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CONTENTS

| | <u>Page</u> |
|--|-------------|
| Agenda item 39: | |
| Question of South West Africa (continued): | |
| (a) Report of the Good Offices Committee on South West Africa; | |
| (b) Report of the Committee on South West Africa; | |
| (c) Study of legal action to ensure the fulfilment of the obligations assumed by the Mandatory Power under the Mandate for South West Africa: resumed consideration of the special report of the Committee on South West Africa; | |
| (d) Election of three members of the Committee on South West Africa; | |
| Organization of work (continued) | 7 |

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);
- (b) Report of the Committee on South West Africa (A/3906);
- (c) Study of legal action to ensure the fulfilment of the obligations assumed by the Mandatory Power under the Mandate for South West Africa: resumed consideration of the special report of the Committee on South West Africa (A/3625, A/3906, A/AC.73/L.10 and 12);
- (d) Election of three members of the Committee on South West Africa.

ORGANIZATION OF WORK (continued)

1. The CHAIRMAN invited the Committee to continue its consideration of how agenda item 39 should be dealt with.
2. Mr. LOUW (Union of South Africa) drew attention to the terms of reference of the Good Offices Committee, as defined in operative paragraph 1 of General Assembly resolution 1143 (XII). Those terms of reference were very narrow, for the Committee was only called upon "to discuss with the Government of the Union of South Africa a basis for agreement which would continue to accord to the Territory of South West Africa an international status". As the Committee's report (A/3900) was confined to that aspect of the problem, there did not seem to be any reason why conditions in the Territory should be examined in that connexion. Thus the status of the Territory and conditions in the Territory, being two separate questions, could not be dealt with together.
3. At the previous meeting it had been stated that according to the report of the Good Offices Committee, the Union of South Africa had agreed that South West Africa had an international status. Mr. Louw

wished to point out that what the Union Government had in fact said was that, subject to an over-all agreement being reached, it was prepared to agree that South West Africa had an international character in that it had not been annexed.

4. Mr. GEBRE-EGZY (Ethiopia) said that he did not approve of the idea of discussing the sub-items of agenda item 39 separately and that, in any case, he did not find the order in which the sub-items had been listed satisfactory. Items with which the Committee had dealt previously were usually listed before new items. Sub-item (b) should therefore take precedence over sub-item (a), since it related to the report of the Committee on South West Africa (A/3906), which was the keystone of the whole problem. The Ethiopian delegation would therefore suggest that the order of the first three sub-items should be (b), (c), (a).

5. Mr. Irving SALOMON (United States of America), while agreeing that sub-items (a) and (b) were closely connected, thought that the Committee's work would be delayed and complicated unless the two sub-items were discussed as virtually separate matters. There was a fundamental difference between the reports referred to under sub-items (a) and (b); the former related to the status of the Territory and the latter to conditions in the Territory. Their discussion would probably lead to the adoption of two separate resolutions.

6. On the other hand, the debate that had begun at the previous meeting had shown that no one questioned the right of every delegation to refer to relevant aspects of the question; each delegation should certainly be left to decide what was relevant in planning its statement. At the same time, however, the debate had shown that an important factor in ensuring the smooth course of the Committee's work was an agenda which would enable all delegations to deal with the same subject.

7. The United States delegation accordingly considered that the Committee should follow some logical order, such as that set forth in the existing agenda. It did not believe that representatives who advocated separating the various sub-items really intended to confine the debates to such a rigid framework that speakers might feel that the scope of their statements was being restricted. The Committee should begin by studying the report of the Good Offices Committee, leaving it to each delegation to choose appropriate references to the opinions of the International Court of Justice or to other relevant data.

8. Mr. ABIKUSNO (Indonesia) did not consider that the sub-items of item 39 should be discussed separately: as such a procedure would mean that delegations could discuss only one sub-item at a time, the scope of the debate would be limited and the results

unsatisfactory. The question of South West Africa could be analysed intelligently only if reference could be made to all the available documentation. The Committee should not depart from its usual procedure, and its new approach to the problem should not hinder the course of the debate. That would be contrary to the spirit of co-operation which had always existed in the Committee. The Indonesian delegation would support any suggestion along the lines proposed at the previous meeting by the delegation of Ghana.

9. Mr. LONGDEN (United Kingdom) observed that the establishment of the Good Offices Committee had already yielded the happy result of bringing the Union of South Africa back to the Fourth Committee. The resolution under which the Good Offices Committee had been set up had been adopted by about fifty delegations, which would certainly not want to nullify the work of that body. The report of the Good Offices Committee, which outlined two possible solutions for the future of the Territory without requiring the Fourth Committee to take a decision on the matter at the current session, provided a new approach to the problem and should therefore be given priority over the regular report of the Committee on South West Africa. The United Kingdom delegation considered that the discussion would be more fruitful if the Fourth Committee were to deal with the two reports successively, and not concurrently, on the understanding that speakers might refer to the relevant aspects of one report in their statements concerning the other.

10. Mr. RAHNEMA (Iran) said that his delegation was happy to see the Union of South Africa represented in the Committee. The problem of South West Africa, although complex, formed a homogeneous whole, and the sub-items merely represented its various aspects. Everyone had the same goal in view, namely, a satisfactory and equitable solution in accordance with the principles of the Charter. Although an analytic approach to the question might be indispensable, an artificial division that would obscure the problem as a whole should be avoided.

11. The Iranian delegation therefore favoured the suggestion made at the previous meeting by the Mexican representative to the effect that a general debate on South West Africa should be followed by a consideration of the various sub-items taken separately, but within the general framework.

12. Mrs. SHELTON (Cuba) supported the suggestion made at the previous meeting by the Swedish representative to the effect that the sub-items of agenda item 39 should be considered separately and that priority should be given to the sub-item relating to the report of the Good Offices Committee.

13. Mr. PACHACHI (Iraq) said that his delegation noted with satisfaction the presence of the South African delegation. Reference had been made to operative paragraph 1 of General Assembly resolution 1143 (XII), but the Committee should not lose sight of operative paragraph 2, under which the Assembly, on receiving the report of the Good Offices Committee, was to take a decision in accordance with the United Nations Charter. The Assembly could not, however, arrive at such a decision without taking into account the record of the Union Government in administering the Territory. In other words, it was impossible to reach a reasonable decision on the report of the Good

Offices Committee without duly taking into account the situation prevailing in the Territory.

14. The Iraqi delegation therefore considered that the solution suggested by the Mexican representative was satisfactory, since it would enable the Committee to maintain the flexibility that had always characterized its debates. His delegation would like to know whether the South African delegation or any other delegations which favoured a division of the item under discussion had any formal objection to the Mexican suggestion.

15. Mr. RAU (India) considered it impossible to discuss sub-items (a), (b) and (c) separately. The only reason why they had been enumerated in the agenda was to indicate clearly the sources of available information. It would be as undesirable to divide the question as to partition the Territory itself. Furthermore, a decision by the Fourth Committee to give priority to the report of the Good Offices Committee would be tantamount to casting doubt on the value of the work done by the Committee on South West Africa. The Indian delegation therefore considered the Mexican suggestion most sensible; it formally opposed any proposal that the report of the Good Offices Committee should be discussed separately.

16. Mr. TARCICI (Yemen) thought it would be very difficult for the Committee to consider sub-items (a), (b) and (c) separately. Moreover, by following that procedure, it would run the risk of losing sight of the problem as a whole. The delegation of Yemen thought that either the discussion of sub-items (a), (b) and (c) should be preceded by a general debate or that the three sub-items should be considered together.

17. Mr. MARTIROSYAN (Union of Soviet Socialist Republics) thought that the arguments adduced in favour of the separate examination of the report of the Good Offices Committee were untenable since, in considering the question of South West Africa as a whole, account must be taken of the conditions prevailing in the Territory, the principles of the Charter and the obligations of the Government of the Union of South Africa to the United Nations. His delegation would therefore support the proposals put forward at the previous meeting by the delegations of Ghana and of the United Arab Republic. It would also be prepared to support the Ethiopian delegation's suggestion that the report of the Committee on South West Africa should be considered before that of the Good Offices Committee.

18. Mr. DIPP GOMEZ (Dominican Republic) did not consider that strict limits should be imposed upon speakers but thought that the order proposed in document A/C.4/376 for the consideration of the question of South West Africa was logical and likely to facilitate the analysis of the problem and a possible solution. The Committee should begin by studying the report of the Good Offices Committee so that it could then deal properly with the other aspects of the question.

19. Mr. DORSINVILLE (Haiti) admitted that it was customary to subdivide the examination of a complex problem into several parts. What was important, however, was the conclusions which were reached through discussion. The Committee would not be able to take any decision by merely examining the report of the Good Offices Committee. Other elements, such as the report of the Committee on South West Africa, whose

terms of reference were still valid, or statements by petitioners would also have to be taken into consideration.

20. His delegation saw no objection to the Committee's taking up sub-items (a), (b) and (c) separately on condition that, as proposed by the Mexican delegation, speakers could refer to any other matter which seemed to them to be relevant. On the other hand, his delegation was strongly opposed to a separate decision on each of the points before all aspects of the question of South West Africa as a whole had been dealt with.

21. Mr. SUMULONG (Philippines) said that in the general opinion sub-items (a), (b) and (c) concerned different aspects of the same question. To avoid confusion the various aspects should therefore be studied separately on the understanding that a fairly liberal procedure should be adopted to allow each speaker to express his views freely.

22. The CHAIRMAN summed up the different proposals put forward on the procedure to be followed in examining the question of South West Africa: discussion of each sub-item separately; general discussion on the question of South West Africa as a whole, followed by consideration of each sub-item in an order still to be determined, Ethiopia having asked for consideration of sub-items (b) and (c) before sub-item (a); examination of each sub-item separately in the order given by the President of the General Assembly in document A/C.4/376, on the understanding that speakers would be able to make any observations they might regard as relevant even if not relating directly to the sub-item in question.

23. In reply to a question put by Mr. KANAKARATNE (Ceylon), Mrs. SKOTTSBERG-AHMAN (Sweden) pointed out that her intention in proposing a separate discussion of each of the first three sub-items had not been to lay down a fixed rule for speakers but only to indicate the general order in which the discussion should proceed.

24. Mr. ZULOAGA (Venezuela) noted that two trends of opinion on the procedure for examination of the question of South West Africa had become apparent in the Committee. There was no doubt that the various aspects of the problem were closely linked, as the United States representative had said, and his delegation was, for its part, willing to support the Mexican delegation's proposal. Agreement could perhaps be reached if the Chairman declared his readiness not to keep the discussion too strictly to the rules.

25. Mr. ESPINOSA Y PRIETO (Mexico) observed that his proposal seemed to have met with the approval of a number of delegations, and he could see no objection to members of the Committee preceding their comments on each of the sub-items under consideration by such general statements as they thought fit. He hoped that in a conciliatory spirit the Ethiopian delegation would not insist upon sub-item (b) being examined before (a), even if that order did appear more logical. He was convinced, moreover, that the report of the Good Offices Committee was of such importance that most of the Committee members would want to begin considering it without delay, just as his own delegation intended to do.

26. Mr. KIANG (China), stressing that the setting-up of the Good Offices Committee represented an entirely

new attempt to solve the question of South West Africa, felt that the report of that Committee should be examined first, but that the procedure adopted should be flexible enough to allow the expression of opinions concerning the question as a whole during consideration of the individual sub-items.

27. Mr. GEBRE-EGZY (Ethiopia) asked for further details on the subject of the general discussion mentioned by the Mexican representative, and wanted to know in particular whether there would first be a general discussion of the question as a whole or a general discussion of each of the first three sub-items. In the former case his delegation would be prepared to withdraw its proposal.

28. Mr. RODRIGUEZ FABREGAT (Uruguay) thought that the proposals which had been put forward up to that point were insufficiently clear. Among other things, the meaning of a separate or consecutive examination of the various sub-items required clarification. With regard to the latitude that speakers would be allowed in raising questions which, although relevant, did not bear directly on the item in question, he felt that it would be out of order to leave it to the Chairman's discretion to limit what representatives of sovereign States might want to say.

29. There was perhaps some fear that references to general conditions in South West Africa in the course of the examination of the report of the Good Offices Committee might compromise the possibilities of solution offered by the report. There would not, however, be anything abnormal in referring to conditions in a territory which had been under international mandate for so long. Refusal to discuss the problem would be tantamount to denying the real function of the Fourth Committee, which, in the given circumstances, was the basic task of leading a people towards self-government.

30. He therefore asked that it should be made quite clear that whatever order might be adopted in the examination of the different sub-items, a representative would always have the right to raise questions which seemed to him to be relevant even if not bearing directly and immediately on the sub-item under discussion. In the circumstances it might be well for the Mexican representative to put forward his proposal in writing as that would enable Committee members to express an opinion with a full knowledge of the situation.

31. The CHAIRMAN proposed that the Committee take a decision on the proposal made by the Mexican representative, which, in his view, best took into account the opinions voiced by different delegations, namely, that the Committee should examine in order the four sub-items of agenda item 39 with the understanding that, in discussing each of the sub-items, delegations would be able to refer to relevant matters bearing on the other sub-items.

32. Mr. LOUW (Union of South Africa) strongly objected to a general discussion before consideration of sub-items (a), (b) and (c). In his view a discussion of that nature would only create unfortunate confusion and greatly compromise the promising results of the work of the Good Offices Committee.

33. Mr. BOZOVIC (Yugoslavia) supported the Mexican representative's proposal. He was convinced that if the

discussion was opened with a request to representatives to keep as closely as possible to the proposed division of the item, their good faith could be relied upon with regard to the raising of questions unconnected with the subject being dealt with.

34. Mr. AKO-ADJEI (Ghana) said that his delegation was willing to support the proposal put forward by Mexico on condition that the Committee agreed not to come to any decision before taking up all aspects of the question of South West Africa.

35. Mr. Irving SALOMON (United States of America) supported the Mexican representative's proposal as set forth by the Chairman. The Chairman's judgement should be trusted, and he should be relied upon to decide whether or not the questions raised during the discussion were relevant.

36. Mr. BOZOVIC (Yugoslavia) proposed that a small committee should be set up composed of Fourth Committee members representing the various points of view expressed during the discussion. That committee would then draft a proposal and submit it to the Fourth Committee for approval.

37. Mr. ESPINOSA Y PRIETO (Mexico) seconded the proposal. When his delegation had spoken in the debate, it had in no way intended to submit a formal proposal and did not wish, therefore, to submit a proposal in writing. In his view the debate should definitely begin by consideration of sub-item (a), which pervaded the entire question, but delegations should, if they so desired, have an opportunity to make a general statement at that time.

The meeting rose at 1.5 p.m.