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President: Mr. Corneliu MANESCU (Romania).

AGENDA ITEM 64

Question of South West Africa (continued)

1. The PRESIDENT (translated from French): Before calling on the first speaker on the list for this afternoon, I should like to thank the Vice-Presidents, Mr. El Farra, the Ambassador of Jordan, and Mr. Lang, the Ambassador of Nicaragua, for kindly presiding over the Assembly's deliberations.

2. Mr. KHATRI (Nepal): Mr. President, my delegation is extremely happy to see you again presiding over the deliberations of the resumed session of the twenty-second General Assembly of the United Nations. I am confident that under your able guidance the resumed session of this General Assembly will reach a fruitful conclusion.

3. I wish to pay my delegation's tribute to the United Nations Council for South West Africa for producing a comprehensive report on its effort to visit the Territory of South West Africa. This effort of the Council to discharge the responsibilities and functions entrusted to it has been unsuccessful because of the refusal of the Government of South Africa to co-operate with the Council in the implementation of General Assembly resolutions 2145 (XXI) and 2248 (S-V). Once again, South Africa has challenged the international community and once again this challenge has become the subject of deliberations of the world body. But this time the challenge has an added connotation. South Africa has blocked the attempt of the legal administration of South West Africa to enter that Territory. In other words, South Africa has not only denied the people of South West Africa the exercise of its legitimate rights, but has also violated the unanimous decision of the General Assembly in respect of ending the mandate of South Africa over South West Africa.

4. South West Africa, being a United Nations responsibility, is the responsibility of all of us. No Member State which voted in favour of resolution 2145 (XXI), should shirk that responsibility. But resolution 2145 (XXI) cannot be effectively implemented unless the permanent members of the Security Council, which have the power to enforce it, act earnestly. We consider that the time has come for the permanent members of the Security Council to act in favour of resolution

2145 (XXI) and thereby live up to the responsibility entrusted to them by the Charter. Especially, the major trading partners of South Africa must inform us now whether they intend to uphold the decision of the United Nations or to continue to extend their protection to South Africa. South Africa could not have dared to flout the decisions of the United Nations unless it was confident of the protection of some of the permanent members of the Security Council.

5. When resolution 2145 (XXI) was adopted by the General Assembly, terminating the Mandate of South Africa over South West Africa, the world considered it as a momentous decision—a decision by which the United Nations had taken direct responsibility for an international Territory. The General Assembly took that historic decision after having attempted for twenty years to find a political and juridical solution of the problem.

6. By its resolution 2248 (S-V), the General Assembly took up measures for practical implementation of resolution 2145 (XXI). But the refusal of South Africa to co-operate with the Council has prevented the Council from fulfilling the obligations and responsibilities entrusted to it. As the Council cannot enter the Territory of South West Africa, it cannot take over the administration of the Territory until independence, with the maximum possible participation of the people of the Territory.

7. Not only have the South African authorities continued to defy the United Nations, but they have also extended the operation of the notorious Terrorism Act to South West Africa, the international Territory under their forcible occupation. Under this Terrorism Act the South African authorities arrested thirty-seven South West Africans and, after illegally deporting them to South Africa, held a so-called trial and convicted them arbitrarily. The South African authorities disregarded General Assembly resolution 2324 (XXII), condemning the trial, and refused to comply with the obligations they had assumed under the Charter, thus disregarding Security Council resolutions 245 (1968) and 246 (1968), by which the Council had condemned the trial and demanded the release and repatriation of the prisoners. In its effort to strengthen its illegal occupation of South West Africa, the South African Government has moved ahead with its sinister plan of establishing so-called separate homelands in South West Africa.

8. The United Nations has always tried to solve the problem of South West Africa through peaceful means. That South West Africa has been the subject of seventy-nine resolutions by the General Assembly is sufficient proof of the attempts made by the world body to find a peaceful solution to this problem.

Even after having constituted the United Nations Council for South West Africa, the United Nations has waited almost a year in the hope that reason might ultimately prevail on the Government of the Republic of South Africa and it might make some gesture towards a dialogue with the United Nations. The United Nations Council for South West Africa went to Zambia and tried to organize an entry into the Territory of South West Africa. Once again the United Nations, acting through the Council for South West Africa, was rebuffed by the Government of a State Member of the United Nations; My delegation is convinced that each act of defiance of the United Nations by South Africa has strengthened world public opinion against South Africa.

9. After twenty years of persistent effort, the United Nations was able to change the attitude of many of the major trading partners of South Africa. This is reflected by their votes on resolution 2145 (XXI). My delegation is confident that continued efforts by the United Nations will force the major trading partners of South Africa to take more effective steps against it and in favour of the decision of the world body.

10. The reasons for the delay in chartering an aircraft for the Council's trip to South West Africa bring to light the necessity for having an independent peace-keeping machinery of the United Nations. If there had been such a machinery under the jurisdiction and control of the Organization, it could have forced the aggressor out of the Territory under United Nations responsibility. By their forcible occupation of South West Africa, the South African racists have been daily committing acts of aggression against the rest of the membership of the United Nations. These acts of aggression are a grave threat to peace. The United Nations has been able to send peace-keeping forces to different parts of the world where aggression had occurred or a threat to peace was imminent. However, in the case of South West Africa, the Territory under its own responsibility, the United Nations is unable to send any peace-keeping force, because those who could offer to contribute to such a force are not willing to displease their favourite friend, South Africa. Thus, the necessity for an independent peace-keeping machinery of the United Nations has become more apparent.

11. The situation in the southern part of Africa is extremely alarming. The representative of Ghana in his speech before the Assembly has said:

"the situation in the whole of southern Africa, if allowed to drift as it has been drifting for the past two decades, will surely lead us all to one of the most catastrophic racial explosions that civilization has ever seen". [1646th meeting, para. 1.]

12. If such a catastrophe ever erupts, who should be held responsible? Certainly not the small countries. Certainly also, not those countries which in conformity with General Assembly resolution 1761 (XVII) have broken off diplomatic and trade relations with South Africa. The responsibility will belong to those that have continued to evade the spirit of the said resolution. The major trading partners which have attached least importance to the question of South West Africa have helped South Africa to maintain its defiance of the United Nations. By their actions they have placed

the effectiveness of the Organization in doubt and thus have lowered its prestige and even jeopardized its entire future.

13. We have seen the report of the United Nations Council for South West Africa, containing a pathetic account of its failure to fulfil the responsibilities entrusted to it. Was it due to the fact that the will to fulfil those responsibilities was lacking in the Council or was it due to the very indifferent attitude of some of the permanent members of the Security Council towards the question of South West Africa? Although the General Assembly itself has fixed the deadline for the independence of South West Africa at June 1968, it is still discussing the question in May 1968. If the future of the Organization is to be saved, the Security Council should act immediately and effectively so that the aggressor will be forced to abide by the resolution passed by this body, and the Security Council should be requested to invoke the appropriate articles under Chapter VII of the Charter.

14. Mr. Orhan ERALP (Turkey): The question of South West Africa is once again before the Assembly. The determination of the United Nations to grapple with this problem is indeed gratifying. It displays our dedication to two basic principles that form the main fabric of the United Nations. First, the problem involves respect and observance of the fundamental right of peoples to freedom and independence. That is a principle which the United Nations has made universal and spread to all corners of the world. Our record so far is clear and proud. We cannot allow any blot on it, lest we imperil the very basis of our obligations under the Charter. Secondly, the issue engages the credibility of United Nations effectiveness in securing the exercise of that right by all peoples.

15. For those reasons, my delegation is gratified that the problem ranks as one of the principal items on the agenda of this resumed session. Previous speakers have dwelt on every aspect of the problem. It is characteristic of the nature of the problem that they all struck a similar chord both in historical description and in reference to future objectives. I will not presume to add anything new. I do not think we need any new analysis, any new approach. The road before us is straight and well defined. I am speaking merely to add my voice and the determination of my delegation to theirs.

16. On 27 October 1966, by resolution 2145 (XXI), this Assembly took the courageous and historic decision that South Africa had no other right to administer South West Africa and that henceforth that Territory came under the direct responsibility of the United Nations. With only a few exceptions, the representatives of the whole international community gathered under this roof voted in favour of that historic resolution, which constituted an unequalled landmark in the long and arduous fight for the freedom and independence of peoples.

17. The fifth special session of the General Assembly, with resolution 2248 (S-V), established a United Nations Council for South West Africa, which was entrusted with the responsibility of administering the Territory. Turkey is a member of that Council and has been

proud to serve on it with a sense of historic mission and responsibility.

18. South Africa has refused to comply with those resolutions. It has refused to relinquish its hold on the Territory. It has resisted all efforts to transfer administrative authority to the Council. Furthermore, it has compounded its defiance by other actions which aggravate the situation. It has promulgated the Terrorism Act of 1967 and arrested, tried and illegally condemned South West Africans under that act.

19. Both the General Assembly and the Security Council have reacted to such defiance. The Security Council was seized of the issue for the first time and censured the South African Government unanimously [resolution 245 (1968)]. It declared that the action of South Africa was a flagrant defiance of the authority of the United Nations and it demanded that the Government of South Africa release and repatriate the South West Africans concerned. The South African Government has continued to stand in defiance of the collective will of the international community.

20. As a member of the United Nations Council for South West Africa, my delegation actively took part in the deliberations of the Security Council and expressed its dismay and indignation at the illegal sentences passed by South Africa after an illegal trial. We deplored the violation of the principles of the United Nations Charter and the Universal Declaration of Human Rights.

21. The United Nations Council for South West Africa, since its establishment, has also been engaged in the pursuit of ways and means to fulfil the mandate entrusted to it. In its first report [A/6897], submitted to the first part of this twenty-second session, the Council emphasized and re-emphasized the categorical rejection of the General Assembly resolutions by South Africa. The Council recommended to the General Assembly that it should take necessary measures, including the addressing of a request to the Security Council for appropriate action, to enable the United Nations Council for South West Africa effectively to discharge all its functions and responsibilities.

22. In resolution 2325 (XXII) the General Assembly called on the Government of South Africa, once again, to withdraw from the Territory and declared that the continued presence of South Africa in the Territory was a flagrant violation of its territorial integrity and international status. The Assembly also requested the Security Council to take steps to enable the United Nations Council for South West Africa to act.

23. In the meantime, in March 1968 the United Nations Council for South West Africa decided to proceed to South West Africa to meet the representatives of the people of South West Africa who reside in Zambia and Tanzania, and to endeavour to go to Windhoek in connexion with the carrying out of its mandate. A member of my delegation participated in the Council's trip to Africa. The detailed account of that trip has been furnished in the Council's report to the Assembly [A/7088 and Corr.1].

24. The United Nations Council for South West Africa has spared no effort to fulfil its historic mandate and the responsibility entrusted to it. It has engaged in a first effort to gain access to South West Africa.

Although the Council has not been able to enter the Territory, my delegation believes that the visit to Africa has been very useful in many ways. Nevertheless, much remains to be done.

25. Along with the other members of the Council we believe, first, that the Council needs the effective help of the other organs of the United Nations in order to gain entry into the Territory and take over the administration. The withdrawal of South Africa from the Territory is imperative, and the Security Council must devise and effect the means of such withdrawal.

26. Secondly, we are concerned with the fate of the South West Africans under illegal trial and detention in South Africa. We join the other members of the United Nations Council for South West Africa in the call for further and more effective measures for their release.

27. Thirdly, we are convinced that, on the one hand, the continued denial of independence to South West Africa, and, on the other hand, the continued detention and maltreatment of South West Africans constitute a threat to the peace in the area, containing the seeds of a racial war. This explosive situation requires the urgent attention of the Security Council and of the whole family of the United Nations.

28. Pending these developments, as a member of the United Nations Council for South West Africa, my delegation will continue to give its support and active consideration to a number of problems such as the question of assistance by the specialized agencies to the Territory, the question of travel documents for South West Africans and the question of the establishment of a separate budget for the educational programmes envisaged by the Council.

29. I must also add that my delegation, while in Africa, was greatly impressed by the courage of the people of South West Africa and their determination to attain the independence of Namibia. We are convinced that with the active support of the international community the realization of this basic and most noble of human aspirations will not be long retarded. For the fate of South West Africa is our fate. Respect for its independence means respect for the independence of each and every one of us.

30. Mr. JAKOBSON (Finland): Our debate on the question of South West Africa is clouded by a sense of failure and frustration. No progress whatsoever has been made in United Nations efforts to help the people of Namibia to achieve self-determination and independence. The Government of South Africa has explicitly rejected all United Nations resolutions regarding the future of South West Africa. It has refused to have anything to do with the United Nations Council for South West Africa. It has in fact intensified its control over South West Africa through the application to the Territory of the so-called Terrorism Act and its plans to split it up into separate administrative units. In so doing it has defied the injunctions of the General Assembly and the Security Council, and it has ignored the protests of many individual Governments, including the Government of Finland.

31. Thus, from the point of view of the United Nations, the situation in South West Africa has gone

from bad to worse. This resumed session gives us a chance to examine the causes of our failure. It is also an opportunity to make a new effort to agree on the means by which the United Nations could more effectively discharge its responsibilities towards the people of Namibia. This is not only a moral obligation that rests with all of us. It is not only an issue of human rights. It must also be seen as an essential part of the primary task of the United Nations, which is to maintain international peace and security.

32. The responsibilities of the United Nations with regard to South West Africa are beyond dispute. They were set out in resolution 2145 (XXI) adopted by the twenty-first session of the General Assembly. It has rightly been said that that resolution represented a turning point in the long history of the consideration of this question in the United Nations. It was a turning point for two reasons: first, because the General Assembly, having despaired of solving the problem through judicial process, took the irrevocable step of putting an end to the Mandate of the Republic of South Africa and placing the Territory of South West Africa under the direct responsibility of the United Nations; and, secondly, because this decision was supported by an overwhelming majority of Member States, including the two most powerful nations of the world, the Soviet Union and the United States.

33. It must be recognized, however, that such wide agreement on the goal of United Nations action was achieved only at the price of postponing consideration of the means to be employed. The difficulties in the way of carrying out the decision to terminate South Africa's mandate [resolution 2145 (XXI)] were underlined by these facts: that, of the two delegations which voted against the resolution, one represented the State which in fact had possession of the Territory of South West Africa; and that of the three delegations which abstained from voting, two represented permanent members of the Security Council. It was left to the Ad Hoc Committee for South West Africa to recommend:

"... practical means by which South West Africa should be administered, so as to enable the people of the Territory to exercise the right of self-determination and to achieve independence ...".

34. As we know, the Ad Hoc Committee was unable to agree on any recommendation. It was divided, roughly, among three schools of thought. The first was in favour of setting up a United Nations administrative machinery to take over the administration of the Territory. The second advocated the immediate declaration of the independence of South West Africa. The third proposed, as a first step, the sending of a special representative to South Africa.

35. The fifth special session of the General Assembly last year chose to support the first approach and decided to set up the United Nations Council for South West Africa [resolution 2248 (S-V)]. This decision was taken by a large majority vote of the Member States. My delegation agreed at the time that the logic of resolution 2145 (XXI) establishing direct United Nations responsibility for South West Africa

pointed to the desirability of a direct United Nations administration for the Territory.

36. Unfortunately, the logic of the resolution did not correspond to the prevailing facts of power. The course of action mapped out in the resolution adopted at the special session clearly required the co-operation of the great Powers, for they alone had the means for carrying it to a successful conclusion. Yet the great Powers, the permanent members of the Security Council, withheld their support, each for different reasons.

37. The consequences were stated by the Ambassador of Kenya in this debate on 30 April [1646th meeting]. He pointed out that the South African Government could take comfort from the abstentions of the big Powers. It is no wonder, therefore, he went on to say, that the South African Government has not taken the work of the Council seriously. The Council's report which is now before us bears this out.

38. The Ambassador of Kenya, quite rightly, asked whether the Government of South Africa could have continued to ignore United Nations resolutions if it had felt that these had the full backing of the leading Powers. This is the question we should bear in mind when we turn to consider what decisions could usefully be made at this session of the General Assembly.

39. The United Nations Council for South West Africa has made a number of practical suggestions about what the United Nations could do to help refugees from South West Africa and to plan for large-scale financial, technical and administrative assistance to the people of Namibia in anticipation of their achieving self-determination and independence. My delegation believes that these are valuable ideas that should be further developed. Perhaps they could be dealt with in a separate resolution, so as to ensure the widest possible support for any assistance programmes that could be worked out.

40. On the crucial political issue facing us today, my delegation believes that we must make a new effort to re-engage the interest and energies of all Members, and particularly the permanent members of the Security Council, in a search for practical and effective means by which the United Nations could enable the people of Namibia to exercise their right to self-determination and independence. Unless we do so, the differences that have emerged on means may nullify the wide agreement that exists among Member States on the goal of United Nations action.

41. The termination of South Africa's Mandate over the Territory of South West Africa [resolution 2145 (XXI)] was an irrevocable step. Anything that we may decide now must carry us forward from that point. We should be prepared to consider all constructive proposals consistent with that purpose that could help to reverse the trend of events in South West Africa. Our failure so far to agree on effective means cannot absolve us from the responsibility we have assumed. This session of the General Assembly should indeed reaffirm that responsibility and our determination to discharge it.

The meeting rose at 3.55 p.m.