

United Nations
**GENERAL
ASSEMBLY**

Official Records



FIFTH SPECIAL SESSION

**1515th
PLENARY MEETING**

Friday, 5 May 1967,
at 3 p.m.

NEW YORK

CONTENTS

	Page
<i>Agenda item 7:</i>	
<i>Question of South West Africa (continued) . . .</i>	1

President: Mr. Abdul Rahman PAZHWAQ
(Afghanistan).

AGENDA ITEM 7

Question of South West Africa (continued)

1. Mr. RAFAEL (Israel): Mr. President, I wish to join those who have preceded me in congratulating you on your election as President at this important special session of the General Assembly. Your long experience in the affairs of our Organization will be of great value in the conduct of our deliberations.

2. I regard it as a special privilege that in taking the floor for the first time in my capacity as Permanent Representative of Israel to the United Nations, I have the opportunity of addressing myself to a burning question relating to the African peoples, but certainly not to them alone. The question of the future of South West Africa is a matter of the greatest concern and preoccupation to all Governments and peoples for which freedom, the liquidation of colonialism, the eradication of discrimination, the attainment of human dignity and the equality of all men are the very foundations of their political and social faith.

3. The problem of South West Africa, which has developed into an intolerable situation, has been before the United Nations since its very first meetings over twenty-one years ago. Every conceivable approach to reaching a solution which would conform to the principles of the Charter and assure the people of that land of their fundamental rights has been thwarted. The United Nations has shown patience and even leniency in the face of the stubborn stand persisted in by the Government of South Africa in utter disregard of the clearly expressed position of the United Nations.

4. A turning point was reached on 27 October 1966, when the General Assembly adopted its momentous resolution 2145 (XXI). In deciding that the people of South West Africa are entitled to the rights of self-determination, freedom and independence and that the Mandate has terminated, the United Nations has taken upon itself the responsibility for the destiny of South West Africa and its people.

5. When taking this decision, the General Assembly was fully aware of the gravity of the task it was taking upon itself. It was conscious of the fact that its steps to implement its policy would require careful planning and preparation. That is what was entrusted to the Ad

Hoc Committee for South West Africa. It is a matter of deep disappointment to the Government of Israel that the Ad Hoc Committee was unable to present an agreed plan of action to this special session of the Assembly, despite the untiring efforts of its Chairman, Mr. Jakobson, to reconcile divergent viewpoints.

6. The inability of the Ad Hoc Committee to recommend concrete steps in no way detracts from the responsibilities which we have taken upon ourselves by our decision of last October. Nor does it affect in any way the jurisprudence of the United Nations on this question, as consolidated in the resolution adopted at the twenty-first session. On that occasion, we explained in detail why in our view the Government of South Africa had forfeited all right to continue to administer the territory in any form, and why the sacred trust of civilization which was embodied in and, indeed, was the very essence of, the Mandate, is now placed upon the United Nations until the Territory becomes independent. Refusal to co-operate with the United Nations, and unilateral attempts to impose other solutions, will not deflect the United Nations from its determination to see its policy implemented and will only make the situation even worse than it is now.

7. The proposal by which South Africa would be made a co-administrator of the territory, even though only on an interim basis and for an undetermined period, would serve only as a guise for legitimizing South Africa's continued presence in the territory, which our resolution of last October declared illegal.

8. We share the widely felt anxiety that, after the breakthrough of last year, the loss of momentum may be leading to a new impasse, and we are not prepared to agree to that happening. In our understanding, the primary purpose of the draft resolution [A/L.516 and Add.1-3] so ably introduced by Mr. Adebó, the representative of Nigeria [1506th meeting], is to renew the momentum and to move forward. Its authors are right in seeking an institutional framework to bring about the implementation of United Nations policy. To provide the action of the United Nations with the necessary moral strength and political impact to overcome the entrenched resistance, all efforts should be made to rally around the General Assembly's decision the greatest measure of support from all parts of this Assembly, regardless of political or ideological grouping.

9. Our responsibilities to the people of South West Africa and our undertakings as members of the United Nations place upon us the solemn obligation to take at this session positive and concrete steps for the effective and rapid implementation of the General Assembly's declared policy for South West Africa.

10. Mr. ALARCON DE QUESADA (Cuba) (translated from Spanish): First of all, Mr. President, I should like to associate myself with those delegations that have congratulated you on your election as President of the General Assembly for the fifth special session. We also wish to express our certainty that, as during the twenty-first session, your presence in this high office will ensure the smooth progress of our work. The Cuban delegation also wishes to assure you of its full co-operation.

11. I also have the unavoidable duty, in taking the floor for the first time during this session of the Assembly, to place on record the Cuban delegation's strongest condemnation of the terrorist attack on 4 April against the *chargé d'affaires* of the Cuban delegation to the United Nations. Such actions confirm the belief of many Member States that conditions for the normal functioning of the United Nations simply do not exist on United States soil. Let it be clear, also, that there is not, in the arsenals of the Central Intelligence Agency, any weapon which is capable of silencing the voice of the Cuban revolution.

12. Cuba has often stated its position on the problem of South West Africa. Since 1959, in the General Assembly, the Fourth Committee and the Special Political Committee, the Cuban delegation has consistently opposed the policy of apartheid, has defended the right of the people of that Territory—as of all colonial peoples—to complete national independence, and has ceaselessly denounced the material support which the major imperialist Powers—particularly the United States of America—are giving to the racists and colonialists in Africa.

13. In keeping with this position, at the last session my delegation supported resolution 2145 (XXI) terminating the Mandate exercised by the Pretoria régime over South West Africa and establishing the Ad Hoc Committee for South West Africa. Nevertheless, on that occasion we expressed our doubts as to the possibility of giving practical effect to the measures requested by the African States, particularly to the measure that was and is, in our view, the major objective in that part of the world—namely, the immediate independence of the Territory.

14. The reason for our doubts was the attitude maintained by the United States Government and some of its allies, since the very establishment of this Organization, in regard to the cause of the liberation of peoples. Twenty years of debate and more than seventy resolutions on the question of South West Africa should be enough to make it clear that the United Nations is powerless to resolve this serious problem. Hence, we stated then, and we repeat today, that the only solution for this people will be complete independence and that it can achieve this only by engaging in a most determined struggle against its direct and indirect oppressors and only by replying with revolutionary violence to the centuries of violence which it has suffered at the hands of the racists, colonialists and imperialists. Our proceedings during the last session leading up to the adoption of resolution 2145 (XXI) once again confirmed that judgement.

15. We all remember the manoeuvres by the imperialist Powers, particularly the United States, to prevent this Assembly from adopting a resolution clearly and

unequivocally asserting the rights of the oppressed African majority. We all remember the United States representative's lengthy metaphysical discourses on the Mandate — with a capital "M" or a small "m" — discourses obviously intended to induce the United Nations to shirk its responsibilities in regard to the Territory and to keep the Territory under foreign domination. We all remember his requests for a postponement of the vote on resolution 2145 (XXI); his efforts to delay the General Assembly's decision and the numerous ways in which pressure was exerted on Member States.

16. The purpose of all these actions was to delay and divert United Nations action and to gain time for the South African racists. The United States delegation's behaviour in the Ad Hoc Committee on South West Africa, and at this special session too, shows that the imperialist Powers have not moved one millimetre from the position they have occupied for over twenty years.

17. The Western Powers' proposals for further studies of the situation in the Territory, and even for negotiations with the usurper authorities of South Africa, are another example of their contempt for Member States. How, after so many discussions in the General Assembly, the Fourth Committee and the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, and after the adoption of resolution 2145 (XXI)—how is it still possible to maintain that further studies of this problem are required? Those who are calling for studies of this kind must first explain to us what has been the use of twenty years of debate on the one and same question if, at the end of these debates, all that they can suggest is further studies. What use would this Organization be if it had not already been able to obtain a clear picture of a question that has been on its agenda year after year since its establishment?

18. There have, in fact, been many studies, such as the one by the Committee of Twenty-four dated 5 January 1965.^{1/} This report shows who is deriving the most benefit from the policy of apartheid in South West Africa, who is providing the Pretoria régime with material support, and why some Western Powers do not want South West Africa to be independent.

19. I should like to read out several paragraphs from the conclusions of this study that was approved by the Committee of Twenty-Four, paragraphs which clearly indicate the close link between South African racism and the interests of the imperialist monopolies which control the natural resources of all southern Africa:

"The fact that the greater part of the Territory's economic production is in the hands of foreign enterprises, has serious implications not only for the Territory's economy but also in the political and social fields. With only minor exceptions, the companies which control the mining and fishing industries are either totally or largely subsidiaries of wealthier corporations whose main interests and activities are elsewhere. In the ultimate analysis it can be shown that the overwhelming majority of the mining

^{1/} See Official Records of the General Assembly, Nineteenth Session, Annexes, annex No. 15, document A/5840.

companies belong to a complex of foreign capital which operates in many areas of southern Africa, Northern and Southern Rhodesia, the Congo (Leopoldville) and Angola, and in reality is directed by a number of monopolistic combines controlled by financial interests in the United Kingdom, the United States of America and the Republic of South Africa. As a result of this, an overwhelming proportion of the profits obtained in the Territory goes to the above-mentioned countries and also to other countries which invest their capital in South West Africa.

"The study of the implications of the activities of the mining industry and of other international companies which have invested capital in South West Africa indicates that, together with the Government of South Africa carrying out its reactionary policy towards South West Africa, the foreign companies having considerable capital investments in the Republic of South Africa and in South West Africa also bear the responsibility for the suffering of the people of the Territory."^{2/}

20. The report goes on to say:

"Foreign companies operating in South West Africa, motivated by high profits rather than the development of the Territory and its people, share South Africa's interest in perpetuating the existing system of administration as long as possible. It is precisely from those Member States whose nationals own companies and have financial interests in the Territory that the Republic of South Africa derives its main support which encourages its continued non-compliance with the Charter and the numerous resolutions of the United Nations concerning the question of South West Africa."^{3/}

21. It is these factors which explain the stubborn resistance of certain Western Powers to any solution to this problem, and their efforts to perpetuate the slavery in which their South African partners are keeping the people of South West Africa. There can be no other explanation for the proposals submitted by those delegations. One striking example is their cynical insistence on so-called negotiations with Pretoria. With whom do they think this Organization can negotiate if for twenty years the South African authorities have rejected the idea of any dialogue with the United Nations? With what moral authority can the United States make any kind of proposal concerning this problem, when it is precisely the support that the United States imperialists have provided and are still providing to the racists which has enabled the latter to flout the will of the peoples and scorn the decisions of this Assembly?

22. That is why my delegation feels it must question the effectiveness of any decision the Assembly may adopt. We have repeatedly maintained that the United Nations will not be able to accomplish the task for which it was supposedly established, or to achieve the purposes and principles of the Charter, so long as the pernicious influence of the United States Government exists within it.

^{2/} *Ibid.*, document A/5840, paras. 172 and 173.

^{3/} *Ibid.*, para. 175.

23. We cannot forget that in the United Nations, side by side with the representatives of newly independent States, there are representatives of States which kept them in colonial bondage for centuries. In this Organization, side by side with those struggling against imperialism, there are also imperialists; side by side with those who oppose apartheid and racial discrimination, there are racists; side by side with those who wish to protect world peace; there are warmongers. In this Organization there are representatives of peoples struggling for freedom, progress and world peace, and also representatives of the very Governments which must be got rid of before any of these aspirations can be attained.

24. We feel that these factors must inevitably be uppermost in our minds when the General Assembly comes to take its decision. Korea and the Congo are eloquent examples of how the imperialists can manipulate this Organization and use it against the interests of the peoples.

25. For these reasons, the Cuban delegation cannot place its faith in United Nations actions on behalf of any small country. For these reasons, too, we insist on the need to unmask the negative effects on this Organization of the conduct of certain imperialist Powers—particularly that of the Government of the United States of America—and the need to combine the efforts of all States which are interested in the emancipation of the peoples in order to put an end to all the manoeuvres of the United States in and outside this Organization and to offer militant support to those who are fighting for national emancipation or are resisting imperialist aggression in different parts of the world.

26. The present international situation does not allow us to entertain any illusions about finding a peaceful solution to conflicts such as that which now exists in the southern part of Africa. In recent years, the United States Government has been pursuing on a world-wide scale a campaign of the most savage repression against all national liberation movements. The Washington authorities are violating the rights of all peoples; they are intervening directly and indirectly in the internal affairs of all nations; they are trying desperately to maintain their political hegemony in the world and to protect the interests of their monopolies, in the face of the mounting upsurge of the oppressed masses. There can be no more vivid example than the barbaric aggression against the heroic people of Viet-Nam; the criminal bombing of the territory of the Democratic Republic of Viet-Nam; the aggression of half a million Yankee soldiers against the South Viet-Nameese population; the attacks against the Kingdom of Cambodia; the military intervention in Laos; the plans to expand the war against the peoples of south-east Asia and more and more. The criminal aggression in Viet-Nam is sufficient in itself to show that the United States is prepared to resort to the most repugnant methods in order to protect its régime of exploitation and pillage.

27. Moreover, the courageous resistance of the Viet-Nameese people, and their boundless determination to fight until total victory, show us the right way of solving the present conflicts between the peoples and their enemies.

28. The forces which must be destroyed in southern Africa, together with their leaders and supporters, are the same forces which must and will be destroyed in Viet-Nam. They will be destroyed in both countries with the same courage, the same methods and the same fighting spirit which the Viet-Nam nation symbolizes today. This fighting spirit must be found within the Territory of South West Africa. In some parts of the country, the most enlightened sections of the population have already started to follow the path of armed struggle. It is efforts of these freedom-fighters that will lead to the liberation of the Territory and the elimination of racial oppression.

29. We should like to take this opportunity to express our solidarity with the national liberation movement of South West Africa, with those who have already begun the armed struggle and those who will follow their example; and we should like to appeal to all revolutionary and progressive States to give them all possible moral and material support.

30. Today, as always, my delegation is prepared to co-operate with the friendly States of Africa by taking decisions that will guarantee the independence and freedom of peoples who are victims of colonialism and racism. This stand of ours is based on our position of principle and on a correct appreciation of the situation in the world and in this Organization. Finally, we are convinced that with or without United Nations, and in spite of the power of imperialism and the racists, the people of South West Africa will emerge victorious.

31. Mr. JOHNSON (Liberia): Mr. President, it is my privilege to bring to you the sincere congratulations of the delegation of Liberia on your unanimous reelection as President for the duration of this special session of the General Assembly. In the confidence of your ability and impartiality, we have every reason to feel that under your able guidance the work of this session will be brought to a successful conclusion.

32. We extend our appreciation to the Ad Hoc Committee for South West Africa for its work embodied in the report [A/6640] which is the subject of the debate now in progress.

33. The question of South West Africa, which has agitated debate in the United Nations since 1946, arises out of one of the great misfortunes of geography. Mainly because of the geographical contiguity of South Africa to the Territory of South West Africa, the tutelage of the people of South West Africa was entrusted to South Africa forty-seven years ago by the Council of the League of Nations.

34. But it was not in the interest of the promotion of the moral and material well-being of the inhabitants of that Territory and their orderly evolution towards self-determination and the achievement of independence that South Africa accepted the Mandate to administer the territory. It was for the stealthy purpose of annexation. Only two years after the conferral of the Mandate on South Africa, Field Marshal Christian Smuts stated that the Mandate gave to the Union of South Africa: "Such complete power of sovereignty, not only administrative but legislative, that we need not ask for anything else". Thus, by entrusting to South Africa the tutelage of the inhabitants of

South West Africa, one of the greatest wrongs and tragic errors of mankind was committed.

35. After so many fruitless years of endeavouring to right this wrong, both here in the General Assembly and in the International Court of Justice, the General Assembly, at its twenty-first session, decided to assume direct administration of the Territory of South West Africa and terminate South Africa's right to administer the territory as conferred by the Mandate.

36. As the termination of South Africa's right to administer the territory had become inevitable, arising out of the former's efforts to annex South West Africa and the application to this territory of the doctrine of racial superiority—a doctrine sanctified and formalized by its laws, official acts and statements—the Secretary of State of Liberia, Mr. J. Rudolph Grimes, who was one of the first speakers in the debate on the question of South West Africa at the twenty-first session, proposed [1414th meeting] that, as a first step to the termination of the Mandate entrusted to South Africa, the Assembly should establish an ad hoc committee, to be immediately designated by the President of the Assembly, which should report to that session on or before 30 November 1966 on the objectives, terms of reference and composition of a United Nations commission or council for South West Africa to be established prior to the adjournment of the twenty-first session.

Mr. Kabanda (Rwanda), Vice-President, took the Chair.

37. It had been foreseen by the Liberation delegation that, in view of the recalcitrance of South Africa and its repeated refusal to co-operate with the United Nations on the question of South West Africa, the termination of South Africa's administration of the territory and the assumption of direct responsibility for the territory by the United Nations prior to the adoption of practical means by which South Africa should be administered by the United Nations would create the untenable situation of South Africa's continued de facto administration of the territory at the same time that the United Nations had assumed direct responsibility for the administration of the Mandated Territory. And this, unfortunately, is the exact situation which now prevails.

38. Though South Africa's right to administer South West Africa was extinguished seven months ago by resolution 2145 (XXI), it still maintains its stranglehold on the territory and has not the least intention of permitting United Nations administration that would lead to the exercise of the right of self-determination and the achievement of independence by the inhabitants of the territory.

39. On the other hand, the Ad Hoc Committee for South West Africa, which was established after the termination of the Mandate to recommend practical means for the administration of South West Africa so as to enable the people of the territory to exercise the right of self-determination and to achieve independence, has been unable to agree on a single set of proposals for United Nations administration of the territory.

40. My delegation shares in the disappointment expressed by other delegations because of this lack of

agreement by the Ad Hoc Committee on a single set of proposals concerning the administration of South West Africa, though we are not here merely to lament this fact or impugn the motives of any of the members of the Ad Hoc Committee.

41. It has, however, to be admitted that because of this lack of agreement on the part of the Ad Hoc Committee, it appears that we have been thrown between the horns of a terrible dilemma, if the report of this Committee [A/6640] is to be considered as a barometer of the general atmosphere prevailing at this session.

42. But be that as it may, the decision of the General Assembly, at its twenty-first session, to revoke South Africa's right to administer South West Africa and for the United Nations to assume direct responsibility for the territory was an irrevocable act. There can be no turning-back. Means will have to be devised to wrest from South Africa its control of South West Africa as a usurper, or we make a complete mockery of our own decision in this matter.

43. By resolution 2145 (XXI), the international status of the Territory of South West Africa is to be maintained until the territory achieves independence. The resolution is equally clear concerning the authority and responsibility of the United Nations in regard to the territory. The United Nations is responsible for the preservation of the international status of the territory until the achievement of independence. The authority of the United Nations extends to all policies and measures which may be necessary to ensure the moral and material well-being and security of the inhabitants of the territory. Such authority is, and must be, as broad as the "sacred trust of civilization", which was created under the Mandates System and which has been grossly violated by the former Mandatory, the Republic of South Africa.

44. As one of the applicants, together with Ethiopia, before the International Court of Justice in the South West Africa case, we should like to recall to the Assembly the holding of the Court in its judgement of 1962^{4/} in regard to the essential principles of the Mandates System. The Court's views on this matter, which are relevant to the continuing authority and responsibility of the United Nations, were not in any way modified or repudiated by the Court's later judgement of 1966.^{5/}

45. In the 1962 judgement, the Court described three essential principles of the Mandates System. The first of these was the recognition of certain rights of the peoples of under-developed territories, including South West Africa. The second principle was the "establishment of a régime of tutelage for each of such peoples to be exercised by an advanced nation as a 'Mandatory' on behalf of the League of Nations."^{6/} It is this tutelage, or Mandate, which has been violated, for-

saken and disavowed by South Africa. The United Nations, as is its right and duty under well-established principles of international and domestic law, has invoked South Africa's breaches of its Mandate undertaking as a ground for considering its Mandate Agreement with South Africa terminated.

46. The third essential principle of the Mandates System, as the Court held in its 1962 Judgement was "the recognition of 'a sacred trust of civilization' laid upon the League as an organized international community and upon its Member States. This system is dedicated to the avowed object of promoting the well-being and development of the peoples concerned and is fortified by setting up safeguards for the protection of their rights".^{7/} The breach and disavowal by South Africa of its undertaking and obligations as Mandatory leads to the necessary conclusion that the United Nations must give effect to the third essential principle of the Mandates System as declared by the Court in 1962, namely the enforcement of the "sacred trust", which is laid upon the United Nations "as an organized international community", in the Court's words.

47. As is well known to the Assembly, the International Court of Justice decided, in its Advisory Opinion of 11 July 1950, that "the General Assembly of the United Nations is legally qualified to exercise the supervisory functions previously exercised by the League of Nations with regard to the administration of the Territory".^{8/}

48. The 1950 advisory opinion, which remains the authoritative and guiding legal rule to be followed by the Assembly, described the international obligations to promote the well-being and the social progress of the inhabitants of the territory as representing "the very essence of the sacred trust of civilization"^{9/} and the primary overriding purpose of this international institution. And the Court went on to say that these obligations "could not be brought to an end merely because this supervisory organ"—that is, the League of Nations—"ceased to exist".^{10/}

49. For the same reason, it seems obvious to my Government, the responsibility of the United Nations to assure the carrying-out of the sacred trust continues, despite the fact that, by reason of South Africa's violation and disavowal of the Mandate agreement, that Government's authority as Mandatory over the territory has been terminated and it has no right to administer the territory. The ex-Mandatory is in fact and in law a usurper and trespasser in the territory. Its rights in the territory were "mere tools given to it to enable it to fulfil its obligations",^{11/} in the words of the 1962 judgement of the Court.

50. At the same time, the rights of the inhabitants under the sacred trust of the Mandates System remain, as they have been, a charge upon and a responsibility of the United Nations. Such a charge and responsibility,

^{7/} Ibid.

^{8/} International status of South-West Africa, Advisory Opinion: I.C.J. Reports 1950, p. 137.

^{9/} Ibid., p. 133.

^{10/} Ibid.

^{11/} South West Africa Cases (Ethiopia v. South Africa; Liberia v. South Africa), Preliminary Objections, Judgment of 21 December 1962; I.C.J. Reports 1962, p. 329.

^{4/} South West Africa Cases (Ethiopia v. South Africa; Liberia v. South Africa), Preliminary Objections, Judgment of 21 December 1962; I.C.J. Reports 1962, p. 319.

^{5/} South West Africa, Second Phase, Judgment, I.C.J. Reports 1966, p. 6.

^{6/} South West Africa Cases (Ethiopia v. South Africa; Liberia v. South Africa), Preliminary Objections, Judgment of 21 December 1962; I.C.J. Reports 1962, p. 329.

by the clear terms of the Mandates System itself as authoritatively interpreted in the jurisprudence of the Mandate, is placed upon the United Nations until the territory achieves independence.

51. Of the various proposals presented in the report of the Ad Hoc Committee, my delegation considers those offered by Ethiopia, Nigeria, Senegal, the United Arab Republic and Pakistan [A/6640, paras. 45 and 82] to be practical for United Nations administration of the territory. Without resorting to the temptation of repeating the ample reasons, already given by a number of speakers, of the practicability of such proposals, which have been developed into a draft resolution [A/L.516 and Add.1-3] and sponsored by fifty-nine Member States, we should nevertheless make it clear that, with the dissolution of South Africa's right to administer South West Africa, machinery must be put in motion to give effect to resolution 2145 (XXI) without the requirement for further studies and evaluation of the South West Africa situation as a prelude to administration by the United Nations.

52. Regarding the question of a dialogue with the authorities of South Africa as a means of furthering the solution of this problem, the delegation of Liberia has always been in the front ranks of those Members which consider our Organization the practical embodiment of the peaceful aspiration to harmonize contending and conflicting interests by dialogue, negotiation, conciliation and other pacific methods, and my delegation would be among the first to agree that the peaceful transfer of the administration of South West Africa to the United Nations depends upon South Africa's willingness to co-operate and that, as a matter of wisdom and statesmanship, South Africa should not continue to take upon its shoulders the heavy burden of responsibility for adding to an already troubled world another factor upsetting the delicate balance of international peace.

53. But I would wish to echo the following statement made by the representative of Tunisia:

"If South Africa is willing to negotiate the transfer of the Territory with the United Nations, let the South African delegation present here say so, or let another delegation say so on its behalf. That would introduce a new element which could certainly change the premises from which the Assembly is now proceeding." [1507th meeting, para. 26.]

54. In conclusion, let me stress that the issue before us is whether a people struggling to throw off the yoke of oppression and alien rule shall be helped towards their destiny by our constructive action, or shall be forced to more and more desperate measures to obtain their rightful role in human society.

55. We, this assembly of sovereign States which we call the United Nations, have the opportunity and responsibility to influence that choice in South West Africa. I desperately hope that we in the General Assembly have the will to exercise that responsibility wisely.

56. Mr. BERRO (Uruguay) (translation from Spanish): A few months ago, under the wise and eminent Presidency of Mr. Pazhwak, we adopted the historic reso-

lution 2145 (XXI). Today we are meeting here again to decide on measures to give effect more fully to that resolution.

57. We have not come here to discuss the ideas, principles or doctrines connected with the Mandate which South Africa exercised over the colonial Territory of South West Africa. This problem, which pre-occupied the United Nations for twenty-two years, now has only an historic value. There is no controversy whatsoever about it. Everything was decided by the General Assembly in October 1966. South Africa's Mandate is terminated, and its Government no longer has any right to administer the Territory. South West Africa is now a Territory having international status, and comes under the direct responsibility of the United Nations. It will maintain this status until its people achieves independence. In the meanwhile, South Africa must refrain from any action, constitutional, administrative, political or otherwise, which might alter or tend to alter the international status of South West Africa.

58. All we have to do at this special session is to take cognizance of the report of the Ad Hoc Committee [A/6640] which was also established under resolution 2145 (XXI), and was instructed "to recommend practical means by which South West Africa should be administered, so as to enable the people of the Territory to exercise the right of self-determination and to achieve independence". This is where we stand. This is what we have come to do.

59. Once again, we are fortunate in having you, Mr. Pazhwak, to preside over our work. This is good augury, which permits us to hope that this special session of the Assembly will be able to complete the splendid work accomplished during the last session by the adoption of resolution 2145 (XXI).

60. Before examining in detail the report of the Ad Hoc Committee, we must first mention the serious difficulties which confronted that body, as a result of one inherent defect in the very resolution which brought it into being.

61. Despite the many merits of that valuable document, one must say that it suffers from the omission of any reference to the government which should be administering South West Africa from the precise moment at which the Mandate of South Africa was legally terminated on 27 October 1966, and at which the Territory, "having international status", accordingly came "under the direct responsibility of the United Nations". Provision—if not for the presence—at least for the existence of an authority which would at that time assume the task of administering the Territory, thus avoiding the legal, political and moral absurdity of having the impostors, the usurpers and those responsible for racism and apartheid acting as de facto rulers in the very country from which they were to be expelled because of their continual failure to comply with their duties under the Mandate which they had constantly flouted, and with their obligations to an international organization whose resolutions they had violated with shameful cynicism and temerity.

62. A de facto situation was created which amounted to a contradiction of the General Assembly decision. On the one hand, the direct responsibility of the United

Nations and the international status of the territory was established, excluding any intervention by South Africa; and, on the other hand, the guilty continued to act as rulers as if nothing had happened. It was in these most abnormal circumstances that the Ad Hoc Committee had to begin its work. Thus, the inherent difficulties of the problem were inevitably aggravated. The presence of South Africans as de facto rulers in South West Africa robbed resolution 2145 (XXI) of much of its force and prestige and, at the same time, strengthened the position of the usurpers and increased the responsibilities of the Ad Hoc Committee in its complex task of finding a solution to the problem of transferring power to the United Nations, declaring independence, and establishing a government by the indigenous inhabitants. Those responsible for the very anomalies which had to be corrected were still present in the territory itself like "lords and masters" - feudal private law sense of those words and, moreover, they were known for their unflagging opposition to the international Organization and their repeated failures to comply with their duties as members of the community. All these circumstances are reflected—although not explicitly mentioned—in the Ad Hoc Committee's report, and they are the reason for the differences to be found in the three proposals submitted and in the opinion expressed by the Soviet delegation.

63. We shall not go over all the specific characteristics and details of each of the three proposals submitted to the Assembly. These are very well known. We shall consider them, therefore, in general terms, paying special attention to the legal and political principles underlying them. We shall try to identify the philosophy behind each one, not in order to stress the differences and antagonisms but in order, at the end of our brief study, to present an over-all picture of the analogies and similarities of purpose and common objectives, which may lead us to an understanding for the good of the indigenous inhabitants of the Territory and may strengthen the respect and authority of the United Nations.

64. The three proposals before us have the defects of their own virtues. Here, I am using a phrase of Woodrow Wilson's, which was engraved in my mind when, as a law student, I read his book entitled Congressional government.^{12/} Wilson maintained that the virtues of men, and even the virtues of systems of government, carried within themselves the seeds of their defects or the imperfections opposed to their positive qualities. Generosity, for example, implicitly involves a contrary tendency to save; and exaggerated parsimoniousness ultimately leads to avarice. The parliamentary system of government makes it possible to consider problems more easily, and theoretically it comes close to the democratic ideal; but the very same qualities make it slow, ineffective and unstable. The presidential system, speedy and effective in practice, may lead to authoritarianism or abuse of power.

65. The proposals submitted by the Ad Hoc Committee, for whose intelligent, unflagging and dauntless efforts we are glad to express our appreciation, are

truly exceptional in that all three are based on the same principles, all three seek the same goal, and, yet, all three point to different courses of action; and none of them conclusively solves the problem posed by resolution 2145 (XXI).

66. Our delegation is of course inclined to favour the formula submitted by the representatives of Mexico and Chile [A/6640, para. 93], although we differ from its sponsors in their belief that it is perfect and does not require changing or reforming. We feel, in fact, that the structure of their proposal is broad and flexible and opens the door to conciliatory views whose acceptance might lead us to a unanimous understanding in keeping with the spirit which prevailed at the last session of the General Assembly when, in October 1966, we voted for the liberation of the people so cruelly suppressed by the South African racists.

67. The proposal of the Western Powers [ibid., para. 84] is designed above all to be realistic; it strives to implement resolution 2145 (XXI) by following the path of least resistance in order to avoid confrontations which might develop into new armed conflicts; but for the sake of realism—perhaps, excessive realism—its undeniable merit of political prudence has robbed it of much of the humane and legal substance deriving from the very resolution which it was intended to implement. It has transformed it into an ineffective instrument, since its lack of energy and authority with respect to South Africa, instead of contributing to a solution of the grave conflicts which exist at present, will serve merely as another complicating and explosive factor, accentuating the anguish and the disturbances which beset the world.

68. Far be it from us to deny the merits and the good intentions underlying the Western Powers' proposal. However, we must, to use Wilson's phrase, recognize that the proposal "has the defects of its own virtues". The element of realism is too strong, and it ignores some fundamental legal aspects.

69. The proposal submitted by Ethiopia and Pakistan, and now supported by the Afro-Asian group [ibid., paras. 82 and 99], has some special characteristics. On the one hand it takes account of the legal aspect although it does not carry it through to all its extremes and consequences; and, on the other hand, it faces up to the practical and realistic aspect, dealing in this connexion with the very thorny questions of this political realism which it tries to solve.

70. Its main feature is the very laudable proposal to implement resolution 2145 (XXI) without delay. However, it errs perhaps on the side of excessive foresight, in that it envisages heroic remedies which are indicated only in extremis, when the state of the patient is so critical that death is certain if the remedy is not applied, and there is only a remote possibility of life if it is.

71. The result of this combination of conflicting legal and political elements in the initial African proposal [ibid., para. 45] is that—through no fault of the sponsors, but due rather to an understandable desire for harmony—the actual text, while not altogether impairing the main objective which underlies the proposal and gives it life, is somewhat unsound legally and dangerous politically, and lacks the practical effec-

^{12/} Woodrow Wilson, Congressional government—A Study in American politics, New York, Meridan Books, 1956.

tiveness which is so urgently needed. Nevertheless, it is a basic and most valuable contribution which should be taken fully into account in trying to solve the problem of South Africa's unlawful resistance to resolution 2145 (XXI).

72. Lastly, the Latin American proposal, produced by the talent, skill and wisdom of Ambassador Cuevas Cancino and Ambassador Piñera, the representatives of Mexico and Chile respectively, has many similarities with the Afro-Asian draft. However, we think that the political elements have been dealt with more carefully, from the point of view of realism and practical efficiency, in the proposal by Chile and Mexico. In accordance with the classical tradition of Latin America, this has been done without any detriment to the legal principles.

73. In short, this is a proposal whose noticeable similarities with the Afro-Asian draft give us some grounds for optimism about the possibilities of overcoming existing differences and reaching an understanding which will make it possible to include other geographical groupings by incorporating, where possible, some of their views, so that the resolution may finally be supported by a vast majority which, as in the case of resolution 2145 (XXI), would reflect the incontestable will of the international community.

74. It is obvious that we are working in a realm which limits and restricts much of our freedom of movement, since the San Francisco Charter itself, by failing to establish a regular and automatic system of sanctions which would make its provisions mandatory, has set obstacles in the way of the full application of public international law. Hence the imperfections, the evasions, the reticence, the fears, the doubts and uncertainties which are noticeable in the various proposals concerning a problem whose clear and unequivocal solution springs immediately to mind as soon as one considers it in detail.

75. The comments we have just made bring us to a problem which goes beyond the limits of the item on South West Africa, but which necessarily arises in the consideration of any matter, controversy or conflict that affects relations among States or between individual Member States and the international community. This is the problem of international law as an autonomous discipline.

76. There is no doubt that politics is concerned with law and law derives its substance from politics. Theoretically however, "the classic doctrine of international law is based on the assumption of an international community to which sovereign rights are subordinated for the common good of mankind".^{13/}

77. It is equally true that "every society is based simultaneously on material and moral factors and is the result of a series of loyalties active enough to require some organization of power and conscious enough of the common good to recognize the idea of law and the sense of obligations."^{14/}

^{13/} Charles de Visscher, *Théories et réalités en droit international public* (Theory and reality in public international law), Paris, Editions by A. Pedone, 1953, p. 114.

^{14/} *Ibid.*, p. 115.

78. We should also remember the following words of wisdom:

"In the State, it is the vital interests, the most highly political interests, which bring the highest loyalties into action. In the international community, however, the opposite is the case. There one observes minor loyalties, on economic or technical questions for example; but the nearer one gets to vital questions such as the maintenance of peace or the prevention of war, the less influence the community has on its members. Loyalties are weakened"—in the international context—"as the perils threatening the community increase. The loyalties that then assert themselves turn back towards their traditional focus—the nation. In theory, men accept the idea of supranational values; but, in the field of action, they are nearly always guided by national imperatives."^{15/}

79. In the light of these concepts, when the problem of Southern Rhodesia was being considered in the Security Council towards the end of last year, we emphasized the need to consider the problem from an international standpoint, rising above aggressive assertions of sovereignty or selfish economic interests. At that time we said:

"We must face Ian Smith's challenge to humanity, secure in the knowledge of our duty and imbued with an international outlook which rises above all prejudice and self-interest and puts us on a higher plane as a community of nations in which the political aims of States do not obscure the humanitarian and moral objectives of power."^{16/}

80. We would like to offer the same thought now. If we act in accordance with our lofty and noble responsibilities, resolution 2145 (XXI) will not become a stigma or a mockery in the annals of the international community. On the contrary, it will be remembered as a valuable affirmation of law in the history of the United Nations.

81. "When all has been said about rules of law and the way in which the political basis of power conflicts with them, we must return again to moral standards",^{17/} as the Honorary President of the Institute of International Law has reminded us. The peoples must work out a moral code strong enough to serve as a basis for the international community, so that the idea of good is compatible with the powers of joint action that are required to ensure compliance with the rules of law, in spite of the negative influence of political realities.

82. If we act according to these principles, we shall banish from the United Nations all those problems which, like that of South West Africa, are a blot on its escutcheon.

83. The group of impostors which, as a result of flagrant usurpation, is now exercising *de facto* authority over the Territory of South West Africa has proclaimed *urbi et orbi*, that it is not prepared to accept formulas which would, without violence nor friction,

^{15/} *Ibid.*, p. 116.

^{16/} *Official Records of the Security Council, Twenty-first year*, 1340th meeting.

^{17/} *Op. cit.*, p. 120.

permit the transfer of the Territory to the United Nations authorities and the withdrawal of the bureaucratic personnel, police and military forces and other elements from South Africa. A continuous and uninterrupted series of acts and measures by the "Pretorian" Government—I use this word with reference both to the geography of Africa and to the abusive policies of the Roman emperors—has shown that the promoters of racism and apartheid in South Africa have never at any stage considered, and are not considering, compliance with General Assembly resolution 2145 (XXI). All the evidence suggests that they have decided to reject it and to fight it, if necessary by force, thus opposing the whole international community and the wishes and intentions of the entire world. This quite clear in retrospect. Resolution 2145 (XXI) was adopted on 27 October 1966. A few days later, the Prime Minister of the Republic of South Africa, insulted the General Assembly, and made the following senseless statement to the Nationalist Party Congress in Capetown: "We shall continue to govern the Territory as we have done in the past". This flagrant challenge to the authority of the United Nations was repeated by the South African Minister of Defence in Port Elizabeth on 3 November 1966, when he stated that "South Africa will never allow the Territory to be taken away from it".

84. The following information, which confirms those enlightening statements, is taken from the working paper on the question of Southern Rhodesia:

"In 1965 the total value of exports . . . amounted to £14.4 million, of which domestic merchandise accounted for £12.8 million. Total imports from South Africa amounted to £27.5 million.

"Pursuant to its declared policy of not participating in any form of sanctions and boycotts, the Republic of South Africa has, since the illegal declaration of independence, continued to maintain 'normal trade relations' with the Smith régime. In clarification of the term 'normal trade relations', the Government of the Republic explained that this did not mean continuing to sell the same commodities or quantities as before. It meant that everybody in competition tried to sell what and as much as he could. It also meant trade without inhibitions and without breaks.

"In a statement to the South African Parliament on 21 September 1966, the new Prime Minister of the Republic, Mr. Johannes Vorster, stated that he intended to follow the same policy towards Southern Rhodesia as had been followed by his predecessor, Dr. Verwoerd. Mr. Vorster further said that neither pressure nor force would compel South Africa to take part in boycotts or sanctions. His Government was determined to carry on its policy of normal trade with Southern Rhodesia even if this meant taking risks.

"Although South Africa has not published any trade statistics on Southern Rhodesia since the illegal declaration of independence, it has been openly acknowledged by official sources in Salisbury that the Republic [of South Africa] is the main economic prop of the Smith régime." [A/AC.109/L.393, paras. 237 to 240.]

85. As we can see, the stubborn rebelliousness of the "Pretorians" is being displayed on all fronts of the battle. They oppose the United Nations on matters concerning human rights, even within the Republic of South Africa. They go their own way in matters of colonialism, racism, apartheid, etc., in the oppressed Territory of South West Africa. And as if that were not enough, they are making a mockery of the Security Council, they are flouting Article 25 of the Charter and they are taking an open stand against the international Organization, disregarding the mandatory economic sanctions imposed against Southern Rhodesia. In insolent terms, they are describing a legitimate measure by the international community, adopted under Chapter VII of the Charter, as a "boycott". Who are they to speak of boycotts? Birds of a feather flock together, and Pretoria and Salisbury have joined hands. And are these gentlemen of South Africa really likely to engage in a dialogue? Are these gentlemen, who pejoratively describe the coercive measures adopted by the Security Council as a boycott and vaunt their defiance of these measures—are they, perhaps, likely to want a thoughtful and friendly discussion to solve the problem which they alone have created in regard to the Territory of South West Africa? Pretoria has maintained a permanent boycott. Firstly, against the League of Nations; then, against the United Nations. At all times, they have boycotted the law, human dignity, freedom and the most noble ideals and feelings. They have maintained a boycott for everything and against everything. A boycott against dignity and against life; a boycott against men's consciences, a boycott against the conscience of the whole world. Can we hope for anything from these people? Can we expect the world to stop and accept more affronts, more offences and more insults? Did we not have a dialogue with these men in the interminable discussions of six months ago? Did our reasoning help in any way? It would seem that the more mankind tries to save them from the error of their ways, the more they cling to their position of defiance, insults, mockery and rebelliousness. The history of the United Nations is eloquent in that respect. In the twenty-two years of its existence, South Africa has been imposing its will.

86. Resolution 2145 (XXI) was adopted precisely to put an end to their arbitrary and outrageous actions. All that remained was to implement it. To that end, the Ad Hoc Committee was set up, and its report is now before us. As an indication of the perversity and recklessness of the South African Government, I should like to quote the following passage from the report submitted to the Assembly, which clearly illustrates their attitude both before and after the decision of 27 October 1966:

"All the efforts of the Organization as well as of individual Member States during that period had been directed toward persuading the Government of South Africa to co-operate with the United Nations in taking the necessary measures to enable the people of the Territory to exercise their rights, recognized in the Charter of the United Nations, in conditions of peace and harmony. Had South Africa co-operated with the United Nations, it would not have been necessary to establish the Ad Hoc Committee." [A/6640, para. 4]

87. Those who still listen credulously to the siren songs of the Pretoria Government should remember the serious facts exposed in the Ad Hoc Committee on 29 March 1967, facts which clearly reflect the perverse intentions underlying the present conduct of the South African racists towards the Territory of Namibia. The Nigerian representative stated that:

"... the Government of South Africa had recently published a text of a statement made by its Minister for Bantu Administration and Development and of Bantu Education on 21 March 1967 to the effect that South Africa was offering the people of a section of South West Africa, Ovamboland, the opportunity of gaining self-government. Among those who did not know the situation in South West Africa well, that statement had been a great propaganda success for South Africa. For the members of the Committee who knew the situation only too well, and for the people of the Territory, on the other hand, the move was a sinister one, constituting a violation of General Assembly resolution 2145 (XXI)." [*ibid.*, para. 124]

The Afro-Asian group had dealt with the subject on 23 March 1967 when it adopted a very vigorous resolution, the text of which was later submitted to the Committee [*ibid.*, para. 125].

88. Further on in the same report it is stated that:

"Following statements by the representatives of Mexico, Chile, the Union of Soviet Socialist Republics, Japan, Czechoslovakia, the United States, Ethiopia, Pakistan and Canada, the Chairman noted at the 16th meeting on 31 March 1967 that the statements made on the subject confirmed that the Committee unanimously endorsed the view that the proposal of the South African Government with regard to Ovamboland was contrary to General Assembly resolution 2145 (XXI) and was therefore illegal." [*ibid.*, para. 127.]

89. Our purpose in mentioning this recent attitude of the leaders of South Africa, and the vigorous reaction of the Ad Hoc Committee is to stress the futility of a new dialogue with these insensitive and obstinate people whose minds reject any intellectual or spiritual idea that would show them the error of their ways and bring them back to the world of ideas and feelings which give human beings their dignity and enrich human life with an ethical meaning without which might, force and wealth are useless. These people have done us the immense harm of making us lose faith in them.

90. We are always ready to follow the path of conciliation, tolerance and persuasion. But forty-two years is a very long time, and the negative results are bound to affect our minds and hearts, especially when, in the face of unjustified credulity, our conscience categorically demands the fulfilment of a sacred and an urgent duty to save a people from pain, torture, indignity and servitude.

91. We can still hear the sincere words of the representative of the United States, who made a last appeal for a new dialogue with the Pretoria leaders. We appreciate the deep feelings and infinite sincerity of Mr. Goldberg, our distinguished colleague and fine friend. However, we believe that this step has been ruled out by the leaders of South Africa themselves.

In view of their continued defiance of the United Nations, their disregard for the Assembly, their mental blindness to the world and their moral deafness to the repeated requests by the international community, we find it difficult to advocate a position which would be discouraging and harmful for the prestige of the Organization and would not help to attain the objectives of the historic resolution 2145 (XXI).

92. We know that an understanding with South Africa would remove many obstacles. But South Africa does not wish to reach an agreement with us. It merely wishes to impose its own will and to disregard the United Nations. Mr. Goldberg himself has said that:

"We are united in our common purpose to bring self-determination, freedom and independence to the people of South West Africa in accordance with the Charter, and in our common dedication to the terms of resolution 2145 (XXI). That resolution is our anchor. The greatest disservice to that resolution, and to its effective implementation, would be for us to create an impression in South Africa and in the world that the United Nations is fundamentally divided on how these principles are to be achieved. The issue is not between ourselves... but between us and South Africa." [1505th meeting, para. 12.]

93. In spite of these clear-cut and precise ideas, the representative of the United States admitted the possibility of exploring the ground again with the South African authorities. As he said movingly:

"And in this, as in every situation of conflict, I always bear in mind the famous admonition of President Kennedy... 'Let us never negotiate out of fear; but let us never fear to negotiate.'" [*ibid.*, para. 24.]

94. We fully agree; it is not possible to negotiate on the basis of fear and it would be undignified and counter-productive for us to do so. He who acts out of fear has lost the battle before the fight has fully begun and is defeated at the negotiating table before he has opened his mouth. In view of the position repeatedly taken by Pretoria, it would be an admission of fear to abandon the proper course for implementing resolution 2145 (XXI), and to turn to the rebels in an attempt to work out new formulas which, as we know in advance from the position they have adopted before, would only serve to negate the authority of the Assembly in regard to the resolution whose implementation we are trying to achieve, and would seek by every possible means to avoid complying with it. The only action appropriate at the present stage of events is to comply with the decision taken last October. With that as our starting point, it might then be possible to listen to South Africa, but only with a view to working out the most rapid and effective measures to ensure strict compliance with the decision adopted.

95. The Count of Romanones rightly said there were no simple formulas for solving complex problems. This is true in the present case. But we should not be awed by the difficulties; nor should we exaggerate them. Seneca said in his Epistulae ad Lucilium: "It is not because they are difficult that we lack the courage to undertake certain things; rather, they are difficult because we lack the courage to undertake them."

96. So let us then set to work; let us face the difficulties. It is regrettable that South Africa persists in its attitude of rebelliousness against the United Nations, but this cannot paralyse our action. The time for warnings is past. The truth is, in fact, that the torrents of eloquence uttered over the past twenty-two years in the United Nations have been of no avail - "vox clamantis in deserto". The South Africans have been deaf to our warnings. Perhaps the character in one of the plays of Benavente, the great Spanish playwright, was right when he said: "I do not believe that sermons have any effect. They are like the road signs on dangerous curves; useless for those who drive carefully, and even more useless for those who are determined to crash."

97. If the rulers of South Africa want a crash, in spite of everything that the United Nations had done to prevent it, no one will be able to say that the international Organization has acted with culpable negligence or without displaying the common sense or wisdom of the good pater familias. South Africa alone will be to blame for its senseless behaviour. It has gone its way, and we in the United Nations must go ours.

98. We cannot stop now to discuss whether resolutions of the Assembly are legally valid or not and whether they are inherently binding on all Member States.

99. We have all received the South African notes repeating the hackneyed theory about the invalidity and ineffectiveness of General Assembly resolutions. That ancient and decaying theme which the defaulters of Pretoria have tried to revive, about the legal nature of General Assembly decisions and resolutions, is designed solely to defer and obstruct compliance with resolution 2145 (XXI), so that they can introduce new and radical changes in the Territory which they still hold unlawfully and without any title, and so that they can use these delaying tactics to break the spirit of the indigenous inhabitants and strengthen their own ill-gotten position. In this way, they are striving to create more difficulties and obstacles which will have to be faced when the day comes for their inevitable withdrawal from the Territory and for the liberation of the indigenous people whom they have kept in an ignoble and inhumane serfdom for forty years.

100. To depart from the basic purpose of this special session—the implementation of resolution 2145 (XXI)—in order to discuss with the South African authorities the powers of the Assembly and the validity of its decisions, would be a serious error whose consequences might undermine the authority and prestige of the United Nations.

101. The authority of the Assembly, its powers, its functions, its duties, the legal nature of its acts and the extent to which they are binding, etc. have been the subject of historic debates in which the foremost jurists of the world, with their wisdom, erudition and eloquence, have provided all the information we can expect on these issues.

102. May I here recall the quite outstanding—in fact, unique—figure of Víctor Andrés Belaúnde, whose magnificent statements on that fundamental question have been set down for posterity in his book entitled "20

Años de Naciones Unidas" ("20 years of the United Nations").^{18/}

103. The "Pretorians" have nothing new to tell us about racism. They know as well as we do what the General Assembly can do. They know that Article 10 of the Charter confers very broad powers on the Assembly which "may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters".

104. The exception mentioned in Article 12 relates to the overriding responsibility of the Security Council when a matter within its competence has already been brought to its attention. Apart from this, the Charter places no limits on the action which the General Assembly may take. Moreover, this has also been recognized by the International Court of Justice in its Advisory Opinion of 1950 concerning this same question of South West Africa.^{19/}

105. The extensive powers of the General Assembly are defined in the following provisions, classified by types of possible action:

(a) Questions for "consideration": Article 11 (1); Article 12 (2); Article 18; Article 15 (1); Article 24 (3); Article 35 (3);

(b) Questions to which "attention" may be called: Article 11 (3);

(c) Questions for "discussion": Article 11 (2) and (4); Article 20;

(d) Questions on which "studies shall be initiated": Article 13 (1) (a) and (b); and Article 60;

(e) Questions on which "recommendations" may be made: Article 10; Article 11 (1) and (2); Article 13; Article 14; Article 17 (3); and Article 105 (3);

(f) Questions which may be "considered and approved": Article 17 (1) and (3); Article 62 (3); Article 63 (2); Article 66 (2); and Articles 85, 87, 105 and 107.

106. Finally, it is the General Assembly which, truly reflecting the democratic will of the international community, elects the non-permanent members of the Security Council and the members of the Economic and Social Council, the Trusteeship Council and all other subsidiary organs it may decide to create. It also elects the Members of the International Court of Justice and the Secretary-General, in co-operation with the Security Council.

107. In short, when it adopted resolution 2145 (XXI), the General Assembly, the supreme organ of the United Nations, acted within its powers on a question which came directly within its competence. Furthermore, as was correctly pointed out by the representative of Pakistan, Mr. Pirzada, in the debate last September:

"It does not take any rights away from South Africa, because South Africa never had any rights

^{18/} Víctor Andrés Belaúnde, 20 Años de Naciones Unidas, Madrid, Ediciones Cultura Hispánica, 1966.

^{19/} International status of South West Africa, Advisory Opinion: I.C.J. Reports 1950, p. 128.

over South West Africa. An international régime was established in South West Africa, and the agency responsible for the administration of that régime has proved itself incapable of bearing this responsibility... [1414th meeting, para. 109].

"The situation of South West Africa is nothing but a colonial situation with the thinnest possible disguise lent to it by the historical act of the confirmation of the Mandate by the League of Nations. The League was not the author of the idea of Mandates. The idea had been acted upon even before the establishment of the League, specifically by the Supreme Council of the Peace Conference on 6 May 1919." [*ibid.*, para. 102.]

108. Thus, at its twenty-first session, the General Assembly was clearly and simply giving effect to the Declaration contained in resolution 1514 (XV), and was applying operative paragraph 5 of that Declaration to the Territory of South West Africa.

109. Nobody can question the eminently legal nature of decisions by the General Assembly, when it is acting on matters specifically assigned to it by the Charter. Whether the decisions are called recommendations, resolutions or whatever you like, the substance is not affected. If the legal decision is valid, its force in all its effects must be recognized. The institutional framework of the United Nations would be meaningless and illogical if the legal decisions emanating from its supreme organ could be regarded as mere literary pronouncements, mere coffee-house utterances, with no value or authority which were not in the least binding upon the members of the community. If the implementation of the resolutions of the General Assembly were to depend on the whims or caprices of individual Members of the Organization, then we would have to conclude that the United Nations did not exist as an organized legal entity.

110. In view of the behaviour of the Government of South Africa, there is no other course but to follow the path outlined in resolution 2145 (XXI), taking all the legitimate steps at the appropriate time one after another but without any delay, until independence is achieved for the martyred people of Namibia. When the United Nations was created, there were seven African Territories under the Mandate of the League of Nations, Namibia is the only one still under the colonial yoke. All the others have for some time been free States.

111. The General Assembly cannot evade its responsibilities at this decisive moment for the future of the United Nations. This Assembly has to, and it must, give effect clearly and unequivocally to resolution 2145 (XXI), which was unanimously adopted by the body representing the will of the world. This Assembly must not be dilatory, or make excuses, or display negligence or oversight or resignation in regard to the categorical and unequivocal duties conferred upon it by the community of nations barely six months ago, thereby bringing to an end for ever a period of shame which had lasted forty-two years, half during the days of the Geneva system and the rest under the San Francisco system.

112. This is the Parliament of the world. Its value lies not in our speeches but in the effectiveness of its

decisions. Alongside the Assembly, and perhaps with even greater responsibility, there is the Security Council. It is on this body that responsibility for the implementation of the resolutions adopted by the world legislative body largely devolves. The mandatory character of our resolutions, if Members do not voluntarily respect the legal order, will in the last analysis depend on the attitude of the five permanent members of the Security Council. Unanimity within the General Assembly, the justice of its decisions and their democratic value as an expression of the will of the world—all these will be of no avail; if only one of the permanent members of the Security Council exercises its veto the resolutions of the General Assembly will lose their authority, in the strict meaning of procedural law, and will become ineffective as regards their practical implementation.

113. For this, San Francisco is to blame. This Organization was born under a sign that was not at all propitious for the effectiveness of law, and tended rather to favour the imposition of political factors in order to maintain the balance between the victorious Powers of the Second World War. But this original defect should not now be accentuated by the body which holds the key to the solution of the major problems of mankind. Its attitude should, rather, be just the opposite. It must keep pace with the irreversible march of ideas and universal feelings on questions relating to racism, anti-colonialism, social welfare, collective security and so forth, and must interpret and implement the Charter in such a way that its defects will go unnoticed, and will not irrevocably obstruct the relentless advance of mankind towards a greater, safer and a worthier future.

114. If United Nations bodies do not face these grave problems with an international approach, rising above interests or influences based on the concept of individual sovereignty, then all the efforts made in this building to save the international community which came into being in 1945 will be in vain. With great sorrow, we shall witness the frustration of the only remaining ideal of peace and security.

115. Responsibility for avoiding this rests with the great Powers. Let us seek a sensible solution to the problem of South West Africa. Although we must not adopt solutions which would inevitably lead to a confrontation, let us not stop halfway. Let us rather adopt measures which are in keeping with our duties, in order to give effect to resolution 2145 (XXI). The authority and prestige of the United Nations are at stake in this emergency. If we do not act in time, a new Oliver Cromwell may appear with a sign: "This house to let".

116. Mr. TOMEH (Syria): I should like first of all to congratulate the President on his unanimous election to the Presidency of the General Assembly at this special session. The outstanding merit which he displayed as President at the twenty-first session, his long career and contributions to the work of the United Nations and his qualities of wisdom, tact and firmness all speak for themselves. It is a source of pride and pleasure for my country, Syria, and its people, to see a distinguished Afghan brother assume such a prominent position in the international Organization, and gives hope for generations to come.

117. The General Assembly, at this special session, has been discussing the question of South West Africa for almost two weeks. The various points of view in support of the different positions have all been exhaustively explained. Almost everything that could be said at this stage of the debate has already been said. Therefore, I should like now with the utmost brevity simply to make our position as a sponsor of the Afro-Asian draft resolution [A/L.516 and Add. 1-3] crystal clear.

Mr. Pazhwak (Afghanistan) resumed the Chair.

118. The fact that the United Nations has been discussing the problem of South West Africa since the inception of the Organization, and the fact that, of all problems, this has produced the largest number of resolutions adopted, are very significant indeed; they are indicative of the difficulties that the international community has been facing, and will continue to face, as a result of the ugly legacy of colonialism and its hideous entrenchment in some parts of the world. It is necessary, absolutely necessary, to be aware of this fact so that we may all be warned against the great obstacles that we shall be continually confronting in the future.

119. The delegation of the Syrian Arab Republic cannot but express astonishment when we see some representatives coming to this rostrum to express their countries' alleged concern, when they themselves have not only been encouraging imperialism and supporting its legacy in other parts of the world, but are violating—and right now—the most elementary principles of human rights, including the right of self-determination, enshrined in the Charter. Our part of the world, the Arab homeland, is no exception in this tragic situation. For at this very moment, while we are discussing the ordeal of the people of South West Africa, our Arab brothers are falling as martyrs to freedom and the right to self-determination denied to them in Aden and in occupied Southern Arabia, and in Palestine and on other battlefields of honour, against imperialist invaders and usurpers. Our thoughts cannot but go also to the tens of thousands of innocent victims falling week after week and month after month as a result of an inhuman, savage, imperialist war carried on by the United States Government in South Viet-Nam, a war already denounced not only by the world-wide conscience of mankind at large, but also by great segments of the American nation as well as by some of the highest intellectual and spiritual centres of the American people.

120. It is, therefore, from a tragic experience that we approach this problem—our own and the world's—and appraise it with the extreme seriousness that it deserves and the enormous sense of responsibility which it requires from us.

121. The terms of reference of the Ad Hoc Committee for South West Africa, as laid down in General Assembly resolution 2145 (XXI), are crystal-clear. The General Assembly having terminated the Mandate over South West Africa, the Committee is requested to recommend practical measures for the administration of South West Africa by the United Nations. Its authority is to be derived from the General Assembly directly. This was the logical outcome of the debates in the

twenty-first session, and hence the vote to adopt resolution 2145 (XXI) was quasi-unanimous.

122. Now, at this special session, divergencies have arisen as to the scope these practical measures. The word "practical" itself led many delegations to identify this term with efficacy. Now, they argue, if you do not negotiate with the de facto authority and obtain its blessing and approval, the measures you take will remain ineffective. This implies putting the whole United Nations at the mercy of that de facto authority and giving to it really dictatorial powers over the United Nations. But if such powers are to be admissible, if the rule of force and not the rule of law is to prevail, why then the United Nations and all the principles it stands for?

123. Yet none other than the representative of that very de facto authority has used this rostrum to affirm solemnly that the United Nations has no jurisdiction whatsoever over South West Africa; that South Africa is there by right of conquest; that even the League of Nations had no juridical power to revoke the Mandate; and in sum, all his statements were tantamount to saying: We are here to stay, whether the international community likes it or not.

124. How any negotiation now with this conqueror can be fruitful we fail to see. Certain delegations eloquently advocate a process of assuaging this outlaw. But one may indeed ask again whether twenty years of persuasion, appeals, resolutions and condemnations have induced him to effect any change in his policy of conquest, apartheid and racial discrimination.

125. It is from experience that we speak, for Syria has always taken an active, indeed a very active, interest in the particular problem of South West Africa and was specifically involved in negotiations with the Government of South Africa. As a matter of fact, Syria was a member of more than one committee that dealt with this problem; and as early as 1950, by resolution 449 (V), a Committee of five, composed of Denmark, Thailand, the United States of America, Uruguay and Syria, was established by the General Assembly. The task of that Committee was to confer with the Government of South Africa. But after four years of exhaustive endeavour, the work of the Committee was terminated unsuccessfully—an appropriate reminder in this long and, by now, historical experience, of what can be expected of attempts to negotiate with the Government of South Africa or with any other similar racist, fascist régime. It is equally one more reason why the Syrian delegation finds it imperative to emphasize the difficulties ahead that are imposed on this Organization and on the world community at large and that are due only to the obduracy of imperialism, with its modern allies in the form of neo-colonialism—a fact which we can never disregard or pass over lightly.

126. Thus, if the Afro-Asian draft resolution resorts to invoking the Security Council and its possible application of Chapters VI and VII of the Charter, it is because one must necessarily wonder whether there remains any alternative. These Chapters are there; they are in the Charter. The Security Council is there; it is the most important organ of the United Nations. Do those who advocate by-passing all these provisions imply that they wish to eradicate them from the Charter

or attach to them only mythical importance? If this is what is meant, let it be said quite openly.

127. Yet, if they want to avoid Security Council involvement and the application of sanctions, it is well within the power of their Governments to act even without the Security Council. Let them once threaten South Africa—or any other rebellious régime which disregards resolutions of the Security Council—with the withdrawal of their huge investments; let them stop being tempted by huge, illegal profits gained at the expense of the suffering masses of African labour; and let them really embark on the implementation in deed of what is so ardently professed in words, and immediately the problem of South West Africa will come, sooner than we expect, to its logical solution.

128. No conclusion is more relevant than to express the hope that the Afro-Asian draft resolution will be adopted unanimously. We express that hope because it represents the logical step that the United Nations can take. Recalcitrance about it means the prevalence of complacency and expediency over principle, justice and right. Let not our Organization fall into this abyss where, instead of being an instrument for justice, it condones and approves injustice. The millions of Africans suffering under the rule of force will have enough strength to defend their rights, but they must be completely cognizant of who are their true friends and who are their adversaries.

129. It is no exaggeration to say that, in all great causes, the knowledge, simple as it is, of who are true friends and who are real adversaries is of the utmost importance. The forces of liberation, wherever oppression and the denial of the sacred and universal right of self-determination exist, are coming to acquire this knowledge more and more, but they are paying a high price in human lives—a price only too well known on the altar of human and universal history.

130. The PRESIDENT: There are no other names on the list of speakers. The Assembly has therefore exhausted the list of speakers in the general debate on item 7.

131. I now request members to turn to the Fourth Committee's report [A/6651] on the hearing of petitioners concerning the question of South West Africa.

Mr. Esfandiary (Iran), Rapporteur of the Fourth Committee, presented the report of that Committee and then spoke as follows:

132. Mr. ESFANDIARY (Iran), Rapporteur of the Fourth Committee: As members are aware, the General Assembly, in deciding at its 1502nd meeting on 21 April 1967 that the question of South West Africa would be dealt with directly in plenary meetings, agreed that petitioners requesting to speak on this question would be heard in the Fourth Committee, which would submit a report on such hearings to a plenary meeting of the Assembly before it concluded its consideration of the item.

133. Following the hearing of the petitioners, the Fourth Committee was informed on behalf of several delegations that their failure to put questions to the petitioners did not imply any abatement of the grave concern with which they regarded the question of South West Africa. On the contrary, it was their desire to save the Committee's time, in the knowledge that previous deliberations on the question had already clarified the issues involved.

134. I wish to commend the present report to the attention of the General Assembly for appropriate action.

135. The PRESIDENT: I have received no request to speak from any representative. Therefore, if there are no objections, I shall consider that the Assembly takes note of the Fourth Committee's report [A/6651].

The Assembly took note of the report of the Fourth Committee.

136. The PRESIDENT: Before adjourning the meeting, I should like to inform members of the General Assembly that I understand, from a series of meetings with a number of delegations, that certain consultations are going on among representatives. I have agreed to give as much time as is needed for these consultations, because I believe they are necessary and desirable. I have been informed that they are proceeding in a good spirit. While I am convinced that if that spirit is maintained the Assembly will in the long run save time, I appeal to all those engaged in the consultations to keep in mind the necessity of achieving fruitful results as soon as possible.

The meeting rose at 5.30 p.m.