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President: Mr. Abdul Rahman PAZHWAQ
(Afghanistan).

AGENDA ITEM 8

Adoption of the agenda

FIRST REPORT OF THE GENERAL COMMITTEE
(A/6395)

1. The PRESIDENT: Before we go on to the business for this afternoon I should like to bring to the attention of members a procedural matter which concerns the question of South West Africa.

2. In the report of the General Committee [A/6395], which will be considered by the Assembly tomorrow morning, the Committee makes the following proposals regarding that question:

(1) The General Committee recommends the inclusion of this item in the agenda of the twenty-first session;

(2) The General Committee recommends that the item should be discussed in plenary meetings, on the understanding that the petitioners requesting to speak on this item will be heard by the Fourth Committee, which will submit a report on such hearings to the plenary before the latter concludes its consideration of the question;

(3) The General Committee further recommends that the General Assembly should give priority to the discussion of this item in plenary meetings, concurrently with the general debate, and that the Assembly should adopt the schedule in section IV of the Committee's report.

3. I shall first put to the Assembly the question of the inclusion of the item in the agenda. May I take it

that the Assembly approves the inclusion of the item in the agenda of the twenty-first session?

It was so decided.

4. The PRESIDENT: The General Committee further recommends that the General Assembly should give priority to the discussion of the item in plenary meetings, concurrently with the general debate, and that it should adopt the following schedule for the meetings; the general debate will be held every morning beginning on Friday, 23 September 1966, and the question of South West Africa will be considered every afternoon, as necessary, until Friday, 7 October, except on Thursday, 6 October, when the Pledging Conference on the United Nations Development Programme is scheduled to hold two meetings. The general debate is expected to end on Friday, 21 October, at the latest. If I hear no objection to this recommendation, I shall consider it adopted.

It was so decided.

ITEM 66 OF THE PROVISIONAL AGENDA^{1/}

Question of South West Africa: report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

5. The PRESIDENT: In addition to the report of the Special Committee [A/6300/Rev.1, chapter IV] a report of the Secretary-General on this question [A/6332] has also been circulated, in document A/6332, an addendum to which will be issued shortly.

6. I now call upon the Rapporteur of the Special Committee, Mr. Aljubouri of Iraq, to present the Committee's report.

Mr. Aljubouri (Iraq), Rapporteur of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, presented the report of that Committee and then spoke as follows:

7. Mr. ALJUBOURI (Iraq): The report is submitted pursuant to operative paragraph 6 of General Assembly resolution 2105 (XX) of 20 December 1965 by which the Special Committee was requested

"... to continue to perform its task and to continue to seek the best means for the immediate and full application of resolution 1514 (XV) to all Territories which have not yet attained independence".

8. In continuing to perform the above-mentioned task in relation to the question of South West Africa, the Special Committee took into consideration the seventh

^{1/} Item 65 of the agenda.

preambular paragraph of General Assembly resolution 2074 (XX) of 17 December 1965. In that paragraph, the General Assembly recalled its resolution 1805 (XVII) of 14 December 1962, by which, inter alia, it had requested the Special Committee

"... to discharge, mutatis mutandis, the tasks assigned to the Special Committee for South West Africa by resolution 1702 (XVI), taking into consideration the special responsibilities of the United Nations with regard to the Territory of South West Africa ...".

In the same preambular paragraph, the General Assembly recalled its resolution 1899 (XVIII) of 13 November 1963, by which, inter alia, it requested the Special Committee

"To continue its efforts with a view to discharging the tasks assigned to it by resolution 1805 (XVII)".

9. In presenting the report, I should like to draw attention in particular to the resolution adopted by the Special Committee on 9 June 1966 at the conclusion of its consideration of the question at its meeting in Africa. That resolution is contained in paragraph 306 of document A/6300/Rev.1, chapter IV.

10. I wish also to draw attention to the conclusions and recommendations subsequently submitted by the Sub-Committee on South West Africa, which was appointed under the terms of the above-mentioned resolution of the Special Committee,

"... to make a thorough study of the situation and, among other matters, to recommend an early date for the independence of the Territory".

These conclusions and recommendations, which were adopted by the Special Committee on 15 September 1966, are contained in paragraphs 27 to 34 of the appendix to the report.

11. In conclusion, I would also draw attention to a draft resolution on petitions concerning South West Africa which the Special Committee, bearing in mind the special responsibilities of the United Nations with regard to the Territory, recommends for adoption by the General Assembly. This draft resolution is contained in paragraph 384 of the report.

12. As will be seen from the report, the Special Committee gave extensive consideration to the question of South West Africa during its meetings both in Africa and at Headquarters. Following the Judgment of the International Court of Justice of 18 July 1966, the question has assumed a new dimension of importance and exceptional urgency. It was for these reasons that the Special Committee accorded the highest priority to the completion of its consideration of the question and to the preparation of its report on South West Africa to the Assembly.

13. On behalf of the Special Committee, I commend the report to the serious attention of the Assembly in the hope that it may assist in the search for a solution to this very grave problem.

14. Mr. YIFRU (Ethiopia): After twenty years of continuous search for a just and peaceful solution, the General Assembly has now reached the moment of truth in its consideration of the South West Africa

case. Whither hence is the momentous question that now presents itself so sharply and starkly before the Assembly.

15. This twenty-first session of the General Assembly cannot ignore that challenge. If it were to do so, it would be sadly failing in its duty. It would be eroding the usefulness of the United Nations as an instrument for constructive diplomacy at a time when precisely such an assertion is sorely needed to create momentum on all fronts in the search for peace. World peace, indivisible as it is, cannot afford another setback in South West Africa. A setback for peace in that Territory would have ever-widening repercussions.

16. This is no time for sterile discussion, because time is running out fast for peace in that beleaguered part of Africa. This is no time, either, for subterfuge and delay, if only because all possible avenues to a peaceful solution to the problem, both political and legal, have, for over twenty years, been repeatedly explored with vigour and patience and have been exhausted. There is no valid reason for the Assembly to postpone giving a definitive reply in this instance. Indeed, it would be hard put to come up with such a reason. Rather, this is the time for decision, a decision which will bolster universal peace and justice, a decision which will accord with the principles for which the Organization stands, the very principles that support on their shoulders the present state of peace, precarious as it is.

17. The manifold facets of the problem of South West Africa are well known to the Members of the Assembly. South West Africa has been the subject of at least seventy-three resolutions in the United Nations. Every year since its inception, without fail, the General Assembly has discussed the problem. The records of the debates fill thousands and thousands of pages. I do not need, therefore, to recapitulate what has transpired throughout these long and arduous debates. However, reading through the voluminous records, one is struck again and again by one word. That word is "no". The documents are flooded with an endless avalanche of "no's": "no" to reason, "no" to appeals of the Assembly, "no" to the law—such is the sorry record of South Africa. I shall not spell out this altogether negative record of South Africa. It is all too well known. Rather, I should like to put the problem of South West Africa in the perspective of time—time lost and time remaining for peace in South West Africa—as well as in the perspective of our continuous effort for a peaceful solution.

18. Thus, the question to which I should like to address myself now is, as I said earlier: where do we go from here in this continuous search for a peaceful solution? Obviously, we cannot go backwards; we can move only forward in a courageous search for a solution.

19. The question of South West Africa is now before the twenty-first session of the General Assembly in the wake of the recent Judgment of the International Court of Justice, the Judgment handed down on 18 July 1966.^{2/} A divided Court, with the President casting a tie-breaking vote, ruled that Liberia and Ethiopia

^{2/} South West Africa, Second Phase, Judgment, I.C.J. Reports 1966, p. 6.

had failed to establish sufficient legal interest and right to receive a declaratory Judgment on their submissions in the case they had instituted against South Africa.

20. It will be recalled that the essence of the submissions of Liberia and Ethiopia was that South Africa, by introducing apartheid in the Territory of South West Africa, had violated the terms of the Covenant of the League of Nations and the terms of the Mandate for South West Africa and had specifically failed to carry out its obligations to promote to the utmost the moral and material well-being and the social progress of the indigenous population of the Territory. Such violations run contrary to prevalent norms of international law and conduct, as embodied in the United Nations Charter, the Universal Declaration of Human Rights and the provisions of United Nations resolutions, particularly those of the Declaration on the Granting of Independence to Colonial Countries and Peoples. The Court declined to pass judgement on the merits of these submissions. That wholly uncharacteristic decision of the Court came as a great shock to all of us who had staked our faith on the rule of law—the more so as that decision was beyond anything that could have been imagined by those of us who had followed the Court's history in regard to the South West African question since 1950, and especially the Court's 1962 Judgment^{3/} on the preliminary objections of South Africa as regards the Court's jurisdiction, a decision which, in fact, established the right of Liberia and Ethiopia to institute proceedings against the Mandatory Power.

21. After six years of deliberations and consideration of the merits of the issues involved, the Court in its latest Judgment said, in effect, that although Ethiopia and Liberia had established sufficient right and interest to institute proceedings against South Africa, that did not mean that they had also established sufficient right and interest to obtain a Judgment. That finding is based on a reason not advanced in the final submissions of the Republic of South Africa. What kind of Court is this which allows complainants to start a case and to argue their case, and finally tells them that they should not have been in the Court to begin with, since they did not have the right to receive a Judgment? It pains me to say here that such is the absurdity the Court led itself into in its latest Judgment. In the memorable words of an eminent jurist, Judge Philip Jessup of the United States, a member of the Court, the International Court's assertion suggested "a procedure of utter futility";^{4/} for why, Judge Jessup asked, would the Court tolerate a situation in which the parties had been put to great trouble and expense in exploring all the details of the merits, only to be told thereafter that the Court would pay no heed to all their arguments and evidence because the case was dismissed on a preliminary ground, which precluded any investigation of its merits.

22. As far as we are concerned, the Court's latest decision frustrates the practical effect of only one

course of political action. It does not frustrate, contrary to what some may say here, all possible political action. As one of the two Governments chosen by the Second Conference of Independent African States, held in Addis Ababa in June 1960, to institute legal proceedings on behalf of African States against South Africa, my Government has been guided in its subsequent actions by the grand strategy, political and legal, agreed upon at that Conference.

23. It was recognized at the time of the Conference and, it must be added, ever since, that our recourse to legal action in respect of South West Africa was to be complementary to all political efforts in the United Nations. Indeed, it would have been the height of naivety for the African States which had agreed upon such recourse to legal action to have viewed this action and its outcome apart from political considerations. After all, even if the Court had handed down a favourable Judgment, its enforcement could not have been envisaged without resort to the Security Council in accordance with Article 94 of the Charter—the more so as South Africa had let it be known that it would not accept a favourable Judgment. Our disappointment in the Court is that it has balked, for reasons best known to itself, from pursuing to the end and arriving at the only logically possible and imperative conclusion, arising from its previous opinions and decisions on the same question.

24. Unexpected as it was, the Court's decision has deeply shaken our faith in the rule of law. But it has not completely destroyed it, for the Court, in its sixteen years of involvement with the question, has developed a body of law and jurisprudence concerning the interpretation of obligations under the Mandate which, taken together, are quite favourable to us. Yet, in another sense, we have come out of this the stronger. We have shown our abiding faith in the rule of law. We have shown our readiness to explore all possible avenues for the peaceful solution of the problem. In the process, we have closed all gaps likely to lead to subterfuges. Surely, we cannot now be accused, if such an accusation ever had any validity at all, of unreasonableness.

25. We have also been taught one cardinal lesson, that is, we have to take an active part in all the organs of the United Nations, including the International Court of Justice. To this end, we shall demand equitable representation on the bench of the Court, a representation commensurate with our role in the United Nations, a representation which will allow us to contribute our due share to the fulfilment of all aspects of the objectives of the United Nations.

26. Contrary to what South Africa wants us to believe, and its apparent glee and vociferous propaganda notwithstanding, all told, the recent decision of the Court is regrettable for what it failed to say, rather than for what it said. After all, the Court did not absolve South Africa of the charges of violating its obligations under the Covenant of the League and the terms of the Mandate, and of a breach of the sacred trust of civilization. Apartheid in South West Africa was not condoned. The 1966 Judgment did not purport to reverse the cumulative effects of the advisory opinions of the Court and its Judgment of

^{3/} 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.

^{4/} South West Africa, Second Phase, Judgment, I.C.J. Reports 1966, p. 382.

1962, which have nurtured and developed a body of rules and jurisprudence concerning Mandates.

27. There is no reason why the Republic of South Africa should find solace and cause for self-congratulations in the latest Judgment of the Court. South Africa did not score a legal victory. Let public opinion be informed of the true import of the decision. Perhaps the Court, in its long deliberations, has given South Africa time, but, needless to point out, this time has not been time well used. It has been time wasted in avoiding having to think about and face the inevitable.

28. As I said at the beginning of my statement, the twenty-first session of the General Assembly has to look to the future in its consideration of the fate of South West Africa. This does not mean, however, that subsequent actions should be divorced from the past. On the contrary, it is my Government's considered view that subsequent actions—actions which my Government requests the Assembly to adopt—will have to be built upon the totality of actions of the Assembly and on the cumulative effects of the law of Mandate developed and nurtured by the Court over the last sixteen years. In this respect, the efforts in the United Nations, stretching over sixteen years, to persuade South Africa to co-operate with it in discharging what was recognized as a joint responsibility in respect of the administration of South West Africa have been met by a concrete wall of intransigence and refusal. The point of departure for any political action in this session of the Assembly should be the sober and realistic recognition that it is well-nigh impossible to bring about a change of attitude on the part of the Government of the Republic of South Africa. There is no point in harbouring further hope on this score. It is high time that the only logical conclusion be drawn from the Assembly's long history of involvement with the question. The cumulative effect of the Court's opinion which, as I have suggested, could form the other leg upon which to build a line of actions has resulted in the development of a body of rules and jurisprudence concerning Mandate. The essentials of these could be summed up thus:

(1) That the Mandate is in force and effect, notwithstanding the dissolution of the League of Nations.

(2) That there has never been any cession of territory or transfer of sovereignty to the Republic of South Africa.

(3) That the Republic does not have the competence to alter the status of the Territory without the consent of the United Nations.

(4) That the General Assembly of the United Nations has succeeded to the supervisory functions of the Council of the League of Nations.

(5) That the Republic of South Africa is under the obligation to submit to the compulsory jurisdiction of the International Court of Justice.

(6) That the rule adopted by the General Assembly providing for a two-thirds majority rule in the Assembly voting procedure on the reports on petitions is valid.

(7) That the authorization by the General Assembly of oral hearings on the petition on South West Africa is valid.

(8) That the administration of the Territory as an integral portion of the Republic under article 2 of the Mandate must at all times remain subject to and be considered with the basic purposes of the Mandate.

29. Finally, the political actions we demand of the Assembly will have to be based on what the Court has declined to pronounce itself upon, but on which the Assembly has repeatedly expressed itself, and that is apartheid. Apartheid, which the Mandatory Power has introduced in South West Africa as a political and socio-economic system is a complete violation of the obligations of South Africa under the Covenant of the League, the terms of the Mandate, the Charter of the United Nations and the provisions of United Nations resolutions, particularly those of resolution 1514 (XV). This often reaffirmed position of the Assembly should lead to one inevitable conclusion: South Africa has forfeited its right to administer South West Africa as a mandated territory. It has thrown away whatever trust was reposed in it by civilization. As a matter of fact, South Africa is a delinquent of civilization, and how can a delinquent be entrusted with the welfare of peoples such as the people of South West Africa?

30. Under the circumstances, and having due regard to the long history of the case in the United Nations and to the fact that all avenues of peaceful negotiation have already been exhausted, the only courageous action that recommends itself to the Assembly—if only because it is the only one remaining—is to revoke that part of the Mandate which places the administration of the territory in the hands of the Republic of South Africa, and hand the administration thereof to the Assembly itself.

31. Such an action will not necessarily immediately change the international status of the Territory. The Territory will continue to have an international status, with the United Nations as guardian of the welfare of the people until such time as arrangements are completed for the unfettered exercise by the people of their right to self-determination in accordance with resolution 1514 (XV).

32. No arguments need be adduced in the course of the present session of the Assembly in order to show that South Africa, by introducing the obnoxious system of apartheid into the Mandated Territory of South West Africa, has breached the sacred trust of civilization and violated its obligation to ensure the moral and material well-being and the security of the indigenous inhabitants. This is very clear. The records of the United Nations in this respect abound with grim accounts of violations of basic human rights, economic exploitation and greed and untold injustices too many to catalogue here. The Assembly should not allow the reopening of this painful and well-documented aspect of the question. I, myself, will resist the temptation to do so. Rather, attention should be focused on the contention that I should like to underscore with all the powers at my command that the violations of these obligations are increasing so much

in severity and are becoming so much more repressive that the people are in urgent need of immediate relief.

33. I should like to make only brief reference to some of our submissions to the Court regarding South Africa's violations of its major obligations, and I quote the following:

"The Mandatory has violated, and continues to violate its obligations as stated in the second paragraph of Article 2 of the Mandate and Article 22 of the Covenant in the following respects:

"...

"(a) the Mandatory has progressively reduced the proportion of farm land available for cultivation or pastoral use of the 'Native' population while it has progressively increased the proportion of such farm land available to 'Europeans'. This has been carried to the point where less than 12 per cent of the population, being 'White', enjoys the use of some 45 per cent of the total land area; while over 88 per cent of the population, being 'Native' or 'Coloured', is confined to only 27 per cent.

"(b) the Mandatory has denied the possibilities of individual ownership of land to the 'Native' population, and has confined these rights to the 'White' population.

"(c) The Mandatory has limited the role of the 'Native' population in agriculture to (a) subsistence farming within 'Native' reserves and (b) employment as common labourers or domestics on 'European' commercial farms. In consequence, the 'Native' population has not enjoyed any substantial participation in the expanding possibilities of the commercial agriculture of the Territory.

"...

"(ii) The Mandatory has had, and continues to have, the duty to safeguard and promote 'to the utmost' the 'material and moral well-being', the 'social progress' and the development of the peoples of the Territory, including more particularly the political advancement of such persons through rights of suffrage, progressively increasing participation in the processes of government, development of self-government and free political institutions. Nevertheless, in direct violation of such duty:

"(a) The Mandatory has completely denied the right of suffrage to the 'Native' population.

"(b) The Mandatory has permitted no participation whatever to the 'Native' population at the political level of the Government of the Territory, including the Administrator, the Legislative Assembly, and the Executive Committee, although it constitutes overwhelmingly the larger part of the total population of the Territory.

"...

"(d) The Mandatory has almost entirely excluded the 'Native' population from participation or even any semblance of

participation in the government of the established local units within the Territory—the municipalities and the village management board areas. The sole faint approximation of any kind of participation is to be found in the limited advisory role of the Native Advisory Boards with respect to the 'locations', 'Native villages' and 'Native hostels'; and even this minimal role is carried out under the firm control of the 'White' local authorities and the Administrator (after April 1, 1955, the Minister of Native Affairs and currently the Minister of Bantu Administration and Development)."^{5/}

34. The report of the decolonization Committee [A/6300/Rev.1, chap. IV] which is now before the Assembly clearly indicates that the situation, as far as the indigenous inhabitants are concerned, has gone from bad to worse. New laws—the "Criminal Procedure Amendment Act, 1965" [*ibid.*, paras. 16-18], which authorizes the detention in solitary confinement up to six months of people who can be said to be state witnesses in criminal proceedings, the Police Amendment Act, 1965 [*ibid.*, paras. 20-21], which authorizes the police to "search without warrant any person, premises, other place, vehicle, vessel or air-craft, or any receptacle of whatever nature" within a mile of the border of a foreign State—have now been promulgated. Political bodies in the so-called "Native areas" are still at an advisory stage. It looks certain that with the recent decision of the Court, the recommendations of the Odendaal Commission^{6/} which institutionalize apartheid in all its facets, up to the last detail, which condemn the indigenous inhabitants of the Territory to a life of misery and only on the barren lands of their own country, while the areas with agricultural potentials are reserved for the whites, are at last to be fully implemented.

35. All told, the issues involved have forced themselves to the fore more sharply than ever. Nobody can say with conviction and validity that there are elements that remain to be clarified, or other avenues that have to be explored. The fact of the matter is that the only voice that echoes from South Africa is a defiant and deafening "no".

36. The Assembly is duty-bound to act, and to act forthwith with courage and conviction.

37. I should like to reiterate what Ethiopia, with other like-minded Governments, will request of the Assembly. We shall, first of all, demand that that part of the Mandate which confers upon South Africa the power of administration of the Territory be revoked and that the Assembly assume, through a special machinery to be established for the purpose, the administration thereof. We believe that this demand is consistent with the Mandate jurisprudence and law evolved by the Court. We also believe that

^{5/} I.C.J. South West Africa Case (Ethiopia [Liberia] v. the Union of South Africa); Memorial submitted by the Government of Ethiopia [Liberia]—April 1961, pp. 133-135.

^{6/} Commission of Enquiry into South West Africa Affairs, 1962-63, under the Chairmanship of Mr. F. H. Odendaal.

this is the only alternative left to the Assembly in view of South Africa's repeated refusal to co-operate with the United Nations in the exercise of their joint responsibility.

38. Finally, if I may be permitted to sound a personal note, I should like to say this: my country, by virtue of its membership in the League of Nations, has been honoured to carry, on behalf of all African States, and with its sister State of Liberia, the burden of the legal battle in the Court. Now that we have come to a dead end on this road, I should like to state that we have no regrets. For one thing, we are satisfied that we have not spared any effort to seek all possible solutions to the problem. This knowledge itself is a reward from which we derive a large measure of solace and satisfaction. We are also satisfied in that we have discharged to the end the collective trust put upon us by our brother African States. After all, the action instituted in the Court has been a common action.

39. Mr. GRIMES (Liberia): My delegation extends to you, Mr. President, our sincere felicitations on your election to the high office of President of the General Assembly at its twenty-first session.

40. You are able to bring to this important office vast and valuable experience acquired over the very long period you have so faithfully served your country in this Organization. We are indeed fortunate, I believe, to have the privilege and opportunity to make use of your talent and experience in the difficult days ahead for this session. The Liberian delegation in wishing you well, also assures you, Mr. President, of its genuine co-operation and support.

41. I extend also fraternal greetings and a hearty welcome to Guyana, which has recently been admitted to the Organization. It is another successful illustration of the effect of the exercise of the inherent right of self-determination by a dependent people. We know that this new nation will join in the continuing struggle to ensure that others will have the privilege of exercising this fundamental right as well as make its contribution to peace.

42. Since the very first session of this body, the question of non-self-governing peoples and dependent territories has been one of its primary concerns. We have declared our keen awareness of the problems and have affirmed our support for the political aspirations of the peoples who have not yet attained a full measure of self-government. We have recognized that the problem of non-self-governing peoples is vital to the peace and general welfare of the world community. We have also expressed our hope that the realization of the objectives contained in Chapters XI, XII and XIII of our Charter will make possible the attainment of the political, economic, social and educational aspirations of non-self-governing peoples.

43. As you already know, Chapter XI states the views of the United Nations and of all its Members on the position of territories that are non-self-governing and whose peoples are still being controlled by others. In Article 73 it is stated:

"Members of the United Nations ... accept as a sacred trust the obligation to promote to the utmost,

within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:

"a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;

"b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement".

44. Chapter XII of the Charter establishes an International Trusteeship System for the administration and supervision of dependent peoples and non-self-governing territories under a fiduciary arrangement between the United Nations and some individual Members. Chapter XIII establishes the Trusteeship Council and gives it the power to direct the activities of the Trusteeship System under the general authority of the General Assembly.

45. In further action taken during the first part of the first session, the General Assembly, in its resolution 9 (I) of 9 February 1946, invited all States administering territories held under the Mandate System of the League of Nations to undertake practical steps to place these territories under the Trusteeship System and conclude agreements with the United Nations to this effect. These States were requested to submit the agreements to the General Assembly for approval not later than the second part of the first session.

46. At the second part of its first session, the General Assembly on 13 December 1946, approved Trusteeship Agreements with the Governments of Australia, Belgium, France, New Zealand and the United Kingdom covering all the Territories being held under the Mandate except South West Africa, which territories included, among others, Ruanda-Urundi, the French and British Cameroons, Togoland and Tanganyika. Today, we are able to say proudly that these former mandated and Trust Territories have, as provided in the Charter, become independent and are able and responsible Members of this Organization and of the international community.

47. It was also during that first session of the General Assembly that the Assembly first indicated its concern about the South African attitude towards South West Africa. As early as 14 December 1946, by its resolution 65 (I), the Assembly invited the then Union of South Africa to place the Mandated Territory of South West Africa under the Trusteeship System of the United Nations as all the other administering Powers had done with territories mandated to them. At the same time, the General Assembly rejected the view of South Africa that it was entitled to annex South West Africa.

48. As it turned out, this was only the beginning of a series of attempts by the General Assembly and Security Council of the United Nations to persuade

South Africa to act in accordance with the obligations it had incurred under its Mandate Agreement with the League, as well as under the Charter of the United Nations and the various resolutions of the United Nations.

49. At the second session held in 1947, South Africa agreed^{7/} to submit reports on its administration of the Territory, and the General Assembly, by its resolution 141 (II), reiterated its opposition to an annexation of South West Africa by South Africa. The Assembly again requested South Africa to place South West Africa under the Trusteeship System.

50. In 1948, at the third session, a similar resolution [227 (III)] was adopted, but, in 1949, the General Assembly was faced with a refusal by the Government of South Africa^{8/} to continue submitting reports to the United Nations on its mandated territory of South West Africa. This attitude was contrary to the position taken by the Union in 1947 when it specifically agreed to submit such reports for the information of the United Nations. The General Assembly, therefore, by its resolution 337 (IV) of 6 December 1949, invited the Government of the Union of South Africa to resume submitting reports to the General Assembly as it had previously undertaken to do.

51. As a result of the repeated requests of the General Assembly urging the Union of South Africa to place South West Africa under the Trusteeship System of the United Nations, and South Africa's adamant insistence that it had no legal obligation to do so, the General Assembly, by resolution 338 (IV) of 6 December 1949, decided to, and did, request the International Court of Justice to give an advisory opinion on the international status of the Territory of South West Africa and the international obligations of the Union of South Africa arising therefrom. Particularly, the Assembly asked the Court to give advice on the following questions:

"(a) Does the Union of South Africa continue to have international obligations under the Mandate for South West Africa, and if so, what are those obligations?"

"(b) Are the provisions of Chapter XII of the Charter applicable and, if so, in what manner, to the Territory of South West Africa?"

"(c) Has the Union of South Africa the competence to modify the international status of the Territory of South West Africa, or, in the event of a negative reply, where does competence rest to determine and modify the international status of the Territory?"

52. As is well known, the Court, in its advisory opinion of 11 July 1950^{9/} established certain principles in response to the questions posed by the Assembly on South West Africa, which principles were further

strengthened by its subsequent opinions of 1955^{10/} and 1956^{11/} as well as its Judgment of 1962.

53. The principles established by the 1950 advisory opinion are that South Africa continues to have international obligations regarding South West Africa, which obligations continued in spite of the dissolution of the League of Nations. In other words, the Mandate, under which South Africa was given South West Africa to administer, survived the League of Nations and is still in existence. In addition, the Court also held that the General Assembly of the United Nations has the power to supervise the Mandate and to receive annual reports on the Territory.

54. Another salient point of this historic decision is the view expressed by the Court that the Union of South Africa, acting alone, has no power to modify the international status of South West Africa, and that the international status of South West Africa can be modified only with the consent of the United Nations.

55. By its resolution 449 A (V) of 13 December 1950 the General Assembly accepted the opinion of the Court and the principles enunciated therein; and, feeling the necessity to enforce this opinion, it called upon the Union of South Africa to act in accordance with, and to implement, the opinion of the Court. The General Assembly also established a committee, consisting of Denmark, Syria, Thailand, the United States and Uruguay, to confer with South Africa concerning the procedural measures for implementing the advisory opinion.

56. Instead of acting in consonance with this opinion of the Court, the Government of South Africa refused to co-operate with the United Nations or its committee appointed by the General Assembly, refused to work towards the implementation of the Court's opinion, and indicated^{12/} that it preferred to reassume its obligations under the Mandate with a direct obligation to the United States, the United Kingdom and France (the three remaining members of the Principal Allied and Associated Powers of the First World War). As such a proposal ran contrary to the principle established by the Court in its advisory opinion of 1950, the General Assembly, by its resolutions 570 A (VI) and 570 B (VI), of 19 January 1952, quite rightly found it unacceptable.

57. The permanent Committee on South West Africa which was established by the General Assembly at its eighth session in 1953 [resolution 749 A (VIII)], consisting of Brazil, Mexico, Norway, Pakistan, Syria, Thailand and Uruguay, was faced with the same non-co-operative attitude on the part of the Government of South Africa.

58. Finally, in 1957, after all its efforts to get South Africa to implement the 1950 advisory opinion had been to no avail, the Assembly began looking for other ways to take South Africa to task. The Assembly, by

^{10/} South-West Africa-Voting Procedure, Advisory Opinion of June 7th 1955: I.C.J. Reports 1955, p. 67.

^{11/} Admissibility of hearings of petitioners by the Committee on South West Africa, Advisory Opinion of June 1st, 1956: I.C.J. Reports 1956, p. 23.

^{12/} See Official Records of the General Assembly, Sixth Session, Annexes, agenda item 38, document A/1901, para. 14.

^{7/} See Official Records of the General Assembly, Second Session, Fourth Committee, Annex, document A/334.

^{8/} Ibid., Fourth Session, Fourth Committee, Annex, document A/929.

^{9/} International Status of South-West Africa, Advisory Opinion: I.C.J. Reports 1950, p. 128.

its resolution 1061 (XI), then recomposed the Committee on South West Africa as follows: Brazil, Ethiopia, Finland, Mexico, Pakistan, Syria, Thailand, the United States and Uruguay, and, by its resolution 1060 (XI), asked the Committee to study what legal action was open to the organs or Members of the United Nations, or to the former Members of the League of Nations, "acting either individually or jointly, to ensure that the Union of South Africa fulfils the obligations assumed by it under the Mandate, pending the placing of the Territory of South West Africa under the International Trusteeship System".

59. Thus this action by the Assembly was taken only after all attempts to negotiate by and through the United Nations had been thwarted by the intransigence of South Africa.

60. After receiving the special report of the committee on South West Africa,^{13/} the Assembly, by its resolution 1361 (XIV), of 17 November 1959, drew the attention of Member States to the conclusions of the special report of the Committee, which indicated that legal action was open to Member States to refer any dispute with the Union of South Africa concerning the interpretation or application of the Mandate for South West Africa to the International Court of Justice for adjudication, in accordance with article 7 of the Mandate read in conjunction with article 37 of the Statute of the Court.

61. It was then that my Government and the Imperial Government of Ethiopia, as former African members of the League of Nations, decided to bring legal proceedings in the International Court of Justice^{14/} on behalf of all the African States, challenging South Africa for its administration of the Territory of South West Africa.

62. In our Memorial setting forth the charges against South Africa, we alleged:

(1) That South Africa had violated the terms of the Mandate by applying apartheid to the Territory of South West Africa;

(2) That South Africa had violated the terms of the Mandate by failing to promote to the utmost the economic, educational, social and political progress of the inhabitants of South West Africa; and

(3) That South Africa had unilaterally substantially modified the terms of the Mandate in spite of an Opinion of the Court declaring that South Africa could not legally modify the terms of the Mandate without the consent of the General Assembly.

63. I think it is interesting to observe at this point that, although South Africa denied the charges set out in our Memorials, the testimony given by South Africa before the International Court of Justice virtually substantiated these charges, for the application of apartheid to the Territory was admitted; but South Africa sought to establish, unsuccessfully in my opinion, that this did not violate the terms of the Mandate.

^{13/} *Ibid.*, Twelfth Session, Supplement No. 12A (A/3625).

^{14/} See *I.C.J., South-West Africa Case (Ethiopia) [Liberia] v. Union of South Africa*, Application instituting proceedings, 1960, General List, No. 46 (No. 47).

64. However, as South Africa challenged the jurisdiction of the International Court immediately following the initiation of the legal proceedings, the Court, in a ruling on this challenge to its jurisdiction as well as to the standing of Ethiopia and Liberia, stated:

"Those States who were Members of the League at the time of its dissolution continue to have the right to invoke the compulsory jurisdiction of the Court, as they had the right to do before the dissolution of the League. That right continues to exist for as long as the Respondent holds on to the right to administer the Territory under the Mandate."^{15/}

65. The Court also declared, among other things, that "to retain the rights derived from the Mandate and to exclude the obligations connected with the Mandate would be to exclude the very essence of the Mandate";^{16/} and that "the Mandate as a whole is still in force."^{17/} The Court then went on to conclude that it was "competent to hear the dispute on the merits" and found that "it has jurisdiction to adjudicate upon the merits of the dispute."^{18/}

66. What happened on 18 July 1966 is well known to all of us, for it was on that day that the International Court of Justice, in a curious and novel manner and with specious reasoning, refused to make a decision of the case on the merits and sought to justify its reluctance by stating, in legal legerdemain, that although the jurisdictional issue had been decided in favour of Liberia and Ethiopia in 1962 and that they had a legal interest in the merits of the dispute, these countries had no standing to ask for a determination of the case on its merits.

67. This nebulous distinction which some members of the Court sought to draw between jurisdiction of the Court to adjudicate upon the merits, and standing to ask for a determination of the same case on its merits, has challenged the best legal minds throughout the world and resulted in the most vigorous and harsh dissents in the history of international jurisprudence and of the Court. One of the Judges even went to the extent of stating in his dissenting opinion that the decision of the majority created by the unusual two votes of the Court's President is "completely unfounded in law."^{19/} Thus, as a result of death, disability and a spurious disqualification apparently engineered by the Court's President, transparent justice was denied and seven men perverted justice and brought upon the International Court the greatest opprobrium in its history.

68. As the President of Liberia, speaking on 26 July 1966, declared:

"The decision of the Court, that applicants had no legal interest in the case, and its refusal to go into the merits after its previous determination in December 1962 that applicants did have a legal interest and the Court had jurisdiction to determine

^{15/} *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. 338.

^{16/} *Ibid.*, p. 334.

^{17/} *Ibid.*, p. 335.

^{18/} *Ibid.*, p. 347.

^{19/} *South West Africa, Second Phase, Judgment, I.C.J. Reports* 1966, p. 323.

the case on its merits, savour of casuistry and legal pyrotechnics, which is, to say the least, most surprising and puzzling. It in fact generates unpleasant suspicions about the Court.

"I believe in due respect, regard and submission to the final decision of a Court of Justice because I believe in the rule of law; but a decision or judgement of a court such as the International Court of Justice in the South West Africa case does not admit of obtaining submission because it is opaque as to law, justice, equity and morality. It is so opaque that it cannot borrow light from any legal or moral sun to illumine it but it is transparent with racism and the old régime of colonialism; and it leads one to wonder whether it is not the handiwork of men still infused and imbued with bias and race prejudice."

69. This decision of the Court not only stirred vigorous dissents among the members of the Court and international minds, thereby gravely affecting its value as law, but also has been the object of condemnation and a source of shock and disgust all over the entire world. Even in South Africa itself, where, as the Government was busy inviting its accomplices in apartheid to join in a festive celebration of a lucky escape from the just consequences of its barbarous and detestable policy, the Johannesburg Star in South Africa made this editorial comment on 23 July 1966:

"Turning its back firmly on the great questions that move the world of the second half of the twentieth century, such as racial discrimination and the responsibility of the United Nations for the welfare of non-self-governing peoples, the Court cast an eye on the plaintiffs as it sees them for the first time and asked what right they had to be there at all. None, it decided (though by the narrowest possible majority) and threw the case out without further ceremony."

70. The Court, the Star seems to be saying, laboured like a tormented mountain for six portentously verbose and shatteringly wasteful years, and in the end, brought forth at a single birth, both a ridiculous mouse of vacillating incapacity and a monstrous masterpiece of premeditated wrong. The first of these offspring invite our wry mirth, the second should provoke our unforgiving wrath.

71. I wonder whether the Court, by its reluctance to render a decision on the issue squarely placed before it and its decision to rely on a technicality of doubtful legal validity totally unrelated to the issue before it, may not have dealt a severe and crippling blow to the development of the rule of law in international relations and set the clock back on the cherished aspiration of all who looked on the rule of law as one of the most reliable means of establishing a modus operandi for the maintenance of world peace and order. If this happens to be the case—and I believe it will be—then the Court did itself and the world community a great disservice.

72. This volte-face on the part of the Court, however, has not solved the problem of South West Africa, as the inhabitants of the territory whose welfare the Mandate and the Charter of the United Nations have described as a "sacred trust of civilization" are still the victims of treatment which, at its best, is a replica

of the unprincipled, invidious and vicious policies of apartheid.

73. Today, South Africa has the distinction, a very dubious one I think, of being the only administering Power of a territory mandated after World War I which has not developed its Mandate into an independent State or placed it under the Trusteeship System. The facts also indicate that South West Africa is not even being prepared for independence as was the hope of the Members of the League when they gave the Mandate for the territory to South Africa. Quite contrary to the terms of the Mandate, the considered best judgement of the world community and the previous opinions of the International Court of Justice, we see that South West Africa is gradually being absorbed and integrated into the Republic of South Africa without the consent of the United Nations.

74. It is therefore the view of my delegation that this action of the Court has left the United Nations, and the General Assembly in particular, no alternative but to assume its responsibilities and press with initiatives in the matter of South West Africa and to forcefully embark upon a programme which will give meaning and reality to principles of the Charter of the United Nations, principles supported by the Court in its opinions of 1950, and confirmed by the advisory opinions of 1955 and 1956 and the 1962 Judgment.

75. Let us recall once again that, in the advisory opinion of 1950, subsequently reaffirmed by the Judgment of 1962, the Court held that the Mandate is still in force and that the Government of South Africa has an obligation to make reports on the territory to the General Assembly as the organ having supervisory functions of the Mandate.

76. We submit that these principles, as established by the Court in 1950, are still valid and were not affected by the infamous Judgment of 1966, because as the Court stated, its decision was limited to establishing the principle that the applicants have no legal right or interest regarding the subject matter of the claim. My delegation feels that the Assembly would be ably facing up to its present challenge on South West Africa were it to institute a programme of action designed to revive and assert its authority over and functions in South West Africa.

77. I believe that the overwhelming majority of Member States of this Organization desire to give full effect to the principles and objectives of the United Nations Charter, more especially as they relate in this case to the inherent and fundamental rights of dependent peoples to exercise self-determination in a steady advance towards self-government and independence. This too, as we understand it, was the objective of the Mandate system.

78. As a first step, therefore, the Liberian delegation proposes that the Assembly should establish an ad hoc Committee whose members will immediately be appointed by the President of the Assembly which should report to the present session of the General Assembly on or before 30 November 1966 on the objectives, terms of reference and composition of a United Nations commission for South West Africa, to be established prior to the adjournment of this

session. The said commission would have among other functions at least the following:

(a) A speedy termination of the Mandate, of which South Africa has proved itself unworthy, and which it continues to violate in the most essential respects, so that the inhabitants of South West Africa may be led towards self-government and independence.

(b) A speedy abolition of apartheid in the territory; and

(c) Ensuring all technical and other assistance to the inhabitants of the territory necessary for their material well-being and social progress.

79. The ad hoc committee should recommend the ways and means by which the United Nations can effectively assert its supervisory powers and establish the United Nations presence in South West Africa, and should study the administrative, financial and personnel programs which would be involved. The Secretary-General should be requested to assist the committee in its work. X

80. It is the view of my delegation that this is the minimum meaningful action that can be taken if the United Nations is to move forward and not allow itself to return to the situation which existed about ten or more years ago or to betray the sacred principles on which this Organization is based.

81. The people of South West Africa are looking to us to assist them out of their present plight. This we must do. More especially, we cannot sacrifice the principles of the United Nations without doing irreparable harm to the Organization. This we should not do. The gauntlet has been thrown down. Let us pick it up.

82. My delegation, of course, reserves its right to speak on the terms of any draft resolution which may be submitted at the appropriate time.

83. Mr. PIRZADA (Pakistan): The General Assembly is addressing itself today to a problem which hinges upon the two overriding issues of international life at present. The first is the assertion of racial superiority which cuts at the root of civility between nations. The second is the denial of the right of self-determination to peoples entitled to it, which is a breeding ground of war. Both these phenomena appear in a most violent form in South Africa. Its Government has the unique distinction of sustaining racial discrimination, not as a prejudice, an evil habit, a legacy from dark ages, but as a deliberate principle of State policy.

84. The people of Pakistan have been concerned with the general situation in the southern part of the continent of Africa for decades, indeed since even before our attainment of independence. From the inception of our membership of this Organization, we have been deeply involved in the specified questions of the racial situation in South Africa and the conduct of the Mandate over South West Africa. Through all these years we have watched with growing impatience the failure of this Organization to persuade South Africa to abandon its policies and practices which are in complete negation of the United Nations Charter.

85. Recently, my Government received with dismay the Judgment delivered on 18 July by the International Court of Justice. After almost six years of contentious proceedings, more than 300 hours of oral testimony, almost 4,000 pages of evidence and more than 100 court sessions, the Court precluded itself from considering the merits of the case brought before it. Such a perverse result could not but be a setback to all those who reposed faith in the judicial organ of the United Nations and expected it to perform a creative role in the progressive development of international law, which would be harmonious with an organized international society based on the régime of interdependence. It was ironical in the extreme that a section of the International Court, transformed into a majority by the President's casting vote, should have, as Judge Koretsky observed, locked the door with the same key which had opened it in 1962. Even though these Judges did not reserve the Judgment given by the Court in 1962, they paid scant attention to the principle of res judicata, especially because the issues of fact and law before them were identical in every respect to those of the prior proceeding. The insensitivity of these Judges to current international standards or legal norms, their disregard of the mode of generation of customary international law, their refusal to apply, in the performance of their functions in accordance with article 38 of the Statute of the International Court of Justice, directives manifested in the resolutions of the General Assembly, are things which are bound to perturb enlightened public opinion throughout the world.

86. But the failure of the Court to pronounce on the merits of the case is not an end of this matter. It only gave proof, if proof were needed, of the futility of the judicial process for a just settlement of the issue of the future status of South West Africa. It brought home to us all the urgency, the imperative necessity, of political action.

87. In regard to this issue, the history and experience of the Mandate which was conferred on 17 December 1920 by the League of Nations upon His Britannic Majesty to be exercised on his behalf by the Government of South Africa have been recounted by the Foreign Ministers of Ethiopia and Liberia and will no doubt receive further exposition during this debate. I shall, therefore, confine myself to a mere recapitulation of certain basic considerations which emerge clearly from a study of the voluminous record of this question.

88. First, the Mandate did not involve any cession of territory or transfer of sovereignty over South West Africa to the Union of South Africa. The Mandate system was founded upon two principles; first, the principle of non-annexation and, secondly, the principle that the well-being and development of the peoples of the territories concerned formed "a sacred trust of civilization". The tutelage which was established for these peoples was, under article 22 of the Covenant of the League of Nations, to be entrusted to certain nations as mandatories "on behalf of the League". The whole concept was unmistakably anti-colonial. We all know that it owed a good deal to the vigorous opposition of President Wilson to the idea of the allied

and associated Powers appropriating territories to themselves as spoils of war.

89. Secondly, the Mandate was meant to be a responsibility rather than a right. A Power was free to accept or to reject the burden, but once it was undertaken, no shirking of the obligations resulting from the Mandate was permissible. These obligations were two-fold: first, to the people of the territory concerned and, secondly to the international community. As Judge Bustamante of the International Court of Justice observed:

"The rights granted to the Mandatory are for the purpose only of the better fulfilment of its obligations towards the country under tutelage. The concept of obligation predominates. Once the Mandate has been accepted, the mission of the Mandatory becomes a mission which, to a varying extent, must always surpass the Mandatory's own interest and, first and foremost, serve the interest of the population under tutelage. The C Mandates do not constitute an exception to this rule."^{20/}

90. The same truth was stated in the Judgment of the International Court given in 1962:

"The rights of the Mandatory in relation to the mandated territory and the inhabitants have their foundation in the obligations of the Mandatory and they are, so to speak, mere tools given to enable it to fulfil its obligations."^{21/}

91. Thirdly, by its very nature, a Mandate was meant to be temporary. The sole justification given for the institution of the legal system of Mandates was that the peoples of these territories were, to quote the words of article 22 of the Covenant of the League, "not yet"—I emphasize the words "not yet"—"able to stand by themselves under the strenuous conditions of the modern world". It was clear—and the fact was never left merely to inference—that the objective was to prepare these people for exercising their right of self-determination. It followed that any approach which would have the effect of freezing a mandate, making it permanent, was repugnant and inimical to the whole concept.

92. Fourthly, it was clearly the expectation of the framers of the United Nations Charter that all mandated territories would be assimilated into the International Trusteeship System provided for in Chapter XII of the Charter. My Government firmly believes that the conversion of Mandates into trusteeship was obligatory. No other interpretation could be put on Articles 75, 76, 77 and 80 of the Charter, particularly on paragraph 2 of the last Article which virtually forbade any "delay or postponement of the negotiation and conclusion of agreements for placing mandated and other territories under the trusteeship system".

93. It is true that this question has been the subject of some technical controversy, though as many as six

learned Judges of the International Court in 1950 confirmed our view.

94. In any case, even if we were to disregard the imperative "shall" in Article 79 of the Charter, and give undue importance to the permissive language employed elsewhere, there cannot be any manner of doubt that the institution of Mandates was meant to subserve the purposes of the United Nations laid down in Article 1 of the Charter. It was meant to further international peace and security, to promote the progressive development of the inhabitants of the territories concerned towards self-government or independence and to encourage respect for human rights and fundamental freedoms. Apart from the fact that the Charter did not contemplate the coexistence of the two systems of Mandates and Trusteeship, the fact remains that all justification for a particular Mandate disappeared when, in actual fact, it operated to the detriment of international peace and security, or to the international co-operation without which the Charter would be totally inoperative.

95. Fifthly, the Government of South Africa has consistently abused the Mandate over South West Africa and clearly demonstrated its unfitness to remain entrusted with the burden of tutelage over that country. We are all familiar with the uniform pattern of defiance and disobedience of the United Nations followed by South Africa. This pattern is older than even this Organization. South Africa was rebuked by the League of Nations on more than one occasion.

96. In 1946, the General Assembly of the United Nations, by its resolution 65 (I), expressed the desire "that agreement between the United Nations and the Union of South Africa may hereafter be reached regarding the future status of the mandated territory of South West Africa" and rejected the proposal of South Africa for the incorporation of the Mandated Territory in the Union.

97. During all the ensuing years, the conditions in the Mandated Territory have been a source of constant strain and anxiety for this Assembly and its Member States. I need hardly recall the many resolutions adopted on the issue. There is, however, resolution 2074 (XX) of 17 December 1965, which, in its paragraph 4, condemned the policies of apartheid and racial discrimination practised by the Government of South Africa in the Mandated Territory as constituting a crime against humanity.

98. Sixthly, the competence of the United Nations in the matter of enabling the people of South West Africa to attain the independence which is their right is beyond challenge. Though South Africa has raised many legalistic contentions in recent years, its own representatives have admitted the continuance of the obligations under the Mandate and the power of this Assembly in that regard. On 22 January 1946, the representative of South Africa stated in the Fourth Committee [3rd meeting] that no agreement would be drawn up for the future status of the territory until the freely expressed will of both the European and the native populations had been ascertained. He

^{20/} South West Africa Cases (Ethiopia v. South Africa, Liberia v. South Africa), Preliminary Objections, Judgment of 21 December 1962, p. 357.

^{21/} *Ibid.*, p. 329.

added—and the words are rather significant—I quote from the summary record:

"[The South African Government] could then reach a decision, and submit the decision to the General Assembly."^{22/}

99. In a declaration made on 9 April 1946 in the Assembly of the League of Nations, the representative of South Africa stated:

"The Union Government will nevertheless regard the dissolution of the League as in no way diminishing its obligations under the Mandate, which it will continue to discharge with the full and proper appreciation of its responsibilities until such time as other arrangements are agreed upon concerning the future status of the territory."^{23/}

100. Actually, however, the competence of the General Assembly comprehensively to review a mandate does not depend upon its admission by a Mandatory. The function of administration of a mandated territory was an international function; only its exercise, because of the physical and political circumstances of a certain day and age, was entrusted to a specific Government. The International Court of Justice, in its advisory opinion of 1950, stated:

"The mandate was created in the interest of the inhabitants of the territory and of humanity in general as an international institution with an international object—a sacred trust of civilization."^{24/}

The sacred trust was laid, not upon the Mandatory, but upon the League of Nations. Naturally, it now devolves upon the United Nations as personifying the international community. If the trust remains unfulfilled, the default is not only that of the delinquent Mandatory, but of the whole international community if it were to condone the Mandatory's conduct.

101. Seventhly, and it immediately follows, there is not the slightest doubt that it is this Assembly's inescapable duty suitably to correct the situation at present prevailing in South West Africa. It has been established, beyond cavil or quibble, that this Assembly possesses supervisory powers over the administration of South West Africa. This was confirmed in the advisory opinions of the International Court of Justice given on 11 July 1950, 7 June 1955, 1 June 1956 and in the Judgment rendered on 21 December 1962. But the matter is not merely of supervisory powers or functions. These functions were but one expression of the essentially international character of the institution of Mandates. The powers flowed out of the inherent power of determining or altering the terms of the Mandate or terminating it altogether which vests in the international community as personified by the General Assembly. The conferring of the Mandate on South Africa was an act of entrusting the Territory of South West Africa to its temporary care. Moreover, in the act, as Article 22 of the Covenant clearly stipulated, "securities" were pro-

vided "for the performance of this trust" of the international community. These securities would make no sense, and the consequent supervisory functions of the League, and in its place, of the United Nations, would be reduced to nothingness if no remedy were available in the event that South Africa refused to submit its conduct of the Mandate to the control of the United Nations and thus dishonoured the trust. The notion of entrusting connotes that it is not, and cannot be, an unconditional and irrevocable act.

102. These seem to my Government to be the main propositions involved in this problem. In considering them, we must guard ourselves from the danger of legal obfuscation. We would be blind to the urgencies involved, if we treated the question as if it were of purely legal and technical character. First and foremost, the problem is human and moral. It is also fraught with political consequences of the gravest kind. 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.

103. If, in the circumstances prevailing immediately after the First World War, the Allied and Associated Powers found that the indigenous population of South West Africa was not "yet able to stand by itself in the strenuous conditions of the modern world", it does not mean that this population should be considered as similarly disqualified now. What might have been true in 1919 is certainly not true in 1966. As Judge Jessup has observed in his dissenting opinion appended to the Judgment of the International Court of Justice of 1966:

"The 'modern world' under whose 'strenuous conditions' the peoples of the Mandate were 'not yet (in 1920) able to stand by themselves' is a multi-racial world. It is a world in which States of varied ethnic composition and of different stages of economic and political development are now associated in the United Nations on the basis of 'sovereign equality'. . . Obviously 'the modern world' is not a static concept and could not have been so considered by the framers of the Covenant of the League. Even if their vision of a warless world did not materialize, that is no reason why convalidated goals which are still attainable should be ignored. As the Nuremberg Tribunal in its judgment of 1 October 1946 said of another part of international law in interpreting another great multipartite convention: This law is not static but by continual adaptation follows the needs of a changing world."^{25/}

104. This Assembly cannot, in all responsibility, refuse to accept the fact that there is as powerful a trend towards independence in the Territory of South West Africa as existed anywhere in the formerly colonial territories. It cannot forget that the principle of equal rights and self-determination of all peoples

^{22/} Official Records of the General Assembly, First part of first session, Fourth Committee, 3rd meeting, p. 10.

^{23/} League of Nations, Official Journal, Special Supplement No. 194, p. 33, 2nd plenary meeting, 9 April 1946.

^{24/} International Status of South West Africa, Advisory Opinion; I.C.J. Reports 1950, p. 132.

^{25/} South West Africa, Second Phase, Judgment, I.C.J. Reports 1966, p. 440.

is the basis of the Charter. By resolution 1514 (XV), the Assembly has declared that the subjection of a people to alien subjugation, domination and exploitation is contrary to the Charter. By paragraph 5 of the same resolution, it has provided that:

"Immediate steps shall be taken, in Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom."

105. Could anything be more obvious than that the continuance of the Mandate of South Africa over South West Africa is an impediment to the taking of such steps in that Territory? It is, therefore, imperative that the Assembly should adopt effective measures here and now. These measures should be such as will ensure that the responsibility of preparing the people of South West Africa for independent existence—the responsibility which, I repeat, is that of the international community and which South Africa has failed to discharge on its behalf—should now be assumed by the United Nations itself.

106. These are the measures which the Asian-African countries represented here would earnestly urge the Assembly to adopt. In commending this proposal to the Assembly, we want to stress that the ultimate considerations impelling us are not regional. The sentiment behind them is not confined to Asia, Africa and Latin America. We are not oblivious of the powerful movement for racial equality which has taken hold of the most enlightened sections of public opinion in Europe and North America. We appreciate the fact that the practice of apartheid in South Africa causes a sense of outrage, a revulsion of feeling, as much among these sections as it does in Africa, Latin America and Asia. We are, therefore, confident that the proposal of the Asian and African countries will not be treated in this Assembly as if it were a proposal from one group of members, actuated by pique and swayed by anger. If the proposal emanates from the Asian and African countries, it is merely because they live nearer to the intolerable situation in South West Africa and because they bear common memories of colonial subjugation, when one race treated them as inferior or even sub-human. But the question concerns other countries as much because it involves the integrity of this Organization.

107. It is possible that some of our friends might focus their attention on the purely technical and legal aspects of this proposal. The Asian and African countries would like to remind them that no framework of law will be viable for organized international society if that law is not a living phenomenon. The law of nations, as much as municipal law, must respond to the urges, the needs and the demands of each stage of history. It must achieve the purposes of the United Nations as laid down in Article 1 of the Charter. Any treatment of this problem which would condone the excesses perpetrated by South Africa in South West Africa would militate against the whole

spirit of the Charter. The issue is plain: to leave the Mandate in the hands of South Africa, in the face of its established violations, would be to acquiesce in, if not to abet, those violations.

108. The violations are multiple. Since they are copiously recorded in the proceedings of this Assembly and its Committees, I need hardly recount them here at any length. There is ample and conclusive proof that South Africa has substantially modified the terms of the Mandate without the consent of the United Nations. It has failed to promote to the utmost the material and moral well-being and social progress of the indigenous population of the Territory, and has thus failed to discharge its obligation under article 2 of the Mandate and article 22 of the Covenant of the League of Nations. It has practised apartheid in administering the Territory, in contravention of the Charter, the Declaration of Human Rights and resolutions of this Assembly. It has applied legislation and adopted administrative measures which are unjust and detrimental to human dignity. It has suppressed the rights and liberties of the indigenous population and thus shown contempt for the accepted international standards set forth in the United Nations Charter and the Declaration of Human Rights. It has failed to render annual reports to the General Assembly under article 6 of the Mandate. It has failed to transmit to the General Assembly petitions from the Territory's inhabitants addressed to the Assembly. Each one of those violations is grave enough from a human and moral point of view. Their cumulative result, especially that of apartheid, poses a serious threat to international peace and security.

109. These infractions call for drastic measures. There is an irresistible case for punitive action against South Africa. While we intend to press it on other occasions, we must make it clear that our present proposal does not fall in that category. It does not take any rights away from South Africa, because South Africa never had any rights 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. Our proposal does not diminish or derogate from the international status of the Territory until its people attain their independence. We are merely seeking to adopt a constructive measure which will help the people of South West Africa to exercise their right of self-determination. No enlargement of obligations is involved here. The time has come to relieve South Africa from the obligations of the Mandate, which it has consistently dishonoured. The time has come for the United Nations to assume the function of administering the Territory directly, rather than through an intermediate agency.

110. In conclusion, I would therefore urge this Assembly to bear in mind that any delay in the adoption of this urgent proposal will have incalculable consequences. It will undermine the trust of Asian and African countries in the determination of this Organization to prevent a catastrophic strife in the southern region of Africa. The example of Southern Rhodesia is before us. It is a lesson to us that we cannot rely on optimistic anticipations. Our demand for stronger

action to compel South Africa to abandon the policies of apartheid has not been met. We witness the result in a situation which worsens every day. We have been disappointed time and again. We cannot, therefore, be agreeable to any compromise, howsoever alluring, any course of action, howsoever conceived, which will mean in effect that we should evade the problem. Can anyone ignore the relentlessness which is displayed by the present rulers of South Africa in pursuing their racist objectives? Can these objectives be frustrated if we do not show ourselves capable of an equal relentlessness? We cannot keep tinkering with the problem. We cannot condemn mankind to the position of a helpless spectator as South Africa proceeds to establish "non-European homelands" in the Mandated Territory. The world is to be purged of the arrogance of race. It is to be cured of the cancer of colonialism. The time for half-hearted measures has passed.

111. Mr. ACHKAR (Guinea) (translated from French): On 18 July 1966 the International Court of Justice, after six long years of deliberation, delivered its Judgment on the application of Liberia and Ethiopia concerning South Africa's administration of the Mandated Territory of South West Africa. The disgraceful and unexpected nature of this Judgment immediately aroused indignation throughout the world. While four years earlier the same International Court of Justice had affirmed that the two applicant States had the right to submit their complaint and that the Court was competent to decide upon the matter, it has now reversed its own Judgment by declaring that the applicant States cannot be considered to have established any legal right or interest appertaining to them in the subject matter of their claims, and has decided to reject all those claims—in other words, to dismiss the case brought by Ethiopia and Liberia.

112. The exceptionally serious nature of such behaviour on the part of the principal judicial organ of the United Nations, one of the most honourable bodies and most worthy of respect and confidence, was bound to engender one of the greatest feelings of uneasiness that the United Nations has experienced since its establishment.

113. Aware of the manifold consequences of such a crisis, the overwhelming majority of the Member States, and in particular the Afro-Asian group, has deemed it necessary that the question of South West Africa, which involves two factors vital to the survival of the United Nations, should be studied according to a special procedure calculated to emphasize the significance which Member States attach to this situation. In a spirit of conciliation and with a sense of responsibility, these States have ruled out the procedure of convening a special session of the General Assembly and chosen direct discussion in plenary session at the very beginning of the present session. This has allowed us all to ponder the causes and manifestations of the grave crisis through which the International Court of Justice is passing and to meditate on its consequences for the future of the concept of peace based on international law, as also for the effectiveness and value of the United Nations.

114. Now that the context of our discussions has been defined, I should like to examine one after the

other the two factors in the question before us, namely, the crisis of confidence through which the International Court of Justice is passing and the question of the liberation of the Mandated Territory of South West Africa.

115. When, in 1960, the question arose of instituting legal proceedings relating to South West Africa, several delegations, including that of Guinea, felt that this would distort the true nature of the problem of South West Africa's future, which, in their opinion, was a colonial problem coming under Article 73 of the Charter of the United Nations and the Declaration on the Granting of Independence to Colonial Countries and Peoples. Bearing in mind, however, the advisory opinions handed down by the International Court of Justice on 11 July 1950, 7 June 1955 and 1 June 1956, which all affirmed:

"that the Union of South Africa continues to have the international obligations stated in Article 22 of the Covenant of the League of Nations and in the Mandate for South West Africa as well as the obligation to transmit petitions from the inhabitants of that Territory, the supervisory functions to be exercised by the United Nations . . .",^{26/}

these delegations felt that the approach made to the International Court of Justice could be interpreted as a contribution to the political action that must be carried through to its culmination, which could be nothing short of the exercise by the people of South West Africa of their right of self-determination.

116. In 1962 the International Court of Justice decided, despite the objections of South Africa, that the applicant States had an interest of sufficient legal nature to justify a complaint on the basis of the dispute with South Africa with regard to the administration of the Territory, and to the duty to be answerable to the supervisory authority of the United Nations. The Court then examined the substantive question with the presumed intention of handing down a verdict on the complaint itself. By its refusal, in 1966, to give a decision on the substance of the question, the International Court of Justice—that is, the seven Judges who voted against the 1962 decision on competence—has not lived up to its responsibilities and obligations. How else can one interpret the so-called technical Judgment delivered on 18 July 1966 in circumstances that cast doubt on the integrity of some of the Judges and on their impartiality? A glance at the nationality and calibre of these seven Judges who chose to repudiate a verdict of their own Court that was of an irrevocable nature, is enlightening in this respect. It is enough to see that these Judges are from Greece, Italy, the United Kingdom and France—all countries that give unqualified support to the rash policies of South Africa and secretly uphold that country because of the enormous profits that their economies derive from the pitiless implementation of the policy of economic and social slavery known as apartheid. As for the Australian Judge, Sir Percy Spender, whose name, I think, means "spendthrift"—he needs money—his deciding vote and his conduct throughout the proceedings show that he is not worthy of the confidence

^{26/} See *International Status of South West Africa*, Advisory Opinion of 11 July 1950; I.C.J. Reports 1950, p. 143.

which the General Assembly placed in him in electing him and which his colleagues expressed in raising him to the high office of President of the Court. The underhand tactics of Sir Percy Spender, both in the improper disqualification of the Pakistan Judge, Sir Zafrulla Khan, and in the timing of the Judgment, handed down when the verdict favourable to South Africa and erroneously labelled "technical" gave rise to no doubt, show clearly that this Judge, from a country where it is not so long since the aborigines were treated worse than the non-Whites of South Africa, has chosen to hold high the torch of anachronistic racism and colonialism, to the detriment of the dignity, respectability and impartiality of his office. It is indeed the alliance of colonial and racist forces with the illegitimate interests of an obsolete world that prevailed in the decision of this Judge, who is guilty of the attempted murder of the International Court of Justice. As for the Polish Judge, whose behaviour has been denounced by his own Government, we can only wish for him that in the golden exile he will no doubt arrange for himself in a country in which he will claim to have "chosen freedom", he may quietly enjoy the money he has been able to amass, to the extent to which his conscience will be able to bear the heavy burden that he is now helping to impose on the unfortunate African people of South West Africa.

117. We need not dwell at length on the great injury which the so-called majority of the Court has inflicted upon this vital body of our Organization, that is, on the United Nations itself. The agonizing situation in which the Court now finds itself should prompt us to administer the most effective remedies in order that, through the honesty, integrity and conscience of the eminent jurists who will serve on it, its disease may be swiftly cured and it may regain health and strength in the interests of this Organization and of the maintenance and development of international law, which is a prerequisite for fruitful international co-operation and mutual respect among States.

118. Thus, while waiting for the Charter of the United Nations to be amended in such a way as to reflect the realities of the modern world, the General Assembly should do justice to the different spiritual families by ensuring that the Court faithfully mirrors the great spiritual and political currents of our time, expressed by persons enjoying the highest moral standing over and above their technical competence. As was stated on 20 July 1966 in The New York Times, "This verdict will disappoint all who had hoped for a valuable addition to the body of international law . . . It is bound to affect the stature and usefulness of the World Court". We must spare no effort to redress the incalculable wrong which these Judges, out of touch with the realities of our time, and sometimes accomplices, if not promoters, of obsolete prejudices, have inflicted upon the edifice so laboriously set up for the maintenance of peace and security and for the development of co-operation and international law.

119. Despite this profound disappointment felt by all men of good will, it is obvious that it was not possible for the fate of South West Africa to be decided by simple and extremely futile gymnastics on the part of the International Court of Justice, as the United

States Judge, Mr. Philip C. Jessup, said. The United Nations remains bound by the imperative need to shoulder its responsibilities unequivocally and to lead the people of South West Africa towards complete freedom. There is no doubt that this responsibility, confirmed by the advisory opinions of the Court, is not static. Quite the contrary. In fact, the purpose of the Mandate conferred upon His British Majesty by the Principal Allied Powers which were parties to the Peace Treaty with Germany signed at Versailles on 28 June 1919, to be exercised on his behalf by the Government of the Union of South Africa, was, as article 2 of the Mandate stipulates, to "promote to the utmost the material and moral well-being and the social progress of the inhabitants of the territory subject to the Present Mandate".

120. There is no doubt whatsoever that South Africa's action in seizing and appropriating all the valuable areas of the Territory, which it has annexed despite the repeated objections expressed by the General Assembly in 1946 and 1957, and introducing the hateful policy of apartheid there, ran counter to the spirit and the letter of the Mandate. What is worse, there is nothing in the policy of South Africa to suggest even the slightest intention of promoting the development of South West Africa towards independence. Yet all the former Mandated Territories—Cameroon, Togoland, Tanganyika, Ruanda-Urundi—have attained independence and are seated among us as sovereign countries, responsible for their own future. Why then should South West Africa be an exception to this rule, while it is subjected to a system of repression and oppression unequalled in the former German colonies? Is it because South Africa is too powerful? Is it because the arrogance of the South Africans is profitable? Is it because South Africa has supporters that are too powerful to allow South West Africa to be freed from its evil grasp?

121. All those questions may be answered by this simple statement: South West Africa is a Non-Self-Governing Territory under the domination of South African racists, who, with the help of the imperialist Powers, are seeking to extend apartheid over a large part of southern Africa. Our reaction should be equally as simple: as a Non-Self-Governing Territory, whether Mandated or not, South West Africa comes under the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples. There can be no equivocation on that point. All the other paths towards a solution of this problem have been tried to no avail. The only realistic course open to us now is to put an immediate end to the wicked and barbarous administration of South West Africa by the contemptible régime of apartheid.

122. There is no disputing the fact that the General Assembly, as the successor of the League of Nations, having supervisory powers over South West Africa—as the International Court of Justice confirmed in its advisory opinions—is empowered to take such a step. In addition, the recent course of events in South West Africa indicates a progressive deterioration, which in some instances has led to armed conflict.

123. The international community cannot allow a Territory for which it is responsible to suffer the

unhappy fate of the Portuguese colonies, where the sole means of struggle is by armed combat. With the co-operation of all the Member States, it must help this international Territory to free itself peacefully and to take its rightful place among the sovereign nations.

124. The fate, the security and the progress of the people of South West Africa are the responsibility of each and every Member of this Assembly. Nothing should prevent any country from making available to the United Nations all necessary means for the purpose of affirming the inalienable right of the inhabitants of this Territory to freedom and independence. In the present situation, the only way for us all to fulfil our obligations is to revoke the Mandate for South West Africa and to assume direct responsibility for the administration of the Territory, while preserving its international status until it achieves independence. To this end, the United Nations should set up a representative commission which would administer the Territory on behalf of the United Nations and would prepare it for independence through an administrative organ whose functioning would be defined during our discussion of a draft resolution. This commission, which might consist of two great Powers, one Latin American country, one Asian country and one African country, should go to the Territory of South West Africa to take over the administration and to recommend to the General Assembly, at the twenty-second session at the very latest, a date for the independence of the Territory.

125. Should South Africa oppose the decisions of the United Nations, for example, by refusing to transfer its powers to the United Nations commission or by preventing the members of the commission from entering the Territory of South West Africa, the Security Council would then have to take the necessary steps, including the application of the measures provided for in Chapter VII of the Charter, to ensure that our decisions are carried out. If necessary, an invasion of South West Africa by United Nations forces could be considered as a last resort. We sincerely hope that all Member States will co-operate fully and loyally with the United Nations commission so that by liberating South West Africa the Organization can prove to the world that it stands for the freedom of all people, for progress and for universal peace.

126. If by chance the United Nations failed to live up to its obligations, the people of South West Africa, all the Africans and all their friends would have no choice but to resort to all necessary means apart from peaceful means with which to fight the South African colonialist monster. Let no one make any mistake: those who underestimate the means of the Africans are not making a realistic judgement. Neither dissension, nor temporary internal problems, nor foreign pressure can ever bring the African community to renounce its desire to affirm its dignity and gain its freedom, a desire that will remain unfulfilled as long as an international conspiracy in southern Africa keeps our brothers in a state of servitude incompatible with human dignity. The future of the world is perhaps being decided more in this part of Africa than in other areas where opposing forces come face to face in implacable and merciless combat. For

beyond all ideologies and above all interests, the fate of an entire continent and the future of international co-operation and harmony among races and peoples are at stake. South West Africa affords us the opportunity to prove to South Africa that it cannot with impunity defy the conscience of all mankind and reject all universally accepted values. It also offers us the opportunity to prove to the entire world that the dignity and freedom of half a million Africans are worth much more than all the material interests of all the forces of oppression and exploitation, for without these moral values the world can enjoy neither stability, progress nor peace.

AGENDA ITEM 9

General debate (continued)

127. Mr. SHIINA (Japan):^{27/} Mr. President, on behalf of the delegation of Japan, I wish to express to you our heartiest congratulations on your election as President of the General Assembly at its twenty-first session. I am confident that with your high wisdom and your wealth of experience in this world organ, you will successfully lead us to many significant accomplishments during this important session. I wish especially to add that your election, with the wholehearted support of the Afro-Asian countries of which my country is one, not only gives us very deep satisfaction, but also makes us even more aware of our responsibility to co-operate with you for the smooth and harmonious work of this session.

128. Let me also at this time express our profound thanks and appreciation to our former President, Mr. Amintore Fanfani, the Foreign Minister of Italy. Demonstrating his wealth of experience in the field of diplomacy, he guided the work of the twentieth session in a manner that has greatly enhanced the authority and prestige of the United Nations.

129. Also at this time I should like to pay to U Thant, our Secretary-General, the very warm tribute of the Japanese delegation and Government. For some years now, a period covering many of the most difficult and trying days of the United Nations, U Thant has graced the eminence of his office with very rare qualities of ripe wisdom and quiet leadership. His dedication to the cause of peace and his devotion to the tasks of peace have deeply inspired us and, although we sympathize with him for the painful frustrations he has encountered from time to time in the course of his work, surely the ideal of peace that he has served so well by far outweighs all other considerations. My delegation is very glad to note that the Secretary-General made it clear that he would consider remaining in office during this session.

130. It is gratifying to know that the Indonesian Government has decided to resume its full co-operation with the United Nations, starting with this session of the General Assembly. This is very pleasant news indeed and a happy augury for the beginning of the twenty-first session. My delegation takes great pleasure in the fact that Indonesia, for which Japan has always cherished feelings of deep friendship, as a neighbouring country of Asia, has made the decision

^{27/} Mr. Shiina spoke in Japanese. The English version of his statement was supplied by the delegation.

to rejoin us in our work to build world peace through the United Nations. We support it whole-heartedly.

131. To the delegation of Guyana, I offer my warm congratulations on the admission of their country and welcome them to our midst.

132. The Japanese delegation entertains high expectations and confidence that Indonesia and Guyana will contribute their full share to the work of the United Nations for peace, for freedom, for human rights and for economic and social development.

133. Ten years have passed since Japan became a Member of the United Nations and in these ten years we have seen this Organization greatly enlarged in membership, and we have seen it vigorously carry out its tasks in various fields: the maintenance of world peace, the independence of colonial countries and peoples, and economic and social development. This is a matter of congratulation for the sake of the well-being of the world and of mankind.

134. One of the most important roles played by the United Nations is that by the very ideals for which it stands, it lights the way for the future of humanity. In the diplomacy of every country there are always two aspects: one to protect the actual national interests and the other to contribute to the realization of the ideals of mankind at large. Certainly, these two aspects are closely linked like the two sides of a coin. In the world of today, the peace and prosperity of any one nation are closely interrelated with the peace and prosperity of the world as a whole. Each Government should not only, therefore, endeavour to protect the interests of its nation and State, but should also bear in mind the legitimate ideals of the future of the international community and make continuous efforts for their realization. Any nation which is lacking in awareness of these, to us, self-evident facts, or which fails to behave in accordance with them, is not entitled to occupy an honourable place in the community of nations.

135. The ideal of the world community is to realize for every nation the equal enjoyment of a peaceful and abundant life, regardless of race, creed or religion. On the means of attaining this ideal, a common standpoint is evident in the basic attitude proclaimed by almost all countries belonging to the world community, whatever their political ideology. This is to so nurture and strengthen the United Nations that eventually it may be fully entrusted with all matters relating to international peace and the security of every nation, that it may provide dynamic leadership in the progress of mankind in the fields of basic human rights, economic and social advancement and other endeavours, thus enabling this Organization to make positive contributions to the building of an enduring world peace.

136. It is only natural that the nations which, through two world wars, suffered appalling miseries resulting from a world community based upon selfish national interest, should now come to share these common ideals.

137. However, under the ever-changing circumstances of international politics, our ideals seem at times to draw close to reality and at other times to

appear so remote and shrouded in the mists of fantasy that our ideals themselves seem to be no more than castles in the air. The United Nations as it now is, is still not close to what we would like it to be. But we could hardly over-estimate the value of the United Nations as a place where we affirm to each other the ideals of humanity and pledge our utmost efforts to achieve them.

138. A major development of historic significance in the latter half of the twentieth century is the collapse of the system of domination and subordination of one people by another and the creation of a new social order, based on the principle of equality. The role played by the United Nations in this whole process has indeed been great. The principle of independence of colonies proclaimed by the Declaration on the Granting of Independence to Colonial Countries and Peoples, which was adopted by the General Assembly at its fifteenth session, has now become one of the guiding principles in the society of nations. Regrettable though it is that some areas still remain where this principle has not been implemented—because of stubborn resistance to the tide of change—the obvious fact is that the great drive for the independence of colonial countries and peoples has now entered into its final stage.

139. Colonial independence does not mean that all problems have been completely settled. True, the newly independent countries are earnestly endeavouring to develop their national future by their own will and abilities, but it is also true that they must first establish political stability in the areas to which they belong if they are to give full and effective play to their efforts of nation-building.

140. Our Organization has made many contributions to the political stability of these areas. It has devoted much of its energy to this end. This is evident from the fact that most of the peace-keeping operations of this Organization since its founding have been carried out in these areas. The solution of the economic and social problems of the newly independent developing nations is even more difficult than the solution of the problems of political independence.

141. The situation in which some people in the world enjoy prosperity and a high standard of living while most of the others are constantly menaced by conditions of poverty, starvation and disease, can be a cause of friction and discord among nations and peoples. In order to remove this cause, the United Nations and its specialized agencies have made great efforts in such fields as the development of industry and agriculture, the popularization of education and the improvement of public welfare.

142. The independence of colonies, the political stability of the developing areas and development assistance to these areas—these have been among the central activities which the United Nations has performed with considerable success. Through these processes our Organization is actually contributing toward the establishment of world peace.

143. Following the Second World War, strife, unrest and stagnation prevailed in Asia and impeded progress. But a new and encouraging trend has recently begun

to emerge. First to be noted is the trend toward co-operation and collaboration among the nations of the region. In the past, Asia, compared with other regions, has had fewer opportunities to discuss common problems for the purpose of promoting intra-regional co-operation. But now a number of such opportunities have presented themselves. At the beginning of this year, a ministerial conference for economic development in South-East Asia was held in Tokyo, and in June the First Ministerial Meeting for Asian and Pacific Co-operation was held in Seoul. In November, the inaugural meeting of the Board of Governors of the Asian Development Bank and, in December, a conference for South-East Asian agricultural development will also take place in Tokyo. The United Nations Commission for Asia and the Far East continues its broad and very important activities concerning economic and social problems in the Asian area, and one of the products of its efforts is the Asian Development Bank. This is the result, no less, of self-help by Asian countries with the co-operation of the more highly developed nations.

144. Another trend to be noted is that, in the place of confrontation and tension, there is now a tendency to settle disputes between neighbouring countries by peaceful means, based on a spirit of understanding and friendship. There has been, for example, a normalization of diplomatic relations between Japan and the Republic of Korea, realized last December, twenty years after World War II, which has opened up a new relationship of friendship and amity between the two countries. There was the summit conference, held in Tashkent between India and Pakistan in January of this year, which resulted in a cease-fire in the armed conflict arising from the Kashmir dispute. Still fresh in our memory is the dispute between Indonesia and Malaysia which, after three tense years, came to an end last August, restoring a relationship of friendship between them. This happy development is the result of eager and ceaseless efforts by the leaders of those two countries since this spring.

145. While it is thus gratifying to note these developments which indicate a steady new trend toward greater political stability and closer regional co-operation in Asia, dark clouds still hang over that part of the world and we remain constantly under the danger of great disaster until they are dispersed.

146. The gravest problem now confronting us in South-East Asia is how to achieve a peaceful solution of the issue of Viet-Nam. There, bloodshed and destruction go on unabated with no prospect of settlement. How truly regrettable that valuable human lives and resources of all kinds which ought to be directed towards the construction and development of this vast region are thus being wasted in fighting. At this moment when, as I have just mentioned, there is a developing trend throughout Asia favouring the solution of problems through peaceful talks, I earnestly hope that the conflict in Viet-Nam also may reach an early peaceful solution through discussions. To bring this about, it is essential for both parties to stop the fighting and sit down at the conference table.

147. The United States has repeatedly declared its readiness to enter into discussions without any pre-conditions, while the North Viet-Nameese authorities

and the Viet Cong have maintained the attitude that as long as their claims are not recognized, there can be no possibility of their agreeing to negotiations. I strongly desire that the communist side, taking into consideration the appeals for peace made by so many of the world's nations and leaders, might show a more responsive and constructive attitude towards a peaceful solution. On this point, I regard the statement made by the representative of the United States yesterday as being a very important and constructive one which merits our serious consideration. At the same time, my country wishes to express its firm determination to seize every opportunity that may present itself in the future and to continue its all-out efforts in the pursuit of a just peace. The question of China, no less than that of Viet-Nam, is one of paramount importance, for it has such a close bearing on the peace and security of Asia and indeed of the whole world. Practically every international problem that arises on the continent of Asia is related in one way or another to the question of China.

148. As my delegation has repeatedly stated at every past session of the General Assembly, the China question is by its very nature one of great difficulty and complexity, so much so that its solution is far from easy. I should point out that one of the main reasons which have made the solution of this intractable problem even more difficult is the attitude of the People's Republic of China. Compare, if you will, the attitudes taken on the question of Viet-Nam by the various countries concerned and you will note that the position of the People's Republic of China is conspicuously lacking in flexibility. In order to resolve the China problem and the closely related problems of different areas on China's vast periphery, a number of ways and means might be envisaged, both in and out of this Organization, such as negotiations between the parties directly involved.

149. I believe above all, however, that the essential prerequisite for peace and security in Asia and in the world is that the People's Republic of China should face the problems concerning it with a co-operative attitude, based upon confidence in the goodwill of other countries. The attitude should also reflect a recognition of the simple fact that the nations of the world, different though they may be in political ideology, all aspire to peace.

150. The attitude of my delegation on the question of the representation of China in the United Nations has been repeatedly explained in past sessions of the Assembly, and therefore I would do no more than summarize it briefly at this time. We believe that the question of China is a question of vital importance directly affecting the peace and security of our present world. And the question of Chinese representation in the United Nations, we believe, is an important question which touches the very core of the China question. It is so important that it must be examined with the utmost caution, based on a realistic and balanced appraisal of all the factors involved. Like many other important issues to be decided by the General Assembly, it should be dealt with as an important question requiring for decision a two-thirds majority vote. I might add that in the light of recent statements by the leaders of Peking, the world situa-

tion does not appear to have reached a state that would make objectively possible a satisfactory solution of the question of Chinese representation at this time. My delegation remains hopeful that the General Assembly will continue to deal with this question in the same careful manner as at previous sessions of the Assembly.

151. The changes that have swept over the African continent since the Second World War have been of historic proportions and importance. Africa today is making assiduous efforts to throw off the yoke of colonial domination and mould its destiny by its own will and power. The newly independent countries of Africa have formed the Organization of African Unity and are thus exerting their utmost energies to establish a system of regional co-operation aiming at African solidarity and unity. Such constructive efforts serve in effect to facilitate the establishment of co-operative systems in other regions.

152. It is regrettable, however, that there still remain peoples in Africa who are denied independence, contrary to their legitimate aspirations. Parallel with the problem of colonial independence is the problem of racial discrimination. The question of southern Africa, together with the question of Viet-Nam and the question of China in Asia, is today one of the world's major political issues.

153. On the question of South West Africa, the International Court of Justice has recently delivered a judgement on the cases instituted by the Governments of Ethiopia and Liberia. The Court however did not judge the principal substantive issues of the case, and did not justify the policies persistently practised in South West Africa by the Republic of South Africa in total disregard of numerous resolutions of the United Nations. Japan insists that the Territory of South West Africa, presently administered by the Republic of South Africa under the terms of the Mandate, should be allowed to progress steadily towards self-government and independence. We also insist that the policies of apartheid now being practised in South West Africa should be ended immediately as a matter of course. My delegation believes that the present session of the General Assembly should make a comprehensive and careful study of the juridical and political procedures necessary to achieve these aims.

154. As to the question of Southern Rhodesia, Japan is consistently opposed to the unilateral declaration of independence by which it intends to perpetuate white minority rule. From this standpoint, we have faithfully carried out the required measures, including economic measures, in conformity with Security Council resolutions, whatever the strains they may place on our national economy. As a result, Japan's imports from Southern Rhodesia have been reduced practically to nil. We are determined to make every possible effort in the future, in collaboration with friendly nations, to achieve the objectives of the Security Council resolutions.

155. Whether it be the question of South West Africa or the question of Southern Rhodesia, the common feature looming large behind both is racial discrimination. It is most deplorable that the Republic of South

Africa, notwithstanding the condemnation expressed by the United Nations in a series of resolutions over a long period of time, has not only failed to renounce its policies of racial discrimination but has, rather, tightened the system of such discrimination. We strongly appeal to the Republic of South Africa to abandon forthwith its policy of apartheid and take a common step towards the realization of the ideals of all mankind. In the meantime, Japan pledges to continue to carry out its arms embargo against South Africa in accordance with Security Council resolutions.

156. National independence and racial equality are the main currents of history, and nothing can stem this tide. The claim for political and social equality of races is no less than a voice of the human conscience. I sincerely hope that the countries administering southern Africa will fully realize this fact and take positive steps to settle these problems in consonance with the tide of history.

157. As I have stated earlier, the United Nations is an organ embodying in itself the lofty ideals of mankind. Indeed, we who are gathered in this Assembly are truly making world history. Realizing then that what we do here will have a far-reaching impact on future generations, we must act with a sense of grave responsibility. There is no doubt but that, on questions of colonial independence and racial discrimination, basic justice is on the side of the Afro-Asian countries. In choosing the means of achieving the aim of human justice, however, we must constantly keep in mind the heavy responsibilities which rest upon us.

158. I have spoken on some of the problems that confront the nations of Asia and Africa. To promote the economic prosperity of the developing regions of the world and to enable their inhabitants to enjoy social well-being—these are preconditions to establishing and maintaining peace and security in these regions. The problem of economic and social development of the developing regions is thus not simply an economic and social problem. It must be understood and dealt with as a task of building peace.

159. Needless to say, the economic and social development of the developing regions is possible only through co-operation between the developed and the developing nations. The fact that the 1960's have been designated the United Nations Development Decade and that the United Nations is exerting its intense energies to the problem of development is thus a matter of great historic significance.

160. Although we have just passed the mid-point of the Development Decade, we cannot describe the achievements of the first half as being wholly satisfactory. But through the co-operation of the Member States of our Organization, there are observable signs of steady progress. In the course of last year, a number of basic tasks were accomplished. The establishment of the institution of the United Nations Conference on Trade and Development was completed; a new United Nations Organization for Industrial Development was established; the United Nations Development Programme was consolidated; and the World Food Programme was also expanded and put on a permanent basis. Thus the United Nations is now

expected to play an ever more active role in these important fields in the years to come.

161. Parallel with these efforts, all the specialized agencies have also strengthened assistance activities to the developing countries in their respective fields of competence. And we should not overlook the many other projects and programmes that are being carried out on a multilateral and bilateral basis. It is indeed gratifying to see these intense efforts being made ceaselessly, both within and outside the framework of the United Nations.

162. Next year, the second United Nations Conference on Trade and Development is to be held. The key to the success of the Conference lies, I firmly believe, in a common and concerted effort by both the developed and the developing countries on the basis of mutual understanding, trust and goodwill to find measures for the solution of the problems before them. Japan, on its part, is prepared to make every possible contribution towards the success of the Conference.

163. In most developing countries, notably in Asia, the most aggravating problem today is that of agriculture, especially the creeping food crisis in relation to sharp population increases. The solution of food shortage and the raising of agricultural productivity, taken together, constitute one of the most urgent and important problems in these areas. It is encouraging that the gravity of these problems is now being seriously recognized throughout the world. Japan, on her part, is determined to lend her utmost co-operation to the agricultural development of the developing countries. It is because Japan fully realizes the grave importance of the food problem that she is convening the Conference on Agricultural Development in Tokyo at the end of this year with the participation of the countries of South-East Asia. We are confident that this Conference, through the co-operative efforts of South-East Asian countries, will make very significant contributions to the solution of the food problems of the area.

164. As I have stated, the problems of economic and social development in the developing countries are so varied and complex that their early solutions will not come easily. Although Japan has her problems at home, she has made every possible effort to increase her assistance to the developing countries. With the goal of diverting 1 per cent of our national income to the economic and social development of the developing countries as early as possible, we are determined to expand our assistance efforts to the limit of our national resources.

165. The most important objective of the United Nations is the maintenance of international peace and security. The Security Council, on which rests the primary responsibility in this regard, started its work at the beginning of this year with an enlarged array of members. In recent times, there has been a noticeable tendency towards consultations among the Council members, thus avoiding confrontations, and as a consequence the veto has not actually been exercised by a permanent member of the Council. For this important agency of the United Nations to function smoothly and efficiently, it is essential that there be full co-operation, not only among the permanent

members, but also among the non-permanent members as well. Recognizing this important requirement, Japan is determined to co-operate fully with other members, as it has endeavoured to do thus far, in the examination of the various problems that come before the Council.

166. Since the nineteenth session of the General Assembly, this Organization has had many intense discussions on the problem of United Nations peace-keeping operations, but it is a matter of regret that little has been produced in the way of tangible results. The question of how to carry out effectively the peace-keeping functions of this Organization and the question of how to ensure effective financial backing for these operations are vital problems on which rests so much the fate of the United Nations. The entire membership of our Organization must, I submit, fully realize the importance of these questions and join in vigorous co-operative efforts toward their early and satisfactory solution.

167. On the subject of peace-keeping operations, I suggested at the last session of the Assembly that representatives of this Organization might be posted permanently in the various geographical regions of the world as a preliminary step for the peaceful settlement of disputes. My delegation believes that the United Nations should further study suggestions of this kind.

168. The financial ills which beset the United Nations, arising as a result of its past peace-keeping operations, require urgent solution. I believe that all Members of the United Nations, recalling the agreement reached at the nineteenth session of the General Assembly and the historical background which led to the establishment of the Ad Hoc Committee of Experts to Examine the Finances of the United Nations, and considering also the present financial situation of the United Nations, which has now been clarified, should exert constructive efforts to restore health to United Nations finances.

169. At the last session of the Assembly [1339th meeting], I stated that Japan was prepared to make an appropriate voluntary contribution as our share of the effort. Now that the actual financial situation of the Organization has been clarified, I am glad to inform this Assembly that Japan intends soon to make a contribution of \$2.5 million.

170. I should like next to express our thoughts on a question which is closely related to the maintenance of international peace and security—the disarmament question.

171. With the present world climate, it is difficult to attain immediately the goal of general and complete disarmament. What is important and essential for us in this situation is to endeavour to work steadily toward that goal, step by step, with calm patience and an unflagging spirit. Even though the Eighteen-Nation Disarmament Committee met on many occasions between January and August this year and made no substantial progress, the very fact that it did meet so often and engage in intensive discussions, and then decided to resume its meetings after the present General Assembly, reflects, I believe, the earnest desire of the world for disarmament.

172. The focal point of the disarmament problem today is the question of non-proliferation of nuclear weapons. Despite the efforts made, the Eighteen-Nation Committee has failed to agree on the co-ordination of draft treaties on disarmament. At the twentieth session of the General Assembly, I expressed the view that in making such a treaty due consideration should be given to the security of each nation and that the voices of both nuclear and non-nuclear Powers should be respected in the spirit that all States should equally share the responsibilities and the obligations. We also expressed the view that, after the effectuation of a treaty of non-proliferation, conferences of the parties to the treaty should be held, not only to review its implementation but also to assess from time to time the disarmament efforts made by the nuclear Powers. I hope that all the nations concerned will fully examine the various points, including those I have mentioned, and surmount the difficulties, so that a treaty for the non-proliferation of nuclear weapons may be concluded without further delay.

173. In the light of the fact that the total prohibition of nuclear weapons testing is an effective means not only to achieve nuclear disarmament but also to prevent the spread of nuclear weapons, there should be an early ban on underground testing, which has not yet been prohibited by international agreement. We are aware that there are serious disagreements among the nations concerned regarding the question of international control of the underground test ban, such as on-site inspection, verification, and others. Recently, the Swedish Government has proposed the idea of international exchange of seismological data, or the creation of the so-called "detection club". While its function is of a technical character involving the exchange of seismological data, it would be greatly welcomed if such an activity, though unspectacular, would contribute to eliminating the deadlock in realizing the prohibition of underground testing. My Government intends to make every possible contribution to the development and success of the "detection club".

174. At this time when many nations are making serious efforts to achieve non-proliferation of nuclear weapons and the total banning of nuclear tests, Communist China and France have conducted tests in the atmosphere again this year for the purpose of developing nuclear weapons. This is most regrettable. I hope very earnestly that both nations will respect the desire of the world and co-operate in the international disarmament effort.

175. As a nation which has actually experienced the disaster of nuclear war, Japan is ever ready to participate actively in the common endeavour of all nations to achieve disarmament.

176. Science and technology have made many brilliant achievements in the twentieth century, especially in the still early latter half. The swift and dramatic progress which we have seen in the exploration of outer space is now transforming that vast area, once a world of the imagination, into a new arena of human activity. This new province offers mankind a great and challenging opportunity to realize its lofty ideals removed from the conflicting national interests on earth. It is most appropriate and timely that the

Committee on the Peaceful Uses of Outer Space should submit to this session of the General Assembly a report [A/6431] on a draft treaty governing the activities of States in the exploration and use of outer space, the moon and other celestial bodies. I sincerely hope that this epoch-making treaty, aimed at the establishment of law and order in outer space, may be concluded as soon as possible so that we may utilize, in a spirit of co-operation, outer space and the celestial bodies for the benefit of all mankind.

177. I have stated the basic positions and aspirations of the Japanese delegation regarding the ideals of mankind and the United Nations, the political and economic problems confronting Asia, Africa and other developing areas, the United Nations peace-keeping operations, the disarmament issues and other questions.

178. The progress of science and technology has been so remarkable that man may now explore the universe; but has the world community in which we live progressed as much? We, who have at heart the progress of our world, must not lag behind. We must join our efforts to strengthen the United Nations, which is the embodiment of our aspiration, so that it may become a truly effective organization for achieving the peace and prosperity of the world. For this high purpose the Japanese Government is determined to play its full part.

179. Mr. President, I earnestly hope that this session of the General Assembly, under your able leadership, will accomplish many fruitful results, enhance the authority of the United Nations, and contribute substantially to world peace and prosperity. To this my delegation pledges its full effort and co-operation.

180. Mr. THIAM (Senegal) (translated from French): Mr. President, I should first like to offer you the heartfelt congratulations of my delegation upon your brilliant election to the office of President of this Assembly, at a most critical moment in the life of the United Nations. We are certain that your experience will greatly help us to get through the difficult moments that we are experiencing.

181. Some twenty years ago, the signatories of the Charter of the United Nations assigned a triple objective to our Organization: first, the maintenance of peace; secondly, the liberation of the colonized peoples; and thirdly, the economic and social development of mankind.

182. This was a vast and noble design, which seemed to be an expression both of great wisdom and of great confidence in the destiny of man. The authors of the Charter wished to devote their efforts to the establishment of a new world, to the creation of a new international order.

183. In our remarks, which will be brief, we shall seek to determine how far we have come after twenty years, and in so doing we shall discuss the major problems in the forefront of the international scene today.

184. It is no exaggeration to say that the Charter was no sooner signed than there appeared one crisis after another. Every continent has had its upheavals. The first theatre of the cold war was Europe. The

East and the West on this continent confronted each other dangerously. Next, it was Asia, after the Chinese revolution and finally Africa, when the decolonization movement started in that continent.

185. All the difficulties encountered in one part of the world or another had direct repercussions on the United Nations. In Europe, the cold war between East and West had far-reaching effects on the life of the Organization. The European representation within this Assembly testifies to that fact. In Asia, the Chinese revolution and the Korean war have profoundly influenced our Organization, as is also reflected in its present composition. We need not even mention the Viet-Nameese war, which is the real source of the crisis through which the United Nations is passing. In Africa, the decolonization initiated in the early 1960's has also shaken the United Nations, to the extent of jeopardizing its very existence. We need only recall the crisis in the Congo in which the Organization was directly involved and which had financial, and above all political, consequences that were at the root of last year's crisis.

186. Indeed, if mankind has been stumbling along amid growing difficulties since the post-war period and since the Charter was drawn up, it is because—and we must have the courage to admit it—we have often turned our backs on the lofty and noble principles that prevailed when the United Nations was established.

187. The only remedy for our present difficulties is to return to the source, to revive and strengthen the principles that inspired us at the outset, in order better to ensure that the objectives of the United Nations will be attained.

188. I should like to begin with the first of these objectives: the maintenance of international peace and security. It is obvious that peace cannot be maintained on the basis of injustice. It cannot be maintained by systematically denying the rights of others, by denying people their sovereignty, and particularly by trying to impose any situation on them by force. Now what could be more unjust than the fate that has been imposed on the People's Republic of China for more than ten years? What could be more artificial than the fate imposed on the divided countries, on Germany, Korea, Viet-Nam?

189. I should like to dwell for a moment on the question of the People's Republic of China. Without specifically examining the reasons which led China to revolution, and without passing judgement on the ideology which inspired that revolution, can one reasonably challenge a people's right to be governed by the régime which suits it—which is none other than the exercise of the right to self-determination? Even if these moral arguments are not convincing enough in themselves, a certain realism should prompt us to agree that 750 million men cannot be denied the right to a share in international life. Besides, it seems clear that the crisis now shaking South-East Asia is directly linked to the Chinese problem.

190. In all honesty, we must say that we see no possible solution to the Viet-Nameese problem as long as the rights of the People's Republic of China continue to be denied. It is obviously urgent that the

Viet-Nameese problem should be solved. We do not wish to assess the high-level official or secret reasons which lead a great Power to decide that it has an interest in the problems of South-East Asia, particularly in the Viet-Nameese situation. But we feel that the crisis in Viet-Nam threatens the policy of peaceful coexistence. We need hardly say that we are anxious for this policy to be maintained. The Soviet Union and the United States have a particular responsibility for the preservation of world peace. At the time, we hailed the elaboration and implementation of the policy of peaceful coexistence. But how can this policy survive, unless the situation that has been brought about in South-East Asia, and especially in Viet-Nam, is altered as soon as possible? We are in danger of seeing the great Powers confront one another in this part of the world, at the risk of touching off a third world war. We feel that the time has come to settle the Viet-Nameese conflict by recourse to the principles of the Charter. The parties must silence their weapons and return to the conference table. All foreign troops must be asked to withdraw. Indeed, in accordance with the Geneva Agreements, they should never have been there. The entire Viet-Nameese people, without excluding any of the present currents of opinion, must be permitted to decide their fate freely and to adopt the political system of their choice.

191. In short, we see no way to reduce tension in South-East Asia except by allowing the People's Republic of China to exercise its legitimate rights as a member of the international community, and by loyally accepting the right of the people of Viet-Nam to self-determination.

192. We should like very briefly to examine the Viet-Nameese problem as it affects the life of our Organization. One fact stands out: the paralysis and inactivity of the United Nations. Apart from the commendable efforts of the Secretary-General to establish the groundwork for a discussion among the parties concerned—efforts which have unfortunately been fruitless up to now—no United Nations organ has taken any initiative whatsoever to try to settle the conflict. One might be tempted to say that the United Nations has retreated from its responsibilities, but that would be too harsh a judgement and undoubtedly too unjust. It is true that the Geneva Agreements provided for bodies which were to be responsible for seeking to settle any disputes that might arise from the implementation of those Agreements. But does this mean that the United Nations is by that very fact released from its responsibility in the specific case of Viet-Nam, when, as we are all aware, the Viet-Nameese problem, because of the new dimensions it has taken on, threatens to endanger world peace? Certainly not.

193. The truth is simply that the United Nations lacks the means necessary to carry out effectively its task of safeguarding the peace. The Security Council, which under the Charter has the primary responsibility for the maintenance of peace, unfortunately cannot act without the unanimous consent of the great Powers. Needless to say, this agreement is rarely possible. In the case of the Korean war, the Security Council was able to act only because one of the great Powers

was temporarily absent. When it returned to the Council, everything was again deadlocked. The cease-fire at Suez was ostensibly the result of a United Nations recommendation, but everyone knows that it was actually the result of an ultimatum from two great Powers who chanced to meet on the path of goodwill. The peace-keeping operations in the Congo, decided on by the Security Council, were subsequently challenged in their application, and the nineteenth session of the General Assembly was cut short because of a dispute between the great Powers about the apportionment of the costs of this operation.

194. All the discussions undertaken with regard to peace-keeping operations have thus far failed to produce an agreement and the question of how the United Nations can fulfil its task of preserving international peace and security remains untouched. Let us set aside the circumstantial solutions proposed by some Powers, depending on whether or not these were in their interest, which consisted in shifting responsibility for peace-keeping from the Security Council to the General Assembly, or vice versa. No solution has been found to the problem of how the United Nations, faced with a given conflict, may objectively take the steps necessary to safeguard the peace, without its action being challenged or paralysed by any Member State. We must realize that such a solution has not yet been found. Even the provisions in the Charter for the establishment of a Military Staff Committee and the signing of special agreements allowing armed forces to be made available to the Security Council have not yet been implemented.

195. The Committee of Thirty-Three,^{28/} set up to study the problem of peace-keeping operations, has limited itself to seeking a provisional solution to the financial deadlock resulting from the United Nations operations in the Congo. It has avoided going to the heart of the problem and seeking a political solution which would henceforth enable the United Nations to accomplish its task of maintaining peace. In these circumstances, it is hardly surprising that the United Nations has been unable to undertake any measures whatsoever that might represent a valid settlement of the Viet-Nameese conflict. At this stage, not only does the Organization seem powerless, but the war in Viet-Nam threatens its very existence.

196. We ourselves fully understand the disillusionment of our courageous Secretary-General. Despite the unanimous desire of all the delegations, including our own, that he will remain at his post, we must agree that his attitude will have the merit of producing a salutary shock which will make each of us come to grips with his responsibilities. If we wish our distinguished Secretary-General to remain at his post—and we all fervently hope that he will—we must examine the immediate and long-range measures which will enable him to carry out his task effectively, and which will revivify the United Nations, giving it a breath of new life, so that it may cope with the responsibilities entrusted to it twenty years ago.

197. The problem of peace-keeping, however difficult it may be—and precisely because it is difficult—must

be the subject of our constant concern. We do not really feel that its solution necessarily lies in a revision of the Charter. Legal formulas have never provided serious solutions to political problems. Such problems find their solution in the conscience of each of us, in the importance we attach to the principles which should guide our actions, in our sense of fairness and in our constant concern to reconcile interests that are often contradictory, particularly in relations between Nations.

198. In the case of Viet-Nam, too many interests are at stake. There is the interest of the Viet-Nameese people themselves, who have been at war for twenty years and want peace. There is the interest of Viet-Nam's immediate neighbours, in particular Laos and Cambodia. And—why deny it—there is the interest of world peace. Consequently, it is through our joint efforts and our common understanding that we shall be able to help in the quest for a solution. We are firmly convinced, however, that to make the Viet-Nameese conflict an international problem would be prejudicial to the cause of peace. The Viet-Nameese problem must be reduced to its proper proportions. It must be regarded as a strictly national problem of primary concern to the Viet-Nameese themselves and to be solved by them by virtue of the principle of self-determination. This seems to us to be the wisest course, and the one required for the maintenance of world peace.

199. We have said that while the first purpose of the United Nations, as stated in its Charter, is the maintenance of peace, its second purpose is decolonization.

200. I take this opportunity to express my delegation's congratulations to Guyana on its independence and admission to the United Nations.

201. We have had occasion to indicate at this rostrum all the efforts and achievements of the United Nations with regard to decolonization. In the southern part of our continent, however, much remains to be done. We must not shut our eyes to this fact. The concerted actions of Portugal and South Africa threaten to jeopardize the entire situation. It is as if a recolonization movement were under way, with South Africa and Angola as the point of departure. But I should like to draw your attention very briefly to only two developments, because they are the most recent. The first concerns Southern Rhodesia, the second concerns South West Africa.

202. Twice during the past year I have had occasion to address the Security Council on behalf of the Organization of African Unity, which had authorized me to do so, in order to defend our continent's point of view on the dramatic question of Southern Rhodesia. I need not go over the facts again, for you are well aware of them. I should like, however, to emphasize the direct responsibility of the United Kingdom in this matter. The fact is that the unilateral declaration of independence on 11 November 1965 was simply the logical result of a policy undertaken by the United Kingdom in Southern Rhodesia from the moment when, in 1923, that country was released from the administration of chartered companies—in this case, the British South Africa Company.

^{28/} Special Committee on Peace-keeping Operations.

203. From that moment Southern Rhodesia was offered the choice of becoming either a colony of the British Crown with internal self-government or a territory attached to South Africa. It was not thanks to the United Kingdom that Southern Rhodesia was not attached to South Africa at that juncture. It was not attached to South Africa because in a referendum held in 1922 the white settlers of Southern Rhodesia voiced their preference for maintaining their privileges and domination over the African majority, rather than merging with South Africa, where the Boer majority dominated.

204. Thus at that time the United Kingdom laid down the policy it intended to follow in South Africa and Central Africa. The Constitution of 1923, which was granted to Southern Rhodesia after the referendum we have just mentioned, theoretically left the United Kingdom the right to oppose any discriminatory measure against the indigenous inhabitants. The United Kingdom, however, never made use of that power, despite the many discriminatory measures introduced in Southern Rhodesia. When the Central African Federation, which included Southern Rhodesia, was created on 3 September 1953, these discriminatory measures survived. More than three fourths of the seats in the Federal Parliament were reserved for Europeans. Moreover, the Africans, who were in the majority, constituted only 7 per cent of the Federal electorate.

205. In 1961, with the decolonization movement under way in Africa, the problem of Southern Rhodesia was again raised. The Federation broke up but Southern Rhodesia, alone once again, was given a Constitution in which the United Kingdom gave up the rights it had held in 1923, i.e., the right to oppose any legislation of a discriminatory nature. From that time onwards, and until the unilateral declaration of independence in November of last year, a whole code of apartheid was gradually drawn up consisting of measures of political, economic and social discrimination. All that went on under the indifferent eyes of the mother country.

206. We must, moreover, admit what was recently pointed out by the author of a penetrating study of the problem of Southern Rhodesia:

"In 1923 the United Kingdom granted virtual independence to the European settlers. Since then, despite some statements of principle, no real pressure has been brought to bear by the mother country on this privileged group, nor has any effective measure been applied to change the direction taken in 1923."

In the circumstances, how can we be surprised that Mr. Ian Smith saw fit to make a unilateral declaration of independence? It is also important to note that the United Kingdom was already prepared to grant independence to Southern Rhodesia before the political majority was transferred to the Africans. How else can we explain the negotiations undertaken in October 1965 between the Governments of the United Kingdom and Southern Rhodesia? It follows from these discussions that the Government of the United Kingdom was willing to grant a negotiated independence to Southern Rhodesia, subject only to certain principles being

safeguarded, in particular that of the continuous progress of the majority of the population towards accession to power. That was nothing but a pious wish. Furthermore, on 29 October at Salisbury, less than a month before the unilateral declaration of independence, the Prime Minister of the United Kingdom advised Mr. Smith that he had just informed the African leaders that there would be no military intervention in the event of a unilateral declaration of independence. What more did Mr. Smith need to recognize that he had just been implicitly given the green light?

207. Today the damage is done and for almost a year we have been led to hope that economic sanctions would have some effect. We thank all the States Members of the United Nations who have respected the recommendations of the General Assembly and the Security Council. The co-operation they have given Africa testifies to their devotion to the Purposes and Principles of the United Nations and their feelings of international solidarity. But we still say that the primary responsibility—and I am speaking on behalf of the entire Organization of African Unity—lies with the United Kingdom. The Organization of African Unity nevertheless hopes that common sense will finally prevail and that the United Kingdom, which on other occasions has given evidence of realism, will realize that the international conscience has progressed and that what was possible when the State of South Africa came into being is no longer possible today.

208. Yet in spite of everything how can we fail to feel somewhat pessimistic in the face of the recent Judgment delivered by the International Court of Justice in the case of South West Africa? This problem will certainly be taken up again during the special debate. But we cannot help drawing attention, in passing, to the actual denial of justice that we are witnessing. We all know, of course, that the International Court of Justice is above all a political organ, by virtue of the very manner in which its members are selected. But it might have been thought that certain general principles that have been repeatedly affirmed, particularly that of the right of peoples to self-determination, were so widely accepted by the universal conscience that they were now part of the unwritten law of international society.

209. Yet now all that seems to have been challenged. The most obvious result of the Court's decision is that South Africa is freed from any obligation to account to anyone for its actions in South West Africa. South Africa now has only to dispose of that Territory as it sees fit, under the powerless eyes of the United Nations, under the powerless eyes of Africa, under the powerless eyes of all who are struggling to impose the values without which mankind would be a prey to the blind forces of evil and destruction. What? Is it possible that it is not in the interest of anyone, not even of the inhabitants of South West Africa—especially those inhabitants, according to the implacable logic of the Court—to ensure that this Territory is administered in accordance with the principles and rules governing civilized mankind? Is it not in the interest of Africans that the principles of freedom, equality and non-discrimination, to which

all peoples of the world aspire, should be applied within our continent?

210. Has the United Nations no interest in trying to achieve the ideal which it has set itself and which justifies its existence and represents its *raison d'être*? Well, if no one cares to act, we must let things take their course. The only interest deemed worthy of legal protection, according to the logic of the Court—a logic that was not formulated, but logic just the same—is the interest of South Africa. We shall have to see, during subsequent debates, what solutions can be contemplated. But it seems to us that we should reflect here and now on the composition of the International Court of Justice. We have requested and obtained the expansion of the specialized organs of the United Nations, such as the Security Council and the Economic and Social Council. We should also study the Statute of the International Court of Justice, examine the composition of the Court and call for its enlargement, in order to ensure a more equitable representation of the non-aligned countries and the forces of progress.

211. However that may be, and to conclude this discussion on decolonization, we feel that henceforth we must concentrate our efforts on the southern part of our continent, the last outpost of colonialism, where the concerted action and active complicity of several Powers not yet converted to new ideas—particularly South Africa and Portugal—threaten to undo all the progress achieved thus far.

212. But even if political decolonization were completed, the task of the United Nations would be far from over. Independence should not be analysed merely in terms of political sovereignty. The concept of independence would be strangely distorted if it were ascribed only a political or legal nature. A few years of independence have brought us into contact with problems of an altogether different scope. They are those which concern the economic and social development of mankind. We have learned to look upon independence less and less as a simple act of political emancipation, and more and more as a vehicle for the flowering of all man's faculties, in the context of the smooth and balanced development of all the peoples of the world. Is the world of today really balanced? Rather, it presents the picture of a body in which some organs are hypertrophied, while others have become anaemic or atrophied. The United Nations is trying to determine the nature of this imbalance, so that it may then seek the causes and remedies.

213. Let us first consider the nature of the imbalance. It has often been said that imbalance arises from an unfair distribution of the total income from men's labours throughout the world.

214. Eight per cent of the world's population enjoy a per capita income of over \$1,500; 17 per cent have an income of between \$1,500 and \$500. Considering that the world average per capita income is approximately \$500, we must admit that only 25 per cent of the world's people enjoy an income sufficient to maintain a decent life. The proletariat constitute 75 per cent of the world population, with an individual income of below \$500, and even as low as \$50 in the most backward areas. This proportion may be ex-

pressed even more strikingly, as follows: 25 per cent of the world population enjoys 85 per cent of the world output; the remaining 75 per cent shares only 15 per cent of this same output. Out of a population of over 3,000 million inhabitants, more than 2,000 million share only 15 per cent of the earth's riches; fewer than 1,000 million enjoy the lion's share, 85 per cent. This fact is all too well known and perhaps there was no need to dwell upon it. What is most disturbing is the fact that, despite the denunciations and condemnations to which the situation has given rise, it is growing worse and worse. We are aware that in 1938 the ratio between the income of the developed world and that of the under-developed world was fifteen to one. This ratio is now thirty-five to one. If the gulf continues to widen, by the year 2000 one fourth of the earth's population will have an income forty times higher than that of three fourths of this same population.

215. Now for the crux of my argument: must the under-developed countries accept the idea of some sort of fatality which condemns them to remain in this state of poverty forever? If under-development were caused by some kind of determinism, linked either to geography or to race, such resignation would be understandable. But we know that it is nothing of the sort. The 2,500 million human beings who make up the third world live in very varied geographical areas that extend over nearly two thirds of the earth's surface. They live in very different natural conditions and physical environments.

216. Furthermore, everyone knows today that under-development is a mobile phenomenon, which has often shifted from one part of the earth to another, and which has moved about in time and space. Those who have pondered this problem have shown that through the centuries the parts of the world that are most highly developed today have experienced their period of under-development. Mr. Pierre Moussa has observed that "the progress of the West in the area of economic development is a comparatively recent phenomenon" and he adds that it is probable that "in the seventeenth century the Egyptian fellah and the French peasant had much the same level of living".^{29/} More recently, Mr. Yves Lacoste has published an interesting study on the geography of under-development, in which he said:

"If under-development and its causes were eternal, then the countries which are developed today—supposedly favoured by nature or by some inherited factor, truly God's chosen people—should always have had an indisputable advantage over the rest of the world. But the superiority of Western Europe has been established only since the eighteenth century. For thousands of years the Middle East, India and China enjoyed a technical, scientific and cultural level undeniably superior to that of Western Europe, which was then a kind of backward 'Far West'."^{30/}

217. Furthermore, one need only glance at United Nations statistics to be convinced that the so-called

^{29/} Pierre Moussa, *Les nations prolétaires*, Paris, Presses universitaires de France, 1959, p. 5.

^{30/} Yves Lacoste, *Géographie du sous-développement*, Paris, Presses universitaires de France, edit. 1965, pp. 211 and 212.

poor nations are not as poor as they are said to be. Whether one speaks of mining or agriculture, the production of the under-developed countries is at a very satisfactory level. In 1963 the under-developed countries alone produced exactly half of the world petroleum supply (and the figure has risen since then), nearly half of the copper and manganese ore, 70 per cent of the diamonds, one fourth of the natural phosphate, and so on. It is interesting to note that since that date mining production has increased considerably. The World Economic Survey, 1965^{31/} confirms that it rose 7 per cent between 1964 and 1965.

218. With regard to agricultural production, and particularly the major primary commodities, we need only to point out that the under-developed countries provide 65 per cent of the world peanut production, 66 per cent of the cocoa, 68 per cent of the tea, 76 per cent of the rubber; I shall stop here. Thus the so-called poor countries have not been struck by some mysterious curse. If the production of foodstuffs is still insufficient, it is simply because the great industrial Powers have, for their own needs, stimulated production of the major primary commodities only.

219. Under-development is not a predetermined state; it is a purely fortuitous phenomenon, related to the conditions under which international trade is carried on. I shall mention only two of these conditions, which seem to be at the root of the proletarian situation in the third world; the international division of labour, and the deterioration of the terms of trade, to use a hallowed expression.

220. For a long time the under-developed countries have been condemned to the role of producers of raw materials and importers of finished goods. In theory, the old colonial pact was doubtless abolished at the end of the last century, but in practice it has been maintained for a long time.

221. The World Economic Survey, 1962, published only two years after the beginning of the vast decolonization movement in Africa, showed clearly that the situation which prevailed under the colonial pact had not been altered. The Survey pointed out that:

"The trading pattern of the under-developed countries is such that they export in the main primary products and import in return largely manufactured goods. For no other group does the exchange of exports for imports rest on such an uneven keel; a good part of the international trade in other groups represents exchange of manufactured goods for manufactured goods."^{32/}

222. It would seem that the situation has not improved since 1962. The diversification of production raises such vast problems that it will undoubtedly take several generations to carry it out. The World Economic Survey, 1965, indicates that food production was disappointingly low in 1965, barely above the 1957-1959 level. In contrast, mining output continued its upward trend, rising 7 per cent last year. In addition, while manufacturing industries are beginning

^{31/} World Economic Survey, 1965—Part II: Current Economic Developments (United Nations publication, Sales No.: 66.II.C.2).

^{32/} See World Economic Survey, 1962—Part I: The Developing Countries in World Trade (United Nations publication, Sales No.: 63.II.C.1), pp. 3-4.

to appear here and there in the developing countries, their growth is hardly comparable to the vast quantities of raw materials produced by these nations. In such circumstances, it would appear that the developing countries are likely to remain importers of manufactured goods and exporters of primary commodities for a long time.

223. But the trading pattern is not solely to blame; the terms of trade themselves are also at fault. This fact is so well known that I need not dwell upon it. The prices of manufactured goods are rising; the prices of primary commodities are falling. Between 1950 and 1962, whereas the value per ton of goods imported by the under-developed countries rose 19 per cent, the value per ton of products exported by these same countries fell 4 per cent, representing a 23 per cent deterioration in the terms of trade. Although the situation has improved here and there since then, it still gives cause for great concern. An actual pillage of the developing countries has been organized on a world-wide scale.

224. The development of the proletarian nations has almost been blocked; the gulf between wealthy and poor nations continues to widen. Where, then, does the remedy lie?

225. The United Nations launched the concept of the United Nations Development Decade. This entailed requesting all the developed countries to allocate 1 per cent of their national income to the under-developed world, so that it would be assured of a minimum annual growth rate of 5 per cent. The disappointment expressed last month at Geneva—thus, very recently—by Mr. Prebisch, the Secretary-General of the United Nations Conference on Trade and Development, gives some idea of the doubt surrounding the effectiveness of this measure. During the first four years of the Decade, the average growth rate of the developing countries hardly rose above 4 per cent. Mr. Prebisch also pointed out that the flow of capital from the developed to the developing countries scarcely changed, whereas the gross national product of the industrial nations increased substantially. He pointed out that in 1961 the industrial countries as a whole had transferred 0.83 per cent of their gross national product to the developing countries; in 1964 this transfer represented 0.66 per cent. To what can this be attributed? To political decolonization? Do nations feel an obligation towards an under-developed country only when it is under colonial domination? In any case, those are the facts, and I wished to bring them to your attention.

226. The World Economic Survey, 1965 confirms moreover that the deterioration in the terms of trade was more marked last year. The Survey states that:

"... in relation to the average at the beginning of the Decade, the terms of trade of Africa and southern and south-eastern Asia were about 7 per cent less favourable."^{33/}

Therefore, unless there is a healthy reaction—for which we must hope but which we dare not expect—the realization of the Decade's objectives already seems to be seriously threatened.

^{33/} World Economic Survey, 1965—Part II: Current Economic Developments (United Nations publication, Sales No.: 66.II.C.2), chap. III.

227. In these circumstances, the developing countries must react, in order to create the necessary shock. And this is an opportunity to stress the need to organize a true economic Bandung Conference. Last year I had the opportunity to submit this proposal on behalf of my country, and I am pleased to see that India has responded by inviting us to a great meeting of developing nations, to be held before the next United Nations Conference on Trade and Development.

228. What is our task? We must lay the foundations of a new world society; we must bring about a new revolution; we must tear down all the practices, institutions and rules on which international economic relations are based, in so far as these practices, institutions and rules sanction injustice and exploitation and maintain the unjustified domination of a minority over the majority of men. Not only must we affirm our right to development, but we must also take the steps which will enable this right to become a reality. We must build a new system, based not only on the theoretical affirmation of the sacred rights of peoples and nations but on the actual enjoyment of these rights. The right of peoples to self-determination, the sovereign equality of peoples, international solidarity—all these will remain empty words, and, forgive me for saying so, hypocritical words, until relations between nations are viewed in the light of economic and social facts. From this point of view, the facts contradict the principles. The new world vision which the Charter of the United Nations held out to us is still only a vision. It has not yet become an international reality. The economic Bandung Conference that we are proposing should enable us to formulate a new world economic charter. We shall attend, not in order to present a list of complaints, but to demand and claim what is ours, or, more precisely, what is due to man, whatever his nationality, his race or his religion. We must define a new revolutionary attitude which, starting with the sombre realities of today, will guide us towards realities that are more in keeping with the ethics of the United Nations. This means that the Bandung we are proposing will not be a Bandung of hatred; it will be a Bandung of justice, balance and reason; it will be a Bandung held under the aegis of man.

229. We must reverse the trend before it is too late. The inequality in our modern world is not a fate to which we have been condemned by some strange spell. It is the product of the action of men themselves. It is immoral to spend 120,000 million dollars annually to amass an arsenal of murderous weapons, while denying impoverished mankind the 30,000 million dollars it needs to improve its lot. For that is all that the United Nations Development Decade requires in order to achieve its objectives. Instead of retaining our self-complacent Malthusian outlook, a sign of pessimism, discouragement and powerlessness, let us begin by making a more rational use of the earth's resources and by accepting a more sensible and more balanced distribution of these resources. Let the dialectic of destruction and annihilation be replaced by the dialectic of life, that is, by the harmonious and balanced development of mankind.

230. The truth of the matter is that, despite the Charter, we are not yet sufficiently conscious of our common destiny. We lose ourselves in the subtleties and contradictions of our national policies, while the realities of the present world have an entirely different scope. Today solidarity is so universal that it will be increasingly difficult to live in a compartmentalized world, divided into sections. Evolution is under way and it is an irreversible process. We must hope that the new order now developing before our eyes will be established, not after futile violence, but in peace and solidarity amid the universal brotherhood of man.

231. The PRESIDENT: Before adjourning the meeting, I should like to call the attention of the members of the Assembly to three requests for the inclusion of additional items submitted by the USSR. Since the Assembly is meeting at 10.30 tomorrow morning to consider the adoption of the agenda, members of the General Committee may wish to hold a meeting of the Committee at 9.30 before the plenary meeting, in order to consider the three requests. The General Assembly would then be able to consider at the same time the recommendations of the Committee on these three requests.

The meeting rose at 7 p.m.