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FOURTH COMMITTEE 223rd

MEETING

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Chairman: Mr. Max HENRÍQUEZ UREÑA (Dominican Republic).

Question of South West Africa (A/1901 and Add. 1 to 3, A/C.4/L.156 and A/C.4/L.157) (continued)

[Item 38]*

1. Mr. LAWRENCE (Liberia) emphasized the great interest taken by Liberia, as an African State, in the question of South West Africa, and expressed his appreciation of the attitude of those countries which, both in the General Assembly and elsewhere, had boldly championed the freedom of peoples, without distinction as to race, colour or origin.

2. His delegation had noted with astonishment that the Union of South Africa, which had sent armed forces to Korea to defend the freedom of a people so remote from it in all respects, did not recognize the same principles of freedom and justice in the case of a large number of its indigenous subjects who contributed much to its prosperity.

3. The mandates under which the victorious countries in the First World War had assumed the administration of certain territories had been designed to free the peoples concerned from tyranny and to lead them towards autonomy or independence. The current tendency, however, appeared to be for many administering Powers to incorporate those territories in their metropolitan States.

4. It was regrettable that a State which claimed to be peace-loving and democratic and which had signed the United Nations Charter should openly disregard the opinion of the International Court of Justice and the decisions of the General Assembly.

5. It was doubtful whether there would be any point in adopting the joint draft resolution contained in document A/C.4/L.156, since its adoption would mean that the United Nations would actually beg the Union of South Africa to discharge its moral obligations. The Liberian delegation therefore whole-heartedly supported

the view expressed by the Guatemalan delegation at the 222nd meeting. Since, however, that view was not reflected in a definite proposal, his delegation would support draft resolution A/C.4/L.156.

6. Mr. SCHNAKE VERGARA (Chile) said that his Government had watched with great interest the development of the question of South West Africa, and in particular the negotiations sponsored by the *Ad Hoc* Committee on South West Africa set up at the fifth session of the General Assembly. He fully approved of the spirit in which those negotiations had been conducted and the attitude which the *Ad Hoc* Committee on South West Africa had adopted on the question.

7. Paragraphs 1 and 2 of the operative part of the joint draft resolution in document A/C.4/L.156 commended the *Ad Hoc* Committee on South West Africa for the excellent performance of its task and endorsed in principle, as a minimum, the proposal of the Committee (A/1901, para. 27); the Chilean delegation therefore approved the draft resolution whole-heartedly.

8. His delegation had been greatly impressed by the Iraqi representative's wise and moving statement at the 222nd meeting and the appeal for co-operation made by the Iraqi delegation, which had throughout devoted particular attention to the question. That appeal must be heard, and the *Ad Hoc* Committee on South West Africa must therefore be permitted to continue the negotiations it had been conducting for the past year. In that way the General Assembly would meet the wishes expressed by the Union of South Africa on the completion of the *Ad Hoc* Committee's work.

9. The joint draft resolution did not therefore constitute a delaying measure; quite the contrary, since its intention was to provide a realistic solution to the problem. It was obviously with justice that a number of delegations, including the Guatemalan delegation, doubted whether it would be possible to apply the principle that the will of one must bow before the will of all. Nevertheless, it was better to keep the problem

* Indicates the item number on the General Assembly agenda.

on a constructive level, the only level on which it could be dealt with successfully. The Chilean delegation had also been impressed by the observations of the United States representative (222nd meeting), who had, to good purpose, reaffirmed the principles set forth in the *Ad Hoc* Committee's final proposal. In those circumstances, the draft resolution, far from delaying unduly the solution of the question, was designed once more, and perhaps for the last time, to bring home to the Union of South Africa the lofty spirit in which all the other Members of the United Nations made their fervent appeal.

10. For all those reasons, his delegation considered that it was the General Assembly's duty to support the recommendations of the *Ad Hoc* Committee on South West Africa, for which purpose it was necessary to adopt the joint draft resolution (A/C.4/L.156).

11. Colonel ZAIDI (India) noted that the question of South West Africa had been before the United Nations since 1946, and that no agreement had yet been reached between the Union of South Africa and the United Nations. Unlike the other Mandatory Powers, which had replaced the mandates system by the Trusteeship System, the Union of South Africa had demanded the incorporation of South West Africa in the Union, contending that the Mandate had expired with the disappearance of the League of Nations.

12. It was, of course, a matter for congratulation that, in view of the advisory opinion of the International Court of Justice,¹ world opinion and the conciliatory attitude of the *Ad Hoc* Committee on South West Africa, the Union of South Africa had agreed to resume the obligations imposed by the Mandate and to accept a number of provisions concerning supervision of its administration. Nevertheless, although the *Ad Hoc* Committee's proposals in that regard did not go beyond the provisions which had been in force in the days of the League of Nations, the Union of South Africa uncompromisingly maintained that the United Nations had not inherited the right of supervision which the League of Nations had enjoyed with regard to South West Africa. In that spirit, it was prepared to assume certain direct legal obligations towards the last three of the Principal Allied and Associated Powers of the First World War, while consenting to the proposed agreement's being negotiated within the framework of the United Nations. It could not, however, be admitted that certain Powers should have, individually, a right of supervision over South West Africa.

13. The second important matter on which a divergence of views between the Union of South Africa and the *Ad Hoc* Committee on South West Africa had become apparent was the execution of the provisions of the former Mandate. Article 7 of the Mandate provided that the consent of the Council of the League of Nations was required for any modification of the terms of the Mandate; and the International Court of

Justice had expressed the view that the status of the territory could not be changed without the consent of the United Nations. In a spirit of conciliation, the *Ad Hoc* Committee on South West Africa had suggested the establishment of a committee consisting of not more than fifteen members, including the Union of South Africa, to exercise the functions of control formerly performed by the Council of the League of Nations. The committee would have a subsidiary organ to perform the functions of the former Permanent Mandates Commission. For its part, the Union of South Africa had offered to submit to the control of the International Court of Justice, on the understanding that any two of the three remaining Principal Allied and Associated Powers could summon it before the Court in case of non-fulfilment of the provisions of the Mandate (A/1901, para. 32). That last proposal was completely unacceptable, because the Court was neither an executive organ nor an Administering Authority. Moreover, the Indian delegation could not agree to the competence of the United Nations being thus disputed.

14. The third important point of disagreement concerned article 6 of the Mandate, on the transmission of the annual reports. It was only in July 1949 that, advancing the argument that such information had served as a basis for unjustified criticisms of its Government's administration, the Union of South Africa had stated (A/929) that it would be impossible for it to transmit further reports. The United Nations could not accept such arguments as valid. Only the annual reports could enable it to execute properly the responsibilities falling upon it under the Charter. In view of the opinion of the International Court of Justice on the subject and the responsibility of the Organization with regard to the moral and material well-being of the people of South West Africa, the Indian delegation urged that the Union of South Africa should be requested to transmit annual reports and petitions relating to the Territory.

15. It was to be hoped that the Union of South Africa would be able to reach agreement with the United Nations in the spirit of the Charter and in accordance with the normal practice of international relations.

16. The draft resolution in document A/C.4/L.156 was the expression of the universal conscience. There was no evil intention behind it. For its part, India was convinced that it was in the interests of the Union of South Africa, for which India had nothing but good wishes, to co-operate with the United Nations. Some people thought the draft resolution would only waste the Committee's time. The Indian delegation believed the Union of South Africa could be given another opportunity to take account of world opinion. He recalled with regret that a few days previously the Prime Minister of that country had stated that, in that matter, the Union of South Africa had done no more than defend its honour and its rights. The United Nations also must defend its honour and its rights, since its Members had affirmed their faith in the principles of the Charter.

¹ See *International Status of South West Africa, Advisory Opinion: I.C.J. Reports 1950*, p. 128.

17. The United Nations would not fulfil its obligations if it neglected to care for the well-being and progress of the peoples of South West Africa. If the Union of South Africa rejected that fresh appeal, the Organization might consider by what means it could execute its responsibilities towards the territory.

18. The question of South West Africa was of vital importance to the peoples of the whole world. In that connexion it was important to bear in mind the considerable political and social development of Asia during the twentieth century. That development could not fail to have an effect on the future of Africa. A new era was undoubtedly beginning for Africa, and it was well to bear that in mind. Furthermore, with the assistance of the peoples of Asia, Europe and America, the Africans had made such remarkable progress during the previous fifteen years that perfectly competent African representatives could take part in international conferences. The major Powers, if they wished to secure the friendship of Africans and Asians, should not allow political or strategical considerations to relegate the rights and aspirations of the peoples of Africa to the background. World peace and progress must not be endangered by interracial conflicts; the peoples of the whole world therefore expected the United Nations to protest against injustice and ensure that the peoples of South West Africa enjoyed their most fundamental rights.

19. Mr. SERRANO GARCIA (El Salvador) said his delegation was prepared to support the joint draft resolution in document A/C.4/L.156, the preamble of which defined the South West African problem very clearly, while the operative part provided for the reconstitution of an *ad hoc* committee on South West Africa to re-examine the matter and continue negotiations with the Government of the Union of South Africa.

20. The delegation of El Salvador would, however, be in favour of limiting the time available to the proposed *ad hoc* committee for executing its task, so as to introduce a note of urgency into the resolution and indicate the importance which the United Nations attached to the matter. If the new *ad hoc* committee continued its work until the following session of the General Assembly and reported to the latter at that time, there was reason to fear that the Assembly would again be in the same position should the Committee have failed to secure any result. If, on the other hand, it had six months in which to perform its task, it might, should it fail to find any satisfactory solution by the end of that period, submit a report to the Secretary-General for transmission to all Members States, which might then consider what measures should be adopted to secure a final settlement of the matter and instruct their delegations accordingly. The delegation of El Salvador would like to know the Fourth Committee's point of view on the suggestion it had just put forward.

21. Mr. ZARUBIN (Union of Soviet Socialist Republics) recalled that, at previous sessions, the General Assembly had already adopted several reso-

lutions² calling upon the Government of the Union of South Africa to place the Territory of South West Africa under the International Trusteeship System. The South African Government had not only refused to act on those recommendations of the Assembly, but in 1949 it had also declared that it would no longer transmit information relating to the territory. Furthermore, in that same year it had passed the South West Africa Affairs Amendment Act, making the territory a mere province of the Union of South Africa. Thus the Union of South Africa refused to fulfil its obligations towards a mandated territory. That policy was contrary to the letter and spirit of the Charter. It was also illegal. In their efforts to reach a solution, the supporters of the Union of South Africa had succeeded in securing agreement that the International Court of Justice should be asked for an opinion. The Court had emphasized that the South African Government was in no way entitled to annex the territory. At the fifth session of the Assembly, that same Government had stated that Articles 75, 77 and 79 of the Charter did not oblige it to place the Territory of South West Africa under the Trusteeship System. On that occasion, the delegation of the Soviet Union had expressed its point of view on the Articles concerned. It still maintained that the Union of South Africa was bound to place the Territory of South West Africa under the Trusteeship System. On 13 December 1950, the General Assembly had adopted resolution 449 B (V) confirming its previous resolutions on the subject, and the attitude of the Union of South Africa had not changed. On the same date, the Assembly had, in resolution 449 A (V), established the *Ad Hoc* Committee on South West Africa to confer with the Union of South Africa concerning the procedural measures necessary for implementing the advisory opinion of the International Court of Justice; but the Government of the Union of South Africa had not accepted any solution.

22. His delegation was unable to support the joint draft resolution in document A/C.4/L.156 because it provided that the territory should continue under the Mandates System; his delegation thought that the territory should be placed under the Trusteeship System in accordance with Articles 75, 77 and 79 of the Charter. Furthermore, the draft resolution provided for the reconstitution of the *Ad Hoc* Committee on South West Africa. He recalled that the USSR delegation had opposed the establishment of that organ at the fifth session, explaining that it could serve no useful purpose. The *Ad Hoc* Committee's report showed that that view had been well founded. The USSR delegation would therefore vote against the joint draft resolution (A/C.4/L.156). On the other hand, it would vote for the other joint draft resolution (A/C.4/L.157), which differed essentially from the first in its attitude regarding the future of the territory, as it suggested that South West Africa should be placed under the International Trusteeship System. Contrary to what certain representatives had asserted, the second draft resolution could not be considered as supplementary to the first.

² See resolutions 65 (I), 111 (II), 227 (III), 337 (IV) and 449 B (V).

23. Mr. ZIAUD-DIN (Pakistan) said that the prestige and powers of the United Nations were at stake in the question of South West Africa, the solution of which the Organization had been seeking for five years. Several former mandated territories had become independent, and South West Africa was the only one of those territories whose situation was causing anxiety to all nations which believed in the equality of human beings without distinction as to race or colour. The Government of the Union of South Africa was refusing to co-operate or to accept the advisory opinion of the International Court of Justice, with the result that a deadlock had been reached. The ruling white race in the Union of South Africa had hitherto been able to trample unchecked on the rights of the indigenous majority of the population.

24. Mr. Donges, the representative of the Union of South Africa on the Fourth Committee, had demanded acceptance of his views on the matter. He had quoted extracts from the advisory opinion of the International Court of Justice and from the Charter in support of his views, but he had made it clear that he did not accept other passages from those documents which were unfavourable to his views. Mr. Donges had, moreover, ceased to attend the meetings of the Committee simply because the majority of its members had rejected his point of view. It might be asked what would happen to the United Nations if all countries behaved in that manner, particularly as the South African delegation was no longer even attending discussions on other items on the agenda. Mr. Ziaud-din was happy to see that none of the members of the Committee were allowing themselves to be influenced by those tactics. The phraseology used by the representative of the Union of South Africa in his letter to the President of the General Assembly (A/C.4/196) was indicative of the state of mind of those in power in that country. In that letter the members of the Fourth Committee were accused of a cynicism which had apparently driven the Union of South Africa to discontinue its participation in the Committee's work. It was fortunate that the Union of South Africa did not consider that the members of the Fourth Committee represented their governments, since otherwise it would logically have been obliged to give up its participation in the work of the other Committees and of the General Assembly.

25. The Pakistani delegation thought that the only draft resolution which should be adopted was the draft in document A/C.4/L.156; its only defect, if it was defective, was its moderation. It was difficult to foresee the consequences of that resolution; but it appeared that the Assembly—or at least the majority of its members—and the Union of South Africa were about to embark on divergent courses. While it was a matter for regret that the populations of South West Africa should still have to suffer for many years, it was to be hoped that the day would come when they might take their place in the free community of nations.

26. Lord TWEEDSMUIR (United Kingdom) recalled that his Government had always urged the settlement of the question of South West Africa by negotiation.

At the fifth session, there had been two opposing points of view in the Committee: one side had been in favour of an assembly resolution which would impose a detailed form of settlement on the Union of South Africa; the other had recommended opening negotiations with the Government of that country. The United Kingdom had supported the latter. The United Kingdom Government regretted that the *Ad Hoc* Committee on South West Africa had not been able to reach agreement with the South African Government. He thought, however, that the Committee had acquitted itself very well of its difficult task, and was glad to learn from its Chairman's statement to the Fourth Committee (222nd meeting) that its discussions had been conducted in such a cordial manner.

27. His Government had hoped that the Fourth Committee's examination of the problem of South West Africa during its present session would pave the way for a continuation of the negotiations with some prospect of finally achieving a compromise agreement within the framework of the Court's opinion as a whole.

28. He deeply regretted the unfortunate discussions on the item at the beginning of the present session, and the resulting setback to the hopes for continuing the talks in the same friendly spirit. In the view of the United Kingdom, the first objective of the Fourth Committee should be to restore an atmosphere in which direct negotiations could be resumed. He also regretted that the Committee continued to attach such importance to hearing the tribal chiefs before negotiations were resumed; it was doubtful if they could help the Committee to decide on the best way to give effect to the advisory opinion of the International Court of Justice. The decision to hear them could only be harmful to the prospects of a negotiated settlement. He thought, too, that it would be even less profitable to hear representatives of the Hereros of the Bechuanaland Protectorate if representatives of the Hereros of South West Africa were unable to come to Paris, because the former had lived for many years outside the Territory of South West Africa. His Government would certainly not prevent representatives from the Bechuana land Protectorate from coming to Paris, provided that, under the normal regulations, they were eligible for travel documents. He thought, however, that to give them a hearing could only prejudice the resumption of negotiations between the *Ad Hoc* Committee on South West Africa and the South African Government. The members of the Fourth Committee were rightly conscious of their responsibility, but that had at times led them to urge courses of action which, although eminently desirable, were none the less likely to be unattainable. To stand out for the unattainable would prevent any progress towards a settlement. That was why his delegation was sorry that the second draft resolution (A/C.4/L.157) had been submitted; nobody could fail to realize that its object was at present impossible of achievement. The draft was merely a recapitulation of previous General Assembly resolutions and could only hinder negotiations between the *Ad Hoc* Committee on South West Africa and the South African Government.

29. As regards the first joint draft resolution (A/C.4/L.156), his delegation was happy to see that it provided for the reconstitution of the *Ad Hoc* Committee on South West Africa, and hoped that as little change as possible would be made in the membership of that Committee, whose members had acquired a thorough knowledge of the question. In that connexion, he wished to protest strongly against the USSR statement that the work of the *Ad Hoc* Committee on South West Africa served no useful purpose. While approving of the appeal to the Government of the Union of South Africa and adherence to the advisory opinion of the International Court of Justice, his delegation thought that the draft resolution was not couched in such terms as would be likely to achieve the desired result. Certain paragraphs were out of keeping with the tenor of the draft as a whole. They contained indirect, and even direct, criticisms of the attitude of one of the parties to the negotiations, and he did not think it beneficial to reprove and to exhort at the same time. Although the United Kingdom delegation approved of the general idea of the draft resolution, it would be obliged to abstain from voting on it.

30. Mr. STARY (Czechoslovakia), after referring briefly to the history of the question of South West Africa, said that the report of the *Ad Hoc* Committee on South West Africa (A/1901 and Add. 1 to 3) showed that the work of that body had been completely useless. It was inevitable that that should be so in view of the attitude of the Government of the Union of South Africa.

31. The International Court of Justice had stated in its advisory opinion that that Government had no right unilaterally to modify the international status of the Territory of South West Africa. True, the Court had admitted by a small majority of 8 votes to 6 that the Government of the Union of South Africa was not under the legal obligation to place the territory under the International Trusteeship System. It had based that conclusion on an interpretation of Article 77 of the Charter, which had given rise to lengthy discussion at the fifth session of the General Assembly.

32. However that might be, it was indisputable that one of the aims of the United Nations was to bring the Mandates System to an end and to substitute the Trusteeship System for it. There were obviously only two ways of attaining that object: either the territories formerly under mandate must be placed under the Trusteeship System, or they must be granted autonomy or independence. Rejecting both alternatives, the Government of the Union of South Africa had simply annexed the mandated Territory of South West Africa, thus flagrantly violating the provisions of Chapter XII of the Charter. It had since then steadfastly refused to place that territory under the Trusteeship System, as the United Nations had urged it to do; nor had it given any heed to the recommendations adopted by the General Assembly.

33. In the circumstances, the work of the *Ad Hoc* Committee on South West Africa was doomed to failure for, as the representative of Guatemala had rightly

remarked, it was indeed difficult to negotiate with those who did not sincerely wish to negotiate. The joint draft resolution under discussion (A/C.4/L.156) proposed however, that the *Ad Hoc* Committee on South West Africa should be reconstituted, in other words, that the experiment which had ended in utter failure should be repeated. The Czechoslovak delegation considered such a proposal to be wholly unacceptable and believed that the General Assembly had no choice but to adopt a resolution calling upon the Government of the Union of South Africa to place the Territory of South West Africa under the Trusteeship System. The Czechoslovak delegation would therefore vote for the draft resolution in document A/C.4/L.157, and against the draft resolution in document A/C.4/L.156.

34. Mr. PIGNON (France) said, in explanation of his vote, that his delegation's attitude towards the two draft resolutions under discussion was governed by purely juridical reasons. In his opinion, it was only on the basis of such reasons that a decision could be reached on the conflicting points of view in so difficult a problem as that of South West Africa.

35. The provisions of the first joint draft resolution (A/C.4/L.156) conformed on the whole to the conclusions set forth in the advisory opinion of the International Court of Justice, and the French delegation would consequently support it, with the exception of paragraph 2 of the operative part, which was, in its view, premature. It would thus associate itself with a text which it interpreted as an appeal for negotiation, although it had some reservations to make regarding the form of certain paragraphs which seemed by implication to express criticisms that were out of place in an appeal of that nature.

36. His delegation would, however, be obliged to abstain from voting on the second joint draft resolution (A/C.4/L.157). However strongly it might be maintained that the normal way of modifying the international status of the territory would be to place it under the International Trusteeship System, the fact remained that the International Court of Justice had held that the Charter did not impose on the Union of South Africa a legal obligation to do so.

37. Finally, as his delegation was anxious that a generally acceptable solution to the question of South West Africa should be found, it whole-heartedly welcomed the provision in the first joint draft resolution under which the reconstituted *Ad Hoc* Committee on South West Africa would pursue the negotiations which it had carried on in the past with such signal competence.

38. Mr. CASELLAS (Mexico) feared that the Committee had hitherto neglected an important aspect of the question. In the case of South West Africa, the mandate had been entrusted by the Principal Allied and Associated Powers to His Britannic Majesty in order that the Government of the Union of South Africa should exercise it on his behalf. Consequently, His Britannic Majesty was a party to that international agreement and it was legitimate to ask whether, as such, he should not be invited to intervene in the matter.

39. Mr. WORM-MÜLLER (Norway) stated that his delegation would vote for the first joint draft resolution (A/C.4/L.156) since, though not approving all its provisions, it believed that it proposed means for solving the very delicate problem of South West Africa.

40. From the very beginning, the Norwegian delegation had endeavoured to maintain an impartial and conciliatory attitude and had genuinely tried to find a solution which would be acceptable to all parties. As sponsor of resolution 338 (IV), whereby the General Assembly had decided to apply to the International Court of Justice, the Norwegian delegation had expected good results from the opinion given by the Court, which, without being mandatory, had great weight by reason of the large majority by which it had been adopted. Consequently, his delegation had been extremely disappointed to learn that the negotiations for the implementation of the Court's opinion had failed and that the Government of the Union of South Africa had, while making certain concessions, refused to accept the principle of the supervision of its administration by the United Nations. Moreover, the Norwegian delegation deeply regretted the absence from the Fourth Committee of the delegation of the Union of South Africa.

41. Stressing that his country was not responsible for the administration of any non-autonomous territory and therefore had no selfish interests to defend, he described the very great interest he had always taken in the history of the Union of South Africa, his admiration for the heroic struggle of the Boers, his grief over their defeat and his joy at the generous treatment which their former enemies had granted them four years after the end of the war, thus setting a fine example worthy of general emulation.

42. In the circumstances, he was well able to appreciate all the difficulties of the question of South West Africa, a question which was unique of its kind and which must be handled with understanding and in a conciliatory spirit. It was in that spirit that he would ask the Government of the Union of South Africa to reconsider its position and to accept the advisory opinion of the International Court of Justice as a basis for an agreement which would impose upon it no greater obligations than those which it had incurred under the former mandates system. Public opinion in the Union of South Africa might certainly have some difficulty in accepting that point of view. It should consequently be given time ; but there was no other solution to the problem for, as was stated in the preamble to the first joint draft resolution, acceptance of the opinion of the Court was essential to the rule of law and reason in international affairs. Certainly the interests of the Union of South Africa were at stake, but so were those of the whole of humanity since if the question remained unsolved, it would be a permanent cause of international tension.

43. Mr. MATTOS (Uruguay) agreed with the previous speakers and in particular supported the appeal to the Union of South Africa to resume its seat in the Fourth Committee and to discharge its international obligations.

44. The Uruguayan delegation favoured the joint draft resolution contained in document A/C.4/L.156. It did not agree entirely, however, with its first paragraph, because it did not feel that international peace was threatened by the question of South West Africa. Moreover, it was under the impression that the *ad hoc* committee on South West Africa which the draft resolution proposed to set up, would be similar in composition to the existing *Ad Hoc* Committee, provision being made, of course, for those who might decline to serve.

45. Mr. RIVAS (Venezuela) considered that the measures proposed in the joint draft resolution in document A/C.4/L.156 were the most judicious that the United Nations could adopt at that stage to settle the question of South West Africa. They were perfectly compatible with the purposes of the United Nations set forth in Article 1, paragraph 1, of the Charter : the United Nations was not authorized to resort to collective measures until it had exhausted all available opportunities to bring about by peaceful means, in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace. Any attempt by the United Nations to omit that intermediary stage would be evidence not of firmness, but of rashness and haste ; yet the Organization had been established precisely in order to avoid such rash actions on the international level, for they had frequently endangered the maintenance of international peace and security.

46. Seen in that light, the joint draft resolution did not at all lack firmness. In the first paragraph of the preamble, it warned the Union of South Africa that, if the question of South West Africa were not settled, it might constitute a threat to international peace. In paragraph 4 of the operative part it declared categorically that since the South African Government could not avoid its international obligations by unilateral action, the United Nations could not recognize as valid any measures taken unilaterally by the Government of the Union of South Africa which would modify the international status of the Territory of South West Africa. Consequently the United Nations asked the Government of the Union of South Africa to settle its relations with the Territory of South West Africa in accordance with the principles of the Charter, and once again asserted that the dispute regarding that territory placed the South African Government in opposition to the world Organization, and the unilateral action of a single Government in opposition to international law as represented by the Charter and to the decision of the world judicial organ as expressed in the advisory opinion of the International Court of Justice.

47. Thus the draft resolution, which demonstrated the United Nations' desire to continue the negotiations in accordance with the principles of the Charter, was not characterized by any weakness or lack of realism. The fact that the work of the *Ad Hoc* Committee on South West Africa had not been successful the previous year was no reason to condemn that body out of hand.

It would be fairer to attribute responsibility for that failure to the position taken by the Government of the Union of South Africa and to the encouragement it had been given by the reservations of some Member States which had prevented the unanimous adoption of the General Assembly resolutions on the matter.

48. It was therefore most unfortunate that the Administering Authorities who had themselves placed under trusteeship the territories they had administered under the former mandates system and who had never questioned the soundness of the basic reasons for the opposition of the United Nations to the Union of South Africa in the matter, were reluctant to support the joint draft resolution. It was also most regrettable that some Powers which were not administering Powers had decided to vote against the draft resolution, thus adopting a negative position which could only make negotiations more difficult and further strengthen the intransigence of the Government of the Union of South Africa.

49. The Venezuelan delegation, for its part, would vote for the joint draft resolution because it was most anxious not to disturb the unanimity which should be more effective than any other argument in influencing the attitude of the Government of the Union of South Africa. It would also vote for the other joint draft resolution (A/C.4/L.157), which seemed to it to be supplementary to the first.

50. Mr. ZUNIGA PADILLA (Nicaragua) did not think that the first joint draft resolution could be considered a complete solution of the question of South West Africa. Actually it satisfied only a very small part of the aspirations of a people which was entitled, if not to full sovereignty, at least to enjoyment of the freedoms proclaimed in the Universal Declaration of Human Rights. In the existing circumstances, however, it constituted the most appropriate practical step that could be taken for the time being. The *Ad Hoc* Committee on South West Africa, by studying the information submitted, would enable the General Assembly, at its seventh session, to take measures which might give reason to hope for a genuine and rapid improvement in the living conditions of the peoples of South West Africa. That was an encouragement to those who sought the liberation of oppressed peoples.

51. The representative of Nicaragua did not agree with the criticism levelled against the draft resolution by the representatives of Guatemala, the Soviet Union and other countries, despite the fact that it had been prompted by an earnest desire to settle the question of South West Africa speedily and to enable its peoples to live a better life. The Nicaraguan delegation would therefore vote for the joint draft resolution because it represented the most that could be done for the time being.

The meeting rose at 12.30 p.m.