



Eighteenth session  
Agenda item 55

## QUESTION OF SOUTH WEST AFRICA

Report of the Fourth Committee

Rapporteur: Mr. Probyn V. MARSH (Jamaica)

1. At its 1210th meeting on 20 September 1963, the General Assembly allocated to the Fourth Committee the following item on its agenda:

"55. Question of South West Africa:

"(a) Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples; 1/

"(b) Special educational and training programmes for South West Africa: report of the Secretary-General". 2/

2. In connexion with the consideration of this item, the Committee granted the following requests for hearings:

<u>Petitioner</u>	<u>Meeting at which the request was granted</u>
Reverend Michael Scott (A/C.4/599)	1434th
Mr. Jacob Kuhangwa (A/C.4/599)	1434th
Mr. Sam Nujoma (A/C.4/599)	1434th
Mr. Nathanael Mbaeva (A/C.4/599/Add.1)	1436th
Mr. Emil Appolus (A/C.4/599/Add.2)	1450th
Dr. Kenneth Abrahams (A/C.4/599/Add.2)	1450th

1/ A/5446/Add.2 and Add.2/Corr.1.

2/ A/5526 and Add.1.

Petitioner

Meeting at which the  
request was granted

Reverend Markus Kooper, representing the  
South West Africa United National  
Independence Organization (SWAUNIO)  
(A/C.4/599/Add.3)

1451st

Mr. Moses Garoeb (A/C.4/599/Add.4)

1452nd

Mr. Brian Bassingthwaighe (A/C.4/599/Add.5)

1455th

3. At its 1453rd meeting, on 22 October 1963, the Committee began the hearing of petitioners, with statements by Mr. Nathanael Mbaeva, representing the South West Africa National Union (SWANU), and the Reverend Markus Kooper, representing SWAUNIO. At the 1454th meeting on the same date, the Reverend Michael Scott addressed the Committee. At the 1455th meeting, on 23 October, Mr. Brian Bassingthwaighe, Mr. Moses Garoeb, and Mr. Jacob Kuhangwa, the last-mentioned representing the South West Africa Peoples Organization (SWAPO), addressed the Committee. At the 1454th to 1456th meetings, on 22 and 23 October, petitioners answered questions put to them by members of the Committee. Subsequently, the six petitioners jointly addressed to the Chairman a letter dated 25 October 1963 which the Committee decided to circulate as a document (A/C.4/613). The Reverend Markus Kooper and the Reverend Michael Scott again addressed the Committee at its 1472nd meeting on 8 November.
4. Three of the petitioners granted hearings, Mr. Nujoma, Mr. Appolus, and Dr. Abrahams, did not appear before the Committee.
5. At the 1457th meeting, on 25 October, the Rapporteur of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples introduced the report of that Committee on South West Africa.
6. The general debate on the item took place from the 1457th to 1465th meetings, between 25 October and 1 November. The Committee decided that the statements made by the representative of Ceylon at the 1459th meeting (A/C.4/615 and Corr.1) and by the representative of Venezuela at the 1460th meeting (A/C.4/617) should be circulated as documents.
7. The Committee continued its consideration of the item at its 1466th to 1469th and 1471st to 1474th meetings between 4 and 11 November.

8. At its 1468th, 1469th and 1471st to 1474th meetings, the Committee considered draft resolutions concerning the item. These dealt with:

- I. The question of South West Africa;
- II. Petitions concerning the Territory of South West Africa; and
- III. Special educational and training programmes for South West Africans.

9. An account of the Committee's consideration of these draft resolutions and of amendments thereto is given in sections I to III below.

#### I. QUESTION OF SOUTH WEST AFRICA

10. At the 1468th meeting, the representative of the Sudan introduced a joint draft resolution which was finally sponsored by Algeria, Burma, Burundi, Cambodia, Cameroon, Ceylon, Chad, Congo (Brazzaville), Congo (Leopoldville), Dahomey, Ghana, Guinea, India, Indonesia, Iraq, the Ivory Coast, Jamaica, Jordan, Kuwait, Libya, Madagascar, Malaysia, Mali, Mauritania, Mongolia, Morocco, Nepal, Niger, Nigeria, the Philippines, Somalia, the Sudan, Syria, Tanganyika, Togo, Uganda, the United Arab Republic and Yemen (A/C.4/L.777 and Add.1-3). By this joint draft resolution, as orally revised at the 1471st meeting, the General Assembly, after, inter alia, expressing deep concern "at the present situation in South West Africa, the continuation of which constitutes a serious threat to international peace and security", would: (a) approve the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples on the question of South West Africa, particularly its conclusions and recommendations, and express its keen appreciation of the work of the Committee; (b) solemnly reaffirm the inalienable right of the people of South West Africa to self-determination and independence; (c) condemn South Africa for its persistent refusal to co-operate with the United Nations in applying the principles of the Charter and implementing the resolutions of the General Assembly; (d) consider that any attempt to annex a part or the whole of the Territory of South West Africa would constitute an act of aggression; (e) request the Secretary-General to continue his efforts to achieve the objectives stated in operative paragraphs 5 and 6 of resolution 1805 (XVII), invite South Africa to inform him of its decision regarding the provisions of those paragraphs not later than 30 November 1963, and report to

the General Assembly immediately after he received the reply of that Government; (f) decide to draw the attention of the Security Council to the critical situation in South West Africa, the continuation of which constituted a serious threat to international peace and security; (g) urge all States which had not yet done so to refrain forthwith from the supply in any manner or form of any arms or military equipment to South Africa, to refrain also from the supply in any manner or form of any petroleum or petroleum products to South Africa, and to refrain from any action which might hamper the implementation of the resolution and previous resolutions of the General Assembly on South West Africa; (h) request the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue its efforts with a view to discharging the tasks assigned to it by resolution 1805 (XVII), to consider, in co-operation with the Secretary-General and the agencies of the United Nations, the implications of the activities of the mining industry and the other international companies having interests in South West Africa, in order to assess their economic and political influence and their mode of operation, and to report on these questions to the General Assembly at its nineteenth session; and (i) maintain the question of South West Africa on the agenda of the eighteenth session and resume consideration of the question in the light, and immediately after receipt, of the above-mentioned reply of South Africa.

11. At the 1471st meeting, the United States of America submitted amendments (A/C.4/L.779) to the joint draft resolution (A/C.4/L.777 and Add.1-3) to:

(a) Replace the thirteenth preambular paragraph which referred to the continuation of the situation in South West Africa as a serious threat to international peace and security, by the following:

"Deeply concerned that the situation in South West Africa constitutes a dangerous source of international friction";

(b) Replace operative paragraph 4 by the following:

"Considers that an attempt by the Government of South Africa to annex all or part of the Territory of South West Africa would be a violation of the Mandate and of international law";

(c) Replace operative paragraph 6 by the following:

"Determines that the situation in South West Africa constitutes a dangerous source of international friction";

(d) Add the words "in accordance with the Security Council resolution of 7 August 1963 (S/5386)" at the end of operative paragraph 7 (a), which urged States to refrain from supplying arms or military equipment to South Africa;

(e) Delete sub-paragraph (b) of operative paragraph 7, which urged States to refrain from supplying petroleum or petroleum products to South Africa; and

(f) Delete sub-paragraph (b) of operative paragraph 8, calling upon the Special Committee to consider the implications of the activities of the mining industry and other international companies having interests in South West Africa, and insert the following as a new operative paragraph after operative paragraph 8:

"Requests the Secretary-General to prepare a study of the mining industry and other international investments in the Territory of South West Africa and their effect on the welfare of the people of South West Africa."

12. The thirty-eight-Power joint draft resolution (A/C.4/L.777 and Add.1-3), as orally revised, and the United States amendments thereto (A/C.4/L.779), were voted upon at the 1473rd meeting, on 8 November 1963, as follows:

The United States amendment to the thirteenth preambular paragraph was rejected by 66 votes to 20, with 15 abstentions.

The United States amendment to replace operative paragraph 4 by a new text was rejected by 66 votes to 20, with 14 abstentions.

The United States amendment to replace operative paragraph 6 by a new text was rejected by 67 votes to 20, with 14 abstentions.

The United States amendment to operative paragraph 7 (a) was rejected by 58 votes to 22, with 20 abstentions.

The United States amendment to delete operative paragraph 7 (b) was rejected by a roll-call vote of 67 to 22, with 14 abstentions. The voting was as follows:

In favour: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Greece, Iceland, Iran, Ireland, Italy, Japan, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Afghanistan, Albania, Algeria, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cambodia, Cameroon, Central African Republic, Ceylon, Chad, Colombia, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Cuba, Czechoslovakia, Dahomey, Ethiopia, Gabon, Ghana, Guinea, Haiti, Hungary, India, Indonesia, Iraq, Israel, Ivory Coast, Jamaica, Jordan, Kuwait, Liberia, Libya, Madagascar, Malaysia, Mali, Mauritania, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan, Panama, Philippines, Poland, Romania, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Syria, Tanganyika, Thailand, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Upper Volta, Uruguay, Yemen, Yugoslavia.

Abstaining: Argentina, Bolivia, Brazil, Chile, China, Cyprus, Ecuador, Guatemala, Laos, Lebanon, Mexico, Peru, Trinidad and Tobago, Venezuela.

The United States amendment to delete operative paragraph 8 (b) and insert a new operative paragraph was rejected by 69 votes to 16, with 16 abstentions.

Operative paragraph 7 (b) of the joint draft resolution, as orally revised, was adopted by a roll-call vote of 72 to 14, with 18 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cambodia, Cameroon, Central African Republic, Ceylon, Chad, Colombia, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Ethiopia, Gabon, Ghana, Guinea, Haiti, Hungary, India, Indonesia, Iraq, Israel, Ivory Coast, Jamaica, Jordan, Kuwait, Laos, Lebanon, Liberia, Libya, Madagascar, Malaysia, Mali, Mauritania, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan, Panama, Philippines, Poland, Romania, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Syria, Tanganyika, Thailand, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Upper Volta, Uruguay, Yemen, Yugoslavia.

Against: Australia, Canada, Finland, France, Iran, Ireland, Italy, Netherlands, New Zealand, Portugal, South Africa, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Austria, Belgium, Chile, China, Denmark, Ecuador, Greece, Guatemala, Iceland, Japan, Mexico, Norway, Peru, Sweden, Trinidad and Tobago, Turkey, Venezuela.

The draft resolution as a whole was adopted by a roll-call vote of 82 to 6, with 16 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Argentina, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cambodia, Cameroon, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Ecuador, Ethiopia, Gabon, Ghana, Guatemala, Guinea, Haiti, Hungary, India, Indonesia, Iran, Iraq, Israel, Ivory Coast, Jamaica, Jordan, Kuwait, Laos, Lebanon, Liberia, Libya, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan, Panama, Peru, Philippines, Poland, Romania, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Syria, Tanganyika, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: France, Portugal, South Africa, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Belgium, Canada, Denmark, Finland, Greece, Iceland, Ireland, Italy, Japan, Netherlands, New Zealand, Norway, Sweden, Turkey.

13. At the 1474th meeting, the representative of South Africa requested that it be recorded that South Africa had not participated in the vote on the United States amendments (A/C.4/L.779) to the joint draft resolution.

14. The text of the draft resolution is set forth in paragraph 23 of the present report as draft resolution I.

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## II. PETITIONS CONCERNING THE TERRITORY OF SOUTH WEST AFRICA

15. The Committee had before it a draft resolution proposed by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (A/5446/Add.2/Corr.1) on petitions concerning the Territory. Under this draft resolution, the General Assembly would draw the attention of the petitioners concerned to the Special Committee's report on South West Africa,<sup>3/</sup> to the report of the Secretary-General on special educational and training programmes for South West Africa,<sup>4/</sup> and to the resolutions on the question of South West Africa adopted by the General Assembly at its eighteenth session.
16. The draft resolution was unanimously adopted by the Fourth Committee at its 1473rd meeting, on 8 November 1963.
17. At the 1474th meeting, the representative of South Africa stated that South Africa would not have participated in the vote on the draft resolution if it had been put to the vote.
18. The text of the draft resolution is set forth in paragraph 23 of the present report as draft resolution II.

## III. SPECIAL EDUCATIONAL AND TRAINING PROGRAMMES FOR SOUTH WEST AFRICANS

19. At the 1469th meeting, the representative of Ghana introduced a joint draft resolution which was finally sponsored by Algeria, Bulgaria, Burma, Ghana, Guinea, India, the Ivory Coast, Madagascar, Mali, Mauritania, Senegal, Syria, Tanganyika, Uganda, the United Arab Republic, Upper Volta and Yugoslavia (A/C.4/L.778 and Add.1 and 2), whereby the General Assembly would: (a) express its appreciation to those Member States who had made scholarships and travel grants available for the use of South West Africans; (b) invite those Member States offering scholarships and those which might subsequently do so to consider providing in their offers scholarships for secondary education and for vocational and technical training; (c) further invite Member States to give sympathetic

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<sup>3/</sup> A/5446/Add.2 and Add.2/Corr.1.

<sup>4/</sup> A/5526 and Add.1.



consideration to requests by the Secretary-General for placement in their secondary, vocational or technical schools, of candidates awarded scholarships under the Special Training Programme for South West Africa; (d) once again request all Member States, and in particular the Republic of South Africa, to facilitate in all possible ways the travel of South West Africans seeking to avail themselves of educational opportunities provided under that programme; and (e) request the Secretary-General to consult with the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples concerning the implementation of the Special Training Programme and to report thereon to the General Assembly at its nineteenth session.

20. The seventeen-Power joint draft resolution was unanimously adopted by the Fourth Committee at its 1473rd meeting, on 8 November 1963.

21. At the 1474th meeting, the representative of South Africa stated that South Africa would not have participated in the vote on the draft resolution if it had been put to the vote.

22. The text of the draft resolution is set forth in paragraph 23 of the present report as draft resolution III.

#### RECOMMENDATIONS OF THE FOURTH COMMITTEE

23. The Fourth Committee therefore recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Question of South West Africa

The General Assembly,

Having considered the question of South West Africa,

Having considered the report on this question submitted by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,<sup>5/</sup>

Having heard the statements of the petitioners,

Bearing in mind the principles of the Declaration on the granting of independence to colonial countries and peoples, set forth in General Assembly resolution 1514 (XV) of 14 December 1960,

Recalling all the resolutions of the General Assembly relating to South West Africa, especially resolutions 1702 (XVI) of 19 December 1961 and 1805 (XVII) of 14 December 1962,

Considering the decisions relating to decolonization adopted at the Summit Conference of Independent African States held in May 1963 at Addis Ababa, particularly those concerning South West Africa,

Deeply regretting that the Government of South Africa has taken no steps to implement the resolutions of the General Assembly on South West Africa and has, in particular, refused to allow a United Nations technical assistance resident representative to be stationed in that Territory,

Further deploring the refusal of the Government of South Africa to co-operate with the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, which has prevented the Special Committee from discharging the tasks assigned to it by General Assembly resolution 1805 (XVII),

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<sup>5/</sup> A/5446/Add.2 and Add.2/Corr.1.

Noting with deep concern the continuing deterioration of the situation in South West Africa resulting from the intensification of the policies of apartheid, which has been unanimously censured and which has been categorically condemned by the General Assembly in its resolutions 1761 (XVII) and 1881 (XVIII),

Observing with profound regret that the Government of South Africa has persistently and deliberately failed to fulfil its international obligations in the administration of the Mandated Territory of South West Africa,

Considering that any attempt by the Government of South Africa to annex a part or the whole of the Territory of South West Africa would be contrary to the advisory opinion of the International Court of Justice of 11 July 1950 and would constitute a violation of its obligations under the Mandate and of its other international obligations,

Considering further that the continuing support received by the Government of South Africa from certain Powers or certain financial groups encourages it to persist in its attitude and enables it to do so,

Deeply concerned at the present situation in South West Africa, the continuation of which constitutes a serious threat to international peace and security,

Taking into consideration the special responsibilities of the United Nations with regard to that Territory,

1. Approves the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples on the question of South West Africa, particularly its conclusions and recommendations, and expresses its keen appreciation of the work of the Committee;

2. Solemnly reaffirms the inalienable right of the people of South West Africa to self-determination and independence;

3. Condemns the Government of South Africa for its persistent refusal to co-operate with the United Nations in applying the principles of the Charter and implementing the resolutions of the General Assembly;

4. Considers that any attempt to annex a part or the whole of the Territory of South West Africa constitutes an act of aggression;

5. Requests the Secretary-General:

- (a) To continue his efforts with a view to achieving the objectives stated in operative paragraphs 5 and 6 of resolution 1805 (XVII);
- (b) To invite the Government of South Africa to inform him of its decision regarding the provisions of those paragraphs not later than 30 November 1963;
- (c) To report to the General Assembly immediately after he has received the reply of the Government of South Africa;

6. Decides to draw the attention of the Security Council to the present critical situation in South West Africa, the continuation of which constitutes a serious threat to international peace and security;

7. Urges all States which have not yet done so to take, separately or collectively, with reference to the question of South West Africa, the following measures:

- (a) Refrain forthwith from the supply in any manner or form of any arms or military equipment to South Africa;
- (b) Refrain also from supplying in any manner or form any petroleum or petroleum products to South Africa;
- (c) Refrain from any action which might hamper the implementation of this resolution and of the previous resolutions of the General Assembly on South West Africa;

8. Requests the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples:

- (a) To continue its efforts with a view to discharging the tasks assigned to it by resolution 1805 (XVII);
- (b) To consider, in co-operation with the Secretary-General and the agencies of the United Nations, the implications of the activities of the mining industry and the other international companies having interests in South West Africa, in order to assess their economic and political influence and their mode of operation;
- (c) To report on these questions to the General Assembly at its nineteenth session;

9. Decides to maintain the question of South West Africa on the agenda of the eighteenth session and to resume consideration of this question in the light, and immediately after receipt, of the reply of South Africa given in accordance with paragraph 5 of this resolution.

DRAFT RESOLUTION II

Petitions concerning the Territory of South West Africa

The General Assembly,

Noting that the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples has received and examined ninety-four petitions concerning South West Africa in accordance with operative paragraph 3 of General Assembly resolution 1805 (XVII) of 14 December 1962,

Noting further that these petitions deal, inter alia, with the general situation and events occurring within South West Africa, the establishment of a United Nations presence in the Territory in accordance with operative paragraph 6 of General Assembly resolution 1805 (XVII), the attitude of the South African Government to these resolutions, the problems faced by South West Africans, including students, travelling through the Federation of Rhodesia and Nyasaland, and the consideration of the question of South West Africa in the United Nations,

Draws the attention of the petitioners concerned to the chapter on South West Africa of the report submitted to the General Assembly by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,<sup>6/</sup> to the report of the Secretary-General on special educational and training programmes for South West Africa,<sup>7/</sup> and to the resolutions on the question of South West Africa adopted by the General Assembly at its eighteenth session.

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<sup>6/</sup> A/5446/Add.2 and Add.2/Corr.1.

<sup>7/</sup> A/5526 and Add.1.

DRAFT RESOLUTION III

Special Educational and Training Programmes for South West Africans

The General Assembly,

Recalling its resolution 1705 (XVI) of 19 December 1961, by which it established a United Nations Special Training Programme for South West Africans,

Having considered the report of the Secretary-General<sup>8/</sup> submitted in accordance with operative paragraph 9 of resolution 1705 (XVI),

Noting that few applicants for training under the Special Training Programme possess qualifications that would enable them to enter colleges or universities,

Noting further that many of the scholarships offered by individual Member States are for higher education only and that few South West Africans possess the qualifications required to make use of such scholarships,

Taking note of the difficulties encountered by United Nations scholars in securing necessary travel documents and other travel facilities,

1. Expresses its appreciation to those Member States who have made scholarships and travel grants available for the use of South West Africans;

2. Invites those Member States offering scholarships and those which might subsequently do so to consider providing in their offers scholarships for secondary education and for vocational and technical training;

3. Further invites Member States to give sympathetic consideration to requests by the Secretary-General for placement in their secondary, vocational or technical schools of candidates awarded scholarships under the Special Training Programme for South West Africa;

4. Requests once again all Member States, and in particular the Republic of South Africa, to facilitate in all possible ways the travel of South West Africans seeking to avail themselves of educational opportunities provided under this Programme;

5. Requests the Secretary-General to consult with the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples concerning the implementation of the Special Training Programme and to report thereon to the General Assembly at its nineteenth session.

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