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DRAFT REPORT OF THE FOURTH COMMITTEE (A/C.4/L.710)	
1. Mr. HOUAISS (Brazil), Rapporteur, presented the draft report of the Fourth Committee on items 39 to 44 and item 79 of the agenda of the General Assembly. It would be seen that the draft report did not follow the order in which the items had been discussed in the Committee; he had thought it preferable to place them in the order in which they appeared in the General Assembly's agenda.	
2. The report was drawn up in accordance with the practice followed in previous years. The six draft resolutions which had been debated were reproduced <u>in extenso</u> at the end of the report in the form in which they had finally been approved. Parts of the draft resolutions were also summarized in the body of the report in order to make it more readily intelligible.	
3. He thanked the members of the Secretariat who had co-operated with him in drafting the report, which he hoped would be adopted unanimously.	
4. Mr. TAYLHARDAT (Venezuela) proposed that agenda item 79 should be dealt with in a separate report.	
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Chairman: Miss Angie BROOKS (Liberia).

AGENDA ITEMS 39, 40, 41, 42, 43, 44 AND 79

Information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter of the United Nations:

5. Mr. SIDI BABA (Morocco) and Mr. KIDWAI (India) supported that proposal.

6. Mr. BOZOVIC (Yugoslavia) asked whether item 79 being dealt with in the same report as the other items would prevent the question of the non-compliance of the Government of Portugal with Chapter XI of the Charter from being placed on the agenda of the seventeenth session of the General Assembly as a separate item.

7. Mr. KUNST (Secretary of the Committee) replied that as far as he was aware it would make no difference.

8. Mr. BRYKIN (Union of Soviet Socialist Republics) requested that, in paragraph 6 of the report, the USSR should be added to the list of delegations which had supported the Moroccan position.

9. Mr. ACHKAR (Guinea) said that during the debate on the question his delegation had reserved its position with regard to the Territories mentioned in paragraph 6 and with regard to West Irian. He therefore asked that the name of Guinea should be inserted in the appropriate place in paragraphs 6 and 8.

10. The CHAIRMAN said that if there were no further comments she would consider the draft report to have been adopted subject to the various corrections that had been suggested. Item 79 would be the subject of a separate report, in accordance with the proposal made by the representative of Venezuela.

It was so decided.

11. Mr. FRAGOSO (Portugal) said that in the opinion of his delegation paragraph 45 of the report did not entirely reflect the views expressed during the discussion relating to the proposal to grant hearings to inhabitants of Non-Self-Governing Territories. At least four speakers had expressed the view that the granting of such hearings in relation to territories other than Trust Territories would be contrary to the provisions of the Charter and to United Nations practice. Furthermore, there had been at least four interventions which had either claimed or admitted that the proposal would constitute a precedent. That opinion had even been expressed by some delegations that were in favour of the proposal. The Portuguese delegation considered that such minority views should have found a place in the report. While he regretted that that had not been the case, he had not asked for the report to be amended in that sense, since his delegation's position had been clearly stated during the debate on the matter.

AGENDA ITEM 47

Question of South West Africa (continued):

(a) Report of the Committee on South West Africa (A/4926, A/4957, A/AC.73/4, A/AC.73/L.15, A/C.4/L.711 and Corr.1, A/C.4/L.712);

(b) Assistance of the specialized agencies and of the United Nations Children's Fund in the economic, social and educational development of South West Africa: reports of the agencies and of the Fund (A/4956 and Add.1)

GENERAL DEBATE AND CONSIDERATION OF DRAFT RESOLUTIONS (A/C.4/L.711 AND CORR.1, A/C.4/L.712) (continued)

12. Mr. ROS (Argentina) said that at the 1229th meeting the representative of Liberia had suggested that there was some confusion in the mind of the Argentine

delegation, among others, on the subject of the sub judice principle. In fact, however, he had not dealt with that subject in his statement. He had announced that his delegation would be unable to support the United Kingdom draft resolution (A/C.4/L.712) and that it would support the draft resolution submitted by the delegations of Cuba, Guinea, Iraq, Mali, Morocco and Tunisia (A/C.4/L.711 and Corr.1). He had also commented on the remarks made by the representatives of New Zealand, Sweden and others regarding the possibility of giving consideration to the suggestion made by the Republic of South Africa, which in its present form was completely unacceptable to his delegation but might be acceptable if it could be amended so that the appointment of the three ex-Présidents of the General Assembly would come within the sphere of competence of the United Nations.

13. Mr. EASTMAN (Liberia) apologized for having misunderstood the representatives of China and Argentina.

14. Mr. CARPIO (Philippines) said that at the previous meeting the representative of Denmark had attempted without success to refute the statements he had made earlier at the same meeting, in which he had proposed a number of amendments which, if accepted, would enable the Philippine delegation to support the United Kingdom draft resolution.

15. The remarks made by the representative of Denmark showed that there were two schools of thought: one that would like the question of South West Africa to be settled as soon as possible in accordance with the provisions of the Mandate and of the Charter; another, trained in the old concepts of colonialism, that would like to maintain the status quo and to delay a solution for many years. The Philippine delegation belonged to the former; he wondered to which the delegation of Denmark belonged.

16. Mr. KIDWAI (India), speaking on a point of order, suggested that the Chairman might request the representatives of Denmark and the Philippines to settle their differences outside the Committee room.

17. Mr. FOURIE (South Africa) said that at the previous meeting the representative of Ghana had appeared to think that Mr. Louw, the Minister for Foreign Affairs of South Africa, had been impolite in a reference he had made to the prepared legal statement made by the representative of Liberia at the 1226th meeting. He wished to assure the Liberian delegation that the Foreign Minister had had no such intention and he hoped that there would be no misunderstanding on that score.

18. Mr. BRYKIN (Union of Soviet Socialist Republics) pointed out that under the South African proposal referred to in operative paragraph 4 of draft resolution A/C.4/L.712 no representative of any country of Black Africa would be allowed to visit South West Africa, despite the fact that the peoples of that part of the world were particularly concerned about the solution to the problem of South West Africa. Consequently, the proposal contained an element of racial discrimination. While that was to be expected from the representative of South Africa, it was legitimate to ask how the United Kingdom representative, who had made such impassioned condemnations of racial discrimination, had so failed to notice that factor that he had taken up the South African proposal in his draft resolution. The Committee had already spent two days demonstrating that the United Kingdom draft

resolution was based on fallacious premises. As the United Kingdom representative had said that he would be prepared to withdraw his draft resolution, an appeal could perhaps be made to him to do so, in order to enable the Committee to deal with the substance of the question.

19. Sir Hugh FOOT (United Kingdom) recalled that at the previous meeting amendments had been suggested to his draft resolution whereby the United Nations would be directly associated with the appointment of the proposed fact-finding committee and the latter would report both to the United Nations and to the South African Government. Those suggestions were acceptable to his delegation.

20. He was more and more convinced of the soundness of the idea of bringing together the special study proposed by the Committee on South West Africa, the report of the fact-finding committee and the findings of the International Court of Justice. With reference to the USSR representative's remarks, he confirmed that he would be prepared to withdraw his text provided that a more suitable and satisfactory alternative was put forward.

21. Everyone was agreed that the full facts of the situation in South West Africa should be made known to the United Nations and the world. He therefore appealed to the South African Minister for Foreign Affairs to accept the proposals with regard to the fact-finding committee which had emerged from the discussion.

22. Mr. ACHKAR (Guinea) said that the USSR representative had raised a most important point. He would appreciate it if the United Kingdom representative could give an indication of what he thought about the composition of any such fact-finding committee.

23. Sir Hugh FOOT (United Kingdom) replied that he could assure the Guinean representative that he certainly did not think that there should be any discrimination whatever in the appointment of the members of the committee.

24. Mr. DIALLO (Mali) congratulated the Chairman and members of the Committee on South West Africa on their conscientious work and the devotion with which they had served the cause of freedom and peace despite the fact that they had been threatened and scoffed at by officials of two Member States in a way which in years gone by might have been deemed to be sufficient grounds for war. He did not doubt that their praiseworthy efforts would have led to the beginning of a settlement had the Security Council been approached at the appropriate time. His delegation unreservedly approved the conclusions and recommendations set out in the Committee's report (A/4926) and would support any draft resolution likely to rid mankind of the festering sore known as the question of South West Africa.

25. At the 1226th meeting the Mexican representative had brilliantly demonstrated that the United Nations was legally entitled to revoke the Mandate granted to the Union of South Africa over the Territory of South West Africa. It was obvious that the United Nations could and should have done that as soon as it had proclaimed the international character of the Territory and had found that the South African Government had not carried out its obligations.

26. At the 1227th meeting the United Kingdom representative had taken exception to certain words which

he had used in one of his earlier statements. He would like to assure the United Kingdom representative that he had never described his country as "sordid"; he had merely indicated that it had been strenuously defending the sordid interests of its nationals who were robbing the people of South West Africa. He wanted to demonstrate that the so-called empire-builders were in fact racist bandits who killed and robbed in the name of civilization. Since the United Nations was no longer prepared to set a seal of approval on their acts of banditry, the colonialists dissociated themselves from the wise and democratic decisions of the General Assembly. In the circumstances, it was legitimate to ask how far they would go along that road, fraught with so many dangers to world security, and whether all peaceful States should not assess that danger and oppose it.

27. The Malian people felt that their sovereignty and independence had no meaning unless it enabled them to help their oppressed brothers to throw off the colonial yoke. Mali regarded the United Nations as a rostrum of peace and freedom from which it would constantly denounce the imperialist intrigues, thus waging a resolute struggle for the elimination of colonialism and the maintenance of peace, which the Africans needed so much.

28. Unfortunately Mr. Verwoerd's fascist Government in South Africa did not stand alone; otherwise, the question would have been settled long since. Mr. Verwoerd had found discreet but influential defenders, some of whom would not even admit to themselves that they had Nazi sentiments with regard to the non-white races. They should not, however, expect that those whom they called the coloured races would be ready to commit suicide by co-operating in maintaining a white supremacy based on apartheid in the southern part of Africa.

29. The question of South West Africa was very simple because it could have but one solution. In 1960 the General Assembly had adopted the historic Declaration on the granting of independence to colonial countries and peoples (General Assembly resolution 1514 (XV)). South Africa had proved unworthy of controlling the destiny of the people of South West Africa. It was therefore logical and just that the United Nations should proclaim the independence of South West Africa and ensure the security of its people against their barbarian neighbours in the south. South Africa wished to annex the international Territory, thus bringing to fruition a design dating back to 1883. At the San Francisco Conference in 1945 South Africa had asked that the Mandate should be terminated and that the Territory of South West Africa should be incorporated in the Union. It had been told that that could not be done because of the obligations under the Mandate. Since then the General Assembly, in its resolution 65 (I), and the International Court of Justice, in its advisory opinion of 11 July 1950,^{1/} had confirmed the international status of the Territory. The Union Government's reaction had been to state to the Fourth Committee on 6 November 1953^{2/} that it could not subscribe to all the conclusions of the International Court of Justice or accept all its opinions.

^{1/} International status of South-West Africa, Advisory Opinion: I.C.J. Reports 1950, p. 128. Transmitted to Members of the General Assembly by a note of the Secretary-General (A/1362).

^{2/} See Official Records of the General Assembly, Eighth Session, Fourth Committee, 357th meeting.

30. In 1960, and again in 1961, the Committee on South West Africa had found that the union had administered the Territory contrary to the terms of the Mandate, the Charter, the Universal Declaration of Human Rights, the opinion of the International Court of Justice and General Assembly resolutions. In its latest report (A/4926) the Committee had put forward certain practical proposals which, if they were acted upon, would seriously shake South Africa's untenable position, so much so that certain members of the Committee had not hesitated to dissociate themselves from those proposals, despite the fact that they had voted in favour of the report and had not formulated any reservations.

31. The Malian delegation, which thought that the Republic of South Africa was unlikely to change its position, asked the General Assembly and the Security Council to assume their responsibilities. It could not be denied that South West Africa had become a hotbed of crime which jeopardized world peace. The country was under the military occupation of fascists, who had armed women and children so that they could shoot the first African who attempted to move—and perhaps fire on any emissaries of the United Nations. The South African Minister for Defence had toured Europe to acquire modern weapons and aircraft. A common defence plan had been drawn up with the Portuguese colonialists. Those two countries remained Members of the United Nations because they were persuaded that the latter could not but be a useful instrument for the promotion of their dark designs. South Africa had opposed, with threats, the implementation of General Assembly resolution 1568 (XV) and the United Kingdom had barred the Committee entrusted with the implementation of that resolution from entering Bechuanaland. The reason why the issue had not yet been brought before the Security Council was that its importance had been minimized.

32. His delegation hoped that the present discussion in the Fourth Committee would lead to the adoption of honest resolutions approving the report submitted by the Committee on South West Africa and, at long last, giving satisfaction to the people of the Territory, who had no arms other than the United Nations.

33. He trusted that the United Kingdom draft resolution (A/C.4/L.712) would not be adopted, for it cast suspicions on the Committee on South West Africa and would help South Africa to bring about a situation in which a committee it had selected would proceed to an international Territory which the Committee on South West Africa had been prevented from entering. He hoped that the United Kingdom representative would appreciate the fact that the amendments suggested at the previous meeting would not make his text acceptable or rid it of its racist content.

34. With regard to draft resolution A/C.4/L.711 and Corr.1, the sponsors had accepted certain suggestions made by friendly delegations and would shortly circulate a revised text. He hoped that it would be adopted unanimously.

35. A number of delegations had held consultations with a view to submitting a draft resolution on the substance of the question before the Committee. It was to be hoped that that text would help to put an end to the subjugation of the people of South West Africa and to promote their political, economic and social welfare.

36. Miss IMRU (Ethiopia) recalled that in his statement at the 1218th meeting the South African Minister for Foreign Affairs, referring to the Ethiopian representative in the Committee on South West Africa, had said that Ethiopia, a complainant in the case pending before the International Court of Justice, had taken part in the "illegal act" of trying to enter the Territory of South West Africa. She would point out that Ethiopia was serving on the Committee on South West Africa because it had been elected by the General Assembly and that it was obliged to carry out the task entrusted to it, Ethiopia, which was conscious of its responsibility towards the United Nations, hoped that South Africa would follow its example in carrying out the sacred trust which had been entrusted to it by international agreement.

37. She expressed her delegation's appreciation of the report of the Committee on South West Africa (A/4926). The question of South West Africa had been on the agenda of the General Assembly for over a decade without any fruitful results. Over fifty resolutions had been adopted requesting the co-operation of the Mandatory Power; the International Court of Justice had given an advisory opinion on the Territory's status and two supplementary opinions defining the obligations of the Mandatory Power; and seven annual reports embodying many useful recommendations had been submitted by the Committee on South West Africa. Instead of complying with all those exhortations, the South African Government was engaged in a progressive integration of the Mandated Territory into South Africa without a proper consultation of the inhabitants of the Territory and without the consent of the United Nations. Through the application of its apartheid policy and of related measures discriminating between the various sections of the population on the basis of colour, race and tribal origin, it had failed to promote and protect the rights and interests of the indigenous population.

38. General Assembly resolution 1568 (XV) requested the Committee on South West Africa to go to South West Africa immediately to investigate the situation prevailing in the Territory and to make proposals to the General Assembly. It also urged the Government of South Africa to facilitate the Committee's mission. When, however, the Committee had asked the Minister for External Affairs of that Government, in a letter dated 16 January 1961, whether it would be convenient for the visit to take place in February 1961, the reply had been to the effect that South Africa could not accede to the request for a visit.^{3/} That had been no surprise, for the South African Government had never co-operated with the United Nations on that question, but it had naturally been a blow to the indigenous inhabitants of South West Africa, who were immediately affected by the success or failure of the United Nations. In that connexion she quoted a passage from a message that Chief Hosea Kutako, an outstanding African chief, had sent to the late Secretary-General (A/AC.73/4, section 11), in which he had said that the reason for the South African Government's refusal was that it feared that the Committee might observe the shocking and shameful conditions under which the Africans were compelled to live and might see the Government forces which were stationed in the Mandated Territory. The message had added that the Europeans in the Territory were threatening to exterminate the Africans before the United Nations took over the country.

^{3/} See A/4705, paras. 3-6.

39. At the resumed fifteenth session, the General Assembly, after examining the preliminary report of the Committee on South West Africa on its implementation of resolution 1568 (XV) (A/4705), had given the Committee further tasks in resolution 1596 (XV). The South African Government had not only refused to co-operate with the Committee but had notified the Secretary-General that if members of the Committee or other members of its party attempted to cross the South West Africa border it would be reluctantly obliged to prevent such attempts. The Committee had thus been confronted with an armed force of the South African army which had guarded the frontier for twenty-four hours a day to prevent any attempt by the United Nations to reach South West Africa.

40. It was difficult to understand why the United Kingdom Government had withdrawn the Committee's visas for Bechuanaland. There had been no need for it to assume that the Committee had any motive beyond its avowed objective of interviewing the Hereros living in Bechuanaland and other refugees from South West Africa.

41. It was clear from the findings and conclusions of the Committee on South West Africa that the continuing application of the apartheid policy and the South African Government's defiance of the United Nations had created such a tense situation that only United Nations intervention could prevent armed racial conflict in the Territory. It was also apparent that the Mandatory Power was following a policy of gradual intimidation and extermination of the indigenous inhabitants. She quoted a petition (A/AC.73/4, section 20) from two young South West Africans who had been either deported or compelled to flee to other African territories: they had received reports that the joint police and military forces which had been posted at the frontier between South West Africa and Bechuanaland to prevent the Committee from entering the Territory had been withdrawn only to divert their aggression to Africans and that Africans were being arrested throughout the Territory. Residents of the Kleine Windhoek Location were said to have been removed to Katutura, and it was felt that the explosive situation could only be remedied by the presence of a United Nations police force in the Territory. Chief Witbooi, too, in a petition to the late Secretary-General (A/AC.73/4, section 17), had said that even non-European ministers of religion were being harassed by the armed police and that Africans went in fear of their lives.

42. It was evident that the situation in South West Africa was deteriorating rapidly, despite the fact that in accepting the Mandate South Africa had solemnly agreed to promote the well-being of the inhabitants of the Territory, to see that no forced labour was permitted and that no military or naval bases were established or fortifications erected there. The policy of apartheid had been extended throughout the Territory, the indigenous inhabitants being deprived of all economic, political and social rights. They were forced to live in arid areas; labour legislation and conditions conformed neither to the principles embodied in the Mandates System nor to the standards of the ILO; Africans were deliberately restricted to the lowest standard of training and schooling designed to paralyse their aspirations for a better way of life, with the result that, after forty years of South African administration, there were at present less than ten Native university graduates of South West African

nationality. A military force of more than 5,000 men was stationed along the border between South West Africa and Angola with the obvious purpose of oppressing the indigenous inhabitants. The military forces had recently been reinforced and the European civilian population had been well armed. A regiment which formed part of the South African Armoured Corps of the Citizens' Force was stationed at Windhoek, and other military bases were reported to exist in the Swakopmund district and near the Kaokoveld. According to information from the Territory, aerial manoeuvres organized by the South African Department of Defence had been observed. All those measures had been taken by the Mandatory Power to terrorize and intimidate 500,000 unarmed indigenous inhabitants.

43. South West Africa was unfortunate in its geographical position, being bounded by South Africa in the south, Angola in the north and the British Protectorate of Bechuanaland in the east. Thus there was little opportunity for its inhabitants to flee to neighbouring territories. Special legislation in Bechuanaland and other territories under United Kingdom administration provided that if any official of the South West African Administration issued a warrant alleging that an individual had committed an offence under any South West African law, the United Kingdom authorities were required to search for that person and hand him over to the South West African authorities. Nor was there any hope of hospitality in the other bordering territories: Portuguese Angola was providing supplies of cheap labour for South African mines, while as far as South Africa was concerned, people from South West Africa were sent there only to perform forced labour in farms, factories and mines for the benefit of a minority of advocates of white supremacy.

44. Her delegation felt that the situation in South West Africa must be settled without delay. South Africa should be made to respect the historic Declaration on the granting of independence to colonial countries and peoples. Colonialism in all its manifestations, the subjugation and exploitation of man by man and the denial of fundamental human rights, were bitter enemies of universal peace. Her delegation accordingly endorsed the recommendations in paragraphs 162-164 of the Committee's report (A/4926) and wished to stress that all the necessary steps should be taken to ensure the transfer of governmental power to the indigenous inhabitants of the Territory. In particular her delegation supported the recommendation that the Security Council and other organs or Members of the United Nations should give urgent consideration to such measures as might be required to ensure the effective implementation of any decisions which might be taken concerning South West Africa. She suggested that the report should be communicated to Member Governments to enable them to specify what assistance they would be willing to give in that task, in accordance with the principles set forth in Article 1 of the Charter. To that end she proposed that the Fourth Committee should call upon the Secretary-General to undertake the task of communicating with Member States and to submit the replies to the Committee on South West Africa so that it could prepare a consolidated report for the General Assembly on what effective action could be taken.

45. Ethiopia had once experienced the agony of the failure of an international organization to take effec-

tive and resolute measures when they were most needed. It therefore urged the United Nations to learn from the error of its predecessor and to live up to its

obligations towards the Mandated Territory of South West Africa.

The meeting rose at 1.15 p.m.