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**Chairman: Mr. Frederick H. BOLAND (Ireland).**

**AGENDA ITEM 39**

**Question of South West Africa (continued):**  
**(a) Report of the Good Offices Committee on South West Africa (A/3900)**

**GENERAL DEBATE (continued)**

1. Mr. GEBRE-EGZY (Ethiopia) wished to make it clear that his delegation's views on the report of the Good Offices Committee on South West Africa (A/3900) in no way reflected on the members of that body. If the report was unsatisfactory, the responsibility lay squarely with the Fourth Committee itself for having failed to give the Good Offices Committee precise terms of reference, as many delegations, including his own, had urged at the time. The Good Offices Committee had rightly concluded that it could not entertain any proposal envisaging an agreement to which the United Nations would not be a party, such as the first of the two alternatives discussed with the Union Government. The idea that the latter's international obligations should be limited to what it called the three remaining Principal Allied and Associated Powers failed to take account of present-day realities. In fact, the proposal was not new and had in fact already been rejected by the United Nations in General Assembly resolution 749 A (VIII). His delegation found it puzzling that, under the guise of the so-called new approach, the Union Government should put forward once again a proposal which was entirely contradictory to the letter and spirit of the relevant Chapters of the Charter, the numerous resolutions on South West Africa passed by the General Assembly and the advisory opinions which the Fourth Committee had requested from the International Court of Justice. The second proposal discussed in the report of the Good Offices Committee, namely partition, was even more puzzling, and the answers given to the questions asked by a number of representatives had not made it any more comprehensible to his delegation. The Assembly was being asked to accept the abstract principle of partition before any of the relevant details had been worked out or the implications of such a step considered. It was difficult to see how the Assembly could encourage the Union Government to investigate the practicability of partition when even the position of the eventual dividing line had not been indicated. Yet in the absence of precise terms of reference the Good Offi-

ces Committee's negotiations with the Union Government could hardly have been expected to produce more satisfactory results.

2. To accept the second alternative would be to endorse an idea which might well have the effect of destroying the safeguards embodied in those Chapters of the Charter dealing with the administration of dependent peoples. His delegation was not willing to exchange the rights enunciated in the Charter for illusory gains and it was convinced that in the long run those who upheld those rights and recognized the corresponding obligations would prevail. The Conference of Independent African States held at Accra in April 1958 had exemplified the desire of the peoples of Africa for emancipation, social advancement and economic well-being. The time had come when those aspirations could no longer be ignored by the rest of the world.

3. His delegation would be ready to consider any suggestion for the further exploration of the South West African problem provided that it was in accordance with the relevant provisions of the Charter, the resolutions of the General Assembly and the advisory opinions of the International Court of Justice.

4. Mr. KIANG (China) said that it was somewhat unfortunate that the Good Offices Committee should have been criticized for what, in his delegation's opinion, it had not done. Its report merely contained a factual account of bilateral diplomatic negotiations conducted under the authority of the United Nations. Whatever opinions might be held about that report, the efforts of its three members deserved commendation. They had carried out a difficult task in conformity with the terms of reference laid down in General Assembly resolution 1143 (XII); in his opinion, they had discharged their obligations admirably.

5. The withdrawal of the South African delegation from the debate on agenda item 39 was regrettable, although it was gratifying to know that it did not affect the Union's general participation in the activities of the United Nations. In the absence of that delegation, it was less likely that new ideas would be evolved in the Committee which might lead to an equitable solution acceptable to all parties, but it could not be said with certainty that no such possibility existed.

6. A general debate on the report seemed unlikely to lead to any constructive results. It might perhaps be wiser to request the existing Good Offices Committee to pursue its discussions with the Union Government with a view to finding a basis for an agreement which, in the words of General Assembly resolution 1143 (XII), "would continue to accord to the Territory of South West Africa an international status".

7. Mr. COHEN (Chile) recalled that his Government had voted for the establishment of the Good Offices Committee in the hope that it would succeed, with the co-operation of the Union Government, in finding a

solution to the South West African problem which was in accordance with the principles of the United Nations. The praiseworthy report which that Committee had now submitted was simply a factual account of the exchange of views that had taken place and did not make any recommendations upon which the Fourth Committee would have to take substantive decisions.

8. His Government steadfastly maintained that any change which would remove the Territory from international protection would be unacceptable. At present, only the United Nations could exercise such protection, either on the basis of the Mandate for South West Africa or by means of the more progressive Trusteeship System. His Government was not prejudging the possibility of abandoning a strictly legal approach in favour of a political solution provided that such a solution recognized the principle of self-determination and safeguarded the rights and aspirations of the inhabitants of the Territory. Those considerations presupposed the holding of a plebiscite with the assistance of the United Nations which would give the population of the Territory, particularly the indigenous inhabitants, an opportunity to make known their views. First, however, the United Nations would need to have more precise information regarding the Territory's population, its actual and potential economic resources, the extent to which fundamental human rights were safeguarded and the electoral legislation which would govern any popular consultation, for it could not accept any racially discriminatory laws which might deprive the indigenous inhabitants of the right to express their views on a footing of equality with the rest of the population.

9. The Good Offices Committee suggested that the General Assembly should encourage the Union Government to investigate the practicability of partition. Such an investigation, undertaken with the assistance of the United Nations, might indeed be useful. His delegation would have some practical suggestions to offer in that connexion if such an investigation were made. As the United Nations was still in the preliminary stages of the search for a solution, it would be a mistake to hamper the further efforts of the Good Offices Committee. The withdrawal of the South African delegation for reasons which were not of a substantive nature was regrettable, but need not preclude the continued exchange of views between the Good Offices Committee and the Union Government, for various possibilities had been mentioned which had still to be explored.

10. He would accordingly suggest that the Good Offices Committee should be asked to continue its efforts in the light of the views expressed in the Fourth Committee, in the hope that its awareness of those views would help it to find a solution acceptable to all. His delegation would perhaps submit a draft resolution to that effect at a later date.

11. Mr. OSMAN (United Arab Republic) said that at the 748th meeting, when the South African representative had withdrawn from the Committee, he had endeavoured to give the impression that it was the United Nations which was responsible for the existing deadlock. Failure to refute such a statement would do great harm to the United Nations, which for twelve years had sought a reasonable solution to the problem of South West Africa and had given ample evidence of its good

will, patience and moderation. It had also taken great care to remain strictly within the law, as was evident from the numerous occasions on which it had requested an advisory opinion from the International Court of Justice.

12. When the Union of South Africa had objected to the application of the International Trusteeship System to the Territory, the United Nations had resuscitated the Mandates System, and had set up the Committee on South West Africa to suit the convenience of the Union. When those attempts to persuade South Africa to cooperate with the United Nations had failed, the General Assembly, at its eleventh session, had adopted resolution 1059 (XI), in which the Secretary-General was requested to explore ways and means of solving the question of South West Africa. The latest attempt to meet the desires of the Union had been the establishment of the Good Offices Committee. The Committee on South West Africa at its last session had refrained from considering the report of the Good Offices Committee. Yet, at the 748th meeting, the South African representative had described some members of the Fourth Committee as being hostile and prejudiced before they had even read the report.

13. At the twelfth session, when Mr. Osman had spoken as the representative of Egypt, he had expressed to the Committee (668th meeting) the hope that a solution would be found which would take into account the lessons of the past and the moral values of contemporary international life. He had then gone on to voice the misgivings which his delegation felt about the proposal to give what amounted to a free hand to the Good Offices Committee. Nevertheless, his delegation had not voted against resolution 1143 (XII), but had merely abstained in the hope that the Union might perhaps change its intransigent attitude. Unfortunately, those misgivings had been fully justified by the stand taken by the Union and by the report of the Good Offices Committee.

14. The two alternatives referred to in that report were wholly unacceptable to his delegation. The idea of resurrecting a past military alliance and of making it the legal basis for an agreement concerning the welfare of a dependent people was artificial and ill-chosen and had, in fact, already been rejected by the General Assembly. The second suggestion the Good Offices Committee had made—and in so doing had, in his opinion, exceeded its terms of reference—was unacceptable because it was a denial of the legal and humanitarian principles of the United Nations. The General Assembly could not encourage the Union to investigate a solution which would strike a mortal blow at the rights of the people of South West Africa. The territorial integrity of a Mandated Territory must be respected; the partition or annexation of such a Territory would be a serious infringement of the basic principle of the Mandate System, the purpose of which was not to divide indigenous peoples but to achieve their gradual emancipation.

15. The petitions which had been received showed that the inhabitants of the Territory wished to be placed under trusteeship. His delegation would support any agreement between the United Nations and the Union of South Africa which took into account the fundamental principles of the Mandates System, the right of the Territory to protection by the international community, and its right to self-determination.

The meeting rose at 4.5 p.m.