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**President:** Mr. Frederick H. BOLAND (Ireland).

**AGENDA ITEM 43**

**Question of South West Africa (*continued*)\***

**PRELIMINARY REPORT OF THE COMMITTEE ON SOUTH WEST AFRICA ON THE IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 1568 (XV) (A/4705)**

*Interim report of the Fourth Committee (A/4709)*

*Pursuant to rule 68 of the rules of procedure, it was decided not to discuss the interim report of the Fourth Committee.*

1. Mr. BOEG (Denmark), Rapporteur of the Fourth Committee: The members of the General Assembly will recall that during the first half of the fifteenth session we covered agenda item 43, "Question of South West Africa" but that one of the six resolutions adopted at that time, resolution 1568 (XV), which invited the Committee on South West Africa to go to the Territory in order to investigate the situation, also requested the Committee to make a preliminary report to the second half of the fifteenth session on the implementation of that resolution. Such a report [A/4705] was before the Fourth Committee at the time when it started its work and the Committee decided to take up this item as the first item on its agenda at the second half of the session.

2. The Fourth Committee is now submitting an interim report [A/4709] on this question, and I feel that I should emphasize this, and also refer particularly to paragraph 3 of the report, in which it is explicitly said that the Fourth Committee will, at a later time, submit a report covering the balance of its deliberations on this agenda item. The reason why an interim report is now being submitted to the General Assembly is that this report deals with one phase or one aspect of the matter—one particular draft resolution—in connexion with which there was, as discussed in the Fourth Committee, a very special time element involved.

3. The text of the one draft resolution which the Fourth Committee is now submitting to the General Assembly is contained in paragraph 9 of this report and paragraphs 5 to 8 give the history of this draft resolution—the sponsorship, the amendments, the voting

record, etc. I should therefore like to invite attention to the concluding paragraph—paragraph 9—in which the members of the Assembly will note that this draft resolution of the Fourth Committee has only one operative paragraph, a paragraph containing an appeal to those Members of the United Nations which have particularly close and continuous relations with the Government of the Union of South Africa, to bring, as a matter of urgency, all their influence to bear on that Government with a view to having the Government adopt a changed attitude in the question of South West Africa.

4. I believe that these brief remarks should suffice in introducing this report to the General Assembly, and I herewith have the honour to commend the report and the draft resolution for the adoption and approval of the Assembly.

5. The PRESIDENT: I call on representatives who wish to explain their vote.

6. Mr. ASSELIN (Canada) (translated from French): The Canadian delegation intends to vote in favour of the draft resolution (A/4709) concerning the situation in South West Africa. The purpose of this draft resolution is to invite Members of the United Nations to use any influence they may have with the Government of the Union of South Africa to persuade that Government to adopt an attitude in conformity with its obligations under the United Nations Charter, and thus implement the various resolutions already adopted by the General Assembly with regard to this mandated Territory.

7. There is no question of the Canadian Government's failing to support this draft resolution or to use its influence to persuade a Member State to change certain repugnant practices in its administration of a mandated Territory. The attitude of the Canadian Government and Canadian people towards this question has been clearly shown in many statements made in Canada in recent years. Quite recently, on the very day when the Fourth Committee was adopting the draft resolution, the Prime Minister of Canada publicly reaffirmed his unequivocal opposition to the principle and practice of *apartheid*, which has extended to the Territory of South West Africa. I have no intention of referring to any statements made by the Prime Minister of Canada during the Conference of Commonwealth Prime Ministers in London.<sup>1</sup> It is, however, reasonable to suppose, on the basis of the information given to us in the newspapers, that the Prime Minister of the Union of South Africa was not left unaware of the views of his colleagues, the Presidents or Prime Ministers of the other Commonwealth countries, about the administration of the Territories governed by the Union of South Africa.

8. After an examination of the operative part of the draft resolution, my delegation is not quite certain about

\* Resumed from the 954th meeting.

<sup>1</sup> Conference held from 8 to 18 March 1961.

the scope of the application of this draft resolution. It would be natural to suppose that any Member of the United Nations which keenly desires the solution of the problem of South West Africa can make its attitude known to the Government of the Union of South Africa. My delegation considers that all Member States have an equal responsibility under the Charter to use their influence with the Government of the Union of South Africa, according to the dictates of their conscience and their evaluation of the probable results of their representations or their actions. We hope that the draft resolution as it stands will not be interpreted by any Member State as limiting its own responsibility regarding the future well-being of the population of South West Africa, or as implying that this responsibility is delegated to certain Member States only.

9. The draft resolution which we now have before us includes two other parts which my delegation would have preferred to have a different connotation, namely that of the original version submitted by the sponsors. I am referring to the third and sixth preambular paragraphs, about which we have certain reservations. In the third preambular paragraph, the General Assembly notes with concern the refusal of the Government of the Union of South Africa to implement General Assembly resolution 1568 (XV), in which the General Assembly invited "the Committee on South West Africa . . . to go to South West Africa immediately to investigate the situation prevailing in that Territory" and requested it "to make proposals to the General Assembly". It will be recalled that in this same resolution the Assembly "urged the Government of the Union of South Africa to facilitate the mission of the Committee on South West Africa".

10. When the draft resolution subsequently adopted as resolution 1568 (XV) was discussed in the Assembly, the Canadian delegation naturally expressed its support of the intentions of the co-sponsors to do something constructive to help the people of South West Africa; nevertheless, we were obliged to abstain in the vote. Our reservations were based on the conviction that so long as the question was pending before the International Court of Justice, the General Assembly should respect the Mandate. The main fact is that the Mandate remains in force and the obligations it lays down continue to exist. The legal question raised by the Governments of Ethiopia and Liberia<sup>2</sup> is based on this fundamental point. My delegation therefore considered that the General Assembly should not take any action which might have involved disregarding the terms of the Mandate or the relations between the Mandatory Power and the United Nations. We can urge that the Mandate should be fully executed, but the supervisory functions exercised by the United Nations should not go beyond the scope of those imposed by the League of Nations.

11. My delegation also has reservations about the preambular paragraph which was added to the original text of the draft resolution during the debate in the Committee. The question is whether the referendum of 5 October 1960 constitutes an attempt by the Union of South Africa to assimilate or absorb the Territory. There is also the question whether the referendum is contrary to the spirit and the letter of the Mandate. These are debatable points. Since, however, the Inter-

national Court of Justice has not expressed a legal opinion on this particular point, we hesitate to endorse the sixth preambular paragraph, in view of its scope.

12. To sum up, Canada will support the draft resolution of the Fourth Committee, originally submitted by Mexico and Venezuela, although we have certain reservations on the subject of the third and sixth preambular paragraphs.

13. Miss ASAMANY (Ghana): Since casting our vote on this draft resolution in the Fourth Committee, new circumstances have developed on the international scene which now shift the responsibility for exerting influence on the Union of South Africa to countries other than those of the Commonwealth. Under the present circumstances, my delegation now feels inclined to consider the draft resolution favourably.

14. The PRESIDENT: Since no other delegation has expressed a desire to explain its vote before voting, the Assembly will now proceed to vote on the draft resolution recommended by the Fourth Committee and contained in the Committee's interim report [A/4709].

*A vote was taken by roll-call.*

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

*In favour:* Venezuela, Yemen, Yugoslavia, Afghanistan, Albania, Argentina, Austria, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Cameroun, Canada, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Costa Rica, Cuba, Cyprus, Czechoslovakia, Denmark, Ecuador, Ethiopia, Federation of Malaya, Ghana, Greece, Guatemala, Guinea, Haiti, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Jordan, Laos, Liberia, Libya, Mexico, Morocco, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Romania, Saudi Arabia, Senegal, Somalia, Sweden, Thailand, Togo, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United States of America, Uruguay.

*Against:* None.

*Abstaining:* Australia, Belgium, Dominican Republic, Finland, France, Luxembourg, Portugal, Spain, United Kingdom of Great Britain and Northern Ireland.

*Present and not voting:* Union of South Africa.

*The draft resolution was adopted by 74 votes to none, with 9 abstentions.\**

15. The PRESIDENT: A number of representatives have expressed the desire to explain their votes after the voting and I call upon them.

16. Mr. GOEDHART (Netherlands): My delegation cast its vote in favour of the resolution because we sympathize with its general objectives. In our view it attempts to seek an improvement in the lot of the population of the Territory of South West Africa. With this objective, we are in full agreement.

17. We do, however, have reservations on some of its individual paragraphs, in particular, on the third and sixth paragraphs of the preamble.

18. Our reservations with regard to the third paragraph concern the implementation of resolution 1568

<sup>2</sup> See I.C.J., *South-West Africa case (Ethiopia, [Liberia] v. Union of South Africa)*, *Application instituting proceedings*, 1960, General List, No. 46 [No. 47].

\* The delegations of the Malagasy Republic, Sudan and Tunisia, which were absent at the time of the voting, subsequently indicated that they would have voted in favour of the draft resolution.

(XV), on which my delegation abstained during the first part of the fifteenth session because we felt that it sought to impose more extensive obligations on the Government of the Union of South Africa than those imposed under the Mandate.

19. As regards the sixth paragraph of the preamble, we are of the opinion that it is couched in terms which are of too categorical a nature and—in our view—cover a wider field than any previous resolution on this subject. We furthermore consider that in the light of the advisory opinion of the International Court of Justice of July 1950<sup>3</sup> there is an element of doubt about the assertion that attempts at assimilation of the Mandated Territory of South West Africa have no moral or legal basis and are contrary to the letter and the spirit of the Mandate.

20. However, after carefully considering the various objections which we had to this draft resolution, we came to the conclusion that they were not of sufficient importance to outweigh the positive elements in this draft. For this reason my delegation was able to lend its support to the draft resolution.

21. Mr. YRJO-KOSKINEN (Finland): While giving full recognition to the efforts made by the original sponsors of this resolution, the delegation of Finland has, much to its regret, not been able to find that the measures suggested were such as to bring about a positive development in the question of South West Africa. Our opinions on this question are a matter of record and I do not feel it necessary to express them here again. We would have been willing, of course, to approve and to contribute to the success of measures which we would have considered likely to lead in this matter to practical and positive results.

22. Mr. SMITHERS (United Kingdom): The United Kingdom delegation appreciates the purpose of the sponsors of this resolution. It has always been our policy to work for a negotiated settlement of the problem of South West Africa. We are sure that such a solution is in the best interests of the people of the Territory and also of those of the United Nations.

23. In so far as this resolution was intended to further a negotiated settlement we were in sympathy with it. But we do not think that it is in the real interests of the peoples of South West Africa if the United Nations attempts to take a short cut upon what is admittedly a very long road by ignoring or overriding important considerations of international law or by exceeding the provisions of the Mandate.

24. The South West Africa problem is in substance a tragic human problem. But in structure it is a legal and juridical one and a complex one at that. We do not think that the human problem can be brought nearer to a solution which would be in the interests of the people of the Territory by ignoring the legal and juridical considerations which surround it. The present resolution, though as I have said, acceptable to us in what we believe to be its main purpose, clearly prejudices matters which the International Court has been asked to decide.

25. It has never been our contention that the United Nations is precluded from exercising its supervisory functions under the Mandate simply because matters connected with the Mandate are before the Court. But we have always contended that it is quite improper and

most damaging to the interests of all Member States if the United Nations seeks to usurp the functions of the Court by prejudging matters which the Court has already been asked to decide.

26. The sixth paragraph of the preamble of this resolution, for example, clearly relates to the point covered in paragraph 6 of the Application<sup>4</sup> instituting proceedings and filed by Ethiopia. As we believe that the right to resort to the Court and rely upon its judgement is an important protection for all nations and particularly for the small and weak, we deplore any resolution of the United Nations which tends, as this one does, to prejudice that right.

27. Furthermore, the present resolution bases itself upon the failure of the Union of South Africa to comply with the terms of resolution 1568 (XV). But in our view—and I doubt whether the correctness of that view will be challenged by a competent lawyer—the action contemplated by that resolution far exceeds the powers exercisable by the United Nations under the Mandate. Now, if the United Nations is not itself prepared to respect the terms of the Mandate, it is indeed difficult to see how the Mandatory Power can be expected to do so.

28. In other words, the United Kingdom delegation fears that by such a resolution the United Nations is tending to destroy the very basis of legality upon which the rights of the people of South West Africa depend. This surely cannot be in the interests of those people. The present draft resolution, which relies on resolution 1568 (XV), is therefore also unacceptable to us for that reason.

29. We are all impatient to see an early solution of this problem. I hope we all wish, as the United Kingdom certainly does, to avoid a tragic and violent end to the road. But I must remind the Assembly of an old Dutch proverb—I think it is Dutch; I stand to be corrected by my Netherlands colleague if it is not—which says, “the longest way round is often the shortest way home”. I am sure that in this very important matter there is no short-cut across the proprieties of international law or across the provisions of the Mandate, and that the attempt to find one is contrary to the interests of the United Nations and particularly to the interests of small Powers, and is also damaging to the people of South West Africa.

30. My delegation, therefore, felt obliged to abstain in the voting.

31. Mr. DIALLO TELLI (Guinea) (translated from French): The delegation of the Republic of Guinea considers it essential to explain the favourable vote which it has just cast on the draft resolution submitted to the General Assembly.

32. As our representative had the opportunity of stating in detail in the Fourth Committee [1101st meeting], during the discussion, which is still taking place, on the question of South West Africa, this resolution is not and cannot be a solution of the serious problem now facing us. In the eyes of my delegation, the merit of the resolution which we have just adopted consists of the sponsors who took the initiative in this matter. That being so, our vote principally expressed our admiration for the anti-colonialist line so frequently followed by the delegations of Mexico and Venezuela, together with many other friendly delegations, in the international organization.

<sup>3</sup> *International status of South-West Africa, Advisory Opinion: I.C.J. Reports, 1950, p. 128.*

<sup>4</sup> *I.C.J., South-West Africa Case (Ethiopia v. Union of South Africa), Application instituting proceedings, 1960, General List, No. 46.*

33. We must clearly state that the appeal made in this resolution to the States Members which have particularly close and continuous relations with the Government of the Union of South Africa is firstly and principally addressed to the United Kingdom, which is alone responsible for the transfer of the League of Nations Mandate for South West Africa to the racist Government of the Union of South Africa. In this connexion it would be neither just nor fair to place the United Kingdom on the same level as the other States Members of the Commonwealth, some of which have, from the beginning, shown that they were striving on every occasion to promote the rights of the people of South West Africa.

34. Furthermore, we cannot subscribe to the idea that the appeal made in this resolution is addressed only to the Members of the Commonwealth, because in our opinion, quite apart from the recent developments which led to the incidents in London in connexion with the Commonwealth membership of the Union of South Africa, there are other States whose influence certainly carries equal and perhaps greater weight with the Government of the Union of South Africa. I am thinking in particular of the Government of the United States, whose representative made an important statement on this question in the Fourth Committee [1101st meeting], which we should like to see followed by concrete results.

35. Its economic and other relations with the Government of the Union of South Africa place the Government of the United States in an advantageous position to exercise at any time the favourable influence desired by all with a view to the solution of the drama of South West Africa.

36. Our delegation has already had the opportunity of stating clearly in the Fourth Committee [1101st meeting] its intention of joining with other friendly delegations from Africa, Asia, Europe and Latin America in submitting a draft resolution designed to provide a permanent solution for the question of South West Africa.

37. In the light of the foregoing remarks, the delegation of the Republic of Guinea supported the draft resolution, originally submitted by Mexico and Venezuela, on the tragedy of South West Africa. These explanations should prevent any possible misunderstanding with regard to the votes cast by delegations which, like our own, are principally concerned with the achievement of a final solution for the tragic problem of South West Africa: a solution which can only be independence, the inevitable result of the exercise of the right of the people of South West Africa to self-determination, in accordance with the resolution [1514 (XV)], recently adopted by the General Assembly, on the granting of independence to colonial countries and peoples.

38. Mr. LAPIN (Union of Soviet Socialist Republics) (translated from Russian): The Soviet delegation supported the draft resolution submitted by the Fourth Committee on the question of South West Africa, that draft having been regarded by many African-Asian countries as a step which might have some effect on the Union of South Africa. At the same time we feel obliged to observe that the resolution is inadequate and does not in our view provide any serious basis for expecting any real change for the better in that part of Africa.

39. The preamble of the resolution states that up to the present time the Government of the Union of South Africa has ignored the United Nations resolutions on South West Africa and has, instead, adopted

an attitude contrary to the Purposes and Principles of the Charter of the United Nations. The resolution also notes that the Government of the Union of South Africa since 1950 has attempted to bring about the assimilation of the Territory of South West Africa.

40. The petitioners who have been heard during the last few days in the Fourth Committee once again confirmed that the authorities of the Union of South Africa are carrying out in South West Africa a policy of racial discrimination and of enslavement of the African population. The Government of the Union of South Africa has virtually annexed the Mandated Territory; it has deprived the indigenous population of fundamental rights and freedoms; it has driven the Africans, including women and children, into reservations, and has surrounded them with units armed with automatic weapons, tanks and armoured cars. It must be emphasized that the oppression and mass arrests in the Territory have recently increased and that the situation as a whole in that part of Africa has become still more tense and threatening.

41. Unfortunately the resolution submitted for our consideration does not properly assess the situation which has developed and does not provide for any effective measures. It is proposed that we should appeal to those Members of the United Nations which have particularly close and continuous relations with the Government of the Union of South Africa to bring all their influence to bear on that Government. The countries meant here, as has already been said, are those of the British Commonwealth and primarily the United Kingdom which, of course, bears a special responsibility for the situation in that region. There can be no doubt, however, that if the United Kingdom and the other colonial Powers wished to do so, they could bring such influence to bear on the Government of the Union of South Africa with a view to making it comply with the United Nations resolutions.

42. The question of South West Africa has been on the agenda of the United Nations for fifteen years without as yet having been settled. During that time the United Nations has adopted many resolutions pointing out the intolerable conditions under which the Africans in South West Africa must live. The United Nations has repeatedly appealed to the Government of the Union of South Africa to abandon its policy of racial discrimination. This has been without result, for the authorities of the Union of South Africa have blatantly ignored all the resolutions and appeals of the United Nations. They have even refused to allow a territory having international status to be entered by the Committee which had been requested by the United Nations to investigate conditions there. The Government of the Union of South Africa has thus once again infringed the United Nations Charter by refusing to co-operate and by closing the door to negotiations with the United Nations. This arbitrary conduct can no longer be tolerated. We cannot look passively on while the colonialists oppress and physically exterminate the African population in South West Africa.

43. Recent events in the Congo, Angola, South West Africa and certain other areas confirm the vital need for the General Assembly to adopt urgent and positive measures that will guarantee to the people of South West Africa and all other oppressed peoples the inalienable right to self-determination, freedom and national sovereignty.

44. In taking a decision on the question of the situation in South West Africa, we must be guided first and foremost by the Declaration on the granting of independence to colonial countries and peoples that was adopted by the General Assembly. That Declaration puts us under an obligation to act swiftly and decisively. Guided by its principles, and also bearing in mind the United Nations resolutions on the question of the Territory of South West Africa, the General Assembly must, without delay, annul the Mandate of the Union of South Africa and transfer all the control functions to a commission composed of representatives of independent African States. Such a commission could, within a short time, organize elections to a legislative assembly on the basis of universal suffrage and could take the other steps required for granting the country full independence not later than the first half of 1962.

45. The present situation in South West Africa constitutes a threat to international peace and security. If a complaisant and indecisive attitude is once again adopted towards the colonialists of the Union of South Africa, and if the African population is left without protection, then the prestige of the United Nations in Africa and throughout the world will have received a further serious blow.

46. We consider it essential for the General Assembly to continue discussion of the question of South West Africa and now, at last, to adopt effective measures to help the people of that country to achieve freedom and independence.

47. Mr. CASTAÑEDA (Mexico) (translated from Spanish): The delegations of Venezuela and Mexico submitted in the Fourth Committee a draft resolution (A/4709) which that body later approved and which has just been adopted by the General Assembly (resolution 1593 (XV)) in a sincere and honourable effort—perhaps the last—to enable a certain group of countries which have special links with the Union of South Africa to contribute to the solution of this difficult and thorny problem through conciliatory and friendly efforts and by bringing their moral pressure to bear on the Government of that country.

48. As was made clear during the debate in the Fourth Committee, and as the sponsors repeatedly emphasized, the draft resolution was not addressed to all Members of the United Nations but specifically to those belonging to the Commonwealth of Nations.

49. Since this resolution was approved in the Fourth Committee, a very important event has occurred which affects it: the Union of South Africa has renounced its ties with the Commonwealth of Nations. In the circumstances, we feel that much of the meaning of the resolution has disappeared, since the political assumption on which it was based no longer exists, or at least will not exist after 31 May, the day upon which South Africa will cease to be a member of the Commonwealth, for the legal and constitutional ties linking it with the other members of the Commonwealth will be severed on that date. That being so, my delegation and the delegation of Venezuela had serious doubts this morning about the desirability of our proceeding to a vote on the resolution. At one moment we wondered whether it might not be desirable to request the President to ask the Assembly, before proceeding to a vote, whether it wanted the draft resolution to be put to the vote, in view of the new circumstance which had arisen. We did not do so because several delegations pointed out to us that,

from a formal point of view at least, the resolution still had some meaning in that the Union of South Africa would remain a member of the Commonwealth of Nations until 31 May. Furthermore, a considerable number of countries maintain diplomatic relations with the Union of South Africa and the resolution might still have some useful effect. For those reasons, therefore, we did not carry out our intention, but I wish to emphasize that my own delegation at least has had serious doubts about the usefulness of the resolution and the possibility of its producing good results. On the contrary, we feel that, in view of the fact that the Union of South Africa itself, of its own free will, has chosen the path of diplomatic isolation—at least in so far as its special constitutional relations with certain countries are concerned—practically all hope has now disappeared of solving this problem by means of an appeal to the conscience of the Union of South Africa and through conciliatory action by some States.

50. We should like to take this opportunity to emphasize that, in our view, the only way to seek a solution in the future will be through more vigorous action on the part of the Assembly, making use of all measures which may legally be taken, and by the full exercise of its responsibilities by the General Assembly.

51. Mr. SHANAHAN (New Zealand): My delegation voted for this resolution because of the importance of the objective it seeks to serve, the attainment of which we consider to be of particular urgency. New Zealand has been consistently opposed to policies of discrimination wherever they may occur. In particular, we are opposed to both the theory and the practice of *apartheid*, on which several New Zealand Governments have repeatedly expressed their views.

52. Although we had some doubts about some of the language of this resolution, they were not in our opinion sufficient to deter us from voting affirmatively in support of the principle which the resolution seeks to support and the objective which it seeks to attain. In particular, we question the wisdom or the necessity for the limitative language of the operative paragraph. We prefer to construe the resolution as, in fact, an injunction to all Members of the United Nations to help attain its purpose.

53. Moreover, we have reservations about the third and the sixth paragraphs of the preamble of the resolution for juridical reasons which are similar to those mentioned by the representative of Canada in his intervention and on which, therefore, I shall not enlarge. When the resolution [1568 (XV)] to which reference is made in the third paragraph of the preamble was voted upon in the Assembly, we found it necessary to abstain on both practical and juridical grounds, to which reference has also already been made. In the case of the sixth paragraph of the preamble, in view of those juridical considerations relating to the fact that proceedings are now before the International Court, as well as of our feeling that, having regard to the terms of the Mandate, the language of the final paragraph of the preamble is too categorical, we also have some reservations.

54. Nevertheless, for the general reasons which I have indicated at the outset of my statement, the New Zealand delegation decided to vote in favour of the resolution.

55. Mr. LAMANI (Albania) (translated from French): The delegation of the People's Republic of Albania voted for the draft resolution both in the Fourth

Committee and at the plenary meeting. Nevertheless, I should like to stress that, in view of the extremely negative attitude so far adopted by the Government of the Union of South Africa—an attitude which is contrary to the fundamental principles proclaimed by the Charter and which constitutes a challenge to the authority of the United Nations and to the conscience of mankind—and in view of the fact that that Government has been using illegal and most brutal methods in its attempts to assimilate the Territory of South West Africa, we have few illusions as to the effect of the resolution which has been adopted, which we regard as inadequate. Hence the People's Republic of Albania is firmly convinced that other positive and effective steps must be taken by the General Assembly during this session so as to ensure the complete, immediate and final independence of the Territory of South West Africa.

56. Miss BROOKS (Liberia): My delegation voted for the resolution because, when the question was discussed in the Fourth Committee, my delegation was influenced by the seeming enthusiasm of the representative of the United Kingdom since we felt that the Government of the United Kingdom had special responsibilities to exercise influence upon the Union Government in connexion with South West Africa because, at the time when the Union Government took over the Mandate, it did so on behalf of the British Crown. We note this morning, however, that the representative of the United Kingdom has given what I might term "its support" to the position taken by the Union Government in its efforts to hide behind the *sub judice* rule. We should like to stress, however, the fact that when the resolution was adopted at the first part of this session taking note of the contentious action brought by the Governments of Liberia and Ethiopia against the South African Government, the United Kingdom Government did not support that resolution.

57. The second reason why we voted for this resolution is based particularly on paragraph 3 of the report [A/4709], which states:

"At the conclusion of its consideration of the item, the Fourth Committee will submit to the General Assembly a report which will cover the balance of its deliberations concerning the item, as well as the hearing of petitioners."

On the basis of these two facts, the delegation of Liberia supported the resolution which has been adopted.

58. In spite of the report contained in this morning's newspapers, we still feel that this resolution has a useful purpose, because we do know that the Allied and Associated Powers have close relations with South Africa and there are many other States with which it has diplomatic relations. Therefore, there should be no reason why we should not have adopted the resolution.

59. Mr. SANTIAGO GALVEZ (Guatemala) (translated from Spanish): My delegation wishes to express very briefly its views on the resolution (1593 (XV)) which has been adopted and the reasons for its affirmative vote.

60. The South West African problem with which the United Nations is faced is as old as the Organization itself and is a sad example of the stubborn refusal of certain Powers to recognize the lawful rights of weaker peoples. Moreover, it is not the only example. My own country is faced with a similar problem, since a foreign Power has for over one hundred years held a piece of

Guatemalan territory, namely Belize. In the case of South West Africa, however, there is something more: the refusal of a Mandatory Power to comply with the resolutions of the United Nations General Assembly.

61. In view of those two aspects of the question, my delegation would have preferred a resolution which would denote stronger United Nations action in this instance, which is all the more justified in the light of what the representative of Mexico has said.

62. My country's firm position on colonialism and the subjection of weaker peoples is well known to the United Nations. We could never tolerate any violation of human rights in any part of the world, under the shelter of some legal formality. We should therefore, as I said, have liked to see some more effective action than the mere appeal in the resolution which has been adopted; as I have stated, there is all the more justification for such action in view of what the representative of Mexico has just said.

63. We nevertheless voted in favour of the resolution, because we are always prepared to support any constructive measure taken under the Charter for the political, social and economic advancement of subject peoples.

64. Mr. ROSSIDES (Cyprus): I wish only to say a few words to explain our vote in this issue. We have acted in this case in conformity with what we declared in the Assembly our policy in the United Nations would be. We stand, first, for freedom for all peoples, for human rights, and for the right of self-determination.

65. Second, we stand for the United Nations, for a strong United Nations and an effective United Nations as an influence for peace and freedom in the world. For these reasons, we supported the draft resolution which was produced in the Fourth Committee.

66. This resolution—in its operative part—appeals to Member States to bring their influence to bear upon the Government of the Union of South Africa with a view to ensuring that it shall adjust its conduct to its obligations under the Charter. This is certainly a very mild resolution. The sense of it is very important, however. It is important in this sense: that it requires—as I understand it—a friendly influence on the Union of South Africa to follow the road which is the only road that the Union of South Africa should follow, not only in the interests of peace and freedom in the world, but in its own interests—and the sooner that this is realized, the better it will be for the world and for the Union of South Africa itself.

67. Now this influence, as it appears in the resolution and as it has been expressed in various ways, was mainly directed to the members of the Commonwealth. We see now that this influence has already been exercised in a way at the Commonwealth Conference<sup>5</sup> in London, but was repulsed by the Union of South Africa to the extent of its abandoning the Commonwealth. However, there is still sufficient scope for the exercise of such friendly influence upon the Union of South Africa, so that it should follow a road more consistent with the spirit of the times, more consistent with world public opinion and more consistent with what is right and just, and, in this sense, not counter to the forces of the universe, because it is an inexorable reality that you cannot for long run counter to the forces of the universe—which are the forces of justice and right—without in the end

<sup>5</sup> Meeting of Commonwealth Prime Ministers, held in London from 8-18 March 1961.

regretting it. Therefore, I take this resolution to be one which is directed to the interests primarily of the people of South West Africa but no less to the interests of the Union of South Africa itself and to the world at large.

68. Now, if this resolution has no effect, my delegation would support a further measure to be taken, in order to put things right in that part of the world.

69. Mr. EL SANOUSI (Sudan): I should like to say just a few words. I should like to apologize for my absence during the process of voting, as I was busy somewhere else in one of the activities of the United Nations.

70. I should like to place on record the full agreement and support of my delegation for the resolution which has just been adopted. My delegation would favour any appropriate action against the Government of the Union of South Africa in the political and economic field. My Government has no political relations with South Africa and our Council of Ministers has decided to boycott the goods coming from South Africa.

71. Mr. NONG KIMNY (Cambodia) (translated from French): The delegation of Cambodia voted in favour of the draft resolution because we are convinced that the policy of discrimination and forced assimilation of the Territory of South West Africa which has been followed by the Government of the Union of South Africa, despite the universal opposition which it has evoked each year in the United Nations and elsewhere, is not only contrary to the obligations assumed by the Government of the Union under the United Nations Charter but is also condemned by the whole of mankind.

72. In voting for the draft resolution, my delegation had particularly in mind the fourth preambular paragraph, which says that "the Government of the Union has attempted to bring about the assimilation of the Territory of South West Africa". Cambodia particularly abhors this policy of assimilation because, at this very moment, a minority of citizens of Cambodian origin living in a neighbouring country—Viet-Nam—are being subjected to a policy of forced assimilation and discrimination systematically conducted by that country. Because of the civil war which is at present being waged in Viet-Nam, this minority group of citizens is the victim of extortions and reprisals in the form of arrests, internment, even numerous summary executions, and the confiscation of all possessions. The authorities of South Viet-Nam even go so far as to bomb pagodas, destroying temples and holy places and causing many victims among the priests.

73. It is right and proper that the policy of discrimination and assimilation of peoples and countries practised by certain Governments should be vigorously denounced by the United Nations. At a time when the world is so greatly troubled by the cold war, and at a time when we all agree that the most urgent task confronting mankind is to organize co-operation and mutual assistance in order to eliminate poverty and disease, the conscience of mankind revolts against the obsolete attitude of some Governments which appear to think, in their incredible blindness, that they can go on forever flouting the world's conscience with impunity.

74. Mr. DELGADO (Philippines): I wish briefly to explain the vote of my delegation on the draft resolution. We voted for it in the Fourth Committee and we again voted for it in this plenary meeting of the General Assembly for several reasons. First, the question of the Mandated Territory of South West Africa has remained

unsolved since the birth of the United Nations. It has defied all solutions during the past fifteen years. The repeated Assembly resolutions, appealing to the Government of the Union of South Africa, as the Mandatory Power, to bring this Mandated Territory under the international Trusteeship System, have all been ignored. The advisory opinions of the International Court of Justice in the matter have all been flouted. Worse still, the Government of the Union of South Africa has denied even the authority of this world Organization to deal in any manner with this Mandated Territory. And today, this question is not one single step nearer to solution than when it first arose fifteen years ago. Our vote for the present resolution is based on the hope that those Member States close to the Union Government may bring all their influence to bear, to the end that this persistent defiance of the authority of the United Nations by one Member State alone may at last come to an end.

75. Certainly the Union Government has ruled this Mandated Territory with an iron hand, applying thereto its policy of *apartheid*, under which the indigenous inhabitants have been deprived of all political rights and any share in the fruits of commerce and industry, and in the exploitation of their natural resources, with no other role than that of a cheap source of labour for the benefit of the European population; and obviously, unless a change of policy is made, any chance to rise beyond perpetual bondage and virtual slavery is non-existent.

76. We should be blind indeed if we did not see in this an acute and explosive situation that endangers international peace and security in that part of the world. For this reason my delegation voted again in favour of this resolution in the hope that racial clashes with possible world-wide repercussions could be averted.

77. Last but not least, it is our considered view that the conditions under which this Mandated Territory is being administered by the Mandatory Power today are less than human, incompatible with the basic principles of our Christian civilization, contrary to the Mandate of the League of Nations and to the Charter of our present Organization and a breach of the sacred trust which the Union Government voluntarily assumed when it accepted its Mandate over the Territory of South West Africa. Moreover, it is in complete disregard of the new realities and temper of our times. We therefore voted for this resolution in the earnest hope that something may yet be done, and done fast, to remedy the situation before it is too late. Our people believes in the brotherhood of man under the fatherhood of God, and notes and condemns all discrimination based on race, religion or colour.

78. Mr. N'THEPE (Cameroun) (translated from French): The delegation of Cameroun voted in favour of the draft resolution submitted by the Fourth Committee. I would remind the Members of the Assembly that Cameroun was part of the chain of African mandated countries. Who invented the Mandates System? Who has the right of supervision? Who has the right to determine the Mandate if not the Organization which set it up? It seems as if the international Organization, whether it be the former League of Nations or the United Nations of today, is afraid of something which it set up itself. Should the institution of the Mandate be interpreted today as an outright gift to the Power exercising the Mandate?

79. My delegation appeals to the United Nations to remember its responsibilities: first, because it is the

international Organization which set up the Mandate; secondly, because it appointed the Mandatory Power; thirdly, because the Mandated Territory is its child. We must not waste time taking sides in an argument. The international Organization must act directly, as it did when it set up the Mandate. The Territory of South West Africa is the child of that Organization and my delegation would like to see the United Nations responsible for the direct and complete protection of that child.

80. The delegation of Cameroun considers that the negotiations advocated by the United Kingdom representative have taken place and that it is because of the negative result of that procedure that the matter has come before us today. But who can claim that this resolution itself does not represent a negotiation? We should like to think that the eminent representative of the United Kingdom does not need any other negotiations.

81. South West Africa is a Mandated Territory and not a colony of the Union of South Africa. The United Nations must say whether or not it is abandoning that child to the fate which is meted out to it today. It must take action quickly and directly, in conformity with the Charter of the United Nations.

82. The delegation of Cameroun considers that the United Nations should no longer include a slave State or slave States, which is against the very principles of the United Nations. We believe in brotherhood, the brotherhood of man.

83. Mr. ZULOAGA (Venezuela) (translated from Spanish): I am not certain whether from the point of view of procedure—in which I am no expert—we are entitled to explain our vote, since we were one of the sponsors of the draft resolution (A/4709).

84. In view of the liberal attitude shown by our President, which I presume is partly explained by the fact that this is the only United Nations organ working at present, I have taken the liberty of asking for the floor. I wish first to associate myself with all the reservations voiced by my colleague from Mexico, which I had the opportunity to discuss with him and with other delegations before today's meeting. I wish to emphasize this, in view of the President's liberal attitude, because many of today's explanations of vote have actually been substantive arguments which should normally have been presented before this resolution came to the plenary or before it was put to the vote. We are already familiar with the practice followed by some of the great Powers of abstaining in the vote and then making a statement which is highly critical of the resolution that has just been adopted. I am not alluding to, and I warmly welcome, the favourable votes cast, in spite of certain reservations, by two very important members of the Commonwealth. I use the English word "Commonwealth" advisedly, because in Spanish we use the ex-

pression *Comunidad Británica* and the representatives of Ghana and India have very rightly corrected me and pointed out that they are members of the Commonwealth but not British.

85. While I welcome the favourable statements made by Canada and New Zealand, I must say I was very grieved to hear the important statement made by the United Kingdom delegation, to which the Liberian delegation has referred. Not only does the United Kingdom delegation not agree with the operative paragraph submitted by our delegation but, to a certain extent—and I think this will be the Assembly's view—it has sought a delay instead of voicing criticism of the Government of the Union of South Africa. It referred to a long way and a short way, but I think that there is only one way: the way of humanity and not the way of legal arguments, whether based on the *sub judice* rule or any other.

86. In spite of all these reservations and the amendments made to our draft resolution, the delegation of Venezuela voted in favour of the resolution as it was submitted by the Fourth Committee.

87. The PRESIDENT: The representative of Mexico has the floor in exercise of his right of reply.

88. Mr. CASTAÑEDA (Mexico) (translated from Spanish): I must apologize for intervening again, but I feel compelled once again to reserve Mexico's position with regard to the statement which the representative of Guatemala made a few moments ago concerning the territory of Belize. Since our position has been made clear on numerous occasions in the records of the plenary meetings, I do not consider it necessary to state it again.

89. Mr. CHATTI (Tunisia) (translated from French): For reasons beyond its control, my delegation was absent when the vote was taken on the resolution which has just been adopted. My delegation wishes to state that it fully supports that resolution and requests that that fact should be mentioned in the record.

90. I shall not dwell on the inhuman conditions prevailing in South West Africa or on the intolerable character of the policy of *apartheid*. My delegation has already had occasion to state its views and it will maintain the same attitude so long as the Union of South Africa continues to defy the civilized world. For the time being I shall only say that the responsibility of the United Nations for the fact that several million human beings are living in slavery is very great, and that the time has come for our Organization to find a way to exact respect not only for the principles of its Charter but also for human dignity, which is being trampled underfoot by the Union of South Africa.

91. I hope that this session will reach an important decision concerning the Union of South Africa.

*The meeting rose at 12.15 p.m.*