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## CONTENTS

### Agenda item 47:

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

(a) Report of the Committee on South West Africa;

(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

Consideration of draft resolutions (continued) 545

Request for supplementary hearings . . . . . 547

Consideration of draft resolutions (continued) 548

Supplementary hearing of petitioners . . . . . 549

Chairman: Miss Angie BROOKS (Liberia).

## 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.4/509, 510, 511; A/C.4/L.711/Rev.1, L.712, L.713/Rev.2, L.714);

(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)

### CONSIDERATION OF DRAFT RESOLUTIONS (A/C.4/L.711/REV.1, L.712, L.713/REV.2, L.714) (continued)

1. Mr. NEKLESSA (Ukrainian Soviet Socialist Republic) recalled that at the 1218th meeting the South African Minister for Foreign Affairs had informed the Committee that his Government intended to invite three former Presidents of the General Assembly to visit South West Africa and report to the Government of South Africa on conditions in the Territory. The essence of that proposal—although the Minister for Foreign Affairs had not put it so bluntly—was to ensure that the visitors should report that everything in the Territory was in order. The South African Government was of course free to invite anyone it wished, and the Committee would not have wasted any time on the matter had it not been for the fact that the South African delegation had sought United Nations endorsement for the proposal. First the United Kingdom and then the Swedish delegation had submitted draft resolutions in which the General Assembly would approve the South African plan, and several delegations, including those of the United States, New Zealand and Italy, had supported the proposal. In the circumstances, the Committee was obliged to give serious consideration to its implications.

2. At the previous meeting the New Zealand representative had expressed the view that the United Nations would not lose anything by approving the South

African idea and that the latter did not involve the setting up of a United Nations organ. The Ukrainian delegation could not agree with that point of view, for while the members of the proposed investigating body were making their leisurely progress through South Africa and South West Africa the world would be misled into thinking that the United Nations was taking practical action to eliminate South Africa's colonial rule in South West Africa. Furthermore, the three members of the investigating body, being the guests of the South African Government, would not have the power to look into matters into which they might wish to inquire. Operative paragraph 3 (b) of the Swedish draft resolution (A/C.4/L.713/Rev.2) was so vague that it was legitimate to ask who would determine the terms of reference of the investigating body and whether that task would fall to the South African Government. At the previous meeting the Irish representative had expressed the conviction that the South African Government would allow the proposed investigating body broader terms of reference than in its original proposal. He could not subscribe to that view. South Africa's attitude towards the United Nations in the past and the clear statement by the South African representative about the aims of the proposed investigating body showed that there was no basis for such confidence.

3. It was clear from the Swedish draft resolution that the special commission it proposed would have to await the findings of the investigating body and the judgement of the International Court of Justice before taking action. In the meantime, both the United Nations and the people of South West Africa would be kept waiting. The South African Government relied on such continued inactivity on the part of the United Nations to enable it in the meantime to promote its policy of annexation, to build military bases and airfields in South West Africa and to reach agreement with Portugal concerning joint operations designed to suppress the national liberation movement. The United Kingdom and United States monopolies active in South West Africa were also interested in the continued inactivity of the United Nations. The role played by those monopolies could be assessed by reference to what had been happening in Katanga in the past few days. In the circumstances, it was perhaps no accident that a draft resolution endorsing the South African proposal had been submitted by the United Kingdom and that the United States had supported the proposal.

4. At the previous meeting, several speakers had drawn a parallel between the new body proposed and the Good Offices Committee on South West Africa established in 1957 by General Assembly resolution 1143 (XII). The proposed investigating body did to a certain extent revive the idea of that Committee, which, exceeding its terms of reference, had put forward a proposal for the partition of the Territory<sup>1/</sup> which was

<sup>1/</sup> For the report of the Good Offices Committee, see A/3900.

highly advantageous to the United Kingdom and United States economic interests in South West Africa. The terms of reference of the proposed investigating body were not defined in any way, a fact which naturally gave rise to some doubt about what the objective behind the South African proposal might be. South Africa, which did not recognize the competence of the United Nations in the question of South West Africa, might have made the proposal with the idea of availing itself of the prestige of the United Nations in order to vindicate its policy of "apartheid" and delay the solution of the problem of South West Africa for another year.

5. For the foregoing reasons the draft resolutions submitted by the United Kingdom (A/C.4/L.712) and by Sweden (A/C.4/L.713/Rev.2) were unacceptable to his delegation and he hoped that they would be withdrawn.

6. The time had come for the United Nations to take specific action as envisaged in the Declaration on the granting of independence to colonial countries and peoples (General Assembly resolution 1514 (XV)). Such specific steps and provisions for their enforcement were to be found in draft resolution A/C.4/L.714. He drew attention particularly to paragraph 2 of that text, which provided for a visit of a special committee to South West Africa before 1 May 1962 for the purpose of taking practical measures designed to implement the decisions of the General Assembly. He hoped that draft resolution A/C.4/L.714 would be adopted by an overwhelming majority.

7. Mr. BINGHAM (United States of America) recalled that in his statement at the 1234th meeting the Ukrainian representative had intimated that the United States delegation had accepted South Africa's contention regarding the sub judice rule. That was not so: as he had informed the Committee at the 1233rd meeting, the United States delegation did not accept that contention but it felt that the Committee would be ill-advised to address itself directly to the case in question lest the impression might be given that an attempt was being made to influence the Court. Furthermore he would recall that at the resumed fifteenth session (1103rd meeting) he had asked the South African delegation whether its interpretation of the sub judice rule meant that the South African Government would accept the decision of the International Court of Justice. He had received no satisfactory answer to that question.

8. With reference to the draft resolutions before the Committee, he would like to thank the Swedish delegation for its resourceful work on draft resolution A/C.4/L.713 and its subsequent revisions. The sponsor, who had made every effort to meet the wishes of other delegations, had put forward an extremely constructive proposal which might produce concrete results in the difficult situation with which the Committee was confronted. At the previous meeting it had been suggested that operative paragraph 3 (a) should be amended to provide that the members of the investigating body should be appointed by the President of the General Assembly. He did not think that suggestion was appropriate, for it lost sight of the whole purpose of the paragraph. A body appointed by the President of the General Assembly would become a United Nations body, whereas his understanding of operative paragraph 3 was that it was an endeavour to improve upon the South African proposal which, as it stood, was unacceptable to many delegations. He hoped that the suggestion would not be accepted by the sponsor, since the present wording brought the investigating body

into relationship with the United Nations without making it into an official United Nations body or entrusting it with any United Nations responsibilities. His delegation would be happy to support the Swedish draft resolution. Moreover, he saw no reason why the delegations which would support draft resolution A/C.4/L.714 could not also support the Swedish draft resolution, since the two texts were to some extent complementary and were in no way inconsistent or in conflict with each other.

9. He reserved the right to comment in detail on draft resolution A/C.4/L.714 at a later stage, but meanwhile would ask the sponsors two questions, the answers to which would enable his delegation to gain a clearer idea of the intention behind the draft resolution. The third preambular paragraph, which began with the words "Endorsing the conclusions and recommendations of the report of the Committee on South West Africa...", went on to quote paragraph 162 of the report (A/4926), which did not list any conclusions or recommendations, the latter being set out in paragraph 164. In the circumstances, it was not clear to him whether the sponsors endorsed all the recommendations to be found in paragraph 164, or only some of them.

10. His second question concerned operative paragraph 2. At the previous meeting the Yugoslav representative had demanded to know whether the South African Government would accept the revised form of its original proposal as contemplated in draft resolution A/C.4/L.713/Rev.2 and had seemed to feel that unless there was some indication that the revised proposal would be acceptable to the South African Government there would be no purpose in the General Assembly making any such recommendations. By contrast, the Yugoslav representative had not expressed any interest in the South African Government's attitude to the work of the proposed special committee outlined in operative paragraph 2 of draft resolution A/C.4/L.714. His first impression on reading that paragraph was that the sponsors expected that it would be rejected by the South African Government. In the circumstances, he would like to ask them what the purpose of the paragraph was and whether they had any indication or hope that their text would be accepted by the South African Government.

11. Mr. ACHKAR (Guinea) replied that the sponsors knew that the South African Government might be opposed to the measures enumerated in operative paragraph 2, but that did not mean that they should adopt a defeatist attitude. In previous years the South African Government had not been asked whether it would accept the resolutions adopted by the General Assembly. Indeed, the only resolution likely to meet with South Africa's approval would be one endorsing the integration of South West Africa with South Africa. The sponsors had taken into account the possibility of South Africa refusing to co-operate: that was the reason for the provisions in operative paragraph 4 whereby the attention of the Security Council would be drawn to the resolution. They were resolved to go as far as they could within the framework of the United Nations in order to find a solution to the problem of South West Africa.

12. As he had said at the previous meeting, the South African proposal to select three former Presidents of the General Assembly contained an element of racial discrimination. The purpose of the investigating body would be to issue a report refuting the conclusions and

recommendations of the Committee on South West Africa. It was legitimate to ask why greater credence should be attached to a report by the members of the proposed investigating body than to that of the Committee on South West Africa. Furthermore, should the proposal concerning the investigating body be accepted, the South African Government might claim that the United Nations had cast doubts on information submitted to the International Court of Justice in the contentious proceedings now before it. Again, any decision by the Fourth Committee to the effect that more information should be obtained on conditions in South West Africa would take the United Nations back to where it had been fifteen years previously. The African-Asian States could not be expected to endorse such a course. After the adoption of General Assembly resolution 1514 (XV) the proper course for the United Nations was to specify the measures which would bring the international Territory to independence. He could see no reason why, of all the former German colonies, South West Africa alone should not be granted independence. The sponsors of draft resolution A/C.4/L.714 called for the co-operation of the administering Power. If such co-operation was not forthcoming, the international community would have to face its responsibilities.

13. Mr. BOZOVIC (Yugoslavia), replying to the United States representative, said that there was a basic difference between the question of South Africa's attitude to the Swedish draft resolution (A/C.4/L.713/Rev.2) and that of its attitude to draft resolution A/C.4/L.714. The latter text was in line with the advisory opinion of 11 July 1950 of the International Court of Justice<sup>2/</sup> concerning South Africa's obligations towards the people of the Mandated Territory and the United Nations and the rights and obligations of the latter with regard to South West Africa. The South African proposal taken up in the Swedish draft resolution, on the other hand, proceeded from the assumption that the question did not concern the United Nations and that the invitation to the members of the investigating body should come from, and their report be submitted to, the South African Government. If the United States recognized the advisory opinion of the International Court of Justice it should support draft resolution A/C.4/L.714. By contrast, the Swedish text, which sought to link the South African offer with the United Nations, made light of the terms of the Mandate and the advisory opinion of the International Court of Justice.

#### REQUEST FOR SUPPLEMENTARY HEARINGS

14. The CHAIRMAN informed the Committee that she had received the following communication:

"We, the undersigned petitioners from South West Africa, will be very grateful for an opportunity of further hearing by the Fourth Committee before the debate on the question is over.

"(Signed) U. Kauketu, C. Kauraisa,  
M. Kerina, M. Scott, Z. Ngavirue,  
S. Nujoma, M. Kooper, I. Fortune"

15. At the thirteenth session of the General Assembly the Fourth Committee had granted requests by petitioners for supplementary hearings in connexion with the question of the future of the Trust Territories of

the Cameroons under United Kingdom administration and the Cameroons under French administration. It lay with the Committee to decide whether it wished to do the same now.

16. Mr. EASTMAN (Liberia) formally proposed that the petitioners' request should be granted.

17. Mr. SALAMANCA (Bolivia) recalled that at the 1239th meeting the sponsors of draft resolution A/C.4/L.714 had said that they had taken into account the views of the petitioners. He wondered, therefore, whether the petitioners had asked for the additional hearing in order to express their views on the other draft resolutions before the Committee. He would like to know whether there was a precedent for allowing petitioners to express views on draft resolutions.

18. Mr. ACHKAR (Guinea) pointed out that the sponsors of draft resolution A/C.4/L.714 had taken into account the wishes of the people of South West Africa as expressed by the petitioners, whereas other delegations might have asked the views of the South African Government. Since the South African representative had not expressed any views on the draft resolutions before the Committee, it was legitimate to wonder how certain delegations could be certain that the Swedish draft resolution would be acceptable to South Africa but that draft resolution A/C.4/L.714 would not. That was not, however, the concern of his delegation. It was not in order to enable the petitioners to speak against any particular draft resolution that he favoured their being granted an additional hearing.

19. Mr. ASSELIN (Canada) said that his delegation never opposed the granting of hearings to petitioners. In the case before the Committee however, the crux of the matter was whether the petitioners would express their views on draft resolutions or supply additional information on the situation in South West Africa. He did not think it was appropriate for petitioners to discuss draft resolutions since the latter were the concern of the Committee. He would therefore like to know the purpose of the additional hearing.

20. Sir Hugh FOOT (United Kingdom) said that a very important point of procedure had arisen and the Committee would do well to consider it carefully. In principle he agreed with the Canadian representative's view that, while the petitioners should be given a hearing and an opportunity to answer questions, they should not participate in the deliberations of the Committee or in the discussion of draft resolutions. He would suggest that the petitioners who had asked for an additional hearing should be heard and that on a subsequent occasion the Committee should discuss that important point of procedure as a separate item, without relating it to the question of South West Africa.

21. Mr. BOZOVIC (Yugoslavia) recalled that it was his delegation that had first suggested (1239th meeting) that the petitioners should be given an additional hearing. It had never been suggested—as the Bolivian representative appeared to think—that the petitioners should tell the Committee whether certain draft resolutions were or were not acceptable to them. The drafting committee which had been working on the text of draft resolution A/C.4/L.714 had taken the views of the petitioners into account but had not asked them to endorse the text. The petitioners should now be given an opportunity of telling the Committee what they thought of the various solutions proposed in the draft resolutions. The question of their discussing the texts did not arise.

<sup>2/</sup> 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).

22. Mr. ABDEL WAHAB (United Arab Republic) thought that the petitioners should be granted an additional hearing. In their request, as conveyed to the Committee by the Chairman, they had not referred to the draft resolutions. It was right that they should be given an opportunity to supply the Committee with additional information.

23. Mr. ALWAN (Iraq) pointed out that petitioners had been given additional hearings at the thirteenth and fourteenth sessions. He was in favour of the same thing being done on the present occasion.

24. Mr. SALAMANCA (Bolivia), replying to the representative of Yugoslavia, pointed out that it was not the Bolivian delegation that had raised the question whether the petitioners should be allowed to address the Committee on the subject of the draft resolutions. His delegation would never oppose the granting of a hearing to petitioners for the purpose of providing the Committee with information, but it felt that discussions concerning draft resolutions should be confined to representatives of Member States.

25. The CHAIRMAN put to the vote the proposal that the petitioners should be granted a further hearing.

*The proposal was adopted by 68 votes to none, with 9 abstentions.*

#### CONSIDERATION OF DRAFT RESOLUTIONS (A/C.4/L.711/REV.1, L.712, L.713/REV.2, L.714) (continued)

26. Mr. BINGHAM (United States of America), replying to the representatives of Yugoslavia and Guinea, said that he had not intended to imply that his delegation was opposed to operative paragraph 2 of draft resolution A/C.4/L.714; he had simply asked whether the sponsors expected that the task assigned to the proposal special committee would be accepted by the Government of South Africa. From the replies he had received he understood that the answer was in the negative. He had raised that point because of the contrast between the interest which had been shown in the attitude of the South African Government in connexion with the Swedish draft resolution (A/C.4/L.713/Rev.2) and the lack of interest in that Government's possible attitude towards the joint draft resolution (A/C.4/L.714).

27. In reply to the representative of Yugoslavia, he stated that the United States delegation naturally accepted the advisory opinion of the International Court of Justice.

28. Mr. ACHKAR (Guinea), replying to the United States representative, said that the sponsors of draft resolution A/C.4/L.714 had not decided in advance that the South African Government would reject the proposal in operative paragraph 2; that would be a matter for the South African Government to decide. Nevertheless, in the light of past experience there was strong reason to doubt the good will of the South African Government.

29. Mr. YOMEKPE (Ghana), replying to the United States representative, pointed out that the third preambular paragraph of the joint draft resolution quoted paragraph 162 of the report of the Committee on South West Africa (A/4926).

30. With regard to operative paragraph 2 of the draft resolution, none of the proposals in it were at variance with the recommendations made by the Committee on South West Africa in paragraph 164 of its report. He

was therefore unable to understand the point of the United States representative's question whether the sponsors of the joint draft resolution expected the South African Government to agree to the establishment of a United Nations special committee for South West Africa to visit the Territory before 1 May 1962. He recalled that in its resolution 1596 (XV) adopted at the previous session the General Assembly had requested the Committee on South West Africa to carry out its task with or without the co-operation of the Government of the Union of South Africa. The present draft resolution requested the proposed special committee to perform its task in consultation with the Mandatory Power. He did not see what else the Fourth Committee could do. The United Nations had an obligation to the people of South West Africa and it must make recommendations designed to bring the people of the Territory to independence. No purpose would be served at the present juncture by appointing a body merely to go to the Territory and study conditions there.

31. Mr. BOZOVIC (Yugoslavia) said that the Committee was faced with two proposals, one of which was in accordance with the advisory opinion of the International Court of Justice and was based on the fact that the United Nations had definite rights and obligations in connexion with South West Africa, whereas the other was based on the South African Government's contention that it had no obligations towards the United Nations and that it was the sole authority to decide on questions concerning South West Africa. He asked the South African delegation to express its views about the Swedish draft resolution as modified in accordance with the amendments proposed orally at the 1239th meeting by the delegation of Tunisia. If it accepted those amendments it would be admitting that the United Nations had definite rights and obligations under the terms of the Mandate.

32. Mr. BINGHAM (United States of America) thanked those delegations that had sought to answer his questions. He was still puzzled, however, with regard to the third preambular paragraph. The question was whether that paragraph meant that the Committee and the General Assembly were being asked to endorse all the conclusions and recommendations in the report of the Committee on South West Africa. If not, he would like to know which of those conclusions and recommendations the Committee was being asked to endorse.

33. Mr. YOMEKPE (Ghana) maintained that the third preambular paragraph was quite clear; it stated that the General Assembly endorsed the conclusions and recommendations in the report of the Committee on South West Africa. The fact that operative paragraph 2 did not call for the implementation of all the recommendations in the Committee's report did not mean that the sponsors did not approve of them.

34. Mr. THEODOLI (Italy) said that according to the representative of Ghana there would be no point in the United Nations sending three more people to the Territory to study conditions there, since it was already in possession of complete information about the Territory. If the Committee really knew everything there was to know about South West Africa he could not see any purpose in giving the petitioners a further hearing. It appeared to some delegations that the real object of the proposal was to give the petitioners an opportunity to express their views about the draft resolution.

35. Mr. CARPIO (Philippines), speaking on a point of order, said that the Committee had agreed to hear the petitioners; it should now proceed to do so without further delay.

#### SUPPLEMENTARY HEARING OF PETITIONERS

*At the invitation of the Chairman, Mr. Uatja Kaukuetu and Mr. Charles Kauraisa, representatives of the South West Africa National Union (SWANU), Mr. Ismail Fortune, Mr. Mburumba Kerina and Mr. Sam Nujoma, representatives of the South West Africa Peoples Organization (SWAPO), the Reverend Markus Kooper and the Reverend Michael Scott took places at the Committee table.*

36. Mr. KERINA (South West Africa Peoples Organization) said that the petitioners had asked for a further hearing in order to state their views on the draft resolutions before the Committee.

37. As they had stated earlier, the time for action had arrived; nothing but decisive action could interest the people of South West Africa. Two of the draft resolutions were diametrically opposed to the desires and interests of those people. In their view they were clearly designed to delay and sabotage the process of decolonization in South West Africa. The United Kingdom draft resolution (A/C.4/L.712) had one basic objective: the perpetuation of South African colonialism in South West Africa. South Africa's intention was obviously to play for time in order to proceed with the de facto annexation of the Territory and build up its military forces to a point at which any future United Nations intervention could be frustrated, while at the same time undermining the United Nations authority at Headquarters. The proposal for a group of former Presidents of the General Assembly to study and verify facts which had already been established by the Committee on South West Africa was redundant and recalled the colonialist intrigues surrounding the activities of the Good Offices Committee, which had returned with a proposal—eventually attributed to the British Chairman of the Committee—for the partitioning of South West Africa. Whatever the proposed committee of former Presidents, whose names were being withheld, might be able to do would compromise the United Nations position in South West Africa. He hoped that the United Kingdom delegation would withdraw its draft resolution or that, if it did not do so, the draft resolution would be supported only by its sponsor and by the South African delegation.

38. The Swedish draft resolution (A/C.4/L.713/Rev.2) was merely a slight modification of the United Kingdom draft resolution, designed to provide the imperialist camp with a workable basis for the sabotaging of any effective action by the General Assembly. He appealed to the Swedish delegation to withdraw the draft resolution, which was completely unacceptable to the people of South West Africa.

39. Draft resolution A/C.4/L.711/Rev.1, which was designed to prevent the General Assembly from taking a decision which would retard progress towards effective action and a solution of the problem, had the petitioners' whole-hearted support.

40. The petitioners regarded draft resolution A/C.4/L.714 as the only acceptable compromise with their own proposals. None of its provisions conflicted with the objectives of the United Nations or of the petitioners for the future of South West Africa and on that basis alone he urged its unanimous adoption as a basis

for a first positive step towards independence for the Territory.

41. The petitioners appreciated the unity and solidarity of the African States and the other countries which had consistently supported their cause at the United Nations and they hoped that future co-operation in a spirit of complete harmony would further strengthen the bond of brotherhood among Africans.

42. Sir Hugh FOOT (United Kingdom) said that he had not wished to interrupt the petitioner during his statement. Previously he had suggested that the Committee should discuss the important point whether petitioners should be allowed to join in the discussion of draft resolutions. He did not consider that the action taken at the present meeting should be a precedent for the future. He understood that the petitioners' request had originally contained a reference to the desire to express opinions about the draft resolutions but that that reference had been struck out; he had therefore assumed that the petitioners' intention had been to give the Committee further information rather than to comment on the draft resolutions.

43. Mr. ABDEL WAHAB (United Arab Republic) maintained that petitioners had every right to express their views on any action to be taken which might affect the future of their Territory. He recalled that at the fifteenth session of the General Assembly petitioners from Ruanda-Urundi had discussed the draft resolutions before the Committee and the United Kingdom representative had raised no objection.

44. Mr. ABDO (Yemen) said that there was nothing in the rules of procedure of the General Assembly prohibiting petitioners from giving their opinions on any issue. The granting of hearings was a matter for the Committee to decide in each individual case. He would agree that petitioners should not make personal attacks on representatives, but that was not the point at issue.

45. Mr. ACHKAR (Guinea) urged that if the colonialist Powers could take part in the discussion of problems such as that of South West Africa it was only fair that the people concerned should be allowed to give their views about any steps the United Nations might propose to take. He hoped that henceforward the Committee would take into account not only the opinions of the colonialist Powers but those of petitioners representing the colonized peoples.

46. Mr. GRINBERG (Bulgaria) recalled that when the United Kingdom representative had been explaining his draft resolution he had claimed that his only concern was the welfare of the people of South West Africa. Apparently, however, now that the petitioners were present, the United Kingdom representative was not interested in hearing their views with regard to the draft resolutions. He appealed to all delegations not to interrupt the hearings but to allow the petitioners to express their views.

47. Sir Hugh FOOT (United Kingdom) pointed out that he had not sought to interrupt the petitioner who had just spoken, though he would have been entitled to do so on a point of order. He did consider, however, that an important point of procedure had arisen and that the matter should be discussed on a subsequent occasion, without relation to the question now before the Committee.

48. Mr. CARPIO (Philippines) recalled that in the past, when the question whether petitioners should be allowed to give their views on draft resolutions had



arisen in the Trusteeship Council, the Administering Authorities had always opposed their doing so and, owing to the equal composition of that body, had been able to defeat any proposal to that effect. There was no reason, however, why the Fourth Committee should be bound by that precedent and he held that petitioners should be allowed to address the Committee even on the subject of draft resolutions.

49. Mr. YOMEKPE (Ghana) asked how it was that the United Kingdom representative had apparently seen the petitioners' request for a hearing before it had been presented to the Committee, since he had referred to a sentence which had later been deleted. If one delegation was allowed to see such a request he considered that all delegations should be entitled to do so.

50. The CHAIRMAN said that she was informed by the Secretariat that before the opening of the meeting the United Kingdom representative had asked in what terms the request was couched. It would have been open to any other delegation to do the same.

51. Mr. NUJOMA (South West Africa Peoples Organization) said that the situation in South West Africa was a matter of life and death. The white settlers were arming themselves even in their private houses with rifles and machine-guns which had been provided by the Mandatory Power. What was needed now was action by the General Assembly. The draft resolutions before the Committee were not sufficiently strong. The people of South Africa wanted immediate independence. He realized that the colonial Powers would support South Africa in order to delay freedom and independence for the Territory, so that they could continue to exploit its raw materials. Most of the rifles and machine-guns used in the Windhoek massacre had been manufactured in the United Kingdom. That was a significant fact and the petitioners had not been surprised that the United Kingdom delegation should support South Africa. No doubt the colonialist Powers would claim that the people of South West Africa were not ready for independence, but before the arrival of the European settlers they had been rich; today they were working for the settlers and possessed nothing of their own. That was why the South African Government had refused to allow the Committee on South West Africa to enter the Territory.

52. The petitioners fully supported the recommendations of the Committee on South West Africa and draft resolution A/C.4/L.714, with the addition proposed by the delegation of Haiti (A/C.4/L.715).

53. Mr. FORTUNE (South West Africa Peoples Organization) associated himself with the statements made by the other petitioners concerning the draft resolutions. He appealed to those countries which had money invested in South West Africa not to think in terms of pounds and dollars but to consider the future of the people of the Territory. He hoped that all delegations, including that of the United Kingdom, would support draft resolution A/C.4/L.714 and that it would be adopted unanimously.

54. The Reverend Markus KOOPER said that the people of South West Africa did not want any further investigations to be made into the situation: no commission would be able to report anything different from what he and his fellow petitioners had stated before the Committee. What the people were expecting was that an end would be put to the administration of the Territory by the South African colonizers and that arrangements would be made for South West Africa

to attain independence. The petitioners were entirely opposed to the South African proposal that a visit should be made to the Territory by three former Presidents of the General Assembly; it was nothing but a pretext to prevent the United Nations from taking action for the transfer of the administration to the indigenous inhabitants, which was what the petitioners understood by the expression "a United Nations presence". It would merely prolong the suffering of the people; no Member State which really desired to promote the interests and the liberation of the people of South West Africa should support such a proposal.

55. Draft resolutions A/C.4/L.712 and A/C.4/L.713/Rev.2 had their origins in that suggestion by South Africa. Although the petitioners appreciated the motives of the sponsors, they could not ask the Committee to support those proposals, which in his view should be withdrawn. The petitioners were not fully satisfied even with draft resolution A/C.4/L.714, which did not meet their desires completely, but they could at least see that it would have some effect and meaning. The desire of the people of South West Africa was to be rid of the South African Government as soon as possible.

56. Mr. KAUKUETU (South West Africa National Union) said that, when the Mandate had been given to South Africa, it had not been intended that it should provide a means to enable South Africa to annex the Territory. He appreciated the genuine efforts in the Committee to find a real solution, despite the attempts by some representatives to indulge in legalistic quibbles. There were members of the Committee who had been members of the League of Nations and as such had taken it upon themselves to decide the fate of the people of South West Africa, and who now sided with the fascist Government of South Africa.

57. What the petitioners maintained as a matter of principle was that the Boer colonial Administration should be expelled at once from the Territory and that South West Africa should immediately be declared independent; there was no need for the petitioners to offer any justification for such an attitude. It followed that the petitioners supported draft resolution A/C.4/L.714, which was reasonable, realistic and moderate. He appealed to the Committee to adopt it unanimously.

58. The petitioners could scarcely be blamed if they were impatient; the debate had lasted for fifteen years, during which no action had been taken. The people had placed their trust in the United Nations but that trust had been put to a severe test and the time might come when their faith in the United Nations might be at an end.

59. He urged the Committee to bear the time factor in mind. South Africa was consolidating its position by admitting refugees from East Germany into the Territory, thus swelling the ranks of the white settlers; further delay might mean that the number of Europeans would be equal if not superior to that of the Africans, who would then have to fight for equal rights instead of taking over the reins of Government.

60. Mr. KAURAISSA (South West Africa National Union) recalled that at the earlier hearing<sup>3/</sup> the petitioners had appealed to the Committee to take constructive action. They had indeed expected more constructive proposals than those put forward in draft resolutions

<sup>3/</sup> See 1217th and 1219th to 1224th meetings.

A/C.4/L.713/Rev.2 and A/C.4/L.714, including the immediate termination of South African administration of the Territory. He realized that all the draft resolutions had been drawn up in good faith, but, after fifteen years of fruitless endeavour and in the light of the recommendations of the Committee on South West Africa, there was no need for any further investigating body.

61. Attention had recently been drawn to the danger caused to the United Nations by powerful Member States which voted in favour of proposals to which they were opposed. To judge by statements made in the debate, no Member State was likely to offer outright opposition to any of the proposals, especially to draft resolution A/C.4/L.714, but it would be better if representatives did so instead of taking refuge in abstentions while claiming that they were trying to serve the best interests of the people of South West Africa.

62. Drastic steps were necessary. The United Nations presence would only be welcome if it brought about the end of South African rule and if it were backed by guarantees from the Security Council. Once such a presence had been established, a constituent assembly should be organized in order to decide upon the political and other arrangements that should be made.

63. He preferred draft resolution A/C.4/L.714 to the Swedish proposal (A/C.4/L.713/Rev.2).

64. The Reverend Michael SCOTT observed that enough had been said to show the petitioners' preference where the draft resolutions were concerned. Their main anxiety was to ensure that the United Nations would act as speedily as possible to protect and succour the inhabitants, whose condition had not improved during the past fifteen years. Telegrams and letters received from the Territory had shown that the people were impatient of further investigations. The existence of "apartheid" had been amply confirmed by independent testimony, while the South African delegation had not answered the gravamen of the charges made by the Committee on South West Africa.

65. Any further investigation should be conducted outside the Territory; he hoped that the petitioners had succeeded in demonstrating that the question was part of a much larger problem, that of the vast industrial empires existing in that part of Africa. Those industrial interests were ruthless in the extreme and were more powerful than any single African State, perhaps more powerful than a combination of African States. That was the basic problem and it had to be faced: the whole economy, based as it was on cheap migrant labour, would have to be reconstructed.

66. With regard to the past history of the question, he recalled that it had been at the suggestion of Professor Lauterpacht, the eminent jurist of Cambridge University, whom he had consulted, that the idea of recourse to the International Court of Justice had first been mooted. At the third session of the General Assembly, a proposal had been made to the United Kingdom representative that an advisory opinion should be obtained from the Court, but that suggestion had been disregarded at the time. In 1949 the General Assembly had finally taken that course in its resolution 338 (IV). Professor Lauterpacht had also expressed the view that a judgement should be sought in the International Court; the inhabitants themselves had asked for such a judgement as early as 1950, but it had not been until many years later that the proceedings had at last been instituted.

67. The petitioners had been asked among other things about the possibility that bases of the North Atlantic Treaty Organization had been established in South Africa or South West Africa. That, however, was a matter concerning which they had no knowledge.

68. Turning to draft resolution A/C.4/L.714, he said that there were still gaps in the proposal which the petitioners would have preferred to see filled. They hoped that it would be possible before long to establish a United Nations presence in the Territory and to lay the foundations of democratic institutions. It would be apparent to the Committee that the petitioners from the Territory were eminently competent and capable of expressing their views; he wondered if it would not be possible for the United Nations or Member States to undertake to provide them with opportunities, including scholarships, for further study and training in matters that would be of great advantage to their country.

69. On the assumption that it would be possible for the proposed committee to enter South West Africa, the petitioners were also anxious to be allowed to return there with it and to verify their allegations; they could be of great assistance to such a committee.

70. The petitioners appealed for the introduction into South West Africa of the procedures of international justice and law and order. They realized the difficulties and dangers which faced the United Nations in its search for a just and reasonable solution, and hoped that those procedures could be applied in the Territory in the coming year as a result of draft resolution A/C.4/L.714.

71. The CHAIRMAN asked members of the Committee whether they desired to put questions to the petitioners.

72. Mr. NEKLESSA (Ukrainian Soviet Socialist Republic) said that he wished to thank the petitioners for their important statements. He felt that no delegation that was genuinely interested in the welfare of the people of South West Africa could fail to take them into account. He proposed that the texts of their statements should be circulated in full in the usual manner.

*It was so decided.*

73. Mr. NEKLESSA (Ukrainian Soviet Socialist Republic) asked for information about the memorandum by the petitioners on economic interests in South West Africa which had been promised a long time previously.

74. Mr. COTTRELL (Secretary of the Committee) replied that part of that document had been received only a few days before: it was now in process of editing and production. It was a very long document; it was being prepared as quickly as possible and he hoped that it would be presented to the Committee the following week.

75. Mr. NEKLESSA (Ukrainian Soviet Socialist Republic) pointed out that the document was needed while the question was under discussion. Since the text was already available, he suggested that special measures should be taken to ensure that it was circulated the following day.

76. Mr. ABDO (Yemen) also felt that the document was overdue.

77. He wished to take the opportunity of expressing his admiration for the petitioners, who were heroes. He congratulated them on their eloquence and sense of moderation and wished them every success.

78. Mr. YOMEKPE (Ghana) suggested that, in order to avoid delay, the memorandum should be circulated in the original transcript.

79. After a brief discussion, in which Mr. BINGHAM (United States of America), Mr. ACHKAR (Guinea) and Mr. RODRIGUEZ FABREGAT (Uruguay) took part,

the CHAIRMAN said that the document<sup>4/</sup> would be circulated as soon as possible in English, in the form in which it had been received, on the understanding that a translation into the other working languages would follow later.

The meeting rose at 6.25 p.m.

<sup>4/</sup> See A/C.4/512.