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**Chairman: Mr. Rafik ASHA (Syria).**

**AGENDA ITEM 34**

**Question of South West Africa: report of the Committee on South West Africa (A/2666 and Corr.1 and Add.1, A/C.4/274, A/C.4/L.340, A/C.4/L.341, A/C.4/L.342) (*continued*)**

1. Mr. JOHNSON (Canada) stated that his delegation welcomed the recommendation in the report of the Sub-Committee on South West Africa (A/C.4/274) that the General Assembly should ask the International Court of Justice for an advisory opinion on special rule F of the rules of procedure adopted at the 494th plenary meeting, on 11 October 1954.

2. The Canadian delegation's position was based entirely on its desire that there should be no possible doubt about the legality of the method to be adopted in reaching decisions on South West Africa. It should be pointed out once again that the General Assembly was confronted with a problem *sui generis*. The Territory of South West Africa was the only remaining mandated territory in the world and the United Nations now proposed to discharge functions in respect of that Territory not provided for in the Charter. It was therefore of the utmost importance that the decisions to be taken by the Committee should be consistent with the principles of the Charter.

3. In its advisory opinion of 1950,<sup>1</sup> the International Court of Justice had stated that the Union of South Africa continued to bear the international obligations laid down in Article 22 of the League of Nations Covenant and in the Mandate for South West Africa, and that the supervisory functions which formerly devolved on the League of Nations were henceforth to be exercised by the United Nations. After three years of unsuccessful endeavour to reach an agreement between the United Nations and the South African Government, the General Assembly had, in 1953, adopted resolution 749 A (VIII) establishing the present Committee on South West Africa in order to implement the Court's advisory opinion. After a thorough review of the whole question, that Committee had recommended a procedure

<sup>1</sup> See *International status of South-West Africa, Advisory Opinion: I.C.J. Reports 1950*, p. 128.

which would enable the United Nations to exercise its supervisory functions.

4. However, as the Belgian representative had pointed out earlier, the Charter had never foreseen that the General Assembly would have to act as a substitute for the League of Nations, as it was obliged to do in the case of South West Africa because of the International Court's advisory opinion. In drafting the rule on voting procedure, therefore, the Committee had had to decide whether the voting procedure prescribed in Article 18, paragraph 2, of the Charter would be valid when the General Assembly assumed functions not provided for in the Charter, or whether the unanimity rule should be applied, as at the League of Nations. After careful consideration of the matter, the Committee on South West Africa had proposed the strongest majority rule to be found in the Charter or in the General Assembly's rules of procedure, the two-thirds majority required for important questions. Nevertheless, in order to remove any possible doubt as to the legality of its proposal, the Committee had recommended at the same time that the General Assembly should refer it to the International Court of Justice for an advisory opinion.

5. The Canadian delegation had regarded that decision as a wise one, and in accordance with the best parliamentary practice. It was because it shared the Committee's doubts that the Canadian delegation had voted in the Fourth Committee for draft resolution B of document A/2747 and for the adoption of that Committee's report to the General Assembly (A/2747). It was in that sense alone that it had voted at the 494th plenary meeting, for the proposed procedure to enable the General Assembly properly to discharge its functions in respect of the Territory of South West Africa.

6. If the Canadian delegation had known at that time that draft resolution B, whereby the General Assembly was to ask the International Court of Justice for an advisory opinion on special rule F, would not be put to the vote, it would have opposed special rule F by voting against the proposed procedure to enable the General Assembly to exercise supervisory powers over South West Africa. In the absence of an advisory opinion from the Court, the Canadian delegation would be obliged to abstain from voting on all draft resolutions concerning reports and petitions relating to the Territory.

7. That did not mean that the Canadian delegation was indifferent to the question; on the contrary, it was its earnest desire, which was certainly shared by many other delegations, that the League of Nations Mandates System, the United Nations Charter and the International Court's advisory opinion of 1950 should be reconciled. If the General Assembly did not ask the Court for its guidance on the voting procedure to be followed by the General Assembly in considering matters relating to South West Africa, doubt would remain to plague the debates and decisions of the General Assembly on the Territory.

8. Mr. RIVAS (Venezuela) observed that for the first time his delegation's attitude was different from that of the Iraqi delegation, for a number of reasons.

9. The Venezuelan delegation considered that the General Assembly had taken a decision on the advisability of asking the Court for an advisory opinion. The President of the General Assembly had made his ruling because, at the suggestion of the Peruvian delegation, the General Assembly had not adopted the phrase "subject to the acceptance by the Union of South Africa, as the Mandatory for the Territory of South West Africa", in paragraph 2 of draft resolution A (A/2747). The President had considered that in the circumstances there was no longer any need to ask the Court for an advisory opinion. There had been objections to his ruling, but it had been upheld by a very large number of votes, including that of Venezuela. The Venezuelan delegation had in fact considered that to ask the Court for its advisory opinion had become pointless. Previously it would have voted in favour of a request for an advisory opinion, because it had had doubts as to the need for the assenting vote of the Union of South Africa, but it had never had any doubt as to the validity of the two-thirds majority rule, and that was the question on which the President had ruled. The Venezuelan delegation was convinced that that ruling was unassailable and in accordance with the Charter.

10. At the previous meeting, the Colombian representative had wondered whether the Fourth Committee was competent to reconsider a decision taken at a plenary meeting of the General Assembly. In the opinion of a legal expert in the Venezuelan delegation, it could not be asserted *a priori* that the Fourth Committee was not competent. In any event, the grounds upon which the Committee might have been able to ask the General Assembly to reconsider its decision—the necessity for an assenting vote by the Union of South Africa—no longer existed. If that part of the resolution had been adopted without the assenting vote of the Union of South Africa, the General Assembly's decision would have introduced an element of doubt, but by reason of the decision in fact taken by the General Assembly, that doubt did not exist. Thus there was no point now in asking the General Assembly to reconsider its decision on that question.

11. The question arose of what advisory opinion the General Assembly could ask of the Court and what kind of interpretation was involved if there was a question of interpretation.

12. The Venezuelan delegation had no objection to a review of the substance of the question, which was to make some arrangement with the Union of South Africa. Its attitude in that connexion had not changed. It had always considered that South West Africa ought to have been under trusteeship, but it had never criticized the South African Government's conduct. The Venezuelan delegation's votes had always been based on legal considerations.

13. It would therefore have to vote against the recommendation in paragraph 14 of the Sub-Committee's report.

14. Mr. VERGARA (Chile) said that his delegation had never seen any need to set up the Sub-Committee and had therefore abstained from voting on its establishment. It shared the Venezuelan representative's opinion, and would not vote for the proposal that the General Assembly should reconsider its decision on the request for an advisory opinion from the Court.

15. He reserved his right to speak later on other aspects of the report.

16. Mr. S. S. LIU (China) said that there were obviously some legal doubts as to the procedure to be followed. The Chinese delegation had supported the ruling of the President of the General Assembly at the plenary meeting of 11 October and did not consider that there was any need to reconsider that decision, which was quite clear.

17. He shared the views expressed by the Mexican and other delegations. The International Court of Justice was fully aware of the procedure the General Assembly should follow in order to conform to the Charter. It was therefore unnecessary to ask it for a new advisory opinion.

18. When draft resolution B had been put to the vote in the Fourth Committee, the Chinese representative had stated that, whatever the Court's reply might be, it would not solve the problem. In any case, the reply could only be in the affirmative. Any other reply would be contrary to the Charter, and it was inconceivable that the International Court of Justice could give such a reply. If any Members could envisage the possibility of a negative reply, the question arose whether the United Nations was prepared to revise the Charter in order to apply a new procedure suggested by the International Court of Justice.

19. The Chinese delegation would abstain from voting on the Sub-Committee's recommendation that the General Assembly should examine again a draft resolution which his delegation had never considered necessary.

20. Mr. HARARI (Israel) thought it very regrettable that the Fourth Committee should find itself in its present situation.

21. At the Committee's 401st meeting, the Israel delegation had pointed out that it was illogical to propose a settlement and at the same time to ask the International Court of Justice for an advisory opinion. It had added that it could approve only of a resolution which merely asked the Court for an advisory opinion on voting procedure in the United Nations. It had therefore abstained from voting at the plenary meeting.

22. It was not very wise to ask the General Assembly to change its opinion, and the Israel delegation could not, to its great regret, associate itself with such a step, which, if successful, would create a dangerous precedent.

23. Moreover, the Sub-Committee proposed that the membership of the Committee on South West Africa should be increased, but gave no argument in support of that proposal. If the proposal were put to the vote without any explanation, the Israel delegation would be obliged to vote against it.

24. Mr. RAJAN (India), confining his remarks to paragraph 14 of the Sub-Committee's report, pointed out that his delegation had always considered it unnecessary to ask the International Court of Justice for an advisory opinion. The Court, in giving its opinion, could hardly have been unaware of the different voting procedures of the League of Nations and the United Nations, and both its conclusions and its language had to be interpreted in the light of that awareness. He noted that that was not the view of his delegation alone, but of the majority of the Committee on South West Africa. That it was also the view of the majority of United Nations Members was evident from the unconditional adoption of special rule F at the 494th plenary meeting.

25. Nevertheless, in order to set at rest the misgivings voiced by certain delegations, to put the legal basis of the General Assembly's future actions beyond all reasonable doubt and to achieve the maximum unity among Members of the United Nations on the matter, the Indian delegation had voted for referring the question to the International Court and was prepared to do so again. In that spirit, it had co-sponsored the draft resolution B which had not been put to the vote in plenary meeting, had voted for the establishment of the Sub-Committee and was prepared to recommend that the General Assembly should reconsider its decision.

26. The Indian delegation would therefore vote for the recommendation in paragraph 14 of the Sub-Committee's report.

27. Mr. KAISR (Czechoslovakia) observed that, at the Committee's 409th meeting, on 19 October, his delegation had voted against the establishment of the Sub-Committee because it had considered, after the vote in the plenary meeting, that a sub-committee could only further complicate the situation. Indeed, the situation had become extremely confused since the Sub-Committee had submitted its report. The goodwill and desire for impartiality of all the members of the Sub-Committee had been of no avail.

28. The proposed procedure was contrary to the General Assembly's rules of procedure and would set a dangerous precedent. Furthermore, the Czechoslovak delegation could not support the draft resolution proposed in paragraph 17 of the Sub-Committee's report, for the reasons already stated by the Yugoslav, Venezuelan and Chilean representatives. The method the Sub-Committee proposed would not lead to any result.

29. Mr. JELEN (Poland) pointed out that his delegation had voted against the establishment of the Sub-Committee. Its doubts about the usefulness of that body were confirmed by the report it had submitted to the Fourth Committee. The Sub-Committee proposed that the General Assembly should be recommended to reconsider its decision, and based that recommendation on the informal statements of certain delegations. Nevertheless, those delegations had had an opportunity of expressing their views and doubts at the plenary meeting, at the time when the vote was taken.

30. The Sub-Committee's proposal, which consisted in again referring the question of South West Africa to the International Court of Justice, could only delay a settlement of the problem.

31. With regard to paragraph 16 of the report, he pointed out that one of the draft resolutions provided for the only measure which would be in conformity with the Charter, that of placing the Territory of South West Africa under the International Trusteeship System. The Polish delegation considered that the solutions the Sub-Committee proposed would lead the General Assembly to take steps contrary to rule 83 of its rules of procedure.

32. For those reasons, he could not vote for the Sub-Committee's proposals.

33. Mr. CALLE Y CALLE (Peru) agreed with the view expressed by the South African representative at the preceding meeting that the question should first be clarified and a decision taken on the procedure to be followed.

34. The Peruvian delegation considered that the General Assembly, at the plenary meeting of 11 October, had neither approved nor rejected any proposal which would require a two-thirds majority for its reversal

under rule 83 of the rules of procedure. It had merely taken a decision on a procedural question under rule 73 of the rules of procedure. It had been said that, after draft resolution A had been adopted, the President had made a proposal which had implied the rejection of a draft resolution. But the delegations which had decided at that time not to vote on draft resolution B had not necessarily expressed any opposition to that resolution. The President's ruling had been challenged, which meant that a ruling, and not a proposal, had been involved. A proposal could be either adopted or rejected, but did not give rise to a challenge. A challenge could be made only against a ruling from the Chair on a procedural motion. The procedural motion in question, which had been made by the Peruvian delegation, had constituted a proposal that draft resolution B should not be put to the vote until it had been amended.

35. Some delegations which opposed reference to the Court appeared to base their position on the decision taken on that point of order. If, however, another vote was taken, they would have an opportunity to vote negatively a second time, while delegations which on 11 October had expressed their views on the voting procedure but not on the substance would then be able to vote for or against reference to the International Court of Justice.

36. If all the members of the Fourth Committee felt that the General Assembly had acted under rule 73, the difficulties which paragraph 14 of the Sub-Committee's report apparently involved would disappear. The ruling of the President of the General Assembly would stand unless it was set aside by a majority of Members present and voting.

37. When that procedural question had been settled, the Peruvian delegation would state its position on the substance.

38. Mr. APUNTE (Ecuador) said that he was in general agreement with the Peruvian representative. Rule 83, which the Sub-Committee invoked in paragraph 14 of its report, was concerned with proposals adopted or rejected, in other words, proposals on which the General Assembly had had an opportunity of taking a decision. But the fact was that the General Assembly had been unable to decide either for or against draft resolution B. It had merely voted on the President's ruling. It had been said that in approving that ruling the General Assembly had rejected the draft resolution. The Ecuadorian delegation did not agree; before the Sub-Committee's draft resolutions were considered, it would be glad to have the question clarified and to learn whether rule 83 of the rules of procedure or, as the Peruvian representative maintained, rule 73 should be invoked.

39. Mr. LYRA (Brazil) pointed out that his delegation had not seen any need to refer the question to the Court. As other delegations took a different view, however, it would not oppose that procedure. In view of the differences of opinion between Member States, it certainly appeared that the only way out was to consult the Court. The Sub-Committee had proposed that measure in a completely tolerant spirit and had sought only to facilitate a solution of the question of South West Africa. It was in the same spirit that the Brazilian delegation had supported the two draft resolutions in document A/C.4/274.

40. Mr. KUCHKAROV (Union of Soviet Socialist Republics) emphasized that the USSR delegation had voted against paragraph 12 of resolution 749 A (VIII),

setting up the Committee on South West Africa. It had felt that there was no purpose in establishing a new body to settle the question when the General Assembly was empowered by the Charter itself to require the Union of South Africa to place the Territory of South West Africa under trusteeship. It remained faithful to that view and would vote against the second draft resolution in the Sub-Committee's report, which proposed that the Committee on South West Africa should be enlarged.

41. Furthermore, the USSR delegation saw no need for the United Nations to approach the Court again. The only problem to be solved was the refusal of the Union of South Africa to place the Territory under trusteeship, and the difficulty could be overcome only by invoking Articles 77 to 80 of the Charter.

42. The Sub-Committee's report contained mistaken interpretations, and its conclusions clearly ran counter to the letter and spirit of the Charter. It could even be said that the Sub-Committee had taken a dangerous line in that respect. It would not have the support of the USSR delegation, nor would that delegation vote for reconsideration by the General Assembly of the decision it had taken on 11 October. If, as the Chairman of the Sub-Committee asserted, some delegations had doubts about the resolution of 11 October (A/Resolution 201), they should approach the General Assembly directly and not through the Fourth Committee.

43. Mr. KHALIDY (Iraq) replied to various arguments advanced during the discussion. Some representatives had maintained that it would be contrary to the rules of procedure to invite the General Assembly to reconsider its decision. There was nothing in the rules of procedure to forbid such a course, which had been followed several times in the United Nations. In addition, some felt that it would be humiliating for the General Assembly to set aside its own decision. But it was better to recognize an error at the outset than to wait a year before doing so and run the risk of making the situation worse. Others were loath to upset the representatives who had been members of the Sub-Committee. But the members of the Sub-Committee were the Committee's servants. They had acted in all good faith, and their feelings would not be hurt if the Committee did not accept their conclusions.

44. On the question of special rule F, many Member States undoubtedly entertained legal doubts. The Fourth Committee could not remove those doubts because it was not a legal body. The United Nations should therefore appeal to a court, which could be none other than the International Court of Justice.

45. The Committee should note that if the differences of opinion persisted, no majority, whether two-thirds or simple, could be formed, and the Assembly would be unable to take any decision on South West Africa.

46. Some argued that the General Assembly had already given its opinion. That was not the case. The Assembly had taken a decision on procedure but not on the substance of the question. The proof of that was that the decision not to vote on draft resolution B had been taken by a simple majority and not by the two-thirds majority which would have been required on a question of substance. He thanked the Peruvian representative for having brought that fact out clearly.

47. With regard to the remark made at the previous meeting by the Yugoslav representative concerning paragraph 11 of the report, that paragraph had been discussed at length in the Sub-Committee. The Canadian

representative himself had just said that he would have voted differently on special rule F if he had known that draft resolution B was not to be put to the vote.

48. He asked for a roll-call vote on paragraph 14, which was of paramount importance.

49. Mr. ARENALES (Guatemala) agreed with the Peruvian representative that the General Assembly had taken a decision only on a procedural point. Hence, as it had not taken a decision as to substance, the question of reconsidering such a decision did not arise. Rule 73 of the rules of procedure could be applied only to a point of order raised during a meeting and the immediate discussion of that point. Therefore neither rule 73 nor rule 83 was applicable now, and consequently any delegation could submit a draft resolution to the effect that the question should or should not be referred to the International Court of Justice.

50. With regard to the substance of paragraph 14, the Guatemalan delegation supported in principle the proposal to refer the question to the International Court of Justice, for reasons similar to those given by the Indian and Iraqi representatives. As the Iraqi representative had pointed out, it would be difficult to secure a simple majority, and a two-thirds majority would be even more difficult. On the other hand, it was all very well to pass resolutions, but it was desirable to know whether they would have any effect. A solution was always better than a compromise. The Fourth Committee often adopted declarations of principle, in the form of resolutions, which did not have the support of the Administering Members. The United Nations had of course a powerful weapon in world public opinion, but when the United Nations adopted a resolution urging its Members to act, it should be supported not only by world public opinion but also by the Administering Members. In the case of South West Africa, the question was more thorny because the Union of South Africa had recognized neither the General Assembly resolutions nor the International Court's opinion and had rejected the advances of the Committee on South West Africa. If the least doubt subsisted with regard to an Assembly resolution, its effect was greatly weakened. On the other hand, any resolution the Assembly adopted after asking for the International Court's opinion would be on a sufficiently sound basis to enable the Assembly to make recommendations to the Union of South Africa.

51. He therefore felt that the question should be referred to the International Court of Justice, following either the procedure proposed by the Sub-Committee or some other procedure.

52. Mr. KHOMAN (Thailand) though that the Chairman of the Sub-Committee was to be congratulated on the Sub-Committee's excellent work, but that the Fourth Committee should not consider the report or take a decision on substance, as it had been decided at a plenary meeting of the General Assembly not to vote on draft resolution B. He therefore thought that the Committee should take note of the report and refer it to the General Assembly for consideration at a plenary meeting.

53. Mr. AZIZ (Afghanistan) did not see any need to refer the question to the Court, and thought that the General Assembly had already solved the problem by its decision of 11 October. However, out of consideration for delegations which wished to obtain the opinion of the Court, he would not oppose the will of the majority. In any case, the issue was so clear that the

Court's opinion could not but coincide with that of the General Assembly. Furthermore, he did not see why the application of special rule F should be suspended until the Court had given its opinion. However, for the sake of compromise, he would not oppose the Committee's adoption of the Sub-Committee's report, in spite of its imperfections.

54. Mr. BOZOVIC (Yugoslavia) considered that, as the decision not to vote on draft resolution B had been taken by the General Assembly, it could be rescinded only by the Assembly. He was not so experienced as the Iraqi representative and could not remember in exactly what circumstances a Main Committee had requested the General Assembly to reconsider a decision. The two-thirds majority referred to by the Iraqi representative would also be required for the General Assembly to reopen the question. As for the Thai representative's suggestion, he would oppose it.

55. Mr. JOUBLANC RIVAS (Mexico), invoking rule 118 of the rules of procedure, asked for closure of the debate on paragraph 14, i.e., of the discussion as to whether the Fourth Committee should recommend that the General Assembly should reconsider its decision of 11 October.

56. Mr. CARPIO (Philippines) opposed the closure of the debate as he had not yet had time to speak on the report, in particular on the draft resolution in part II of that document.

57. The CHAIRMAN put the Mexican representative's proposal to the vote.

*The motion for closure was adopted by 29 votes to 6, with 12 abstentions.*

58. Replying to Mr. KHALIDY (Iraq), the CHAIRMAN pointed out that he would have ample time to reply to the Yugoslav representative during the debate.

59. The Philippine representative could submit his comments on the draft resolution in part II of the report when the Committee took up that text.

60. Mr. CARPIO (Philippines) pointed out that it would be contrary to rule 132 of the rules of procedure for the Committee to vote first on paragraph 14.

61. Mr. OSMAN (Egypt) agreed with Mr. CARPIO and proposed that a vote should first be taken on the draft resolutions in documents A/C.4/L.341 and A/C.4/L.342.

62. The CHAIRMAN saw no objection to that procedure, but thought it would be more logical to come to a decision on the report, as it was then under discussion.

63. Mr. RIVAS (Venezuela), supported by Miss ROESAD (Indonesia), recalled that the Committee had decided at its 409th meeting, when he himself had been in the Chair, that the report should be considered first.

64. Mr. CARPIO (Philippines) explained that the decision had referred to the order in which the documents should be taken up and not to the order of voting.

65. Mr. KHALIDY (Iraq) did not think that rule 132 of the rules of procedure applied to the report under discussion.

66. Mr. ARENALES (Guatemala) proposed that the Committee should vote immediately on the recommendation contained in paragraph 14 of the report of the Sub-Committee on South West Africa (A/C.4/274).

*The Guatemalan proposal was adopted by 35 votes to 6, with 2 abstentions.*

*A vote was taken by roll-call on the recommendation in paragraph 14 of document A/C.4/274.*

*Indonesia, having been drawn by lot by the Chairman, was called upon to vote first.*

*In favour:* Iraq, Lebanon, Netherlands, New Zealand, Norway, Pakistan, Saudi Arabia, Sweden, Syria, Thailand, United States of America, Brazil, Canada, Denmark, Egypt, Guatemala, Iceland, India.

*Against:* Indonesia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yugoslavia, Argentina, Bolivia, Burma, Byelorussian Soviet Socialist Republic, Chile, Colombia, Cuba, Czechoslovakia, Ethiopia, Greece, Haiti.

*Abstentions:* Iran, Israel, Liberia, Mexico, Peru, Philippines, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, Afghanistan, Australia, Belgium, China, Costa Rica, Ecuador, El Salvador, France.

*Paragraph 14 of the report (A/C.4/274) was not adopted, 18 votes being cast in favour and 18 against, with 16 abstentions.*

67. Mr. CALLE Y CALLE (Peru) explained that he had abstained because he was not sure whether, from the legal point of view, rule 83 of the rules of procedure was applicable. He would have voted for paragraph 14 if its adoption had not involved the revision of the resolution adopted by the General Assembly at its 494th plenary meeting.

68. Mr. CANAL RIVAS (Colombia) said that he had voted against paragraph 14 because in his opinion the Committee was not competent to review a decision of the General Assembly.

69. The CHAIRMAN invited the Committee to examine the draft resolutions in documents A/C.4/274, A/C.4/L.341, A/C.4/L.342, A/2666 and Corr.1, annex VI (c), and A/2666/Add.1, annex III (b).

70. Mr. CARPIO (Philippines) asked that the Committee, in accordance with rule 132 of the rules of procedure, should consider the drafts in the order in which they had been submitted.

71. Mr. SOLE (Union of South Africa) thought that, in the circumstances, it would be better to consider the draft resolution on the petition from Miss Margery F. Perham (A/2666 and Corr.1, annex VI (c)) and the draft resolution on the petition from Jariretundu Kozonguizi (A/2666/Add.1, annex III (b)) at the same time.

*It was so decided.*

72. Mr. SOLE (Union of South Africa), referring to communications relating to South West Africa and regarded by the Committee on South West Africa as petitions, recalled that his Government had several times informed the United Nations that it did not consider itself in a position either to take cognizance of them or to make observations on them so long as no basic agreement had been reached on the questions raised by the General Assembly's recommendations on South West Africa. Furthermore, the South African Government had informed the Committee on South West Africa that it had never recognized any obligation to submit petitions to any international body since the demise of the League of Nations. In that connexion, he pointed out that according to the Charter itself the examination of petitions applied only to Trust Territories.

73. It had been maintained that South Africa's attitude on that question was tantamount to a denial of democratic rights. In the Union of South Africa, however, every individual was free to address petitions to

the representatives of the authorities. What he could not do was something very different: he could not approach an international body. The examination of petitions as practised in the United Nations gave rise to misleading conclusions; and, furthermore, it was not in the interests of order and good government in the territories concerned. Indeed, such methods encouraged the population to by-pass the ordinary channels and address their complaints directly to the United Nations as if it were a supranational body, a court of appeal which could override the decisions of the services concerned, although in some cases quite unimportant matters of administration were involved.

74. He had already had occasion to mention the attitude of the Committee on South West Africa towards the problem of South West Africa. The draft resolution which the Committee on South West Africa had prepared on the subject of the two petitions under discussion provided obvious examples of that attitude. The draft in annex VI of document A/2666 and Corr.1 concerned a student whose application for a passport had been denied. The Administration had not explained the reasons for its refusal. The Committee on South West Africa immediately appeared to make the assumption, on no evidence whatsoever, that the refusal derived from the desire of the Union of South Africa, in pursuance of its alleged policy of oppression, to deprive an indigenous inhabitant of South West Africa of the benefits of a university education. There was hardly any need to say that such a statement was unreasonable. The Union of South Africa itself granted scholarships to students from the Territory to enable them to study abroad. Furthermore, it was the prerogative of the executive authority of the Union of South Africa, and of many other States, too, to decide whether a passport should be granted, without having to give reasons for its decision. He would therefore not explain the reasons to the Committee, but would merely deny those which the Committee on South West Africa had attributed to his Government.

75. With regard to the second petition (A/2666/Add.1, annex III), the attitude of the Committee on South West Africa seemed still less justified. By asking the General Assembly to note, and consequently implicitly to approve, the petitioner's criticisms of the Administration, the Committee on South West Africa seemed to have itself accepted those gratuitous charges as valid. Incidentally, the petitioner was well known to the Administration of South West Africa, which had its own opinion as to the reasons for which the petition had been sent. Although it did not wish to give those reasons in public to the Committee, the South African delegation was prepared to explain them in private to

those who wished to know what they were. The South African Government's attitude in no way changed the legal position it had adopted on the question, and its only object was to put the Committee on guard against the dangers which might in that respect be inherent in the United Nations procedure.

76. He would vote against the two drafts, not because of their contents, but because his Government could not admit that the United Nations was competent to act on petitions relating to South West Africa.

77. Mr. JOUBLANC RIVAS (Mexico) pointed out two slight mistakes in the first and fourth paragraphs of the preamble of each of the two draft resolutions, where reference was made to the South African Government's obligation to transmit petitions on South West Africa to the General Assembly. Rule XII of the rules of procedure of the Committee on South West Africa provided that petitions from sources other than the inhabitants of the Territory, as in the present case, should, on the contrary, be communicated to the South African Government. He therefore proposed that the passage beginning "including the opinion . . ." up to the words "to deal with them" in the first paragraph of the preamble of each draft, as well as the fourth paragraph of the preamble of each draft, should be deleted.

78. The CHAIRMAN put to the vote the draft resolutions submitted by the Committee on South West Africa (A/2666 and Corr.1, annex VI (c); A/2666/Add.1, annex III (b)) together with the amendments proposed by the representative of Mexico.

*The Mexican amendment to the first paragraph of the preamble of the first draft resolution (A/2666 and Corr.1, annex VI (c)) was adopted by 21 votes to none, with 20 abstentions.*

*The Mexican amendment to delete the fourth paragraph of the preamble of the same draft resolution was adopted by 21 votes to none, with 23 abstentions.*

*The first draft resolution (A/2666 and Corr.1, annex VI (c)) was adopted as a whole, as amended, by 34 votes to 5, with 8 abstentions.*

*The Mexican amendment to the first paragraph of the preamble of the second draft resolution (A/2666/Add.1, annex III (b)) was adopted by 24 votes to 1, with 16 abstentions.*

*The Mexican amendment to delete the fourth paragraph of the preamble of the same draft resolution was adopted by 22 votes to none, with 22 abstentions.*

*The second draft resolution (A/2666/Add.1, annex III (b)) was adopted as a whole, as amended, by 31 votes to 4, with 10 abstentions.*

The meeting rose at 5.55 p.m.