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UNITED NATIONS

Press Division  
Lake Success, New York

Committee Four  
S<sup>h</sup>cond Meeting

(AM) Summary  
Press Release GA/T/68  
25 September, 1497

TRUSTEESHIP COMMITTEE REVIEWS  
STATUS OF SOUTH WEST AFRICA

The Committee this morning began a debate on the response of the Union of South Africa to the recommendation of the General Assembly concerning the future status of the mandated territory of South West Africa.

The representative of the Union Government said a trusteeship agreement, as recommended by the General Assembly, had not been submitted because it did not accord with the wishes of the people of the mandated territory. Moreover, he said, the Union Government was under no legal obligation to place South West Africa under Trusteeship. He noted that the Union Government had complied with that point of the General Assembly resolution which called upon it not to incorporate the mandated territory.

Several committee members, including the representatives of India, China, Poland, Yugoslavia, the Philippines and Guatemala advanced the thesis that under the Charter a mandatory power is under a legal obligation to place its mandated territories under trusteeship a thesis which was contested by the representatives of the United States, Denmark, and the Netherlands. The Netherlands suggested that the General Assembly might well request an advisory opinion on this point from the International Court of Justice

There was, however, general agreement that, whatever the legal situation, it would be desirable to have South West Africa placed under trusteeship, and regret was expressed that the Union of South Africa had not already done so.

No final decision was taken, and the matter will be considered further at tomorrow's (26 September 1947) meeting of the Trusteeship Committee.

(For a chronological and more detailed account of today's meeting see Takes 1 through 7, attached.)

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UNITED NATIONS

Press Division  
Lake Success, Nassau County, New York

Fourth Committee  
2nd Meeting

(AM) TAKE #1  
Press Release GA/T/68  
25 September 1947

TAKE NUMBER 1  
COMMITTEE #

Committee Four this morning began consideration of the response of the Union of South Africa to the recommendation of the General Assembly concerning the future status of the mandated territory of South-West Africa, (Documents A/334 and A/334/Add.I).

On behalf of the Government of the Union of South Africa, Mr. H.G. Lawrence referred to Documents A/334 and A/334/Add I, which contain the reply of the Union Government.

Mr. Lawrence said his Government did comply with the General Assembly's resolution to the extent of not incorporating South-West Africa with the Union. As for the Assembly's recommendation that the territory be placed under trusteeship, Mr. Lawrence said this matter had been fully considered by the South African Government, but in view of the continued request of the inhabitants, both European and African, for incorporation, the Union Government felt it impossible to impose a trusteeship agreement upon them.

Under the circumstances, Mr. Lawrence said, South Africa would continue to administer S.W. Africa under the terms of the mandate without incorporating the Territory. He added that the Union Government would annually submit a report on S.W. Africa to the United Nations - the first such report (covering the year 1946) already being in the hands of the Secretary-General.

Mr. Lawrence pointed out that his Government was under no legal obligation, under Article 77 of the Charter, to submit a trusteeship agreement.

The object of the General Assembly, he concluded was to ensure the welfare of the people of S.W. Africa - which also was, and is, the main objective of the Union Government.

The next speaker was Sir Maharaj Singh of India.

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UNITED NATIONS

Press Division  
Lake Success, Nassau County, New York

Committee Four  
2nd Meeting

(IM) TAKE #2  
Press Release GA/T/68  
25 September 1947

TAKE NUMBER 2  
COMMITTEE 4

Sir Maharaj said he could not agree with the position taken and the reasoning of the Union Government.

The mandatory powers, Sir Maharaj said, were in fact under an obligation to place their mandated territories under Trusteeship. If this were not so, he maintained that the anomalous situation would arise that administering powers, while bound to submit to some UN supervision of their colonies, would be under no such obligation with regard to their mandated territories.

Of the consultation held with the Africans of S.W. Africa, Sir Maharaj recalled that the General Assembly had gone on record as regarding the inhabitants as insufficiently mature politically to decide such a grave question.

Sir Maharaj said he could not see why the Africans would object to trusteeship, which would give them the benefit of UN supervision - whereas they were now being deprived of practically all political rights and being subjected to discrimination at every turn.

Sir Maharaj Singh cited several concrete examples in support of his contention that South Africa discriminated against non-Europeans. He also stated that education of the Africans of S.W. Africa was grossly inadequate.

For all these reasons, Sir Maharaj said, one cannot but wonder as to whether or not the results of the consultation with the Africans of S.W. Africa are conclusive.

South Africa, he added, had "flouted" the will of the General Assembly in not submitting a trusteeship agreement for South West Africa. The country, he contended, was under obligation to submit a trusteeship agreement and the committee must decide what to do about the matter.

END OF TAKE #2



UNITED NATIONS

Press Division  
Lake Success, Nassau County, New York

Committee Four  
Second Meeting

(AM) TAKE #3  
Press Release GA/T/68  
25 September 1947

TAKE NUMBER 3  
COMMITTEE 4

United States representative, John Foster Dulles, was the next to speak on the subject.

He disagreed with the Indian view that placing a mandate under trusteeship constituted a legal obligation. That the Assembly had the right to recommend the transformation of a mandated territory into a trust territory. He admitted, but contended that the Assembly should cease trying to change moral into legal obligations where no such legal obligations existed.

Mr. Dulles said he was glad to note that the South African Government did not go through with the proposed incorporation of S.W. Africa, and added, on this point, that the Assembly might well express its satisfaction.

As for the Union Government's failure to submit a trusteeship agreement, Mr. Dulles called that failure a matter of regret and disappointment. He hoped that the last word had not yet been said in this matter and that the Union Government would in the long run, yield to the moral force of the Assembly and submit a trusteeship agreement.

The Assembly, Mr. Dulles advocated, might formally express its regret and disappointment that the Union Government had not yet seen fit to submit such an agreement. In the meantime, the Committee might ask the Assembly for authorization to examine the information submitted by South Africa on its mandated territory of S.W. Africa.

END OF TAKE #3



UNITED NATIONS

Press Division  
Lake Success, New York

Committee Four  
Second Meeting

(AM) Take #4  
Press Release GA/T/68  
25 September 1947

TAKE #4  
Committee Four

Summing up his own proposals, Mr. Dulles advocated a four-point program:

- (1) Let the General Assembly express its satisfaction that the Union of South Africa did not incorporate South West Africa.
- (2) Let the Assembly express its regret that no trusteeship agreement had been submitted to date.
- (3) Let the Assembly keep open the invitation to South Africa to submit a trusteeship agreement.
- (4) Let the Assembly authorize the Trusteeship Committee to examine information on South West Africa so far submitted by the Union of South Africa.

The Representative of China, Mr. LIU CHIEH, agreed with the Indian thesis that the placing of a mandated territory under trusteeship constituted an obligation that, Mr. Liu Chieh said, without doubling the sincerity of the Union Government's intention to administer S.W. Africa under the terms of the mandate, he could not understand why the mandatory was unwilling to place the territory under trusteeship rather than maintain it under the "shadowy system" of the defunct League of Nations.

The Chinese Representative added, <sup>that even</sup> if the language of Article 77 were open to differing interpretations, its context "commands" the placing of mandates under trusteeship.

Mr. Liu Chieh said he felt the Assembly should authorize the Trusteeship Council -- rather than Committee Four -- to consider the information submitted by South Africa on S.W. Africa.

The Polish representative, Mr. J. DROHOJOWSKI, said the reasons given by South Africa for not submitting a trusteeship agreement were "not very convincing

He said he hoped more trusteeship agreements would be submitted in the future and that existing agreements would be improved. The fact that South Africa had not seen fit to submit an agreement for S.W. Africa, thereby refusing to comply with the General Assembly's resolution, constituted an act of "defiance" he declared.

MORE



Mr. Drohojowski denied the relevancy of the consultation with the African population in S.W. Africa because of the political immaturity of the inhabitants -- an immaturity which he said was given formal recognition by the fact that S W. Africa was classified as Category "C" mandate.

The General Assembly, he argued, should remind South Africa of its obligation to submit a trusteeship agreement on S.W. Africa. Poland, he said, would support a resolution to this effect.

(End of Take #4)



UNITED NATIONS

Press Division  
Lake Success, Nassau County, New York

Committee Four  
2nd Meeting

(AM) TAKE #5  
Press Release GA/T/68  
25 September 1947

TAKE NUMBER 5  
COMMITTEE 4

The Yugoslav Representative, Mr. V. Ribnikar, called South Africa's refusal to submit a Trusteeship agreement a "flagrant" act of defiance of the General Assembly, which, he said, ought not be allowed to pass unopposed.

If such acts were allowed, he said, the authority of the United Nations and more particularly of the entire trusteeship system, would be placed in jeopardy.

Mr. Ribnikar also denied the validity of the S.W. African referendum, and demanded that South Africa comply in full with the Assembly resolution.

On behalf of the Philippine Republic, Brigadier-General Carlos P. Romulo maintained that the Trusteeship system was applicable to all mandated territories.

South Africa, he said, emphasized its rights derived from the League of Nations as a mandatory, but was silent on the duties and obligations it assumed by signing the UN Charter - particularly those contained in Chapters XI and XII. The submission of annual reports did not constitute full compliance with the relevant provisions of the UN Charter, he contended.

General Romulo presented a lengthy analysis in support of his thesis that the placing of mandated territories under the UN Trusteeship system was obligatory under the Charter.

END TAKE #5



UNITED NATIONS

Press Division  
Lake Success, Nassau County, New York

Committee Four  
2nd Meeting

(AM) TAKE #6  
Press Release GA/T/63  
25 September 1947

TAKE NUMBER 6.  
COMMITTEE 4

The Philippine representative also denied the validity of consultation with the S.W. Africans on the political future of this territory because of their political immaturity. General Romulo said, however, that there was one redeeming feature in the South African reply to the Assembly resolution - their declared intention of giving parliamentary representation to the territory's inhabitants.

In conclusion, General Romulo said the least the Assembly could do was to request South Africa once again to submit a Trusteeship agreement, in the hope that this time South Africa would comply.

He reserved the right to raise, at a later stage, the general problem of compliance and non-compliance with Assembly decisions.

The Danish representative, Mr. Hermod Lannung, said he did not doubt that South Africa was under no legal obligation to submit a Trusteeship agreement. He added, however, that he would welcome a further elucidation by South Africa on the meaning of its statement that it would "have no alternative but to maintain the status quo and to continue to administer the territory in the spirit of the existing Mandate". (Doc. A/334). Mr. Lannung also asked whether the South African Government would be ready to permit petitions from South-West Africa to the UN.

Once he had the reply to these and other similar questions, said Mr. Lannung, he would speak further on the subject and perhaps introduce certain proposals.

END OF TAKE #6



UNITED NATIONS  
Department of Public Information  
Press Division  
Lake Success, Nassau County, New York

Committee Four  
Second Meeting

(AM) TAKE #7  
Press Release GA/T/68  
25 September 1947

TAKE #7  
Committee Four

The representative of Guatemala, Mr. J. L. Mendoza, agreed with the thesis of India and others that mandates must be placed under trusteeship under Article 77 of the Charter. South Africa, Mr. Mendoza added, appeared to be attempting to delay the fulfilment of its "legal obligation" to submit a trusteeship agreement.

Mr. Mendoza also held that the South West Africans were not mature enough politically to decide on such a grave matter as incorporation into the Union.

In conclusion, Mr. Mendoza said South Africa should be given a time limit within which to submit a trusteeship agreement.

The Netherlands representative, Dr. W. J. A. Kernkamp, recalled that his delegation had abstained from voting on the General Assembly resolution in question because it had not known whether incorporation with South Africa or the establishment of a trusteeship would be better for the South West Africans.

In general, he said, the Netherlands favoured the retention of international supervision of territories already under such supervision. But, Dr. Kernkamp went on, from a legal point of view there was some doubt as to whether the placing of mandated territories under trusteeship was obligatory. The Charter, he contended, was somewhat contradictory and ambiguous on this point.

Under the circumstances, Dr. Kernkamp said, the Union of South Africa could not be forced to submit a trusteeship agreement, nor be blamed for not doing so.

He suggested that the General Assembly request an advisory opinion on the meaning of the Charter in this respect from the International Court of Justice.

The meeting then adjourned until 11:00 a.m. tomorrow (26 September 1947) at which time the debate on South West Africa will continue.

On the list of speakers for tomorrow's meeting are the representative of the USSR, Cuba, Iraq and Syria, in that order.

(End of Take #7 and Press Release GA/T/68.)

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