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**Chairman: Mr. Luciano JOUBLANC RIVAS
(Mexico).**

AGENDA ITEM 30

Question of South West Africa (*continued*):

**(b) Report of the Committee on South West
Africa (A/2913 and Add.1 and 2) (*con-
tinued*)**

DRAFT RESOLUTION SUBMITTED BY LIBERIA (A/C.4/
L.417) (*concluded*)

1. Miss BROOKS (Liberia) thought that the members of the Committee were in agreement on principles. She realized that certain unforeseen factors had led the Mexican delegation to change its attitude. She wished to express to the Chairman, the Rapporteur and the members of the Committee on South West Africa her delegation's appreciation for the services they had rendered.
2. Mr. BOZOVIC (Yugoslavia) said he had never questioned the value of the report presented by the Committee on South West Africa (A/2913 and Add. 1 and 2).
3. As for the view that the Reverend Michael Scott's statement could not be transmitted to the Committee on the grounds that the Committee, like the Permanent Mandates Commission before it, could not hear oral petitions, he quoted a passage from the *Official Journal of the League of Nations, 8th year* (No. 4, p. 437), from which it was clear that the Permanent Mandates Commission, having sometimes been unable to form a definite opinion as to whether certain petitions were well founded or not, had been of the opinion that in those cases it might appear indispensable to allow the petitioners to be heard by it. The competence of the Committee, which was the successor to the Permanent Mandates Commission, was thereby established.
4. Mr. BOROOAH (India) suggested an amendment to the Liberian draft resolution, consisting of the insertion at the end of paragraph 2 of the operative part, of the words "and consideration as appropriate", and the deletion of paragraph 3 of the operative part. By so doing he was not trying to persuade the Committee to act in contradiction to its terms of reference, but to assist it in its important work.

5. Mr. SAAB (Lebanon) thought that the Committee had considered the question of South West Africa in all its aspects, and that a vote should now be taken. He accordingly moved the closure of the debate, in accordance with rule 118 of the rules of procedure.

6. Mr. RIVAS (Venezuela) and Mr. ESKELUND (Denmark) opposed the motion for closure of the debate, as they wanted the members of the Committee, particularly the representative of Liberia, to give their views on the Indian amendments.

7. The CHAIRMAN put to the vote the motion for closure proposed by the representative of Lebanon.

The motion for closure was adopted by 12 votes to 11, with 22 abstentions.

8. The CHAIRMAN put the Indian amendment to the vote.

The first part of the Indian amendment, consisting of the phrase "and consideration as appropriate" was adopted by 18 votes by 8, with 21 abstentions.

The second part of the Indian amendment, consisting of the deletion of paragraph 3 of the operative part of the draft resolution in document A/C.4/L.417, was adopted by 16 votes to 10, with 21 abstentions.

9. The CHAIRMAN put to the vote the draft resolution in document A/C.4/L.417 as a whole, as amended.

The draft resolution, as amended, was adopted by 27 votes to 6, with 16 abstentions.

10. Mr. JASPER (United Kingdom) regretted that the Fourth Committee had embarked on discussions and decisions of principle. It might have confined itself to transmitting Mr. Scott's statements to the Committee on South West Africa, but it had now passed a draft resolution that was somewhat discourteous to the International Court of Justice, which it had wanted to consult.

11. With regard to the passage from the *Official Journal of the League of Nations* to which the representative of Yugoslavia had referred, the decision taken by the League of Nations Council was more important than anything the Rapporteur of the Permanent Mandates Commission might have said in his report.

12. Mr. RIVAS (Venezuela) said he had voted for the first part of the Indian amendment with the idea that, if the General Assembly transmitted a document, even to a subsidiary organ, it was to be considered by that organ. He had abstained on the second part of the amendment.

13. When the Committee had decided (507th meeting) to hear the Reverend Michael Scott, his delegation had abstained, thinking that the person concerned would probably have no new information that was not in the possession of the Committee on South West

Africa. Having heard him, it did not consider itself in a position to judge whether he had furnished any fresh evidence, and thought that that was for the Committee on South West Africa to decide. His delegation had accordingly voted for the Liberian draft resolution, which had seemed to him not only acceptable, but constructive.

14. Miss BROOKS (Liberia) explained that she had not voted on the Indian amendment, as she was sure that though India wanted only that the Committee on South West Africa should study the question and report thereon to the General Assembly, other delegations that had voted for the amendment had put a different interpretation on it. She was sure that the principle underlying the draft resolution was in accordance with the feelings of the majority, and that some delegations had been prevented from taking a definite stand only by secondary factors which had emerged in the course of the discussion. She had been obliged to abstain from voting on her draft resolution as a whole, as its essence had been lost when it was amended.

15. Her attitude remained unchanged, however, and had only been strengthened by certain events. In that connexion, she quoted the statement of the Prime Minister of the Union of South Africa, published in *The Times* of London on 12 November 1955; Mr. Strijdom had expressed the hope that when the white population of South West Africa voted for the Legislative Assembly, it would give proof that the Territory stood firmly on the basis of a united front with the Union against all who threatened the future of white supremacy. She pointed out that it was concepts of that nature which the Committee was trying to combat. In her opinion, the United Nations had gone too far in trying to conciliate the Union of South Africa, but the Organization must not, in face of the Union's refusal to co-operate, go back on its own principles in order to settle the question in a way which could yield no results either for itself or for the populations of South West Africa.

16. Mr. BOZOVIC (Yugoslavia), returning to the question of the procedure followed by the Permanent Mandates Commission, referred to page 438 of the *Official Journal*, 8th year. He pointed out that when it had passed a resolution stating that there was no need to change the Commission's procedure, the League of Nations Council had adopted a report on oral petitions, which explained that if the Permanent Mandates Commission wished for additional information on any point in a petition, it could always apply to the Mandatory Power, which would certainly comply with its request. If, in any given case, it proved impossible to obtain all the necessary information by that means, the Council might, as the Belgian Government had suggested in its reply, decide to have recourse to exceptional methods. The report had added that the close collaboration hitherto existing between the Permanent Mandates Commission and the Mandatory Power was the best guarantee that cases of that kind would be quite exceptional, and that there would accordingly be no need to add to the rules on petitions any general rule referring to cases of that nature.

17. Thus, the League of Nations Council had taken its decision on the assumption that there would be no cases where the Mandatory Power failed to transmit information. As it could not be claimed that there was

any close and fruitful co-operation between the United Nations and the Union of South Africa on the subject of South West Africa, he thought that, in conformity with the opinion of the former Permanent Mandates Commission, which should apply in that case, the petitioners should be given a hearing.

18. His delegation had abstained from voting on the draft resolution in document A/C.4/L.417, because the second part of the Indian amendment had been adopted.

19. Mr. KHOMAN (Thailand) said that, as the Committee had adopted the Indian amendment, which rendered the draft resolution more acceptable, his delegation had merely abstained from voting on it.

20. He wanted to assure the Fourth Committee that even without the draft resolution which had just been adopted, the Committee on South West Africa, under its present terms of reference, would have to take the Reverend Michael Scott's statement into account. The Committee wanted to obtain all the information possible for submission to the General Assembly. There was therefore no need for the Fourth Committee to repeat that the Committee on South West Africa should give attention to Mr. Scott's statement. That was why his delegation had abstained from voting on the draft resolution.

21. Mr. ESPINOSA Y PRIETO (Mexico) said that he had voted for the Indian amendment because it was constructive and had enabled him to abstain from voting on the draft resolution instead of voting against it.

22. Mr. PACHACHI (Iraq) said that he had voted for the Indian amendment because his delegation considered paragraph 3 of the draft resolution to be unnecessary and superfluous.

23. The Reverend Michael Scott had spoken mainly about matters already dealt with in the report of the Committee on South West Africa, but he had also stated that the peoples of South West Africa wished that Territory to be placed under the Trusteeship System. Any question, however, that related to the Trusteeship System was clearly not within the competence of the Committee on South West Africa, which was exclusively concerned with questions relating to the application of the Mandates System to that Territory.

24. He recalled operative paragraph 8 of the draft resolution adopted at the Committee's 499th meeting, which made paragraph 3 of the draft resolution just adopted redundant. It was obvious that the spate of draft resolutions on the question under discussion which had been placed before the Committee would not facilitate a solution. Such a procedure could only complicate matters and make the General Assembly's task more difficult.

25. Mr. RODRIGUEZ FABREGAT (Uruguay) explained that he had voted for the draft resolution in order that the Committee on South West Africa might be able to study the information at first hand. Several representatives had referred to the draft resolution adopted by the Fourth Committee (506th meeting) requesting an advisory opinion of the International Court of Justice, and they had stated that the draft resolution ran counter to certain principles. He did not share that view. The negative attitude adopted by the Union of South Africa had created an excep-

tional situation, for not only had the South African Government refused to provide the Committee on South West Africa with information but had gone so far as to prohibit access to the Territory. It was therefore natural to adopt a draft which would enable the Committee on South West Africa to study material provided by a competent and trustworthy person.

26. Mr. TAZHIBAEV (Union of Soviet Socialist Republics) said that he had not understood that the Indian amendment would be put to the vote by division. He had voted against the first part in the belief that the vote was being taken on the amendment as a whole and, consequently, on the proposal to delete paragraph 3 of the resolution. Nevertheless, he had voted for the amended draft resolution as a whole.

27. He presumed that the Committee on South West Africa would communicate the results of its study to the General Assembly.

28. Mr. CORTINA (Argentina) regretted that there had been no debate on the Indian amendment. As the Brazilian representative had said at the preceding meeting, the draft resolution dealt with a question that had already been settled, since the Committee had decided at its 508th meeting to transmit the information furnished by the Reverend Michael Scott to the Committee on South West Africa. He therefore considered the draft resolution to be redundant.

29. Mr. PIMENTEL BRANDAO (Brazil) observed that the draft resolution, as amended by the Indian delegation, was identical with the decision previously taken by the Committee. He asked what would happen if the General Assembly failed to adopt the draft resolution.

30. The CHAIRMAN said that the decision taken by the Fourth Committee at its 508th meeting would remain valid.

31. Mr. THORP (New Zealand) said that he had voted against the draft resolution because it prejudged the opinion of the International Court of Justice. He recalled that that was the reason why the General Assembly had postponed consideration of similar draft resolutions (A/2747/Add.1, draft resolutions A and B) at its ninth session (501st plenary meeting).

32. Mr. ESKELUND (Denmark) explained that he had abstained from voting because the draft resolution was unnecessary and merely restated a previous decision. He pointed out that, as the Mexican representative had explained, the Liberian draft in its original form had jeopardized the entire work of the Committee on South West Africa.

33. Mr. JABRI (Syria) said that he had been opposed to the draft in its original form because it had failed to observe the terms of reference of the Committee on South West Africa. As, however, the Indian amendment had introduced a considerable improvement, he had been able to abstain instead of voting against the draft.

34. Mr. JASPER (United Kingdom) was sure that all the members of the Committee regretted the absence of the Union of South Africa. The United Kingdom as a member of the great family of the Commonwealth, particularly deplored that absence. He hoped that a solution would soon be found which would enable the Union of South Africa to co-operate with the Fourth Committee. The nations of the Commonwealth were not, of course, always unanimous in their

views, but they always endeavoured to find a common ground. He believed that that was the only way of obtaining the collaboration of the Union of South Africa.

35. Miss ROESAD (Indonesia) also regretted the absence of the Union of South Africa but pointed out that many delegations had tried on many occasions to adopt a conciliatory attitude. The Union of South Africa, on the other hand, had appeared not to have made the least effort in that connexion.

AGENDA ITEM 13

Report of the Trusteeship Council (A/2933, T/L.500, T/L.579 and Add.1, T/L.591, T/L.602, T/L.609, T/L.617) (continued)

GENERAL DEBATE

36. Mr. BELL (United States of America), in the absence of the President and Vice-President of the Trusteeship Council, introduced the annual report of the Trusteeship Council (A/2933).

37. The report, which covered the period from 17 July 1954 to 22 July 1955, mainly concerned the work done by the Council at its fifteenth and sixteenth regular sessions. All the questions examined by the Council were set forth in detail and required no further explanation. However, he considered it useful to draw the Committee's attention to a few questions which might be of particular interest.

38. In the first place, part II was slightly different from that of previous reports. By resolution 856 (IX), the General Assembly had approved, on a trial basis, the proposals of the Trusteeship Council that a comprehensive report on a given Trust Territory should be presented by the Council only every third year, coinciding with the Council's examination of the report on the Territory by a visiting mission. In the intervening years, the Council should submit a shorter report, giving only an account of developments and progress during the year under review, but including such general information as would enable the Assembly to appraise the significance of important developments, as well as the comments and observations of Member States and the conclusions and recommendations of the Council. The General Assembly had requested, however, that in view of the fact that the Trust Territory of Somaliland under Italian administration was to attain its independence in 1960, the Council should annually submit a comprehensive report on that Territory.

39. The report before the Committee contained comprehensive accounts of conditions in three Trust Territories, namely, Tanganyika, Ruanda-Urundi and Somaliland under Italian administration, which had been visited by the United Nations Visiting Mission to Trust Territories in East Africa, 1954, and shorter sections on the other Trust Territories, relating primarily to developments and progress during the past year. By thus modifying the form of the report, the Council had wished to give effect to General Assembly resolution 789 (VIII) on the control and limitation of documentation.

40. As had already been said in the Fourth Committee a further modification, both in form and in substance, was contemplated for subsequent reports. That change had been prescribed by the Trusteeship

Council in its resolution 1254 (XVI), in which it had instructed the drafting committee on the annual report on each Trust Territory to prepare appropriate draft conclusions and recommendations concerning the question of the attainment by the Territory of self-government or independence.

41. As in previous years, the Council's report reflected the progress accomplished in all the Trust Territories towards the objective of the International Trusteeship System set forth in Article 76 of the Charter, including their progressive development towards self-government or independence. In its conclusions and recommendations on each Territory, the Council gave due recognition to the progress achieved and made recommendations for the solution of remaining problems.

42. Because of the imminence of independence for the Trust Territory of Somaliland under Italian administration, the Council had continued to pay particular attention to the problems faced by that Territory. At its sixteenth session, for example, it had adopted resolutions (1255 (XVI) and 1257 (XVI)) expressing the hope that direct negotiations concerning the frontier between the Trust Territory and Ethiopia would yield concrete results and that the International Bank for Reconstruction and Development would agree to send an economic survey mission to the Territory as early as possible.

43. Another important problem considered by the Council during the year under review was the Togoland question. The report did not, however, contain a complete account of the present state of affairs, because, under General Assembly resolution 860 (IX), the Council had requested the Visiting Mission which it had sent in August to the two Togolands to submit to the Council a special report on various aspects of the Togoland question not later than 1 November 1955. The Council had also decided to hold a special

session to consider the report of the Visiting Mission (T/1206). The Council would probably meet shortly and draft a report on the Togoland question to be submitted to the General Assembly. That important item was included in the agenda of the Fourth Committee and would be considered by it before the end of the session.

44. Mrs. SHELTON (Cuba) pointed out that certain documents, as for example those relating to the examination of the Trusteeship Council's report, had not yet been circulated in Spanish.

45. Mr. RODRIGUEZ FABREGAT (Uruguay) supported the Cuban representative's observations. He appreciated the difficulties which the Secretariat sometimes experienced in circulating documents in all the working languages, but he pointed out that it was difficult for delegations to work under such conditions. Governments themselves had no opportunity for examining documents in time, as provided by the General Assembly's rules of procedure.

46. He emphasized that Spanish-speaking delegations were not renouncing their right to have documents in that working language. He asked the Secretariat to take appropriate action.

47. Mr. COHEN (Under-Secretary for Trusteeship and Information from Non-Self-Governing Territories) recalled that in the Trusteeship Council the working languages were English and French. All the documents of that organ were therefore issued in those two languages only and had to be translated into Spanish, a supplementary working language of the General Assembly. That explained why it had been impossible to circulate the Trusteeship Council's report in Spanish earlier. The delay was not the fault of the Secretariat but was due to the fact that there were no basic Trusteeship Council documents in Spanish.

The meeting rose at 5.5 p.m.