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President: Mr. Corneliu MANESCU (Romania).

In the absence of the President, Mr. Mena Solórzano (Nicaragua), Vice-President, took the Chair.

AGENDA ITEM 64

- Question of South West Africa (continued):
- (a) Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples;
 - (b) Report of the United Nations Council for South West Africa;
 - (c) Appointment of the United Nations Commissioner for South West Africa

1. The PRESIDENT (translated from Spanish): The General Assembly will now hear those representatives who have expressed a wish to speak in explanation of their vote.

2. Mr. CHAYET (France) (translated from French): I should like to explain my delegation's vote on the two resolutions adopted by the General Assembly at the end of this morning's meeting. My delegation was unwilling, out of regard for humanity, to dissociate itself from the appeal which the General Assembly addressed to the Government of South Africa in adopting, almost unanimously, resolution 2324 (XXII). My delegation hopes indeed that no irreparable move will be made that might adversely affect the rights of the inhabitants of South West Africa and lead to a vicious circle of repression and terrorism. Such a move would in any case stem

from an exceptional legislation which is loathsome to the conscience and whose provisions constitute reprehensible and outrageous violations of the most firmly established legal principles of the international community.

3. As we have already had occasion to state last year (1439th meeting), my delegation deplores the aggravation of racial discrimination, which is contrary to the United Nations Charter, contrary to the Universal Declaration of Human Rights and contrary to the unanimous will of this Assembly. It hopes that an end will be put to an anachronistic policy and that the rights of the people of South West Africa to self-determination opening the way to independence will be recognized.

4. Nevertheless, my delegation has very serious reservations in regard to the text which was adopted, since it refers to resolutions which France was unable to support. I have in mind particularly the passages which refer to the Declaration on the Granting of Independence to Colonial Countries and Peoples. Furthermore, my delegation recalls that it did not vote in favour of resolution 2145 (XXI). Consequently, none of the provisions of resolution 2324 (XXII) can alter the position of my delegation on the question of South-West Africa as a whole. That position was stated last year, and it remains unchanged.

5. It is obvious, in these circumstances, that my delegation, which also did not vote in favour of resolution 2248 (S-V) adopted at the fifth special session, was unable to vote in favour of resolution 2325 (XXII). By abstaining from the vote on that text, my delegation adhered to a position of principle, the legal validity of which we thought was unquestionable.

AGENDA ITEM 23

Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples: report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (continued):

6. Mr. SHAW (Australia): My delegation voted in favour of resolution 2324 (XXII), adopted this morning on South West Africa, since it does not wish to appear in any way to condone the application of the harsh and unusual provisions of the Terrorism Act to the inhabitants of South West Africa.

7. The Australian delegation wishes to state, however, that notwithstanding the use of the word "illegal" in the resolution which has just been passed, it does not consider that acts of the present administration in South West Africa are to be deemed illegal, as such.

It is a fact that until an international administration is established in South West Africa, the South African authorities remain in effective control of the Territory, which should not be left in a position of being without any functioning system of law and order.

8. My delegation abstained in the voting on resolution 2325 (XXII), as we did on resolution 2248 (S-V) during the special session of the General Assembly earlier this year. We are aware of the importance of resolution 2145 (XXI), which we supported. We felt, however, that resolution 2248 (S-V) gave rise to difficulties of implementation of an overwhelming kind, and we regret that in our view the same criticism applies to resolution 2325 (XXII).

9. Mr. CREMIN (Ireland): There is no need to explain the attitude of my delegation on resolution 2324 (XXII) which has been adopted by such an overwhelming majority. We felt no reluctance whatever in joining, as a co-sponsor, in condemning the actions of the Government of South Africa against a number of South West Africans, almost all of whom are at present on trial in Pretoria. If I may perhaps adapt an observation of St. Augustine, the world represented in this forum has, by today's vote, pronounced itself objectively on those actions. We hope sincerely that the Government of South Africa will give heed to this judgement and forthwith release the men concerned.

10. What I have to say here is therefore, on the second resolution adopted today, resolution 2325 (XXII). Whereas the Irish delegation strongly supported resolution 2145 (XXI), adopted on 27 October 1966, we abstained on resolution 2248 (S-V), adopted on 19 May last. We did so, as we explained at the time, because we felt that only the Security Council would be capable of giving effect to the decision taken by the General Assembly in resolution 2145 (XXI) to terminate the Mandate of the Government of South Africa over South West Africa and to enable the people of the Territory to achieve independence.

11. In his speech here on 11 December [24th meeting], the Minister of External Affairs of Ireland, Mr. Aiken, again set out our position in the matter and suggested that the General Assembly should request the Security Council to take the measures required to implement resolution 2145 (XXI). He also suggested that the Assembly should recognize that the Council for South West Africa, having regard particularly to the contents of paragraph 18 of the Council's report, is incapable of carrying out its mandate.

12. In the light of these considerations, my delegation had some hesitation about voting for resolution 2325 (XXII) which has just been adopted. We are disappointed that after a lapse of seven months many of its provisions simply re-echo those of resolution 2248 (S-V). Its operative paragraph 7, however:

"Requests the Security Council to take effective steps to enable the United Nations to fulfil the responsibilities it has assumed with respect to South West Africa:".

13. My delegation attaches much importance to this feature of the resolution, for it reflects the kind of approach which we regard as the only one that can prove efficacious. It constitutes, in our view, an ex-

PLICIT recognition of the fact that in order to implement resolution 2145 (XXI), we must invoke the authority and the active involvement of the Security Council, which under the Charter is alone competent to take the measures required to that end. It seems to us that the more the Assembly entrusts that task to the Security Council and thus avoids any suggestion of a division of responsibility, the greater are the prospects of giving effect to the provisions of resolution 2145 (XXI).

14. It was with such factors in mind that we voted for the present resolution.

15. Mr. CUEVAS CANCINO (Mexico) (translated from Spanish): The Mexican delegation voted in favour of the two draft resolutions on South West Africa which were before the General Assembly this morning.

16. I should like, however, to put on record the misgivings with which we supported resolution 2325 (XXII). After twenty years of assorted efforts, the General Assembly decided to terminate the Mandate and undertake the direct responsibility of guiding South West Africa towards independence. The General Assembly took this action almost unanimously in resolution 2145 (XXI).

17. When the problem was reconsidered during its fifth special session, the General Assembly adopted resolution 2248 (S-V), establishing the United Nations Council for South West Africa. Unfortunately, the former unanimity had vanished, and the Council for South West Africa was set up with a considerable and significant number of abstentions. The work of the Council was obstructed from the start, and it is not surprising that the Council, in paragraph 18 of its report [A/6897], informs the General Assembly that it is impossible for it at the present time, in the words of the report, to discharge effectively all of the functions and responsibilities entrusted to it by the Assembly.

18. In view of this situation and since it was evident that for the time being our Organization had at its disposal no new means of overcoming or breaking the opposition of the Republic of South Africa, my delegation was inclined to favour a resolution which would indicate the desire to stress the principles at issue and to reiterate the measures adopted up to now while awaiting a favourable conjuncture to further our unchanging aim of achieving independence for South West Africa. Unfortunately, almost at the last moment, three new paragraphs were added to the original draft resolution; my delegation has serious doubts about the desirability of these paragraphs.

19. The condemnation of the Government of South Africa contained in operative paragraph 3 adds nothing to what the General Assembly has already decided. The appeal in paragraph 5 is futile at best. Moreover, my delegation is not convinced that the appeal contained in paragraph 6 is well-founded or even timely. The appeal, which is characterized as urgent, is couched in threatening terms which go beyond the purview of the Assembly under the Charter, for it is evident that the Article applicable to this case is Article 41, which relates only to the powers of the Security Council.

20. In addition, paragraph 6 demands effective economic and other measures, but only on the part of those States Members which trade with South Africa, thus establishing an illusory distinction, since we know beforehand that those States—among which Mexico is certainly not included—are not disposed to carry them out.

21. In regard to South West Africa, my delegation is afraid, that, after a fundamental and practically unanimous resolution such as General Assembly resolution 2145 (XXI), we may be taking the false road of high-sounding resolutions lacking in real content and ever more dangerous in that they divert the Organization from the real opportunities for political action and consequently diminish its prestige.

22. Lord CARADON (United Kingdom): My delegation has already explained our vote in favour of resolution 2324 (XXII). We welcome the adoption of that resolution by such an impressive majority and we earnestly hope that the plea therein will be heeded. I would say no more on that subject now, except that it is well to remember the famous English saying that grass soon grows over blood shed on the battlefield, but never over blood shed on the scaffold.

23. I now wish to explain my vote on resolution 2325 (XXII). I realize that efforts were made in the drafting of that resolution to select wording that might encourage broader support. Nevertheless, the resolution is based on resolutions 2145 (XXI) and 2248 (S-V). We were unable to support those resolutions, and for the same reason we have abstained on the resolution just adopted. Our reasons have been made very clear and I do not need to repeat them now. We declared our view that the Government of South Africa had forfeited the right to administer the Mandate over South West Africa. That was a statement and a conclusion of great importance. An overwhelming majority in this Assembly expressed similar views. But at the same time, we urged that consultations should take place among all of us to decide how best to proceed, and we specially urged that we should together find a way to go forward that was practical, effective and within our capacity. We supported proposals to that end.

24. We greatly regretted that our advice and our arguments were not accepted. We greatly regretted that the Assembly embarked on a course which was regarded as unlikely to achieve, even incapable of achieving, success. We remain of the strong opinion which we have repeatedly expressed in this Assembly in the past, and for the same reasons we were unable to support that resolution today.

25. Mr. YAMANAKA (Japan): My delegation voted in favour of resolution 2324 (XXII) because we view with very grave concern the arrest, deportation and trial in Pretoria of thirty-seven South West Africans by the Government of South Africa under the Terrorism Act. We cannot but express our deep shock and dismay over the fact that the Terrorism Act is retroactive to 27 June 1962 and that, for the purpose of the Act, the Republic of South Africa is defined as including South West Africa.

Mr. Mănescu (Romania) took the Chair.

26. As resolution 2145 (XXI) of 27 October last year makes abundantly clear, South Africa has no right to administer the Territory of South West Africa, that Territory now being the direct responsibility of the United Nations. Consequently, in addition to its retroactive nature, the extension of the Terrorism Act to South West Africa cannot possibly be considered as having any standing or validity. It is outrageous—and the whole civilized world must so regard it—that by the legal procedures to which the South African authorities have resorted, these thirty-seven South West Africans have thus been subjected to a complete denial of their human rights and fundamental freedoms.

27. It will be recalled that my delegation supported resolutions 2145 (XXI) and 2248 (S-V). Consistent with our previous attitude and in the conviction that the United Nations should continue to play its active role for the self-determination and independence of the people of South West Africa, my delegation also voted in favour of resolution 2325 (XXII). However, the wording of operative paragraphs 6 and 7 are not quite clear to my delegation and, accordingly, we would have abstained from voting on both paragraphs if separate votes had been taken.

28. The PRESIDENT (translated from French): The Assembly will continue its consideration of agenda item 23. Yesterday, at its 1634th meeting, the General Assembly concluded the debate on the general aspects of this question. The Assembly is now called upon to take a decision on draft resolution A/L.541/Rev.1 and Rev.1/Add.1.

29. The report of the Fifth Committee on the financial implications of the adoption of this draft resolution has been published in document A/6999.

30. Separate votes have been requested on: (1) the seventh preambular paragraph; (2) operative paragraph 3; (3) the words "the study of military activities" in operative paragraph 4; (4) operative paragraphs 8 and 9 together; (5) operative paragraph 10; (6) operative paragraph 13.

31. If there are no objections, I shall put those various parts to the vote in the order in which they appear in the draft resolution.

The seventh preambular paragraph was adopted by 90 votes to 2, with 13 abstentions.

Operative paragraph 3 was adopted by 79 votes to 2, with 27 abstentions.

The words "the study of military activities" in operative paragraph 4 were adopted by 75 votes to 8, with 22 abstentions.

Operative paragraph 4 as a whole was adopted by 90 votes to 3, with 15 abstentions.

Operative paragraphs 8 and 9 were adopted by 80 votes to 8, with 22 abstentions.

Operative paragraph 10 was adopted by 72 votes to 22, with 14 abstentions.

Operative paragraph 13 was adopted by 84 votes to 2, with 24 abstentions.

The draft resolution as a whole was adopted by 86 votes to 6, with 17 abstentions [resolution 2326 (XXII)].

32. The PRESIDENT (translated from French): I shall now call on those representatives who wish to explain their vote.

33. Lord CARADON (United Kingdom): In explanation of the vote I have just cast, I wish to explain that, while there are parts of this resolution with which we disagree and other parts which we cannot support, our vote should not be interpreted as a vote against decolonization. No country in the world has a record of decolonization to compare with that of my country. I have had frequent opportunity to remind this Assembly that in less than a quarter of a century a quarter of the population of the world previously under British administration has advanced to independence. We are the decolonizers.

34. Now that we have come near to the end of the task we had set ourselves, the task of converting a subject empire into a free commonwealth, we pledge ourselves to continue to the end along the road we have come. In the small number of dependent Territories still under British authority we shall continue to apply the principles of consultation and consent, and we shall work in the interests of the peoples concerned to give them a good start in independence, at the time and in the form which they themselves wish.

35. I repeat what I have often said before in this Assembly: that we shall not shirk, nor can we share, that responsibility. We are proud of our record, and we shall not be diverted from faithfully pursuing our declared purposes.

Mr. Mena Solórzano (Nicaragua), Vice-President, took the Chair.

36. Mr. BOYE (Chile) (translated from Spanish): We wish to place on record some comments which the Chilean delegation wishes to make with respect to the resolution which has just been adopted.

37. We voted in favour of the draft as a whole, for Chile takes an active part in the process of decolonization. However, certain features of the resolution did not appear satisfactory to us, two cases in particular having drawn our attention, and these have given rise to our comments.

38. First, a resolution as important as this one deserved further study; unfortunately, it was submitted and voted on with excessive haste.

39. Second, with respect to operative paragraph 3, Chile maintains the reservations it stated in the Special Committee when the Committee's report [A/6700/Rev.1] was adopted. Nevertheless, it voted in favour of the paragraph.

40. Third, paragraph 4 gives rise to some doubts in the Chilean delegation. We do not believe that the Special Committee is the most appropriate body to study military activities; perhaps that matter should be considered by the First Committee, which has wide experience in that regard. For that reason, we abstained from voting on that paragraph.

41. Fourth, paragraph 5 recalls to us an observation which we have made on many occasions: the Security Council is the body entrusted with determining whether or not a given situation threatens international peace and security. We have no doubt that the continuation

of colonial domination constitutes a danger to international peace and security, but we would have preferred to see that statement made by the Security Council.

42. Fifth, paragraph 6 does not seem appropriate to us. We should like to reiterate what we said in the general debate on this subject: we believe that cooperation with national liberation movements should be carried out by the United Nations through the Organization of African Unity. That is a responsible and serious way of proceeding. Merely to entrust this task to individual States could lead to serious misunderstandings and be detrimental to the basic aim that is being pursued.

43. Sixth, paragraph 11 suffers from a number of drafting deficiencies which render it vague; these should have been corrected.

44. Seventh, paragraph 13 seems to us unnecessary and, frankly, rather presumptuous. The Special Committee of Twenty-Four is already carrying out the action recommended; we believe it is unnecessary to make such a request in a General Assembly resolution and, for that reason, we abstained from voting on it.

45. Eighth, paragraph 14 seems unrealistic to us. We all wish to see the decolonization process brought to a successful conclusion—there is no divergence of views on this matter—but we do not believe that this process will be accelerated by setting deadlines. The United Nations has a duty to work within the context of reality, no matter how complex; excessive simplification can easily lead us to the creation of new obstacles. We should prefer to establish general guidelines which would enable us to move forward as rapidly as possible. In that way we would avoid subjecting ourselves to excessively rigid standards which might lead us into real blind alleys.

46. In conclusion, I should like to say that if we had had time to study this matter, my delegation would certainly have been spared the necessity of making these comments.

47. Mr. PEON DEL VALLE (Mexico) (translated from Spanish): The resolution just adopted by the General Assembly contains a considerable number of points on which the Mexican delegation has reserved its position in previous debates.

48. In these circumstances, it was not possible for us to vote in favour of the resolution, but I should like to note in particular that, in view of the liberal, democratic and anti-colonialist spirit which certainly inspired this resolution and in view of its general objectives, neither did my delegation vote against it.

49. Mr. M. I. BOTHA (Republic of South Africa): My delegation voted against the resolution just adopted. To the extent that it is a repetition of resolution 2189 (XXI), which the General Assembly adopted last year, my delegation opposes it on the same grounds as those which we recorded in the General Assembly on 13 December 1966 [1492nd meeting]. As on that occasion, we believe that the resolution, in so far as it pertains to South Africa, is politically prejudiced and based on fabrications and distortions of the aims and objectives of my Government in respect of the people of South and South West Africa.

50. We have explained the policies of the South African Government on many occasions in this Organization and I have no intention of repeating those explanations in the context of the debate on this politically biased resolution.

51. My delegation also finds it reprehensible that the exhortation to the specialized agencies and other international institutions to withhold assistance from my Government should be repeated in this resolution. So far as South Africa is concerned, that part of the resolution is meaningless since, as we have often stated here, we are donors and not recipients of technical assistance. What we do protest against, however, is that such an exhortation should be addressed to the specialized agencies in circumstances in which the General Assembly is aware that to accede to it would involve a violation of the constitutions of some of the agencies and require all of them to substitute political for technical criteria in the granting of technical assistance. Member States, I submit, should ponder on the implications of such an injunction on the part of this General Assembly.

52. I must also repeat once again that there is no alliance or entente between the countries in southern Africa in the sense in which the Assembly might interpret paragraph 9 of the resolution. But there is co-operation between them, and very fruitful co-operation in the sense in which the concept of co-operation is propagated in the Charter. And nothing, certainly not a resolution of this sort, will divert us from our aim of fostering and nurturing the co-operation and good neighbourliness which have developed in southern Africa. This development is fully in accord with the Charter, and I submit that Member States cannot support paragraph 9 of this resolution and, at the same time, profess to be upholding the provisions of the Charter.

53. I also reject categorically the claim in paragraph 7 of the resolution that the practice of apartheid constitutes a crime against humanity. This claim is legally and morally baseless and is founded on a complete misconception of what we are attempting to achieve in South Africa.

54. Finally, I must also record, in regard to resolutions 2145 (XXI) and 2248 (S-V) concerning South West Africa and referred to in the preamble of this resolution, that my Foreign Minister, in his letter to the Secretary-General of 26 September 1967 [A/6897, annex II], clearly set out the reasons why my Government considers these resolutions to be illegal and therefore unacceptable. We shall continue our administration of South West Africa in the spirit of the Mandate until the peoples of that Territory have, by the exercise of their right of self-determination, decided their own future.

55. For these and other reasons which I need not detail, my delegation voted against in the vote on this draft resolution and in the separate votes taken on the various paragraphs.

56. Mr. MOROZOV (Union of Soviet Socialist Republics) (translated from Russian): Mr. President, I was trying to attract your attention before you declared the meeting closed.

57. My delegation would like to make a short statement in explanation of its vote on the resolution just adopted by the General Assembly [2326 (XXII)].

58. The Soviet delegation voted in favour of this resolution, both in the separate votes and as a whole, but I do not deny that we feel it has certain shortcomings. In particular, it fails to mention by name those colonial Powers whose policy and behaviour is hindering the complete elimination of the vestiges of colonialism and the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples [General Assembly resolution 1514 (XV)].

59. But, in a way, these countries have helped us. Although we did not have a roll-call vote on the draft resolution, I should like to note that the delegations which voted against the resolution as a whole were those of the United States of America, the United Kingdom, the racist régime of the Republic of South Africa and the delegations of Australia, New Zealand and Portugal. I shall not complicate matters now by enumerating the positions adopted by twenty-two delegations (including those I have just mentioned) on such key points as those calling on the colonial Powers to dismantle their military bases and installations in colonial Territories and to refrain from establishing new ones and from using those that still exist to interfere with the liberation of the peoples in colonial Territories in the exercise of their legitimate rights to freedom and independence.

60. This shows yet again how right were those delegations which drew attention to this important aspect of the matter, demanding and insisting that the resolution should refer by name to those who are delaying the process of decolonization and who are responsible for the continuing misery under the colonial subjugation of more than 30 million people.

61. We voted in favour of this resolution on the understanding that the measures listed therein, together with future measures, would enable the Committee of Twenty-Four and subsequently the General Assembly and the United Nations as a whole to take new decisive steps in the year ahead, 1968, in order to overcome the opposition of the major imperialist Powers, notably the United States of America and the United Kingdom, whose economic and military strategic interests still largely determine their attitude towards the solution of colonial problems. To the regret and indignation of my delegation and, I am sure, of many others, their opposition has been amply demonstrated here today.

62. It is the United Nations duty, on the basis of this resolution, to take further steps to put an end, as soon as possible and without delay, to the shameful system of colonialism.

The meeting rose at 4.50 p.m.