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President: Mr. Corneliu MANESCU (Romania).

AGENDA ITEM 3

Credentials of representatives to the twenty-second session of the General Assembly (continued):

(b) Report of the Credentials Committee

1. Mr. HUOT SAMBATH (Cambodia) (translated from French): The Cambodian delegation wishes to make a formal request that the report of the Credentials Committee on the credentials of representatives to the twenty-second session of the General Assembly [A/6990] should be put to the vote.

2. I should like to take this opportunity to repeat my delegation's most vehement protest at the presence of a group of individuals who claim to represent China in the United Nations and all its organs. It may be that these individuals did at one time represent a Chinese régime, but ever since the victory of the Chinese people in 1949 and the establishment of the People's Republic of China when these individuals were driven out by the Chinese people and took refuge in the island and the Chinese province of Taiwan under the protection of the United States imperialists, they have no claim to representing China and its 750 million people. The only legitimate representatives of China and the Chinese people are the representatives of the People's Republic of China.

3. For this reason, the Cambodian delegation will abstain in the vote on the Credentials Committee's report.

4. Mr. KUTAKOV (Union of Soviet Socialist Republics) (translated from Russian): The Soviet delegation wishes to make the following statement with regard to the recommendations submitted by the Credentials Committee for approval by the General Assembly [A/6990].

5. We, together with the delegations of many other States Members of our Organization, do not recognize the credentials of the members of the Chiang Kai-shek clique, who arrogate to themselves the title of representatives of China in the United Nations. Their credentials are not in conformity with the requirements of rule 27 of the rules of procedure of the General Assembly.

6. The Soviet Union's position on this matter has been expressed on many occasions in the United Nations and is well known to all States Members of the Organization. Our premise is that only the Government of the People's Republic of China has the right to represent China in the United Nations. The Soviet delegation has accordingly submitted to the Credentials Committee an appropriate draft resolution proposing that the Committee should consider invalid the credentials of the persons calling themselves "the representatives of the Republic of China".

7. The Soviet delegation's views with regard to the credentials of the representatives of the Pretoria régime fully concur with those expressed by the African States in the Credentials Committee and in the General Assembly. We share the opinion of a whole series of States which consider that the Pretoria régime, openly denying elementary rights to millions of people, cannot either in theory or in practice represent the people of that country.

8. Since, however, the reasons we gave were not taken into consideration by the Credentials Committee and were not reflected in its decisions, the Soviet delegation is unable to support that Committee's recommendation, and will abstain in the vote on it.

9. Mr. DEVENDRA (Nepal): The views of my delegation on the question of the proper representation of China in the United Nations are well known. It is our view that the Government of the People's Republic of China, as the one which is in effective control of the mainland of China and enjoys the obedience of the overwhelming bulk of the Chinese people, is the only Government entitled to represent China in the United Nations or elsewhere. The rump régime in Taiwan represents the Chinese people neither in law nor in fact. This régime represents a handful of China's

anti-national elements which, having been decisively rejected by the Chinese people, are maintaining themselves in Taiwan solely through the active military support of a foreign Power.

10. In the light of these considerations our affirmative vote on the recommendation contained in the report of the Credentials Committee [A/6990, para. 19] will be subject to our view that the People's Republic of China, and not the so-called Republic of China, should represent the great Chinese people.

11. Mr. GHAUS (Afghanistan): In considering the report of the Credentials Committee [A/6990], my delegation would like to state once again that the Government of the People's Republic of China is the only legitimate government of the Chinese people and to urge that the seat belonging to China should be given to the lawful representatives of China, namely the representatives of the People's Republic of China.

12. We therefore give our approval to the recommendation of the Credentials Committee [*ibid.*, para. 19] with the reservation that our vote in its favour does not in any way imply a change in our well-considered and objective position on the question of the representation of China in the United Nations.

13. U HIA AUNG (Burma): The delegation of Burma would like to place on record its reservations regarding the credentials of the representation of China. To the Government of Burma the legitimate government of China is the Government of the People's Republic of China and only the representatives appointed by that Government can be the legal representatives of China in the General Assembly.

14. It is with this reservation that my delegation will vote for the draft resolution contained in the report of the Credentials Committee [A/6990, para. 19].

15. Mr. SZYMANOWSKI (Poland): The Polish delegation cannot recognize the persons present in this hall as representatives of the Chinese people. It is only too well known that the presence of true representatives of China in our Organization has again been blocked by the efforts of those who put their narrow political interests over the interests of the United Nations.

16. Similarly, we cannot accept as valid the credentials presented by the representatives of the minority Government of South Africa, which, through inhuman policies of apartheid, deprives the majority of its population of the right to political representation both in the country and in the international organizations.

17. Accordingly, my delegation is unable to vote in favour of the recommendation contained in the report of the Credentials Committee [A/6990, para. 19] and will abstain.

18. Mr. DIACONESCU (Romania) (translated from French): The Romanian delegation has studied the Credentials Committee's report [A/6990] with great care. It appears from this document that the Committee has accepted the credentials of all the representatives to this session. We regret that we must once again draw the General Assembly's attention to the fact that there is no legal ground for concluding that the decision of the Credentials Committee also

applies to the persons who claim to represent China in the United Nations.

19. Three conclusions have emerged from the recent debate on the restoration of the lawful rights of the People's Republic of China in the United Nations [item 93], namely: that China is one and indivisible; that the island of Taiwan is an integral part of China's Territory; and that the participation of China, one of the founder Members of the United Nations and a permanent member of the Security Council, in the search for solutions to the major problems of contemporary international life and in the work of the Organization is an essential precondition for those solutions being found and for the United Nations discharging its functions as a world organization.

20. The only Government which is entitled to speak and act for the Chinese people and legally to represent China in the United Nations and elsewhere is the Government of the People's Republic of China.

21. In the light of these considerations, any valid credentials for the representatives of China in the United Nations must be issued by the Government of the People's Republic of China, and it alone. The credentials which have been presented by the emissaries of Chiang Kai-Shek certainly do not meet this condition, and consequently they should have been rejected by the Credentials Committee as null and void.

22. For the reasons I have just stated, my delegation will be obliged to abstain in the vote on the recommendation of the Credentials Committee [*ibid.*, para. 19].

23. Mr. LIU CHIEH (China): The General Assembly, only a couple of weeks ago [1610th meeting], upheld by a decisive vote the rightful position of my delegation in the United Nations. In the report of the Credentials Committee [A/6990] now before us, the credentials of my delegation have been found to be entirely in accord with the applicable rules of procedure. They are not open to challenge in any form or manner.

24. It is, of course, no surprise that a few delegations found themselves called upon to make the kind of reservations they have been in the habit of making, but it is another matter when they go beyond such reservations and touch upon the substance of the so-called question of Chinese representation. This is no time for starting anew a debate which is already behind us. Any attempt to do so must be considered out of order.

25. Mr. CERNIK (Czechoslovakia) (translated from Russian): As we are now discussing the report of the Credentials Committee [A/6990], the Czechoslovak delegation feels it must restate its position with regard to the representation of the People's Republic of China in the United Nations.

26. During the consideration of this item by the General Assembly we stated that the Government of the Czechoslovak Socialist Republic is convinced that the only legitimate representative of China in the United Nations is the Government of the People's Republic of China [A/PV.1605]. We consider it essential to put an end to the abnormal situation which has prevailed in our Organization for a number of years,

to remove the representatives of the Chiang Kai-shek clique from all organs of the United Nations and to restore the lawful rights of the People's Republic of China in the United Nations.

27. The Czechoslovak delegation also associates itself with the objections voiced here with regard to the credentials of the Government of the Republic of South Africa. We believe that a Government which is systematically violating its obligations under the Charter and pursuing the racist policy of apartheid on its territory cannot claim to represent the Republic of South Africa in our Organization.

28. For these reasons the Czechoslovak delegation is unable to support the report of the Credentials Committee [A/6990] and will abstain in the vote on it.

29. Mr. PLAKA (Albania) (translated from French): The Albanian delegation would like briefly to state its position on the report submitted to the General Assembly by the Credentials Committee [A/6990].

30. No one can deny the obvious fact that there is only one China in the world, that the province of Taiwan is an integral part of Chinese territory and that the only legitimate Government of China which is entitled and qualified to represent the great Chinese people, 700 million strong, in international relations, in the United Nations and in all other international bodies, is the Government of the People's Republic of China.

31. The usurpation of China's seat in the United Nations by a clique of marauders who represent nothing, plus the fact that the United Nations is deprived of the co-operation of the largest State in the world, the People's Republic of China, is a direct result of the harmful hold exercised by the United States of America over this Organization and hurts no one but the Organization itself.

32. Socialist China, that unshakable bulwark in the struggle of peoples for freedom and independence, is a great world Power without whose co-operation no major problem of our time can be solved. The illegal decision of the Credentials Committee in accepting once again the credentials of Chiang Kai-shek's men who have been driven from the country forever and are in the pay of the United States imperialists can only be regarded as a further attempt to endorse the illegal and outrageous position of the United States of America in denying to the People's Republic of China, a founding Member of this Organization and a permanent member of the Security Council, its lawful rights in the United Nations. My delegation protests most strongly against this absurd decision and regards it as null and void.

33. On the other hand, we fully support the position taken by the African countries that the credentials of the representatives of the racist régime in South Africa should not be recognized as valid.

34. For these reasons, the Albanian delegation will abstain in the vote on the recommendation of the Credentials Committee [*Ibid.*, para. 19].

35. Mr. ACHKAR (Guinea) (translated from French): My delegation comes to the rostrum to make the strongest reservations with regard to the recom-

mendation contained in the report of the Credentials Committee [A/6990]. Our reservations apply to two delegations whose presence among us is illegal and an insult to the United Nations. The first of these is the Chiang Kai-shek delegation which, in our opinion, does not represent China and would even be hard put to it to represent itself. As we had occasion to say during the debate on the Chinese question [1604th meeting], the only legal representation, which would do honour to the United Nations, will be that of the People's Republic of China when it comes into effect here. Meanwhile, the United Nations is bringing increasing discredit upon itself by keeping among us these political corpses which certainly do not represent what they claim.

36. Secondly, the delegation of South Africa, consisting as it does of representatives of a minority group of settlers who are oppressors, racists and fascists, cannot represent the population of South Africa. We find their credentials unacceptable and place on record our strongest reservations concerning their validity.

37. Mr. BOZOVIC (Yugoslavia): In connexion with our vote on the recommendation contained in the report of the Credentials Committee [A/6990, para. 19], I should like to make the following reservations.

38. We have always maintained and continue to maintain that the only Government entitled to represent China in the United Nations is the Government of the People's Republic of China. Therefore, our vote in favour of the report does not in any way change the position that was once again expressed in the debate on the question of the representation of China not very long ago in the plenary Assembly.

39. Mr. LOQUMAN (Mauritania): The delegation of Mauritania considers that the only delegation that could legally and lawfully represent China would be the representatives of the People's Republic of China, the greatest country on the face of the earth, with more than 700 million people. It is that Government that should represent the people of China. We base this consideration on the universality of this Organization and on the fact that it should not block or put any obstacles in the way of the true and legal representation in this august body of the People's Republic of China by the true and legal representative of the Chinese people. On this basis the delegation of Mauritania will vote.

40. With regard to the credentials of who is to represent the people of South Africa, the delegation of Mauritania has already stated that we consider that 12 million people in South Africa should be represented by Africans, and not by a minority racist régime.

41. Mr. PASHA (Pakistan): The reservations of the Pakistan delegation on the report of the Credentials Committee [A/6990] are the same as those expressed by my delegation at the 1522nd meeting of the General Assembly on the report of the Credentials Committee during the fifth special session. With these reservations, my delegation will vote in favour of the recommendation contained in the report of the Credentials Committee [*Ibid.*, para. 19].

42. Mr. CHAYET (France) (translated from French): I should like briefly to explain my delegation's vote. The Credentials Committee's report which is now before us [A/6990] accepts the credentials of all the representatives to the twenty-second session, thereby accepting the credentials of the persons who claim to represent China. France believes that China's seat in the United Nations should be occupied by the representative of the Government of the People's Republic of China. This being so, my delegation for this reason alone, will abstain in the vote on the recommendation of the Credentials Committee [*Ibid.*, para. 19].

43. The PRESIDENT: The Assembly will now take a decision on the draft resolution recommended by the Credentials Committee in its report [A/6990, para. 19].

The draft resolution was adopted by 67 votes to none, with 20 abstentions [resolution 2322 (XXII)].

44. The PRESIDENT: I now call on the representative of South Africa who has asked to speak in explanation of his vote.

45. Mr. M. I. BOTHA (South Africa): In explaining my delegation's vote I do not intend to reply to the statements regarding my Government which were made this morning, except to reject them in their entirety.

46. The South African delegation has previously recorded its arguments on the validity of its credentials and it is not necessary to repeat them today. The South African delegation voted for the adoption of the recommendation contained in the report of the Credentials Committee. This does not, of course, imply concurrence with the views expressed by individual members of that Committee, as contained in the report.

AGENDA ITEM 20

Appointment of the members of the Peace Observation Commission

47. The PRESIDENT: The Peace Observation Commission was created by the General Assembly on 3 November 1950 in accordance with resolution 377 (V) entitled "Uniting for Peace". The present fourteen members are the following: China, Czechoslovakia, France, Honduras, India, Iraq, Israel, New Zealand, Pakistan, Sweden, the Union of Soviet Socialist Republics, the United Kingdom, the United States and Uruguay. Since their term of office will expire on 31 December 1967 it has been suggested that the General Assembly should reappoint them for the years 1968 and 1969.

48. If there is no objection, I shall take it that the present members of the Peace Observation Commission will be reappointed for the years 1968 and 1969.

It was so decided.

AGENDA ITEM 25

Installation of mechanical means of voting: report of the Secretary-General

49. The PRESIDENT: The Assembly will consider first the report of the Secretary-General [A/6870].

I call on the Under-Secretary for General Assembly Affairs.

50. Mr. NARASIMHAN (Under-Secretary for General Assembly Affairs): I request the Assembly to take note of the Secretary-General's report on this item [A/6870]. This does not mean that the Assembly has to take an immediate decision on paragraphs 4 and 5 of the Secretary-General's report. In other words, when the proposals are presented at the twenty-third session, the Assembly will be free to take a decision on whether to extend the mechanical voting to one committee room or to two committee rooms, or to none at all.

51. The PRESIDENT: May I take it that the General Assembly decides to take note of the Secretary-General's report [A/6870]?

It was so decided.

52. The PRESIDENT: We turn now to the letter from the Chairman of the Sixth Committee transmitting a report of that Committee regarding certain changes to rules 89 and 128 of the rules of procedure of the General Assembly [A/6960 and Corr.1]. I call on the Under-Secretary for General Assembly Affairs.

53. Mr. NARASIMHAN (Under-Secretary for General Assembly Affairs): The General Assembly has before it a draft resolution recommended by the Sixth Committee to make provision in rules 89 and 128 of the rules of procedure for the use of mechanical means of voting by the Assembly and by its Committees [A/6960 and Corr.1, para. 5]. The changes proposed make provision for a non-recorded vote to replace a vote by show of hands when mechanical means of voting are used, and for a recorded vote to replace a roll-call vote. As in the case of a roll-call vote, any representative may request a recorded vote; further, any representative may request, in the event of a recorded vote, that the procedure of calling out the names of representatives be followed. Thus, while it may be normally presumed that, when recorded votes are taken, the calling out of names will be dispensed with in order to save the time of the Assembly, the right to request the calling out of names remains. In cases of recorded votes where this right is not exercised, the Secretariat will make every effort to have copies of the voting sheets available immediately after the results of the votes have been announced.

54. The PRESIDENT: The Assembly will now take a decision on the draft resolution contained in the report of the Sixth Committee [A/6960 and Corr.1, para. 5]. Since the draft resolution was adopted unanimously by the Sixth Committee, may I take it that the General Assembly also adopts it unanimously?

The draft resolution was adopted unanimously [resolution 2323 (XXII)].

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;

*Resumed from the 1633rd meeting.

(c) Appointment of the United Nations Commissioner for South West Africa

55. The PRESIDENT: I shall give the floor to the four speakers whose names are still inscribed on the list in the debate on this item, after which the Assembly will hear those representatives who wish to make statements in explanation of vote. The Assembly will then vote on the two draft resolutions which have been presented under this item [A/L.536 and Add.1-4 and A/L.540 and Add.1-2].

56. Mr. AKWEI (Ghana): In spite of the General Assembly's decision of 9 May this year giving consequence to the provisions of resolution 2145 (XXI) of 27 October 1966, we regret to note, as indicated in the report of the United Nations Council for South West Africa [A/6897], that no progress has been made in securing South Africa's compliance with the relevant Assembly resolutions on South West Africa. Thrice in the space of one year the Assembly has been called upon to take momentous decisions to deal effectively with a situation in which a Member State, all by itself, is obstinately determined to take possession of a Mandated Territory and oppress a people whose welfare is the solemn responsibility of the United Nations.

57. It was the fervent hope of the Ghana delegation and many like-minded delegations that at this session of the General Assembly, we would be engaged in thinking out the constitutional processes for ushering the people of South West Africa into independence and thus freeing them from the tears and humiliations of over nearly half a century. But what is the United Nations faced with now? The racist and expansionist régime of South Africa has categorically refused once again to heed the legitimate appeal of the United Nations for co-operation. The letter of 26 September 1967 [*Ibid.*, annex II] which the Foreign Minister of South Africa addressed to the Secretary-General in response to a communication from the United Nations Council for South West Africa, is eloquent proof of South Africa's callous determination to force the United Nations into accepting its illegal actions.

58. My delegation is aware of, and is all too familiar with, the objections which South Africa has raised in respect of the termination of its Mandate over South West Africa. These objections are as baseless as they are tedious; but given the peculiar and lopsided mental processes of the racists in South Africa it is not difficult to see how they can persist ad nauseam in justifying a policy which stands condemned before the bar of reason. The irrational basis of South Africa's objections makes it all the more inappropriate and even idle to attempt to counter them in any great detail here. Unlike the South Africans, we did not turn deaf ears to the most telling legal arguments which emerged on this question during the debates of the twenty-first regular session and the fifth special session.

59. The major premises on which South Africa bases its objections are the following:

(1) That "after the proceedings in the South West African cases, the question whether the United Nations should succeed to the supervisory powers of

the League is, putting it at its lowest, more undecided than ever" [*ibid.*];

(2) That "there was no substance in the suggested grounds that South Africa had failed to fulfil its obligations in respect of the administration of the Territory and ensuring the well-being of the inhabitants" [*ibid.*];

(3) That, given the "essential" and vital support from South Africa which South West Africa heavily relies on, it was unrealistic for the United Nations to have terminated South Africa's Mandate over the Territory; and

(4) That South Africa has successfully evolved its own pattern of leading the peoples of the Territory along the path of "progress" and "self-realization".

60. Allow me, Mr. President, briefly to take issue with these points raised by South Africa and set the record straight.

61. First, I invite the Authorities of South Africa, since they also based their legal objections on the findings of the International Court of Justice, to read and study carefully the opinion of the Court delivered on 11 July 1950. It is quite clear that South Africa has overlooked that pertinent portion of the opinion, which reads as follows:

"The Court has arrived at the conclusion that the General Assembly of the United Nations is legally qualified to exercise the supervisory functions previously exercised by the League of Nations with regard to the administration of the Territory, and that the Union of South Africa is under an obligation to submit to supervision and control of the General Assembly . . ." ^{1/}

A mere reading of this opinion by the Court should convince every person that there can be no controversy over the fact that the United Nations did succeed to the supervisory powers of the League.

62. It follows from the interpretation of that opinion that, contrary to the contention of South Africa, the General Assembly is legally competent in this matter to take the decision to terminate South Africa's Mandate over South West Africa. South Africa's reference to Article 10 of the United Nations Charter therefore misses the point completely.

63. The second main objection raised by South Africa has only to be stated to be dismissed. If only South Africa could do a little self-searching it would realize that it has for a long time been isolated from the international community because of the odious and inhuman policies it pursues against the Africans under its jurisdiction and domination. The reason why the whole world has expressed so much concern about developments in South Africa and, in this case, South West Africa, is that there is a blatant violation of all human decency and human rights. That is why the international community has made the accusation against South Africa, after concrete facts had come to light, that during the forty-five years of South African administration the actual social and material conditions of the non-white majority of the people of South

^{1/} International status of South West Africa, Advisory Opinion: I.C.J. Reports 1950, p. 137.

West Africa have degenerated to a state of abject degradation and misery. The essence of South Africa's administration in South West Africa is the very negation of the basic right of the indigenous people to life, liberty and security, which the Universal Declaration of Human Rights sought to safeguard.

64. What is the essence of the Odendaal Commission's recommendations of 27 January 1964^{2/} but a ruse calculated to extend the odious policy of apartheid to South West Africa? Such a plan obviously fits into the framework of the Territory of South West Africa, which has been partitioned into a European settler zone in the South, called the "Police Zone", with its few small enclosed enclaves or reserves for African workers, and African settler areas or the "Tribal Areas" in the North. The two areas are strictly segregated in accordance with the policy of apartheid.

65. One would think that within the Tribal Areas the Africans would enjoy even a small measure of self-assertion. But no: drastic laws operate, and nothing but suppression, deportations and banishment of Africans occur. Tribal communities are arbitrarily divided or amalgamated. The African has no political personality and is not in any way consulted in the formulation of laws to govern him. In South West Africa all the iniquities being perpetrated are justified by the crude laws of apartheid. In their own land the Africans are restricted in respect of their movements and travel.

66. Those restrictions have been variously written into the following discriminatory regulations: the Vagrancy Proclamation 1920 (as amended); the Master and Servant Proclamation 1920 (as amended); the Native Administration Proclamation 1922 (as amended); the Natives Reserves Regulation 1924 (as amended); the Native Passes (Rehoboth Gebiet) Proclamation 1930; the Extra-Territorial and Northern Natives Control Proclamation 1935 (as amended); the Natives (Urban Areas) Proclamation 1951 (as amended); the Regulations for the Registration, Control and Protection of Natives in Proclaimed Areas 1955 (as amended).

67. Furthermore, land distribution in South West Africa has been carried out to enrich the Europeans and reduce the Africans to a state of perpetual misery and poverty. Land policy was deliberately designed to create a labour surplus, for the Africans have been forced as a result of land shortages and poverty to leave their rural reserves for the white settler labour areas. Their recruitment and conditions of service are more or less akin to slavery and are determined by the South African Government-sponsored South West African Native Labour Association (SWANLA). Thus the African becomes a cheap economic commodity that can be sold to the European industries. The reports of the Special Committee on the Policies of Apartheid of the Government of South Africa furnish eloquent facts about the forced labour and slavery which prevail in South West Africa.

68. Educational and social conditions for the South West Africans reflect the racist policy of apartheid.

The white child is educated to prepare him to dominate and rule while the African child is brought up under a false psychological indoctrination which is designed to teach him that his human spirit has no value and that the essence of his being is servitude. It has been recommended by the Odendaal Commission that the cost of education should be borne separately by each racial community. The implications of that are clear, in that the African homelands, being economically unendowed and yet in the direst need of education, cannot afford to pay for it. The 1964-1965 Budget Estimates show the allocation of money for education as follows: white children, Rand 3,315,966; African children, Rand 799,534; Basters and other Coloured, Rand 673,912.

69. In these pathetic conditions, how can South Africa, by any stretch of imagination, convince the international community that it is sincerely promoting the moral and material well-being of the people of South West Africa? Only by an inversion of logic and a perversion of the morality of civilized man can anyone claim to be promoting a people's well-being in that manner. South Africa may continue to delude itself but we know the facts and the truth.

70. Thirdly, when South Africa refers to the United Nations decision to terminate its Mandate over South West Africa as "unrealistic", because the latter depends heavily on essential supplies from South Africa, it forgets that the present nexus of relationship was created deliberately by South Africa to perpetuate its hold over the Territory. We are not unaware of certain initial difficulties that an independent State of South West Africa will have to face, but in its better wisdom the United Nations has envisaged massive assistance from all Member States, specialized agencies and international institutions to help furnish all those essential supplies which came from South Africa and on which South West Africa depended for its existence. That is the point in Part III of resolution 2248 (S-V) of 19 May 1967. Let South Africa not underestimate the fact that, given the existing resources of the Territory and colossal international assistance, South West Africa can attain independent statehood in conditions of total freedom.

71. After rejecting the three main objections of South Africa, it is easy to brush aside the fourth point raised by South Africa, namely, that it has evolved a pattern for leading the peoples of South West Africa along the path of "progress", "stability" and "self-realization". What South Africa euphemistically calls "progress", "stability" and "self-realization" find disgraceful expression in the recommendation of the odious Odendaal Commission of Enquiry, to which I had occasion to refer earlier.

72. Allow me to recall in passing that under that plan the indigenous African population was to be uprooted in order to constitute twelve artificial territorial and ethnic groupings or "homelands". In the homelands they would develop separately, each group according to its own racial talents and resources. The bulk of the habitable land in South West Africa, together with all its diamond mines and most of its other mines, would become the exclusive reserve for the white settlers-descendants of the Boers,

^{2/} Republic of South Africa, Report of the Commission of Inquiry into South West Africa Affairs, 1962-1963 (Pretoria, Government Printer, 1964).

Germans and English. By a clever gerrymandering manoeuvre the demarcations of the settlers' homelands are carefully drawn around mineral deposits, sea-ports, transportation and communication facilities and urban areas.

73. Need I remind the Assembly that the odious Odendaal Plan has been sharply criticized in the United Nations and in other international forums? In its report, [A/6700/Rev.1, chap. IV], the Committee of Twenty-Four described that plan as an attempt to balkanize South West Africa which would result in the partition and disintegration of the Territory and its absorption into South Africa. It was under that Plan that, in flagrant and characteristic defiance of the United Nations, South Africa proceeded to establish the first of the "Bantustans" out of the Ovamboland Reserve in the north of South West Africa.

74. It was with this in mind that operative paragraph 7 of resolution 2145 (XXI) of 27 October 1966 explicitly 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;"

75. It is within the meaning of that resolution in general, and of that paragraph in particular, that we view as a flagrant defiance of and threat to the legal authority of the United Nations the purport of South Africa's letter of 26 September 1967 addressed to the Secretary-General, and in particular the concluding portion which reads as follows:

"South Africa is energetically pursuing the task of developing South West Africa in keeping with the spirit of the sacred trust which it accepted with the grant of the original Mandate, and will resist with all means at her disposal any attempt to endanger the safety of the country and the peoples committed to her care." [A/6897, annex II.]

76. Here is a challenge blatantly hurled at us—a threat of aggression against this Organization and against ourselves in our own territory, South West Africa. And so, in addition to annexation, we now have a threat of aggression.

77. If there is any country which did not deserve to be entrusted with the care of a people as a "sacred trust of civilization", it is racist South Africa. If there is any country which is endangering the safety of the peoples committed to its care, it is South Africa. At this time, when by resolution 2145 (XXI) South Africa has lost all right to administer the Territory of South West Africa, the United Nations is faced with an act of defiance on the part of South Africa. South Africa continues to exercise illegal jurisdiction over an international territory and its peoples, whose future is the direct responsibility of the United Nations. The arrest, deportation and trial in Pretoria of thirty-seven South West Africans has aggravated the situation in South West Africa. It is a grave breach of human rights, and for that reason alone all effective measures should be taken to compel South Africa to discontinue the trial and release and repatriate the persons illegally arrested. It is fitting

that the General Assembly should act swiftly and urgently to give priority to the consideration of this act of cruelty. My delegation is gratified that the draft resolution [A/L.536 and Add.1-4] on this situation which is before the Assembly enjoys the wholehearted support of Member States,

78. My delegation has no doubt that the draft resolution will be adopted. It is, however, its effective implementation which cannot be assumed as a foregone conclusion. In this regard, we add our voice to those who have spoken earlier and make an urgent and strong appeal to those Powers that enjoy unequivocal influence with the Government of South Africa to dissuade it from pursuing its illegal course in the violation of the rights of South West Africa. My delegation feels that a time-limit should even be given to the Government of South Africa to comply with the terms of the resolution. The Security Council, as has been indicated in the 27 November consensus of the United Nations Council and in the draft resolution before the Assembly, should follow the situation closely.

79. I now turn to the logical course of action open to the United Nations as regards ensuring the effective administration of the Territory of South West Africa. In my delegation's intervention on this question during the fifth special session [1509th meeting] we examined realistically the chances of effecting a peaceful transfer of administration from South Africa to the United Nations. We invited South Africa to come forward and respond to our appeal for a meaningful dialogue for the purpose of implementing the provisions of resolution 2145 (XXI). Now South Africa has responded by its letter of 26 September 1967, and affirms that:

"The South African Government . . . indicated its willingness to discuss with any other genuinely interested Government the problems of development in South West Africa, provided that Government is prepared in good faith to make a constructive contribution to such discussion and is not merely looking for ways and means of implementing the illegal General Assembly resolution 2145 (XXI)." [A/6897, annex II.]

80. Such a reply is ridiculous. South Africa will not even hold discussions with the United Nations, but only with a Government, because impliedly it does not accept the legal authority of the United Nations under the Mandate. Secondly, any discussions should be "on the problems of development in South West Africa" and not on self-determination. Thirdly, South Africa will not accept resolution 2145 (XXI) as the basis of any dialogue. South Africa's terms for a dialogue, therefore, exclude the international collectivity of the United Nations and imply the rejection by the United Nations of a resolution which it adopted by near unanimity.

81. In the face of such a ludicrous and unco-operative posture on the part of South Africa, which has thwarted the efforts of the United Nations Council for South West Africa, it is only appropriate that the General Assembly should explore other means of giving consequence to its resolution. We must face the issue squarely. We have reached an impasse. But we have an organ, the Security Council, whose primary responsibility is the maintenance of international

peace and security. The Security Council should not wait till conflicts flare up and tensions explode before being precipitated into action. The Council should not exist only to restore peace when it has been broken, and that at a great cost to human life and property—it must serve both as a radar and nerve centre of the Organization's activities in maintaining international peace and security.

82. The grave situation which has been created in South West Africa deserves the urgent attention of the Security Council. As already stated, we are confronted in South West Africa with illegal annexation and a grave threat of aggression. Let the Council use all the available means at its disposal—I repeat, all the available means at its disposal—to face this threat and effect the implementation of resolution 2145 (XXI). By so doing the Security Council will be asserting the responsibilities which the United Nations has assumed in respect of South West Africa and also assisting the United Nations Council for South West Africa in carrying out the tasks entrusted to it by the General Assembly.

83. And here a special responsibility rests on the main trading partners of South Africa and the permanent members of the Security Council. South Africa cannot survive and continue its defiance indefinitely except with the connivance and inaction of those States whose trade and investments are intimately linked with South Africa. To put an end to this situation is what we seek to do in draft resolution A/L.540 and Add.1-2, which my delegation has the honour to co-sponsor.

84. In the view of the Ghana delegation this is the only effective way in which we must direct the next course of action on the question of South West Africa. If there is any other course open which will enable a speedy transfer of administration from South Africa to the United Nations, it is up to those with such views to advance them. What we must not do is temporize and give time to the South African régime to pursue its present course of annexing the Territory of South West Africa and oppressing its people.

85. The United Nations was alive to its responsibilities when it adopted resolution 2145 (XXI) and we must exert all our energies to assert the legal authority of the United Nations. In whatever we do, we must not forget that in southern Africa there is a sinister design contrived by Portugal, South Africa and Southern Rhodesia to perpetuate a situation in which minority white racists dominate indigenous black Africans. They form a trinity of evil, reaction and unreason aimed at frustrating the principle of self-determination and independence, obstructing the advance of the African peoples and sowing the seeds of hatred and mistrust between white and black peoples. Those who aid and assist one of those countries automatically aid and assist the others.

86. This Organization will stand judged by its actions in southern Africa. If we fail, the consequences will be terrible to contemplate and posterity will convict those among us who lent their support to reversing the course of history and human development in southern Africa. If we succeed, and succeed we must, we shall hold out to mankind the hope of a better world founded on peace and justice, irrespective of creed, irrespective of race.

87. Mr. LOPEZ (Philippines): The United Nations is engaged in a crucial test of will with one of its Member States, the Republic of South Africa. That Government has wilfully disregarded every single resolution of the United Nations urging repeal of its repressive laws and racist policies, particularly apartheid. South Africa's latest act of defiance of the clear consensus of the world community represented by the United Nations was to call General Assembly resolutions 2145 (XXI) and 2248 (S-V) "illegal" and to refuse to co-operate with the duly constituted Council for South West Africa in implementing those resolutions.

88. In a spirit of moderation, the General Assembly decided in resolution 2248 (S-V) to have the Council for South West Africa enter immediately into contact with the authorities of South Africa in order to lay down procedures for the transfer of the Territory of South West Africa with the least possible upheaval. South Africa has chosen to slap the hand extended in peaceful and orderly co-operation.

89. With this rebuff, the Council for South West Africa is faced with a situation that, in the words of its report, "makes it impossible for the Council to discharge effectively all of the functions and responsibilities entrusted to it by the Assembly" [A/6897, para. 18] under resolution 2248 (S-V). Under the circumstances, an authority other than the General Assembly must act to enable the Council to function effectively. That authority can only be the Security Council.

Mr. Manescu (Romania) took the Chair.

90. In my statement at the fifth special session of the General Assembly on 18 May this year, with insight gained as a member of the negotiating group which elaborated the draft of resolution 2248 (S-V), I stated that it is a

"fact of international life ... that the great Powers—the permanent Members of the Security Council or the majority of them—are not at present prepared to lend their influence and power to the implementation of resolution 2145 (XXI), and that without that support we run the risk of affirming a resolution which is intellectually and morally valid but which cannot be executed or enforced". [1516th meeting, para. 69.]

91. Notwithstanding this hesitancy on the part of some of its powerful members, the Security Council must face up to its responsibility to alleviate the tension that is building up to a critical level in southern Africa. The Security Council must act in time and sustain an Assembly decision directly stemming from resolution 2145 (XXI), adopted by an overwhelming majority, which provided inter alia that

"South Africa has no other right to administer the Territory and that henceforth South West Africa comes under the direct responsibility of the United Nations";

92. Action by the Security Council has become imperative in view of the conclusion by the Council for South West Africa in its report that:

"the continued presence of South African authorities in South West Africa constitutes an illegal

act, a usurpation of power and a foreign occupation of the Territory which seriously threaten international peace and security". [A/6897, para. 18.]

93. Draft resolution A/L.540 and Add.1-2, co-sponsored by forty-seven delegations including that of the Philippines, reiterates the appeal to the Security Council contained in General Assembly resolution 2248 (S-V) to take effective steps to enable the United Nations and its Council for South West Africa to fulfil their responsibilities in respect of the Territory of South West Africa. We hope that the deepening gravity of the situation will finally move the Security Council to respond meaningfully to this appeal before it is too late.

94. There is reason to believe that South Africa is encouraged in its intransigence by the advance knowledge that the Security Council is at the moment not prepared to stand up to its responsibilities. For it certainly is not true that the Security Council has not the power or the means to compel obedience on the part of South Africa. It has the power but it is not willing to use it.

95. Would it be better, then, for the General Assembly to do nothing more about South West Africa meanwhile except to wait until there is assurance that the Security Council is ready and willing to support the decision of the Assembly? Would not such a course have the advantage at least of permitting the Assembly to avoid another frustrating and hopeless impasse?

96. The wisdom of such a course is more apparent than real. The force and significance of General Assembly decisions can be eroded as much by timidity and silence as by over-boldness and excessive repetition. In the case of South West Africa we must deliberately and unceasingly endeavour to arouse the conscience of mankind. We must purposely and constantly challenge the members of the Security Council, particularly the permanent members, to do their bounden and inescapable duty.

97. Each time the Security Council members tell us that it would be wiser and more prudent to do something else first before doing what we propose or instead of it, and every time they pretend that they are helpless and thus try to evade their responsibility, we must firmly hold up to their faces the mirror of universal conscience and embarrass them into eventual action. Sooner or later, or sooner rather than later, the Security Council must respond to the solemn call of the General Assembly. The clamour of our voices in this hall will resound through the corridors to the other end of this building and the fifteen nations that sit there will find no peace of mind, heart or conscience until they decide to do what is right, just and necessary in South West Africa.

98. As I pointed out in my statement during the fifth special session [1516th meeting], the dynamics of political life in Africa, particularly in southern Africa, are today such that if you do not move forward in that area, or if you merely stand still, you are in grave danger of being pushed back.

99. We are now indeed in grave danger of being pushed back because the political situation in South

West Africa has seriously deteriorated as a result of the arbitrary arrest, deportation and trial in Pretoria of thirty-seven South West Africans. As though in spiteful defiance of the United Nations move to administer the Territory of South West Africa, the South African Government has violated all norms of democratic practice by the arrest of these thirty-seven South West Africans, their transport from South West Africa to Pretoria, their detention there incommunicado and without formal charges, and their trial later under a law subsequently enacted with retroactive effect to apply to the cases of these arrested persons. Several speakers who have preceded me have documented the outrage that this mockery of justice and barefaced defiance of the will of the great majority of the United Nations by South Africa have caused the conscience of the world.

100. The General Assembly has no option but to condemn this cynical violation of human rights and move towards the liberation of the victims by adopting forthwith draft resolution A/L.536 and Add.1-4, sponsored by twenty-two delegations, including the Philippines.

101. Mr. VRATUSA (Yugoslavia): During the fifth special session of the General Assembly the problem of South West Africa was thoroughly discussed and practical measures were adopted to enable the United Nations to discharge the responsibility assumed under resolution 2145 (XXI) of 27 October 1966 terminating the Mandate of the Republic of South Africa over South West Africa. The Yugoslav delegation has supported these measures, mindful both of the interests of the people of South West Africa struggling for their national liberation and of the responsibilities of our Organization.

102. In order to implement the aforementioned resolution, the General Assembly established the Council of South West Africa and requested the Council to contact the authorities of the Republic of South Africa immediately so that a procedure for the transfer of the administration of the Territory might be established. Another chance, after many previous opportunities, was thereby given to the Government of the Republic of South Africa to alter its negative attitude towards the United Nations. However, the Government of Pretoria refused this time also to co-operate with the United Nations, thus ignoring the expressed will of the world Organization on the future of South West Africa.

103. And not only this. Pretoria has hurried to give additional evidence of its determination to continue with its practice of defying our Organization, of which it is a Member. I am referring to the arrest and the trial of the group of thirty-seven patriots of South West Africa. These acts represent a flagrant violation of the rights of these people, of the international status of the Territory, and of General Assembly resolution 2145 (XXI).

104. Given this situation, our organization now has to cope with two urgent problems: first, to save the lives of the prisoners from South West Africa, and secondly, to consider what action should be taken since the Council cannot effectively discharge all its functions and responsibilities, owing to the refusal of the Republic of South Africa to co-operate in the

implementation of resolutions 2145 (XXI) and 2248 (S-V).

105. At this late stage of our debate I would like to limit myself only to the two aspects of the item on our agenda that I have mentioned, without entering into the problem as a whole.

106. It should be pointed out once again that the arrest of the group of thirty-seven persons from South West Africa took place after the adoption of the resolution on the termination of the Mandate of the Republic of South Africa over South West Africa, and that the indictment was made on the basis of a law which by its very terms is clearly a violation of fundamental human rights and contrary to the principles of the Charter of the United Nations. I do not intend to elaborate in greater detail the essence and the purpose of the trial or the manner in which it is being conducted, since the speakers preceding me have shed sufficient light on the true nature of this illegal and inhuman act of persecution.

107. I wish, however, to call your attention, Mr. President, to the fact which in my opinion is of decisive importance. The thirty-seven patriots are all members of the South West African People's Organization, a national liberation movement engaged in an uneven struggle for the realization of the right of the people of South West Africa to freedom and independence. By arresting the highest officials of this movement, such as the Acting President, the Acting Secretary General, the Secretary for Foreign Relations and others, the ruler of Pretoria are attempting both by illegal and immoral means to liquidate the national liberation struggle of the people of South West Africa.

108. The intervention [1632nd meeting] of the representative of the Republic of South Africa in this debate, in which he tried to justify the laws of terrorism—that would be the right name for the Terrorism Act and the Suppression of Communism Act—under which the illegal trial is being conducted, does not change anything in the facts. Furthermore, the arguments brought forth by him have already been condemned by the international community on a number of occasions. There is no ground whatsoever for a foreign Power, whose presence in South West Africa is illegal and constitutes an act of aggression against a Territory administered by the United Nations, to proclaim that the inhabitants of South West Africa, struggling for their national liberation, are terrorists in their own country.

109. The New York Times in its issue of 9 December 1967 has qualified these laws "as an instrument of terror consolidating South African's control over territory it has never owned". It is furthermore stressed that "the Terrorism Act would be condemned by decent men everywhere, even if applied only in South Africa. It violates ten or more articles of the Universal Declaration of Human Rights".

110. My delegation fully supported the consensus of the Council for South West Africa of 27 November [A/6919 and Corr.1] and the resolution of the Committee on Decolonization [A/6700/Rev.1, chap. LV, para. 232], both of which concerned the detention and trial of thirty-seven patriots from South West Africa.

This wide consensus makes it incumbent upon our Organization to take urgent steps in order to convince the Government of the Republic of South Africa to stop its actions violating human rights and the rights of peoples to self-determination.

111. In this spirit, my delegation has sponsored, together with a number of other delegations, draft resolution A/L.536 and Add.1-4, which would appeal, *inter alia*, to all States and international organizations to use their influence with the Government of South Africa to ensure its compliance with the demand that it discontinue forthwith this illegal trial and to release and repatriate the imprisoned South West Africans. It is the feeling of the Yugoslav delegation that it might be advisable for our Organization to explore among the measures it will undertake the possibility of approaching the International Court of Justice for its advisory opinion on the legality of the Pretoria trial.

112. As I have already mentioned, in our opinion the General Assembly has to consider measures which, in the present situation, could enhance the implementation of the decisions taken at the twenty-first regular session and at the fifth special session of the General Assembly.

113. In spite of the refusal by the Government of Pretoria to co-operate with the Council for South West Africa, there is, however, a number of problems of which our Organization and its bodies, including the Council for South West Africa, should be seized. I have in mind, in this connexion, first of all the need to protect the international status of the Territory and the rights of the people. Within this framework, it is necessary to continue undertaking resolute measures against the illegal acts of the Government of Pretoria, which violate the international status of South West Africa, and its attempts to disrupt the territorial integrity of this international Territory.

114. I also deem it indispensable to keep in touch with different spheres of life in South West Africa, laying particular stress on the activities which could be helpful in preparing the organization of legislation, education, economy and the like, including the further promotion of the activities of the United Nations in social and humanitarian fields, once the country is liberated. It would likewise be advisable to examine what could be done in order the better to co-ordinate such activities and to ensure greater funds for these purposes.

115. There is no doubt that the Council for South West Africa can play an important role in all these fields without running the risk of duplicating the activities of the United Nations organs in the same area.

116. In view of the negative experience in the past, it is essential, in the opinion of my delegation, for all Member States as well as for the General Assembly and other United Nations bodies, in particular the Security Council, to undertake during the coming period resolute measures aimed at fulfilling their obligations deriving from the decisions already taken by the United Nations, and to discharge the task formulated in draft resolution A/L.540 and Add.1-2, now before this Assembly for adoption, which my delegation has the pleasure of co-sponsoring.

117. Mr. ACHKAR (Guinea) (translated from French): It is said that discussion generates light. In this Organization, however, one is often tempted to say that discussion generates confusion. At any rate, where the case of South West Africa is concerned, it seems that the more we discuss, the thicker becomes the smoke screen between us and the truth of the situation which we must face.

118. At this late stage in the debate we must try to sort out the real facts of that situation. So as not to add to the confusion, my delegation will very rapidly explain its view of the problem and make a few suggestions for the benefit of the competent United Nations bodies, so that in their arduous search for new ideas both they and the other delegations may gain some insight from them.

119. First, I should like to recall the facts of the South West African problem. At its twenty-first session, by a historic and almost unanimous vote, the General Assembly reached the decision contained in its resolution 2145 (XXI), of which I should like to read the two most pertinent paragraphs. First, in operative paragraph 3, 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."

From this the General Assembly drew the following conclusion, which appears in operative paragraph 4:

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

120. In short, the Assembly decided to take the place of South Africa. The United Nations decided to become the Administering Authority of South West Africa during a transitional period which was to precede the Territory's accession to independence. No one has challenged the international status of the Territory, not even the representatives of the apartheid Government, for all their captious reasoning.

121. We decided to take the place of South Africa, for otherwise our resolution would have created a vacuum in South West Africa or made the Pretoria authorities a gift of the Territory. This was not the intention of the United Nations. That is why, during its fifth special session, the General Assembly decided in resolution 2248 (S-V) to set up the machinery which was to be responsible for the future of South West Africa. In my desire to get at the real facts of the present situation, I shall quote from that resolution. The General Assembly decided:

"to establish a United Nations Council for South West Africa ... comprising eleven Member States to be elected during the present session and to entrust to it the following powers and functions, to be discharged in the Territory;

"(a) to administer South West Africa until independence, with the maximum possible participation of the people of the Territory;

"(b) to promulgate such laws, decrees and administrative regulations as are necessary for the administration of the Territory until a legislative assembly is established following elections conducted on the basis of universal adult suffrage;

"(c) to take as an immediate task all the necessary measures, in consultation with the people of the Territory, for the establishment of a constituent assembly to draw up a constitution on the basis of which elections will be held for the establishment of a legislative assembly and a responsible government;

"(d) to take all the necessary measures for the maintenance of law and order in the Territory;

"(e) to transfer all powers to the people of the Territory upon the declaration of independence".

122. Reading this resolution in the light of the present situation, one would think one was dreaming. One has the impression that the United Nations has been content to express what it knew to be merely pious hopes and that now, faced with South Africa's refusal and the connivance of the great Powers which are permanent members of the Security Council, it has reached a deadlock nothing can break.

123. When we adopted these two resolutions, two assumptions were open to us. The first was that South Africa would co-operate. This was rather a bold assumption and, as was to be expected, South Africa's response to the efforts of the United Nations was utter contempt and complete hostility. The second assumption was that South Africa would refuse to co-operate with the United Nations. Did this mean that the United Nations should give up its efforts. We say not. In the face of South Africa's refusal, the United Nations should attack South African colonialism in South West Africa on all fronts.

124. And what are these fronts? First of all, what happened in the United Nations Council for South West Africa? Upon reading its report [A/6897] we are sadly and regretfully forced to admit that the United Nations Council for South West Africa has failed lamentably in discharging its functions and that its work has been a total failure. I do not, of course, mean to call into question the good will and diligence of the Council, but I cannot help but take note of the fact that thus far it has not even succeeded in electing a permanent chairman. Everyone is aware that, in order to ensure continuity, it is absolutely essential that every United Nations body should have a presiding officer who would remain in office for at least one year.

125. What else do we see? We see that the directives which the Council was supposed to give to the United Nations High Commissioner for South West Africa have never been formulated. Thus in New York there sits a Council which is supposed to be administering South West Africa and a High Commissioner who, as we understand it, is the executive branch or, in other words, the governor of South West Africa and who at

present waits in vain for instructions to be given to him by the legislative branch, the United Nations Council for South West Africa.

126. Despite this failure to act, the liberation movement in South West Africa has not ceased its activities nor been content to wait for the United Nations to fly to its rescue. We are all aware—through the international Press, at any rate—of the liberation struggle as manifested recently in the Territory of South West Africa. In the light of our failure to act and the despair to which it has given rise, the nationalists have passed to the stage of armed struggle which, in this case, is amply justified and has the entire support of the international community, if not of all the States Members of the United Nations.

127. We should like to reiterate our view that the nationalists who have progressed to the stage of action in South West Africa, and indeed in the whole of southern Africa, should not be treated as rebels or criminals before the law. We say that these nationalists are fighting the fight of the United Nations in order to liberate a Territory which was usurped by the Pretoria authorities, that this fight, which is legal and justified, should be regarded as a war of liberation waged in the name of the United Nations and that the nationalists should be treated as prisoners of war rather than as ordinary criminals.

128. This, of course, brings me to the question of the illegal trial, the outrageous and unthinkable trial of the thirty-five South West African nationalists in South Africa. We have all recognized the illegality of this trial. I would add that, where the Guinean delegation is concerned, the proceedings against the thirty-five West African nationals are in truth proceedings against the United Nations and that any crimes resulting from this trial would be crimes against the United Nations. That is why we are asking all the competent United Nations organs, including the United Nations Council for South West Africa, to compile a complete list of all the South Africans involved in the conduct of this trial—that is, a list of all the members of the South African Government, all the judges and, if it comes to that, all the executioners—to brand them as criminals against humanity and against the United Nations, and to treat them as such.

129. If the thirty-five prisoners are executed, we suggest that the United Nations should arrange another Nuremberg in order to try all the criminals who would have not only attempted to destroy the prestige of the United Nations but would also have committed a crime against the United Nations. Then when any of those South African criminals left their country in order to cement their alliances with the great Western Powers or with any other Powers they would be apprehended by an international legal authority for crimes against humanity.

130. We believe that if the United Nations were to adopt such an attitude, the Pretoria authorities would think twice before committing this crime against the native population of a Territory which has never belonged to them, especially when that Territory comes under the exclusive responsibility of the United Nations.

131. Of course, we should also remember that South Africa's whole attitude of contempt for the United Nations has been made possible only by the fact that the Security Council, the supreme authority in matters of peace-keeping, appears to regard this problem as one which can be put off indefinitely and which will never be solved because the great Powers refuse to entertain the solution which might be appropriate and which would in fact be appropriate now.

132. I repeat: the Security Council must come to grips with the case of South West Africa as soon as possible. In the course of its meetings, the Security Council must issue a warning and an injunction to South Africa to restore a Territory which does not belong to it. We believe that if South Africa refuses, it should be regarded as having committed a flagrant act of aggression against the United Nations and the Security Council should act accordingly.

133. We are well aware of what such action would entail. The circumstances in which enforcement measures can be applied are laid down in the Charter; they were included in the Charter not in order to frighten the great Powers but for the latter to use them to good purpose. We have never been faced with a situation in which the right of the United Nations and the right of the people concerned was so clear and so pronounced as in the case of South West Africa.

134. Meanwhile, while we are hoping that the Security Council will take action in this matter, the United Nations Council for South West Africa should not be content merely to hold discussions in the United Nations. We believe that as soon as possible after the close of this session the United Nations Council for South West Africa should send a delegation to South West Africa to take up residence there. If South Africa refuses it entry to the Territory, we think that, with the co-operation of the Zambian Government, the delegation should set itself up on the border of South West Africa and should organize a real administration to take care of the refugees and all persecuted persons who succeed in crossing the frontier, establish schools and hospitals, issue passports and, lastly, collaborate with the national liberation movements, treating the freedom fighters as soldiers of the United Nations.

135. Since the freedom fighters are fighting the same battle as that being waged by United Nations to recover a Territory which is under its responsibility, we believe that they should be given the name "soldiers of the United Nations" and should enjoy all the co-operation and support which the international Organization can supply.

136. At the same time, the United Nations Council for South West Africa should keep track of the exploitation of South West Africa since the revocation of South Africa's Mandate. By this I mean to say that all the colonialist companies exploiting South West Africa—both South African companies and international, British, United States, German, and other companies—are making considerable profits, these profits should be reckoned up and debited against the accounts of the States to which those companies belong. In this way, the South African companies which have been making profits out of South West Africa after its

independence would have their profits debited to the South African Government.

137. The same thing should apply to the Government of the United States of America, the Government of the United Kingdom, the Government of the Federal Republic of Germany and the Governments of all the countries whose companies continue to exploit the wealth of South West Africa.

138. Once the colossal fortunes which have been amassed since the revocation of the Mandate have reached a certain level, it might be feasible to invoke Article 19 of the Charter against the countries concerned which are Members of this Organization for having been accessories to a theft of which the South West African people are the victims, to the pillaging now going on in the Territory.

139. We have tried, briefly, to suggest some of the methods which might be adopted by the United Nations Council for South West Africa, the Security Council or, indeed, by the General Assembly. The truth of the matter is that the United Nations is now responsible for the administration of South West Africa. The United Nations must carry out that administration, whether or not it is able to enter the Territory. It would perhaps be possible to administer the Territory from the outside, and we would like the United Nations Council for South West Africa to study the various possibilities for action so that the challenge repeatedly flung out by South Africa may be accepted and the prestige of the United Nations affirmed, so that we shall not be a party to a plot to make this international Organization fail.

140. The draft resolution [A/L.540 and Add.1 and 2] which my delegation has the honour to co-sponsor is a timid step in this direction. Nevertheless, it contains some useful provisions, particularly the appeal to the Security Council to assume its responsibilities. That is why we hope that it will be adopted and implemented and that the United Nations Council for South West Africa, with the assistance of the Commissioner, will also carry out its duties and will not be content merely to discuss possible courses of action, whether in mild or strong terms, but that it will act.

141. The PRESIDENT (translated from French): We have just heard the last speaker in the general debate. I now call on the representative of Somalia who has asked to exercise his right of reply.

142. Mr. FARAH (Somalia): At the 1625th plenary meeting on Monday last, after my delegation had introduced draft resolution A/L.536 and Add.1-4, the representative of the Government of South Africa made a lengthy statement in which he attempted to defend his Government's actions in respect of the trial of thirty-five South West Africans now going on in Pretoria. My delegation cannot pass over his statement without comment.

143. Indeed, by endeavouring to defend an indefensible position he merely underlined the illegality of what his Government is doing. The representative of South Africa alleged that the draft resolution which we had submitted for the Assembly's approval is ultra vires under the Charter and constitutes an

attempt to interfere in the judicial proceedings of a Member State.

144. He said, in effect, that the Government of South Africa has a responsibility for the administration of justice in South West Africa, and that it has no intention of abdicating that responsibility. In other words, he proceeds from the premise that his Government is the Government of the Territory—as if the historic decision of this august Assembly embodied in resolution 2145 (XXI) did not exist, as if the United Nations had not itself assumed the direct responsibility for the administration of justice in South West Africa, and as if there were no Council for South West Africa.

145. That is an open defiance which this Assembly cannot, and should not, overlook. It is an outright rejection of the decision whereby this Assembly, by a nearly unanimous vote, declared on 27 October 1966 that the Mandate was terminated and that South Africa had no other rights to administer the Territory [resolution 2145 (XXI)].

146. The General Assembly adopted that historic decision precisely because South Africa had failed to live up to its obligations, which it had assumed under the Mandate, and because it had abused the rights of the people placed under its protection. The decision was taken precisely to safeguard the people of South West Africa from actions such as the present ones, which violate every accepted norm of judicial procedure.

147. The representative of South Africa did not deny that the Terrorism Act was being applied retroactively; he did not deny that its provisions were unusual and contrary to universally accepted norms of civilized justice. He merely tried to defend it by an irrelevant statement on terrorism, alleging that the Act was necessary in order to deal with a situation in which normal judicial procedures were not applicable. He also tried to show that there was nothing unusual in deporting people from their homeland to be tried in Pretoria, because, as he said, that was a procedure which had always been followed in the past.

148. If there is any terrorism in South West Africa my delegation ventures to suggest that it is the terrorism which seeks illegally to impose South African rule on South West Africa, in violation of the decision of this Assembly; it is the terrorism which seeks, by every available means of force, to subjugate the people and to prevent them from exercising their inalienable right to self-determination, freedom and independence, in accordance with the United Nations Charter; it is the terrorism which seeks to suppress all valid political expression in the Territory and to destroy the spirit of nationalism in the hearts of the indigenous inhabitants.

149. As the International Commission of Jurists said in a statement issued recently in Geneva, "Governments like that of Rhodesia all too easily adopt the 'terrorist' label in dealing with those who have been driven to armed opposition by tyranny and oppression." This statement fully applies to the régime in South Africa.

150. I do not wish to reply in detail to all the many mis-statements made by the representative of South

Africa. Instead, I should like to read a statement issued the other day by 200 members of the legal profession in the United States, including over forty professors of law in major law schools throughout that country. This is the statement:

"Thirty-five South West Africans now on trial in South Africa face a possible death sentence under a statute which South Africa has enacted, contrary to international law and which, in addition, violates every accepted standard of fair procedure.

"On October 27, 1966, the United Nations General Assembly terminated South Africa's right to administer and to legislate for the Territory of South West Africa because of the South African violations of the Mandate Agreement under which it governed the Territory on behalf of the world community. Nevertheless, seven months later, in June 1967, the South African Parliament enacted the Terrorism Act, which it made applicable to South West Africa and under which the South West Africans are now being tried. The application of this statute to these South West Africans, arrested outside South Africa for acts not even alleged to have been committed in South Africa, is thus in flagrant violation of international law.

"Moreover, the provisions of the Act under which the thirty-five defendants are being tried are contrary to the rule of law and to civilized justice.

"The Statute constitutes blatant *ex post facto* legislation. It provides the death penalty for acts committed up to five years before its enactment. All thirty-five defendants are being prosecuted for actions allegedly committed before the Act was even introduced in Parliament.

"The Statute further creates presumptions, justified by neither necessity nor logic, which place virtually the entire burden of proof on the defendants and requires them to establish their innocence beyond a reasonable doubt. In particular, any joint action by the defendants at any time during the period in question is sufficient to render all of them jointly guilty of the acts committed individually by any of them.

"In addition, the Statute permits defendants to be tried anywhere in South Africa, regardless of where the crimes were allegedly committed. Consequently, all thirty-five defendants are being tried in Pretoria, over one thousand miles from Ovamboland, where some of the acts are alleged to have taken place ... the other "crimes" for which they are being tried all having occurred in foreign countries, outside both South and South West Africa. Moreover, all thirty-five are being prosecuted in a single mass trial, although the specific actions attributed to each differ as to their nature and as to the place and date of occurrence, and although the defence of some may be inconsistent with that of other co-defendants.

"The burden of defence is further increased since funds from international sources of assistance are liable to seizure and confiscation in South Africa, as promoting the aims of the South African Defence and Aid Fund, an organization outlawed by the régime

in 1965 because of its help to defendants charged with political offences."

151. The last paragraph of the statement reads:

"As members of the legal profession concerned by the imminent threat of death of thirty-five of our fellowmen resulting from South Africa's illegal assertion of jurisdiction and of its violation of the rule of law and of civilized standards of fair procedure, we, the undersigned, protest the unlawful prosecution of South West African citizens under the Terrorism Act and we call upon our brethren of bench and bar to join us in this protest."^{3/}

152. That is the end of the statement issued by 200 members of the legal profession in the United States, which includes over forty professors of law. It is only one of many protests against the trial which have been made in recent weeks. In our opinion the duty of this Assembly is clear. It is confronted with an act of open defiance, a usurpation of power and a violation of the fundamental rights of a people for whose welfare the United Nations is directly responsible. My delegation, on behalf of all the co-sponsors of the draft resolution before the Assembly, appeals to all delegations here to give the resolution their unanimous support.

153. The PRESIDENT (translated from French): I call on the representative of Liberia who has asked to speak in exercise of her right of reply.

154. Miss BROOKS (Liberia): The hour is late, but it was late in the evening of 14 December when the representative of South Africa made a lengthy statement in exercise of his right of reply on the question of South West Africa. He said:

"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." [1632nd meeting, para. 154.]

155. The truth of the matter is this: the South African representative's reply was an attempt to implement, in this august body, his Prime Minister's intensification of propaganda designed to deceive world public opinion regarding its diabolical policies of *apartheid* and to discredit the efforts of the United Nations and the international community directed against such practices.

156. What the South African representative ought to have told this Assembly is that, in his attempts to mislead public opinion regarding the true conditions and the mal-administration of the South West African Territory and people, the Prime Minister of South Africa has called for a letter-writing campaign by South Africans; that the main commercial writing house in South Africa has offered between one and two million names of influential people all over the world to whom South Africans should write letters. That commercial house would be willing even to draft the letters and mail them. Perhaps some Members of the Assembly may have received letters, or members of their Parliaments or Governments may have done so.

^{3/} Congressional Record, Proceedings and Debates of the 90th Congress, First Session, vol. 113, No. 205, p. H17126.

157. The representative of South Africa said:

"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." [Ibid., para. 161.]

I take it that the group to which he refers is that segment of the population of the Territory of South West Africa which his racist Government has classified as Coloured. But what he failed to tell the Assembly was that while his Government was publicizing the fact that "non-whites support South Africa" it was publicizing letters only from the head of the Coloured Council in South West Africa appointed by the South African Government, who was at that time on trial and who was later convicted for embezzlement of money from the so-called Coloured population. The petition which that man wrote to the United Nations and a letter written to the South African Foreign Minister, who acknowledged it in glowing terms, were written during the trial period. The South African Government was aware of that fact; nevertheless it publicized what the South African representative termed "support of South Africa by non-whites in South West Africa", to mislead the South African population and, through its international publication, attempted to mislead the world.

158. The hypocritical exposition which the South African representative made regarding Ovamboland could not include—as one might have expected—the following facts: (a) that the Ovamboland chiefs and headmen appointed as leaders by the Government of South Africa can be deposed at will by the South African Government; (b) that the second of the three Ovamboland chiefs was tried and convicted for having forced a mother to put out her son's eyes as a punishment for theft; (c) that his Government proposed that most of the members of Parliament for all areas should be Government-appointed chiefs and headmen; and (d) that as far as the population is concerned, Ovamboland is one of the chief places of opposition to the South African Government.

159. The South African representative spoke of the development of Ovamboland. Search the Secretariat documents and you will find that there exists there only one small furniture shop, recently established.

160. There is a picture of a canal in the South West Africa Survey, 1967,^{4/} but I do not know if it even has water, as I understand it has not been connected to the river. All one sees is an African standing knee-deep in water in an area adjacent to the recently built government hospital—the first government hospital in the whole of the Territory. I might mention that even the doctors who were present at the opening of the hospital have left. I would ask the representative of South Africa how many government doctors are staffing that hospital now. As I understand it, there are only one or two missionary doctors.

161. There is a picture of a dam in the Ovitoto reserve which is classified as a vital water supply for "homeland". I do not know whether that has any water

either. But I ask why it is called "homeland" when the South African Government plans to abolish this reserve and make it a part of what is called the white area? The South African representative failed to tell the Assembly that about one half of the total African student population were in the first year of school, a fact which is supported by the Odendaal report—and the South African representative cannot object to this because he knows how much his Government influenced that particular report—but that more than one half of that number did not continue any further.

162. He failed to tell us that the South African Government, in reporting to the International Court of Justice on the number of Africans available for university training, mentioned only five. There is no indication that even those five went on to college. The South African representative never mentioned to this body that there is only one African engaged in mining on his own. Nor did he tell the Assembly that, during the entire history of his Government's administration, trade from Ovamboland and the other northern native reserves, containing more than one half of the total population of South West Africa and about two thirds of the African population, has been prohibited. Furthermore, in order to mislead the members of the International Court of Justice, the South African Government hurriedly built a special school for handicraft, after Liberia and Ethiopia filed the case against South Africa,^{5/} and started handicraft export, but as soon as the case was terminated, or shortly thereafter, that venture was stopped.

163. The South African representative spoke of irrigation and cattle. Will he tell the Assembly how much money has been spent on combating cattle disease in the reserves during his Government's entire administration? An itemized statement will show that not even a million dollars was spent over that whole period of time. However, millions of dollars were spent against cattle disease for the benefit of the white farmers.

164. What are the airports used for but for police control and for police investigations? There is not an African pilot in South West Africa. There is only one coloured doctor who has not been allowed to practise in the Rehoboth coloured community. There is no African doctor, no African lawyer or engineer, just to mention a few of the professions.

165. There is still no permanent water supply. One hundred thousand people would have had to be removed from Ovamboland in the spell of drought had they not been saved by rainfall which broke the drought.

166. Let me refer again to the so-called homeland programme—the police zone, of course. There is less than 10 per cent of the African population living in the police reserve or remaining there. When the South African Government took over that area, there were relatively few Whites living there—the missionaries, traders and German soldiers. If they speak of homeland, they should return that area to the Africans.

167. It seems somewhat amusing to listen to the representative of a lawless Government speak—and

^{4/} Published by the Department of Foreign Affairs of the Republic of South Africa (Pretoria, Government Printer, 1967).

^{5/} I.C.J., South West Africa case (Ethiopia, [Liberia] v. Union of South Africa, Application instituting proceedings, 1960, General List, No. 46/No. 47.

here I am not referring to the racist offenses against civilized behaviour—about the rule of law. The Assembly does not have the time for the "hide-and-seek" game that the South African representative wants to play.

168. I must draw the attention of the South African representative to one fact—even the British Justice Sir Gerald Fitzmaurice, who took part in the spurious decision regarding the contentious proceedings filed against South Africa by Ethiopia and Liberia, wrote a letter to the Spectator in London, in reply to the numerous paid advertisements of South Africa saying that South Africa's version of what the Court's judgement was all about was "seriously misleading".

169. The South African Government challenges the rights of the Assembly under resolution 2145 (XXI), but what it does not wish to acknowledge is that the opinions of the International Court of Justice of 1950,^{6/} 1955^{7/} and 1956^{8/} do support the position that the Assembly acts as successor to the League of Nations for the purpose of representing the world community which had originally granted the Mandate and which necessarily had the concomitant power to remove what it had granted. The Court has always shown that the United Nations is the successor to the League Council, and what the Council could do, the Assembly certainly can do. It was under this concept that the South African Government pledged itself to administer the Territory of South West Africa and commence forwarding reports to the General Assembly.

170. The representative of South Africa, however, passes over in silence the question of the outrageous offence against civilized behaviour, social and legal justice and international law by his Government. The New York Times calls it "justice South African style". One of the outstanding jurists of our time told the Assembly [1632nd meeting] what this "Terrorism Act" passed by the South African Parliament entails. I am referring to Ambassador Goldberg.

171. I am sure that the representative of South Africa was present when the representative of Sierra Leone explained to the Assembly [1632nd meeting] what was involved with respect to that "Terrorism Act". I shall not repeat at this late hour the references which have been made by the preceding speaker with regard to the conscience of the 200 lawyers who have protested against that type of procedure. I shall not reiterate the consequences of that so-called "Terrorism Act", since they have already been mentioned.

172. But I should like to ask: what answer can be given to this behaviour by the South African Government? When the South African representative speaks of the rule of law, let him first ponder over this statement of The New York Times, which is to every intent and purpose true:

"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."

173. Finally, may I say to the South African representative that his right of reply impresses no one here, for the actions of his Government in its inhumane treatment against the people of South West Africa speak louder than his words;

174. The PRESIDENT (translated from French): The Assembly has concluded its discussion of agenda item 64. We shall now hear explanations of vote before the voting takes place. Representatives may refer to both draft resolutions in the same statement.

175. Sir Leslie GLASS (United Kingdom): At this stage I speak on draft resolution A/L.536 and Add.1-4. This draft resolution, which concerns the trial now proceeding in Pretoria, refers to resolution 2145 (XXI) on South West Africa and deals with other points concerning the status of South West Africa. The United Kingdom delegation has many times made clear its reservations on that resolution and its doubts about the situation which has followed it. Those reservations still apply and our position on these issues remains unchanged. But this is not the moment to pursue those questions.

176. What I shall say now relates only to the trial under the Terrorism Act of 1967. By its terms this Act operates retrospectively and it puts the men involved in hazard of the ultimate penalty of death. I wish to make it clear that retrospective criminal legislation, and especially retrospective criminal legislation carrying the death penalty, is legislation which my Government abhors and condemns. The South African Government must be aware of the deep and widespread international concern provoked both here and elsewhere by this trial. That concern arises for many reasons, especially from the reasons which I have just stated.

177. Accordingly, by my vote I shall associate my delegation with all those who have expressed this grave concern in urging the South African authorities to heed the most urgent and earnest plea in which we join today.

178. Mr. RODRIGUEZ ASTIAZARAIN (Cuba) (translated from Spanish): On behalf of my delegation, I should like to explain briefly the vote we shall cast on draft resolution A/L.540 and Add.1 and 2. As the distinguished representatives will recall, my delegation abstained from voting on General Assembly resolution 2248 (S-V) of 19 May 1967, under which the United Nations Council for South West Africa was established. On that occasion my delegation stated, and we now reiterate, that this Organization will not be able to accomplish the mission for which it is supposed to have been created, or to give effect to the purposes and principles of the Charter, so long as the pernicious influence of the United States Government remains in it. As a logical consequence this situation is reflected in the Council for South West Africa, as has been demonstrated during its brief existence.

^{6/} International status of South West Africa, Advisory Opinion: I.C.J. Reports 1950, p. 128.

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

^{8/} 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.

179. In the light of these considerations my delegation cannot associate itself with the fourth preambular paragraph, which reaffirms resolution 2248 (S-V), nor with operative paragraphs 1 and 2 concerning the past and future work of the Council.

180. With operative paragraphs 4, 5 and 6 my delegation agrees. However, we consider it regrettable that, after twenty years of consideration and nearly eighty resolutions adopted on the matter, the imperialist countries which, headed by the United States, support and protect South Africa are not indicated by name. The imperialists' plans to build a position of strength in the south of the African continent, in order to continue repressing national movements of liberation and to commit aggression against the independent States of Africa, are only too well known. We firmly believe, therefore, that it is not sufficient to condemn South Africa but that the Assembly should also punish the Government of the United States as the Power most responsible for the situation. Consequently, if those paragraphs of the draft resolution which have prompted my delegation's misgivings are retained, we shall be compelled to abstain from voting.

181. I do not wish to conclude without restating our position of principle in this forum. The final emancipation of South West Africa will not be won in this Assembly or in the Security Council; it will be the result of that people's struggle against their South African oppressors and against the imperialist interests which sustain these, and in that struggle the people of South West Africa will need more than the resolution of this Assembly, the determined support of all revolutionary and progressive countries. We assure the people of South West Africa that in their present and future struggles they can always rely on the assistance and militant solidarity of the people and the Revolutionary Government of Cuba.

182. Mr. FRANZI (Italy): The Italian delegation voted in favour of the resolution adopted by the Special Committee on 12 September [A/6700/Rev.1, chap. IV, para. 232] to condemn the arrest and trial of thirty-seven indigenous people of South West Africa, and explained its position clearly on the question before the Committee.

183. I wish to confirm the reasons which prompted us to support the said resolution then and to support now draft resolution A/L.536 and Add.1-4 now, in spite of the reference contained in the preambular part and in operative paragraph 5 to the Council for South West Africa. The Italian delegation has already had the opportunity to recall [1628th meeting] the reasons why we could not support the establishment of that body, and I will not repeat them. They are already reproduced in the records of the General Assembly.

184. We consider the extension of the so-called Terrorism Act to the international Territory of South West Africa as a measure that is absolutely illegal, because it is contrary to the provisions of resolution 2145 (XXI) which terminated the Mandate of South Africa over the Territory.

185. We maintain further that the so-called Terrorism Act is contrary to the fundamental principles of justice because it contains retroactive provisions

and because it establishes procedural systems which violate the fundamental rights of the individual to a fair trial and deprive him of any guarantee of defence. It is an act which can only be found in the darkest ages of the history of mankind. It is a mockery of justice.

186. These systems are abhorrent to our conscience and are contrary to the basic principle of human civilization. In fact, I should like to add that we are not only deeply concerned with the tragic destiny of the thirty-seven South West Africans standing trial under a law so shockingly primitive and inhuman; we are even more worried about the degrading effects that such laws and systems may have on the South African society itself.

187. It is for these reasons that we shall cast our vote in favour of draft resolution A/L.536 and Add.1-4.

188. Mr. ASTROM (Sweden): Mr. President, will you allow me very briefly to indicate the main considerations that will determine the vote of the Swedish delegation on the two draft resolutions before us [A/L.536 and Add.1-4 and A/L.540 and Add.1-2].

189. Last year's resolution [2145 (XXI)], which many speakers have justifiably termed an historical decision, set the course that the United Nations has to follow in pursuing its declared aim of permitting the people of South West Africa to exercise their right to self-determination and achieve independence. It is of the utmost importance that nothing should be done that would in any way weaken the legal, moral and political force of the decision. We should not retreat and we should continue to seek concrete and constructive decisions for a just and peaceful solution of the problem, to use the words of the Secretary-General.

190. The refusal of the Government of South Africa to co-operate with the United Nations for this purpose is to be deplored and condemned. The Swedish Government had doubts whether the resolution adopted in the spring [2248 (S-V)] would meet this test, and therefore we had to abstain in the voting. These doubts persist, and since the draft resolution now before us in document A/L.540 and Add.1-2 is based on the resolution just mentioned, we shall have to abstain again.

191. What measures could now be taken by the United Nations to help the people of South West Africa in a practical manner to achieve freedom? The Swedish delegation has already indicated that much more could be done to assist the South West Africans to prepare themselves to master the economic, social and administrative problems that must be tackled on the day when independence comes, as it must. Programmes could also be planned for international assistance to be given after independence. Commitments could be sought from Member Governments to help carry out such programmes. My Government, for one, would favourably consider entering into such commitments.

192. Furthermore, to enable the United Nations to increase its persuasive influence on the Government of South Africa, it is important to sustain an atmosphere of concern and urgency. More effective and better co-ordinated efforts in the field of information are called for. Other practical measures, designed to express and assert the direct responsibility of the

United Nations over the Territory could also be planned and carried out.

193. Finally, let me say this: thirty-five South West Africans now stand trial in Pretoria, charged under the Terrorism Act. In our view, the trial is a flagrant violation of the international status of the Territory and of last year's resolution of the General Assembly. The Terrorism Act is, in itself, a monstrous piece of legislation which negates fundamental principles of the rule of law. The General Assembly will, we hope, soon give overwhelming support to a call on the Government of South Africa to discontinue forthwith this illegal trial and to release and repatriate the accused. Everything must be done by all means available to the United Nations and to Member States to save the lives of these men.

194. May I, in this connexion, recall that the General Assembly, in the draft resolution regarding the trial [A/L.536 and Add.1-4], will, *inter alia*, draw the attention of the Security Council to the resolution. It is not for us to suggest what the Security Council might wish to do, pursuant to this resolution, but it cannot be presumptuous to suggest that the Security Council may wish to assess, from a legal point of view, the application by South Africa of the Terrorism Act in South West Africa. If this should be deemed appropriate, it might consider consulting the highest judicial authority within the United Nations system, the International Court of Justice.

195. Mr. PIÑERA (Chile) (translated from Spanish): My delegation will explain its vote with reference to draft resolution A/L.540 and Add.1 and 2; as to draft resolution A/L.536 and Add.1-4, my delegation is one of its sponsors.

196. By resolution 2248 (S-V), the General Assembly set up a United Nations Council for South West Africa, of which Chile was elected a member. In establishing this Council, the General Assembly stated that its powers and functions should be discharged in the Territory, and to this end provision was made in the resolution for the Council to enter immediately into contact with the South African authorities in order to lay down procedures for the transfer of the administration of the Territory of South West Africa.

197. Generally speaking, the powers entrusted to the Council consisted in administering the Territory, promulgating laws and other enactments, establishing a constituent assembly to draw up a constitution, taking the necessary measures for the maintenance of law and order and, when independence was declared, transferring all powers to the people.

198. From a reading of this resolution, it is clear that the basic condition under which the Council could fully discharge the mission entrusted to it by the General Assembly was that it should be based in the Territory. In order that this might be accomplished peacefully, and in accordance with what had been decided by the General Assembly, the Chairman of the Council for South West Africa addressed a letter, dated 28 August 1967, to the Foreign Minister of the Republic of South Africa [A/6897, annex I], in which he informed him of the relevant United Nations resolutions and requested him to indicate by what means the Government of South Africa proposed to transfer

the administration of the Territory of South West Africa to the Council. On 26 September 1967, as everyone knows, the Foreign Minister of South Africa addressed a communication to the Secretary-General [A/6822] refusing to take any steps to transfer the administration of that Territory. The United Nations Council for South West Africa submitted to the Assembly its report [A/6897] stating that the refusal of the South African Government to co-operate in implementing General Assembly resolutions 2145 (XXI) and 2248 (S-V) made it impossible for the Council to discharge effectively the duties and responsibilities laid upon it by the General Assembly.

199. In these circumstances, we feel obliged to enter a reservation with regard to operative paragraph 2 of the draft resolution A/L.540 and Add.1 and 2 in which the United Nations Council for South West Africa is requested "to fulfil by every available means the mandate entrusted to it by the General Assembly". We believe that it would have been more realistic to request the United Nations Council for South West Africa, until such time as the Security Council adopts the measures mentioned in operative paragraphs 7 and 8 of the draft resolution, to explore ways and means for achieving the objectives of General Assembly resolutions 2145 (XXI) and 2248 (S-V), taking into account the present circumstances, which have made it impossible for the United Nations Council for South West Africa to be based in the Territory.

200. For this reason, my delegation, while announcing that it will vote for draft resolution A/L.540 and Add.1 and 2, wishes expressly to enter the reservation I have just explained.

201. Mr. JAKOBSON (Finland): The two draft resolutions before us [A/L.536 and Add.1-4 and A/L.540 and Add.1-2] reflect the continued deterioration of the situation with regard to South West Africa. In the thirteen months that have passed since the General Assembly decided to terminate South Africa's Mandate over South West Africa and to place the Territory under the direct responsibility of the United Nations [resolution 2145 (XXI)], the Government of South Africa has taken actions that conflict with the General Assembly's injunction that South Africa refrain from any action, constitutional, administrative, political or otherwise, which in any manner would alter or tend to alter the international status of South West Africa, a status that the Government of South Africa itself professes to recognize. The first such move was the plan announced last spring to promote the administrative fragmentation of the Territory. Another action inconsistent with respect for the international status of South West Africa is the application of the Terrorism Act to the Territory and the deportation of thirty-seven South West Africans to stand trial in Pretoria. The retroactive character of that Act, which places upon the accused the burden of proving beyond a reasonable doubt his innocence of acts committed during the past five years that now are termed criminal under definitions so vague as to be almost meaningless, and the harsh procedures employed in the arrest and imprisonment of the accused—all this is in itself a violation of accepted principles of justice and basic human rights.

202. What makes the trial now in progress in Pretoria a matter of serious and urgent concern for the General Assembly is the challenge it represents to the United Nations. One of the crimes under the Terrorism Act is "to further the achievement of any political aim in co-operation with any international body or institution"—presumably including the United Nations. No clearer evidence could be given of the determination of the South African Government to prevent the United Nations from discharging its responsibility for South West Africa.

203. My delegation has sponsored the draft resolution [A/L.536 and Add.1-4] condemning the arrest, deportation and trial of the thirty-seven South West Africans and calling upon the Government of South Africa to discontinue that trial and to release and repatriate the South West Africans concerned, and we have done so in the hope that the full weight of world opinion will be brought to bear upon the Government of South Africa to bring it to desist from its present course. In this connexion, my delegation would like to support the idea put forward by the representative of Yugoslavia, among others, that the International Court of Justice be consulted in an appropriate manner on this issue.

204. On the wider issue of the future of South West Africa, I should like to recall that at the fifth special session my delegation was unable to support resolution 2248 (S-V), establishing a Council for South West Africa, on the grounds that the methods proposed in that resolution for discharging the responsibility we have assumed in respect of the Territory would not, in our view, lead to the desired results. It follows that my delegation cannot now support draft resolution A/L.540 and Add.1-2.

205. We believe that we must continue the search for effective and practical means by which the United Nations can make it possible for the people of South West Africa to attain self-determination and independence. The fact that no progress has been made so far should not deter the appropriate organs of the United Nations from considering with an open mind all proposals aiming at concrete and constructive decisions for a just and peaceful solution of this problem.

206. Mr. BORCH (Denmark): Denmark is a co-sponsor of draft resolution A/L.536 and Add.1-4, and my delegation will certainly vote in favour of that draft resolution. We hope that it will be unanimously adopted.

207. We regard the case of the arrest of thirty-seven South West African nationalist leaders, and their trial under the South African Terrorism Act, with the greatest concern. It is, of course, in itself intolerable that any government should persecute persons who are only legitimately striving to attain freedom for their people and their country. In the case at hand, the action taken by the Government of South Africa is, furthermore, as stated in the draft resolution, a flagrant violation of the international status of South West Africa, and of General Assembly resolution 2145 (XXI), by which it was decided that the Mandate of South Africa over South West Africa was terminated.

208. We fully subscribe to the appeal contained in operative paragraph 3 of the draft resolution to all

States and international organizations to use their influence with the Government of South Africa in this matter. Denmark will consider positively supporting further constructive moves with a view to assisting these unhappy people and obtaining their release.

209. I now turn to draft resolution A/L.540 and Add.1-2, concerning South West Africa. My delegation will abstain in the vote on that draft resolution and I shall briefly explain why.

210. All along, Denmark has emphasized that real progress in the question of South West Africa is dependent upon the support of the overwhelming majority of the United Nations, and in particular of such countries as may be in a position to exert effectively their influence vis-à-vis South Africa.

211. I regret to say that the situation today, as illustrated by the report of the United Nations Council for South West Africa [A/6897], confirms the correctness of this assessment. The resolution adopted at the twenty-first session was of historic importance and the broad support which it enjoyed made it a useful platform for realistic progress towards a solution of the question of South West Africa. However, at the fifth special session of the General Assembly we left this platform in the sense that part of the membership pressed for a decision which went beyond what was acceptable to the great majority which had carried through the decision of the twenty-first session to bring South West Africa under the direct responsibility of the United Nations.

212. My delegation well understands the impatience of the free African countries on behalf of their less fortunate brothers in South West Africa. We fully share their views and their wishes, but we believe that we have to realize that most political processes are slow. Therefore, if we are to go forward on the road towards the liberation of South West Africa, we would point once again to the desirability of placing at the centre of our deliberations the historic resolution 2145 (XXI), with a view to strengthening the influence of the United Nations on the Government of South Africa.

213. In conclusion, let me emphasize that, although Denmark was unable to vote in favour of resolution 2248 (S-V), we are indeed deeply disappointed at the complete lack of progress on the question of South West Africa and, irrespective of our vote on that resolution, we do condemn the total lack of co-operation so arrogantly demonstrated by South Africa.

214. Whatever difficulties we may meet on the road, Denmark will never cease to do everything which we consider to be constructive and within our power to have South Africa accept the realities of the situation in this latter part of the twentieth century and to further and support the just struggle of the people of South West Africa for their right to freedom and independence.

215. Mr. MOROZOV (Union of Soviet Socialist Republics) (translated from Russian): We have already expressed our full support for the draft resolution contained in document A/L.536 and Add.1-4 in our statement in the general debate on this item [A/PV.1627]. In this statement in explanation of vote we should like to say something on the draft resolution

submitted by a large number of Afro-Asian States [A/L.540 and Add.1-2]. We think it necessary to make the following comments in explanation of our vote and on the position we shall take in the voting on that draft resolution.

216. The Soviet Union has already, during the general debate on this item, had occasion to state its views on the reasons for the continued suppression of the people of South West Africa by the South African colonialists. We still believe, and it is our deep conviction, that the only effective solution to the question of South West Africa is to grant independence to the people of that country without delay, rather than the establishment of any kind of United Nations administration to run the country.

217. We should like once again to explain our position on this matter, which we stated during the fifth special session of the General Assembly. Our position with regard to the establishment of a United Nations Council for South West Africa remains unchanged. We consequently have certain reservations with regard to operative paragraphs 1, 2 and 8 of draft resolution A/L.540 and also about the other parts of this draft resolution where reference is made to the United Nations Council for South West Africa.

218. We are pleased to note that the draft resolution contains provisions which might help to end the colonial domination which the Pretoria racist régime has extended to the Territory of South West Africa, a territory that does not belong to it. Operative paragraphs 3 and 4 of draft resolution A/L.540 condemn the refusal of the racist régime to comply with the pertinent General Assembly resolutions, and declare that the continued presence of that racist régime in South West Africa is a flagrant violation of its territorial integrity and international status.

219. From our point of view, operative paragraph 5 has the merit of calling upon the racist régime in Pretoria to withdraw from the Territory of South West Africa, unconditionally and without delay, all its military and police forces as well as its administration, to release all political prisoners and to allow all political refugees who are natives of the Territory to return to it. We consider this provision of the utmost importance, since if the illegal persecution of South West African fighters for freedom and independence were discontinued, they would then be able to create a State system and establish a new independent State in the Territory of South West Africa, free, of course, from the colonial yoke.

220. We find the provisions of operative paragraph 6 both timely and fully justified. Essentially, that paragraph recognizes that the South African racist régime continues to enjoy wide support from several countries—notably, the United States of America, the United Kingdom, and the Federal Republic of Germany, countries maintaining commercial, economic, diplomatic, political and other relations with that régime and, through their unwillingness to relinquish their military-strategic and economic positions in Southern Africa, hindering the people of South West Africa from achieving independence.

221. The General Assembly has every justification for adopting these provisions, and thereby in effect

demanding that the United States of America, the United Kingdom and the Federal Republic of Germany which, as we well know, are South Africa's main trading partners, withdraw their support from the racist régime in Pretoria and, in accordance with operative paragraph 6 of draft resolution A/L.540, should "take effective economic and other measures designed to ensure the immediate withdrawal of the South African administration from the Territory of South West Africa ...". This, as we have repeatedly said, is the most important prerequisite for the attainment of independence by the people of that country.

222. In view of all these considerations, the Soviet delegation will vote in favour of draft resolution A/L.540 and Add.1-2 as a whole.

223. The PRESIDENT (translated from French): I now invite the Assembly to vote on the two draft resolutions before it [A/L.536 and Add.1-4 and A/L.540 and Add.1 and 2]. In accordance with rule 93 of the rules of procedure, I shall first put to the vote draft resolution A/L.536 and Add.1-4. A roll-call vote has been requested.

The vote was taken by roll-call.

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

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

Against: Portugal, Republic of South Africa.

Abstaining: Malawi.

The draft resolution was adopted by 110 votes to 2, with 1 abstention [resolution 2324 (XXII)].^{2/}

224. The PRESIDENT (translated from French): The General Assembly will now vote on draft resolution A/L.540 and Add.1 and 2. The Fifth Committee has submitted a report [A/6998] on the financial implica-

^{2/} The representative of Greece subsequently informed the Secretariat that if he had been present during the voting he would have voted in favour of the draft resolution.

tions which would result from the adoption of this draft. A roll-call vote has been requested.

The vote was taken by roll-call.

The United States of America, having been drawn by lot by the President, was called upon to vote first.

In favour: Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zambia, Afghanistan, Algeria, Argentina, Barbados, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cambodia, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Democratic Republic of), Costa Rica, Cyprus, Czechoslovakia, Dahomey, Dominican Republic, Ecuador, Ethiopia, Gabon, Ghana, Guatemala, Guinea, Guyana, Haiti, Hungary, India, Indonesia, Iran, Iraq, Ireland, Israel, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Laos, Lebanon, Liberia, Libya, Madagascar, Malaysia, Maldives Islands, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Panama, Paraguay, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Southern Yemen, Spain, Sudan, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania. *92 + 110 ngony*

Against: Portugal, Republic of South Africa.

Abstaining: United States of America, Australia, Austria, Belgium, Canada, Cuba, Denmark, Finland, France, Iceland, Italy, Luxembourg, Malawi, Netherlands, New Zealand, Norway, Sweden, United Kingdom of Great Britain and Northern Ireland.

The draft resolution was adopted by 93 votes to 2, with 18 abstentions [resolution 2325 (XXII)].^{10/}

^{10/} The representative of Greece subsequently informed the Secretariat that if he had been present during the voting he would have voted in favour of the draft resolution.

225. The PRESIDENT (translated from French): The Assembly is to hear a number of speakers who have expressed the wish to explain their vote after the voting. If there is no objection, I suggest that we hear them this afternoon, after which the Assembly will turn to agenda item 23.

226. Before adjourning the meeting, however, I would as the Assembly if it is agreeable to examining the question of appointing a United Nations Commissioner for South West Africa. In his note [A/6930], the Secretary-General suggests "that the present interim arrangement should be extended, and that the Legal Counsel continue to serve as Acting Commissioner until the General Assembly on the nomination of the Secretary-General, appoints a Commissioner".

227. If I hear no objection, I shall take it that the General Assembly accepts the Secretary-General's proposal.

It was so decided.

228. Mr. MOROZOV (Union of Soviet Socialist Republics) (translated from Russian): I am sorry, Mr. President, but I tried to raise my hand as high as possible before the decision was taken. I wished to say that if the decision was to be put to the vote, the Soviet delegation would abstain.

229. Mr. M. I. BOTHA (South Africa): I also should like the record to show that if the proposal had been put to the vote my delegation would have voted against it. Our vote on the two resolutions just adopted and on resolutions 2145 (XXI) and 2248 (S-V) are, of course, a clear indication of how we would have voted on the proposal of the Secretary-General had it been put to the vote.

The meeting rose at 2.10 p.m.