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President: Mr. Corneliu MANESCU (Romania).

In the absence of the President, Mr. Sevilla Sacasa (Nicaragua), Vice-President, took the Chair.

AGENDA ITEM 64

Question of South West Africa (continued)*

- (a) 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;
- (b) Report of the United Nations Council for South West Africa;
- (c) Appointment of the United Nations Commissioner for South West Africa

1. Mr. GOLDBERG (United States of America): Mr. President, before I begin my statement I should like to say to you how pleased I am to have this opportunity to make it while you are in the Chair.

2. The position of the United Nations regarding the relationship between South Africa and South West Africa is clear. It was expressed in the overwhelming approval of the General Assembly's resolution [2248 (S-V)] on this question more than a year ago. That resolution which the United States fully supported was, as I said at the time, intrinsically sound. South Africa's own actions in breach of its obligations, its disavowal of the Mandate, and its disregard of the advisory opinions of the International Court of Justice provided the basis for the General Assembly's decision that South Africa's Mandate for South West Africa was terminated and that henceforth South West Africa came under the direct responsibility of the United Nations. It is on the basis of this decision that the United Nations has subsequently acted. Members of the United Nations have not always agreed with unanimity on courses of action, but uppermost in our minds have always been the rights of the inhabitants

of South West Africa, and the obligation of the international community not only to preserve those rights, but also to seek their full enjoyment for the inhabitants.

3. Now, if South Africa's own actions led to the forfeit of her rights in South West Africa and formed the basis of the United Nations decisions to terminate South Africa's Mandate, what have been South Africa's subsequent actions? Unquestionably, the actions of the South African Government since 27 October 1966 reaffirm the wisdom of the General Assembly's decision and constitute the best refutation of South Africa's hollow and unconvincing contention that it administers South West Africa "in the spirit of the Mandate entrusted to it by the League of Nations, and has no intention of abdicating its responsibilities towards the people of South West Africa" [A/6897, annex II].

4. South African proposals earlier this year to impose and promote the fragmentation of the Territory under the guise of self-determination and to achieve piecemeal annexation under the guise of administrative efficiency must be opposed because of their potential long-term harmful effect. South Africa's imposition in South West Africa of its universally condemned policy of apartheid should be a matter of deep concern for all of us. Moreover, these proposals represent clear defiance of the General Assembly's wise injunction that South Africa refrain and desist from any action, constitutional, administrative, political or otherwise, which will in any manner whatsoever alter or tend to alter the present international status of South West Africa.

5. I should like to analyse in some detail the atrocious Terrorism Act of June 1967, under which thirty-seven South West Africans were charged and brought to trial under conditions which are repugnant to all who believe in justice under law. This Act is significant because of its immediate implication in terms of human lives and its long-run effect in terms of an attempt to break the will of South West Africans to achieve their right of self-determination. The Act, promulgated after South Africa's lawful authority for the Territory had terminated, represents not only South African defiance of the United Nations, but also further proof of South Africa's determination to flout the spirit and terms of the League of Nations Mandate.

6. Three months ago, on 12 September, the Special Committee of this Assembly called upon the South African Government to release the accused immediately [A/6700/Rev.1, chap. IV, para. 232]. That Government has ignored that call. At that time, the United States representative, noting that neither lawlessness nor the absence of a lawfully functioning independent judiciary could be contemplated, succinctly stated the reasons why the application of the

*Resumed from the 1628th meeting.

Terrorism Act to South West Africa was inadmissible. It is still inadmissible. And because it is inadmissible, I have no hesitancy in commenting on this prosecution, which, under ordinary rules, since the matter would be sub judice, would not be an appropriate matter for discussion.

7. In the twenty-year discussion of apartheid in the United Nations, United States representatives frequently have had occasion to comment on legislation passed to implement apartheid. Surely the Terrorism Act rivals the worst of the legislation and, as long as it exists, constitutes a self-repudiation of South Africa's claim to a tradition of respect for the rule of law. Lest some say that this judgement is too harsh, let the terms of the Act speak for themselves.

8. First, it is retroactive to so-called "offences" performed five years ago. Second, it places upon the accused the burden of proving beyond a reasonable doubt that he did not perform acts, harmless in themselves, with the intent to commit a crime. Third, it subjects persons found guilty of what South Africa calls "terroristic activities" to the penalty provided for treason—death by hanging—or, in any case, imprisonment for life or for not less than five years. Fourth, it authorizes any commissioned police officer to arrest without warrant persons he believes may have violated the Act or who might be useful as potential witnesses, and to detain them indefinitely, without bail, without recourse to the courts or counsel and without the right to receive visits from family or friends. Fifth, it allows the Government to try jointly persons accused of separate violations, thereby permitting the guilt of the accused to be judged in a mass trial. Sixth, it permits a person acquitted of one charge to be tried again on other charges arising out of the same acts and seventh, it defines offences with such vagueness as to approach absurdity, if its consequences were not so serious. For example, any person who intentionally "embarrass(es)" the administration of the affairs of the State or who encourages "feelings of hostility between the White and other inhabitants of the Republic" is a "terrorist". Other offences which might otherwise be misdemeanours—for example, obstructing traffic—are likewise made subject to a hanging sentence.

9. It is the nature of this Act and its unconstitutionality in the court of human and public opinion that compels my comments today, as I have said, in a case on which normally I would not comment, because it is sub judice.

10. Who are the defendants at present being tried under this Act? Why were they held without charge, incommunicado and in solitary confinement for up to 400 days? What is the significance of their trial 1,000 miles from their homes in a court guarded by sten-gun armed policemen and police dogs? In the answers to these questions are the principal elements of the tragedy of South West Africa. They illuminate the whole range of the problem before the General Assembly today.

11. Those defendants are not well known like Nelson Mandela or the Nobel Peace Prize winner, the late lamented Chief Albert Luthuli. However, they too are men who have sought a future for their homeland in

which they and the overwhelming majority, who are non-white, may participate in governing their own affairs, free from the restrictions and the discrimination of apartheid. In most democratic societies they would be able to pursue their goals through speeches and publications and would not be subject to hanging under the gross charge of "embarrassing" the Government or promoting a "spirit of hostility".

12. But to seek the goals of free men in the international Territory of South West Africa is to be subjected to increasing restrictions, culminating in this declaration of terror by the South African Parliament on 12 June 1967. Out of these restrictions grows desperation and in that desperation some have found no alternative to violence as an expression of the determination to be free.

13. The United States does not condone violence. The United States does condemn the brutality of a Government whose official policies have bred violence by closing avenues of peaceful dissent in South West Africa, thereby generating the very behaviour it seeks to punish.

14. Most disconcerting of all is the possibility that the full story has not been told, since international opinion stands in the way. How many South West Africans who have committed the "crime" of desiring to attain elementary human rights are being held without charge in solitary or other confinement, without knowledge of family, without access to counsel, with no hope of fair trial except under conditions of spurious legality? How many others, if finally brought to trial, will find that serious suggestions of assault during detention are ignored on the basis of a bald denial by a prosecution witness?

15. As a Member of this international community, however, we have a right and a responsibility, expressed in our co-sponsorship and support of the draft resolution before us [A/L.536 and Add.1 and 2], to call upon the South African Government to provide us with complete and straightforward answers. We have a right and a responsibility to call upon the South African Government to halt these prosecutions, to release and repatriate these South West Africans and to cease the illegal application of that Act in the Territory. This we do with all the vigour at our command.

16. I would not wish to conclude my statement tonight without referring to the extreme and ridiculous allegations which we have heard in the past several days with regard to the implementation by the United States of the United Nations embargo on the supply of arms and military equipment to South Africa. My country has adhered scrupulously to the terms of that embargo. Despite this unequivocal position, which I reaffirm, on the implementation of the Security Council's resolution [181 (1963)] on the shipment of arms and military materiel, the United States has been falsely cited by two delegations during this debate for alleged violations in this field. I should like to mention those allegations and insinuations briefly and to refute them categorically.

17. The representative of the Soviet Union stated that the United States and certain other countries

"are continuing to supply the South African racists with bombers, air-to-air missiles, and various types of small arms" [1628th meeting, para. 146].

It is significant that the Soviet delegation did not provide—nor could it—any details on this sweeping allegation either in the statement from which I have quoted or in its earlier statement on South West Africa. On earlier occasions, when similar statements have been made, my delegation has directly challenged the Soviet representative to furnish details—details which the Soviet delegation never has provided and could not provide. Those charges were fabricated out of thin air. It is obviously impossible for the Soviet Union to provide details because they do not exist. Faced with that fact, other delegations have resorted to inference and insinuation rather than direct statements such as the one I have quoted. The representative of Hungary, speaking on 11 December 1967, said:

"According to press reports in March 1967, the South African Army and Air Force were interested in an American executive aircraft..." [1624th meeting, para. 83].

I cannot confirm or deny exactly what possible purchases interest South African military authorities, but I can deny categorically the suggestion, which the representative of Hungary obviously sought to get across, that the United States is furnishing such aircraft. We are not furnishing any such aircraft to South Africa.

18. These citations serve to illustrate the extent to which the delegation of the Soviet Union and other Communist delegations with similar intentions go in their frantic efforts to use the debate on South West Africa as one more device for launching attacks on the United States.

19. While the United States and other countries continue to enforce strictly an embargo on the sale of arms and military equipment to South Africa, that country continues to receive large quantities of modern and sophisticated weapons. The real sources of those weapons are not mentioned by the Soviet representative. Those who criticize the United States, which scrupulously enforces the embargo, might better direct themselves to those countries which do not do so and to ways by which the embargo might be made more effective.

20. The Assembly's action on South West Africa last autumn was historic, ending a long-standing Mandate for just and good cause. The United States will do its utmost, as I promised from this rostrum, by all appropriate and peaceful means, to help carry through to fruition the aims which are so broadly shared and which are embodied in General Assembly resolution 2145 (XXI). We will provide full and faithful support to the people of South West Africa in the peaceful pursuit of their goals, in their efforts to assert and to exercise fully the rights to which all men everywhere aspire and are entitled.

21. Mr. TSERENCHOODOL (Mongolia) (translated from French): The question of South West Africa has been under consideration by the United Nations for more than twenty years and the General Assembly is

already considering it for the second time this year as an important and urgent matter. That in itself is proof of its seriousness. As we all know, at its twenty-first session the General Assembly adopted resolution 2145 (XXI) whereby it withdrew the Mandate for the administration of South West Africa from the Republic of South Africa and placed the Territory under the direct responsibility of the United Nations.

22. Last spring, at its fifth special session, the General Assembly requested the Republic of South Africa to withdraw immediately its police and military forces and its administrative personnel from the Territory to enable the people of South West Africa to exercise their right of self-determination and independence, in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples [see resolution 2248 (S-V)]. However, the South African authorities have cynically ignored the resolutions of the United Nations and the clamour of world public opinion, and continue, more obstinately than ever, to dominate the Territory and to persevere in their criminal policy of conquest.

23. The South African racists brazenly declare that they have no intention of implementing the resolutions of the United Nations. In other words, they have decided to maintain that Territory forever under their colonial and racist domination. The Pretoria régime is pursuing in South West Africa, by every means at its disposal, a policy of racial segregation and territorial division, in accordance with the classical "divide and rule" principle of colonialism.

24. The granting of "self-government" to Ovamboland is no more than a veiled execution of the recommendation of the notorious Odendaal Commission,^{1/} whose aim it was to divide the Territory according to ethnic groups which, in effect, meant the creation of a reservoir of cheap labour. In imposing their rule on that country without the slightest authority and in exploiting its human and material resources, the South African racists are cruelly oppressing the people of South West Africa. The indigenous population of the Territory is being denied its fundamental rights and subjected to numerous restrictions in every aspect of daily life. The slightest sign of opposition to the racists is savagely repressed. The arrest by the South African authorities of thirty-seven Africans from the Territory and their arraignment before a South African court is an act of international brigandage and sequestration. All this has taken place, moreover, after South Africa had been deprived of its Mandate over the Territory. The arrests took place under the new racist Terrorism Act of June 1967, which had not yet come into force in South West Africa. Everyone knows that the arrested men are not terrorists but patriots leading the struggle for their people's freedom and independence, a struggle which the United Nations recognizes as legitimate.

25. As a co-sponsor of draft resolution A/L.536 and Add.1 and 2, my delegation appeals to all States and international organizations to make every effort to see that the South African Government applies the provisions of that draft resolution without reservation.

^{1/} Republic of South Africa, Report of the Commission of Inquiry into South West African Affairs, 1962-1963, Pretoria, Government Printer,

26. The refusal of the South African authorities to implement the resolutions of the United Nations, South Africa's continued occupation of the Territory and its arbitrary racist rule in the country constitute a flagrant defiance of the United Nations and of world public opinion and are a serious threat to international peace and security.

27. Obviously there can be no question of the South West African people's accession to true freedom and independence as long as the Pretoria racists are still occupying the Territory. That is why the first condition for the granting of independence to the South West African people is the immediate withdrawal of all the police and military forces of South Africa and the termination of its administration. This step is also dictated by the need to guarantee the security of South West Africa's neighbours, independent African States which are often exposed to threats and armed intervention by South Africa. The General Assembly must take effective measures to put an end to the occupation of South West Africa by the South African authorities and to enable the South West African people to enjoy fully their inalienable right to freedom and self-determination.

28. The South West African problem cannot be considered out of the context of the general policy pursued by the imperialist and colonialist Powers in the southern part of Africa, on which the colonialists, the racists and their allies count so heavily. South Africa is the last bastion of colonialism and imperialism and an economic and strategic base for their activities.

29. Many delegations have supplied conclusive evidence that the most powerful allies of the Republic of South Africa—the United States of America, the United Kingdom, the Federal Republic of Germany and others—which have large economic, financial and other interests in South Africa itself as well as in South West Africa, are backing South Africa and giving it every assistance for their own selfish ends.

30. The land and the natural resources of South West Africa have already been divided up between the big foreign monopolies which are ruthlessly exploiting them for the largest possible profit. In South West Africa, where the Africans constitute 90 per cent of the population, half the land is in the hands of foreign monopolies. The Anglo-American companies of South Africa, through their branch offices, practically control the finances of the Territory. The Consolidated Diamond Mines of South Africa Ltd., which holds concessions until the year 2010, draws annual receipts which exceed the Territory's total budget. There are countless other companies, most of which belong to the United Kingdom, the United States or the Republic of South Africa, whose interests are stubbornly defended by their respective Governments. I do not propose now to enumerate all these companies or to describe the nature of their activities, since that question has recently been considered in the Fourth Committee.

31. It is not difficult to guess from all this what is the reason for South Africa's obstinate refusal to apply the resolutions of the United Nations or for the support it receives from the United States, the United Kingdom and other imperialist Powers.

32. Furthermore, the continued occupation of South West Africa is dangerous because the Territory has been turned into a strategic base for combating the national liberation movements of other African territories and peoples. In addition, we must not forget that the alliance between colonialists and die-hard racists, represented by the fascist dictatorship of Portugal and the racist régimes of South Africa and Southern Rhodesia, exists and operates in the southern part of Africa.

33. South Africa has set up military bases and installations throughout the Territory of South West Africa. The West German militarists are playing a major role in this enterprise, which represents a threat to the freedom and independence of the African peoples. West Germany has helped to build the large air and naval bases in the Territory and has sent its military experts there. This is additional proof of the need to remove at once the racist authorities of South Africa from the Territory.

34. The General Assembly must condemn the Republic of South Africa, and also the United States of America, the Federal Republic of Germany and the United Kingdom which, by assisting South Africa in defiance of United Nations resolutions, are preventing the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in the Territory of South West Africa.

35. The General Assembly must also appeal to all the States which have economic or other interests in South Africa and South West Africa to apply effective measures against the Republic of South Africa and to use their influence to compel that country to comply with the resolutions of the United Nations.

36. As it was in the past, my delegation is in favour of the immediate granting of independence to the South West African people. It is convinced that the valiant struggle of the patriotic forces against the racist usurpers will be crowned with victory, and that the South West African people will become master of its own destiny.

37. Mr. KHATRI (Nepal): The question of South West Africa has been a major preoccupation of the General Assembly over the past twenty-two years. Last year by the terms of its historic resolution 2145 (XXI) the Assembly decided that South Africa had failed to fulfil its obligations in respect of the Mandated Territory and, in fact, disavowed the Mandate, declared that the Mandate was terminated and that South Africa had no other rights to administer the Territory, and declared South West Africa to come under the direct responsibility of the United Nations.

38. During all the years since the Organization was founded, the United Nations has seldom arrived at a decision of such far-reaching importance. The General Assembly had acted where the International Court of Justice had refused to act. At a time when the credibility gap in the system of international law and justice had reached the lowest point in world public opinion, the Assembly, by adopting resolution 2145 (XXI), had lived up to its broad responsibilities under the Charter and restored the confidence of the world in the principles of law and justice and the effectiveness of the United Nations system.

39. South Africa continues to challenge the interest and authority of the United Nations in the Territory and its decision, as contained in resolution 2145 (XXI), alleging the illegality and unrealistic nature of such an interest and authority, and of such a decision. This challenge is revealed in the letter dated 26 September from the Foreign Minister of South Africa which elaborately sets forth the views of his Government in this regard [A/6897, annex II].

40. In respect of the allegation concerning illegality of the action by the General Assembly, it has all along been the view of my delegation that the 1966 Judgment of the International Court of Justice^{2/} being purely of a negative and procedural character, the advisory opinion given by the Court in 1950^{3/} and subsequently reaffirmed in its opinions of 1955^{4/} and 1956^{5/} and its decision of 1962^{6/} provide a clear and unambiguous legal basis for General Assembly resolution 2145 (XXI).

41. As regards the allegation concerning the unrealistic nature of the decision by the Assembly in respect of the Territory, my delegation feels that, having forfeited its right to administer South West Africa, the Government of South Africa is not qualified to pronounce itself on this question on the ground of its own narrow and selfish interests.

42. I may point out here that when resolution 2145 (XXI) was adopted, there was no doubt in the minds of the entire membership of the Organization except, of course, South Africa and its ally Portugal, about the legality of that decision. And although France and the United Kingdom expressed reservations [1454th meeting] on that resolution when a vote on it took place, the entire membership except, again, South Africa and Portugal, was satisfied about the practicability of the resolution. The Soviet Union and the United States—two super-Powers on whose co-operation the credibility and effectiveness of our Organization so much depend—gave their whole-hearted and unequivocal support to resolution 2145 (XXI).

43. My delegation cannot conceive for a moment that that support was forthcoming only because those super-Powers, when they voted for the resolution, felt the necessity of going along with the Afro-Asian and Latin American majority for some ulterior political or other motive, or that they voted in favour of the resolution without being satisfied with the legality and realistic nature of the resolution and without realizing the urgent need for further logical action in the immediate future.

44. So much for the allegations that the General Assembly had acted illegally and without regard to reality. It is very well for a country to defend its policies and try to project itself, but what the Govern-

ment of South Africa is doing now is taking upon itself the task of passing judgement on the role and action of this Organization. The United Nations has been subjected to contempt and ridicule, and one gathers the impression, from a glance at the letter of the Foreign Minister of South Africa [A/6897, annex II], that this Organization, and not his Government, is to blame for the deplorable situation that now obtains in South Africa and South West Africa.

45. Since the adoption of resolution 2145 (XXI), no real progress could be made in the direction of enabling the people of South West Africa to exercise their inalienable right to immediate independence. The Government of South Africa continues to hold the decisions of the General Assembly in abject contempt. The United Nations has failed to fulfil the obligations and responsibilities which it assumed under Assembly resolution 2145 (XXI), with the support of almost the entire membership, including the super-Powers.

46. The report [A/6897] submitted by the United Nations Council for South West Africa, which was constituted by the fifth special session under resolution 2248 (S-V) with a view to discharging the Organization's responsibilities in report of the Territory, outlines that failure. Despite their best efforts, the member States of the Council were forced to arrive at the inevitable conclusion that, considering all the circumstances, it was not possible for it to discharge effectively all of the functions and responsibilities entrusted to it for the administration of South West Africa until the Territory attains independence. My delegation appreciates the difficult situation in which the Council had to labour. Nevertheless, we had opened that with the support of the two super-Powers, as expressed in their enthusiastic affirmative vote on resolution 2145 (XXI), it would not be impossible to effect South Africa's withdrawal from South West Africa and to enable the people of the Territory to exercise their right to independence; unfortunately, the support of the super-Powers, which is central to the success of any United Nations undertaking, was not forthcoming.

47. Putting aside the question of consistency of the policies pursued by those Powers in this regard or the validity of their arguments for withdrawing their support for and co-operation with this particular task undertaken by the Organization, my delegation cannot help expressing its sense of frustration at the lack of support on the part of those Powers for resolution 2248 (S-V). We feel frustrated because, in view of their positive attitude during the twenty-first General Assembly it was most natural for us to expect that the source of this support would not be dried up in the event of any follow-up action designed to give effect to resolution 2145 (XXI). In our view, resolution 2248 (S-V)—although it does not meet the requirements of the situation in some respects in that it is a product of compromise between various points of view—is, nevertheless, a logical sequel to resolution 2145 (XXI).

48. The situation in South West Africa, since the adoption of resolution 2145 (XXI), is characterized by continued deterioration as a result of defiance by South Africa of the authority of the United Nations. The report of the Committee of Twenty-Four [A/6700/Rev.1, chap. IV] is clear on this point. The situation is further aggravated by the actions of the Govern-

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

^{3/} International status of South West Africa, Advisory Opinion: I.C.J. Reports 1950, p. 128.

^{4/} South West Africa—Voting procedure, Advisory Opinion of June 7th, 1955: I.C.J. Reports 1955, p. 67.

^{5/} Admissibility of hearings of petitioners by the Committee on South West Africa, Advisory Opinion of June 1st, 1956: I.C.J. Reports 1956, p. 23.

^{6/} South West Africa Cases (Ethiopia v. South Africa; Liberia v. South Africa), Preliminary Objections, Judgment of 21 December, 1962: I.C.J. Reports 1962, p. 319.

ment of South Africa, consisting, among other things, of intensification of its much-hated policies of apartheid in South West Africa, encouragement to foreign economic interests to exploit the indigenous inhabitants, implementation of the Odendaal proposals which have been condemned by the Assembly as meaning the disintegration of the Territory and gradual integration of the Territory into South Africa.

49. The illegal régime of Southern Rhodesia and the Government of Portugal are its closest colonial allies. And it is a matter of public knowledge that this unholy colonial-racial and political-military alliance forms part of a grand strategy aimed at the perpetuation of the supremacy of minority settlers in the whole southern part of the African continent, and that this strategy enjoys, if not the active support, at least the moral blessings of some of the great industrial and military Powers.

50. The trial of thirty-six South West African freedom fighters which is currently being held in Pretoria is yet another example of the ruthless, racial and inhuman régime of South Africa and the abject contempt in which all canons of justice and humanity are held by this régime. The legality of the proceedings and the principles of justice involved in the trial have formed the subject of a leading article in The New York Times of 9 December. Characterizing the trial as the last act of monstrous offense against civilized behaviour and justice and law, the editorial comments:

"A person arrested under that Act" [meaning the so-called Terrorism Act] "is guilty unless he can prove his innocence 'beyond any reasonable doubt'. The penalties for conviction are the same as those for treason, including death. The range of 'terrorist' activities is so sweeping that a man can be convicted if his alleged offense is adjudged 'to embarrass the administration of the affairs of state'."

51. In addition to this, it is to be noted that these men are being tried under a recently enacted law having a retroactive effect to as far back as 1962, that they are not South African citizens and have not committed any offense in South Africa. These men are the citizens of South West Africa from where they were deported to Pretoria after arrest.

52. In consideration of this deliberate violation of all norms of justice by South Africa and that of the sanctity of the Territory of South West Africa, which is the direct responsibility of the United Nations, my delegation has co-sponsored draft resolution A/L.536 and Add.1 and 2. We believe that by reason of its fundamentally humanitarian character this draft resolution would obtain the overwhelming support of the Assembly.

53. In the light of these developments, we feel that it has become essential more than ever that this session of the Assembly should give its most serious attention to the question of South West Africa. As my delegation sees it, there are two ways open for the United Nations to act now. First, we may resign ourselves to the complexities of the situation and do nothing further except reiterate earlier decisions. Secondly—and this is the course we favour—the Assembly may live up to the responsibilities it has itself assumed under resolutions 2145 (XXI) and 2248 (S-V), by taking the most

logical follow-up action aimed at ensuring implementation of those resolutions.

54. As far as my delegation is concerned, it is our sincere belief that, so long as the possibilities of the Security Council as the organ primarily responsible for the maintenance of security and peace are not utilized with a view to giving effect to resolutions 2145 (XXI) and 2248 (S-V), any independent action by the Assembly alone in this matter would be at best a half-hearted measure. During the fifth special session of the Assembly [1510th meeting], I expressed the conviction of my delegation that, since we had declared South West Africa to be the direct responsibility of the United Nations, it would be in the best interest of the Organization if the Security Council were to be called upon to act in the event of any defiance by South Africa of its decision. I then said that if the question of Southern Rhodesia, which can also be construed as one of constitutional law between the United Kingdom and Southern Rhodesia, could be dealt with by the Security Council under Chapter VII of the Charter, surely the question of South West Africa, which is the direct responsibility of the Organization, could be more legally, more properly and more constitutionally dealt with by the Security Council under the same Charter provisions.

55. Events of the past months have served to strengthen us in this belief, because South Africa, having continued to maintain its occupation of South West Africa, daily commits acts of aggression against the Territory, which is a United Nations responsibility. I submit that this constitutes both a threat to peace and a breach of peace. It is high time that we realized the gravity of the situation, and displayed as much degree of statesmanship and responsibility concerning this question as that displayed by the Assembly at the time of the adoption of resolution 2145 (XXI) last year. My delegation pledges its whole-hearted support to any move by the Assembly directed at giving effect to its decisions on South West Africa.

56. Mr. SABEV (Bulgaria) (translated from French): In adopting resolution 2145 (XXI), which terminated a mandate that had been used by the South African racists to establish a colonial regime of racial segregation in South West Africa, the General Assembly took stock of the results of more than twenty years of discussions in United Nations bodies on the question of South West Africa.

57. Despite resolution 2145 (XXI), in which the General Assembly also decided that the United Nations should assume direct responsibility over the Territory in order to ensure its immediate accession to independence, the United Nations is not at present in a position to discharge its self-imposed duties. As we have been reminded, the objective of the General Assembly in adopting resolution 2145 (XXI) was and continues to be the accession of South West Africa to freedom and independence.

58. More than six months have elapsed since the fifth special session, and we now have before us the report of the United Nations Council for South West Africa [A/6897]. The Council's attempts to carry out its terms of reference proved fruitless owing to the South African Government's refusal to recognize or implement the resolutions of the United Nations. Instead of complying

with those resolutions, South Africa has defied each and every one of them.

59. The racist régime of Pretoria has not withdrawn its forces from the Territory and, as was to be expected, the United Nations Council for South West Africa was unable to visit the country.

60. At first sight, this would seem to be a conflict between the United Nations and the Republic of South Africa. But it has become quite obvious that the reasons behind the South African Government's uncompromising attitude are to be found in the active support given to South Africa in economic, political and military matters by the foreign monopolies and the Governments of certain Western countries, chief among them the United States of America, the United Kingdom and the Federal Republic of Germany.

61. The Republic of South Africa would never have been able to resist the pressure exerted on it by the United Nations or to defy the rest of the world, just as Portugal would not be able to maintain its domination over its colonies, or the illegal régime of Southern Rhodesia to survive, were it not for the support, protection and assistance received from certain Western Powers and foreign monopolies. Only the support given by the great imperialist Powers, whose aim it is to shore up this last bastion of colonialism in the southern part of Africa, enables the South African régime to continue its illegal domination over South West Africa.

62. We fully share the opinion expressed by several delegations that the States which lend their support to the South African racists are accessories to the criminal acts perpetrated by the latter against the population of South West Africa.

63. One of the reports submitted by the Committee of Twenty-Four [A/6868 and Add.1] in itself represents a damning indictment of those Powers and of the activities of foreign monopolies in the Territory.

64. The policy pursued by certain Western Powers, especially the United States, the United Kingdom and the Federal Republic of Germany, of giving support, whether overt or covert, to the Pretoria racists in their efforts to keep South West Africa under the system of apartheid is part of a much broader policy of repression, intervention and aggression against the countries and peoples struggling for their freedom and independence.

65. The war of aggression being waged by the United States against the people of Viet-Nam and the aggression against the Arab States are striking examples of this policy.

66. Other speakers have already emphasized that we cannot expect to make any progress in solving the problem of South West Africa in the framework of the United Nations unless pressure is brought to bear on the chief partners of the South African Government and unless the measures which this situation calls for are carried out.

67. During the fifth special session [1512th and 1517th meetings] the Bulgarian delegation, like several other delegations, emphasized the grave responsibility borne by those States which give support and protection to the Republic of South Africa, thereby defying the United Nations.

68. The reports available to us furnish ample evidence that the South African Government is doing everything in its power to consolidate its domination over South West Africa. The Odendaal Plan, although officially condemned, is being put into practice, and new laws are being enacted to intensify the reign of terror.

69. In this connexion, I must recall the tragic case, which is so well known to us all, of the thirty-seven South West African patriots. This is a matter of extreme urgency and the General Assembly must make every effort to bring about the release of these prisoners.

70. In that connexion, we should like to express our support for the draft resolution now before us [A/L.536 and Add.1 and 2]. Faced as we are with the question of what our future action should be, we feel that the most important thing, indeed the essential thing, is to go to the real roots and causes of the present situation. In my delegation's opinion, the resolution that we adopt on this question must contain a renewed and vigorous condemnation of the South African régime, which continues to defy the United Nations.

71. We also share the view that the resolution should include a clear and outright condemnation of the Powers, notably the United States and the United Kingdom, which are impeding the application of General Assembly resolution 2145 (XXI) and frustrating the efforts of the United Nations to help the people of South West Africa to achieve independence.

72. The resolution must contain an urgent appeal to those countries to join with other Member States in carrying out effective measures against the Republic of South Africa so as to ensure the immediate withdrawal of all South African military and police forces and administrative staff from the Territory.

73. Furthermore, the resolution must contain a provision relating to the immediate granting of independence to the South West African people and the setting up of an administration composed of representatives of the indigenous population. In my delegation's view, this is the most practical and effective method of realizing our objectives.

74. The maintenance and reinforcement of this stronghold of colonialism in southern Africa represents an immediate threat to all Africa, as well as to the security and freedom of those African countries which have recently regained their independence.

75. In the face of the hypocritical policy of the Western Powers, the sane and genuinely anti-colonialist forces in the United Nations must redouble their efforts to ensure the South West African people's right to independence.

76. The position of the People's Republic of Bulgaria with regard to South West Africa is in keeping with its policy of unstinting support for the struggle of oppressed people seeking national liberation and independence. My country supports the people of South West Africa and urges that national independence should be granted to it immediately. The Bulgarian delegation, like the overwhelming majority of delegations which have preceded us on this rostrum, will spare no effort, in close co-operation with the other delegations, particularly with those from the African

and Asian countries, to bring about the realization of the aims and objectives of General Assembly resolution 2145 (XXI).

77. Mr. COLE (Sierra Leone): In considering the South West Africa scene, we are faced not only with the problems of a classic colonial territory and the denial of basic human rights, but also with the heavy and grave overtones of apartheid and selfish nepotism of a conceited white minority in South Africa. We are faced with a régime that has established itself in power and which refuses to share this power with anyone not white. Laws are passed to make slavery the lot of the Africans, the indigenous owners of South West Africa.

78. When the General Assembly, on 27 October 1966, adopted resolution 2145 (XXI) with only two dissenting voices and three abstentions, it was the hope and sincere wish of my delegation, and surely most of the others, that the South West Africa issue be speedily resolved and that the Territory progress rapidly to independence in an orderly manner. The Ad Hoc Committee which was set up did extremely useful work, which reflected the four main lines of thought in the United Nations.

79. The special session of the General Assembly brought together some of those divergent views and members agreed to set up a Council for South West Africa. Here was where the small nations were disappointed. The four major Powers—France, the Union of Soviet Socialist Republics, the United Kingdom and the United States—were unable, for different reasons, to serve on the Council. We were disappointed because their unwillingness to serve could be interpreted by South Africa as a triumph. We were disappointed because most of the smaller nations were looking to them for useful and productive contributions within that Council and for their leadership. Those four countries, more than any others, have a major role in our Organization for the kinds of persuasion, negotiation and operations necessary for the discharge of United Nations responsibilities with respect to South West Africa. Their reluctance to take part in the deliberations of the Council lessened the weight of the United Nations.

80. In its report [A/6897], the Council has told us of its difficulties in having contact with the minority Government of South Africa. The Council, through its Chairman, addressed a letter to the Foreign Minister of South Africa [*ibid.*, annex I]. The Council got no reply. That could easily and justifiably be interpreted as a demonstration of the contempt and lack of courtesy with which the Vorster régime treats our designated body. They sent a letter to the Secretary-General restating their position. One ought to ask why the South African régime behaves in this way. The answer is clear. It does so because it is a régime built on fear. There is in South Africa a contagious and pathological fear for the well-being of the Whites. This fear is derived from the twisted interpretation of a religion which they say has doomed the majority of Africans as levers of wood and drawers of water, while the minority Whites thrive on the sweat and blood of the indigenous Africans. This fear has led them to ever-increasing "protection of white interests" by oppression of the others. South Africa has no intention

of giving up South West Africa. Its aim is the absorption of the Territory, as is clear in their method of administration.

81. Thus, in his letter to the Secretary-General contained in the report of the Council, the Foreign Minister, defending his Government's scandalous action with regard to South West Africa states:

"... its policies and methods of leading the peoples of the Territory along the path of progress and stability towards self-realization are meeting with marked success." [*Ibid.*, annex II].

82. It is clear from this that the Government of South Africa has forgotten Chapter XI of the United Nations which, they remind us daily, they accept by their presence here with us. They have no intention whatsoever of carrying out the responsibilities in Article 73. Instead, their actions are disruptive, their methods are criminal, their laws, as far as it concerns the Africans, are oppressive. It is for our Organization to find out ways of containing that viperous snake whose head rears up in southern Africa. We should accept the recommendation of the Council [*ibid.*, para. 19] that we should take the necessary measures, including addressing a request for appropriate action by the Security Council, in accordance with section IV, paragraph 5 of resolution 2248 (S-V), so that the Council for South West Africa could discharge all its functions and responsibilities effectively. This would be our collective action and it should be taken with determination and vigour.

83. There is another aspect. Each Member State by its action, not words, against South Africa could help in the solution. It seems to small nations like mine that enough is not done by other more developed nations in letting South Africa understand that their way of life is unique to them. What is needed is pressure; what do we find instead? We find co-operation. Where isolation could bring about a change of heart, we find friendship. When a boycott is necessary, we find increased trade. Where a tottering economy might cause South Africa to face reality, we find new investments. We once again appeal to those States which are guilty to take the actions that will bring about our desired goals.

84. I now come to another important aspect of the question of South West Africa. My delegation listened with dismay to the closing remarks of the representative of the racist Hitlerite régime in South Africa during his intervention at the 1625th plenary meeting of this Assembly on the afternoon of Monday, 11 December 1967. He said, *inter alia*: "The United Nations has no right whatsoever, under the Charter or under any other instrument, to concern itself with the processes of law in the courts of a Member State." [1625th meeting, para. 93.] Referring to draft resolution A/L.536 and Add.1 and 2, he said: "This draft resolution is therefore ultra vires the Charter" [*Ibid.*].

85. My delegation treats with sorrow rather than with anger this impertinence, this defiance, this incalculable and grave insult levelled at the decent minds which grace this Assembly. Indeed, do we want further proof in support of the assertion of the United

Nations Council for South West Africa, contained in its report now before us, which reads: "The Government of South Africa is not only defying the United Nations but is continuing to act in a manner which is designed to consolidate its control over South West Africa." [A/6897, para. 18.]

86. However, my delegation is of the firm belief that South Africa is only propelling itself into a position of arrogant instability. By its own foolish acts it is threatening itself with instantaneous disintegration, because the international conscience, in the final analysis, will cry out louder than the laughs of the drunken South African tyrants.

87. On the question of South West Africa, my Government maintains and upholds with all the power at its disposal the following principles. First, the General Assembly by its resolution 2145 (XXI) of 27 October 1966 quite properly terminated the Mandate conferred upon His Britannic Majesty, to be exercised on his behalf of the Government of the Union of South Africa. Second, South Africa, therefore, had no other right to administer South West Africa. Third, South West Africa, as from 27 October 1966, came under the direct responsibility of the United Nations. Fourth, the General Assembly acted in this regard well within its competence in taking the necessary practical measures, until independence, for the maintenance of law and order in South West Africa. Fifth, the General Assembly did not appoint the South African Government its agent to administer on its behalf the Territory of South West Africa. Sixth, the South African Government has neither de jure nor de facto jurisdiction over the Territory or the indigenous people of South West Africa. Seventh, the continued presence of South African authorities in South West Africa constitutes an illegal act, a usurpation of power and foreign occupation of the Territory of South West Africa. And finally, international peace and security are thereby seriously threatened. In the circumstances, my delegation treats with the utmost contempt the inflammatory and unjustifiable statement to which I made reference only a few minutes ago.

88. In the course of his intervention, the South African representative made reference also to the sub judice principle. In doing so he seemed to be insinuating that this body, by discussing the farcical display now proceeding before the Supreme Court in Pretoria, is acting in bad taste and not observing a very important principle of the rule of law. My delegation will simply dismiss that insinuation by saying that the sub judice concept is consistent only with legality. It is a principle evolved for the protection of the interests of an accused person who is undergoing a proper trial founded on legality. Where the contention is that the very basis of the trial is illegal, as is the case in point, it becomes our sacred duty, in the interests of justice, to shout aloud from the roof-tops in strong protest and to do all that we can to bring about the invalidation of the trial. This is just what we are trying to do in this Assembly. Therefore, we should pursue our goal in the name of justice and fair play and with unrelenting vigour.

89. Why then must this be done? A large number of persons, not South Africans but citizens of South West Africa who had committed no offence in South Africa,

were seized by the South African authorities in Ovamboland in South West Africa between the end of 1965 and early 1966. They were seized without the authority or consent of this Organization. They were then detained in solitary confinement by the South African authorities. Where they were detained has been unknown to the world community. Not even their wives could discover what had happened to those men because their arrest and detention were shrouded in secrecy.

90. On 21 June 1967 the South African Government promulgated the Terrorism Act No. 83 of 1967. To emphasize the viciousness of that most terrible piece of legislation, I would ask you, Mr. President, and you, my colleagues, to bear with me while I underscore the unexpected and completely new crimes created by that Terrorism Act, with retroactive operation—the committing of which is made punishable by the death penalty, at that.

91. Section 2 of that Act gives a new definition to the word "terrorism". An accused is deemed guilty if he has committed any act with intent to endanger the maintenance of law and order in South Africa or South West Africa. Such an act may be committed not only inside South Africa but also in South West Africa. In order to establish a prima facie case, all the prosecution has to show is that the act which is alleged to have been committed by the accused, among other things: embarrassed or was likely to embarrass the administration of the affairs of the State; promoted, or was likely to promote, by intimidation the achievement of any object; furthered or encouraged, or was likely to further or encourage, the achievement of any political aim, including the bringing about of any social or economic change, by violence or forcible means or by the intervention of or in accordance with the direction or under the guidance of, or in cooperation with, or without the assistance of, any foreign Government or any foreign or international body or institution; caused, or was likely to cause, substantial financial loss to any person or State.

92. That is more or less what the prosecution must prove in order to establish a prima facie case—a very light burden indeed. The full weight of the burden of proof then shifts to the accused, who must prove himself innocent beyond reasonable doubt. The trial becomes inquisitorial instead of accusatorial, and one in which the accused is presumed guilty until he can prove his innocence. Is that justice or fair play on the part of a country which boasts of the practice of the rule of law?

93. Let us now turn to Section 6 of the Terrorism Act. The barbarity of the provisions of that section is beyond question. A police officer has an overriding power to arrest and detain without warrant any suspect or any witness anywhere, at any time, "for interrogation at such place in the Republic and subject to such conditions as the Commissioner may . . . determine until the Commissioner orders his release when satisfied that he has satisfactorily replied to all questions . . . or that no useful purpose will be served by his detention". The section excludes any persons, including wives, priests, lawyers, doctors, from being entitled to have access to or receive information relating to any detainee. By that section no court

can grant a writ of habeas corpus, pronounce upon the validity of any detention or order the release of any detainee.

94. It was under that pernicious—and, so far as South West Africa is concerned, illegal—Act that, on 27 June 1967, thirty-seven of the numerous, perhaps hundreds, of South West Africans who had been seized and detained in solitary confinement for six months or more were charged with offences, some dating back to 27 June 1962—five years before the coming into force of that most dreadful and abominable terror, the Terrorism Act of June 1967. My delegation joins in severely criticising the element of retroactiveness in the Terrorism Act, particularly since it relates to crimes punishable by death. The very concept is obnoxious to the minimum basic principles of the rule of law. The thought that its retrospective operation goes back as far as five years is most revolting, to say the least. It is inhuman. It is unjust. It is oppressive. It should be condemned in no uncertain terms.

95. Those accused men, South West Africans—one has since died—are now undergoing trial—a trial which, by virtue of General Assembly resolution 2145 (XXI), is not only unlawful but illegal and which, by virtue of the provisions of the Terrorism Act under which they are charged, constitutes a farce, a mockery of justice, a judicial whitewash.

96. In his letter of 26 September 1967, the Minister of Foreign Affairs, Mr. H. Muller, wrote, *inter alia*: "South Africa feels it can be justifiably proud of the achievements in the Territory [meaning South West Africa]." [A/6897, annex II.]

97. Yes, the Foreign Minister of South Africa can be justifiably proud of viciousness, of gross brutality, of abhorrence, of intolerable oppression, of exploitation, repression and humiliation. Yes, the Foreign Minister can be justifiably proud of the catalogue of his Government's abominable achievements, which include the flagrant defiance of this General Assembly, the outright rejection of its resolutions 2145 (XXI) and 2248 (S-V), the application of the Terrorism Act to South West Africa and the illegal arrest and trial under that Act now pending before the Supreme Court of Pretoria.

98. Why should not the Foreign Minister of South Africa be justifiably proud? He should be proud because his Government's ideological faith is too great to be frightened by resolutions alone of this august body. He should be proud because he knows that, since his Government is solidly backed by the big Powers which constitute the *fons et origo* of this our Organization, the economy of South Africa is so strong that it could withstand trade sanctions for years. Yes, the Foreign Minister of South Africa should be justifiably proud because he is confident that there is no single or combined army in Africa which could attempt a military attack on South Africa. The South African Minister of Agricultural Technical Services and of Water Affairs has boasted that even the United Nations was not able to do so. The South African Government is justifiably proud because this Organization has consistently failed in its sacred duty to protect the security of the indigenous peoples of South West Africa and Southern Rhodesia, perhaps because their skins are of a particular hue.

99. But let us remind ourselves that, despite the barbaric set-up of white supremacy in South Africa, the illegal régime of Ian Smith in Southern Rhodesia and the diabolical régime in Portugal, whatever may be the attitude to the revolutionary struggle now taking place in southern Africa, whether it be one of positive hatred or one of healthy indifference, the freedom fighters, as well as all indigenous African governments and the freedom-loving peoples of the world, are unanimous in their determination to give unstinted support to the struggle against colonialism and all that it entails. The colonialists and their comrades may be disposed to treat that determination as water off a duck's back. Let them remember, however, that although some of that water may not remain, some does and that which remains is the most precious and priceless.

100. My delegation joins its voice with others in condemning, in no uncertain terms, the illegal overt deportation of the South West African accused persons. We strongly condemn the present Court proceedings against them in Pretoria. We do so because we believe they are a flagrant violation by the Government of South Africa of the rights of those accused persons. They are a flagrant violation of the international status of the Territory of South West Africa. They are a flagrant violation of General Assembly resolution 2145 (XXI). They are a flagrant violation of the Universal Declaration of Human Rights, which provides the basis for the recognition of the rights of an accused person by all countries that profess to subscribe to the rule of law.

101. We condemn the use by the South African authorities of long periods of detention for that matter, yes—the more so when used as a means of extracting confessions or incriminatory statements by resorting to torture, force or undue influence. Of what use is our move, laudable though it be, to project our culture and our civilization on the inhabitants of the moon and other planets when certain governments cannot apply to poor mortals here below the minimum basic rights and principles of the rule of law?

102. My delegation maintains that the Terrorism Act, and all proceedings thereunder, constitute a flagrant betrayal of the sacred trust of civilization. My delegation is pleased to be a co-sponsor of draft resolution A/L.536 and Add.1 and 2. We commend it to the unanimous approval of all Member States, including South Africa and Portugal, as the very least we can do at this hour of great peril for all those who are being persecuted because they fight under the banner of the principle that *apartheid* is wrong, undesirable and contrary to international standards of human rights and justice.

103. Finally, my delegation would like to state quite categorically that South West Africa is like a house on fire. That fire must certainly be extinguished now by this body and the Security Council, otherwise it will consume not only southern Africa but this our noble Organization as well.

104. Mr. MIRDHA (India): A little over a year ago the General Assembly of the United Nations took a historic decision when it adopted resolution 2145 (XXI). In that resolution the General Assembly de-

clared that South Africa had failed to fulfil its obligations in respect of the administration of the Mandated Territory of South West Africa and to ensure the moral and material well-being and security of the indigenous inhabitants and had, in fact, disavowed the Mandate. The General Assembly therefore, decided that the Mandate conferred upon His Britannic Majesty to be exercised on his behalf by the Government of the Union of South Africa was terminated, that South Africa had no other right to administer the Territory and that henceforth South West Africa came under the direct responsibility of the United Nations. Further, by the same resolution, the General Assembly resolved that the United Nations must discharge those responsibilities with respect to South West Africa.

105. The fact that resolution 2145 (XXI) was adopted with near unanimity among all the Members of the Assembly, with the usual two exceptions of South Africa and Portugal, had led us to hope that the day was not far off when the people of South West Africa would be able to enjoy their inalienable right to freedom and independence, the objective towards which the efforts of so many Member nations, including my own, have been directed for many years past.

106. Our hopes, alas, have not been fulfilled due principally to two factors: the continued lack of co-operation by the authorities in South Africa and the attitude of some of the powerful Western friends and allies of South Africa. I shall deal with these two factors briefly.

107. Paragraph 7 of resolution 2145 (XXI) called upon the Government of South Africa:

"forthwith to refrain and desist from any action, constitutional, administrative, political or otherwise, which will in any manner whatsoever alter or tend to alter the present international status of South West Africa;"

108. The response of South Africa has been exactly the opposite. Instead of complying with the terms of resolution 2145 (XXI), South Africa has, with its characteristic contempt for the verdicts of this Organization, actually strengthened its hold over the Territory. Thus, preparations have been made for implementing the recommendations of the notorious Odendaal Commission, with the aim of partitioning the Territory.

109. Members will recall that the report of the Odendaal Commission has been specifically rejected by the United Nations as being an attempt to dismember the Territory in violation of several General Assembly resolutions. South Africa always wanted to incorporate South West Africa within its territorial frontiers. It was my delegation which, in 1956, realizing this danger, took the initiative of introducing a draft resolution recommending that South West Africa should be placed under the International Trusteeship System.^{7/} South Africa, however, never gave up its sinister designs and made repeated, though so far unsuccessful, attempts to obtain some sort of legal recognition of its illegal possession of the Territory. The Odendaal Commission report is one of the most subtle of those attempts.

110. Equally unacceptable is the manoeuvre of South African authorities in regard to Ovamboland. Nobody was deceived by the offer of so-called independence to Ovamboland. Ovamboland is an integral part of the Territory of South West Africa, and any move to detach it from the rest of the Territory must be regarded as an aggressive act. The Committee of Twenty-Four rightly condemned this manoeuvre of South Africa in its resolution adopted on 19 June 1967 [A/6700, chap. IV, para. 185], of which my delegation was a sponsor.

111. Yet another example of the defiance of South Africa for the opinion of the international community is provided by its illegal arrest and trial of thirty-seven South West Africans in Pretoria. The action of the authorities in South Africa in arresting people in a Territory over which it has no legal jurisdiction and in transporting them 2,000 miles away from their homeland for the purpose of prosecuting them under an Act which is grossly inhuman, cannot and must not fail to arouse the conscience of civilized people everywhere.

112. The contents of the so-called Terrorism Act are by now quite familiar to members. Its application to South West Africa is patently illegal. Even the defence counsel, a South African, raised doubts about the applicability of the Act to South West Africa.

113. Both the Committee of Twenty-Four as well as the United Nations Council for South West Africa have condemned the arrest and trial. One of the detainees has already succumbed to the torture methods practised by South African authorities. My delegation implores the Members of this august body to do everything within their power to persuade South Africa to discontinue the trial and to release the prisoners.

114. The response of South Africa, though deplorable, is not altogether surprising. We were led to believe by certain Members that one more attempt to initiate a dialogue with South Africa would be well worth undertaking. Accordingly, and in conformity with resolution 2248 (S-V), the Council for South West Africa addressed a letter to South Africa on 28 August 1967. South Africa, of course, did not reply to the Council's letter. Instead, it wrote a letter to the Secretary-General, in which, *inter alia*, it made a passing reference to the Council's letter and dismissed the United Nations resolutions as being illegal. The exercise of contacting South African authorities nevertheless was useful, though not for the same reasons adduced by its advocates. The negative reply of South Africa, we hope, will have convinced the doubtful among us of the utter futility of expecting any change of heart in the oppressive racist régime in Pretoria.

115. This brings me to the other factor which I mentioned at the beginning of my statement, namely, the attitude of the powerful friends and allies of South Africa in the West. I do not have much to say on this matter except that those Western Powers bear a heavy responsibility with respect to the fate of the African population of South West Africa. They have, so far, not shown any active concern to discharge their responsibilities. My delegation believes that if they exerted sufficient and credible pressure on South Africa, the situation would certainly change. The Afri-

^{7/} Official Records of the General Assembly, Eleventh Session, Annexes, agenda item 37, document A/3541, para. 34.

can and Asian Members of the Organization were counselled patience by many Member nations of the West. We were advised to seek a peaceful solution through diplomatic dialogue with South Africa. Although sceptical of the outcome of such a dialogue, the United Nations Council for South West Africa did take the initiative and contacted the South African Government. South Africa's response should satisfy those who counselled patience, that it is not just a question of exercising patience or restraint; the question is much more fundamental, namely, that the United Nations, having resolved to discharge its responsibilities with respect to South West Africa, must take appropriate steps to discharge those responsibilities.

116. In its reply, which was addressed to the Secretary-General, the Government of South Africa made many misleading and totally erroneous statements regarding South West Africa. My delegation does not consider it necessary to deal with the substance of the letter at length. Indeed, from our past experience we find it futile to engage in any logical or rational argument with South Africa. Suffice it to recall that resolution 2145 (XXI), by which the General Assembly terminated South Africa's Mandate and assumed direct responsibility for the administration of the Territory, had a sound basis, the Assembly's competence in the matter as a successor to the League of Nations having been recognized by the International Court of Justice. My delegation is not surprised at the response of South Africa, for it is only natural that confronted by the unanimous will of the world body it should seek to take refuge behind meaningless legalities. The attempts made by South Africa to cover up its illegal occupation of the Territory will only serve to expose further its aggressive designs to the world.

117. I have not commented on the report of the Council for South West Africa for the simple reason that my delegation is a member of the Council, and as such, supports it fully.

118. Before I conclude, I should like to express the hope of my delegation that all the Members of the United Nations would leave aside whatever narrow parochial interests they might have in this matter and would join in a common endeavour to deal with the unfortunate situation created by the defiant, negative attitude of the South African authorities. All those delegations which voted in favour of resolution 2145 (XXI) are morally obliged to work for the effective implementation of the important decisions embodied in that resolution. Failure to take speedy and concerted action would not merely result in a loss of prestige for our world body, it may well prove disastrous for the peace of southern Africa, and perhaps, the whole world.

119. Mr. NABWERA (Kenya): We are discussing South West Africa under most extenuating and happy circumstances. My delegation is staggered by the gross injustice which is presently contemplated in South West Africa. The lives of thirty-five African nationalists, who were abducted from that Territory by the South African authorities, are at stake. It is, therefore, imperative that the United Nations must take effective and immediate action to ensure that those people are freed. This body should also address itself to the general problem of South West Africa.

120. Southern Africa is afflicted by white racism, extremism and colonial oppression. An unholy alliance has been established between South Africa, Rhodesia, and Portugal. In tackling this problem, the United Nations should recognize the conspiracy that exists between those three, which is so openly condoned by certain Powers. The United Kingdom Government, through its inaction, ineptitude and clumsy handling of the Rhodesian question, has enabled Ian Smith and his fellow white settlers to consolidate their illegally seized power. Today, many right-wing politicians in Western Europe and North America—and here I should like, in parenthesis, to refer to a defeated Presidential candidate from this country, now touring southern Africa—openly and unashamedly support the Ian Smith régime in Rhodesia. Furthermore, the assistance given to Portugal by its NATO allies has made it possible for that fascist and otherwise poor country to oppress the African people by military means and to deny them their inalienable right to self-determination and independence. South West Africa is part of this general problem—the oppression of the African peoples by a ruthless dictatorship of South African white racists.

121. The United Nations must deal with these two aspects of the South West African problem. This Organization must intervene to save the lives of thirty-five African nationalists now illegally held in Pretoria. These prisoners are among the Africans who were arrested in South West Africa as far as 1962 and, in complete disregard for the recognized tenets of justice, forcibly transferred to South Africa. In order that these helpless prisoners can be prosecuted, the South African racist Parliament has had to pass a law that is retroactive to 1962. This is indeed a perversion of justice and the United Nations must not condone this unjust and inhuman action by the South African Government. This is why Kenya is a co-sponsor of draft resolution A/L.536 and Add.1 and 2 now before the General Assembly; and it is the wish and the hope of my delegation that this draft resolution will receive unanimous support.

122. The second part of the South West African question is fundamental and crucial. The General Assembly, at its twenty-first session, terminated the Mandate of South Africa over South West Africa [resolution 2145 (XXI)]. During the special session in spring this year, the Council for South West Africa was set up to take charge of the territory on behalf of the United Nations [resolution 2248 (S-V)]. South Africa has ignored both those resolutions and completely refused to co-operate with the Council. This much is abundantly clear from the report of the Council for South West Africa [A/6897] and from the letter from the Foreign Minister of South Africa to the Secretary-General [*ibid.*, annex II].

123. The Assembly should address itself to this question afresh. There are, however, some pertinent questions which one must ask before proceeding to look for a solution to this problem. Could South Africa on its own defy the world community? Could it do so if each and every State that voted for the resolution to terminate the Mandate fully backed that resolution and accepted all its implications? Did the major Western Powers in particular, which supported the resolution, mean what they appeared to indicate or was it just a

manoeuvre to protect their trading partner, South Africa? In the view of my delegation, each Government should re-examine its stand on this matter.

124. The problem of South West Africa would be solved if the United Nations were to mobilize its resources at three different levels. First, the major Western Powers that are South Africa's main trading partners should publicly use their influence to see that South Africa complies with the United Nations resolutions. It is contradictory for these Powers to condemn apartheid and then proceed to increase their investments in South Africa as well as supplying it with the most modern military weapons. This behaviour is hypocritical. There are a number of Western Powers that are notorious for their double talk. While they speak for democracy, human dignity and liberty, these same Powers cynically proceed to sell the most deadly weapons which are being used by South Africa to oppress the Africans. Also, it is common knowledge that many Western—and I am afraid I must add Japanese—businessmen reap heavy profits from the exploitation of Africans working under what are almost slave conditions. Moral platitudes by these Powers will not assist in finding a solution to the problem. That is why my delegation would like to add its voice to the voices of those who have made a special appeal inviting these Western Powers to take concrete and effective measures.

125. Secondly, South West Africa presents a unique opportunity for the two super-Powers and their allies to co-operate for the benefit and infinite good of the oppressed African peoples. We in Africa have said that our aim is to eliminate colonialism and racialism from our continent so that we can concentrate on rapid development in all fields. It is because of this that my delegation would like to make a special appeal for co-operation, particularly to the two super-Powers, so that the United Nations, both in the General Assembly and at the Security Council level, could effectively take over the administration of South West Africa.

126. Thirdly, every Member of this Organization should work in concert to ensure the successful implementation of its resolutions. This is an obligation assumed by every Member State under the Charter. In conclusion, it is the view of my delegation that there are only two alternatives. Either the United Nations asserts its authority and thereby helps the people of South West Africa towards self-determination and independence; or it faces the danger of a serious racial conflict in Africa. Let no one underestimate the resolution and determination of the African people in this matter. The struggle for the emancipation of Southern Africa will continue until all our people are free. As things are going, racial conflict is bound to spread to other parts of Africa. It is this impending racial clash that my country, and indeed all independent African countries, would like to see averted for the good of all people who have made Africa their home.

127. Mr. MWEMBA (Zambia): By its resolution 2145 (XXI), adopted at the twenty-first regular session, the General Assembly terminated the Mandate of South Africa over the Territory of South West Africa. The adoption of this historic resolution was acclaimed everywhere because at long last the international community had chosen to act decisively against

South Africa's disavowal of the Mandate. May I be permitted to recall the pertinent operative paragraph 3 of the resolution which states that the General Assembly:

"Declares that South Africa has failed to fulfil its obligations in respect of the administration of the Mandated Territory and to ensure the moral and material well-being and security of the indigenous inhabitants of South West Africa and has, in fact, disavowed the Mandate."

128. South Africa has failed to administer the Territory of South West Africa in accordance with the terms of the Mandate. According to the Mandate, South Africa was responsible for the promotion of the political, economic, social and educational advancement of the inhabitants of South West Africa and their progressive development towards self-government and independence, to encourage respect for human rights and for fundamental freedoms for all without discrimination of race, sex, language or religion, and to encourage recognition of the interdependence of peoples of the world, to ensure equal treatment in the social, economic and commercial life of the people. My delegation wishes to draw the attention of the General Assembly to the fact that resolution 2145 (XXI) was adopted almost unanimously.

129. For this reason, this resolution cannot be taken lightly. This Assembly had no honourable alternative but to strip South Africa of the Mandate. As is well known, South Africa's policy of white supremacy is an affront to the conscience of mankind and a negation of the Charter of our Organization. The termination of the Mandate was thus a step towards the restoration to the oppressed indigenous people of their rights and their freedom.

130. It was on the basis of the deep and conscious conviction, on the part of the United Nations delegations, of the need to give to the people of South West Africa their human rights and to free them from the inhuman laws of the South African authorities, that the resolution was adopted terminating South Africa's Mandate over the Territory of South West Africa. My delegation will not bore this Assembly by detailing the inhuman and abhorrent laws introduced in South West Africa by the South African authorities, as these laws are well known to all of us here.

131. By General Assembly resolution 1514 (XV) the United Nations made it incumbent upon all administering Powers to prepare and to lead to freedom and independence all non-self-governing countries and peoples. South Africa has consistently refused to implement this resolution in respect of the people of South West Africa. Contrary to this resolution and contrary to international law and international norms, South Africa embarked upon an ambitious scheme to incorporate South West Africa into South Africa.

132. The people of South West Africa cannot and will not agree to remain for all time under the racist and inhuman South African régime. Like all of us here, they want to be free to determine their own future. They want to be free and to live in peace and happiness. They want to enjoy human dignity and self-respect. They want freedom from domination by the South African white minority. When these gallant black men fight for their freedom, the South African régime calls

them terrorists and murderers and introduces harsh and outrageous legislation, such as the Terrorism Act, purporting to protect the lives of innocent civilians. But the South African Government conveniently forgets that it is responsible for the dangerous situation which threatens the lives of innocent civilians in southern Africa. Might I remind the South African Nationalist Government of its own struggle against British rule. It must recognize the escapable fact that the black people of South West Africa, like everyone else here, will fight for their freedom.

133. The Terrorism Act was described in The New York Times of 9 December 1967 as follows:

"The Terrorism Act would be condemned by decent men everywhere even if applied only to South Africans. It violates ten or more articles of the Universal Declaration of Human Rights. But the law was plainly designed as an instrument of terror for consolidating South Africa's control over territory it has never owned."

134. The authorities in Pretoria would have us believe that it is right and proper for them to use harsh and severe measures against those who fight for their political emancipation. Who is the terrorist? This is the question which we must ask ourselves. Is it the black people of South West Africa that are terrorizing southern Africa? No, it is the architects of the Terrorism Act themselves who are terrorizing southern Africa. Their refusal to respect United Nations decisions and the inalienable rights of the people of South West Africa to freedom and independence cannot but be a flagrant violation of the United Nations Charter.

135. My delegation would remind this Assembly that as long as man is subjected to inhuman laws and injustice and deprived of his fundamental rights, man will fight and sacrifice his life.

136. The black people of southern Africa will never surrender in their fight for their rights. South Africa's white-supremacist doctrine is the cause of our troubles in southern Africa, and is responsible for the instability and insecurity in that region. My country is repeatedly accused by the South African Government of training terrorists to fight against neighbouring régimes. Nothing could be further from the truth, and I deny this unwarranted and uncalled-for accusation against my country. We condemn domination of man by man but we do not train or harbour terrorists. The South African authorities might as well face the inevitable now and change their policies for their own good and the good of the entire world. How long will they refuse to co-operate with the United Nations? How long are they going to keep the black men under subjugation? Does anyone imagine that one day the black people will accept apartheid and the white-supremacist doctrine as a fact to which they are condemned for all time? My delegation does not believe that such a day will ever come. We can see nothing for the future but chaos and unnecessary loss of life as long as the South African authorities do not change their policies.

137. Now, turning to draft resolution A/L.536 and Add.1 and 2, which was so ably introduced by the representative of Somalia, my delegation regards it as an honour to co-sponsor this humanitarian draft resolution as we wish to associate ourselves with

all those nations which love peace and freedom and who respect humanity.

138. Humanism, the policy of the Government of the Republic of Zambia, provides that all men are equal. The policy of humanism is based on the principle of man being the centre of everything. In Zambia, we abhor racial discrimination. Every one, of whatever race, sex or religion, is free to live happily and peacefully in our country.

139. My delegation is gravely concerned about the action of the South African authorities vis-à-vis the people of South West Africa. It is the view of my delegation that the arrest of thirty-seven South West African freedom-fighters and their trial in Pretoria, which is some 2,000 miles away from their homeland, arouse the indignation of the whole civilized world. This act of lawlessness should be condemned by this Assembly. South Africa should be called upon to desist from trying these people of South West Africa. The lives of the thirty-five black nationalists from South West Africa are in grave danger under that monstrous Terrorism Act, which was passed and made retroactive so as to apply to these thirty-five men and which was, in fact, enacted after the termination by the General Assembly under resolution 2145 (XXI) of the Mandate of South Africa over South West Africa. This trial by the South African courts is illegal and should be condemned by all Members of our Organization.

140. The dangerous and callous refusal by South Africa to co-operate with the United Nations is demonstrated in the communication from the South African Foreign Minister to the United Nations Secretary-General, contained in a letter dated 26 September 1967, in which the Foreign Minister stated among other things with reference to resolution 2145 (XXI) that:

"The South African Prime Minister himself has on a number of occasions, since the adoption of the resolution, stated that the South African Government considers the resolution as illegal." [A/6897, annex II.]

141. The decision of this Organization, which was based on the international status of South West Africa, is described by the South African régime as illegal, and South Africa is a Member of this Organization. It must be asked: why are the South African authorities flouting with impunity the decisions of the United Nations? Why are they unwilling to recognize the authority of the United Nations and why are they unwilling to recognize the inevitable? As many speakers have stated in this debate, my delegation firmly believes that the South African authorities are encouraged to behave in this manner by the attitude of the Western Powers, which maintain very strong political and trade relations with them. The decision to boycott South Africa's trade by this Organization has been a dismal failure, due to the expanding trade which the Western Powers are maintaining with South Africa with increasing intensity.

142. I shall not bore this Assembly with statistical trade data which have already been ably presented by representatives who have spoken before me. This is, therefore, not out of place for those Members of this

Organization, like mine, who wish to see the people of South West Africa, as well as those of Southern Rhodesia, South Africa, Angola and Mozambique, free to call upon these Powers to realize their serious responsibilities in this matter. The two super-Powers should not abdicate their serious responsibilities in ensuring freedom of all men and the maintenance of peace and security in the world. The problems of southern Africa will not be solved unless and until the Western Powers take a leading part in the solution of the southern Africa problems. It is not by mere coincidence that the Rhodesian situation has now reached a stalemate. The British Government has refused for economic reasons, among others, to take strong measures to settle the Rhodesian situation. The Western Powers are protecting South Africa at the expense of the inalienable rights of the 14 million people of South Africa and South West Africa for the sake of gold and other economic benefits. Hence South Africa has no respect for the United Nations decisions as long as it is assured of the support of the two super-Powers.

143. We have reached an impasse on the question of South West Africa which cannot be solved without the assistance of the great Powers. It is the view of my delegation that the super-Powers must take the responsibility for what is happening in southern Africa today. We call upon them to assume their responsibility, in justification of their greatness, and to find a just and peaceful solution to the problem of South West Africa. They have a great and important role to play in settling the unpleasant situation which now obtains in southern Africa as a whole. We should like once again to quote from The New York Times of 9 December 1967, in which the paper called upon the United States in particular in these terms:

"The United States should condemn the whole rotten procedure, not in a private visit by a cautious ambassador to the South African Foreign Office but publicly in the strongest terms. The hour is late and this is not very much but it is the least that Washington can do in this situation and preserve its self-respect."

This is the minimum that my delegation would ask both the United States and the United Kingdom to do.

144. My delegation, as one of the sponsors of draft resolution A/L.536 and Add.1 and 2, calling on South Africa to stop the trial of the thirty-five people forthwith and to repatriate them to South West Africa, strongly commends this humanitarian draft resolution to this Assembly and hopes that it will receive the unanimous support it deserves.

145. Mr. PEREZ GUERRERO (Venezuela) (translated from Spanish): The problem of South West Africa has had sufficient discussion in the General Assembly. My delegation only wishes to refer specifically to the recent development of the problem and to the attitude of the Government of South Africa with respect to General Assembly resolutions 2154 (XXI) and 2248 (S-V). In those resolutions, the General Assembly clearly determined the situation in that Territory, revoked the Mandate, granted the Territory international status, and made provision for procedures by which the United Nations should exercise its administration over it. In

spite of the negative attitude of the South African Government towards resolution 2145 (XXI), initially no request was made for effective measures to impose international authority over the Territory. In that spirit, resolution 2248 (S-V), as a first step, once again opened the door to a dialogue with South Africa with a view to agreement on the transfer of that Territory to the direct administration of the United Nations.

146. The reply of the Government of South Africa [A/6822] is clear and categorical and unquestionably constitutes an open challenge to the authority of this Organization. The terms of the reply are inadmissible, and we should prefer not to interpret it as reflecting the final attitude of the Government of South Africa with respect to the opinion of the great majority of this Organization. If that proves to be the case, and it appears that it will, the United Nations cannot evade its historical responsibility not only to resolve an evil and intolerable situation, but also to justify the confidence of the peoples of the world in its effectiveness. We are not unaware of the tremendous difficulty facing the Organization, but we believe that it can successfully meet the challenge if supported by the determination of all its other Members. If South Africa has blocked the way to any understanding and persists in its defiant attitude and its abuse of power, the Security Council will have to take all appropriate measures to ensure that the resolutions adopted by this Organization are enforced.

147. Finally, I wish to associate myself with the statements made in this Assembly denouncing the illegal trials of many inhabitants of South West Africa by the Government of South Africa.

148. Mr. CAINE (Liberia): The policy applied by the South African Government in its administration of South West Africa, together with its total disregard of United Nations resolutions in respect of that Territory, leads one to regard the South African Government as an outlaw. Time will prove that the aggressive and somewhat criminal actions of that Government against the indigenous inhabitants of South West Africa, in an effort to stifle and suppress the legitimate aspirations of those people for self-determination and independence, are doomed to ultimate failure. That is the voice of Africa speaking to our brothers who seek to break the shackles of the special kind of colonialism under which they are being held. South Africa may succeed in executing the thirty-seven nationalists whom it has arrested and transferred to South Africa under the so-called Terrorism Act for the purposes of a mock trial to ensure its policy of repression and suppression, but such an act will not only arouse indignation in the world conscience but will build up a feeling of greater resistance among the people of South West Africa themselves and greater courage to fight for what the South Africans themselves live for—the independence of their people—while they deny that right to a people in its native land because of their economic gains from the natural resources extracted yearly and the cheap labour by which it is extracted.

149. My delegation is pleased to note that the conscience of this Assembly is being aroused in condemnation of the illegal arrest, deportation and trial in Pretoria of the thirty-seven South West Africans

as a flagrant violation by the Government of South Africa of their rights, of the international status of the Territory and of General Assembly resolution 2145 (XXI). It calls on the Government of South Africa to discontinue forthwith that illegal trial and to release and repatriate the South West Africans concerned.

150. There are certain basic factors which we cannot overlook. Although my Government has always recognized in good faith and encouraged investments for the improvement of under-developed countries, and while we recognize this, we are opposed to capital investments of any kind which exploit the indigenous inhabitants and the natural resources of a country. We believe that investments of this nature contribute to the inhuman acts being perpetrated against the people of South West Africa by the South African Government, especially in view of the widespread awareness of the fact that the South African Government can be deterred from its action only by economic pressure. Further, we believe that where a people is suppressed and deprived of the management of its own affairs because of the profits which accrue to the suppressors, the interests of the indigenous inhabitants are disregarded. Thus the belief continues that the hands of the clock can be turned back in this surge for freedom; that self-determination and independence for the people of South West Africa can never be a reality. I say to South Africa that it should not let the gold, uranium, chrome, manganese and diamonds it extracts by the sweat of our brothers cause it to continue to bask in that illusory hope.

151. Look around this very Assembly for the answer. The delegation of Liberia makes this special appeal to all Member States which are in a position to take constructive action against South Africa to paralyse this premeditated and illegal oppression and inhuman action against the helpless people of South West Africa, to help restore to them their dignity and freedom and to establish self-determination and independence for them. We would call on all Member States here which have not already done so, as well as on international organizations everywhere, to desist from any action which might contribute directly or indirectly to South African activities against the indigenous inhabitants of South West Africa in their legitimate struggle to free themselves and become an independent and sovereign nation. We call upon the Member States here, in particular those States which are in a position to assist through their support in effecting the implementation of the terms of reference of the Council for South West Africa, to give their co-operation, remembering that we are bound by the principles of the Charter of equality, freedom and justice for all, regardless of race, colour or creed.

152. The PRESIDENT (translated from Spanish): I call upon the representative of South Africa, who wishes to exercise his right of reply.

153. Mr. R. F. BOTHA (Republic of South Africa): My Government's position on the question of South West Africa was most recently set out in a letter dated 26 September 1967 [A/6897, annex II] addressed to the Secretary-General by the South African Foreign Minister. That communication reiterated my Government's view that resolution 2145 (XXI) is illegal, and gave the reasons on which my Government based its attitude

in that respect. I have not yet heard in which respects the arguments put forward by my Government as to the grounds of invalidity of resolution 2145 (XXI) are legally inadequate. The reason is obvious. We all know that the General Assembly cannot create law and those who now so strongly urge that that resolution expressed the last word on the law governing the whole question should reconsider their position. They violate clear Charter provisions. Indeed, they would be the first to oppose any move in this Organization which purported to ascribe to resolutions of the General Assembly the effect on which they now insist in respect to South West Africa.

154. I therefore reiterate that my Government is not aware of any source of recognized international law which can be relied on to terminate its right of administration of South West Africa. There are in addition numerous charges which I can best deal with by giving a brief exposition of my Government's policies, especially in South West Africa.

155. The twin foundation stones on which my Government's efforts are built are promoting the welfare of all the peoples committed to our care and equal concern for every population group and equal protection of the self-determination of every population group. I admit that various methods can be evolved and suggested for achieving progress in the fields of government, economy, education, social welfare, health and the like. Our efforts in those fields have produced results which are there to be seen by everybody. We as a small nation are proud of them, but we realize that there is still a long road ahead.

156. South West Africa, which is part of the whole southern Africa complex, has fully shared in the advantages of close economic co-operation within that region. Being for the most part an arid and thinly populated area, and the peoples of South West Africa are perhaps dependent to a greater extent on their economically stronger neighbours to a greater extent than any other nation of southern Africa. They have indeed relied for a long time on a multitude of South African agencies, official and private, in order to maintain their standard of living, health, prosperity, security and well being. In short, there is at the disposal of South West Africa's economy a highly developed and complex apparatus of scientific, technical, business, professional, educational and other services and facilities, the benefits of which cannot be expressed in terms of money, and as far as their political advancement is concerned fear of domination has been removed, so that all the people can progress towards self-determination.

157. Furthermore, the South African authorities have worked unremittingly at the task of preparing the less-developed peoples of the Territory for self-determination. As a result of our work and of the economic development which has taken place since the inception of the Mandate, and of the trust which had been built up between the peoples of the Territory and the South African Government it was possible, for instance, to offer self-rule to the Ovambo nation, which comprises over 45 per cent of the total population, on 21 March this year. On that occasion the South African Minister concerned told a representative meeting of the eight Ovambo tribes—and I

want to emphasize that the Ovambo nation is formed of eight tribes—that the Government intended to continue its assistance on a basis of consultation and co-operation and envisaged further development in Ovamboland: more buildings, more efficient hospitalization, increased school facilities, more and better roads, extended water services, expansion of business and so forth. He announced a comprehensive plan for expenditure in Ovamboland alone over the next five years of about \$14 million by his Department alone, on stock breeding, fencing, water affairs, electricity, towns, buildings, roads, airports, economic affairs, education and welfare services.

158. Announcing that the way was open to them to advance to self-government in accordance with their wishes the Minister emphasized, and I quote his own words, that:

"One very important matter which the Republican Government recommends to you is that in your system of self-government you should include elected representatives in addition to your traditional leaders and in a manner to be determined by yourselves by consultation."

159. The reaction of the Ovambo nation was one of unanimous and enthusiastic approval. The Ovambo people once more requested the South African Government to continue to guide them in all spheres of their development, including self-government.

160. In the case of the other national groups the position is broadly similar. With the exception of only one or two nations which constitute about 6 per cent of the total population of the Territory all the peoples have indicated support for political and economic advancement of the nature which I have just outlined. The Government's offer of self-rule to the Ovambo nation has been genuinely welcomed by responsible circles beyond South Africa's borders also. Criticism has been based mainly on the grounds that South Africa had no right to make such an offer. The position of my Government on that matter has been clearly set out in the communication to the Secretary-General dated 26 September 1967, to which I have referred, and I do not intend to re-canvass our views in that respect.

161. However, given the situation as it exists in South West Africa, no other policy of a democratic nature is possible and no other policy is desired by the overwhelming majority of all the peoples of that Territory. Even the leaders of the one population group which has in the past resisted co-operation in certain fields have made it clear that they are not in favour of the establishment of one integrated society and that they would resist all attempts in that direction. Surely, self-determination can only be a constructive process if it is firmly based on a sound human infrastructure. Funds and technical aid in themselves can avail nothing unless the people who are to apply them possess the necessary knowledge, outlook and drive. Many of the Territory's inhabitants have now reached that stage. They have learned to do things for themselves, and so the pace of development can successfully be quickened. Therefore, vast sums are being poured into their homelands to give them the chance for which

they have been so carefully prepared. All kinds of remunerative employment have been opened to them: professional posts, technical posts, posts in the administration, the police, the medical services. Vast stretches of developed farmland have been and are being bought to add to their homelands; vast water and electricity systems are being undertaken for their good. Communications are being improved out of all recognition—roads, airfields, telecommunications. Agricultural schemes are underway and are prospering. Irrigation is bringing them wealth and security they never dreamt of before. Their livestock breeding and management have been put on a sound basis. They are opening up trade and industry. They are better educated and more healthy than ever before. There is now nothing to hold them back. The results already achieved have been quoted in the publication South West Africa Survey 1967, which was published in March of this year and which has been widely distributed. The facts are there to be seen by anyone who is interested.

162. It will be evident that the effective further implementation of the various development projects will also require adjustments on the administrative level. This has been envisaged for a long time, and I am happy to say that our Prime Minister announced in August 1967 that the South African Government had now agreed in principle that certain administrative rearrangements in respect of South West Africa would be put into effect as soon as it was practically possible. The Prime Minister stated that such changes as were envisaged would not mean that the Territory would be incorporated into the Republic of South Africa. The Prime Minister repeated that South Africa would, in its administration of South West Africa, continue to govern the Territory in the spirit of the former Mandate, that is to say that South Africa's administrative and legislative powers would continue to be exercised for the sole purpose of promoting to the utmost the material and moral well-being and the social progress of all the inhabitants of the Territory.

163. Within the framework of that principle, we believe that our Government has full discretion to decide on the best ways and methods to be employed in order to promote the welfare of all the peoples of South West Africa. This the South African Government has always done with due regard to the wishes of the various groups themselves. Those groups existed in the Territory when the Mandate was allocated to South Africa. They differed substantially as to culture, political systems, language, customs, traditions and stages of development. South Africa did not create those dissimilarities. But my Government is influenced by them in its efforts to promote the welfare of all the peoples. The results of those efforts are there to be seen by everybody, as I have just stated. And, in our respectful submission, they confirm my Government's bona fides in approaching its task.

164. One of the basic problems which lies at the root of all the misunderstanding concerning South West Africa is that some Member States simply refuse to admit the historical complexities of South West Africa. But above all the fundamental question is: what is in the interest of the peoples of South West Africa? The

administrative reorganization referred to by the South African Prime Minister has been envisaged, as I have stated, for a long time, and has not been designed unexpectedly in defiance of the United Nations, as was alleged by some speakers. As a result of the nature and the new phase of development already envisaged in 1964 and the resultant advisability of making use of South Africa's facilities in the fields of expert guidance, technical knowledge and effective planning, as well as its financial resources, and further, as a result of the desirability of eliminating overlapping of functions and responsibilities, the South African Government at that time—that means already in 1964—expressed its belief that closer investigation would confirm that the major development projects contemplated, particularly in the interests of the less developed population groups, could be carried out to the best advantage through greater financial and administrative contributions thereto from the Republic of South Africa.

165. A committee of experts was subsequently appointed to consider what reorganization of administrative functions would be required as between organs of the Territory and those of the Republic, as well as concomitant changes in financial relations. The committee completed its work towards the end of 1966, and its recommendations will, as was recently announced by the South African Prime Minister, be put into effect as soon as it will be practically possible.

166. The Prime Minister made it clear, as I have said, that the intent and purpose of the proposed changes was for the purpose of better administration of the Territory. The envisaged reorganization was an act which would also have been completely lawful under the former Mandate, as it fell within the concept of administration and legislation "as an integral portion" of South Africa aimed at the promotion of the welfare of the inhabitants of South West Africa.

167. It has been stated that the South African Government is defying the United Nations and world opinion. No, it is not my Government that is defying world opinion. It is the reality of the situation in South West Africa and the true facts pertaining to conditions in that Territory that defy world opinion. Allow me to quote the former South African Prime Minister's words apropos of the International Court judgment of 18 July 1966. He said with reference to that judgment:

"though the judgment gives us as a nation cause for gratitude . . . South Africans will not regard it as an opportunity to crow over opponents. We would rather see in it an inducement to devote ourselves anew to the guardianship which we accepted in respect of the lesser developed peoples of South Africa and South West Africa."

168. The principle of self-determination to which the South African Government is committed leaves the way open for unlimited possibilities compatible with the choice which each population group might eventually wish to make. The South African Government's approach to the whole question of self-determination from time to time was outlined by various members of my Government. For instance, the former Prime Minister stated in 1964 in a debate of the South African Parliament that the Government's approach rested:

"on the pure and simple fact of being prepared to give political independence to all those who are different and seek to retain their separate identity".

169. The former Prime Minister also stated in that same debate in the South African Parliament:

"the basic principles of justice require that we should not allow the development of one imperialistic group but that each group should be able to enjoy its full rights: the Whites, the Ovambos, the Hereros, the Okavangos, the Namas, the Damaras and the Basters."

Another relevant extract from his statement is the following: "there is no forcing apart of groups. What is suggested is to refrain from forcing together, against the whole trend of their history, peoples who are separate."

170. Or, for that matter, the following quote:

"As far as I am concerned"—the Prime Minister stated—"if the different groups wish to come together of their volition at some stage or other of their development, they are free to do so. But what we are promoting, is what they have today and what they want to do. That is all we are doing."

171. The South African Foreign Minister also frequently dealt with the matter in the South African Parliament. As recently as this year, he said:

"It is only when the separate identity of each nation is respected and protected, when none live under a threat of domination by others, that the basis is laid for proper development in all fields, such as economic, political, education, etc. And it is only then that such development can lead to meaningful self-determination for all."

172. The present Prime Minister stated on 11 April 1967, with reference to a question as to the ultimate goal of his Government's policy that: "It is independence, it is self-determination." In addition, the following statements, pertinent to the further development of the peoples of South West Africa, appear in the South West Africa Survey, which was published, as I said, earlier this year and by direction of the Prime Minister and the Minister for Foreign Affairs of South Africa: "The identity of all groups [are guaranteed] until they themselves have decided their own future".^{8/} In another section the following is stated:

"The growing autonomy of the various peoples should not be construed as an effort to maintain them for all time as totally distinct and isolated units too small to maintain a viable economy in the modern sense. On the contrary, it is hoped and can be confidently expected that the closest economic co-operation will come about between them on the basis of agreement between them on the basis of agreement between equals".^{9/}

173. I have a last quotation from the South West Africa Survey:

^{8/} Department of Foreign Affairs of the Republic of South Africa, South West Africa Survey, 1967 (Pretoria and Cape Town, Cape and Transvaal Printers, Ltd., 1967), p. 48.

^{9/} Ibid., p. 49.

"However, at this stage it is impossible to foresee with any degree of accuracy the ultimate interactions of the various population groups. Circumstances will alter radically. What is considered anathema today may well become sound practical politics tomorrow, and vice versa. Nor is it necessary to embark on speculation as to what the ultimate future political pattern will be—i.e., whether and to what extent there may be amalgamations or unions of some kind, federations, commonwealth or common market arrangements, etc. The peoples themselves will ultimately decide".^{10/}

174. I should like to conclude by saying that South Africa is indeed concerned about fundamental human values, freedoms, dignities and justice for all. We strive for the attainment of those very same ideals because they are also valued by us. But we object to being continually accused of evil designs and actions when we are making sincere attempts to safeguard the future of all nations in the Territory. We insist on the recognition of the sincerity of our purpose and we urge that our efforts should be judged by their results.

^{10/} *Ibid.*, p. 49.

175. The PRESIDENT (translated from Spanish): I call upon the representative of Liberia, who wishes to exercise his right of reply.

176. Miss BROOKS (Liberia): On behalf of the Liberian delegation, I should like to reserve our right to reply to the statement of the representative of South Africa after we have had an opportunity to examine that statement tomorrow. I should especially like to ask that there be a postponement tonight of the vote on the draft resolution [A/L.536 and Add.1 and 2] because of the nature and significance of the draft resolution. I feel that the overwhelming majority of the General Assembly should pronounce itself on that draft resolution.

177. The PRESIDENT (translated from Spanish): In addition to the draft contained in document A/L.536 and Add.1 and 2, the Assembly will have before it another draft, which will be distributed as document A/L.540. Both relate to agenda item 64 (Question of South West Africa). I expect the General Assembly to vote on both drafts on the morning of Saturday, 16 December.

The meeting rose at 11.55 p.m.