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**GENERAL  
ASSEMBLY**

FIFTEENTH SESSION

Official Records



**FOURTH COMMITTEE, 1058th  
MEETING**

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at 11 a.m.

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Chairman: Mr. Adnan M. PACHACHI (Iraq).

Request for hearings (continued)

**REQUEST CONCERNING AGENDA ITEM 45 (QUESTION OF THE FUTURE OF RUANDA-URUNDI) (A/C.4/444/Add.5) (continued)**

1. The CHAIRMAN informed the members of the Committee that they had before them a request for a hearing on the question of the future of Ruanda-Urundi (A/C.4/444/Add.5) made by Mr. Leon Ndensako on behalf of UPRONA. If there were no objections, the request would be granted.

*It was so decided.*

**DOCUMENTS CONCERNING AGENDA ITEM 45 (QUESTION OF THE FUTURE OF RUANDA-URUNDI) (A/C.4/455 and A/C.4/456)**

2. The CHAIRMAN announced that the Committee also had before it two new documents on the same question (A/C.4/455 and A/C.4/456).

3. Mr. RASGOTRA (India) noted, from paragraph 4 of document A/C.4/456, that the report of the United Nations Economic Mission to Ruanda-Urundi had been transmitted to the Belgian Government. He asked whether a copy of it would be distributed to the Committee before it took up the item.

4. Mr. PROTITCH (Under-Secretary for Trusteeship and Information from Non-Self-Governing Territories) recalled that actually the Trusteeship Council had requested the Secretary-General to inform it of the results of the Mission's work;<sup>1/</sup> the Secretariat thought it best for the time being to stand by what was stated in the Secretary-General's note (A/C.4/456).

5. Mr. RASGOTRA (India) said that he failed to see why a report transmitted to the Administering Authority should not also be circulated to the other Member States. He reserved his delegation's right to revert to the matter.

**AGENDA ITEM 43**

**Question of South West Africa (continued):**

- (a) Report of the Committee on South West Africa (A/4464; A/AC.73/3, A/AC.73/L.14; A/C.4/447);
- (b) Report on negotiations with the Government of the Union of South Africa in accordance with General Assembly resolution 1360 (XIV)

**GENERAL DEBATE (continued)**

6. Mr. DJERDJA (Yugoslavia) thanked the petitioners for their clear account of the situation in South West Africa and of the policy pursued by the Union of South Africa. He also thanked the Committee on South West Africa for its report (A/4464). It was a well-established fact that after forty years of administration, the indigenous population of the Territory could make no progress in any field and was being subjected to the severest discrimination. In the circumstances, he wished to indicate the tasks and obligations of the United Nations by reviewing the legal and political aspects of a dispute which was jeopardizing more than the mere prestige of the United Nations.

7. On 17 December 1920, the Former German colony of South West Africa had become a mandated Territory; the Mandate had been conferred upon His Britannic Majesty to be exercised on his behalf by the Government of the Union of South Africa, in accordance with the provisions of Article 22 of the Covenant of the League of Nations. The United Kingdom therefore bore a fair measure of responsibility for the dispute under discussion. With the establishment of the United Nations, all former mandated Territories had been placed under the International Trusteeship System. Unlike the other mandatory Powers, the Union of South Africa had proposed that South West Africa should be integrated with the Union, but the General Assembly had rejected that proposal in 1946 by its resolution 65 (I). Since that time the Government of the Union had ceased submitting information on South West Africa and had refused to recognize the United Nations right of inspection and supervision. At the request of the General Assembly in its resolution 338 (IV), the International Court of Justice<sup>2/</sup> had delivered an advisory opinion in 1950, to the effect that the Union of South Africa continued to have the international obligations assumed under the Mandate and under the Covenant of the League of Nations, but was not under a legal obligation to place the Territory under the

<sup>1/</sup> See A/4404, p. 79.

<sup>2/</sup> International Status of South West Africa, Advisory Opinion: I.C.J. Reports 1950, p. 128.

Trusteeship System. Yugoslavia had not accepted that view because it considered that the Union of South Africa was obliged, under the Charter, to place the Territory under the Trusteeship System without any reservations. However, the General Assembly had acted upon that advisory opinion of the Court by re-constituting an *Ad Hoc* Committee, and subsequently a Committee on South West Africa by its resolutions 651 (VII) and 749 (VIII) respectively. Since the Union of South Africa had denied to the Committee the right to hear petitioners, the International Court of Justice, having been consulted a second time, had given the opinion<sup>3/</sup> that the hearing of petitioners was consistent with its previous advisory opinion, and the General Assembly had endorsed that second opinion by resolution 1047 (XI). The Government of the Union of South Africa, with stubborn persistence, had then gone so far as to prevent petitioners from leaving the Territory and, when they had succeeded in getting out, from returning to it. In its efforts to resolve the problem by exhausting all means of negotiation and conciliation, the General Assembly, by resolution 1143 (XII), had established a Good Offices Committee on South West Africa for the purpose of discussing with the Union Government the basis for an agreement under which the international status of the Territory would continue to be recognized. But the only basis for negotiation which the Union Government had been willing to accept had been the partition of the Territory and the annexation of one part of it. The General Assembly had categorically rejected that suggestion at its thirteenth session in its resolution 1243 (XIII) and had re-established the Good Offices Committee for one more year, but without result. At the fourteenth session (924th meeting), the representative of the Union had expressed his Government's readiness to enter into discussions with an *ad hoc* body, but had not explained how it should be composed and what its terms of reference should be. The General Assembly had therefore once again invited the Union Government to enter into negotiations with the United Nations through the Committee on South West Africa by its resolution 1360 (XIV). The Union of South Africa had rejected that invitation on 29 July 1960 in a letter from the Minister of External Affairs to the Chairman of the Committee on South West Africa (A/4464, annex II (C)).

8. Thus, although the General Assembly recommended at every session that the Territory of South West Africa should be placed under the International Trusteeship System, the Government of the Union of South Africa, in flagrant violation of the provisions of the Charter and of the above-mentioned resolutions, continued to refuse to transmit information on its administration of the Territory, opposed the hearing of petitioners and for several years had even been refusing to take part in the deliberations of the Assembly whenever the question was discussed. In practice, the Union Government had carried out a full integration of the Territory.

9. In these circumstances, the United Nations could not and should not, in its own interest, tolerate such a situation any longer, particularly as it was developing in an explosive atmosphere created by the Union Government's policy of "apartheid", on the one hand, and by the awakening of the African continent, on the

other. A change of attitude on the part of the Union of South Africa was essential to guarantee the future of peace in Africa.

10. The petitioners themselves had told the United Nations what measure it should adopt as the only realistic solution, justified from both the legal and the political point of view: since all other possibilities had been exhausted and all the efforts of the United Nations had been thwarted by the resistance of the Union Government, the Mandate should be revoked and the Territory should be placed under the International Trusteeship System with a view to its being rapidly led to independence.

11. The United Nations would obtain the best results if it implemented that measure in full co-operation with the independent countries of Africa, which were in a particularly good position to understand the needs and aspirations of the people of South West Africa and could assume part of the burden of administering the Territory until it attained independence. The Yugoslav delegation would support any move toward that end.

12. The Government of the Union of South Africa should state, within a specified period of time, whether or not it was prepared to accept that decision; if its reply was in the negative, the question should be referred, during the current session, to the Special Political Committee, which would study means of implementing the decision.

13. Mr. DE SOUZA-BRAGA (Brazil) recalled that Brazil was a member of the Committee on South West Africa and had also been a member of the Good Offices Committee on South West Africa. Consequently, the Brazilian Government had given the problem very close scrutiny, and had reached the conclusion that there was no room for doubt and nothing to argue about.

14. Juridically, the position was almost axiomatic, both in legal theory and in customary precedent: no Member State had ever suggested that the mandates inherited from the League of Nations were null and void. That was true, for example, of the Mandatory Powers which had been entrusted with the administration of the former German colonies. The purely legal problem, which had assumed a new importance since Ethiopia and Liberia had brought their case before the International Court of Justice,<sup>4/</sup> could be reduced to the question of establishing the status of the Territory. Either the Territory was a colony under German jurisdiction (but the German Empire no longer existed and no such claim had been put forward); or it was *res nullius* (but an inhabited *res nullius* was unknown to modern international law, and moreover, such a concept was no longer valid following the Universal Declaration of Human Rights and the universal acceptance of the principle of self-determination); or again, it was in fact under Mandate, in which case legally the United Nations was clearly the international authority competent to see to it that the "sacred trust" implied in the Mandate was properly carried out.

15. Politically, the competence of the Organization to decide on questions relating to South West Africa was being denied on the grounds of the existence of

<sup>3/</sup> Admissibility of hearings of petitioners by the Committee on South West Africa, Advisory Opinion of June 1st, 1956: I.C.J. Reports 1956, p. 23.

<sup>4/</sup> I.C.J., South West Africa Case, Application instituting proceedings, (1960, General List, No. 47).

a communist danger, the safety of the European population of the Territory and the preservation of the integrity of South Africa's living space. The last-named argument could easily be disposed of since the territorial integrity of the Union of South Africa was not threatened and no problem of over-population was involved. The other two points were more serious. The United Nations should not foster self-determination in Africa just to see "apartheid" exercised the other way around, nor should the Organization favour any particular ideology. In actual fact, the spread of political ideologies in Africa would depend on the extent to which the new nations decided that one ideology suited them better than another. Politically, therefore, the alternative was a solution by the United Nations or one without it. The Brazilian delegation thought that without the United Nations the problem would not be solved but would just be aggravated and eventually solve itself by sheer force.

16. As far as the Brazilian delegation was concerned, no moral question existed: "apartheid" was against nature. Brazil had been born of the essential brotherhood of races which could not be denied without genocide being committed.

17. There could therefore be no difficulty in replying to the legal, political and moral questions. The answer to the legal question was obvious; the reply to the political question was furnished by common sense; while the reply to the moral question was unavoidable. The Brazilian delegation had faith in legal tenets, and welcomed the fact that the International Court of Justice had been asked to intervene. It would endorse any peaceful solution to the problem, and hoped that such a solution would emanate from the United Nations. In particular it would support the draft resolutions unanimously proposed by the Committee on South West Africa.

18. Mr. KUCHAVA (Union of Soviet Socialist Republics) said that South West Africa was one of the few Territories where the colonial régime was still in operation. In flagrant violation of the principles of the Charter, the General Assembly resolutions and the international commitments entered into by the Union of South Africa, the South African Government had transformed the Territory into a colony where the indigenous inhabitants had no rights, were deprived of the more fertile land they possessed, herded into reservations, subjected to forced labour, slavery and torture, and reduced to a state of wretchedness. The reports of the Committee on South West Africa, statements by petitioners, and articles in the Press, all testified to the shameless exploitation of an entire people by a minority of European settlers who were carrying out the "apartheid" policy of the Union Government. The disturbances and bloodshed at Windhoek in December 1959, when eleven Africans had been killed and forty-four injured, had aroused the indignation of the world and recalled the atrocities committed by the Nazis. By attributing the responsibility for that massacre to the United Nations—as the Minister of External Affairs of the Union Government had cynically done in an interview given to a correspondent of *Die Transvaler*—the Union of South Africa was seeking to evade its commitments, to prevent the United Nations from championing the rights and interests of the indigenous inhabitants and to make the Organization accept the maintenance of the colonial system in the Territory. The United Nations must bring the wild barbarians to heel.

19. The Soviet Union, like all peace-loving peoples, supported the sacred struggle of the Africans for freedom and independence, and thought it legitimate to meet force with force. The independent States in Africa and the other peace-loving countries could not remain indifferent to the military measures taken by the Union of South Africa in order to keep its hold on the Territory and crush the national liberation movement. Those measures were a threat to peace and security in the area and an open challenge to the United Nations.

20. In the course of fifteen years no progress had been made towards solution of the South West African problem. Everything had been said about the exploitation and the subjugation of the Africans. At its very first session the General Assembly had refused to accede to the Union Government's declared intention of annexing the Territory, and had in fact in its resolution 65 (I) recommended that it should "be placed under the international trusteeship system". Although that resolution had been confirmed at subsequent sessions, the Union of South Africa had persisted in disregarding it. After the failure of the negotiations by the Special Political Committee, the Union had refused to co-operate with the Committee on South West Africa on the pretext that the Organization was not competent to deal with South West Africa and that the Territory could not be regarded as a Trust Territory.

21. Thus, all the appeals by the General Assembly and all the opinions of the International Court of Justice had been ignored. Despite ceaseless efforts and the search for compromise measures, the Union of South Africa persisted in its colonialist policy. Consequently, it was no longer sufficient to confirm the earlier resolutions or to wait for a new opinion by the International Court of Justice. The time had come for the United Nations to condemn the Union's policy on South West Africa and to adopt a definitive decision concerning the future of the Territory.

22. The question of placing South West Africa under trusteeship did not arise, however, since the Trusteeship System was moribund. Moreover, it could hardly be expected that, if that step was taken, the colonialists would become overnight the benefactors of a people whom they had previously been oppressing. The only possible solution was the complete liquidation of the colonial "régime" and the granting of freedom and independence. That was the demand of the African people, grouped under the banners of the two political parties—the South West Africa National Union (SWANU) and the South West Africa Peoples Organisation (SWAPO)—both of which had set themselves that goal. The Soviet Union delegation wholeheartedly supported those legitimate demands and appealed to the General Assembly to take steps to liquidate the colonial régime in South West Africa without delay and unconditionally.

23. Mr. KESTLER (Guatemala) shared the hope expressed by a number of representatives that the general debate would be as brief as possible. The proceedings initiated by Liberia and Ethiopia would enable the International Court of Justice to hand down a definitive judgement on the international status of South West Africa in conformity with the provisions of the Mandate and of the United Nations Charter. In the meantime, the argument used recently by the Union of South Africa (1049th meeting), namely that the question was *sub judice*, demonstrated that it had no desire to find an early solution to the problem.

Faced with a situation which was becoming increasingly grave, the Fourth Committee could not mark time over a restatement of familiar facts and arguments; it should apply itself to formulating and implementing all the measures needed to protect the inhabitants of the Territory.

24. The information supplied by the Committee on South West Africa and by the petitioners showed that the situation had not improved, and that the Union Government was persisting in applying its traditional policy, which hampered the political, social and educational development of the people. That policy not only exclusively favoured a small minority and was incompatible with the provisions of the Charter and with the Universal Declaration of Human Rights, but it also demonstrated the Government's systematic determination to downgrade and reduce to slavery an entire people as being an inferior race. The problem was not exclusively legal or political. Extremely grave moral considerations were involved, and that was why the United Nations should act if it wished to preserve its prestige. The main point at issue was not so much the economic exploitation of a Territory as the moral enslavement of an entire people that ran counter to the most elementary humanitarian feelings.

25. The delegation of Guatemala had taken part in the work of the Committee on South West Africa, and regretted that for want of co-operation by the Union of South Africa, the Committee had been unable to assess the value of the information it had compiled. His delegation was in favour of all the draft resolutions annexed to the Committee's report and would support any measures the Fourth Committee might take to bring the Union Government to comply with its commitments under the Mandate of the League of Nations and the United Nations Charter, and to extend the protection of the United Nations to the inhabitants of the Territory.

26. Miss SAFFOURI (Jordan) noted that the Committee on South West Africa, in its report, had given an account of the sufferings of the 485,000 indigenous inhabitants of that territory under the domination of a minority of white settlers whose total number did not exceed 69,000. In accordance with the obligations of the Mandate it had assumed in 1920, the Union of South Africa was responsible for the advancement of the Territory and its progress toward self-government. It now declared that the Mandate had lapsed, that it no longer had any other international commitments as the result of the demise of the League of Nations, and that the Territory should be incorporated in the Union. The Minister of External Affairs of the Union, referring to General Assembly resolution 1360 (XIV), had gone so far as to say that his Government could not foresee any satisfactory conclusion to negotiations attempting to have the Territory placed under trusteeship. Since the Union did not recognize the authority of the United Nations, the international supervision provided for by the League of Nations was not being carried out in the Territory. Nevertheless, South West Africa obviously remained under an international Mandate and the Union could not modify its status without the consent of the United Nations.

27. The people of the Territory had clearly indicated in their numerous petitions that they wished to be placed under trusteeship and under the direct administration of the United Nations. The Union Government, however, opposed that. It regarded the Territory

as an integral part of the Union and put into effect its policy of "apartheid", which subordinated the interests of the natives to those of the whites and thus constantly increased the inequality between the races in all respects. The Africans had no right to vote, voting rights being reserved for the whites, and they took no part in the administration of their country. The Union had deported large groups of people; it had taken military measures and had set up a camp for political prisoners in Ovamboland. The indigenous people could not own land, most of which had been transferred to the whites, and they could not move freely from one place to another, even within the reserves. Education was based on the doctrine of "apartheid" and was compulsory for the whites, but not for the natives. Vast sums were devoted to the education of the former, whereas the Africans received very scanty funds. All that was a flagrant violation of the Mandate, the Charter of the United Nations, the Universal Declaration of Human Rights, the advisory opinions of the International Court of Justice and the resolutions of the General Assembly.

28. Jordan knew by experience the meaning of the colonial system and its delegation supported the claims of the population of South West Africa. The time had come to terminate the Mandate. South West Africa was an African country, which should be governed by the Africans and for the Africans. Since the innumerable General Assembly resolutions had remained without effect, the United Nations must intervene immediately to save the Territory from the brutal repression of the Union Government, and put pressure on it to fulfil its sacred trust. The United Nations was not only a forum for debates, but an international organization responsible for the establishment of peace and the maintenance of order, justice and respect for human dignity and for all the principles embodied in the Charter.

29. It might perhaps be advisable to remind the Union of the provisions of Article 6 of the Charter. It should be borne in mind that the South West African people's right to their own country was not derived only from the resolutions of the General Assembly; it was a natural right. Former Territories placed under mandate or directly under the colonial system had become independent. In denying that right to South West Africa, the Union Government was flouting the United Nations and the Universal Declaration of Human Rights and was committing a shameful breach of international decency. The United Nations had to try to put an end to that tragic situation, for it would bear the responsibility of its inaction impelled the population to resort to arms. The Charter placed on it the obligation of preventing any threat to international peace. The international community could not allow the Union Government to subjugate forever four fifths of its inhabitants solely on the pretext of their colour.

30. Mr. HATTINGH (Union of South Africa) objected to that statement, which did not keep within the bounds laid down by the Chairman in his decision made at the 1051st meeting.

31. The CHAIRMAN recalled that the members of the Fourth Committee had only the right to refer to events concerning the Union of South Africa which had a direct bearing on the situation in South West Africa.

32. Miss SAFFOURI (Jordan) continuing her statement, said that her delegation was concerned to see

that the Union Government failed to fulfil its obligations towards the United Nations and to the legal provisions in Article 7 of the Mandate, Article 22 of the Covenant of the League of Nations, and Article 37 of the Statute of the International Court of Justice. She sincerely hoped that the Mandatory Power would reconsider that regrettable attitude, would respect the decisions of the United Nations, submit to them, and put an immediate end to the arbitrary acts of the Union of South Africa in the International Territory of South West Africa.

33. The CHAIRMAN proposed that, in order to save time, the Committee should consider the draft resolutions submitted by the Committee on South West Africa, or any other proposal before it, whenever the list of speakers for a meeting in progress was exhausted.

*It was so decided.*

The meeting rose at 12.20 p.m.