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President: Mr. Abdul Rahman PAZHAWAK
(Afghanistan).

AGENDA ITEM 65

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 (continued)

1. The PRESIDENT: We still have fifteen speakers on the list in explanation of vote before the vote, on all the proposals before the General Assembly under this item. First, I call on the representative of Mexico on a point of order.

2. Mr. CUEVAS CANCINO (Mexico) (translated from Spanish): Thank you, Mr. President, for giving me the floor on a point of order.

3. On behalf of the twenty-one Latin American States sponsoring the proposed amendments [A/L.488] I should like to state our joint position regarding the sub-amendment submitted by the United States delegation [A/L.490].

4. In dealing with this matter, which goes to the very heart of the great international problem of the independence of Trust Territories, the Latin American Governments have endeavoured to emphasize the unanimity of purpose that inspires the great majority of Member States—the desire to bring to an end a Mandate that has been transformed into a tyranny. For this reason our spokesmen have engaged in continuous and painstaking negotiations in the course of which we have striven to bring out even more clearly the great principles embodied in the original Afro-Asian proposal [A/L.483 and Add.1-3] and to devise a formula that would command the unanimous or near-unanimous support of all Member States.

5. The amendments I had the honour to introduce received the support of the Afro-Asian group. Their support, voiced in speeches from this rostrum, expresses an understanding between two great regional groups, inspired in this matter by identical goals, an understanding which the Latin American States are

determined scrupulously to observe. It follows that we can give our support only to the Afro-Asian proposal as amended by the Latin American draft.

6. It is obvious that negotiations must be continued until the final vote, especially in a matter of such great importance. There can be no gainsaying the desire of the Latin-American co-sponsors of the draft to arrive at a formula which will command the support of all without any dilution of these principles. What the Latin American countries cannot do in this situation is to lend their support to a draft sub-amendment the terms of which have not received the backing of the Afro-Asian group. In our efforts to resolve this issue, we consider ourselves bound to support no text other than one on which our two groups are in complete agreement. Beyond that we cannot go.

7. For these reasons, regardless of the views which individual delegations may have regarding the substance of the United States sub-amendment, and in the light of our responsibility to work for the unity sought by all the peoples that only yesterday emerged from the anti-colonial struggle, we have unanimously decided to abstain from the vote on the United States sub-amendment.

8. Mr. FAKHREDDINE (Sudan): The amendments submitted by twenty-one delegations of Latin America [A/L.488] are in many ways most commendable. They are commendable in that they demonstrate a genuine desire on the part of delegations which have submitted them to find a practical solution for a problem that has plagued the United Nations for many years. They are commendable in that they seek to align those delegations submitting or supporting them with some of the basic positions expressed by many delegations from Asia and Africa with respect to the inalienable rights of the people of South Africa to determine their future in freedom. But these amendments, although they are commendable for the motives that prompted them and for the fact that they have attracted many enthusiastic adherents, present us with certain difficulties.

9. The first amendment, which seeks to add the phrase "and has, in fact, disavowed the Mandate", does not, in the opinion of the delegation of the Sudan, add much to the original draft resolution, if taken by itself. South Africa has, in fact, declared many times its disavowal of the Mandate. Are we endorsing this position? I rather doubt this because the delegations which drafted these amendments did not intend this one to be taken by itself. It is with this understanding and on the assumption that this disavowal does not refer to any statement of its position by South Africa, but rather to the fact of the forfeiture of the powers enjoyed by South Africa, as, indeed, is apparent from

reading the preceding sentence relating to the failure of South Africa to fulfil its obligations—in other words, disavowal in the sense of forfeiture—that we have no objection to this amendment to operative paragraph 3 of the draft resolution [A/L.483 and Add.1-3].

10. With regard to the proposed amendment to operative paragraph 4, I find difficulty with the suggestion that the General Assembly should decide to terminate the Mandate. The phrase "to terminate" seems to imply that the Mandate, per se, is being brought to an end by a decision of the General Assembly. South West Africa would then cease to be a territory under Mandate. This opinion is supported by the derivation and the meaning of the word "terminate", since according to the dictionary "terminate" is derived from the Latin "terminare", which seems to have an identical meaning to that which "terminate" is commonly supposed to have—that is, to put an end to, to close, to make to cease.

11. It could therefore be argued with some cogency that on this question the Mandatory Power and the General Assembly had arrived at the same conclusion. This, again, I am sure is not the intention of the proposers of these amendments, especially in view of the fact that the amendment then proceeds to say that South Africa, after the termination of the Mandate, will have no right to administer the territory and that South West Africa will come under the direct responsibility of the United Nations.

12. It will be recalled, however, that the original draft resolution avoids this difficulty simply by saying that "the General Assembly decides to take over the Mandate". If the present amendment were adopted, South Africa could very well argue that with the Mandate terminated the General Assembly would arrogate to itself a right that has no basis in law, and, secondly, with the Mandate terminated South Africa could claim sovereignty over the Territory by virtue of conquest during the First World War and by prescriptive right.

13. In support of this, The New York Times today reported that the Foreign Minister of South Africa had declared:

"... that the United Nations has neither the legal nor the moral right to intervene.

"The mandate granted South Africa by the League of Nations after World War I ... lapsed with the demise of the League. South Africa merely continued to administer the territory to improve the lot of its 550,000 inhabitants, most of whom are black."

14. That is what the Foreign Minister of South Africa said, according to The New York Times of today. "He rejected any obligation to report on government action in the Territory to the United Nations". The delegation of the Sudan finds that the simple term "take over the Mandate", which, by the amendment, would be jettisoned in favour of the term "terminated" has much to recommend it.

15. The act of taking over a mandate presumes the continued existence of the mandate, since, in its ordinary sense, the term "to take over" implies a change of position, a change of predication or a change

of administration, with the continued existence of whatever is possessed or predicated or administered. The delegation of the Sudan therefore finds that the term "take over" is more expressive of our intentions, while it avoids the difficulty of the use of the word "terminate". We are therefore regretfully compelled to reject this amendment.

16. It follows logically from neglecting to say that the Mandate reverts to the United Nations or is taken over by the United Nations that we leave the nature of the responsibility of the United Nations undefined, although it is somehow described in this amendment as "direct responsibility". What does "direct" mean in the sense in which it is used in the phrase that "henceforth South West Africa comes under the direct responsibility of the United Nations"? Again, let us return to the meaning of words. "Direct" in the ordinary sense of its usage implies immediacy in the exercise of this responsibility. It is used here without defining the scope or province of the exercise of this responsibility.

17. The amendment to operative paragraph 5 enjoins the United Nations even to discharge those responsibilities, still without defining the scope or the province. Surely it cannot be argued that this is done purposely, to pave the way for the succeeding paragraph 6, which would establish an ad hoc committee for South West Africa. It cannot be argued that the ad hoc committee itself would constitute the scope of the United Nations responsibility. The committee certainly may define such responsibilities subsequently through the recommendation of practical means by which South West Africa should be administered, but this needs to be said, and the question that troubles the Sudan delegation is why has this been omitted.

18. Surely it should have been possible to declare that the responsibility that the United Nations has and must discharge is the responsibility for the administration of the Territory. It should have been possible then to define the scope of that responsibility by stating that it is the responsibility for the administration of the Territory without any implication that this would mean the taking of any precipitous action. In other words, it should have been possible for the General Assembly to declare that the United Nations, in taking over the Mandate, is henceforth directly responsible for the administration of South West Africa, and still retain the United Nations freedom to form an ad hoc committee to recommend practical means by which South Africa should be administered.

19. The delegation of the Sudan sees no contradiction in defining responsibility without passing any judgement as to the means whereby that responsibility is to be exercised. We are puzzled that this is not done, that it should present any kind of problem at all. However, the problem seems to be there. It seems to be there for some delegations, and this is the reason why the amendments under consideration, omitting all mention of the scope of the responsibility of the United Nations, were seen somehow to narrow the gap between two differing points of view. With this supposed gap narrowed, we are surely entitled to ask about the net result. I think we are entitled to ask this very important question: What does the cause of

the Africans of South West Africa gain by the adoption of these amendments?

20. It may be argued that the cause of the people of South West Africa gains in two respects: first, that their cause is espoused by seventy-five Members of the United Nations instead of by fifty-four; and secondly, that they now have a more practical and less precipitous resolution which will recommend itself to the generality of the membership of the Organization.

21. Surely, nobody will seriously suggest that a resolution of this Assembly that is sponsored by fifty-four Members has any less validity than one that is sponsored by seventy-five. The latter may indeed reflect a greater measure of agreement, perhaps may attain a two-thirds majority; we are prepared to grant this, but we are still wondering how this can be important. Are we not aware that the Government of South Africa is capable of continuing to flout United Nations resolutions, even near-unanimous resolutions, with impunity? Has not the Foreign Minister of South Africa declared, as quoted today, that the United Nations has absolutely no right in the Territory? What happens in this case to our practical resolution?

22. All the difficulties I have enumerated would have been of secondary importance if my delegation were convinced that the main proposals put forward were in fact practical—practical in the sense of their being capable of enforcement in case of refusal by South Africa to adopt whatever measures the proposed *ad hoc* committee may recommend. But we have grave doubts in this regard, as these eminently practical amendments do not seem to have gained enough favour with all the permanent members of the Security Council to make them declare that they will vote for them. If we are not absolutely sure of it, how can we say that these amendments substitute a practical solution for the original "idealistic but unattainable" resolution?

23. In these circumstances, the delegation of the Sudan feels bound to uphold the idealistic and desirable solution. We feel bound, for the reasons I have mentioned, to abstain on the second amendment where this amendment seeks to change paragraphs 4, 5 and 6 of the draft resolution. We shall, however, vote for the first amendment, as I said, with the understanding that the "disavowed" in the phrase "has, in fact, disavowed the Mandate" is construed to mean "has, in fact, forfeited the powers conferred on South Africa by the terms of the Mandate".

24. We shall vote in favour of the amendments to operative paragraphs 7, 8, 9 and 10.

25. As regards the United States sub-amendments [A/L.490], the delegation of the Sudan certainly appreciates the efforts of the United States delegation to bring us to some sort of agreement. We appreciate the assurances given by the representative of the United States that the intentions of his delegation and of his Government are not to be doubted. We do not doubt the sincerity of those intentions, but we are rather mindful of the fact that such intentions may not be apparent when a court of law interprets the actual terms that are used and all their possible

implications. This is why we have called for the removal of all ambiguity by declaring that the United Nations decides to take over the Mandate rather than to "terminate" it, and to exercise responsibility for the administration of South West Africa.

26. Further, you will have noticed that the term "terminate" bothers my delegation a great deal, especially in the sense in which it is used in the improved version of the United States sub-amendment, where it takes on an intransitive aspect. In this instance and in this sense it seems to us that it is not the United Nations that decides even to terminate the Mandate, but that somehow the Mandate terminates itself. We therefore shall not see our way clear to voting in favour of this sub-amendment; in fact, we feel bound to reject it and to abstain on the whole draft resolution if it is incorporated.

27. In conclusion, Mr. President, may I respectfully ask you to concede the right of delegations to speak in further explanation of their votes in all cases where the situation may be considered to have changed through any further elaboration of these amendments and sub-amendments.

28. The PRESIDENT: Before calling on the next speaker, and with the consent of the Assembly, I would suggest that the list of speakers in explanation of votes be closed at 4 p.m., and unless I hear any objection to this suggestion I shall take it that the General Assembly approves it.

It was so decided.

29. The PRESIDENT: In connexion with the last part of the statement of the representative of Sudan, I should like to remind him that, at its morning meeting, the Assembly decided that new proposals or modifications in any form would be accepted by the General Assembly only if they were received by 2.45 p.m. Therefore, I can assure him that since there will be no more modifications or proposals, there will be no need to give an additional opportunity to representatives, as suggested by him, for further explanations of vote.

30. I should like to request the Assembly's co-operation in another respect. As Members know, we have debated the item before us for a long time. Almost all representatives in the Assembly participated in the general debate. There have been other statements; some in the exercise of the right of reply, others requesting clarification and of making clarification. This morning, I also realized very clearly that it is the wish of the entire membership to proceed to a vote and to dispose of this item as soon as possible.

31. Therefore, in the light of the impression I have gathered regarding the desire of the entire membership, I think I may be permitted to appeal to representatives to confine themselves strictly to explanations of vote, and not to indulge in bringing up things which have already at other stages been discussed by the General Assembly, so that my hope can be fulfilled—that is, that the Assembly will be able to vote upon the draft resolution at the present meeting.

32. Mr. SYLLA (Mali) (translated from French): Mr. President, the Malian delegation will bear your

appeal in mind and will try to speak as briefly as possible.

33. My delegation has carefully studied the amendments submitted by twenty-one Latin American countries [A/L.488 and Corr.1]. In view of the efforts made by the sponsors of these amendments to take an active part in the search for a solution to the distressing problem before us, Mali wishes to assure them that it fully understands the motives which inspired them.

34. My delegation does not wish to analyse in detail the proposals contained in those amendments. Others have done so before us. However, we do wish to reiterate our position of principle—we believe that the Mandate over South West Africa exercised by South Africa on behalf of the international community should be revoked and that efforts should be made during the current session to devise practical means to attain this goal.

35. In the light of this fundamental principle, we are unfortunately obliged to note that the measures advocated will not enable us to attain the objectives we desire.

36. Paragraph 3, as amended, would end with the words: "of the indigenous inhabitants of South West Africa, and has, in fact, disavowed the Mandate". But the sole purpose of every act and statement by the South African Government has been to repudiate the Mandate. I feel it would be detrimental to the cause of the people of South West Africa to confirm this fact. Most—if not all—States Members of the United Nations have condemned this attitude of South Africa; and this is what prompted the African group to request a discussion on the situation as an urgent matter, and to ask the General Assembly to explore the possibility of terminating South Africa's presence in South West Africa.

37. Paragraph 4, as amended, would further weaken our original text and might cause misunderstandings. The words "South Africa has no other right" suggest that the mandatory Power did have some rights; and the fact that South West Africa is assimilated to a Trust Territory with international status, and that only the United Nations can claim to exercise any rights over this Territory seems to have been forgotten. Our draft resolution is more explicit on this point.

38. The delegation of Mali believes that, far from improving paragraph 4 as drafted by the Latin American countries, the United States sub-amendments serve only to complicate the text and make it more confusing. If they are put to the vote, my delegation will vote against them.

39. We shall not consider paragraph 5, as amended, which is intentionally ambiguous. We ourselves believe that a United Nations authority should administer the Territory of South West Africa, according to procedures to be determined by the Security Council.

40. We believe that if our draft resolution [A/L.483 and Add.1-3] is adopted and if the South African Government's reaction to it is negative then the Security Council should take up the question. There is no need for my delegation to point out that this

important body has an imperative duty to ensure the maintenance of peace and security wherever they may be threatened. My delegation definitely believes that if the situation in southern Africa resulting from South Africa's policies constitutes a threat to peace, this threat is bound to become more serious once the United Nations has decided to withdraw South Africa's Mandate.

41. The position my delegation has just outlined completely excludes any idea of the establishment of an ad hoc committee—regardless whether it may have fourteen or twenty members—because this solution would create a risk of stagnation.

42. After the comments I have just made on behalf of my delegation, I wish to say that we cannot support the amendments submitted by the Latin American countries. If they are put to the vote, my delegation will have to abstain.

43. Finally, to preserve the unity of the Afro-Asian family, and solely in the interest of solidarity, Mali will vote in favour of the draft resolution as amended; we shall, however, maintain our express reservations, for we in Mali believe that the peoples alone can achieve a decisive victory over imperialism. If the text suggested this morning [1453rd meeting] by the United States representative [A/L.490] is after all included in the Afro-Asian draft resolution, my delegation will have to abstain. Unfortunately, we are not all convinced that South West Africa is likely to be granted independence by those very Powers which have considerable interests in southern Africa.

44. We are convinced of the ultimate triumph of the people of South West Africa, for colonialism is now in its death-throes and will certainly not recover from the mortal blow it received when a million oppressed people won their sovereignty.

45. Mr. OULD DADDAH (Mauritania) (translated from French): The Mauritanian delegation has noted your appeal, Mr. President, and will try as briefly as possible to explain its vote on the texts now before the General Assembly.

46. The delegation of the Islamic Republic of Mauritania, like all its fellow Afro-Asian delegations, believes that the essential objective is the liberation of the fraternal people of South West Africa—in other words—the revocation of the Mandate now exercised by the apartheid régime over that area. Once this mandate has been revoked, we believe and shall continue to believe that it will be the duty and obligation of the United Nations and of each Member of the Organization to contribute—without ulterior motives, without hesitation and without recourse to legal subtleties—to the establishment of a body to administer the Territory between the time when the Mandate is revoked and the date when the area becomes independent, it being understood, of course, that this period will be as short as possible.

47. It is in the hope of attaining these objectives that my delegation finds some grounds for satisfaction in the Afro-Asian draft resolution [A/L.483 and Add.1-3] of which it is one of the sponsors.

48. My delegation believes in the virtues of dialogue, and it was expecting a great deal from the consulta-

tions between representatives of the Afro-Asian group and those of other groups. The results produced—that is, the amendments submitted by the Latin American countries [A/L.488 and Corr.1]—are not, in our view, very satisfactory. These amendments dangerously weaken the original text to the detriment of the interests of the people of South West Africa. Although we cannot say that they are altogether valueless, these amendments do not nevertheless meet the requirements of the situation, nor are they sufficiently unequivocal about the main objectives—the revocation of the Mandate over South West Africa and the establishment by the United Nations of a body capable of organizing—for the benefit of the people of South West Africa—the difficult transition between the revocation of the Mandate and the date set for independence.

49. For this reason my delegation feels it will have to abstain on all these amendments.

50. Nevertheless, my delegation ventures to hope that all Members of the Organization, particularly the great Powers, will make it their business to see that the few positive elements remaining in the amended draft resolution will indeed be translated into reality. For this reason, too, and as an expression of our hopes, but also in order to preserve an active and genuine solidarity between all members of the Afro-Asian group, my delegation will vote for the draft resolution as a whole.

51. As regards the sub-amendments submitted this morning [A/L.490], we are grateful to the United States representative for his efforts, but my delegation still feels that this text weakens the initial draft resolution even more than do the amendments submitted by the Latin American group. My delegation will therefore vote against these sub-amendments if they are put to the vote.

52. Miss BROOKS (Liberia): The representative of South Africa considered, and rightly so, that the aims and objectives for the people of South West Africa contained in the fifty-four-Power draft resolution [A/L.483 and Add.1-3] submitted by African and Asian countries are the same as those contained in the proposals made by the Foreign Minister of Liberia, Mr. J. Rudolph Grimes, to the General Assembly at the beginning of the general debate on South West Africa—that is to say, the attainment of self-determination and independence for the people of South West Africa—but that it was simply that the manner of approaching the achievement of this unified goal was slightly different. Nothing could ever be more true.

53. Yesterday the representative of Mexico introduced amendments [A/L.488] on behalf of our colleagues of the Latin American countries to the fifty-four-Power draft resolution. The Liberian delegation considers that those amendments reflect not exactly but to a large extent its approach to the problem. As almost all the sponsors of the fifty-four-Power draft resolution accept those amendments, which enhances the possibility of its adoption, I wish to announce that Liberia will be a co-sponsor of the amended fifty-four-Power draft. While Liberia could not be a co-sponsor of the original text, in view of the fact that our objectives are the same and because of solidarity of feelings

with our group we would have voted in favour of that text.

54. Lastly, the delegation of Liberia would like to urge the delegations represented on the Security Council to support our undertakings to halt the efforts and endeavours of South Africa to establish a racist régime in South West Africa, and to deprive the majority population of its inalienable rights to self-determination and independence, by voting for and implementing the draft resolution.

55. My delegation feels strongly that this is the beginning of a solution of the problem. We have no doubt that the draft resolution as amended will command the overwhelming majority of this Assembly.

56. Mr. Taieb SLIM (Tunisia) (translated from French): The Tunisian delegation already explained its Government's position on the question of South West Africa during the general debate [1431st meeting]. In particular, it concluded that joint action by the Security Council and the General Assembly could save the people of South West Africa and restore their inalienable rights to self-determination and independence.

57. The Tunisian delegation believes that the General Assembly should call on the Pretoria Government to relinquish the powers conferred on it under the Mandate, and that the Assembly should prepare to exercise these powers itself to enable the South West African people to determine their own fate, in accordance with resolution 1514 (XV).

58. As one of the urgent measures to be taken by the General Assembly, we asked that the Secretary-General or a small committee appointed by the Assembly should undertake a thorough study and work out a plan to guide the United Nations in carrying out its task. Therefore, like all the African and Asian delegations which sponsored the original draft resolution [A/L.483 and Add.1-3], the Tunisian delegation is proposing that the United Nations should take over the Mandate, for as short a period as possible, to enable all powers to be transferred to the people of South West Africa.

59. The amendments submitted by the Latin American Powers [A/L.488 and Corr.1] only partly fulfil the requirements I have just mentioned. However, in view of the co-operative spirit displayed by the sponsors of the amendments, and since these amendments will enlist the widest possible support for our objectives, my delegation wishes to express its gratitude and appreciation to the Latin American Powers for the praiseworthy efforts they have made.

60. Furthermore, the Guinean representative told us yesterday [1451st meeting] that most of the sponsors of the original draft resolution had accepted the amendments of the Latin American countries. In these circumstances, the Tunisian delegation will have no difficulty in supporting these amendments and will therefore vote for them.

61. At this point I should like to state that my delegation wishes to become a sponsor of the draft resolution as it will be amended by the Latin American countries' proposals. However, a new factor which arose at this morning's meeting [1453rd meeting]

has attracted our attention and interest. The United States representative introduced some sub-amendments [A/L.490] which he himself revised during the same meeting. As their sponsor asserted, these revised sub-amendments seek to broaden the scope of the draft resolution, and it was indeed a similar motive which led the Afro-Asian group to conduct fruitful negotiations both with the Latin American Powers and the Scandinavian countries and with Mr. Goldberg himself.

62. While we appreciate the goodwill displayed by the United States representative, my delegation would like to appeal to his spirit of co-operation and ask him to withdraw his sub-amendments. The reason for our appeal is that the sponsors of the amendments to which these sub-amendments relate have decided to abstain when the latter are put to the vote. We believe that the United States representative will thereby facilitate unanimous adoption of the draft resolution as amended on the proposals by the Latin American Powers.

63. If the United States representative decides to insist on his sub-amendments, my delegation would venture to suggest the following changes:

(1) Delete the words "to preserve the international status". These words do not add anything new . . .

64. The PRESIDENT: I apologize for interrupting the speaker. I just wanted to bring to his attention the decision of the Assembly at this morning's meeting that further proposals or modifications could be introduced only until 2.45 p.m.

65. Mr. Taieb SLIM (Tunisia) (translated from French): Thank you, Mr. President. I must point out that I am not out of order; I am not making a formal proposal. I was appealing to Mr. Goldberg to withdraw his sub-amendments. In the event of his insisting on them, it was only right that I should explain my delegation's position on his sub-amendments. What I was saying follows from my appeal to the United States representative. However, Mr. President, if you feel that it would be better to stop now, I shall do so. If you will allow me to explain this appeal and comment on it and make some slight suggestions, I shall do so. I am in your hands.

66. The PRESIDENT: The representative has every right to speak on any matter—and I shall be very happy to allow him to do so—except that, in accordance with the decision of the Assembly, no formal proposal or amendment may be made at this stage.

67. Mr. Taieb SLIM (Tunisia) (translated from French): I was saying that if the United States representative decides to insist on his sub-amendments, the Tunisian delegation would like to suggest the following changes; and it is for the United States delegation to say whether or not it accepts them. These are not formal proposals, but rather suggestions on various parts of the sub-amendments:

(1) Delete the words "to preserve the international status". They do not add anything new and are open to different interpretations.

(2) Re-draft the last phrase of the sub-amendments, to ensure that the proposed text is as clear as possible. Paragraph 4, as re-drafted, would read as follows:

"Decides that South Africa's Mandate over South West Africa has therefore terminated, that South Africa has no other right to administer the Territory, and that, in these circumstances, the United Nations has a direct responsibility to administer the Territory of South West Africa and to take appropriate steps to enable South West Africa to exercise its rights of self-determination and independence."

68. The PRESIDENT: Before calling on the next speaker, I think it would be useful at this stage to read out the text—because various texts have been introduced—of the United States sub-amendments [A/L.490] to the amendments submitted by the twenty-one Latin American countries. The text reads as follows:

"Decides that South Africa's Mandate over South West Africa has therefore terminated and that South Africa has no other right to administer the Territory, and that, in these circumstances, the United Nations has a direct responsibility to preserve the international status of the Territory of South West Africa under conditions which will enable South West Africa to exercise its rights of self-determination and independence."

69. Lord CARADON (United Kingdom): Mr. President, you have rightly asked us to restrict what we have to say at this stage to the explanation of our vote. Consequently, I have no intention of going back to the substance of the debate. I have already spoken fully in that debate and I have no reason to add to what I have already said. I shall limit what I have to say to speaking to the sub-amendment brought to us this morning by Ambassador Goldberg, and, in doing so, I shall make reference to the main considerations which we wish to make clear with reference to the original draft resolution [A/L.483 and Add.1-3] presented to us.

70. I shall vote for the sub-amendment, [A/L.490] proposed by Ambassador Goldberg, and I shall do so for the sole reason that we regard it as a definite improvement on the earlier wording proposed. We believe that the responsibility of the United Nations should be directed to preserving the international status of the Territory of South West Africa and not responsibility for assuming the administration of the Territory, which cannot be achieved by words alone.

71. But having said that I shall vote in favour of the United States sub-amendment, I am bound to add that the draft resolution, even if so amended, will still have defects and faults which make it essential for my delegation to state serious reservations.

72. First, I refer to the phrase in the last paragraph of the preamble which uses the words "including the right to revert to itself the administration of the Mandated Territory". We regard that clause as doubtful in law and as apparently stating a conclusion which we think that the Assembly would be unwise to reach. It would at least be unwise to do so until the ad hoc committee has had an opportunity to consider carefully all the matters relevant to this resolution. In the consultations and discussions which have taken place, we had pressed for the deletion of that preambular clause. We still think it should be

deleted. But being preambular, it is not an operative paragraph and we therefore consider that it has no binding force.

73. Secondly, it has throughout been our contention that the Assembly should not at this stage do more than state that the rights of the South African Government under the Mandate have terminated. This is a finding which we believe to be right in view of the failure of the South African Government to fulfil its international obligations. Our contention is that it is essential in the interests of South West Africa that its status as a Mandated Territory with an international character for which the international community has certain responsibilities should not be impaired by any resolution now passed by this Assembly. It is in this sense that we are prepared to vote for the United States sub-amendment in that we interpret the statement that South Africa's mandate has therefore terminated as being in the sense of South Africa's rights under that Mandate having terminated, leaving the international status of South West Africa as a Mandated Territory unchanged.

74. Thirdly, in the light of all the discussions we have had, I very much fear that the terms of reference proposed for the *ad hoc* committee in paragraph 6 of the Latin American amendments [A/L.488] are too confined. We had hoped that some wording could be included indicating the task of the *ad hoc* committee as being to consider all factors relevant to this draft resolution. I must also say that, if the draft resolution is passed, my Government will have to give more careful consideration to the utility of serving on this *ad hoc* committee, if so invited by the President, having regard to this apparent restriction of the terms of reference.

75. These were the considerations and objects which we had in mind during the recent consultations and discussions and these were the considerations which we hoped would be served by the request made yesterday by Ambassador Goldberg for further time in an effort to reach full agreement. It is with these purposes still in mind that I repeat that we shall support the sub-amendment put forward in the name of the United States.

76. We meet today with the knowledge that long and urgent and sincere efforts have been made to reach agreement on a draft resolution which we could all support, a draft resolution which would clearly express the virtually unanimous object of the international community, a draft resolution which would thus carry maximum weight in the world, and a draft resolution which would set a course which would enable the United Nations to act deliberately and effectively to achieve our common purpose.

77. In these consultations we sought to persuade the co-sponsors of the draft resolution that we should do two things. First we should unite in a formal declaration that the South African Government's rights under the Mandate had terminated as a result of its failure to comply with its obligations under the Mandate. Second, we urged that the Assembly should establish a commission to study all aspects of the action which we hope to take to give effect to our agreed purpose of enabling all the people of South

West Africa to proceed to free and full self-determination. What we advocated in effect was that we should look before we leap. It is still not too late, we hope, for the force of these arguments to prevail.

78. Mr. Endalkachew MAKONNEN (Ethiopia): I thank you, Mr. President, for the opportunity you have given to my delegation to explain its vote on the draft resolution [A/L.483 and Add.1-3], the amendments [A/L.488] and the sub-amendments [A/L.490] proposed today by the representative of the United States.

79. I should like to say first that my delegation has all along been in favour of a more immediate and direct assumption of responsibility by the United Nations in South West Africa. We believed, and we still believe, that the role and responsibility of the United Nations for this international Territory are clearly affirmed beyond any doubt. This Organization is the rightful successor to the League of Nations, and likewise this General Assembly is the successor to the Council of the League. As such, it has the legal, political and moral responsibility for the international Territory of South West Africa, as indeed it has had with respect to all other Territories previously under the Mandates System of the League of Nations.

80. This right and responsibility of the United Nations was clearly recognized by the founders of this Organization, as demonstrated by their outright refusal [resolution 65 (I)] to recognize South Africa's demand to annex the Territory very early in the life of the United Nations. Moreover, this right and responsibility of the United Nations has been clearly affirmed by the previous judgement and advisory opinions of the International Court of Justice, which has made the United Nations fully responsible, and South Africa fully accountable to the United Nations, for all matters flowing from South Africa's Mandate over South West Africa. South Africa, on the other hand, has consistently refused to accept United Nations responsibility and has constantly shown sinister intentions with regard to the Mandate and to the Territory given to it under the Mandate. Not only has South Africa introduced, and continued to introduce, measures which are contrary to the provisions of the Mandate, but it has repeatedly made open attempts at the annexation of the Territory and has even expressed pretensions as regards its right of conquest. These attempts have been further intensified following the judgement of the International Court of Justice last July;^{1/} and even since the General Assembly began its debate on South West Africa here in this hall there have been reports of further oppressive measures being introduced into South West Africa by the racist régime in Pretoria.

81. In these circumstances, the United Nations, having failed in all its efforts to bring South Africa to reason, has no alternative but to take immediate and effective action with regard to that Territory which is under its direct responsibility.

82. In this connexion, my delegation would have preferred the original draft resolution submitted by the fifty-four sponsors [A/L.483 and Add.1-3]. But this is an international Organization, a family of

^{1/} South West Africa, Second Phase, Judgment, I.C.J. Reports 1966, p. 6.

nations, and, as in every family, there is a golden rule to accommodate and to live and let live. My delegation, as indeed other delegations that have expressed their views here, has chosen to abide by this golden rule and, without giving up any matters of principle, has agreed to a change in procedure.

83. My delegation regrets that the draft resolution as amended by the twenty-one Latin American Powers [A/L.488] does not provide for the immediate assumption of administrative responsibility by the United Nations in South West Africa. We feel strongly that there is every justification for such action on the part of our Organization. The draft resolution as amended does not go so far, but the idea of a United Nations administering authority is left intact in the amended draft, to be taken up later when the proposed ad hoc committee has completed its studies and preparations.

84. This is not to say that the draft resolution before us does not contain the main principles underlying the international status of the Territory of South West Africa. We are delighted with the General Assembly's resolve to preserve the international status of the Territory of South West Africa and to ensure the self-determination and independence of its people. In this respect the draft resolution clearly affirms the position of the United Nations in this vital matter.

85. The question of the administering authority for South West Africa is to be referred to an ad hoc committee, and we have agreed to this amendment in order not only to enable more countries to support our position—as they have done—but also to gain greater universality in support of our proposed action and to allow time for the required preparation. It must be emphasized, however, that the ad hoc committee is no substitute for the administering authority which we want to see established as soon as possible. The ad hoc committee will have to study seriously the ways and means whereby such a United Nations authority can be established in order to undertake direct administrative responsibility for the Territory of South West Africa. The committee must not be made an excuse for delaying action by the United Nations in this matter which is so vital to the very authority and existence of our world body.

86. Thus if we are prepared to vote in favour of the amendments proposed [A/L.488] and for the draft resolution as a whole as amended, it is only because we consider the period of approximately six months as an interval for study and preparation in order that the United Nations may assume direct administrative responsibility with regard to South West Africa through an administering authority that will be established at the end of that period.

87. For all those reasons, which are relevant to the success of our endeavour with regard to South West Africa, my delegation will vote in favour of the amendments proposed by the twenty-one Latin American Powers and for the draft resolution as amended.

88. In addressing itself to the sub-amendment proposed by the United States [A/L.490], my delegation wishes to say, first of all, that we have greatly appreciated the sincere and tireless efforts of Mr. Goldberg to achieve unanimity and unanimous support for a draft resolution on South West Africa. While being most

appreciative of his efforts and without casting any doubts whatever upon the motives which have led him to pursue these efforts, I must say that my delegation does not find itself in a position to lend support to his sub-amendment as it stands at present. It seems to my delegation that the sub-amendment proposed by Mr. Goldberg states in unclear terms the same idea as is clearly set forth in the amendments presented by the Latin American Powers. We believe, after careful consideration of the sub-amendment, that certain parts of paragraph 4 as amended by the United States delegation lend themselves to serious misinterpretation. If we allow ourselves to play with words in this manner we shall not only create misunderstanding and confusion among ourselves, but shall encourage South Africa to find loopholes in our resolution.

89. We have been dealing with South Africa for too long not to realize that the South Africans have a way of playing with words and twisting ideas. As the country which, together with Liberia, appeared before the International Court of Justice, we feel that we have a special responsibility to see that the propositions of the General Assembly are clearly stated. A draft resolution couched in debatable language may in the long run do more harm than good to the advancement of the cause of South West Africa. It is necessary, therefore, for us to be very clear and explicit about our objectives without leaving any room for doubt or misinterpretation.

90. In the view of my delegation, and with all respect to the representative of the United States, Mr. Goldberg, we believe that the United States sub-amendment lends itself to such a misinterpretation. That is why my delegation has not found it possible to give its support to the sub-amendment.

91. I do hope very sincerely that the acceptance or rejection of this sub-amendment will not prevent the United States from participating fully in the effort to preserve the international status of the Territory of South West Africa and to ensure to the people of that Territory their rights to freedom and independence.

92. I appeal to the United States, through its representative, and indeed to all the great Powers and their representatives present here—and more particularly to those which are South Africa's principal trading partners—to co-operate in this great endeavour. This is a responsibility which the great Powers cannot afford to shirk, without undermining the confidence and trust that is at the very basis of their relationships with all the small nations of the world. I therefore appeal to them to answer the call and to live up to the expectations not only of the peoples of South West Africa but also of the peoples of all continents.

93. We, for our part, are determined to follow through on this effort to the bitter end, and that should also be the position of all those who have declared their support of this cause and who have dedicated themselves to it. I repeat today what I said previously: that this case of South West Africa is a test case for the United Nations. If the United Nations should fail to meet this challenge in the clear-cut

case of this international Territory, then it will have undermined its role as a world authority and as the guardian of the rule of law in international relations.

94. To conclude, the Ethiopian delegation will vote for the original resolution as amended by the twenty-one Latin American Powers. We shall, however, vote against the sub-amendment of the United States delegation as it stands at present.

95. Mr. DE BEUS (Netherlands): With regard to the draft resolution [A/L.483 and Add.1-3] and the amendments thereto now before us, the Netherlands delegation wishes, first of all, to state as its view that, after thorough consideration of the legal aspects, it has come to the conclusion that the General Assembly is legally entitled to put an end to South Africa's Mandate because of non-compliance by the Mandatory Power with the essential obligations ensuing from the Mandate agreement.

96. Every party to a treaty or to an agreement has the inherent right to terminate that treaty or that agreement in case of a material breach by the other party. That right can, in this case, a fortiori be claimed by the United Nations as the successor of the old League of Nations, in view of the violation of the stipulations of the Mandate agreement.

97. My delegation has no doubt that the Mandatory Power has violated the terms of the Mandate by refusing to carry out any of the previous resolutions of the General Assembly, by refusing to recognize the supervisory power of the United Nations, and by other acts. The non-compliance of South Africa with the provisions of the Mandate agreement is not merely a technical violation of the obligations under the agreement, but it affects the essence and the aim of the agreement itself. South Africa has therefore forfeited the right to administer the Territory further. That is the main aspect.

98. My delegation has, from the beginning, however, been reluctant to accept a resolution or a stipulation which cannot be carried out in practice in the foreseeable future. Accepting resolutions which we know in advance cannot be implemented devalues the resolutions of the General Assembly which can be only to the ultimate harm of the United Nations and to all of its Members. It is for that reason that my delegation still harbours a reservation with regard to one particular provision, and that is the final provision of operative paragraph 4 of the resolution as amended by the Latin American amendments [A/L.488]. Under the present wording of this section of paragraph 4, the United Nations would be obliged to assume immediately a direct responsibility itself for the administration of the Territory. Such a stipulation could, in our opinion, not be carried out in practice in the foreseeable future.

99. The sub-amendments submitted today to us by the United States delegation [A/L.490] would eliminate that basic objection since, in the United States text, the direct responsibility of the United Nations is, for the time being, limited to preserving the international status of the Territory of South West Africa under the conditions mentioned in the sub-amendment, whereas the practical means by which South West Africa should be administered will, in accordance with para-

graph 6, be recommended by an ad hoc committee. My delegation would therefore, even at this late stage, appeal to all Members, including even the co-sponsors, to vote for the sub-amendment. Such action would pave the way for the almost unanimous adoption of the resolution. But it would, in particular, ensure the support of the permanent members of the Security Council, which is indispensable for the implementation of the resolution. Surely, that is a gain which should be pondered.

100. If the United States sub-amendments were to be adopted, as we strongly hope they will, our main reservation with regard to the draft resolution with its Latin American amendments would be eliminated, and the Netherlands delegation would vote for the resolution as amended.

101. If the United States sub-amendments are not adopted, the Netherlands delegation would have to maintain its reservation with regard to operative paragraph 4, but in order to give maximum weight to the resolution my delegation would not withhold its support from the resolution as a whole.

102. Mr. COLLIER (Sierra Leone): My delegation is one of the co-sponsors of the original draft resolution [A/L.483 and Add.1-3] on the question before us. My delegation was very anxious, right from the beginning, that a resolution along these lines should be adopted by the General Assembly. We felt that the question of South West Africa had reached the stage when a firm stand had to be taken, when it was important for the world community to take a position on this important question following the failure of the International Court of Justice to reach a judgement.

103. But, as we said right from the start, we were very willing—because it was indeed our duty to do so—to discuss and negotiate with all sections of this Assembly in order to see to what extent all the points of view could be accommodated so that a united position would be reflected in the resolution that would be adopted.

104. It was with this background that we considered and indeed accepted the amendments submitted by the twenty-one Latin American countries [A/L.488]. Those amendments contained points very distinct from the original position represented in our draft. For example, in our original draft we envisaged a situation in which the United Nations would be called upon to take direct action in South West Africa. In fact, in the operative paragraphs which were amended, we envisaged a situation in which the United Nations would establish an administering authority for South West Africa.

105. We even went further. We envisaged a situation in which the administering authority would immediately proceed to the Territory to implement the resolution. Therefore, when we conceded, and later on accepted, the amendments of the twenty-one Latin American countries, it was a great departure from our original position, because, in the Latin American draft, it is clearly stated that, instead of an administering authority we would have an ad hoc committee. This ad hoc committee, of course, would be entrusted with the task of considering the modalities under which the administration would be taken over. But

the amendment preserved an important element in our original position. That important element was the provision of a takeover after the revocation of the Mandate. However legally conceived, it was a takeover. And that was important and crucial to the point of view we held. It was with that in mind that we accepted the amendment knowing that we had in fact yielded much of our original ground. But since certain elements in our position have been preserved, we thought it a fair and proper position, in the spirit of unanimity. That is why my delegation will vote for the draft amendment submitted by twenty-one Latin American countries.

106. However, the United States delegation has produced a further sub-amendment to the amendment of the twenty-one Latin American countries. As regards this sub-amendment, and contrary to what the representative of the United States said—and I must here record the appreciation of my delegation for the painstaking and patient manner in which Mr. Goldberg had sought to produce some understanding and some compromise—the difference in position between the majority of Members and those Members now seeking to amend the Latin American draft is not narrow at all. It is very big. The gap is very big indeed. Because if we take a look at the purported amendment of paragraph 4, it states:

"... and that in these circumstances the United Nations has a direct responsibility to preserve the international status of the Territory of South West Africa under conditions which will enable South West Africa to exercise its rights of self-determination and independence."

Mr. Waldheim (Austria), Vice-President, took the Chair.

107. The important point there is that the United States delegation wishes the United Nations to assume direct responsibility only—and I repeat, only—to preserve the international status of the Territory. This is an element which already exists in our original draft resolution, an element which in no way will be amended by the Latin American draft. This is to be found in operative paragraph 20 of our draft resolution, which states:

"Reaffirms further that South West Africa is a territory having international status and that it shall maintain this status until it achieves independence."

108. This is the important element, which we have already stated and to which our Latin American friends have already agreed. Why should we now come and assume and pretend to ourselves that this is an amendment of any important consequence? But let us examine what this amendment will seek to produce. It will seek to eliminate a very important paragraph, paragraph 4 of the Latin American amendment, and it states:

"Decides that the Mandate conferred upon His Britannic Majesty to be exercised on his behalf by the Government of the Union of South Africa is therefore terminated and that South Africa has no other right to administer the Territory and that henceforth South West Africa comes under the direct responsibility of the United Nations."

109. This is a difference of principle. We are asking in this amendment that South West Africa should immediately come under the United Nations, which should assume all the responsibilities. It is a question of "responsibilities" in the plural, as one can see when one looks at paragraph 5. Paragraph 5, which is not amended by the United States draft, speaks not only of responsibility, but of the responsibilities—which we had in mind when we accepted paragraph 4 as it stands in the Latin American draft.

110. Therefore, we find a situation in which, if we accepted the United States sub-amendment, we would be giving away what to us is a most vital element in this question, and we would only be repeating what we had already affirmed in operative paragraph 2 of our draft resolution. That is why I said that the United States position does not represent any compromise at all from a position of near agreement. It is a statement of principle which is fundamental to certain Members. That was why I was grateful to the representative of the United Kingdom who, with his usual clarity, stated to us that they would never approve of a situation in which the United Nations would assume direct responsibility straight away over South West Africa. I was grateful to him for this, because this is exactly the same position as that of the United States amendment. In fact, I noticed from his remarks that almost all the amendments he would have preferred to see are exactly those that were considered in the Afro-Asian group yesterday and rejected, which had been sponsored, I have been told, by the United States.

111. For these reasons, my delegation will not vote for the United States draft. In fact, we will vote against it.

112. Mr. ARKHURST (Ghana): When my delegation decided to co-sponsor the Afro-Asian draft resolution [A/L.483 and Add.1-3] on South West Africa, we had two objectives in mind: first, that as a result of the delinquency of South Africa in regard to its responsibilities for the Territory of South West Africa, the Mandate should be revoked. This was the first major principle which guided our decision to co-sponsor the draft resolution. The other objective, as far as my delegation was concerned, was that after the South African Mandate had been revoked the people of South West Africa should, as quickly as possible, proceed to the achievement of independence.

113. To my delegation these are the two cardinal principles with regard to the problem before the Assembly at this time. Therefore, we considered that the core of our draft resolution was the termination of the Mandate and the developing of procedures whereby the Territory of South West Africa should become independent at the earliest possible time. Given these conditions, we were therefore totally committed to the draft resolution which we co-sponsored.

114. However, as is normal in our Organization—an Organization which is composed of different groups with different points of view—we discovered that it was necessary to exchange ideas with other groups and to negotiate in order to obtain the widest possible support for our draft resolution, particularly the

support of the four permanent members of the Security Council, upon whom the main responsibility of implementing a draft resolution such as this would devolve.

115. That is why we were prepared to participate in these long and difficult negotiations which, unfortunately, have brought us to a point where we find there cannot be any agreement on our original draft resolution. I believe that in the United Nations there are two kinds of resolutions, one which either establishes a principle or reaffirms a principle, and another which is intended as far as possible to lead to some concrete action supported as widely as possible. In the opinion of my delegation, this draft resolution on South West Africa or any resolution on South West Africa couched in the terms of the Afro-Asian draft resolution must be action-oriented; that is to say, it is not enough to establish or reaffirm a principle, but it must lead to action.

116. That is why my delegation was able to support the amendments submitted by the Latin American countries [A/L.488], because they went in the direction of preserving the core of our own draft resolution and, at the same time, made it possible for action to take place with regard to this question of South West Africa. That is why my delegation will be able to support these amendments and, if they are adopted, will be able to support and vote for the Afro-Asian draft resolution as amended.

117. I should like to express the appreciation of my delegation for the efforts of Ambassador Goldberg, in very difficult circumstances, to narrow still further the gap which exists between the various groups in this Assembly with regard to the problem of South West Africa. I regret to say, however, that the United States sub-amendments [A/L.490], as at present couched, do not go far enough to meet the position of my delegation. In particular, we would have liked to see the United States sub-amendments formulated in such a way that the Mandate is terminated, and not merely comes to an end. We believe that, in this project, the United Nations must take positive action. The United States sub-amendments as they stand, merely describe a situation which is presumed to exist; we believe that the United Nations must take a positive step and that the Mandate must be terminated. In view of this, my delegation will not be able to give the support it would have wished to give to the United States sub-amendments.

118. Before I conclude my short intervention, I should like to say that I hope every delegation here, in the stand it has taken on this item, has had in the forefront of its mind the interests of the people of South West Africa, because that is the only important consideration before us.

119. Mr. AZAD (India): My delegation has asked to speak at this stage of the proceedings on the question of South West Africa in order to explain its vote. We realize that ordinarily there is no need for a co-sponsor of a draft resolution to explain its vote. In this case, however, since it has been sought to amend, and amend substantially, the original fifty-four Power draft resolution [A/L.483 and Add.1-3], my delegation feels obliged to say a few words on this matter.

120. As my Foreign Minister stated in the General Assembly on 26 September 1966 [1417th meeting], during the course of the general debate on South West Africa, my delegation is of the firm opinion that the racists of South Africa, by their intransigence and careless disregard for world opinion, have disqualified themselves from meriting the trust of the international community. We believe that by extending the criminal policies of apartheid to the mandated Territory of South West Africa, the South African Government has already done almost irreparable damage to the people of the mandated Territory. In the words of my Foreign Minister:

"There is not, and cannot be, an effective substitute for the willingness of the members of the international community to enforce, with vigour and conscience, the principle of their own Charter, the dictates of their own decrees and the plain terms of their own undertakings. In other words, the only course of action left to the world community is to terminate South Africa's Mandate and to take upon itself the responsibility of administering the Territory until such time as arrangements can be made for the people of South West Africa to assume the reins of government themselves." [1417th meeting, para. 111.]

121. It was with these objectives in mind that my delegation co-sponsored the original Afro-Asian draft resolution. It was, and still is, our sincere view that the implementation of the provisions of the original draft resolution is the only effective way of safeguarding and furthering the legitimate interests of the brave and suffering people of South West Africa.

122. My delegation had and has no doubt whatever about the competence of the General Assembly to take all the steps envisaged in the draft resolution. Nevertheless, my delegation will vote for the amendments presented by the twenty-one Latin American countries [A/L.488]. We shall do so not because we are completely happy with these amendments, but because we realize that it would be useful to obtain as wide support as possible for our cause. We shall support the Latin American amendments because in our view they do not affect the two basic principles to which my delegation attaches the greatest importance and on which we would not accept any compromise.

123. These principles are the termination of South Africa's Mandate and the assumption of direct responsibility by the United Nations. We have agreed to wait for a few months before an actual administering authority for South West Africa is set up, pending the report of the *ad hoc* committee envisaged in the amender's paragraph 6. We have done so in a spirit of understanding and unity and in the hope that when the time comes, early next year, the entire international community, without any exception, will join forces in expelling the racists of South Africa from South West Africa.

124. To us in the Indian delegation the issue is very clear. By its flagrant abuse of the sacred trust, South Africa has utterly forfeited all its rights, responsibilities and obligations under the Mandate. This view is supported by almost the entire Membership of the United Nations. Why then that hesitation to use direct language to terminate South Africa's Mandate?

125. The concern expressed by certain delegations about retaining the international status of this Territory has already been taken care of in operative paragraph 2 of the Afro-Asian draft resolution, which clearly states that the General Assembly "Reaffirms further that South West Africa is a territory having international status and that it shall maintain this status until it achieves independence". This provision is adequate for safeguarding the international character of the Territory.

126. The United States sub-amendment therefore seems to be unnecessary and is not entirely in accord with the approach so carefully formulated in the draft resolution.

127. We would, even at this stage, address an honest and sincere appeal to those among the big Powers who have some reservations on joining together with us so that the world community may express itself with unanimity on this great issue of conscience.

128. Mr. NABWERA (Kenya): Allow me to state the views of my delegation on the amendments and sub-amendment before the Assembly.

129. All along, we in the Kenya delegation have had two objectives in mind on the question of South West Africa. Firstly, we would like to see South Africa's Mandate over South West Africa terminated and replaced by a new administration that can assist the people of that Territory to achieve self-determination and independence under democracy. Secondly, it has been our consistent view that any resolution which emerges from the present session of the United Nations General Assembly must be such as to command the support of a big majority of the membership; at the same time, we must ensure that that resolution shall be implemented.

130. It is with this twofold objective that my delegation has examined the various amendments and the United States sub-amendment that was presented this morning. Kenya does not believe that the problem before the Assembly can be solved simply by saying harsh things about those delegations that hold viewpoints different from ours. We must rather use our reason. Any split amongst ourselves can only make the South African white racists rejoice. Let us not play into the hands of the enemies of democracy. What we should want to achieve at this session, in the view of my delegation, is practical results for the people of South West Africa. Our objective therefore should be to involve the entire family of the United Nations in thinking out practical ways and means that will be employed in putting an end to South Africa's rule over South West Africa.

131. At the start Kenya was one of the co-sponsors of the Afro-Asian draft resolution [A/L.483 and Add.1-3], but after consultation and in the true United Nations spirit of give-and-take, my delegation was one of those that accepted the amendments to our draft proposed by the Latin American group of delegations [A/L.488].

132. Let me state that my delegation deplores the fact that the Western Powers, with the exception of the Scandinavian countries, did not accept these amendments. If they had done so, the Assembly would have been spared the present difficulties.

133. But be that as it may, we now have before us the United States sub-amendment [A/L.490]. My delegation wishes to say that, although we do not fully agree with this sub-amendment—we have a number of reservations, as I shall point out—we still think that it is important to include the Western Powers which have been sheltering South Africa from United Nations resolutions. We must do this if the resolution which we are going to adopt is to be implemented fully. My delegation hopes that those Western Powers will not shirk their responsibility. And it is the view of my delegation that the General Assembly should not provide those Western Powers with an excuse which they will use for refusing to serve on the ad hoc committee, let alone taking part in the implementation of the resolution.

134. We feel that we have gone far enough, and if the United States sub-amendment is a kind of device that will make it possible for the Western Powers to get out of the present resolution, we must not allow that to happen. Because of this, my delegation has examined in a realistic manner the United States sub-amendment introduced in the General Assembly this morning, and I wish to say this about it. We find that the sub-amendment has a twofold effect on the particular operative paragraph that it seeks to sub-amend. The first part as now presented, although trying to clarify the position as to whose rights are being terminated, complicates the situation by replacing "is terminated" with "has terminated". This replacement has created difficulties for my delegation. The second part of the sub-amendment is, in our view, superfluous, unless one chooses to believe that it is an attempt to create an escape route for the Western Powers. My delegation, however, will not take part in providing such an escape route.

135. After considering these problems seriously, my delegation believes that we should get all the major Powers of the United Nations to support our draft resolution and make sure that those same Powers will be involved in the implementation of that resolution.

136. My delegation would like to say further that the four permanent members—Britain, France, the Soviet Union and the United States of America—of the Security Council should be asked to serve on the ad hoc committee on South West Africa which will devise practical ways of implementing the resolution. It is in this spirit that the Kenya delegation will decide how to vote on the United States sub-amendment, the amendments of the Latin American group, and the draft resolution as amended.

137. I should like to state on behalf of my delegation that, since we are committed to getting the Western major Powers to take part in this exercise, my delegation has no alternative but to vote for the United States sub-amendment to make sure that the United States will take part in the work that lies ahead of us. We shall also vote for the amendments of the Latin American group, and we shall vote for the draft resolution as amended.

138. Mr. AIKEN (Ireland): The Irish delegation had certain doubts about the wisdom of a decision by the Assembly to take over, without due preparation, the

League of Nations Mandate for South West Africa. It was for that reason that, in my first intervention in the debate [1427th meeting], I suggested that, in addition to strengthening paragraph 3 of the draft resolution [A/L.483 and Add.1-3] by declaring that South Africa has forfeited any right to continue to administer the Territory, paragraph 4 of the draft would be improved if it asked the Assembly to terminate the Mandate at the earliest possible date and to bring the Territory to independence.

139. We also suggested on that occasion that a commission should be established by the Assembly to determine and recommend the most appropriate means of terminating the Mandate and bringing the Territory to independence. We had no opportunity, unfortunately, to discuss these suggestions with other delegations prior to making our statement, as we were listed as the first speaker on the morning of Monday, 3 October.

140. We are very happy to say however that such doubts as we had would be fully met by the acceptance of the amendments put forward by the Latin American States yesterday [A/L.488] and by the United States today [A/L.490]. I whole-heartedly recommend those amendments to the Assembly, for I feel that a resolution incorporating them would command the largest possible majority and would thus make clear—and it is very important to make clear—the determination of the Assembly to terminate the League of Nations Mandate as soon as possible and to bring the people of South West Africa to independence. Merely adopting this draft resolution by a majority, no matter how great that majority might be, would not be as strong as if it were supported by some of the important States that have shown their goodwill in respect of the draft resolution as a whole.

141. I would earnestly appeal to the Government of South Africa to co-operate with the ad hoc committee envisaged in the Latin American amendments so as to ensure the orderly transfer to an independent South West Africa of the powers which South Africa has hitherto exercised in the Territory.

142. Finally, I should like to recall the gratitude of my delegation to all those who have laboured so hard and patiently to produce a text which would achieve for the people of the Territory of South West Africa the rights and freedoms enshrined in the Charter. I am only very sorry that there was not a little more time available so that we could reach a final agreement on the whole matter.

143. Mr. BOZOVIC (Yugoslavia): Today, twenty years after we started discussing this item, twenty years in which tens and hundreds of millions of people have gained independence, our aim cannot be to seek ways in which to administer South West Africa in future. Nor can it be to preserve the international status of that Territory, even under conditions which will, at a certain time in the future, enable South West Africa to exercise its right to self-determination and independence. Our aim should be to join in seeking ways and means which will make it possible for the people of South West Africa to become independent and to choose the system which best suits their own interest.

144. Without prejudicing the attitude of the delegation of Yugoslavia as regards the amendments submitted by the Latin American countries [A/L.488], I should like to explain the vote of my delegations on the sub-amendments submitted by the United States [A/L.490].

145. According to the statement made this morning by Mr. Goldberg, and, to a certain extent, according to the text of the sub-amendments, the United States delegation seems to have three main preoccupations: first, to make it quite clear that it is only the Mandate of South Africa over South West Africa which is terminated; second, that a consequence of that, and pending any further action on the part of the Assembly which might be taken in April if the amendments presented by the Latin American delegations are accepted, the international status of that Territory should remain in force; and, third, that the responsibility for that Territory should revert to the United Nations.

146. If those are the main preoccupations of the delegation of the United States, I venture to submit that they are all covered by the amendments submitted by the Latin American countries. Those amendments, too, provide for the termination of the Mandate—it has a capital "M", if that is of any importance—of South Africa over South West Africa. They provide also that the international status of that Territory remain in force until that time, in April, when we shall be able to discuss this matter and take appropriate decisions. They also provide for the third preoccupation of the United States delegation, namely, that the responsibility for the Territory revert to the United Nations.

147. If that is so—and we believe it is—then we really see no need for the sub-amendments submitted by the United States. I did not hear Ambassador Goldberg state that his vote on the draft resolution was conditional upon the acceptance or rejection of his sub-amendments. But if I correctly understood the representative of the Netherlands, he did imply that the final vote of the United States delegation would depend on the results of the vote on its sub-amendments.

148. Again if my assumption is correct, and if we agree that our Latin American friends, who are very careful in drafting legal and political texts, have provided the necessary formulation to answer the preoccupations of the United States delegation, then I think we can count on the positive vote of the United States delegation.

149. If the United States delegation insists on the adoption of these sub-amendments as they are drafted now, we shall have to look a little more carefully into them. Our impression is that they prejudice the issue and, as a matter of fact, set in advance a line to be followed by the committee which will be established if the amendments are adopted—and I think they are going to be. And that line is to seek ways for the United Nations to preserve the international status of the Territory under conditions which will enable—I presume in the future—South West Africa to exercise its right to self-determination.

150. To be correct, I think even that point is covered—but in a way which leaves less room for different interpretations—in the amendments submitted by the Latin American delegations. They say that the Committee should recommend "practical means by which South West Africa should be administered"—and the administration might be temporary and short, or there might not even be an administration at all. It would be for the committee to recommend and for the Assembly to decide.

151. I wanted to say this to stress that, in our opinion, the amendments submitted by the Latin American delegations really answer the preoccupations of the United States delegation.

152. This brings me to the amendments submitted by the delegations of the Latin American countries [A/L.488]. In a spirit of co-operation we shall not dwell too much on some of those amendments. We shall abstain on the first four amendments submitted by the Latin American delegations.

153. The first amendment proposes an addition which amounts to saying that the Mandate has already been terminated, that South Africa has, in fact, terminated it. That has two implications. One is that the Assembly is just taking note of a decision already taken by South Africa. But the plea of the representative of South Africa here that we should not take such an action proves that South Africa believes it has not so decided. South Africa even claims that it acts in South West Africa in accordance with the obligations of the Mandate.

154. But the second, and more far-reaching, implication is that it would in fact deny all the efforts we have made for twenty years to find a basis for a peaceful and negotiated solution with South Africa. That is why this addition to the paragraph makes it necessary for us to abstain on it.

155. I can briefly say that we are going to abstain on the next four paragraphs because we believe that the time has come for us not to seek further ways to administer South West Africa, but to decide what measures we should take to make it possible for South West Africa to become independent and to escape further suffering under South African boots.

156. Mr. IDZUMBUIR (Democratic Republic of the Congo) (translated from French): For various reasons my delegation did not take part in the general debate at this session on the question of South West Africa. This should not be interpreted as meaning that we are not interested in this question. The principles my delegation has always championed are to be found in the many resolutions which the General Assembly has adopted, and to which my country has subscribed ever since it has been a member of the United Nations.

157. At the present stage of developments in South West Africa, in view of the surprising and regrettable attitude adopted by the International Court of Justice, my delegation, like many others, believes that the lack of a judgement cannot prevent the Assembly, on the basis of the reasoned opinion handed down by the same Court, from drawing the inevitable political conclusions arising from South Africa's negative attitude.

158. No one can deny that a Mandate Agreement was entered into between the League of Nations and the Union of South Africa as Mandatory Power—as is clear from article 1 of the Agreement—or that South Africa has failed to fulfil its obligations under that Mandate. Hence, it is only natural that this Agreement should cease to exist and that South Africa cannot invoke it in defence of its presence in South West Africa and of the powers it exercises there.

159. Thus, it is quite natural that the international community, which conferred the Mandate, should resume its rights and seek the most appropriate ways of ensuring that these rights are exercised in the interest of the people of South West Africa, and in accordance with the international status of the Territory of South West Africa.

160. Having stated these principles, my delegation would like to express its views on the amendments before the General Assembly.

161. My delegation will vote for the amendment [A/L.488 and Corr.1] submitted by the Latin American group. We are not entirely satisfied with them—far from it—but, in view of the current international situation, my delegation believes that they represent a step—a small step perhaps, but a step all the same—towards the objectives we want to reach.

162. The first of the United States sub-amendments [A/L.490] gives me no grounds for concern, after the clear explanation given by the United States representative [1453rd meeting]. However, I have some reservations about the second sub-amendment. My delegation would have thought that once the Mandate exercised by South Africa had been terminated—I am referring to the Mandate Agreement, and I wish to emphasize that point: it is the only agreement ever drawn up with regard to South West Africa—the United Nations would reassume direct responsibility regarding rights previously exercised by South Africa, without prejudice to the international status of South West Africa, a status defined by the Mandate system, the system and the Agreement being different concepts. Therefore, unless a separate vote is requested on the two parts of the United States sub-amendment, my delegation will have some reservations not because we believe that the United Nations should not preserve the international status of South West Africa, but because we think that, once the Mandate has been terminated the United Nations responsibility should not be confined merely to preserving the international status of South West Africa.

163. Mr. KIRONDE (Uganda): Mr. President, I intend to heed your request that we simply explain our votes and avoid meandering from the issue under discussion, and I can promise at the outset that I shall be brief.

164. As a co-sponsor of the fifty-four-Power draft resolution [A/L.483 and Add.1-3], my delegation has listened very attentively to the statements made by various Members in the General Assembly on that Afro-Asian draft resolution. I must say that I have been encouraged to observe that virtually the entire membership of this Organization has shown rare dedication to the same goals: the termination of South Africa's Mandate over South West Africa and the achievement of self-determination for the people of

that Territory. In view of these considerations, my delegation has adopted the attitude that, as we all agree on a common purpose, we should also accommodate other Members who share the same views as ourselves, so as to have common action, provided the basic principles are not sacrificed.

165. I am one of those who believed at the time when the original draft was submitted that it was not and could never have been intended to be a strait jacket, admitting of no improvement, no adjustment and no modification. In my delegation's view, some of the amendments which have been proposed are definite and clear improvements on what was originally envisaged, but that does not mean that they are precisely the same amendments as those which the Uganda delegation, if it had its way, would have proposed. However, we are 121 nations, and, if we were all to bring our own little amendments and if we were to indulge in our own legalistic interpretation of every word, we should never end this debate. It is a question of adjustment and of give and take.

166. Some discordant voices have been heard this afternoon, giving the impression that there is real division among the original sponsors. I hope that by the time the vote is taken there will be much more co-operation among all the Members that sponsored the original draft. If I may say so, I think this discordant note is really a result of the nervousness and general fear of some of my colleagues who, almost for the first time, note that the great and medium Powers have come to their support. This is rather unusual, and we are wondering why they have supported us. I should like to tell my colleagues that, in my own estimation, those who have come forward with amendments have done so with the best of intentions, and there is no reason why we should turn everything over just to see what lies underneath.

167. With those general remarks, I should like to refer more specifically to some of the amendments which have been proposed. I will say at the outset that the amendments which have been proposed by the twenty-one Latin-American countries [A/L.488] are acceptable to my delegation.

168. The amendment which has been put forward by the United States [A/L.490], however, which seeks to amend operative paragraph 4, has given me a certain measure of disquiet. I note that there is a definite lacuna here—a definite gap—between the time when South Africa has ceased to administer the Territory and the time when the new administering authority is established. No doubt that gap must have been foreseen by the proponents of this amendment. My delegation had felt that because of that we should vote against the inclusion of the amendment, but on second thoughts we observed that it is just a reflection of the weakness of this Organization—the fact that, although we talk big, we act less. Article 43 of the Charter has never been implemented. The United Nations does not have any contingents of forces that it can call upon to coerce any malefactor in its midst. So we find ourselves at the mercy of one comparatively small country and we almost have to go down on our knees and ask it to obey our commands.

169. We indeed will go ahead and pass this draft resolution, but how do we send an administering

authority to South West Africa? That really is the question. That is why there is a gap here. One very experienced member of this Organization—and I refer to the representative of Saudi Arabia—suggested that there should be a panel that would work jointly with South Africa in administering the Territory during this interim period. I would have welcomed that proposal but for the inclusion of South Africa.

170. The question remains: what do we do in the meantime? I do hope that the big Powers, which after all have the greatest say and should take full responsibility for enforcing the resolutions of the United Nations, will apply their minds to this question and find a way out immediately. Even after six months have elapsed and an administering authority has been established, how will it enter South West Africa?

171. Those are some very serious factors which have been disquieting me. However, in spite of them, I do appreciate two important facts. First, one big Power has tried to apply itself to this very difficult problem and has presented sub-amendments, which I think are not really as bad as some people say they are. Secondly, I am conscious of the need to get the widest possible support. It is not enough to pass a draft resolution. We have seen too many resolutions in this Assembly. We must pass such a draft resolution, and only such a draft resolution, as is capable of being implemented, if not today, at least in the very near future.

172. I propose to vote in favour of the sub-amendment submitted by the United States.

173. Mr. NSANZE (Burundi) (translated from French): Since 1954 the Pretoria Government has been doing everything possible to annex the Territory of South West Africa and to incorporate it in South Africa as a province, an integral part of South African territory. This trend has become more and more obvious ever since the nationalist Government of Mr. Malan came to power after the general elections, and even more so since the late Mr. Verwoerd's accession to power.

174. At the present stage, I believe we are justified in saying that the patience of the United Nations has been exhausted and that a more positive attitude—and one more profitable for the people concerned and for Africans generally—should now be adopted.

175. I have no intention of wasting the time of the President and other representatives by repeating what earlier speakers have already said or by introducing new elements which would not help us to achieve our objective. The delegation of Burundi has been surprised to note that some speakers have tried to divert the Assembly's attention from its major objective, namely, insistence on the revocation of the Mandate exercised by South Africa. It is often said that the best is the enemy of the good. Many of you will agree with me that we have during this week been trying to find our way through a veritable maze. That is obvious to everyone who has been studying the situation in the hope of finding a favourable solution.

176. Burundi has already explained its position during the general debate [1423rd meeting] and we had no intention of taking the floor again on this

matter. However, we believe that we can make a useful contribution at this time, and with this in mind we should first like to say a word about certain delegations which have from time to time tended to abstain on the item now under discussion.

177. The Court at The Hague delivered a deplorable verdict on the legal aspects of the question of South West Africa. We have asked the General Assembly to consider the principal aspect of the question with which it is competent to deal; and since the General Assembly has the power to take a decision on this matter, we believe that friendly delegations and other delegations as well might reasonably consider, first, the attitude of the Africans and, secondly, the attitude of the Afro-Asian group since it is these people which have felt, in their own flesh and hearts, the lamentable effects of the South African Government's policy.

178. Hence, since it has been submitted by those who are most closely affected, I believe we can logically and reasonably say that the draft resolution submitted by the Africans [A/L.483 and Add.1-3] is the most likely to yield maximum results we can expect from the General Assembly. We should therefore like to appeal to those who might be tempted to abstain, and to remind them of the Latin proverb: "Salus populi suprema lex esto". In the present case, this means that the welfare of the people of South West Africa must be the main consideration and that, notwithstanding various legal excuses which, of course, are quite understandable, the overriding interests of this oppressed people must be given priority and must be foremost in the minds of all delegations.

179. I now turn to the amendments. I shall begin with those submitted by the Latin American group [A/J.488 and Corr.1]. In this connexion, I should like to express to the sponsors of these amendments my delegation's congratulations and thanks for their energetic and positive efforts to help us reach the objective we have set ourselves in this Assembly. However, there is a difference between accepting these amendments and being fully satisfied with them. We can accept them, for they contain some positive and useful elements. But, we cannot say that they give us that total satisfaction we might have had from a more decisive and forceful text. The Burundi delegation will vote for some of these amendments and will express reservations on others, if they are put to a separate vote. If they are put to the vote together, my delegation will be guided by the reservations I have just expressed.

180. I now come to the sub-amendments [A/L.490] submitted by the United States delegation. They also contain some useful elements, and we feel that the United States delegation should be congratulated on its efforts to co-operate closely with the Afro-Asian delegations. However, in view of the time we have devoted to this question and of the time spent examining the United States proposal, we would urge this delegation to withdraw its sub-amendments. The United States representative has himself described the sub-amendments as a minor change designed to bring about what he called "virtual" unanimity. This means that he too realizes that his sub-amendments do not offer any particular advantage. I should like to

say that the withdrawal of these amendments would be a real victory and would only enhance our appreciation of the United States delegation's sincere efforts on behalf of our cause. In short, a withdrawal would not involve any loss of prestige; on the contrary, I am sure it would help the General Assembly to achieve its main objective—the adoption of the draft resolution. There is a proverb which says: "He who gives quickly gives twice". We might say that we are now standing at the threshold of a magnificent endeavour and that, by withdrawing its amendments, the United States delegation will help us to cross that threshold.

181. I need not dwell on the draft resolution submitted by the fifty-four African and Asian countries. Burundi supports it whole-heartedly, for it is the ideal draft resolution to enable us to attain our objective.

182. In conclusion, I should like to appeal to the considerable number of delegations which have tried to address South Africa in conciliatory language. There is no use handing the General Assembly's verdict to South Africa on a plate of silver or gold, or enjoining South Africa to comply with the host of resolutions already adopted, since its attitude to us will always be obstinately negative.

183. Mr. MWEMBA (Zambia): My delegation is a co-sponsor of the Afro-Asian draft resolution [A/L.483 and Add.1-3]. We should like to reiterate the objective of that draft resolution which is before the Assembly.

184. The objective is that the people of South West Africa should be speedily accorded freedom of self-determination and independence. The people of South West Africa have been suffering and labouring under the inhuman yoke of the Government of the Republic of South Africa. To them, what is important is not the legal niceties and legal complications, but rather a step which will quickly bring about their independence. They are waiting, as we are speaking, for this Organization to take decisive action which will result in freedom and happiness for them.

185. Mr. President, you have warned us that we should confine our remarks to a statement of our position with regard to the draft resolution, of which, as I have already stated, my delegation is a co-sponsor.

186. And now I should like to comment on the amendments submitted by the twenty-one Latin American States [A/L.488].

187. To begin with, I should like to express the appreciation of my delegation for the work which this group has done. It has not included everything which we proposed in our original resolution, but it has not diminished the substance enshrined in our resolution. Although my delegation has a few reservations as regards some words in operative paragraphs 3 and 4, I shall not take the time of the Assembly to deal with them because they are mainly words which have already been mentioned by many representatives. I should, however, like to say that my delegation does not believe that the word "disavow" is the best one; we would have preferred the word "forfeit". South Africa has forfeited its right to administer South

West Africa. Similarly, my delegation would have preferred the word "administration" in the last line of operative paragraph 4 instead of the word "responsibility" because it is the view of my delegation that this Organization should be prepared to assume the administrative responsibility for this unfortunate State.

188. As I have already stated, the amendments submitted by the Latin American States do not deviate from the main objective of the Afro-Asian group. Although they are a shift from our original stand, my delegation is in a position to support those amendments.

189. In addressing itself to the sub-amendments [A/L.490] submitted by the representative of the United States, my delegation would first like to express its sincere appreciation for the tireless efforts of Mr. Goldberg to bridge the last gap. However, my delegation still has serious reservations with regard to the sub-amendments as they stand. The representative of the United States explained that his amendments were for the purpose of clarity. My delegation wishes to state that it sees no clarity in the United States sub-amendments; if anything, those sub-amendments cloud the issue even more. My delegation has serious reservations regarding any resolution adopted by this Assembly which could be interpreted in various ways and regarding any resolution which might hamper the speedy achievement of independence by the people of South West Africa. The objective of all this is to achieve freedom and self-determination for the people of South West Africa as rapidly as possible.

190. The people of South West Africa are ready, as I speak, for independence. That is a point which must not be lost sight of. If we accept any resolution which is going to bring about a delay, then we shall not be doing a good thing for the people of South West Africa.

191. I am glad to remind this Assembly that the representative of the United States pointed out that his delegation's position was not rigid but flexible on this point. I would earnestly appeal to the United States to heed the reservations and viewpoints expressed by the majority of the representatives here and to shift its position and support the Afro-Asian resolution as amended by the Latin American States.

192. My delegation will therefore support the Latin American amendments and it will also support the Afro-Asian resolution as thus amended; but we find it difficult to support the sub-amendments submitted by the United States representative.

193. Mr. LIATIS (Greece): The Greek delegation will vote in favour of the draft resolution submitted on behalf of the fifty-five Afro-Asian countries [A/L.483 and Add.1-3], as amended by twenty-one delegations from the Latin American States [A/L.488]. In doing so, we firmly believe that we are contributing our share to solving one of the main problems before this General Assembly, namely, to taking the first real step forward towards the solution of this grave problem of South West Africa which has been pending for so long in our Organization.

194. As regards the sub-amendments proposed by the representative of the United States, Mr. Goldberg, this morning [A/L.490], my delegation will also gladly vote in favour of them.

195. In this respect I may only say that I fully endorse the reasons advanced only a few minutes ago by the Foreign Minister of Ireland, Mr. Aiken, and more especially the consideration put forward for the adoption of the United States sub-amendment, which, as we also think, will render our draft resolution on South West Africa more effective and its implementation easier and more secure. As to the phraseology of the sub-amendment, and as a matter of fact, as regards the wording of many a point in the draft resolution itself and in the Latin American amendments, there is room for argument and debate that might well last for hours.

196. However, before casting our vote today on so important a matter, on which we have to adopt a resolution now, let us not lose sight of the fact that our action is primarily a political one and that the value of the resolution we shall adopt will depend on the number—a very large number, we hope, as close to unanimity as possible—and the importance of those who join in voting with us for it. Let us indeed do the best we can. Let us do what is also practical and realistic. This is what the people of South West Africa are expecting from us all. This is what history will ultimately judge us by.

197. Mr. ALARCON DE QUESADA (Cuba) (translated from Spanish): In the name of the Cuban delegation I should like, in unequivocal terms to explain the position that we shall take in the vote on the question of South West Africa.

198. In the general debate on this item, we stated our position (1446th meeting), which is based on the following principles: support of the inalienable right of the African people of that Territory to immediate, complete and unrestricted independence; unhesitating rejection of the policy of apartheid and the colonialist exploitation of the indigenous population by the South African régime with the assistance and support of the imperialist Powers; affirmation of the right and duty of the United Nations, in strict compliance with the provision of the Charter and the pertinent resolutions, to protect the rights of this people, particularly its right to the full exercise of its sovereignty and self-determination; categorical condemnation of the complicity shown by the International Court of Justice in its judgement and clear and categorical revocation of the mandate granted to the racist régime.

199. We also said that the struggle against discrimination, apartheid and colonialism is indivisible from the general struggle against imperialism, in particular United States imperialism, which is the brain, guiding hand and mainstay of reaction throughout the world. The debate now coming to a close and the negotiations, pressures and lobbying that that centred on the draft resolution we are about to adopt, have once again demonstrated that fact. It is clear that, in one way or another, overtly or covertly, the imperialist Powers are manoeuvring to save the racist régime, to gain time, and to trick the Assembly out of adopting a clear, precise and effective decision.

200. In line with its consistent and unwavering anti-colonialist, anti-racist and anti-imperialist position, Cuba supported the original draft of the draft resolution submitted by the Afro-Asian nations (A/L.485 and Add.1-3). We will abstain from supporting the amendments proposed by a group of Latin American countries in agreement with the colonialist Powers, because in our view they weaken the draft resolution to a point where it is far from meeting the requirements of the situation. Nevertheless, if the amendments are carried, we will vote in favour of the draft resolution as amended, since this is the generally accepted position of the sponsors of the original proposal.

201. We consider that the proposal by the representative of the United States (A/L.490) is obviously designed to leave the door open for subsequent manoeuvres to maintain the status quo in South West Africa. My delegation will vote against the United States amendment, and, if it is accepted, we will not be able to support the resolution as a whole. The Cuban delegation will vote in this way as an expression of its solidarity with the people of South West Africa and the African delegations. We are, notwithstanding, in duty bound clearly to state our doubts of the effectiveness of the decision the Assembly is about to take, whatever its final form. Twenty years' experience of work in the United Nations, the specific experience of twenty years of discussion of the question of South West Africa, prove that the tragic situation of the people of South West Africa will not be satisfactorily resolved here, despite the efforts of the African delegations.

202. What is more, the realities of the modern world demonstrate that the imperialists are ready to resist the progress of popular movements by every means at their disposal. The example of Viet-Nam could not be more eloquent, and the enemy to be defeated in the southern tip of Africa is in essence the same enemy that we must defeat in Viet-Nam. The only genuine solution of the problem of South West Africa will be the complete independence of the Territory, the transfer of all that country's powers to the only trustee we can accept as legitimate, the people of South West Africa. But the final emancipation of that people will not be won in this hall or in the Security Council chamber. It will be won as the result of the South West African people's struggle against their South African oppressors and the imperialist interests that support them. In that struggle the people of South West Africa will need, not so much the resolutions of this Assembly, as the determined support of all revolutionary and progressive countries. We pledge to the people of South West Africa throughout its present and future struggles, the aid and militant solidarity of the people and revolutionary Government of Cuba.

The President resumed the Chair.

203. Mr. RAHNEMA (Iran) (translated from French): In my delegation's opinion the position we are to adopt should be as clear, as unambiguous and above all as rational as possible if we are determined to take effective long-term action to preserve the South West African people's right to independence. This consideration has always guided our actions on the question of South West Africa. It is from the same

point of view that my delegation has considered the amendments submitted to us, and it will vote on them accordingly.

204. At this stage, the situation seems to be as follows: with regard to the Mandate, it is the almost unanimous opinion of Member States that it can no longer be left in the hands of South Africa. It must therefore be revoked, and the responsibility for the administration of the Territory must be entrusted to whoever can lead the Territory to independence under the best possible conditions.

205. There do not seem to be any vital differences of principle, either, on the selection of the Administering Authority. As a co-sponsor of the original draft resolution [A/L.483 and Add.1-3], we believe that the United Nations should administer the Territory in order to prepare it for independence under the best possible conditions. The Latin American group is of the same opinion. It seems that the United States also holds this view, since only this morning [1453rd meeting] Mr. Goldberg confirmed that, as far as he was concerned, the Mandate had already come to an end. He added that the United States had no intention of suggesting that the Mandate should be entrusted to another country, such as the United Kingdom.

206. In other words, he was saying that the exercise of the Mandate and the administration of the Territory, whatever international status it might have, was no longer South Africa's responsibility and should not be entrusted to any other country. As there is no other administrative apparatus outside the United Nations, one might infer from this that the United States has also adopted the position of principle that the exercise of the revoked Mandate should revert to the United Nations.

207. Under these circumstances we think that in any action taken by the General Assembly two points should be clearly established.

208. First, the decision to revoke the former Mandate and to transfer it to the United Nations should be stated and proclaimed clearly and unequivocally. In this connexion we are happy to note that the amendments submitted by the Latin American delegations [A/L.488 and Corr.1] are on the whole in keeping with the position stated in our original text. We are also happy to note that—in its original form—the first of the United States sub-amendments [A/L.490] also retains this principle, since it states that South Africa's Mandate over South West Africa has terminated and that South Africa has no other right to administer the Territory. Accordingly, there is no difficulty on this point.

209. I now come to the second point which lies at the heart of the present difference of opinion. Once the Mandate has been revoked, who is going to administer the Territory?

210. The original text—our text—is quite clear on this point since it states that a United Nations authority is to administer South West Africa with a view to preparing it for independence. For this purpose it requires the Administering Authority to proceed immediately with its work and to recommend to the General Assembly "as soon as possible and in any

case not later than its twenty-second session, a date for the independence of the Territory".

211. The amendments submitted by the Latin American delegations take account of the difficulties encountered by many delegations in trying to find a workable formula for administering the Territory under the present circumstances, and especially of the openly avowed reservations of some members of the Security Council. These amendments invite us to approach the problem in a manner more in keeping with the practical possibility of achieving our aims in present conditions. They tell us not to speak of an Administering Authority but of an ad hoc committee on South West Africa which would be instructed not to exercise the trusteeship powers immediately and effectively, but to recommend a practical means by which South West Africa should be administered so as to enable the people of the Territory to exercise the right of self-determination and to achieve independence.

212. When the sponsors of the original draft resolution—our draft resolution—were invited to consider the Latin American group's proposals they naturally asked themselves, at the very outset, one disturbing question. If the Mandate is revoked and no other body is asked to take it over, even in the purely legal sense, this will create a vacuum which might lead to serious danger. We asked ourselves, and we asked others, what purpose this vacuum could serve. We were told that it was not a question of a vacuum but that it would be unrealistic to imagine that the authority entrusted with the administration of the Territory could discharge its responsibilities effectively.

213. Direct responsibility for the administration of the Territory is proclaimed in paragraph 4, as amended by the Latin American countries. If there is any aggression, annexation, or any abuse of what you may call the "vacuum", the Security Council will have to deal with the situation, and, meanwhile the ad hoc committee will recommend practical means by which the Territory should be administered and will wait for the Special Session of the General Assembly until it does anything else.

214. We have listened to these proposals and have weighed the pros and cons of the suggestions that have been made to us. In all conscience, we have appreciated the constructive, sincere and praiseworthy efforts made by the Latin American group—to which the preceding speakers have expressed their gratitude—to reconcile fundamental principles and concern for the law with the de facto situation and what may be called the law of necessity.

215. We were even more pleased to note that, as the Yugoslav representative has just pointed out, the amendments submitted by the Latin American countries take into account all the problems raised, and especially the practical difficulties involved in the direct and immediate administration of the Territory by a new executive authority. Together with a large number of our friends and, I must say, in spite of our genuine and well-founded apprehensions on this score, we decided to listen to Latin America's voice of wisdom and conciliation.

216. But now this morning another element has been introduced which seems quite new, at any rate to us. If my delegation's interpretation is correct, the idea that the United Nations should assume direct responsibility for administering the Territory thus liberated from its former Mandate would be abandoned, and the responsibility of the United Nations would be limited to preserving what is called the international status of the Territory of South-West Africa. But what is that status? If it is the status we are all thinking about—namely, the administration of the Territory under the direct tutelage of the United Nations—then why is it necessary to add this phrase, which seems to be pointless? Why not amend the text as suggested just now by the representatives of Tunisia, Kenya and certain other countries? If this is something else—for example, a return to the old status or the establishment of some new status as yet unknown to us—then we are faced with a question which could jeopardize the entire structure of our original draft resolution.

217. However, in the light of these explanations, though we are encouraged by the extremely spirited, sincere and patient effort which Mr. Goldberg has admittedly made to lead us towards positive compromise solutions, my delegation cannot see any point in the text submitted by the United States delegation. The many explanations of vote which have preceded my own, and the appeals which we have heard this afternoon clearly suggest that this point of view is shared by a large number of representatives who are anxious, like the United States representative, to arrive at a happy and constructive solution to this question. I venture to hope, therefore, that the United States delegation will find it possible to reconsider its proposal [A/L.490] even at this eleventh hour, in order to crown its patient efforts to achieve a unanimous solution, now that this solution is in sight and can be achieved on the basis of the amendment submitted by the Latin American countries.

218. We believe that if the sponsors of the original draft resolution have been able to travel the long road between the original text and the text resulting from the adoption of the Latin American group's amendments, it should also be possible for the United States delegation, and for delegations which share its views, to make one final effort at compromise by withdrawing the last text to be submitted or by amending it in the sense we have just indicated. If the spirit of conciliation—which the United States delegation has so often displayed during the last few days—allows us to travel this last part of the road together, I am certain that the General Assembly's decision will assume major importance, indeed a historic importance for which the people of South Africa will be grateful to us and of which the United Nations itself will be proud. However, if the United States delegation insists on its sub-amendments, however sincerely my delegation may wish to co-operate with the United States delegation in its efforts to arrive at a unanimous solution and to ensure that any decision we may take is realistic, it will be difficult for my delegation—which, as you know, was one of the first sponsors of the original draft resolution—to support the United States sub-amendments in their present form.

219. On the other hand, as I have just said, my delegation will vote for the amendments submitted by the Latin American countries for the reasons we have just mentioned.

220. Mr. BAKALA (Congo (Brazzaville)) (translated from French): Mr. President we shall respect the appeal you have made and be as brief as possible. Nevertheless, we should like to repeat that the situation in South West Africa has reached a degree of deterioration which justifies all our apprehensions. South Africa has not only failed to fulfil its obligations; it is still flouting the resolutions of the United Nations. We have heard statements from its own representative which leave no room for doubt on that score.

221. It goes without saying that, as far as we are concerned, the Organization is responsible for the Mandate and has the right and duty to take appropriate measures to lead the indigenous population to self-determination and independence. It is for this reason that we joined the sponsors of the draft resolution [A/L.483 and Add.1-3] submitted by the Afro-Asian group, believing as we did that this long-standing problem that threatens international peace is of equal concern to all of us.

222. We had thought we were submitting to the Assembly a clear text which would receive the support of many delegations. The fact that a large number of representatives were accusing South Africa of maladministration and were calling for an end to the present situation only served to strengthen us in our conviction. Our draft resolution does not say too little or too much. The least one can expect is that the United Nations will take over the Mandate, since its responsibility is involved. However, since amendments have been submitted, we should like to express our delegation's views on them.

223. With regard to the amendments submitted by the Latin American countries [A/L.488 and Corr.1], we understand the sponsor's motive—which is to obtain the maximum possible support. However, we do not think these amendments are necessary.

224. The contents of some of the paragraphs proposed are very similar to the ideas expressed in the draft resolution of the Afro-Asian group. But we do not agree either with paragraph 3, in which it is stated that South Africa has disavowed the Mandate, or with paragraphs 4 and 5, which are noticeably vague. Paragraph 6, on the other hand, is more definite since it states how many Members the Committee is to have, and what it is supposed to do. Nevertheless, it might be difficult to convene the General Assembly in special session, especially in view of the risk that the problem might then take an irreversible turn. If this proposal is put to the vote, the delegation of the Congo (Brazzaville) will have no choice but to abstain.

225. As for the sub-amendments submitted by the United States [A/L.490], we think that they only add to the confusion; and the submission of one amendment after another may deprive the draft of all its meaning. If these sub-amendments are put to the vote, the delegation of the Congo (Brazzaville) will reject them outright.

226. On the other hand, our delegation will vote for the Afro-Asian draft resolution as a whole, together with the amendments submitted by the Latin American countries. We shall do this in the interests of collaboration and solidarity, and for lack of a better solution. But if by chance the United States sub-amendments were to be included in the final draft, we should be obliged to abstain from voting.

227. The PRESIDENT: We have heard all the representatives who wished to explain their votes before the vote. Before we proceed to the vote, I call on the representative of Guinea on a point of order.

228. Mr. ACHKAR (Guinea) (translated from French): It is not exactly a point of order on which my delegation wishes to speak; but since we are going to proceed to the vote in a few minutes, I should like to explain my delegation's vote on the United States sub-amendments [A/L.490]. I shall do so as quickly as possible.

229. In my statement yesterday [1451st meeting], when I announced that the sponsors of the original draft resolution [A/L.483 and Add.1-3] had almost unanimously agreed to accept the Latin American group's amendments [A/L.488 and Corr.1], I mentioned that we were always ready to welcome very favourably any manifestations of goodwill which would aid us in finding the best possible solution to the problem which concerns us all.

230. The Guinean delegation has always endeavoured to act according to the principle that we should accept in good faith any initiative taken when a question of such importance as this comes before the Assembly. This morning [1453rd meeting] our friend Mr. Goldberg, the representative of the United States, submitted some sub-amendments which we were anxious to consider from the very outset as a manifestation of goodwill and of a sincere desire to achieve unanimity, which in his opinion—and I think in the opinion of us all—would have a very important effect in this debate. During the discussion, Mr. Goldberg amended his own sub-amendments, and at one stage we believed that we were actually on the way to achieving almost complete agreement.

231. In the spirit which I described earlier, my delegation tried to see what might be acceptable in the United States sub-amendment. But after examining the text we came to the conclusion that it contains certain elements which would seem to be very dangerous if these sub-amendments were adopted. I am here referring to the last text to be circulated, the second part of which states simply that:

"... the United Nations has a direct responsibility to preserve the international status of the Territory of South West Africa under conditions which will enable South West Africa to exercise its rights of self-determination and independence."

232. What does this mean? It means that all the United Nations has to do is to preserve those conditions, to preserve the international status. We came to the conclusion that this is not what we wanted at all. What we wanted above all was that the United Nations should lead the people of South West Africa towards self-determination and independence. We therefore thought

that this text might be reconsidered with a view to determining whether or not it was possible for us to reach agreement. Unfortunately, the contacts we had did not produce any results in time, and we noted that the United States sub-amendments were still the same as they were when the United States delegation submitted them this morning.

233. In these circumstances, for the reasons I have just mentioned, and especially because the sub-amendments depart considerably from the objectives of our draft resolution, my delegation will be obliged to vote against them. In doing so we repeat that our action is in no way intended to cast doubt on the goodwill shown by the United States delegation towards our endeavour. At this stage, my delegation wishes to state how much it has appreciated the great understanding displayed by Mr. Goldberg. Nevertheless, I believe that in the same spirit it should be possible for the United States delegation—and, I might add, for all those delegations which genuinely wish to promote the interests of the people of South West Africa and believe that the friendship of the African continent and of the peoples of the Third World is more valuable than all the selfish interests prevailing in South Africa and its colony—it should be possible for all these countries, including the great Powers, that is to say, the Soviet Union, France, the United Kingdom and the United States, to join with us in ensuring that we can embark upon this new course of bringing to the people of South West Africa the freedom which they seemed to have irrevocably lost. By so doing, the United Nations would prove to the world that it is really an organization which has been created and which exists for the freedom and equality of all people and for international co-operation.

234. We appeal once more to all Member States to vote with us, so that our draft resolution, as amended by the Latin American group, may be adopted unanimously—that is, by all countries except South Africa and Portugal.

235. The PRESIDENT: Before the vote, I should like to inform the Assembly that I intend to proceed as follows: first, in accordance with rule 92 of the rules of procedure, I shall put to the vote the first amendment submitted by twenty-one delegations [A/L.488]; second, I shall put to the vote the sub-amendments submitted by the United States [A/L.490], which are sub-amendments to the second amendment proposed by twenty-one delegations. Next, I shall put to the vote the second twenty-one Power amendment, as amended or not; then I shall put to the vote the draft resolution submitted by fifty-four delegations [A/L.483 and Add.1-3], as amended or not, whatever the situation may be; afterwards, I shall put to the vote the draft resolution [A/L.486] submitted by Saudi Arabia, and then the revised draft resolution [A/L.487/Rev.1], also submitted by Saudi Arabia; finally, the Assembly will vote on the draft resolution submitted by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples [A/L.489].

236. After all the votes have been taken, Members will be given an opportunity to explain their votes.

If there is no objection to this procedure, we shall proceed accordingly.

It was so decided.

237. The PRESIDENT: I now invite Members to turn their attention to the draft resolution sponsored by fifty-four delegations [A/L.483 and Add.1-3]. I would also draw the attention of Members to the note of the Secretary-General [A/6456] on the financial implications which would be involved in the event of the adoption of this proposal.

238. As I have already indicated, I shall first put to the vote the first amendment in document A/I.488 submitted by twenty-one Members. The first amendment proposes to add at the end of operative paragraph 3 of the draft resolution the words "and has, in fact, disavowed the Mandate". A roll-call vote has been requested.

A vote was taken by roll-call.

Chile, having been drawn by lot by the President, was called upon to vote first.

In favour: Chile, China, Colombia, Congo (Democratic Republic of), Costa Rica, Cyprus, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, Gabon, Gambia, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Laos, Lebanon, Liberia, Libya, Luxembourg, Madagascar, Malaysia, Maldives Islands, Malta, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Spain, Sweden, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United States of America, Upper Volta, Uruguay, Venezuela, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Burma, Cambodia, Cameroon, Canada, Central African Republic, Ceylon, Chad.

Against: Portugal, South Africa.

Abstaining: Congo (Brazzaville), Cuba, Czechoslovakia, France, Hungary, Malawi, Mali, Mauritania, Mongolia, Poland, Romania, Somalia, Sudan, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Yemen, Yugoslavia, Zambia, Afghanistan, Albania, Algeria, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic.

The amendment was adopted by 90 votes to 2, with 27 abstentions.

239. The PRESIDENT: I now put to the vote operative paragraph 3 of the draft resolution, as amended.

Operative paragraph 3, as amended, was adopted by 90 votes to 4, with 18 abstentions.

240. The PRESIDENT: We turn now to the sub-amendments proposed by the United States [A/L.490]. These sub-amendments refer to operative paragraph 4 of the second amendment proposed by the twenty-one Powers [A/L.488].

241. These sub-amendments could be put to the vote separately. However, if there is no objection, particularly on the part of the author of the sub-amendments, I would suggest that the text of paragraph 4, as proposed by the United States [A/L.490], should be voted on as a whole.

242. I see that there is no objection to the second method. I therefore put to the vote the text of paragraph 4, as proposed by the United States [A/L.490]. A roll-call vote has been requested.

A vote was taken by roll-call.

Burma, having been drawn by lot by the President, was called upon to vote first.

In favour: Canada, Denmark, Greece, Iceland, Ireland, Italy, Kenya, Liberia, Luxembourg, Malta, Netherlands, New Zealand, Norway, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Australia, Belgium.

Against: Burma, Burundi, Byelorussian Soviet Socialist Republic, Cambodia, Cameroon, Chad, Congo (Brazzaville), Cuba, Czechoslovakia, Ethiopia, Ghana, Guinea, Hungary, India, Indonesia, Iran, Iraq, Jordan, Kuwait, Laos, Lebanon, Libya, Mali, Mauritania, Mongolia, Morocco, Pakistan, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Sierra Leone, Singapore, Somalia, South Africa, Sudan, Syria, Thailand, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Upper Volta, Yemen, Yugoslavia, Zambia, Afghanistan, Albania, Algeria, Bulgaria.

Abstaining: Central African Republic, Ceylon, Chile, China, Colombia, Congo (Democratic Republic of), Costa Rica, Cyprus, Dahomey, Dominican Republic, Ecuador, El Salvador, Finland, France, Gabon, Gambia, Guatemala, Guyana, Haiti, Honduras, Israel, Ivory Coast, Jamaica, Japan, Madagascar, Malawi, Malaysia, Maldives Islands, Mexico, Nepal, Nicaragua, Niger, Nigeria, Panama, Paraguay, Peru, Portugal, Senegal, Spain, Sweden, Trinidad and Tobago, Tunisia, Turkey, Uruguay, Venezuela, Argentina, Austria, Bolivia, Brazil.

The sub-amendments were rejected by 52 votes to 18, with 49 abstentions.

243. The PRESIDENT: I invite the Assembly to turn its attention now to the second amendment submitted by the twenty-one Powers [A/L.488]. This amendment proposes that operative paragraphs 4 to 9 of the draft resolution [A/L.483 and Add.1-3] be replaced by a new text. I would draw the attention of Members to the note by the Secretary-General on the financial implications of this amendment [A/6488]. I now put to the vote the second twenty-one-Power amendment [A/L.488]. A roll-call vote has been requested.

A vote was taken by roll-call.

Nepal, having been drawn by lot by the President, was called upon to vote first.

In favour: Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Spain, Sweden,

Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United States of America, Upper Volta, Uruguay, Venezuela, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Burma, Cambodia, Cameroon, Canada, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Democratic Republic of), Costa Rica, Cyprus, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, Gabon, Gambia, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Iceland, India, Indonesia, Iran, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Kenya, Kuwait, Laos, Lebanon, Liberia, Libya, Luxembourg, Madagascar, Malaysia, Maldives Islands, Mexico.

Against: Portugal, South Africa.

Abstaining: Poland, Romania, Somalia, Sudan, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Yemen, Yugoslavia, Zambia, Afghanistan, Albania, Algeria, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Congo (Brazzaville), Cuba, Czechoslovakia, France, Hungary, Iraq, Jordan, Malawi, Mali, Malta, Mauritania, Mongolia, Morocco.

The amendment was adopted by 85 votes to 2, with 32 abstentions.

244. The PRESIDENT: I now put to the vote the draft resolution, as amended, as a whole. A roll-call vote has been requested.

A vote was taken by roll-call.

Saudi Arabia, having been drawn by lot by the President, was called upon to vote first.

In favour: Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sudan, Sweden, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, United States of America, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zambia, Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cambodia, Cameroon, Canada, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Democratic Republic of), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, Gabon, Gambia, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Laos, Lebanon, Liberia, Libya, Luxembourg, Madagascar, Malaysia, Maldives Islands, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Romania, Rwanda.

Against: South Africa, Portugal.

Abstaining: United Kingdom of Great Britain and Northern Ireland, France, Malawi.

The draft resolution as amended as a whole was adopted by 114 votes to 2, with 3 abstentions.

245. The PRESIDENT: Under operative paragraph 6 of the resolution just adopted by the General Assembly, the General Assembly has decided to establish an ad hoc Committee for South West Africa, composed of fourteen States Members of the United Nations to be designated by the President of the General Assembly, to recommend practical means by which South West Africa should be administered, so as to enable the people of the Territory to exercise the right of self-determination and to achieve independence. The ad hoc Committee is to report to the General Assembly at a special session as soon as possible and, in any event, not later than April 1967.

246. In pursuance of this paragraph, it is my hope that I shall be able to announce at the earliest possible time the composition of the ad hoc Committee for South West Africa.

247. We turn next to the draft resolution submitted by the delegation of Saudi Arabia [A/L.487/Rev.1].

248. Mr. BAROODY (Saudi Arabia): You have given me the floor, Mr. President, precisely to present to the General Assembly my second draft resolution [A/L.487/Rev.1]. I may be asked, however, what I propose to do with the draft resolution which I expounded at a previous meeting [A/L.486]. I have not withdrawn that draft resolution. Nevertheless, since an ad hoc committee has now been established by the vote of 114 Member States, I must say that this draft resolution no longer obtains because it was conditional upon the establishment of a United Nations administering authority. This authority has now been replaced by an ad hoc committee. My purpose in that draft resolution was to see that something would be done in the short interim period until the United Nations administering authority could function. Therefore, I beg you, Sir, to consider that this draft resolution is in suspension until such time as we have the report of the ad hoc Committee—some time before April 1967, I hope—when it will be my privilege, at the special session which will be convoked, either to amend this draft resolution or to reactivate it, depending on what emerges from the ad hoc Committee.

249. Therefore, Sir, please consider my draft resolution [A/L.486] as being in suspension pending the report, before April 1967, of the ad hoc Committee—especially as our colleague from South Africa has rejected beforehand all three draft resolutions. Two of them were Saudi Arabian draft resolutions. He described the approach of the 114 Member States which voted today as unrealistic. I am sure that it is unrealistic from the point of view of South Africa, but we can no longer accept its view because, after all, the Second World War was fought so that all people should be liberated.

250. Now I come to the draft resolution which you, Mr. President, kindly gave me the floor to explain to the Assembly [A/L.487/Rev.1].

251. May I ask representatives, if they do not have the revised text before them, to listen to my explanation of why I have revised it. I say this because we were all engrossed for three or four days with the Afro-Asian draft resolution and the amendments thereto, and many of us scarcely had time to catch up

with the new suggestions that were constantly being made.

252. I must say forthwith that my draft resolution is nothing but a statement of facts that had been pondered before they were translated into the preamble and one single operative paragraph. I shall ask representatives to dispute if they can any of the facts that I shall read to them from that revised draft resolution. The preamble begins as follows:

"The General Assembly,

Reaffirming the right of the people of South West Africa to freedom and full independence."

But the General Assembly has been doing that throughout twenty years. The second paragraph of the preamble reads:

"Noting that South Africa has consistently refused to co-operate with the United Nations regarding the Mandate for South West Africa and has rejected the terms of the fifty-four-Power draft resolution . . ."

253. Now I would submit that a slight revision has to be made so as to say "the terms of the General Assembly resolution" which we have just adopted—and I saw 114 affirmative votes registered on the board.

254. The next paragraph of the preamble reads as follows:

"Taking into account that South Africa has also rejected the terms of the draft resolution submitted by Saudi Arabia which envisage the appointment of one or more co-administrators to administer South West Africa on behalf of the United Nations during the short period required before the United Nations Administering Authority for South West Africa assumes the responsibility for the administration of the Mandated Territory."

This paragraph remains as it is because my draft resolution which is in suspension is still a draft resolution.

255. The next paragraph of the preamble states:

"Recalling with deep regret that over seventy-five resolutions have been adopted by the United Nations during the last twenty years concerning the question of South West Africa without any effect whatsoever on the Government of South Africa, which has persisted in disregarding the requests and appeals made to it by the United Nations."

256. Who can contest that this is a statement of fact? Who can contest that seventy-five resolutions have been adopted without being heeded by South Africa?

257. The next paragraph of the preamble reads as follows:

"Noting with deep concern that the nefarious policies of apartheid have been extended by racist South Africa to the Mandated Territory, which is being governed as if it were part and parcel of South Africa."

South Africa has time and again said: hands off; you have no business, any of you, Members of the United Nations, you have no business to challenge my administration of South West Africa. With what effect?

With the effect that it is considered part and parcel of South Africa.

258. The last preambular paragraph of the draft resolution states:

"Reaffirming that, by flagrantly flouting the sacred trust placed in it, South Africa has forfeited its right to administer South West Africa and should forthwith be considered as a usurper."

259. Who can contest that paragraph when this has been stated time and again by representatives of various States, with the exception of two or three—I believe there are only two; even the United Kingdom has stated from this rostrum that South Africa has forfeited its right to the Mandate?

260. Taking into consideration that the amendments have just been adopted and incorporated in the Afro-Asian—I should now call it the General Assembly—resolution on this question, and noting that an ad hoc Committee for South West Africa has already been established, I request, as the representative of Iran rightly asked from this rostrum, that we determine what is the status now of South West Africa. Is it a mandated Territory? This Assembly has revoked the Mandate. What do you call it in international law? A de facto Mandate? You cannot have a de facto Mandate when you revoke a Mandate, when you say South Africa has forfeited its right to the Mandate.

261. I believe that the representative of Iran mentioned that there is a vacuum here. How should this vacuum be filled? What status shall we give to South Africa in its usurpation of South West Africa? I submit that South Africa having, under the terms of the Mandate, forfeited its right to administer South West Africa, is now nothing but a racist colonial Power. I could have stated it was a "racist usurping Power" but a usurping Power is a colonial Power by definition. When any State aggresses against another State, usurping the right of its people, it is an aggressor and is engaging in colonial rule. Hence it becomes plain why I have one single operative paragraph in my draft resolution which reads as follows:

"Declares that South Africa is a racist colonial Power and should only be considered as such by the United Nations."

262. In conjunction with that draft resolution, I must present a serious matter for your consideration that took place only last Saturday when we were discussing in the General Assembly the question of Rhodesia, because all these questions are interdependent and interconnected. This matter is relevant to the purposes of my draft resolution.

263. On my way here last Saturday to discuss the question of Southern Rhodesia, I picked up a newspaper called the World Journal Tribune. I turned to the financial section of the early edition of that paper where it states in the right hand box on the first page "Latest News, Latest Scratches", In that financial section I read the following headline "South African rights for U.S. oil firms". I shall not read this article because it is late and I do not wish to abuse the patience of the Assembly. I turned this section over to the Secretariat so that it could do me the favour of making photostatic copies. The article states that

eight oil firms are going to South Africa in order to prospect for oil, circumventing any economic sanctions which the ad hoc Committee might consider as applying.

264. In order to make sure that that section would not be lost, I bought another copy of the newspaper, a later edition of the World Journal Tribune after I left the United Nations. In the box that read "Latest Scratches and Selections", I saw to my amazement that while we were talking about sanctions, the article on the eight oil companies going to South Africa to prospect for oil in order to circumvent the boycott was eliminated from that edition because of the lobbyists, because of the special interests, and this item was replaced by another news item that was innocuous by comparison with the effect that the first article would have had on the General Assembly.

265. Of course, the newspaper will have an explanation for having eliminated the first article it had inserted. Even then, in the same place, they had an article whose headline read "Zambia's pipeline job stirs rivalry". The first item was from the Associated Press and the dateline stated that that news item came from Cape Town, South Africa. They must have been very worried to suppress that news item that we had read in all the media of information in the United Nations. This news item from Cape Town, South Africa, was removed from the later edition of the paper as if by magic so that we could not bring it to the notice of the General Assembly.

266. That is why we are no match for the lobbyists, no match for the special interests that are protected. I mean that we are no match for the protectors of the special interests in South Africa. Therefore, forthwith, let us not leave the status of South Africa, in so far as South West Africa is concerned, hanging in the air, or, as we say in Arabic, as translated into English, "neither attached nor divorced". We should forthwith, by a roll-call, declare them a colonial Power, a racist colonial Power, and they should only be considered as such by the United Nations.

267. May I ask you, Mr. President, to be kind enough to have a roll-call vote taken on this draft resolution.

268. The PRESIDENT: In the light of the statement made by the representative of Saudi Arabia, his first draft resolution [A/L.486] will not be put to a vote because he does not want it to be put to a vote. Therefore, I shall put to the vote the draft resolution submitted by the representative of Saudi Arabia [A/L.487/Rev.1].

269. I call on the representative of Guinea on a point of order.

270. Mr. ACHKAR (Guinea) (translated from French): In fact, I came to the rostrum to raise a point of order; but before doing so, I should first like to tell Mr. Baroody how much our delegation appreciates his intentions and motives and how much we approve the declaration contained in the draft resolution [A/L.487/Rev.1] on which he has asked for a vote. This declaration states that South Africa is a racist colonial Power in rebellion against the United Nations. This is absolutely true because apartheid has been condemned by the United Nations and there is no doubt in anyone's

mind that, in pursuing this policy, South Africa is rebelling against the United Nations.

271. The fact that South Africa is a racist colonial Power is self-evident. Nevertheless, precisely because this fact is so obvious, and because—in the course of all these negotiations—delegations have not had time to reach agreement on any draft resolution other than that which was put to the vote a few moments ago, we think it would be helpful to adjourn the present meeting in order to give us time to consult one another on the new proposal just made by our Saudi Arabian colleague.

272. In making this suggestion, I do not wish to express any opinion on the substance of the draft resolution. I have already said, and I repeat, that we fully share Mr. Baroody's concern and we are very grateful to him for the initiative he has taken. However, we do think that if there were to be a vote now, delegations would find themselves in a rather difficult position, since they have not had time to consult one another or to come to an agreement on the position they should take.

273. Consequently, in accordance with rule 78 of the rules of procedure, I should like to move the adjournment of this meeting. I hope that my friend and colleague from Saudi Arabia will not object to this proposal. I am sure that in the next few days we shall reach agreement and find a common position.

274. The PRESIDENT: May I ask the representative of Guinea to please remain at the rostrum because I wish to ask him a question. As the representative of Guinea has stated, after he has moved the adjournment, the motion should be put to a vote. But I just want to inform him that, as I understand his motion of adjournment, it is with respect to the consideration of the draft resolution [A/L.487/Rev.1] which was going to be voted upon and not to any other consideration. I have ten speakers on my list who had inscribed their names for explanations of vote after the vote on the previous resolution adopted by the General Assembly. If the Assembly would agree, and if there is no objection by the representative of Saudi Arabia and by other representatives, we will consider the question of adjournment later, and during that time perhaps consultations can go on and an assessment can be made of what the wishes of the representatives may be, and I would be allowed to call upon these representatives to go ahead with the explanations of their votes.

275. Mr. ACHKAR (Guinea) (translated from French): Mr. President, we are completely in agreement with this approach. If our friend, the representative of Saudi Arabia, does not mind delaying the decision on his draft resolution, I think that delegations which have asked for the floor to explain their vote could do so, and in the meantime either have reached an agreement—which would surprise me—or else my motion of adjournment could be entertained.

276. Mr. BAROODY (Saudi Arabia): I must thank my good friend and brother, Mr. Achkar of Guinea, for having withdrawn the adjournment motion. But I do not see why this motion should be discriminatory—"Let other speakers make their statements, and then shelve Baroody's draft resolution". This is a little

unusual. We have been addressing ourselves to this question for the last twenty or twenty-five days, and if my colleagues who are inscribed on the list give their explanations of votes after the adoption of the resolution, I think this will weaken a great deal the position with respect to my draft resolution. It will be killed by procrastination, because we will have to have another meeting on South West Africa, and I do not think we should have another meeting.

277. The draft resolution, in its original form and also in its revised form, has been before the Assembly for some time. Why should anybody be afraid to declare South Africa a racist colonial Power, which should be treated as such by the United Nations? There are no Latin American amendments involved here; there is no Mr. Goldberg with his list of suggestions here. There is one single phrase. My good friend, Mr. Achkar of Guinea, wants to ponder the matter. That is a statement of fact. Let us be fair. We do not want to schedule a special meeting after five or six days. We have a heavy agenda. Let us finish with this question of South West Africa, today, tonight, and go on to another subject.

278. If my good friend and brother from Guinea wants more time, I will exonerate him if he abstains. I am not afraid . . .

279. The PRESIDENT: May I inform the speaker that the motion made by the representative of Guinea, as I have been advised, has been withdrawn. We will now proceed to vote on the Saudi Arabian draft resolution.

280. Mr. BAROODY (Saudi Arabia): I heartily thank you, Mr. President, for transmitting the good news to me.

A vote was taken by roll-call.

Poland, having been drawn by lot by the President, was called upon to vote first.

In favour: Saudi Arabia, Somalia, Sudan, Syria, Togo, Trinidad and Tobago, Tunisia, Central African Republic, Congo (Brazzaville), Indonesia, Iraq, Jordan, Kuwait, Libya, Morocco, Nepal, Pakistan.

Against: Portugal, South Africa, Sweden, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Argentina, Australia, Austria, Belgium, Brazil, Canada, Denmark, Finland, Ghana, Iceland, Israel, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway.

Abstaining: Poland, Rwanda, Senegal, Sierra Leone, Thailand, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Upper Volta, Venezuela, Yugoslavia, Afghanistan, Albania, Bolivia, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cambodia, Cameroon, Chad, China, Colombia, Congo (Democratic Republic of), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Dominican Republic, Ecuador, Ethiopia, France, Gabon, Greece, Guatemala, Guinea, Guyana, Haiti, Hungary, India, Iran, Ivory Coast, Jamaica, Japan, Kenya, Laos, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Niger, Nigeria, Panama, Philippines.

The draft resolution was rejected by 22 votes to 17, with 58 abstentions.

281. The PRESIDENT: Finally, I will put to the vote the draft resolution submitted by the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples [A/L.489]. This draft resolution refers to petitions concerning South West Africa. I have not received any requests for a vote. May I consider that the Assembly adopts this draft resolution?

The draft resolution was adopted without objection.

282. The PRESIDENT: I call on those representatives who have asked to speak in explanation of their votes after the vote.

283. Mr. PATRICIO (Portugal): Mr. President, since this is the first time that the Portuguese delegation has had the opportunity to speak this year from this rostrum, it is our great pleasure to congratulate you on your unanimous election to the high office of the Presidency of the General Assembly at its twenty-first session.

284. My delegation would like very briefly to explain the vote just now cast by us.

285. The resolution approved by the General Assembly has, in our opinion, failed to take into consideration very pertinent and important juridical aspects of the question concerning South West Africa. The International Court of Justice has already determined, in its several advisory opinions, the institutional character of the Mandate, and that, under its terms, the international status of the Territory can be modified only by agreement between both parties to that contractual relationship, that is the Republic of South Africa on the one hand and the organization that created the Mandate on the other. The only possible conclusion from this, therefore, is that neither party can alter the present status of South West Africa without the concurrence of the other. But regrettably, the resolution ignores this fundamental principle, putting aside the decision of the Court in this regard.

286. My delegation finds it difficult to find a basis for most of the operative parts of the resolution in the Charter of the United Nations. There is, in our view, nothing in that document that can give any of the organs of the United Nations authority to proceed in the manner envisaged in the resolution. In this respect the resolution goes clearly beyond the competence of the General Assembly as defined by the Charter.

287. Of course, what is now proposed for immediate execution is only a preliminary phase of the programme that ultimately is to lead to something that lies far beyond any powers conferred by the Charter. There are many important points of a juridical nature that have to be settled first by those that have the sole competence to undertake this task, before we can think of embarking on any course such as that proposed. There are some jurists who even doubt if the Mandate that was created by the League of Nations could have survived that body's extinction, and hold that the Mandate perished with it. This and other aspects of the problem have to be considered and disposed of definitely in the first instance.

288. One other point is that, under the Charter, the Security Council alone would appear to be the decision-making organ of the United Nations, while the General Assembly can make only recommendations. From this point of view, again it does not seem legitimate for the General Assembly to take a decision to consider the Mandate as terminating and South Africa as having no right to administer South West Africa. On the other hand, the Security Council itself could take up this question only if there were an actual or impending breach of or threat to international peace and security. Since this is not the case, it is difficult for us to understand how the Security Council also could take up this matter.

289. My delegation feels that this resolution will serve only to make more complex an already difficult situation. We consider the action proposed as hasty and ill-conceived and not as directed to ends that could serve, indeed, the best interests of the population of the Territory under consideration. The implications of this resolution can bring about only a serious deterioration of the peace and aggravate conditions in that part of Africa.

290. For all these reasons, the Portuguese delegation has voted against the resolution.

291. Mr. BEAULIEU (Canada) (translated from French): I should like briefly to explain the position taken by the Canadian delegation in the vote on the draft resolution and the amendments thereto, together with the United States sub-amendment.

292. As stated by the Canadian Secretary of State for External Affairs [1433rd meeting] during the general debate on this question, my delegation fully supports the aims of the resolution which has been adopted. We believe that South Africa has forfeited its right to administer the Mandate, and that the people of South West Africa should accede to self-determination and independence as soon as possible.

293. Many delegations will be aware that the Canadian delegation participated in the preparation of suggestions which, in our opinion, would produce a positive and practical approach to these objectives. We believe that it is important for the resolution to command the maximum support including, if possible, the support of all permanent members of the Security Council. We regret that this has not been possible. This is a point which will undoubtedly have to be taken into consideration when the time comes for implementing the resolution. However, since the Canadian delegation strongly supports the aims of the resolution, we voted in favour of the text as amended.

294. In conclusion, the Canadian delegation wishes to join in thanking all those who have worked so hard in an effort to arrive at a basis for general agreement on this important question.

295. Now that the resolution has been adopted by a large majority of States Members of the United Nations, we should like to express the hope that the necessary support and active co-operation of the countries most directly concerned will be forthcoming when the resolution is put into effect.

296. Mr. VINCI (Italy): May I thank you, Mr. President, first of all, and express my appreciation for

your having enabled us to explain our votes this evening without any further delay.

297. The Italian delegation voted in favour of the revised sub-amendment offered by the delegation of the United States, in favour of the amendments put forward by the Latin American group, and finally in favour of the fifty-four-Power draft resolution as amended. We did so for three reasons: first, because we think that the final text which the Assembly has adopted reflects, by and large, the ideas, principles and objectives set forth in the original text submitted on 26 September by over fifty African and Asian delegations—a text which, it may be recalled, we said in our statement in the general debate on this question, [1431st meeting] that we could support in principle; second, because we feel that the text, which in its final version, as amended by the Latin American countries, has commanded the support of an overwhelming majority of the Assembly, meets in principle most of the requirements of the situation, if not all as we see them, and shows, besides, the firm stand which the international community takes on the problem of South West Africa and indicates a practical course of action for the General Assembly to take in discharging its responsibility with respect to the international Territory under discussion; and third, because the text adopted was in fact the result of the common purpose and joint efforts of the overwhelming majority of the membership, sacrificing some of the points of view in order to arrive at a resolution that would be generally accepted.

298. It may be contended that the resolution which has just been adopted is not perfect. This, I submit, is in the nature of things. The text was the result of protracted, difficult negotiations on the basis of give-and-take and compromise—not on principles, but on methods—by all delegations. The Italian delegation, for one, while considering that the contributions offered by the various groups in the course of the extensive negotiations have improved the original text, still maintains a few reservations. I shall indicate them very briefly, emphasizing that in no way does this weaken our firm support for the basic ideas embodied in the resolution. In this respect we take note of the fact that the amendments offered by the Latin American group, after intensive consultations with many delegations, including my own, represent an improvement when compared with the original text. They are formulated, in fact, in terms which reduce to some extent the legal problems involved. Moreover, we are confident that the ad hoc Committee which has been established by operative paragraph 6 of the resolution we have just adopted will be able to go into these problems in depth and so create a solid ground from which future action of the ad hoc Committee and of the General Assembly may move. We consider that operative paragraph the key provision of the resolution, and, in this connexion, we should like to express our satisfaction that, following an inspiring idea of the Foreign Minister of Ireland, Mr. Aiken, some of our own suggestions referring to the composition and the terms of reference of the ad hoc Committee met with the approval of our African friends.

299. Our reservations—or, rather, our doubts—referred from the very beginning of the debate to

some legal aspects of the question. In fact, much has been said in the course of the present debate about the powers of the General Assembly to take over the Mandate. Many of the discussions have touched on the concept of the direct responsibility of the United Nations with respect to the Territory of South West Africa and to the legal and practical capacity of the international community to assume that responsibility in a direct and immediate way.

300. We doubt indeed that a forthright position could have been taken on these very delicate matters and, therefore, we still have to reserve our position on this particular point as stated in operative paragraph 4, which declares that "henceforth South West Africa comes under the direct responsibility of the United Nations".

301. The Italian delegation feels that these problems should be clarified in all their essential aspects by the ad hoc Committee in order to suggest appropriate solutions in keeping with our political objectives and in full accordance with the principles of the Charter of the United Nations. Those, in substance, are our reservations on the resolution as adopted; they did not however, affect our vote in support of the resolution as a whole.

302. The Italian delegation voted in favour of the United States sub-amendment to the Latin American text because we were, and still are, in full agreement with the substance and the purpose of that text. In our minds, there is an important prerequisite to a task of such magnitude as to ensure to the people of South West Africa the free exercise of their rights of self-determination and independence. That prerequisite is the support of all major Powers. Without that prerequisite, any resolution might remain largely a declaration of intent. And we are still convinced that, without sacrifice of principles on anyone's part, Mr. Goldberg's formulation would have bridged the very narrow gap which still existed and would have given the final text a greater intrinsic political strength so that its consequential impact also would have been much greater.

303. My delegation and I personally have been gratified to work intensively in such a direction in close co-operation with our Latin American friends, Canada, the United Kingdom and the United States. Those joint efforts have enabled us to bring the positions much closer, and this, may I add, is a great credit to the statesmanship of all colleagues involved in the consultations, in particular of the Latin American as well as the African representatives.

304. Our firm hope, nevertheless, is that this essential goal may be sought and obtained in the course of future developments, and that the consensus on principles which already existed among the various groups will form the basis for further progress towards the ultimate objectives which the United Nations has laid down in respect of the question of South West Africa. We hope especially that the favourable atmosphere and the spirit of mutual understanding and co-operation which have prevailed in the last few weeks will not vanish in the future; and, for our part, we pledge our sincere endeavour to make our contribution of ideas and initiatives to that end.

305. Mr. ZOHRAB (New Zealand): New Zealand voted in favour of the resolution that has just been adopted. We did so because we believed that there was here a very important principle at stake. In essence, the issue was whether, in the face of South Africa's failure to comply with its substantive obligations under the Mandate, its failure to accept its clear legal duty and submit its administration of South West Africa to United Nations supervision, and its disavowal of the Mandate, the United Nations would assert the responsibilities which it undoubtedly had.

306. In the resolution we have just adopted, those responsibilities are unequivocally affirmed. The situation calls for a restatement of the collective view of this Organization that the right of peoples to shape their own future is a right that extends to the people of South West Africa. It justified an act of solidarity on the part of the international community in support of a resolution incorporating that restatement, despite differences of view as to the most appropriate and effective wording of that resolution as a whole.

307. Now that we have adopted the resolution, the real test is before us. We approach this test—the test of giving effect to our words—with good will, bearing in mind constantly, as the representative of Sweden said so well yesterday, that:

"The measures to be taken should be chosen in the light of the over-all objective and at the same time with due account of the requirements of the case and the capacity of the United Nations for effective action." [1451st meeting, para. 38.]

308. We continue to believe that the indispensable study of the question of how to make the resolution effective in practice would have been better undertaken before, rather than after, the United Nations formally assumed new responsibilities for South West Africa. But we nevertheless welcome the acceptance of the amendment contained in paragraph 2 of document A/L.488, which sets up an *ad hoc* Committee to recommend practical means by which the decisions of principle taken in the resolution may be fulfilled.

309. The question of implementation remains for study, and the Committee's findings will be of crucial importance. In the meantime, the passing of this resolution does not of course commit us to any particular form of subsequent action by the Security Council or by other organs of the United Nations. I should like to make this point: New Zealand regrets that the sub-amendments to operative paragraph 4 submitted by the United States were not adopted. That rewording would, in our view, have clarified the meaning of the paragraph and would have underlined what was after all a significant point—that South West Africa's international status remains unaltered by the termination of the Mandate, which was conferred upon His Britannic Majesty and was exercised on his behalf by South Africa. While the point is implicit in operative paragraph 7 of the resolution, it could well, in the interest of the people of South West Africa, have been spelled out.

310. I would add that my delegation has been encouraged by the fact that private discussions on the resolution were conducted among the different groups.

We believe that the considerable measure of progress that was made towards the common front can be attributed in a marked degree to those negotiations and to a measure of recognition on all sides of the legitimate preoccupations of others. While regretting that progress was not made to the point where the United States sub-amendment could be accepted, my delegation is encouraged to hope that such procedures will again become habitual in the United Nations.

311. Mr. FEDORENKO (Union of Soviet Socialist Republics) (translated from Russian): In voting on the draft resolution on South West Africa and on all the amendments and sub-amendments, the Soviet Union has taken the same position as it has taken throughout the whole consideration of this important question. May I just recall that the Foreign Minister of the USSR, in his statement in the general debate, declared, *inter alia*, that "The Soviet Union is ready to support the independent African States which sponsored the inclusion of this item in the agenda. In the struggle against the racists and their protectors, justice is on the side of free Africa" [A/PV.1413]. This attitude derives from our policy of principle to support the peoples of the colonies in their fight for freedom and independence.

312. During the discussion on the question of South West Africa the Soviet delegation has attached special significance to the demand that the United Nations should deprive South Africa of the Mandate over South West Africa, a mandate which has become a cover for merciless colonialist exploitation and racial discrimination against the people of South West Africa. We have felt it just as important that the United Nations should help the people of South West Africa to obtain the possibility of exercising its legitimate right to independence and to the creation of an independent national State. We took the view that it is necessary to ensure transfer of power to the people of South West Africa and its accession to genuine independence.

313. These considerations have been expressed by the socialist countries both during the discussion and also in contacts with the sponsors of the draft resolution during consultations held between the socialist and Afro-Asian groups.

314. We note that the resolution adopted today reflects, generally speaking, these two main principles which are decisive from the standpoint of implementing in the case of South West Africa the Declaration on the Granting of Independence to Colonial Countries and Peoples—the provision on depriving South Africa of the Mandate and the provision on giving assistance to the people of South West Africa in achieving independence. We have, accordingly, voted for the draft resolution as a whole and consider that in general it is following the right direction.

315. At the same time an analysis of the draft resolution, and especially of the amendments thereto, has led us to conclude that, although the draft resolution is aimed in the direction indicated, it still does not go sufficiently far in the true direction and it contains a number of rather imprecise provisions on the most important aspects of the problem.

316. This applies, first of all, to operative paragraph 4 which, in the wording proposed by the Latin

American countries, has been substantially weakened as compared with the original draft. In the latter there was a much more definite reference to South Africa being deprived of the Mandate. With the amendment as now adopted it reads that the effect of the South African Mandate is terminated. This, of course, is less specific. And although, in general, as the authors of the draft resolution and amendments have explained to us, they intended in this way and by using these words to express the idea of depriving South Africa of the Mandate, the wording is still not sufficiently exact.

317. We, on the other hand, felt it advisable that the General Assembly should state its view on the question of depriving South Africa of the Mandate for South West Africa clearly and definitely—naturally, within its sphere of competence and in conformity with the Charter of the United Nations.

318. We also felt doubtful about paragraph 3 of the wording proposed by the Latin American countries. This wording adduces as a reason for depriving the Republic of South Africa of the Mandate for South West Africa the argument that the Republic has itself disavowed the Mandate. That is not the reason why the Republic of South Africa has today been deprived of the Mandate for South West Africa; the reason is that the people of South West Africa must be emancipated from South African racist oppression and be given independence.

319. As the Soviet delegation declared at the very beginning of the discussion on South West Africa, we had doubts about the advisability of fixing a kind of transitional period between the withdrawal of South Africa's Mandate for South West Africa and the granting of independence to South West Africa. If the African countries consider it necessary to envisage helping the people of South West Africa to establish an independent State—and we agree that such help may be necessary—the natural and logical way of rendering such help would be to entrust this to the Organization of African Unity whose members have a better knowledge of the local situation and could give the most effective kind of help to the people of South West Africa. But to envisage a whole transitional period during which direct responsibility for administering South West Africa would be handled by the United Nations would appear to us to be not very well justified or convincing.

320. The discussion in the plenary meetings of the General Assembly have not dissipated our doubts on this point. We did not feel sure about the advisability of setting up an *ad hoc* United Nations committee to draw up recommendations for the administration of South West Africa.

321. It is true that paragraphs 5 and 6 of the draft resolution, as worded in the Latin American amendments, do retain the reference to the purpose of temporary administration of South West Africa by the United Nations—to ensure that the people of South West Africa is enabled to exercise its right to self-determination and independence. That is the right purpose and we are happy to note that the authors of the draft resolution have adopted the more precise wording of the relevant provision in paragraph 6

proposed by the socialist countries during the consultations.

322. That being so, the Soviet delegation abstained in general on the Latin American amendments. It is hardly necessary now to explain in detail why the Soviet delegation voted against the sub-amendments proposed by the United States for paragraph 4. These sub-amendments would weaken still further the provision to deprive the Republic of South Africa of the Mandate, rendering it practically null and void—which cannot but be viewed as the definite purpose that the United States delegation probably wanted to achieve.

323. The initial draft resolution contained a paragraph 9 giving the United Nations Secretary-General practically unlimited powers to expend United Nations funds on measures for implementing the resolution, including—as seemed to be implied—even the costs of administering South West Africa. This ran counter to the Charter of the United Nations and might have entailed far-reaching and dangerous consequences both for the struggle of the people of South West Africa for its freedom and independence and also for the United Nations. Suffice it to recall in this connexion the bitter experience of United Nations operations in the Congo. The Soviet delegation therefore reserved its position on this point.

324. We now find that the sponsors of the draft resolution have taken these views of ours into consideration and that the present paragraph 10 provides for United Nations funds to be expended under strictly limited conditions involving the convening of a special session of the General Assembly and the technical servicing of the special committee's operations, as provided for in paragraph 6. This refers, as we understand it, to the expenditure of funds already provided for in budgetary appropriations.

325. The question of South West Africa, i.e. of liberating the oppressed people of that Territory from the bonds of colonialism and racism, now enters a new phase. The Soviet delegation would like to stress that in this new phase, too, our country, as the Soviet Government has more than once announced, will support the just struggle of the people of South West Africa for its freedom and independence. The Soviet Union which, as a permanent member of the Security Council, bears special responsibility for the maintenance of peace and international security, takes a firm stand on the side of the people of South West Africa in this its struggle.

326. Mr. SEYDOUX (France) (translated from French): During the general debate on this question the French delegation expressed its opinion that the international status of South West Africa was still in force, that South Africa had disregarded its fundamental obligations under the Mandate by extending its policy of *apartheid* to that Territory, and that the essential aim of the United Nations should be to enable the population of South West Africa to determine its own future and thus accede to independence.

327. My delegation still maintains these views in their entirety and therefore has approved at least paragraphs 2 and 3 of the draft resolution, as well as paragraph 7 in its amended form.

328. On the other hand, it had clearly expressed its doubts as to the wisdom of having South West Africa administered by the United Nations. Furthermore, although we stated that we did not exclude the withdrawal of the Mandate, my delegation cannot agree with the manner in which the withdrawal has been decided upon in the draft resolution just adopted.

329. Since the resolution just adopted by the General Assembly is directly at variance with these two essential principles, my delegation—however much it may wish to contribute to the emancipation of the people of South West Africa—could not associate itself with this text. On the other hand, it is prepared to associate itself with the implementation of the principles which we have expressed on two occasions.

330. Lastly, my delegation must mention its disagreement with General Assembly resolution 1514 (XV). It considers that the very special case of South West Africa has nothing to gain from being linked with a general and questionable text of this kind.

331. Mr. NABRIT (United States of America): The General Assembly has now acted upon the resolution with respect to South West Africa. We would have preferred that a wider consensus in wording and expression could have been achieved to assure that the resolution would have had even broader unanimity in the voting, particularly among all of the permanent members of the Security Council. We accept the result in good spirit and congratulate all who, with patience and persistence, contributed to this good result which reflects near unanimity on the part of this institution.

332. We have voted for this resolution in its amended form in the belief that the text does not in fact depart from the essential objectives we had in mind in the statement by Ambassador Goldberg on 12 October [1439th meeting]. We did so in the light of the many consultations in which we have been engaged and after careful consideration of the significant changes which have been made in the original text.

333. If Members co-operate realistically and constructively in the implementation of this resolution, we are hopeful it will contribute materially in preparing the way for the conclusions which a special session must then reach on how the material and moral well-being and social progress of the inhabitants of South West Africa can henceforth be assured.

334. Our interpretation of this resolution and the basis on which we have supported it is that it is South Africa's rights that have come to an end, not the concept of international responsibility itself, and that this consequence has derived both from South Africa's failure to fulfil its obligations and from its disavowal of the Mandate. The rights of the inhabitants as well as the rights and responsibilities of the United Nations, as confirmed by the various advisory opinions of the International Court of Justice, continue.

335. How the United Nations should discharge this responsibility, as it is called upon to do in paragraph 5 of the resolution, will be decided upon in the light of the recommendations of the new *ad hoc* Committee for South West Africa established under paragraph 6. The task of that Committee is to

recommend practical means by which South West Africa should be administered so as to enable the people of the Territory to exercise the right of self-determination and to achieve independence. We hope that it will do its work seriously and realistically. It must, of course, be free to consider all means compatible with the Charter and this resolution, and we would expect it to undertake appropriate consultation with all Governments legitimately concerned with this grave matter.

336. I also wish to call attention to the importance of paragraph 7 of this resolution, for this paragraph calls upon South Africa to refrain from any action which might in any way tend to alter the present international status of the Territory. It is necessary that this paragraph be observed strictly so as to avoid any prejudice to the international status of the Territory or to future actions designed to discharge the responsibility of the United Nations.

337. We are not unaware that this resolution also calls the attention of the Security Council to its terms, and we are conscious of our responsibilities in the Council. In voting for this resolution, the United States has undertaken no commitment as to action which we would consider appropriate in the Security Council should the Security Council later be seized of this question, since we do not wish to prejudice the report of the Committee and since it would of necessity be dependent upon the situation prevailing at that time.

338. In presenting the policy of the United States on 12 October, Ambassador Goldberg emphasized that our proposals were designed to be immediately and practically implemented, to lie within the capacity of the Organization and to point towards united and peaceful action for the benefit of the people of South West Africa. We hope that the resolution which we have just adopted will be carried out in a way that meets these criteria and that it will lead towards a just and pacific settlement of this problem in the interests of the people of South West Africa themselves.

339. I conclude by repeating and reaffirming the statement made on behalf of my Government on 12 October. We are firm in our determination that the United Nations, with all the unanimity and effectiveness that we can muster, should proceed to bring practical relief to the people of South West Africa in this their time of need.

340. Mr. SEINER (Czechoslovakia): I shall be brief. The delegation of the Czechoslovak Socialist Republic has already stressed in the general debate that the problem of South West Africa is in fact a problem of the immediate and urgent implementation of the Declaration on the elimination of colonialism.

341. We strongly feel that it is the duty of the United Nations to take decisive steps, incomparably more decisive and effective than have been taken up to now, so that the people of South West Africa can free themselves without any delay from colonialist and racial subjugation in order that they may enjoy their right to self-determination and independence.

342. We consider the attempts by the racist régime of South Africa to annex the Territory of South West

Africa to be a flagrant and most serious violation of the principles of the Charter. We have stressed that the Republic of South Africa, because of its policy of apartheid, racial discrimination, systematic violation of the elementary rights and freedoms of the people of South West Africa and harsh colonial oppression, has divested itself of any rights whatsoever to administer further the Territory of South West Africa; it must therefore be deprived of the Mandate.

343. We have therefore fully shared and actively supported the demands that the United Nations clearly and unambiguously declare that it takes away from the Government of South Africa the Mandate for the administration of South West Africa. It was from this point of view that the Czechoslovak delegation participated in the present deliberations; it was from this point of view that we considered the draft proposals presented to the present session.

344. In conformity with this policy, we expressed ourselves in favour of the original fifty-four-Power draft resolution, and we were prepared to support it. We considered the amendments presented by a group of Latin American countries to be a step backward in comparison with the original position of the Afro-Asian countries. For this reason, the Czechoslovak delegation abstained from voting on these amendments. With respect to the United States sub-amendments, it has been convincingly proven by a number of delegations, and confirmed by our vote, that they touched in a negative way upon the very substance of the document before us. I am glad to see that these sub-amendments were not adopted, that they were rejected. In this sense it really helped not to widen the gap among delegations.

345. Since important provisions and ideas of the original draft of the Afro-Asian countries were preserved in the final text of the draft resolution, and since we felt that this draft, even if weaker in comparison with the original text, still paved the way for the solution of the problem, and having in mind the tasks and objectives which we have in common with our friends in Africa and Asia, we voted in favour of the text as a whole.

346. Mr. President, not wishing to prolong this debate by a separate intervention, the Polish delegation has authorized me to state the following on its behalf.

347. The Polish delegation has maintained throughout this debate that South Africa's Mandate over South West Africa should be revoked and that the people of South West Africa should accede to independence. It was ready to support the original fifty-four-Power draft resolution. Consequently, it supported the revised version of the fifty-four-Power draft resolution, while abstaining from the vote on the amendments, which weakened the substance of the original draft. The Polish delegation cast its vote against the United States sub-amendments.

348. Mr. GEORGESCU (Romania) (translated from French): In the vote which it has just cast, the Romanian delegation wished to express its support for a draft resolution designed to put an end to the present intolerable situation and to give effect to the right which the people of South West Africa, like all

other peoples of the world, enjoys—namely, the right to be master in its own country. This sacred, inalienable and indefeasible right was questioned, or was not sufficiently stressed in some of the other proposals before the General Assembly.

349. In the Romanian delegation's view, the principles governing this question should be expressed in the clearest and most unequivocal terms in all documents adopted by the General Assembly or any other international body.

350. Mr. SCHUURMANS (Belgium) (translated from French): The Belgian delegation voted for the draft resolution with the text which the General Assembly has just adopted. In doing so it wished to give its support to an initiative which seemed to be designed mainly to ensure that the people of South West Africa can exercise the right of self-determination in accordance with its freely expressed aspirations and in conditions suited to the specific situation existing in the Territory. Our support of this text does not in any way imply that we approve it without any doubts or reservations.

351. During the debate some delegations questioned the General Assembly's competence to withdraw the Mandate. As this question is so important, we would have preferred this point of law to be clarified as fully as possible. This would have served only to strengthen the measures described in the operative part of the resolution.

352. As far as paragraph 6 in particular is concerned, we understand that the task of the Ad Hoc Committee will be—and here I quote the words used by the United States representative on 12 October—to provide "a considered blueprint for united and peaceful action for the benefit of the people of South West Africa" [1439th meeting, para. 77].

353. Thus, in voting for the draft resolution, we intended to reserve the right to express our views in due course on the recommendations which will be made by the Ad Hoc Committee at the special session.

354. Sir James PLIMSOLL (Australia): As the representative of Uganda said earlier this afternoon, on a subject of this importance and complexity, and in an assembly of over 120 members, we cannot expect to have a resolution every word of which can be accepted by each representative voting for it. There has had to be a great deal of give and take in an attempt to get a resolution which we can generally support, even though each of us might like to see some words or paragraphs expressed differently, or even omitted. But we have reached agreement on a resolution. The delegation of Australia voted for that resolution, and in doing so was guided by the fact that it was in agreement with the general objectives of the resolution, and also by the wide agreement that existed in this General Assembly among countries drawn from all geographical regions and including key permanent members of the Security Council, on which of course, primary responsibility rests for the maintenance of peace and security.

355. The Australian delegation has listened with particular care, therefore, to the statements that have been made in the course of this debate and to the

explanations of vote that have been given this afternoon by the representatives of the permanent members of the Security Council. We found ourselves in a great deal of agreement with the statements made this afternoon by the representatives of the United Kingdom and France; but, not having the special responsibilities which these two countries have under the Charter, Australia felt able to vote for the resolution.

356. It is not clear now to any of us what will follow in detail as a result of the adoption of this resolution. That will be the subject of recommendations by appropriate organs of the United Nations. Australia will judge each recommendation on its merits and, of course, like all other Member States of the United Nations, we are not committed in advance to any specific action. Australia will be guided by the approach that was outlined in this debate by the Australian Minister for External Affairs. He said—and this remains one of our guiding principles:

"... justice, in the present context, clearly requires that South West Africa should be administered by an authority fully committed to such principles as the enjoyment, in freedom and without racial discrimination, of the basic human rights, the principle of the self-determination of peoples, the principle that the interests of the inhabitants of Non-Self-Governing Territories are paramount, and the principle that the well-being of these peoples, and their political, economic, social and educational development are a sacred trust." [1439th meeting, para. 142.]

357. Mr. WODAJO (Ethiopia): My intervention at this stage in the proceedings of the General Assembly has a specific and limited objective, which is to explain the vote of my delegation on the draft resolution submitted by the delegation of Saudi Arabia.

358. It will be recalled that my delegation already had occasion to explain its votes on the resolution just adopted by the Assembly and the amendments incorporated in that resolution. We abstained from voting on the Saudi Arabian draft resolution because the third paragraph of its preamble contained a reference to another draft resolution which, we were told, is not before the Assembly, but is in suspension. That draft resolution [A/L.486] contains a reference to the appointment of one or more co-administrators

to administer South West Africa on behalf of the United Nations. It also envisages that South Africa would be one of the co-administrators.

359. Having voted for the resolution which was just adopted by the Assembly, which resolution terminates the Mandate of South Africa, we felt that it would be inconsistent on our part—even wrong—to vote for a text which recognizes the continuing right of South Africa in South West Africa. For this reason, this draft resolution was not acceptable to us. As a matter of fact, if we had been in a position to speak earlier, before the vote was taken, we should have requested a separate vote on paragraph 3 of the preamble and would have voted against it.

360. Mr. ARKHURST (Ghana): Mr. President, before I go into the substance of my short intervention, I hope that you will allow me, on behalf of the Afro-Asian steering committee on South West Africa, to express our very sincere gratitude to all those who, through their understanding and willingness to assist, enabled us to adopt the resolution on South West Africa by such an overwhelming majority. I particularly wish to thank Mr. Cuevas Cancino of Mexico, Mr. Vinci of Italy, Mr. Tabor of Denmark and, of course, Mr. Goldberg of the United States for their very willing efforts in this respect.

361. I now wish to speak briefly in explanation of my vote on the draft resolution submitted by Saudi Arabia. My delegation is one of those which has never had any inhibitions in telling the racists of South Africa what this Assembly thinks of them. However, we were forced to vote against this draft resolution because of its third preambular paragraph which suggested that the law-abiding Members of this Assembly should, in conjunction with South Africa, administer a Territory which we believe it holds illegally. We were also forced to vote against this draft resolution because its only operative paragraph declares "that South Africa is a ... colonial Power" —immediately after we had adopted the resolution that had divested South Africa of any authority over South West Africa. We agreed that it was racist. But since we had divested it of its authority over South West Africa, we felt that we could not support this draft resolution.

The meeting rose at 9.5 p.m.