speak are to say the least doubtful and stale, but allowed him to discuss matters having no connexion with South West Africa and indeed matters which fall clearly within the domestic jurisdiction of South Africa. If, in spite of the Charter, this latitude is allowed to one individual, how can it be withheld from another individual? And if permitted in respect of the administration or legislation of one country, can it fairly and logically be refused in respect of the internal policies of another country? It requires no particularly fertile imagination to conjure up the position in our Committees and this Assembly if the treatment meted out to South Africa were to become not the exception but the rule. Most of our time would be consumed in listening to the real or imagined grievances of minority groups, which will be exploited, as so often happens, by other nations for ulterior purposes. This in turn will create friction and cause retaliation, and so the vicious circle will be completed. Foreign propaganda in alleged minority interests has always been one of the most potent weapons in the armoury of international diplomacy and warfare, and this practice which we have now initiated will merely strengthen this potential cause of war.

163. Let us be realistic about this matter. Unless the provisions of the Charter are rigidly adhered to the Organization will not have sufficient time to devote to the attainment of its primary objectives because it will be swamped with petitions and pleas from disgruntled groups and individuals. Again, the issue before us is perfectly clear. Are we prepared to stick to the Charter, or do we wish the United Nations to become the forum for discussing domestic policies and legislations, the storm centre of mutual recriminations and bickerings, and the platform for every crank or ideological fanatic pleading his own peculiar brand of ideology or purporting to act on behalf of any racial, political or religious minority? Surely these are not the ideals which inspired the fathers of the Charter, or the objectives which they envisaged. I can scarcely conceive of any course more calculated to frustrate the primary purpose of the Organi-

zation, to resist aggression, to ensure peace and to promote international co-operation, than the conversion of the United Nations into such a cockpit of wordy warfare.

164. I have successively shown that the handling of this matter by the Fourth Committee has been maladroit, vindictive and unconstitutional. In every respect, and whether regarded from the standpoint of the Organization or of South Africa, the results of its action have been most unfortunate. But that is not yet the end of the story. What the Fourth Committee has done carries wider implications going to the very root of the continued existence of this Organization, which should not be overlooked. After all, the matter might not have been so serious if the Committee's action was merely an instance where there was a temporary fall from grace and where it, perhaps unwittingly, ignored the terms of the Charter. Again, the matter might not have been regarded in such a serious light if it represented merely an isolated gesture of revenge in a vendetta of some countries against South Africa. But the fact is—and this makes the matter so serious—that this incident is merely one symptom of an ailment in the body politic of the United Nations.

165. There are unfortunately other symptoms of the same ailment. There is, for instance, the unjustified demand, held in abeyance at the moment, to discuss political questions and problems in regard to Non-Self-Governing Territories. The Charter itself omits any provision for such discussion, and this omission is known to have been the only condition upon which certain Administering Authorities were prepared to sign the Charter at all. Not unnaturally there has been a strong outcry, accompanied by vigorous action, against this violation of the true intent of the Charter, and for the moment the attempt has been foiled, but I do not think anybody is under the illusion that it will not be renewed.

166. Another symptom of the same ailment is the growing disposition, on the part of certain Member States, to interfere in matters falling within the domestic jurisdiction of a State in spite of the clear prohibition contained in the Charter. I need merely refer to attempts to discuss conditions in British Honduras, in Morocco and in South Africa. There have even been attempts, for instance, to discuss the legislation of a Member State in regard to internal affairs and its policy in regard to, for example, the banning of books or the issue of passports. These attempts have not always been unsuccessful, and along this line we must soon expect discussion, and probably censure, of a country's immigration policy or its fiscal policy. There is, however, no sense in piling Pelion upon Ossa. Turning the pages of summary records one is struck by the extent to which this practice, which is in direct conflict with the Charter, has been allowed to infiltrate into the proceedings of our Organization. Discussions of domestic policy or legislation must be summarily checked or there is bound to be retaliation. Why, after all, should only certain Member States be singled out for treatment of this nature when the greatest sinners are often to be found in the ranks of the Simon Pures? In this connexion I would refer to the support for this view by the representative of El Salvador during the debate at this session on the Indian question, in the *Ad Hoc* Political Committee [32nd meeting]. After all, it is one of the fundamental maxims of equity that "he who comes to Court must come with clean hands". The answer to the difficulties and dangers which this practice calls into existence is simple: stick to the Charter, and avoid these senseless retaliations and recriminations which poison the atmosphere of international co-operation and constitute a threat to the continued existence of our Organization. Let us rather see more of the beam in our own eye and less of the mote in our neighbour's eye.

167. Here I wish to digress for a moment to show how South Africa stands in this matter. We are really at a double disadvantage. By reason of our stand on the Charter we have hitherto not retaliated, although the provocation has been strong and the administration of their own affairs by our attackers has exposed them to counter-attack. We have so far preferred to act on principles which are more calculated to uphold the dignity of debate and the sanctity of the Charter. In consequence the battle has been somewhat one-sided, up to now. But it is clear that the dignity of debate and the sanctity of the Charter are not the burden of only some nations and, if others will persist in making of the United Nations a forum for discussing the internal affairs of South Africa, we shall be forced to retaliate in kind and we certainly have sufficient straw with which to make bricks for use against our attackers. Such retaliation—and we admit it—will be in conflict with Article 2, paragraph 7, of the Charter but its object and justification will be to make these recalcitrant countries adhere to sense and a due observance of Article 2, paragraph 7. Its ultimate object will therefore be to obtain a proper regard for Article 2, paragraph 7. On the other hand, in maintaining the stand we have taken on the Charter, we have logically precluded ourselves from replying to these attacks on our domestic legislation and administration. We have not even dignified these distortions and misrepresentations with a disclaimer, because by doing so we might perhaps be admitting the Organization's right to discuss, and thus interfere in matters of domestic jurisdiction, and so become a party to the violation of the Charter. Our strict adherence to the Charter, as conceived and understood by its authors, has therefore militated against our own interests and has been exploited to our detriment by our aggressors.

168. I repeat, the resolutions now under discussion cannot be regarded in isolation. They are merely one of many symptoms of the same malady which threatens the United Nations, because no organization can afford to disregard the principles on which it was founded and yet hope to survive. The underlying cause of all these symptoms is the same: the tendency to ignore the Charter or to rewrite it in the political or emotional idiom of certain delegations which, in practice, have in any case not shown a special concern for its principles.

169. Member States are beginning to worry. Whilst fully appreciating the great ideals that have inspired this unique experiment, and whilst conscious of the need of a system of collective security to repel aggression and ensure peace, Member States are beginning to wonder whether the Organization has lived up to the high hopes entertained when it was launched five years ago. A note of pessimism is creeping into the sober judgment of those who honestly have the interests of the Organization at heart. Some Member States are beginning to reflect on what their own position would be if a balance sheet were to be struck showing, fairly and dispassionately, the assets and liabilities of membership. We can, of course, and it is so easy to do so, shut our eyes to the dangerous abuses which are apparent, and adopt an ostrich policy of hiding our head in the sand. It is doubtful, however, whether by following such a policy we would be serving the best interests of the Organization. It seems to me rather that the best way of carrying out our duty towards the Organization would be to be honestly and even brutally frank in our diagnosis, and then strong and bold in the measures we take to save the Organization from the dangers that threaten its very existence. Once we have faced up to the malady, unflinchingly and honestly, it is no use administering a palliative that will at most only give temporary relief. If the malady requires a surgical operation

with the possible amputation of a limb in order to save the whole body, we should not hesitate or flinch. After all there is Biblical authority for such action.

170. It will have been observed from my remarks that the threat to our Organization stems largely from the disregard of certain fundamental principles of the Charter. Previously there have been examples of such disregard of the Charter and of General Assembly resolutions by individual Member States or even by constituent organs. I shall not quote examples; let each country put its hand on its own heart. But now that the facts have been pertinently placed before the General Assembly, if the Organization were, at the appropriate time, to take no steps at all, it will be condoning this and other breaches of the Charter, and it will thereby make itself guilty of such breaches. It will inaugurate the rule of lawlessness, it will fortify arbitrary action, and it will sound the death-knell of that system of orderly relations with one another upon which alone co-operation between nations can be based. For make no mistake, if this Organization refuses to take any steps in the circumstances here disclosed, it can never again ask a Member State to respect or observe authorities which it itself has so flagrantly ignored. And if it were to demand such action from a Member State, it cannot ever expect compliance with such a demand. That, I think, is the real issue raised by the resolutions against which we protest. I trust that the Organization will not shirk this issue, but at the appropriate time will take the necessary steps to destroy this evil which will otherwise destroy the Organization.

171. In order that the real issue shall not be obscured or misunderstood I wish to place on record my Government's formal complaint against the Fourth Committee on constitutional grounds in the following declaration:

172. I charge the Fourth Committee with acting beyond its legal competence in acceding to the request for oral petitions from representatives of a section of the population of a country which is not a Trust Territory, and in inviting, even without a request, an individual not representing any section of that population to address it.

173. I base this charge on the following facts:

A. That the Charter of the United Nations makes no provision for the right of petition to the United Nations except in the case of Trust Territories;

B. That South West Africa is not a Trust Territory;

C. That the procedure of the Council of the League of Nations in respect of mandated territories precluded the hearing of oral petitions;

D. That the General Assembly in accepting the Advisory Opinion of the International Court of Justice on South West Africa subscribed to the Court's opinion that in regard to South West Africa the procedure of the Council of the League of Nations under the Mandates System should as far as possible be followed;

E. That the General Assembly appointed an *Ad Hoc* Committee on South West Africa to examine petitions and other matters relating to South West Africa as far as possible in accordance with the procedure under the former Mandates System;

F. That certain communications were received by the Secretary-General and were considered and treated as petitions by the said *Ad Hoc* Committee, and transmitted as petitions to the Government of the Union of South Africa for its observations in accordance with the procedure followed under the former Mandates System;

G. That, in spite of these facts, the Fourth Committee at its 204th meeting decided to accept oral petitions from Hosea Kutako and other Chiefs or Headmen of the

Herero, Nama and Damara tribes, or spokesmen designated by them, at its 219th meeting it called upon a certain individual to address it during the consideration of the item on the agenda relating to South West Africa, and at its 222nd, 244th and 247th meetings heard the said individual ;

H. That the communications (A/C.4/187) on which the Fourth Committee purported to act at its 204th meeting emanated from the same source, were of the same nature and in one case was the identical communication which was treated as a petition by the *Ad Hoc* Committee.

174. On these grounds I charge the Fourth Committee with having acted unconstitutionally. I charge it also with having acted unwisely and improperly, in that it adopted resolutions which are only calculated to hamper further negotiations, to prejudice discussion of the actual item before it and to wound South Africa, unnecessarily and unjustly.

175. For the above reasons, the South African delegation will not take part in any vote on the draft resolutions submitted by the Fourth Committee on this item.

176. The PRESIDENT (*translated from Spanish*): The representative of Australia has the floor to speak on a point of order.

177. Sir Keith OFFICER (Australia): I wish to raise a point of order. In view of the late hour, and the fact that there are almost certainly other speakers, I move, under rule 77, the adjournment of the meeting.

178. The PRESIDENT (*translated from Spanish*): In accordance with the rules of procedure the Australian representative's motion must be put to the vote immediately without discussion.

The motion of the representative of Australia was adopted by 17 votes to 13, with 18 abstentions.

The meeting rose at 6.45 p.m.