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Agenda item 61:

Chairman: Mr. Selim SARPER (Turkey).

In the absence of the Chairman, Mr. Sudjarwo (Indonesia), Vice-Chairman, took the Chair.

AGENDA ITEM 61

Question of race conflict in South Africa resulting from the policies of *apartheid* of the Government of the Union of South Africa (A/3190 and Add.1 and 2, A/SPC/L.4, A/SPC/L.5, A/ SPC/L.6) (concluded)

1. Mr. MALOLES (Philippines) introduced the new joint draft resolution (A/SPC/L.6) sponsored by Ceylon, Greece, Haiti, Iran, Iraq and the Philippines which was a consolidated version comprising the best features of the five-Power draft resolution (A/ SPC/L.4) and the Philippine draft resolution (A/ SPC/L.5), now withdrawn. The new joint draft resolution contained hardly any controversial points; the recital of former General Assembly decisions in the preamble was merely a reminder of what had already been agreed to by the General Assembly. The final paragraph of the preamble affirmed the Committee's conviction that a conciliatory approach was necessary for progress towards a solution.

2. He drew attention to the last part of operative paragraph 3 which referred to the progress achieved in other contemporary multi-racial societies. The Union of South Africa had been, as it were, left behind in the advance towards the elimination of discrimination, as exemplified in various countries in Latin America and in the United States of America. Operative paragraph 4 contained nothing condemnatory but merely extended an invitation to the Union Government to co-operate in a constructive approach to the question. Operative paragraph 5 differed from the former proposals in leaving it to the discretion of the Secretary-General to decide when the time was opportune for an approach to the Union Government in pursuance of the purposes of the joint draft resolution.

3. Mr. NAVIA VARON (Colombia) hoped that the conciliatory new draft resolution would have the effect of persuading the Union of South Africa to resume its activities in the United Nations. The invitation to the Union of South Africa was one of the most interesting aspects of the new draft resolution. It might perhaps be felt that the discussion of national policies and legislations was to some extent an invasion of national sovereignty. However, human rights transcended sovereignty. They could not be nullified by any legislation and must be safeguarded by the United Nations. The problem of human rights in the Union of South Africa could be solved only by discussions at which the Union of South Africa was present. Throughout the discussion, all delegations had been animated by the most praiseworthy intentions and the Colombian delegation would vote in favour of the joint resolution as a demonstration of the spirit of conciliation displayed by the General Assembly.

Mr. Sarper (Turkey) took the Chair.

4. Mr. ABDOH (Iran) said that as one of the cosponsors, his delegation was grateful to the Philippines for accepting in part the principles emphasized in the original draft resolution (A/SPC/L.4). The new draft resolution (A/SPC/L.6) was an improvement on the earlier one which had not included any practical proposal for securing the co-operation of the Union of South Africa. The new joint draft resolution, after reaffirming the resolutions adopted at previous sessions, took over from the Philippines draft resolution, the invitation to the Union of South Africa to co-operate in a constructive approach, more particularly by its presence in the United Nations (operative paragraph 4). The Iranian delegation hoped very much that the South African delegation would attend future meetings of the General Assembly to discuss the question.

Another interesting aspect of the new draft resolution, again based on the need to adopt a conciliatory approach, was the request to the Secretary-General to approach the Government of the Union of South Africa in order to carry forward the purposes of the resolution. The Iranian delegation hoped that in view of the conciliatory attitude of the General Assembly, the Union Government would show its good will and would satisfy the Secretary-General's request in application of the draft resolution, and also that it would revise its policy not only in the light of its obligations under the Charter but also of the progress achieved in other multi-racial societies. The idea of taking into account the encouraging progress achieved elsewhere must be of interest to the Union Government for no State could remain completely isolated from the rest of the world, unaffected by the general trend in other countries. He hoped that the new joint draft resolution would be adopted unanimously.

6. Mr. RAJAN (India) expressed his appreciation to the sponsors of the two previous draft resolutions for their successful efforts to reach the agreement represented by the new joint draft resolution. They had made a successful attempt to strike a balance between the concern felt by the General Assembly and the need to adopt a conciliatory approach in accordance with the provisions of the Charter. Any resolution on the question must rest upon three foundations, the principles of the Charter, the resolutions previously adopted by the General Assembly and the experience of their multi-racial societies in similar circumstances. The only conclusion which could be arrived at was that the solution lay solely in nondiscrimination, and in the establishment of racial fraternity flowing from racial equality. Operative paragraph 1 of the joint draft resolution deplored that the Union Government had pressed forward with discriminatory measures; that represented a very moderate reaction to the facts, which were that in the past year the policy of *apartheid* in the Union of South Africa had gathered momentum.

7. The draft resolution proposed no machinery for further consideration of the problem, although, as the representative of Uruguay (13th meeting) had said, the problem must remain on the agenda of the General Assembly for as long as the Union Government maintained its policy. Other representatives had referred to the possible re-establishment of the United Nations Commission on the Racial Situation in the Union of South Africa or the appointment of a Special Rapporteur. If the present deterioration continued, the General Assembly would undoubtedly have to re-open its consideration of the problem. For the time being, the Indian delegation would accept the joint draft resolution as the most satisfactory formulation, in conciliatory terms, of United Nations opinion. He hoped that the draft resolution would persuade the Union Government to reconsider its policy.

8. Mr. MENDES DE SOUZA (Brazil) said that all the efforts of the United Nations to end the policy of racial discrimination adopted by the Government of the Union of South Africa had foundered upon the Union Government's refusal to allow that the United Nations was competent even to discuss the matter. His delegation wished to reaffirm its opposition to racial discrimination of any kind and its conviction that the General Assembly was competent to discuss any theme which was of interest to its Members, and could even indicate, though not impose, a solution. The Union Government should therefore be invited to return to the United Nations and work with the Assembly for an acceptable solution to the problem under discussion. The Brazilian delegation could not in the circumstances vote in favour of operative paragraph 3 and would ask for a separate vote upon it.

9. Mr. JAWAD (Iraq) said that at the 15th meeting he had explained his delegation's position on the Philippine draft resolution (A/SPC/L.5). The Iraqi delegation had been disinclined to accept the conciliatory approach made in the Philippine draft resolution. Even as it stood the joint draft resolution (A/SPC/L.6) was hardly a satisfactory reflection of the situation, or likely to lead to a solution. However, there seemed to be a desire on the part of certain delegations to adopt a new attitude to the problem of apartheid. That attitude had been transplanted from other realms to matters on which the United Nations had previously stood firm. After long discussion with the other sponsors of the joint draft resolution, the Iraqi delegation had accepted their views, on the basis of the majority rule to which it was always faithful.

10. Nevertheless, he wished to make it clear that his delegation stood by the principles of the Charter, to which the policy of *apartheid* was contrary. It would accept the new attitude of conciliation as the first attempt of its kind in the problem under consideration, but it doubted the practical possibilities of such an approach. It believed that any political policy was rooted in economic conditions and in the economic aims of Governments. However, it was willing to try a conciliatory approach in the hope that the Secretary-General would be able to report concrete results to the twelfth session of the General Assembly regarding the abolition of the policy of *apartheid*, which aimed at creating a slave society and was in a sense a new version of colonialism. The Iraqi Government would support the joint draft resolution as a temporary measure.

11. Mr. RODRIGUEZ FABREGAT (Uruguay) noted that representatives had been almost unanimous in congratulating the co-sponsors of the two previous draft resolutions on their spirit of compromise and conciliation in reaching agreement on the new joint draft resolution. He hoped that compromise and conciliation had not been achieved at the cost of United Nations principles. The new joint draft resolution, operative paragraph 1, for example, did not seem to be as forceful as the two drafts it had replaced.

12. He questioned the use of the words "as appropriate" in operative paragraph 5 and emphasized that the nature of the problem was so urgent that the Secretary-General should take action whenever human rights were at stake; such action should not have to depend on a favourable turn of events.

13. It had been suggested that a draft resolution should be adopted which covered all cases of racial discrimination inherited from the past. But in the case of the Union of South Africa, the problem was now actually being created; he therefore felt that the item, which was within the competence of the United Nations, should be maintained on the General Assembly's agenda until all racial discrimination had been eliminated in the Union of South Africa. Subject to those reservations he would vote for the joint draft resolution but reserved the position of his delegation in the General Assembly.

14. Mr. MATHUR (Nepal) paid a tribute to the sponsors of the joint draft resolution which seemed to embody all the important points that had emerged during the debate. He hoped that the joint draft resolution which was based on the idea that a conciliatory approach could produce better results than in the past, would induce the Union Government to reconsider its position, co-operate in a constructive approach to the question and return to the United Nations. That hope was strengthened by the new approach made in operative paragraph 5; the Secretary-General should take immediate action to offer his good offices and report whether his efforts had met with any success. His delegation would vote for the joint draft resolution. Its adoption represented the least that could be expected of the Committee at the present stage.

15. Mr. MATSUDAIRA (Japan) said that his delegation would vote for the joint draft resolution on the understanding firstly that adoption would not necessarily imply Japan's unconditional agreement with earlier General Assembly resolutions on the same subject adopted before it had been admitted as a Member; and secondly that adoption would not mean unilateral condemnation of a Member State *in absentia* for any of its policies.

16. The Philippine delegation was to be congratulated on its moderate and conciliatory approach which seemed most likely to promote the interests of the United Nations, the parties concerned, and the non-European population of the Union of South Africa. 17. At the 15th meeting the Iraqi representative had stated that the law was being waived in favour of an offender. The implications of that statement were very serious and it should be borne in mind that no concept of international law yet defined offences by States and that there was no category of such cases to which reference could be made. However, the Iraqi representative's moderate remarks and spirit of co-operation at the present meeting had served to dispel any misunderstandings to which his previous statement might have given rise. He hoped that the adoption of the joint draft resolution would contribute to a constructive solution of the question.

18. Mr. PERERA (Ceylon) said that his delegation had agreed to co-sponsor the joint draft resolution which embodied the main features of the two previous draft resolutions, because it felt that a large proportion of the European population of the Union of South Africa opposed *apartheid*. Although his delegation did not consider that the joint draft resolution went far enough, it hoped that the Union Government would respond to the new approach and embark upon a policy more consistent with the principles of the Charter.

19. Mr. KING (Liberia) said that his delegation had no doubts about the competence of the United Nations to deal with the question of *apartheid* which was a threat to world peace. The Union Government should realize that no country, however powerful, could remain isolated from the rest of the international community. His delegation agreed with the Uruguayan representative's remarks concerning the words "as appropriate" in operative paragraph 5 of the joint draft resolution (A/SPC/L.6) and reserved the right to submit a suitable amendment in the General Assembly. Subject to that reservation, his delegation would vote for the joint draft resolution.

20. Mr. JORDAN PANDO (Bolivia) felt that the joint draft resolution lacked the force of the original five-Power draft (A/SPC/L.4). The General Assembly, in the new draft, no longer "expresses its deep regret", nor did it now request the Union Government urgently to reconsider its position and revise its policies. Nor was the fifth paragraph of the preamble adequate, as reference to respect for human rights and freedoms and the peaceful development of a unified community was something very different from the application of those principles in practice. His delegation requested that the joint draft resolution should be put to the vote paragraph by paragraph.

21. Mr. Jove LEGER (Haiti) said that his delegation had co-sponsored the joint draft resolution because it embodied all the main ideas expressed in the original five-Power draft resolution. Respect for fundamental human rights could not be over-emphasized and no opportunity should be lost to condemn any policy of racial discrimination at variance with the Charter. The joint draft resolution, by approaching the problem in a conciliatory and friendly spirit had confronted the Union Government with the reaction of world public opinion to its policy of *apartheid*. His delegation would vote in favour of the joint draft resolution in the hope that it would bring the Committee nearer a solution of the problem.

22. Mr. ALEMAYEHOU (Ethiopia) paid a tribute to the efforts of the co-sponsors of the joint draft resolution in preparing a compromise text. Unfortunately, however, the new draft resolution made no provision for maintaining the item on the General Assembly's agenda. He therefore suggested to the sponsors that the words "and to report to the twelfth session of the General Assembly on the progress achieved" should be added at the end of operative paragraph 5.

23. Mr. STRATOS (Greece) said that he would vote for the joint draft resolution which, being more moderate in tone than the original five-Power draft, should carry more weight with the Union Government.

24. Mr. ÅMAN (Sweden) said that his delegation would abstain in the vote on operative paragraph 1, which was too negative and therefore not in keeping with the remainder of the draft resolution. It would also abstain in the vote on operative paragraph 2 which was open to different interpretations owing to the vague and general terms used. Subject to those reservations his delegation would vote for the joint draft resolution as a whole.

25. Mr. AMBY (Denmark) said that his delegation would vote for all the paragraphs of the preamble, for operative paragraphs 3, 4 and 5 and for the draft resolution as a whole. However it would abstain on operative paragraphs 1 and 2 for the reasons given by the Swedish representative.

26. Mr. GUNNENG (Norway) said that his delegation's attitude towards the joint draft resolution would be the same as that of the two previous speakers.

27. Mr. JOUBLANC RIVAS (Mexico) said that his delegation would vote for the joint draft resolution as a whole, but would abstain in the vote on operative paragraph 3 which seemed to call upon the Union Government to revise its domestic legislation; he doubted whether the General Assembly could make a recommendation of that kind. His delegation, which opposed the automatic inclusion of items in the General Assembly's agenda, would vote against the Ethiopian proposal if it was submitted as a formal amendment. 28. Mr. ABDOH (Iran) agreed with the substance of the Ethiopian proposal, but felt that nothing controversial should be included in the joint draft resolution which was a compromise text.

29. Mr. ALEMAYEHOU (Ethiopia) explained that what he had said had been intended as a suggestion only.

30. Mr. MALOLES (Philippines) pointed out to the Uruguayan representative that the "conciliatory approach" referred to in the sixth paragraph of the preamble was not being made at the cost of the principles involved. A conciliatory, more rational and flexible approach had been adopted in order to induce the Union Government to co-operate with the United Nations. That did not mean that the co-sponsors had abandoned the principles expressed in the fifth paragraph of the preamble.

31. The words "as appropriate" had been included in operative paragraph 5 in order to give the Secretary-General full freedom of action when he felt that it was necessary or advisable to communicate with the Union Government.

32. Mr. RAFAEL (Israel) commended the sponsors of the joint draft resolution upon their successful efforts to work out a comprehensive text. The General Assembly was quite properly concerned with race relations in South Africa because of the human suffering and the social injustice involved in those who were the objects of the policies of racial discrimination. Yet Israel felt a measure of anxiety for the Union of South Africa. The problem confronting the Union of South Africa was of such magnitude that its peaceful and humane solution would determine the human happiness and welfare of the South African nation. There were still other large areas where human rights as envisaged by the Charter did not prosper. Accordingly, the joint draft resolution should be viewed not merely as an appeal to the Union of South Africa, but as a challenge to all nations to see that human rights were made a living reality wherever they were not yet practised.

33. Mr. OSMAN (Sudan) also commended the sponsors of the joint draft resolution upon their efforts, but noted that the resulting text was scarcely commensurate with the gravity of the situation prevailing in the Union of South Africa. He would have liked to amend operative paragraph 5, as suggested by the representative of Ethiopia, but did not wish to disturb the unanimity shown in favour of the text as it stood, and would reserve his delegation's right to revert to that point in future. He hoped, however, that the Secretary-General would find ways and means of persuading the South African Government to improve the economic and social position of the majority of the population with the assistance of the United Nations and of such agencies as the Food and Agriculture Organization of the United Nations, the World Health Organization, the Technical Assistance Board and the United Nations Children's Fund.

34. Mr. ORDONNEAU (France) pointed out that, in line with the position France had consistently adopted on the question, it would be unable to support the joint draft resolution. While condemning racial discrimination, France felt that the Assembly's action constituted interference in the internal administration and domestic legislation of the Union of South Africa and was therefore an infringement of its domestic jurisdiction.

35. Mr. ORTEGA (Chile), said that his delegation continued to take the position that the United Nations was competent to deal with the question of race conflict in the Union of South Africa, and that the Union of South Africa's racial policies were incompatible with the principles of the Charter and the Universal Declaration of Human Rights. Although there were differences of opinion regarding the question of competence, not a single delegation had indicated that it condoned the Union Government's policies. World public opinion must therefore recognize that the Union of South Africa was alone in its attempt to stop progress by denying basic human rights on grounds of race or colour.

36. He would vote in favour of the joint draft resolution. If the new conciliatory approach were to fail, however, the Assembly would have to find some other means of convincing the Union of South Africa that all Member States must fulfil the obligations they assumed under the Charter. It might be necessary ultimately to seek an advisory opinion from the International Court regarding a definition of domestic jurisdiction.

37. Mr. MAURTUA (Peru) reiterated his Government's clear stand against all policies of inequality and discrimination and expressed gratification concerning the more practical approach made to the South African race problem by the sponsors of the joint draft resolution. Since all efforts to induce the Union of South Africa's co-operation on the basis of the Charter prin-

ciples had failed, they had quite rightly focused their attention on persuading the South African delegation to come back into the United Nations for the purpose of negotiating a settlement taking into account all the interests at stake. However, the manner in which the issue was presented in the joint draft resolution was somewhat contradictory. On the one hand, the Assembly was appealing to the Union Government (operative paragraph 3), and that was the crux of the resolution, to revise its policies so as to bring them into line with the Charter's human rights provisions. On the other hand, it was asking the Secretary-General (operative paragraph 5) to achieve that objective. The Secretary-General could be asked to try to induce the Union of South Africa to return into the United Nations with a view to reaching a solution maintaining United Nations jurisdiction; he might even be instructed to persuade the Union of South Africa of the injustice and illegality of its policies. But he could not reasonably be asked to make the Union of South Africa revise its domestic policies. The sponsors of the draft resolution should amend operative paragraph 5 so as to enable the Secretary-General to exercise his powers of mediation and peace-making in a practical way.

38. Mr. FRAGOSO (Portugal) said that although Portugal was strongly opposed to racial discrimination, it could not act in contravention of the specific provision of the Charter concerning domestic jurisdiction which applied to the case under discussion. He would abstain on all the paragraphs of the joint text with the exception of the fifth paragraph of the preamble, which expressed a principle in harmony with Portuguese law and practice.

Mr. DE LOJENDIO (Spain) said that his 39. delegation would also cast its vote in favour of that paragraph of the preamble. It would abstain on the first four paragraphs since Spain had not been a Member State when the General Assembly resolutions referred to had been adopted. It was opposed to operative paragraphs 1 and 2 because, by putting the Union of South Africa in the dock the very purpose of the whole resolution, namely, to persuade the Union of South Africa to come back into the United Nations to negotiate a settlement, was defeated. It was opposed to operative paragraph 3 because it had serious doubts regarding the power of the Assembly, under the Charter, to intervene in matters of domestic jurisdiction. Finally, Spain would abstain on the last two operative paragraphs, because they could not be isolated from the context, and on the draft resolution as a whole.

40. Mr. BEN SEDDIK (Morocco) stressed that the race problem in South Africa was unique inasmuch as it had had no counterpart since the régime of Hitler in Germany. Moreover, it was so dangerous as to threaten to contaminate other parts of the world. North Africa, for example, had barely escaped race conflict when the colonial Powers with interests in that area had unsuccessfully attempted to imitate South African policies. Morocco would vote in favour of the joint draft resolution because it considered that the United Nations must deal with so serious a problem. It regretted that the Ethiopian suggested amendment had not been retained.

41. The CHAIRMAN put the joint draft resolution (A/SPC/L.6) to the vote paragraph by paragraph.

The first paragraph of the preamble was adopted by 61 votes to 4, with 7 abstentions.

The second paragraph of the preamble was adopted by 58 votes to 4, with 9 abstentions.

The third paragraph of the preamble was adopted by 59 votes to none, with 11 abstentions.

The fourth paragraph of the preamble was adopted by 58 votes to 4, with 7 abstentions.

The fifth paragraph of the preamble was adopted by 65 votes to none, with 5 abstentions.

The sixth paragraph of the preamble was adopted by 61 votes to none, with 9 abstentions.

42. The CHAIRMAN put to the vote operative paragraph 1 for which a roll-call vote had been requested. *A vote was taken by roll-call.*

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

In favour: Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yemen, Yugoslavia, Afghanistan, Albania, Argentina, Bolivia, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Ecuador, Egypt, El Salvador, Ethiopia, Greece, Guatemala, Haiti, Honduras, India, Indonesia, Iran, Irak, Ireland, Israel, Japan, Jordan, Laos, Liberia, Libya, Mexico, Morocco, Nepal, Pakistan, Paraguay, Peru, Philippines, Poland, Romania, Saudi Arabia, Sudan, Syria.

Against: United Kingdom of Great Britain and Northern Ireland, Australia, Belgium, France, Italy.

Abstaining: Turkey, United States of America, Austria, Brazil, Canada, Denmark, Finland, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden.

Operative paragraph 1 was adopted by 53 votes to 5, with 13 abstentions.

43. The CHAIRMAN put to the vote operative paragraph 2, for which a roll-call vote had been requested.

A vote was taken by roll-call.

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

In favour: Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yemen, Yugoslavia, Afghanistan, Albania, Argentina, Bolivia. Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Ecuador, Egypt, El Salvador, Ethiopia, Greece, Guatemala, Haiti, Honduras, India, Indonesia, Iran, Iraq, Ireland, Israel, Japan, Jordan, Laos, Liberia, Libya, Mexico, Morocco, Nepal, Pakistan, Paraguay, Peru, Philippines, Poland, Romania, Saudi Arabia, Sudan, Syria, Thailand.

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

Abstaining: Turkey, United States of America, Austria, Brazil, Canada, Denmark, Finland, France, Italy, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden.

Operative paragraph 2 was adopted by 53 votes to 3, with 15 abstentions.

44. The CHAIRMAN put the remaining operative paragraphs to the vote.

Operative paragraph 3 was adopted by 54 votes to 4, with 11 abstentions.

Operative paragraph 4 was adopted by 59 votes to none, with 11 abstentions.

Operative paragraph 5 was adopted by 57 votes to 3, with 10 abstentions.

45. The CHAIRMAN put to the vote the draft resolution as a whole.

The draft resolution as a whole was adopted by 55 votes to 5, with 10 abstentions.

46. Mr. BONSAL (United States of America) said that he had been impressed by the high level of the debate and the earnest desire of all delegations to promote human rights and ensure respect for them not only in South Africa but throughout the world. The United States shared that desire and had demonstrated its opposition to discriminatory policies. However, the proposal the Committee had had before it, held out no promise of a constructive improvement in the situation in South Africa. Experience had shown that similar treatment of the problem in the past had not achieved the results sought. Consequently, the United States had been compelled to abstain in the vote on the joint draft resolution.

47. Mr. JASPER (United Kingdom) said that once again his delegation had had to oppose a draft resolution on the question. It expressed no view on the policy of apartheid but maintained the position that the United Nations was not competent to intervene. In one sense the United Kingdom had opposed the resolution reluctantly, because they would have liked to recognize the moderate trend of the resolution and of the debate: this was a particularly welcome feature. In particular he welcomed the decision not to establish a committee of investigation. He hoped delegations would bear in mind the difficulties of putting general principles into practice and the need to avoid any action which would merely aggravate the situation without having any useful effect. The United Kingdom delegation had voted against a number of paragraphs for reasons of propriety or effectiveness. Had the original Philippine draft of the last paragraph been put to the vote his delegation would have been able to abstain.

48. Mr. MAURTUA (Peru) explained that he had abstained in the vote on operative paragraph 3 because it represented a judgement on the Union of South Africa's domestic policy and was therefore contrary to the principle of non-intervention to which Peru subscribed. He had also abstained in the vote on operative paragraph 5 because of the serious practical difficulties involved. It assumed that the Secretary-General could act in a broad field without well-defined and explicit terms of reference. Instead, it should have instructed him explicitly to approach the South African Government with a view to initiating preliminary negotiations.

The meeting rose at 1.40 p.m.