

Thursday, 3 October 1957,
at 10.45 a. m.



NEW YORK

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Chairman: Mr. Thanat KHOMAN (Thailand).

AGENDA ITEM 38

- Question of South West Africa (*continued*):**
- (a) Report of the Committee on South West Africa (A/3626; A/AC.73/L.10; A/C.4/L.487, A/C.4/L.488);**
 - (b) Study of legal action to ensure the fulfilment of the obligations assumed by the Mandatory Power under the Mandate for South West Africa: special report of the Committee on South West Africa (A/3625)**

GENERAL DEBATE (*continued*)

1. Mr. LOIZIDES (Greece) said that his delegation was speaking with some reluctance because it doubted the expediency of continuing the discussion of the question of South West Africa in the Fourth Committee. The inclusion of the item on the Committee's agenda year after year could only cause discomfort to its members. In the face of the Union of South Africa's persistent refusal to co-operate with the United Nations, its disregard of all the General Assembly resolutions reaffirming the opinion of the International Court of Justice, and its absence from the Committee, there was very little that the Committee, or even the United Nations as a whole, could do. To continue to adopt resolutions which would only be disregarded by the Union of South Africa would be to undermine the authority of the United Nations.

2. In its report, the Committee on South West Africa had expressed the view that the conditions in the Territory and the trend of the administration represented a situation contrary to the Mandates System, the Charter of the United Nations, the Universal Declaration of Human Rights, the advisory opinion of the International Court of Justice and the resolutions of the General Assembly; and it had concluded that the General Assembly should weigh the gravity of the situation and consider the need for acting without further delay by taking measures to ensure and to safeguard the well-being and development of the inhabitants and to preserve the international status of the Territory (A/3626, annex I, paras. 161 and 162). The Committee had also submitted, in its special report (A/3625), an excellent study of legal action to ensure the fulfilment of the obligations assumed by the Mandatory Power.

3. While his delegation was grateful to the Committee on South West Africa for its excellent reports, it firmly believed that no progress could be made in the matter as long as the great Powers remained indifferent. Moreover, the United Nations could not fulfil its mission as long as political expediency continued to prevail over the purposes and principles of the United Nations laid down in the Charter. Any disregard of those purposes and principles and any violation of human rights should evoke a reaction from all Member States great or small; otherwise the international community rested on insecure foundations.

4. In conclusion, he said that Greece would support any proposals similar to those made in the draft resolutions submitted by Liberia (A/C.4/L.487, A/C.4/L.488), which would at least serve to keep the question under active consideration by the United Nations.

5. Mr. MAKSIMOVICH (Ukrainian Soviet Socialist Republic) said that after more than ten years' discussion of the question of South West Africa in the United Nations, the Government of the Union of South Africa was continuing to deprive the indigenous inhabitants of their fundamental political and social rights, to subject them to economic exploitation and racial discrimination and to expel them from their tribal lands. It was therefore imperative that the General Assembly should give the matter its most serious consideration. The Union Government's refusal to participate in the work of the Fourth Committee, its repudiation of the Committee on South West Africa and its failure to transmit petitions from the indigenous inhabitants or submit annual reports on its administration of the Territory made it clear that it had no intention of co-operating with the United Nations. The transfer of the administration of Native affairs to the Union Minister of Native Affairs indicated, furthermore, that it regarded the Territory as a fifth province of the Union.

6. All the evils of colonialism existed in South West Africa in their worst form. The indigenous inhabitants were permitted to take no part in the administration of the Territory and could not be elected to public office or even participate in electing others to represent them in the organs of government. According to the petition reproduced in annex IX to the report of the Committee on South West Africa (A/3626), the indigenous inhabitants had become strangers in their own country. They were forbidden to form political or social organizations for the protection of their interests and were subject to strict regulations regarding freedom of movement, choice of residence and working conditions. While the foreign undertakings in the Territory reaped huge profits, the indigenous inhabitants lived in appalling poverty. They were not permitted to do skilled labour and in 1956 new mining regulations had been enacted barring non-Whites from improving their status as workers. It was thus clear

that the Union Government was deliberately keeping the indigenous population on the lowest rungs of the economic ladder. In the north, where the indigenous inhabitants were engaged in agriculture and stock-raising, their plight was even worse, for the reserves in which they were compelled to live were too small, consisted of poor land and had inadequate pasturage and water. They received no compensation for the land taken from them and given to European farmers.

7. The policy of apartheid was manifest in every sphere of life, including health and education. The meagre appropriations for medical services, for example, bore no relation to the size of the indigenous population and there were three separate educational services, the distinction between them being based on racial discrimination. It was no accident that after nearly forty years' administration by the Union of South Africa there had been no improvement in the level of living of the indigenous population; that was the logical outcome of the Union Government's policy of maintaining the indigenous inhabitants as a cheap labour reserve on which the European inhabitants of the Territory could draw. Hence it was easy to understand that Government's reasons for refusing to place the Territory under the Trusteeship System. Indeed, in 1955 and 1956 the Prime Minister had expressly opposed such a step on the ground that it would lead to control of the Territory by the indigenous inhabitants rather than by the European minority. Despite the obstacles raised by the Union Government, the United Nations had received petitions from the indigenous inhabitants requesting that the Territory should be placed under trusteeship. The petition reproduced in annex IX to the report of the Committee on South West Africa had further requested that the United Nations should send a commission to the Territory to examine the conditions under which the non-White population lived.

8. Those Western Powers which were in a position to do so should use their influence with the Union Government to persuade it to change its policy in regard to the Territory, and the United Nations should take whatever steps were needed to free the inhabitants from their present state of colonial enslavement.

9. Mr. GOMES DE OLIVEIRA (Brazil) said that his delegation was particularly interested in the discussion of the question of South West Africa at the present session, because its representative had served as Rapporteur of the Committee on South West Africa and in that capacity had been largely responsible for the preparation of the documents now under consideration. An examination of those documents clearly revealed the inconsistency of the reasons given by the Union of South Africa for its failure to comply with its obligations under the Mandate. His delegation would express its views in greater detail at a later meeting, when it would also comment on any draft resolutions which might be submitted.

10. Mr. KHAN (Pakistan) reviewed the efforts made by the United Nations in the past eleven years to persuade the Union of South Africa to place the Territory of South West Africa under the Trusteeship System and the many shifts in the stand taken by the Union Government, which in 1947 had expressed its intention to maintain the status quo and to submit reports on its administration of the Territory (A/334), but had subsequently refused to co-operate with the

United Nations in any way with a view to the solution of the problem. The United Nations had already tried to settle the matter by legal means when it had requested an advisory opinion from the International Court of Justice, as well as by means of negotiation when it had set up the Committee on South West Africa. In addition to its function as a negotiating body, however, that Committee had had to devote much of its time to the task of assembling and preparing the material set forth in its report. In that connexion, he suggested that the Committee might be able to function more efficiently in the future if a clear distinction were drawn between those two tasks.

11. The General Assembly had reverted to the exploration of legal measures by which the problem might be solved. As the Guatemalan representative had pointed out, at the 658th meeting, Governments would need time to make a thorough study of the recommendations of the Committee on South West Africa on the matter and no immediate action would be possible. He therefore suggested that the remaining Allied and Associated Powers, with which the Union Government had offered to negotiate in 1953,^{1/} should seek to exercise a conciliatory influence on that Government. The steps they had taken to improve the lot of the peoples in the Trust Territories under their own administration should serve as an example and the fact that in their capacity as Administering Authorities they were neighbours of the Union of South Africa should render their efforts the more persuasive. They should try not only to influence the Union Government but also to inculcate in the White inhabitants of the Territory a more humane attitude towards the indigenous population. The fact that the attention of the entire world was focused on the situation should make that task easier. The many shifts in the attitude of the Union Government in the past gave reason to hope it would one day again take its place in the General Assembly and co-operate with other Member States in giving effect to the principles embodied in the Charter.

12. Mr. RODRIGUEZ FABREGAT (Uruguay) observed that many speakers before him had expressed doubt whether the problem before the Committee had made any progress. Despite appearances, he believed that the answer was in the affirmative. The two reports of the Committee on South West Africa constituted the most objective and concrete work that had yet been done on the subject. Those studies had a twofold value: first they supplied information to the United Nations; secondly they served to enlighten world public opinion. The information in the report in document A/3626 made it clear how the Government of the Union of South Africa had flouted the resolutions of the General Assembly and the advisory opinions of the International Court of Justice.

13. He deplored the failure of the Government of the Union of South Africa to co-operate with the United Nations in finding a solution to the problem. Nevertheless the United Nations could not abandon the people of the Territory, whose material and moral well-being and social progress the Union Government was bound by the terms of the Mandate to promote to the utmost. The problem was to bring home to the Union Government its obligations towards the United Nations as the heir of the League of Nations. The Union Government

^{1/} See Official Records of the General Assembly, Eighth Session, Annexes, agenda item 36, document A/2475, para. 14.

apparently claimed that the matter was within its domestic jurisdiction and therefore came within the scope of Article 2, paragraph 7, of the Charter. The delegation of Uruguay could not accept that view and maintained, as it had stated at previous sessions of the General Assembly, that the question was one of international law and therefore within the purview of the United Nations.

14. The Union of South Africa claimed to be administering the Territory in the spirit of the Mandate, but the reports of the Committee on South West Africa showed the true state of affairs. The indigenous inhabitants enjoyed no political rights whatsoever, were confined to the lowest types of employment and paid miserable wages, the educational facilities provided for them were utterly inadequate and racial discrimination was practised in every sphere of life. The land of the indigenous inhabitants was alienated for the benefit of European settlers. As Mr. Getzen had said in his statement before the Committee at the 653rd meeting, South West Africa was being treated like a conquered territory.

15. He urged that South West Africa be placed under the International Trusteeship System, in the same way as the other former mandated territories. As pointed out by the United States representative, the Trusteeship System had much to offer.

16. He agreed with the representative of Guatemala that the question should remain on the agenda for a further year and expressed the hope that at the thirteenth session of the General Assembly the Union Government might be prepared to co-operate with the United Nations.

17. He supported the draft resolutions submitted by the delegation of Liberia (A/C.4/L.487, A/C.4/L.488) and he reserved the right to speak again later on any further draft resolutions that might be submitted.

18. Mr. LEVISTE (Philippines) said that it was a bitter disappointment to all freedom-loving peoples that after twelve years the question before the Committee was no nearer a solution than when it had first arisen. The conscientious report of the Committee on South West Africa eloquently attested to that fact. It was common knowledge that the United Nations had from the outset requested the Government of the Union of South Africa to place the Mandated Territory of South West Africa under the International Trusteeship System (General Assembly resolution 65 (I)). That request had been reiterated in successive Assembly resolutions and had been endorsed by the advisory opinions of the International Court of Justice. When the Committee on South West Africa had been set up, it had been expressly authorized to negotiate with the Union Government with a view to bringing the Territory under trusteeship. Unfortunately, those efforts to achieve a peaceful solution had come to naught, owing to the uncompromising attitude of the South African Government. South West Africa was the only remaining mandated territory that had not been placed under trusteeship. Moreover, despite assurances that it would continue to govern the Territory in the spirit of the Mandate, the Union of South Africa had subjected it to the worst form of racial discrimination and the most deplorable economic and commercial exploitations of modern times. It has thus disregarded its obligations, not only under the Mandate but under the

Universal Declaration of Human Rights and the Charter of the United Nations.

19. Despite the opinion of the International Court of Justice of 11 July 1950,^{2/} according to which the status of the Territory could be changed only with the consent of the United Nations as the successor to the League of Nations, the Union Government had changed its status from that of a "Territory under Mandate" to that of a "Territory administered by the Union Government". South Africa denied the right of the United Nations to exercise any supervision over the Territory and defiantly refused to submit reports on its administration. Lastly, it had virtually annexed South West Africa to the Union thus perverting the sacred trust received under Article 22 of the Covenant of the League.

20. The case of South West Africa spoiled the otherwise fine record of the United Nations. It would remain unsolved unless and until the majority of Members ceased to be indifferent to the situation. Failure to tackle the problem boldly had not only precluded progress, but had even encouraged, albeit unwittingly, those who believed that they could continue to defy the United Nations with impunity. The resulting injury to the prestige and authority of the United Nations might well, if continued, cause it to share its predecessor's fate. No country was more deeply aware than the Philippines that the United Nations was the main safeguard of the external peace and security of the small nations. For that reason he would appeal to all nations, large and small, to ponder the situation and to act decisively to restore faith in the authority and decisions of the Organization.

21. The Philippine delegation wished to call attention, as it had done in the Fourth Committee (401st meeting) at the ninth session of the General Assembly, to the provisions of the Charter which might profitably be explored with a view to finding a solution. Chapter VI, and in particular Article 33, provided eight alternative procedures for a peaceful settlement; hitherto untried remedies such as mediation, conciliation and arbitration might well, through the good offices of influential Powers such as the United States, the United Kingdom and France, succeed where other means had failed.

22. Article 1, paragraph 2, which stated the principle of equal rights and self-determination of peoples, should also be considered. A plebiscite or referendum held in an atmosphere of freedom and possibly under United Nations supervision should be a good guide to the wishes of the people regarding their future.

23. The possibilities of the peaceful adjustment provided for in Article 14 of the Charter might usefully be explored with a view to more scrupulous observance by Members of their obligations under the Charter with particular reference to the promotion of human rights and fundamental freedoms.

24. Furthermore, as stated in the report, it was also time to consider the wisdom of recourse to the International Court of Justice under article 7 of the Mandate.

25. Lastly, the Philippine delegation held that the United Nations should give serious consideration to the

^{2/} International status of South West Africa, Advisory Opinion: I.C.J. Reports 1950, p. 128. (Transmitted to Members of the General Assembly by the Secretary-General under cover of document A/1362.)

possibility of recourse to the enforcement measures provided for in the Charter, including, if necessary, such measures as suspension under Article 5, expulsion under Article 6 and economic and military sanctions under Articles 41 and 42.

26. Mr. NSOULI (Lebanon) considered it unnecessary to repeat what had already been said about the deplorable political, economic and educational conditions in the Territory of South West Africa, which had been so well depicted in the Committee's report. He wished instead to draw attention to the objective and constructive recommendations made by the Committee. He appealed to the Government of the Union of South Africa to implement those recommendations and to heed the sound advice given by the United Nations, the League of Nations' successor, in respect of Territories under the Mandates System, which, in his opinion, had become outdated and should be replaced by trusteeship under the United Nations.

27. In the present changing world there was no place for racial discrimination. All races were equal members of the human family and the granting of equal

rights and opportunities gave the surest guarantee of peace and provided the best means of eliminating poverty, disease and ignorance.

28. Lebanon, as a small country and as a custodian of both Western and Oriental civilizations, would always raise its voice against oppression and encourage any measures to promote development of backward areas.

29. Since the recommendations of the United Nations had hitherto been disregarded by the Union Government, it was clearly the duty of the United Nations to redouble its efforts and arouse public opinion to convince the Mandatory Power of the need to fulfil its mission of guiding the South West Africans towards self-government and raising their standards of living.

30. The way to a solution still lay open, given patience and provided that the problems of the oppressed people could be discussed without bias or prejudice and that the aims of the United Nations were upheld in the face of all obstacles.

The meeting rose at 12.50 p.m.