

GENERAL ASSEMBLY

SIXTH SESSION

Official Records



INDEX UNIT

14 NOV 1951

CONTENTS

FOURTH COMMITTEE 201st

MEETING

Wednesday, 14 November 1951, at 3 p.m.

Palais de Chaillot, Paris

	Page
Election of the Vice-Chairman.....	3
Election of the Rapporteur	3
Order of discussion of agenda items (A/C.4/186)	3

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

Election of the Vice-Chairman

1. Mr. KERNKAMP (Netherlands) nominated Mr. Inglés (Philippines).
 2. Mr. MAVROS (Greece), Mr. PEREZ CISNEROS (Cuba) and Mr. ZIAUD-DIN (Pakistan) supported the nomination.

Mr. Inglés (Philippines) was elected Vice-Chairman by acclamation.

Election of the Rapporteur

3. Mr. PANT (India) nominated Mr. Lannung (Denmark).
 4. Mr. DE MARCHENA (Dominican Republic) supported the nomination.

Mr. Lannung (Denmark) was elected Rapporteur by acclamation.

Order of discussion of agenda items (A/C.4/186)

5. The CHAIRMAN drew attention to the letter (A/C.4/186) from the President of the General Assembly indicating the items on the agenda of the sixth regular session allocated to the Fourth Committee.
 6. Mr. PIGNON (France) referred to item 9, the question of the full participation of Italy in the work of the Trusteeship Council. The importance of that question both from the moral point of view and for the efficient working of the Trusteeship Council, undoubtedly entitled it to priority, and he accordingly proposed that it should be placed first on the agenda.

That proposal was adopted.

7. Mr. HAMILTON (Union of South Africa) observed that item 8, the question of South West Africa, was of prime importance for this country ; and when it was considered, the Union of South Africa wished to be represented by Mr. Donges, Chairman of the South African delegation, who was Minister of the Interior in the South African Government. As the session of the

General Assembly would overlap meetings of the South African Parliament for which the Minister would have to return home, Mr. Hamilton asked that item 8 should be given second place on the agenda.

8. Mr. PEREZ CISNEROS (Cuba) remarked that he had intended to propose item 6, the question of information from Non-Self-Governing Territories, as the second item of the agenda, but he would await the reaction of other members of the Committee to the South African proposal.
 9. Mr. DORSINVILLE (Haiti) opposed the South African proposal. The situation caused by the failure of the South African Government to submit information on South West Africa under Article 73 e of the Charter made it imperative that the question should receive the most serious consideration. His delegation therefore proposed that item 8 should be placed after item 6 on the agenda.

10. Mrs. COELHO LISBOA DE LARRAGOITI (Brazil) understood that the members of the Secretariat assigned to the Special Committee on Information transmitted under Article 73 e of the Charter, which had recently met in Geneva, were to remain in Paris only until the item relating to Non-Self-Governing Territories had been considered. It would accordingly be better, in order to avoid unnecessary expenditure, to discuss that item immediately after the question of the full participation of Italy in the work of the Trusteeship Council. Furthermore, many delegations were not yet prepared to discuss certain items of an involved legal and political nature.

11. Sir Alan BURNS (United Kingdom), Mr. PIGNON (France), Mr. WORM - MÜLLER (Norway), Mr. RYCKMANS (Belgium), Mr. DOIDGE (New Zealand) and Mr. KERNKAMP (Netherlands) supported the South African proposal on the ground that the Committee would benefit by the participation in its work of the South African representative most qualified to speak authoritatively on the matter.

12. Mr. KERNKAMP (Netherlands) added that the Netherlands delegation would be in some difficulty if item 6 of the agenda were taken second, as the special representative from the Netherlands Antilles and Surinam would not be able to reach Paris until the end of November.

13. Colonel ZAIDI (India) agreed that it would be advantageous to have a person of authority speak on behalf of South Africa, but felt that as item 8 was such a controversial question, it should not be dealt with too quickly. It was necessary not only to obtain information, but to find a solution.

14. Mr. PEREZ CISNEROS (Cuba) said that his delegation had no objection in principle to the South African proposal, although experience of previous sessions indicated the undesirability of discussing so controversial an item at the outset of the Committee's work. Nevertheless, as a gesture of courtesy towards the Union of South Africa, he was prepared to support the proposal on the understanding that the fact that the item was placed earlier in the agenda would be without prejudice to certain petitions which, he understood, had been submitted to the chairman of the Fourth Committee by the indigenous tribes of South West Africa.

15. The CHAIRMAN stated, in reply to the Cuban representative, that a request had been made through the Reverend Michael Scott for a representative of the Herero tribe of South West Africa to be given an opportunity to state their views before the Fourth Committee.

16. Mr. PEREZ CISNEROS (Cuba) considered that no difficulties would be caused by taking up item 6, since all the relevant documentation was available. On the other hand, a decision to give early consideration to the question of South West Africa might have to be revised if it were found that representatives of the South West African people were unable to reach Paris in time to be present at the discussion. Before taking a decision, the Committee should know when those representatives would arrive. He asked whether the South African delegation could supply that information.

17. Mr. KHALIDY (Iraq) observed that the question whether the Committee was willing to grant a hearing to representatives of the indigenous peoples would have to be settled before the order of the agenda could be decided.

18. Mrs. COELHO LISBOA DE LARRAGOITI (Brazil) and Mr. TARCICI (Yemen) agreed.

19. Mr. EL PHARAONY (Egypt), Mr. TAJIBNAPIS (Indonesia), Mr. LAWRENCE (Liberia) and Mr. SAFEY EL DIN (Saudi Arabia) were in favour of postponing discussion of item 8. The peoples of the Trust Territories and the Non-Self-Governing Territories should always be in a position to place their views before the United Nations.

20. Mr. JOOSTE (Union of South Africa) protested against the introduction of matters irrelevant to the

agenda item, which related simply to the report of the *Ad Hoc* Committee on South West Africa. Discussion on the question whether representatives of the South West African peoples should be accorded a hearing was entirely inappropriate at the moment.

21. Mr. MENDOZA (Guatemala) felt there was no need to depart from the order of the items established in document A/C.4/186. When item 8 was reached, a decision on the question of hearing representatives of the indigenous peoples could be taken.

22. Mr. PEREZ CISNEROS (Cuba) submitted the following amendment (A/C.4/L.143/Rev.1) to the South African proposal :

“The Fourth Committee

“Decides to consider the item on its agenda relating to the question of South West Africa as soon as the spokesmen of the petitioning tribes of the said Territory which, by a written communication dated Paris, 11 November 1951, from their representative, the Reverend Michael Scott, have signified their desire to be heard by the United Nations, are able to be present at the meetings of the Committee”.

23. In support of his amendment, he cited the third paragraph of the preamble of General Assembly resolution 449 (V), which referred to the opinion of the International Court of Justice that the functions of supervision over the administration of the Territory of South West Africa by the Union of South Africa should be exercised by the United Nations. The resolution also urged the Union of South Africa to take the necessary steps to give effect to the opinion of the Court, including the transmission of reports on the administration of the territory and of petitions from communities or sections of the population of the territory. As the machinery for the transmission of petitions had been interrupted in the present case, in violation of Article 80 of the Charter, with the result that petitions were not received through the administering Power, it was necessary that the United Nations should take action to safeguard the right of petition ; the Cuban amendment was intended to accomplish that purpose.

24. Colonel ZAIDI (India) agreed that it would be desirable to hear the South African Minister of the Interior. He therefore suggested that the Minister should be heard at a time convenient to him, and that further discussion of the item should be postponed to a date on which the representatives of the Herero tribe could be present. In that way, the Committee would have the benefit of both sources of information.

25. Mr. INGLES (Philippines) said that he would have been in favour of the South African proposal, both as a courtesy to the South African delegation and because of the importance of the Minister's contribution to the discussion ; but other points had been raised, including the fundamental question of whether the petitioners from South West Africa should be heard.

26. If the exact dates on which Mr. Donges and the petitioners could be in Paris were known, it would be possible so to arrange the time-table that item 8 could be discussed in the presence of both parties. The hearing of the petitioners would be of great importance to the discussion of item 8 and was a more vital consideration than any of the others advanced.

27. Mr. RODRIGUEZ FABREGAT (Uruguay) said that the Uruguayan delegation was anxious to hear the views of Mr. Donges, but it was also anxious to hear the chiefs of the Herero tribe. He hoped that it would be possible for both parties to be present.

28. Mr. JOOSTE (Union of South Africa) said that the subject had been made unduly complicated. The matter was simply one of the place of the question of South West Africa on the agenda. The South African delegation was anxious to have Mr. Donges present because it regarded the matter as important, and Mr. Donges was the man best qualified to submit the South African case. It had asked the Committee to transfer item 8 to the second place on the agenda in order to make it possible for Mr. Donges to attend the discussion. Item 8 was concerned with the report of the *Ad Hoc* Committee on South West Africa. Other matters of substance could be raised only when item 8 was discussed.

29. Mr. RYCKMANS (Belgium) said that it would be unprecedented to refuse the South African delegation's reasonable request. If item 8 were transferred to second place on the agenda, it would be open to any delegation to propose postponement of the debate once discussion on the item had started.

30. Mrs. COELHO LISBOA DE LARRAGOITI (Brazil), Mr. MENDOZA (Guatemala) and Mr. MIKAOUI (Lebanon) supported the Cuban amendment.

31. Mr. MANTILLA (Ecuador) supported the Indian suggestion that Mr. Donges should be invited to report to the Committee on the question of South West Africa at his convenience, and that further discussion of the question should remain as item 8 of the agenda.

32. Mr. JOOSTE (Union of South Africa) said that there could be no question of inviting Mr. Donges to make a special appearance; since the latter wanted to present his delegation's case to the Fourth Committee, it would be desirable for the question of South West Africa to be given second place on the agenda so that he could attend the discussion. The South African proposal was procedural, and matters of substance must wait until discussion on the item was opened.

33. Sir Alan BURNS (United Kingdom), supported by Mr. RODRIGUEZ FABREGAT (Uruguay), proposed that the meeting should be adjourned in order to give representatives an opportunity to reflect on the proposals put forward.

34. Mr. PEREZ CISNEROS (Cuba) and Mr. MENDOZA (Guatemala) opposed the United Kingdom proposal.

The United Kingdom proposal was rejected by 24 votes to 22, with 2 abstentions.

35. Mr. TARCICI (Yemen) said that of the two requests that had been made with regard to the possibility of certain representatives being present at the discussion of item 8, the first, on behalf of Mr. Donges, was a matter of courtesy; the other, on behalf of representatives of the Herero tribe was one of justice.

36. Mr. RYCKMANS (Belgium) observed that the representative of Yemen had raised a point which was not at issue. The matter under discussion was which item was to be second on the agenda, and any other related point was out of order at the present time. The question before the Committee could be settled without sacrificing justice in any way, since when it was in due course discussed, any delegation would be free to propose the postponement of the debate on any grounds, including the desirability of having the Herero representatives present.

37. Mr. ZIAUD-DIN (Pakistan) agreed with the Belgian representative.

38. Mr. JOOSTE (Union of South Africa) agreed with Mr. Ryckmans, and said that it would be unfortunate to enter into the substance of item 8 at that juncture.

39. Mr. PEREZ CISNEROS (Cuba) pointed out that he had received no reply to the questions he had asked. In particular he wished to know when it would be possible for the representatives of the indigenous peoples of South West Africa to reach Paris.

40. Mr. JOOSTE (Union of South Africa) considered that a simple proposal concerning the order of the items of the agenda had been complicated by a discussion of matters of substance which was out of place at the present stage.

41. Mr. SAYRE (United States of America) suggested that the South African proposal should be voted on first. If it were defeated, a vote should then be taken on the Cuban proposal.

42. The CHAIRMAN asked the Committee to vote on the South African proposal, as amended by Cuba.

43. Sir Alan BURNS (United Kingdom), speaking on a point of order, considered that the question whether or not the representatives of the Herero people should be heard was an important matter of substance, which could not be implicitly settled in connexion with the procedural question of making item 8 of the agenda, item 2. The item should be placed on the agenda, and the Committee should then decide whether or not to grant the petitioners a hearing.

44. Mr. PEREZ CISNEROS (Cuba) urged that his amendment should be voted on first. He had not intended to anticipate the decision on whether or not to hear the representatives of the Hereros; he had

merely meant to ensure that they would be present if and when the Committee wished to hear their views.

45. Mr. MUÑOZ (Argentina) suggested that the South African proposal should be adopted, on the understanding that the discussion would begin with the question whether the petitioners should be invited.

46. Mr. PEREZ CISNEROS (Cuba) reiterated his question as to when the representatives of the Herero tribe would be able to reach Paris.

47. Mr. JOOSTE (Union of South Africa) did not feel that that question could properly be put until the Committee had decided whether or not to hear the representatives concerned.

48. Mr. KHALIDY (Iraq) moved the adjournment of the meeting.

That motion was adopted by 38 votes to none, with 2 abstentions.

The meeting rose at 6.50 p.m.