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President: Mr. Emilio ARENALES (Guatemala).

*In the absence of the President, Mr. Allimadi (Uganda),
Vice-President, took the Chair.*

AGENDA ITEM 8

Adoption of the agenda (*concluded*)*

**FIFTH REPORT OF THE GENERAL COMMITTEE
(A/7250/Add.4)**

1. The PRESIDENT: May I invite members to turn their attention to the fifth report of the General Committee [A/7250/Add.4]. In paragraph 1 of the report, the General Committee recommends the inclusion in the agenda of the twenty-third session of an additional item entitled "Need to put an end to the discussion in the United Nations on the unification of Korea". It further recommends that the item should be included in the agenda as sub-item (d) of item 25, entitled "The Korean question"; that it should be allocated to the First Committee; and that it should be discussed by that Committee in the course of its consideration of the other sub-items of item 25.

2. Mr. MALIK (Union of Soviet Socialist Republics) (*translated from Russian*): At yesterday's meeting of the General Committee [178th meeting] attempts were made by the delegations of those countries which, together with the United States of America, participated in the military aggression in Korea, to prevent the inclusion of this item in the agenda of the General Assembly. Nevertheless, at the insistence of a number of delegations from the socialist and Afro-Asian countries, the General Committee recommended the General Assembly to include in its agenda, for consideration at its current session, the new item relating to Korea proposed by the Cuban delegation [A/7227]. This

item, entitled "Need to put an end to the discussion in the United Nations on the unification of Korea", is an important and urgent question. The Soviet delegation supported the Cuban delegation's proposal in the General Committee and is supporting it now in the plenary Assembly.

3. However, we voted against the United States delegation's proposal that the new item should be included as sub-item "(d)" of item 25 of the agenda of the General Assembly's present session under the general heading "The Korean question", which has been referred for consideration to the First Committee.

4. The proposal to discuss this item along with other questions concerning Korea is a regular manoeuvre by the delegations of those countries which jointly bear responsibility for the military intervention in the affairs of the Korean people and for maintaining the division of Korea for the last twenty years. Their aim is not to permit due discussion of this new agenda item and by so doing to continue to obstruct attainment of the unification of Korea by the efforts of the Korean people itself. It is perfectly obvious that the new agenda item proposed to the General Assembly by the Cuban delegation is an independent question and should, as such, be discussed separately and independently.

5. This is a matter which affects the vital interests of the entire Korean people which, for twenty years now, has been denied the possibility of determining its own destiny, achieving the unification of its homeland and ridding itself of foreign occupation. The Korean people has been the victim of imperialist interference in its internal affairs, which the flag and the name of the United Nations have for so long been brazenly used to conceal and disguise.

6. The votes of the United States of America, its allies in the military intervention in Korea's affairs and those who follow its lead in this question have forced the United Nations regularly, year after year, to discuss the so-called "Korean question" on the basis of reports by an illegally created United Nations Commission on Korea. However, as everyone knows, the cause of a political settlement in Korea and the peaceful unification of the artificially divided Korean nation has not been advanced by a single step during all that time.

7. Indeed, it could hardly be otherwise, inasmuch as the above-mentioned Commission showed itself long, long ago to be the direct instrument of the imperialist forces. It was set up and is being used for purposes which have nothing in common either with the unification of Korea or with the establishment of peace on Korean soil. Its activities and the annual reports it composes are harmful to the interests of

* Resumed from the 1722nd meeting.

the Korean people and are aimed at disguising and cloaking the dangerous operations of the foreign Power which, with the participation of its allies, is occupying South Korea. This Commission has in effect become a propaganda branch of United States military headquarters in South Korea.

8. The annual discussion of the Korean question on the basis of this Commission's reports only places new obstacles and difficulties in the path of the unification of Korea. As the present session has already shown, the discussion of this question is always used to justify flagrant foreign interference in the affairs of the Korean people in violation of the elementary principles and norms of international law and of the United Nations Charter, and to slander the Democratic People's Republic of Korea—an occupation in which certain delegations representing countries which are allies of the United States of America are particularly active.

9. The fact that the objectives of the annual discussion of the "Korean question" in the United Nations are directly opposed to the interests of the Korean people has already been strikingly demonstrated at the current session of the General Assembly. A discriminatory and completely illegal decision depriving the representative of the Democratic People's Republic of Korea of the possibility of participating in the discussion on questions relating to Korea as the representative of one of the directly interested parties has once again been forced upon the First Committee. Fearing for its positions and interests in Korea, the United States and the countries supporting it paid no regard either to common sense, or the concept of justice, or the Charter and principles of the United Nations, or the long-standing practice of all United Nations bodies whereby representatives of all interested parties are invited to meetings to participate in the discussion of matters which concern them.

10. Is it possible to talk about the unification of the two parts of Korea when the representative of the lawful Government of the Democratic People's Republic of Korea—of one of the parts of Korea—is deprived of the elementary possibility of stating in the United Nations its position on questions relating to Korea which concern the Korean people as a whole? What can be the role of the United Nations in settling the question of unification under such conditions? But there is still another aspect to this question. Neither the United Nations Charter nor the universally recognized norms of international law confer upon the United Nations any authority or right to interfere in the internal affairs of the Korean people or to deal with the so-called "Korean question", i.e. the question of the unification of Korea. It is the views of the Koreans themselves, of the Korean people itself, which have to be reckoned with. The Government of the Democratic People's Republic of Korea, which genuinely expresses the interests, the will and the aspirations of the Korean people, has repeatedly declared inadmissible any interference in the question of unification of Korea by the United Nations or by any other outside forces masquerading under the name of the United Nations.

11. The unification of the country is wholly an internal affair of the Korean people itself. The question of unifying North and South Korea can be settled without any

interference by extraneous forces, including those acting under cover of the United Nations; it can be settled independently, and on democratic principles, by the forces of the Korean people itself. That is the lawful and inalienable right of the Korean people.

12. If the States Members of the United Nations sincerely wish to help the Korean people in finding a peaceful and just solution of the Korean problem, the United Nations can play a positive role and make its contribution. But to do this it must abandon once and for all its old, bankrupt approach to the question of Korea and, taking account of the real changes which have occurred in the world since the problem first arose twenty years ago, seek new ways of solving it. Such a way is indicated in the proposals submitted by the socialist countries and a large number of Afro-Asian countries at the present session of the General Assembly. These proposals provide *inter alia* for the withdrawal of all foreign troops from the territory of South Korea and for the abolition of the United Nations Commission for the Unification and Rehabilitation of Korea.

13. In view of the fact that an unlawful act has been perpetrated in the First Committee and that those who oppose a solution of the "Korean question" have again forced upon the First Committee the decision not to allow representatives of the Democratic People's Republic of Korea to participate in the discussion of that item, we consider entirely just, reasonable and timely the Cuban delegation's proposal that the question of putting an end to the discussion of the "Korean question" in the United Nations should be considered at the present session of the General Assembly. This is a matter which is ready for a decision and which should be decided. It should be examined as a separate item by the First Committee, and, later, by the plenary General Assembly, and not as sub-item "(d)", as proposed by the United States delegation.

14. Mr. TSURUOKA (Japan): My delegation does not believe it reasonable to propose at this very late stage of the Assembly's work the inclusion of an additional item [see A/7227] which concerns the Korean question. My delegation cannot fully understand the reason why such a new move has been made towards the very end of the present session of the General Assembly.

15. I have asked to speak to make a plea for reason in the conduct of the Assembly's work. Obviously this is not a new item. On the contrary the explanatory memorandum which is part of document A/7227 clearly indicates that this proposal deals with the Korean question and nothing else. In fact, similar proposals were discussed and rejected in the First Committee under the heading of the Korean question at previous sessions. Of course, once again this year, there will be every opportunity to discuss the substance of the Cuban delegation's proposal when the substantive aspect of the Korean question is taken up in the First Committee. Thus, as we see it, there is no reason to think of this proposal as an urgent and separate matter.

16. Although we are not opposed to the inclusion of the item in the agenda, reason and logic dictate that it should be considered in the First Committee as sub-item (d) of

agenda item 25, the Korean question. As we know, there are already three sub-items under agenda item 25, "The Korean Question", namely, (a) Report of the United Nations Commission for the Unification and Rehabilitation of Korea, (b) Dissolution of the United Nations Commission for the Unification and Rehabilitation of Korea, and (c) Withdrawal of United States and all other foreign forces occupying South Korea under the flag of the United Nations.

17. It is not only reasonable and logical to consider the Cuban proposal as sub-item (d) together with the other sub-items of the Korean question; it is also the only practical way to take up that sub-item in view of the shortness of time remaining to complete the work of the First Committee. On this understanding, we support the recommendation of the General Committee [A/7250/Add.4, para. 1.]

18. Mr. TARABANOV (Bulgaria) (*translated from French*): The delegation of the People's Republic of Bulgaria is certainly in favour of including, as a separate item in the agenda of the twenty-third session of the General Assembly of the United Nations, the item entitled "Need to put an end to the discussion in the United Nations on the unification of Korea", because we think that this is an important question which has now acquired an element of urgency.

19. The question is undoubtedly of the greatest importance. For over twenty years now, the United Nations has been discussing the so-called question of the unification of Korea on the basis of the reports of the Commission known as the United Nations Commission for the Unification and Rehabilitation of Korea; what results have been achieved so far? Korea is still divided and the United States and foreign forces are still stationed in South Korea. The longer the question of Korea, and above all of its unification, continues to appear on the agenda of the General Assembly, the greater will be the facilities and the possibilities afforded to the occupiers of Korean soil to remain there and the easier will it be for those who want to turn Korea into a base from which to attack peace in the Far East to achieve their objective.

20. This question has also acquired a character of urgency after the discussion that has just taken place in the First Committee. As we have repeatedly stressed, despite the long-established practice and rule in international politics and this Organization, requiring the presence and participation of both interested parties in discussions of problems of concern to them, certain countries, prompted by the United States of America, have thought fit to organize the work as to make it possible to deny the only legitimate representatives of the Korean people, the representatives of the Democratic People's Republic of Korea, the right to participate in these discussions, which, moreover, are doing nothing to advance the unification of Korea.

21. Why have they done so? They have done so in order to prevent the representatives of the Democratic People's Republic of Korea from unmasking the manoeuvres of those who seek to impede the unification of that country and refuse to allow the Korean people to solve this question for themselves. In these circumstances, we are entitled to

ask what interest the United Nations has in prolonging a discussion that has proved sterile for twenty years without the participation of the party directly concerned.

22. Although there are countries in the United Nations which hope that this question of unification will lead to the opposite result, what interest does the United Nations as such have in continuing to leave Korea divided on the pretext of bringing about its reunification? Everything suggests that this year, too, the discussion will be sterile; Korea will continue to be divided and foreign forces will remain there. If this is not the purpose of the discussion, we should certainly dispense with it. Are we justified in wasting the time of the United Nations, especially now, at the end of the session, when so many urgent matters await solution? Should we not do everything in our power to lighten and simplify the work of the First Committee rather than overburden it with lengthy discussions, whose aim is so indefensibly and highly discreditable to those who initiated them.

23. That is why, in our view, the question of the need to put an end to the discussion in the United Nations on the unification of Korea should be included in the agenda of this session and be considered as a separate item and not, as certain delegations, and first and foremost that of the United States, suggested yesterday in the General Committee [178th meeting], as sub-item (d) of agenda item 25.

24. As some delegations so rightly pointed out in the debate in the General Committee, this question is so worded as to be tantamount to a proposal for the closure of the debate. It would be absurd to begin by discussing the various sub-items of item 25, in other words, by holding an exhaustive discussion of the whole Korean question, and conclude by discussing the proposal for the removal of the question of the unification of Korea from the agenda, after it has already been discussed.

25. This would really make nonsense of the work of the First Committee. In order not to find ourselves in this absurd, indeed ludicrous situation, we propose that the need to put an end to the discussion of the unification of Korea in the United Nations should be considered first and that further discussion of item 25 should depend on the decision on that point. This is the only way we can help to relieve the Organization of a question that was not seriously raised in the General Assembly in order to help the Korean people, but merely in order to increase the work of the First Committee and to prevent the unification of Korea. This is the only way of ensuring that this item is left aside and that the First Committee is relieved of this burden.

26. A few moments ago a representative argued that we should discuss this question last, as sub-item (d) of agenda item 25. But—and I stress this point once again—if we want to give weight to this question, which has been rightly placed before the General Assembly and will perhaps be referred to the First Committee if the General Assembly so decides, it must be discussed separately so that we can eliminate such other aspects of the Korean question which we have before us as prove irrelevant after the First Committee has taken a decision on this matter.

27. In these circumstances, the People's Republic of Bulgaria believes it is absolutely essential that this question

concerning Korea should be discussed by the First Committee independently of "The Korean question" proper and, I reemphasize, should be discussed first in order to facilitate that Committee's work on the Korean question.

28. Mr. SHAW (Australia): I wish to support the decision of the General Committee taken yesterday, 9 December, to the effect that the additional item requested for inclusion in the agenda of this session of the General Assembly entitled "Need to put an end to the discussion in the United Nations on the unification of Korea" be inscribed as sub-item (d) of item 25, the Korean question, and discussed as part of the discussion of that question as a whole.

29. In support of this recommendation by the General Committee, I recall that it is a long and well-established practice of the Assembly to discuss matters pertaining to the Korean question in the First Committee. It has also become an established practice of the Assembly to combine various items relating to the Korean question as sub-items of one general item, the Korean question. It was an abuse of the rules of procedure of this Assembly to have brought forward this alleged "new item" at this stage of our work as an "urgent and important matter" and it is necessary that the Assembly should take steps to ensure that its scheduled programme of work is not thrown out of gear.

30. In the General Committee meeting yesterday, representatives of some delegations argued as if the so-called "new" item was intended to override the items already inscribed on the question of Korea, and that therefore it should be discussed separately from them, and indeed prior to them. It is clear however on reading the explanatory memorandum submitted with the request for this item that this is a proposal for the future handling of the Korean question, and as such is on a par with other items inscribed by other delegations of similar ideological persuasion to the delegation of Cuba, to the effect that the United Nations Commission for the Unification and Rehabilitation of Korea be dissolved, and that the forces at present in Korea under the United Nations Command should be withdrawn.

31. It is thus appropriate that whatever resolution the delegation of Cuba wishes to submit should be discussed at the same time as resolutions under the other sub-headings of the Korean question, in a general debate which will allow each Member of the United Nations to present its views in detail on the various aspects of that question. It was on this understanding that the General Committee yesterday agreed to the inclusion of the Cuban item on the agenda of the present session.

32. Looking at the various titles of the sub-items inscribed by a certain group of delegations we are able to see clearly what their intention is as regards the United Nations and the question of Korea. We have a demand that the United Nations stop talking about the unification of Korea; we have a demand that it dissolve its Commission to promote the unification of Korea; and we are told that its defensive presence in Korea, through the United Nations Command, must end. This group of delegations has, as its simple purpose, the ending of any concern of the United Nations with the question of Korea. As the official memorandum from the North Korean authorities states: "If the United Nations really wants to act in accordance with the

principles of its Charter, it must take hands off the Korean question." [A/C.1/971.]

33. That language of the North Korean statement, although blunt, is also more polite than some of the language we have been required to listen to from certain delegations in the many debates on aspects of the question of Korea which have already taken place at this session of the Assembly. Those delegations have made propaganda statements to the effect that it was the United Nations forces in the Republic of Korea which were engaged in aggression, in "illegal and blatant interference in the affairs of the Korean people" and the United Nations was responsible "for the division of Korea, for the present situation in Korea and for the suffering and misery that have become the lot of the people of Korea". It was only this morning that we heard the representative of the Soviet Union again charge that the United States and other States have participated in aggression in Korea. Those extreme and unacceptable phrases are a guide to the motives of those who speak in favour of ending the United Nations involvement in the problem of Korea.

34. That can be clearly seen when we compare the exaggerated language with which those delegations declare the peaceful intentions of North Korea with the evidence, which cannot be denied, of the war-like actions which have been taken by the North Koreans. In January of this year a commando squad of thirty men was sent from the North to the capital of South Korea to attempt to murder that State's President. In November of this year, two thirty-men squads were sent to the east coast of South Korea to attempt to establish bases for externally supplied and externally manned guerilla warfare operations.

35. Far from representing the sum total of North Korea's aggressive activities, the groups that have been committed to that kind of activity so far represent only a tiny fraction of a corps of some 30,000 men who are being specially trained for the purpose of infiltration, assassination and guerrilla warfare against and within the Republic of Korea.

36. It is clear why the Cuban and other like-minded delegations do not wish the question of the unification of Korea to be discussed further by the United Nations. They do not wish to have to cover up in the United Nations for the acts of the North Korean régime—a régime which did not shrink from committing major acts of violence and terror last month at the very time when discussion of the Korean question was about to begin in the First Committee.

37. I do not think it is an unduly sombre note to sound if I remind members of the Assembly that the last time foreign forces were withdrawn from South Korea was in 1949, and that their withdrawal was followed soon after by the deliberate act of invasion from the North, the resistance to which cost the South Korean and the United Nations forces 500,000 casualties.

38. The PRESIDENT: I should like to apologize to the representative of Australia for interrupting him, but the representative of the Soviet Union has asked to speak on a point of order.

39. Mr. MALIK (Union of Soviet Socialist Republics) (*translated from Russian*): I must draw attention to the fact

that this is the fifth time at the current session that the question of Korea is being discussed—so far, in connexion with procedure—and that, for the fifth time, the representative of Australia is indulging in slander against the Democratic People's Republic of Korea. We know the history of the work of the Australian delegation, which always plays the role of the most frenzied slanderer of the Democratic People's Republic of Korea, rising to such absurdities as ascribing to the Government of the Democratic People's Republic of Korea the organizing of some kind of plot against the South Korean puppets. We are now hearing this from the Australian representative for the fifth time.

40. At present, we are discussing the procedural question of including a new item in the agenda. I do not think this is either the time or the place to touch upon matters of substance, and still less upon slanderous distortions of matters of substance. If the Australian representative has a multitude of slanderous fabrications in store concerning the Democratic People's Republic of Korea, he can produce them all in the First Committee. In two days' time, and possibly even tomorrow, we shall begin the discussion there and he will find a broad field for his activities. But now, as I see it, there is no need to go into details and to invent all kinds of fictitious stories about North Korea and the Government of the Democratic People's Republic of Korea, which is slandered but not admitted here, in the United Nations, and whose views it is desired not to hear. Such is the practice of the Australian delegation and of those whom it supports and defends.

41. For this reason it would be desirable to confine ourselves for the present to the procedural discussion of the question, namely, whether the item should or should not be included in the agenda. As for the Australian representative's producing his entire store of slanderous fabrications about the Government of the Democratic People's Republic of Korea, he can exercise his right to do so during the discussion of matters relating to the substance of the Korean problem in the First Committee.

42. The PRESIDENT: The representative of Australia may resume his statement.

43. Mr. SHAW (Australia): Mr. President, if I may continue, I should like to make a few remarks on the procedural manoeuvres on this question which a number of delegations in this Assembly have been conducting.

44. First of all, let us look back to the early discussions when, instead of accepting that any draft resolutions desired would be proposed under the general heading "the Korean question", those same delegations insisted on inscribing prejudicially-worded items of their own. Next we had the forced procedure by which certain delegations tried to argue in the First Committee that one aspect of the item, the question of invitations to representatives of the Republic of Korea and the North Korean authorities, should be discussed under the heading "Organization of work", when for years this question had been discussed as an integral and important part of the Korean question, which it obviously was. Eventually, after prolonged negotiations, a consensus acceptable to all members of the First Committee was worked out and the Committee's work proceeded along those lines. Now it is proposed that these

arrangements be upset so that the representative of Cuba would have ample scope to move a draft resolution, presumably because in its earlier stages the debate did not go as the Cuban delegation and similarly-minded delegations wished it had gone. A legitimate vote in the First Committee [1622nd meeting], taken after a thorough debate on the question, namely to invite representatives of both North and South Korea to participate under clear and reasonable conditions, has now been denounced and further procedural manoeuvres have been called into play in an attempt to distort its results.

45. We can understand the motives behind that manoeuvring, just as we can understand the efforts of some delegations to prove that history should be reversed, to prove that it was the United Nations and not the North Koreans which should be regarded as the aggressor in the Korean War of 1950-1953. The word "slander", as I understand the use of the word, means the promulgation of untruths. It has not been suggested to me this morning that anything that I have said about the facts of history in Korea was untrue. I shall simply quote once again the finding of the United Nations Commission on Korea in respect of the 1950 aggression, and I quote their words:

"The invasion of the territory of the Republic of Korea by the armed forces of the North Korean authorities, which began on 25 June 1950, was an act of aggression initiated without warning and without provocation, in execution of a carefully prepared plan."¹

46. I am quoting from the Official Records of the United Nations and, unlike national history books, these records cannot easily be rewritten. Indeed, Members of the Assembly must ask themselves what lies behind such persistent efforts on the part of delegations of a certain group of countries in trying to obstruct the normal course of a discussion on the situation in Korea? Is it their belief that we in the Assembly will become so tired of discussing this matter that we will agree that it need no longer be a topic for consideration by the United Nations? If this is the objective, I must say that this has to us a rather sinister connotation.

47. The reports of the United Nations Commission and of the United Nations Command testify to the hostile words and deeds of the North Koreans. There has been no attempt to refute these charges in the Assembly. Why should the Assembly be asked here to accept that this threat to the peace in North-East Asia is not the concern of the United Nations? Are we being asked to apply another of those double standards which we often find in the United Nations?

48. In Europe we have a situation, unhappy and unsatisfactory, dangerous as it may be, in which Germany finds itself divided into two parts: not by an international frontier established by treaty, but certainly by a recognized military demarcation line. Such demarcation lines for the purpose of calling into effect the obligations of the Charter regarding non-intervention and aggression have the same status as that of accepted international boundaries. May I ask the question: what would we be doing in the United

¹ *Official Records of the General Assembly, Fifth Session, Supplement No. 16 (A/1350), para. 202.*

Nations if, from one part of divided Germany or the other, large-scale armed bands were mounted for infiltration into the territory of the other side? What would we say if trained bands of assassins were sent from one part of Germany into the other to assassinate the President of the other part? What would we say if it were confirmed that in one part of Germany or another some 30,000 men were being trained for the purpose of assassination and sabotage in the other part? Why do we have to accept one standard for Asia and another for Europe?

49. We fear that a certain group of representatives would like the way clear in Korea for a return to the kind of war we held back in 1950-1953. Surely we have learned from this experience of the past that the presence of the United Nations Commission in the Republic of Korea was not, in itself, able to dissuade the North Koreans from their attack of June 1950, but that the presence of United Nations observers in the Republic of Korea at that time was a most important factor in determining the facts of aggression. Is it the objective of some delegations to bring about a situation in which history could repeat itself?

50. In brief, although we have the strongest doubts about the motivations of the delegations which brought forward this allegedly new and urgent item at this time, we agree that it might properly be discussed with other aspects of the Korean problem in the First Committee. That agreement in no way lessens our condemnation of the tactics that have been employed and our condemnation also of what we understand to be the objectives of this manoeuvre.

51. Mr. LEWANDOWSKI (Poland): My delegation wishes to propose separate voting on different elements involved in the decision that we are about to take. We propose that, first, we vote on the substance; that is to say, on whether the item as proposed by the delegation of Cuba should be included in the agenda of the present session of the General Assembly or not. That is covered by the part of paragraph 1 of the report of the General Committee [A/7250/Add.4] which we now have before us. Then I propose that we vote on the allocation of the item, which, as we know, has been covered by the proposal of the United States [*ibid.*, para. 1], adopted by the General Committee. I also propose that we vote separately on the allocation, covering all three elements of which the United States proposal is composed, in the same way as we voted on this item in the General Committee.

52. Mr. PEDERSEN (United States of America): In connexion with the request made by the representative of Poland, we would have no objection to voting on the various parts of our proposal separately. I would point out, however, that regarding the allocation of the item, our proposal is incorrectly stated in the report of the General Committee. The first part of our proposal deals with the manner of the inscription of the item on the General Assembly agenda; the second part deals with the allocation of the item; the third part deals with the manner of the discussion of the item. Therefore, the decision on the inscription of the item will not be completed until after the vote on the first part of the United States proposal.

53. The PRESIDENT: I shall now call upon the Under-Secretary-General for General Assembly Affairs to make a statement.

54. Mr. NARASIMHAN (Under-Secretary-General for General Assembly Affairs): If the Assembly is ready to proceed to the vote, we shall vote in the following order: first, on the question of inscription; secondly, on the question of inscription as agenda item 25 (d); thirdly, on the allocation to the First Committee of the inscribed sub-item and fourthly, on the proposal that this sub-item be discussed at the same time as the other sub-items of item 25. If this is acceptable, we can then proceed to vote on the various proposals before the Assembly.

55. The PRESIDENT: I hear no objection and I take it that the Assembly so agrees.

It was so decided.

56. The PRESIDENT: The Assembly will now first take a vote on the question of inscription, as stated by the Under-Secretary-General.

The proposal to include the item was adopted by 22 votes to 6, with 39 abstentions.

57. The PRESIDENT: The Assembly will now vote on the question of the inclusion of the item as sub-item (d) of agenda item 25.

The item was included in the agenda as sub-item (d) of item 25 by 40 votes to 14, with 13 abstentions.

58. The PRESIDENT: The Assembly will now vote on the question of the allocation of the sub-item to the First Committee.

The sub-item was allocated to the First Committee by 57 votes to none, with 9 abstentions.

59. The PRESIDENT: The Assembly will now vote on the question of the discussion of this sub-item by the First Committee in the course of its consideration of the other sub-items of item 25.

It was decided, by 45 votes to none, with 24 abstentions, that the sub-item would be discussed by the First Committee in the course of its consideration of the other sub-items of item 25.

60. The PRESIDENT: That concludes our consideration of paragraph 1 of the report.

61. I should now like to invite the Assembly to direct its attention to paragraph 2 of the report of the General Committee. In that paragraph the General Committee decided to recommend to the General Assembly that sub-item (c) entitled "Confirmation of the appointment of the Secretary-General of the Conference" should be added to agenda item 34, entitled "United Nations Conference on Trade and Development", and that it should be considered directly in plenary meeting. If I hear no objection, I shall take it that the General Assembly adopts the recommendation of the General Committee.

It was so decided.

62. The PRESIDENT: I should now like to invite the General Assembly to direct its attention to paragraph 3 of

the report. That paragraph states that the General Committee decided to postpone temporarily its consideration of agenda item 97: "Celebration of the twenty-fifth anniversary of the United Nations". If I hear no objection, I shall take it that the General Assembly takes note of that paragraph.

It was so decided.

AGENDA ITEM 64

Question of Namibia (*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 Namibia;
- (c) Appointment of the United Nations Commissioner for Namibia

63. The PRESIDENT: May I remind the Assembly that the President announced yesterday [1736th meeting] that in accordance with the request of the Chairman of the Afro-Asian group, he had agreed to postpone the deadline for submitting any new proposals or amendments on this item to Wednesday, 11 December, at 6 o'clock.

64. Mr. HAMZAOU (Tunisia) (*translated from French*): Since the end of the Second World War, the decolonization movement has made great progress through the awakening of the peoples and through their national struggles, and also because of the more favourable circumstances arising from the change in the international balance of power and the strong support of this Organization, particularly since the adoption of the historic Declaration on the Granting of Independence to Colonial Countries and Peoples on 14 December 1960. This progress is not, however, a source of complete satisfaction because it reveals in contrast the tragic and intolerable situation of the peoples and territories still under the colonial yoke, particularly in the southern part of Africa, that part of the continent which some of its truest sons and most illustrious authors of both races have lamented and led others to lament, loved and inspired others to love, honoured and brought others to honour, that part of Africa which is the most worthy of interest because it is a victim of the most uncompromising colonialism coupled with the most abject racial discrimination, that part of Africa where the winds of change have not yet blown with sufficient force but where the colonialists, aware that their hour of reckoning is inexorably approaching, are giving the Africans no quarter.

65. The Secretary-General, in the introduction to his annual report, has reminded us that:

"Of these problems, those currently plaguing the southern part of Africa are in a class by themselves, for they represent the most conspicuous mass violation of human rights and fundamental freedoms." [A/7201/Add.1, para.148.]

He continues:

"As I have observed elsewhere, the collective determination of the United Nations to put an end to colonialism

seems to have met a solid wall of defiance in that part of the world." [Ibid.]

66. Yet the Organization has certainly not failed to show interest or to exert efforts to free that part of Africa from the yoke of colonialism and *apartheid*; on the contrary, the Organization has considered this subject ever since its inception; it has expressed its views on it in more than seventy resolutions and has begun a process which, sooner or later, must succeed. On the general plane, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples are two important milestones in this process. On a more particular plane, the same can be said of resolution 2074 (XX) of 17 December 1965, which condemned the policy of *apartheid* and racial discrimination practised by the South African Government in South West Africa as constituting a crime against humanity.

67. In the case of the area which, according to the wishes of its people, was later to be called Namibia, the General Assembly, having despaired of inducing the South African Government to fulfil its obligations in respect of the administration of the Territory and its progress towards the exercise of its inalienable right to freedom and independence, decided in its resolution 2145 (XXI) of 27 October 1966 that the Mandate was terminated and that the Territory came under the direct responsibility of the Organization until its accession to independence; in the same resolution, it called upon the South African Government forthwith to refrain and desist from any action which would alter the new international status conferred upon the Territory.

68. In order to put this historic decision into effect, the General Assembly met in special session to adopt, in its resolution 2248 (S-V) of 19 May 1967, a practical instrument providing for the establishment of a United Nations Council for Namibia which, aided by appropriate measures which the Security Council was requested to take and enjoying the co-operation of all Member States, was to administer the Territory and to ensure that it attained independence by June 1968 at the latest. As we know, because of the Pretoria Government's refusal to co-operate in the implementation of General Assembly resolutions 2145 (XXI) and 2248 (S-V), the Assembly adopted resolution 2325 (XXII) in which it condemned this refusal, called upon the Government of South Africa to withdraw from the Territory unconditionally and without delay, declared that the continued presence of South African authorities in the Territory was a flagrant violation of its territorial integrity and international status, urgently appealed to all Member States, particularly the main trading partners of South Africa, to take effective economic and other measures designed to ensure the immediate withdrawal of the South African administration from the Territory of Namibia, and lastly, requested another principal organ of the United Nations, the Security Council, to take effective steps to enable the United Nations, and especially the United Nations Council for Namibia, to fulfil the responsibilities they had assumed with respect to that Territory.

69. There is no need to comment in detail upon the resolutions which these two principal organs of this Organization have had to adopt as a result of South Africa's

* Resumed from the 1734th meeting

defiance and reprehensible acts; they are only too well known and their lack of effect is too regrettable to bear dwelling upon. Suffice it to say that anyone analysing these resolutions and reconstructing their logic and progression would realize that the Organization has shown a perseverance and a patience exceeded only by those of the struggling people of Namibia, and has observed unequalled restraint in the face of South Africa's defiance and hostility; he would also see that the various steps have been taken one after another without undue haste, and that the relevant decisions, adopted unanimously or at least by a majority of over two-thirds of the Members, have been imposed in the absence of any other alternative, with the exception of the one impossible alternative of abdicating or abandoning Namibia to the sad fate which South Africa, by its intransigent attitude and actions, is attempting to reserve for it; lastly, he would be forced to conclude that the Organization seems to have exhausted all peaceful resources and means, despite the more than adequate time given to South Africa to reflect, to bow to the evidence, to seek and listen to advice, and to submit to the golden rules of this Organization—those of dialogue, co-operation and respect for the will of the international community in its support for the inalienable right of peoples to be free masters of their fate.

70. On no other question has this Organization so clearly staked its prestige and authority. To acknowledge the ineffectiveness of its peaceful efforts because of the obstinacy of a country which is still a Member of our Organization does not relieve the Organization of its responsibility, first towards itself and then towards the people of Namibia. The United Nations—and we with it—would cut a sorry figure in history, since, though reinforced by the right of the oppressed people of southern Africa and by the virtual unanimity of the international community, it has made no real progress in over two years towards the attainment of its objectives, while during the same period two minority groups, one in Southern Rhodesia and the other in South Africa, have respectively made a unilateral declaration of independence and thwarted the rightful owners of a Territory, and have both perpetuated with impunity situations based on the negotiation of the sacred rights of the majority of the inhabitants of these two countries.

71. The Organization must continue to act, and act speedily, in order to safeguard its prestige and to protect the Namibians; but it is no longer enough to adopt resolutions which will remain a dead letter.

72. Our interest and the decisions which we have taken have inevitably aroused great hopes among the Namibians, hopes which, it is sad to note, have so far only been met with words. Unfortunately for the Namibians, our actions have alarmed the minority which dominates them and have thus led it to adopt a line of frenzied and desperate obstinacy. So, paradoxically and despite or rather because of the proclamation of our good intentions and the announcement of our ultimate actions, the Namibians are now condemned to even more humiliation, extortion and repression than before.

73. Resolution 2248 (S-V) of 19 May 1967 promised them accession to independence by June 1968 at the latest.

In fact, the law which was passed in June and which has already begun to be enforced was the South African law of 6 June 1968² extending the régime of *apartheid* to the Namibians and subjecting them to a greater measure of oppression, uprooting and impoverishment. The position of South Africa, with its injustice and brutality, has always been and still is perfectly clear and constant, both in words and deeds. It is revealed in its votes on resolutions and in the explanations it has given here of those votes. It was more formally expressed in the letters of 26 September 1967³ and 15 February 1968⁴, addressed by the South African Minister of Foreign Affairs to the Secretary-General, stating that South Africa refused to recognize the legality of resolution 2145 (XXI) of 27 October 1966 terminating the Mandate or of any other resolution based on that decision. It was more recently confirmed in the letter of 27 March 1968⁵ from the Minister of Foreign Affairs to the Secretary-General with reference to General Assembly resolution 2324 (XXII) and Security Council resolutions 245 (1968) and 246 (1968) concerning the illegal arrest, deportation, trial and sentencing of Namibian patriots. This letter states that convicted terrorists cannot be released nor can their release be discussed.

74. At the level of action, the obstinacy and defiance shown by South Africa have been and still are even more evident and dangerous. By its refusal to allow the United Nations Council for Namibia to enter the Territory, South Africa has prevented the implementation of resolutions 2145 (XXI) and 2248 (S-V), which were intended to bring about Namibia's accession to independence. Through its so-called law of 6 June 1968, it has increased its hold over Namibia by extending to that Territory the policy of *apartheid*, with its train of humiliation, suffering and misery, and by providing for the creation of six Bantustans for the Namibians in the poorest part of the Territory, over 40 per cent of the total, and for the administrative and economic incorporation of the rest of the Territory in South Africa, applying the buffer zone stratagem in anticipation of the day when part of the Territory may have to be given up. Nor has it neglected, after reinforcing its police, to arm itself to the teeth. As the representative of Zambia observed in his statement on 27 November 1968 [1728th meeting], its military budget increased from £22 million in 1960-1961 to £145 million in 1967-1968. Its economic, political and military understandings with Portugal for the protection of its interests in Angola and Mozambique, and with the Ian Smith régime for the defence of the bulwarks of colonialism in southern Africa—understandings which are no secret to anyone—are in operation and stronger than ever. Moreover, realizing the genuine danger represented in the final analysis, by the nationalist leaders and the patriots, South Africa is intensifying its measures of intimidation, repression and extermination against them. This explains the illegal arrest, deportation, trial and sentencing of thirty-four patriotic

² *Development of Self-Government for Native Nations in South West Africa Act*, No. 54 of 1968.

³ *Official Records of the General Assembly, Twenty-second Session, Annexes*, agenda item 64, document A/6897, annex II, enclosure 2.

⁴ *Official Records of the Security Council, Twenty-third Year, Supplement for January, February and March 1968*, document S/8357/Add.9.

⁵ *Ibid.*, document S/8506, annex I.

Namibian leaders, the assassination by the South African police of forty-six Namibians in the Caprivi Strip and the arrest of 117 others; and this is not the end.

75. In addition, and so as to consolidate the ranks of the ruling minority, South Africa is applying a policy of active encouragement to immigration, while forcing into exile the true sons of this African soil by the inhuman treatment meted out to them, by its atrocities and its repression, reminding us of another contemporary colonial operation in the Palestine theatre.

76. In these circumstances, has South Africa the time or the intention to devote itself to the well-being of Africans, be they Namibians or South Africans? It may be said that it is more interested in the preservation of the African fauna and the so-called national parks than in the development of African man, bringing to mind the Nazi general who sent millions of innocent people to the gas-chambers without scruple, but described at length in his diary the anguish he felt over the tribulations and sufferings of his beloved dog.

77. The political aims of South Africa, its mental reservations and lines of retreat, are only too obvious. There can be no sincere doubts about them nor unfortunately any hope of change.

78. Faced with such defiance of the Organization on a question which is almost unparalleled with respect to the rightness of the Organization's objectives and the almost unanimous support it has received, and faced with actions so reprehensible that the Organization would have been justified in putting a stop to them even if they had been committed by a non-Member State, what should our position be? If we do not take immediate action to oblige South Africa, which is a Member of this Organization, to recognize the legality of the United Nations and to co-operate in implementing the decisions concerning Namibia, or failing that, to impose those decisions in accordance with the relevant provisions of the Charter, we should be granting a reward for defiance, a reward which would be all the less comprehensible because it would be given by the injured party itself. That would be tantamount to according an absolute veto enjoyed neither by those most respectful of the provisions of the Charter and of the decisions of the Organization nor by the most powerful among us. It would establish a dangerous precedent and place the Namibians, especially those who have put their faith in the United Nations plans for their Territory, at the mercy of a ruling Power which would believe that it could do anything because it had defied the whole of the international community with impunity and with no practical disadvantages.

79. My delegation believes that there can be no delegations, with the exception, for obvious reasons, of South Africa and Portugal, which in the present state of affairs would advocate inaction or the adoption of further decisions intended never to be implemented. It believes that even if there have in the past been honest differences of opinion regarding the choice of appropriate machinery to give effect to the position of principle set out in resolution 2145 (XXI), they must largely have disappeared, since other measures have not produced the expected results, nor

has time had much effect on the intransigent position of South Africa.

80. Fortunately, therefore, the solution lies much more in knowing what effective action to take to restore the Organization's authority and prestige and enable the Namibians to exercise their inalienable right to freedom and self-determination, than in discussing whether or not to act.

81. What we must do is to set in motion the process and practical mechanism which we adopted to bring about the liberation of Namibia, a step which unfortunately has remained at the resolution or neutral gear stage, and to set in motion in the Territory of Namibia itself, in order to enable the competent organs of the United Nations to establish themselves there and begin to prepare the country for independence.

82. No further imaginative effort is needed for this purpose: all the necessary measures have already been foreseen and incorporated in one or other of the resolutions we have adopted. What we must rather do is first to elicit the unanimous, sincere and unshakable will to ensure the implementation of the decisions taken by the United Nations organ which is truly qualified and competent, with the active co-operation of countries which can genuinely and effectively contribute to facilitate this implementation. Next we must decide on a sequence of concerted acts by the two principal United Nations organs and their subordinate special bodies, in order that these acts follow a rigorous pre-established order and that, to save our time and effort and to avoid committing the Organization's prestige and authority unnecessarily, none of them is started before the completion of the one which is literally intended to prepare the ground for it. Finally we must co-ordinate the supporting efforts which Member States, bilaterally or in groups, have been called upon to provide in order to persuade and dissuade the recalcitrant, dominating party and to help the oppressed party morally and materially in its fight for liberation.

83. My delegation considers that at this stage the sequence of acts which will lead to the implementation of these decisions should begin with action by the Security Council.

84. On the one hand, the Security Council, in its resolution 246 (1968) of 14 March 1968, declared itself cognizant of its special responsibility towards the people and Territory of Namibia and decided to remain seized of the matter and to meet immediately in the event of failure on the part of the Government of South Africa to comply with its resolutions. On the other hand, as the United Nations organ primarily qualified to take effective and operative decisions and action, it must once more be requested urgently to take whatever steps it believes most appropriate to ensure the withdrawal of South Africa from Namibia and thus enable the machinery devised by the General Assembly to function and produce the expected results as soon as possible.

85. The Assembly must in addition, in support of such action by the Security Council bear in mind the following statement by the Secretary-General in the introduction to his annual report:

"As I have pointed out, the latest developments in South Africa and in southern Africa seem to indicate that

the danger of violent conflict in South Africa and in southern Africa in general, resulting from the policies and practices of *apartheid* of the Government of the Republic of South Africa, should not be discounted or minimized. In my view, action should be taken without delay, in accordance with relevant resolutions adopted by the Security Council and the General Assembly." [A/7201/Add.1, para.144.]

86. The General Assembly, pending the outcome of the action which the Security Council is urgently requested to take to enable it to implement its decisions on Namibia, should reaffirm, by the same massive vote, its position of principle set out in resolution 2145 (XXI) and should also, with similar support, confirm the provisions laid down in resolutions 2248 (S-V) and 2373 (XXII) for carrying these principles into effect. These provisions have the merit of having been voted, if not unanimously, at least by a majority of over two-thirds and cannot reasonably be changed or abandoned before their practical effectiveness has been tested or before other measures having greater support or guaranteeing better results have been proposed by those Members of our Organization which have expressed reservations about the existing provisions. The fact that the machinery has not so far produced results is not necessarily because it is in itself unrealistic or unsound, but rather because the South African Government has totally obstructed the peaceful steps and actions for which it provided. Those delegations which abstained when the resolution was adopted, perhaps because they wanted to give themselves time and opportunity to think out other measures, or simply wished to see what changes time might bring about in South Africa, should, after the events or rather the absence of events during the eighteen months that have elapsed, have understood the true position. My delegation appeals to them to support the resolution now.

87. In supporting the action taken by principal organs of our Organization, and still with the same desire to hasten the implementation of the decisions on Namibia by all available means and methods, my delegation considers that Member States, can and should contribute, as they have already been invited to do by the General Assembly and the Security Council, more than they have so far done to the solution of the problem.

88. On the one hand, the main trading partners of South Africa, who, in view of their obligations under the Charter and of the resolutions they have adopted, should continue to exercise their influence on its Government with a view to inducing it to co-operate with the Organization in order to do justice to a dominated and oppressed people and to prevent the outbreak of the threatening armed conflict, which might be detrimental to the interests they are trying to protect and to the trade which they are trying to maintain—a conflict the cost of which, because of its international repercussions, would exceed the value of all the interests involved. Let them also remember that an independent Namibia or a liberated South Africa will still be open to trade, to co-operation and to soundly-based and enlightened interests.

89. On the other hand, all Member States should give even greater moral and material support to the brave Namibian fighters and patriots who, from the friendly countries

where they are living in exile, or in Namibia itself, are continuing their resistance and struggle, showing the world that before asking for and deserving its help, they have first relied upon themselves, aided each other and learnt to pay a high price for their freedom and liberation.

90. These are the views and suggestions which my delegation wished to submit on the question of Namibia.

91. I need hardly add that our actions will be consistent with our words and that my delegation, which was a sponsor of all the General Assembly resolutions on Namibia, will actively support and vote for any resolution put before this session which includes the greatest possible number of the suggestions it has made.

92. Mr. PARTHASARATHI (India): The General Assembly is once again seized of the important question of Namibia. The issue at stake is as simple as it is serious. It relates to the continued failure of the world Organization to pursue to its logical conclusion the historic decision of this Assembly to terminate South Africa's mandate over the Territory and to bring it effectively under the direct responsibility of the United Nations.

93. The significance of resolution 2145 (XXI) lay in the fact that the overwhelming majority of Members of the United Nations committed themselves irrevocably to securing freedom and independence for the Territory not later than June 1968. That date has passed and there is no indication that sufficiently earnest efforts are being made to honour the pledge made by the adoption of the resolution. At the same time the South African authorities are adopting a series of measures outlined in the report of the United Nations Council for Namibia [A/7338 and Corr.1] to further consolidate their illegal control over the Territory and to accelerate the process of destroying its unity and territorial integrity. I do not propose to refer to these matters in any detail, as previous speakers have done so only too eloquently.

94. The causes for this unfortunate state of affairs merit urgent examination, as it is only such a review which can form the basis for the kind of remedial action which is required. There does exist the widest possible agreement on the central objectives, namely, the withdrawal of South Africa from the territory and the attainment of freedom and independence for its tortured people. It is on the means of achieving this objective that there have been differences of opinion. It is an inescapable fact that these divergencies of view have arisen as a result of what amounts to a withdrawal from their commitments on the part of those States which have persistently pleaded that the action this Assembly should take should enjoy wide support and should lie within the capacity of the Organization. There can be no quarrel with these propositions in themselves. However, the difficulty lies in the fact that in the view of these States the appropriate action of the General Assembly is limited to fruitless diplomatic *démarches* or the adoption of peripheral programmes of assistance to Namibians abroad.

95. The fact of the matter is that the South African authorities are encouraged to defy the United Nations with robust confidence and impunity, as a direct result of the

tacit support they receive from the States which have thought fit to evade their responsibilities in this manner on one pretext or another. There can be no mistaking the fact, as our distinguished Secretary-General has so poignantly pointed out more than once, that the United Nations is nothing but a reflection of the attitudes and aspirations of its Members.

96. The capacity of the Organization to act in a given situation is no more and no less than that which is determined by the common agreement of its Members. The Charter of the United Nations is replete with provisions which, if applied, would enable the achievement of the objective on which we are all agreed.

97. The situation in which we are sought to be persuaded that the inhibiting factor is the ostensible incapacity of the Organization, arises from the lack of agreement on the application of the relevant Charter provisions. As it happens, the Security Council has by its resolution 246 (1968) taken cognizance of its special responsibilities towards the people and Territory of Namibia. It did so with the explicit agreement of all its permanent and non-permanent members. The question remains as to how and when it will exercise this responsibility.

98. The Council for Namibia in its report [*A/7338 and Corr.1*] has warned that the trend of developments in the Territory points to the distinct likelihood of an outbreak of violent racial war on an unprecedented scale. The Council has accordingly expressed its concern that this situation constitutes an aggravation of the wider serious threat to international peace and security in the area. It is our duty here in this Assembly to consider the steps to be taken to avert this threat.

99. My delegation has consistently supported the application of the mandatory provisions of Chapter VII of the Charter as the only effective solution to the problem with which we are confronted. This remedy can be put into effect if the political will to do so can be created. This is the task before us to which we must address ourselves with seriousness and determination.

100. The question naturally arises as to why we are unable to reach agreement on the course of action we should take. We have been frustrated in our attempts to act resolutely on the question of Namibia by the States which have subordinated their moral and political obligations to their desire to maintain and consolidate their trade relations with South Africa. It is ironic that States which support the view that South Africa has forfeited the right to administer Namibia do not hesitate to acquiesce in economic and commercial dealings with South Africa in regard to Namibia.

101. The investments of these States in Namibia is part of a well-planned operation to consolidate their involvement with the colonial Powers in southern Africa in such a way as to deprive them of any real interest in bringing self-determination and freedom to the peoples in this troubled part of the world.

102. This is the central issue which must be faced and tackled if we are to find an effective solution to the

problem of Namibia. I submit that the time has come to put an end to prevarication and to act in all conscience and responsibility, in common agreement, to bring to early fruition the objectives enshrined in resolution 2145 (XXI) by which this Assembly committed itself to securing the early independence of Namibia.

103. Mr. DENNY (United States of America): In considering the question of Namibia, the United Nations returns to a case which is among the most difficult and frustrating it has known. For all who have watched the United Nations with hope for its growth and success since the signing of the Charter at San Francisco—and who have shared, as concerned citizens of their countries, both its triumphs and its disappointments—this issue epitomizes many of the greatest hopes and bitterest frustrations of the Organization.

104. It is basic to the United Nations—and to the political beliefs and foundations of my own country—that every nation has the right to rule itself and that every individual has the inalienable right to equality and social justice. The United Nations, in its twenty-three years, has helped to foster a steady growth in the recognition and realization of those ideals. Nowhere is this more true than in Africa, where nearly 250 million people have emerged from dependent status since the founding of the United Nations and have achieved the right to rule themselves.

105. In the southernmost part of Africa progress towards human equality and self-determination has, tragically, been halted. There the Government of South Africa has chosen to stand against the tide of history. Stubbornly—and I believe foolishly—it has persisted in its attempts to build a society which institutionalizes racism. And not content with perpetuating injustice at home, it has defied the international community by moving to consolidate its rule over Namibia, to extend its own racist policies to that Territory and, increasingly, to deny the people of the Territory the elementary protection of the rule of law.

106. The United States continues to support the position, adopted by the General Assembly in 1966 [*resolution 2145 (XXI)*], that the Republic of South Africa, by its disregard of the interests of the people of Namibia, has forfeited the right to administer the Territory which it received under the League of Nations Mandate.

107. The United States will continue to support the search for peaceful and practical means to bring about the effective—and not only the legal—termination of South Africa's administration of Namibia. Unfortunately, the United Nations has not yet been able to find the means to reach this goal.

108. In this situation, I should like to add a caveat for the Government of South Africa. Let that Government not suppose that the termination of its legal Mandate absolves it from international responsibility for its actions in that Territory. Regardless of the fact that South Africa no longer has any legal right to Namibia, it continues, as illegal occupant, to be answerable before the international community for all of its actions in the Territory.

109. The United Nations has already examined at length one such action—the application to Namibia of the Terror-

ism Act of 1967. Both this Assembly and the Security Council have called upon South Africa to cease applying that Act to the international Territory and its people.

110. The Government of South Africa has failed to heed the voice of the international community or its obligations under the United Nations Charter. Thirty-one inhabitants of Namibia remain imprisoned on Robben Island, following their conviction under the Terrorism Act. As matters now stand, fifteen of the Namibians convicted under that Act are under sentence for the rest of their natural lives, fourteen for twenty years and two for five years.

111. The United States continues to maintain that South Africa has no right to apply the Terrorism Act to Namibia or to those prisoners. At the time this legislation was enacted in June 1967, South Africa's right to legislate for Namibia had already been forfeited and its occupation of the Territory had become illegal. Moreover, the Act would in any event have been in flagrant violation of rights of the inhabitants under the Covenant of the League of Nations, the Mandate Agreement, and Chapters IX and XI of the United Nations Charter.

112. For example, the Act authorizes indefinite detention by the police without the right of access to courts, counsel, family, friends or clergy; it imposes harsh criminal penalties for acts committed five years prior to its passage; it places intolerable burdens on the defence and, in effect, transfers to the accused the onus of proving his innocence beyond a reasonable doubt. Offences are so broadly defined as to create risks of extreme penalties for all who incur the disfavour of police and prosecuting officials. And for the occasional defendant who survives those obstacles or has served his sentence, there loom the risks, created by statute, of a new trial on charges arising out of the same facts, or of banishment without recourse to the courts.

113. The Appellate Division of the South African Supreme Court has recently held that the South African Courts are constitutionally excluded from any consideration or remedy of those and other denials of the rule of law. Whatever slim hope the international community could have had that South Africa's courts might be able to end or limit the application of the Terrorism Act or other legislation in the Territory of Namibia has been unequivocally ended by the recent judgement of the Appellate Division.

114. In the absence of any reassurance or other information from the South African Government, we must assume that a large number of Namibians, perhaps hundreds, remain in detention without right of access to the outside world under this Act. Some may have been held for over two years. The South African Government has thus far ignored the questions which the United States Government has posed in several representations.

115. The accountability of South Africa on this issue is clear. My delegation considers that the international community is entitled to know the full facts about the application of the Terrorism Act to Namibia. We should like to know: how many other Namibians, apart from the thirty-one, already are being held now under the Terrorism Act? If others are or have been held, what are their

names? What are the specific charges? Where are they and for how long have they been held? And what provisions have been made for their care and defence? If South Africa has nothing to conceal, let us know the facts.

116. Further, since the trial judge himself declared that all thirty-one Namibians convicted under the Terrorism Act could have been tried for the same acts under common law, why does the South African Government not erase that Act from the books, or at the very least cease to apply it in Namibia?

117. The representative of South Africa will be aware of the timeliness and relevance of these questions, since the issue of tortures of the thirty-one Namibians now on Robben Island, as well as the broader issue of the intimidation of suspects and witnesses by the Special Branch, are currently matters of lively controversy in the press and elsewhere in South Africa. This controversy results from two recent events: the settlement out of court of the case of a sixty-eight-year old Namibian detainee, Mr. Gabriel Mbindi, before there could be a public hearing of the facts relating to claims of brutality made by him and numerous defendants in the Terrorism case, and the current trial of a distinguished South African newspaper editor, Mr. Laurence Gandar on charges of violating the statutory secrecy surrounding South African prisons.

118. The General Assembly has also called upon South Africa not to apply to the international Territory the so-called "Development of Self-Government for Native Nations of South West Africa Act" of 1968. The response of the Government of South Africa has been to move from enactment to implementation. The allocation of over one-half the Territory, including the farms, mines, and towns of the heartland, to the 16 per cent of the population who are white, with the non-white majority consigned to less desirable and fractionalized units, cut off from the sea and without hope of independent economic development, can only be interpreted as a denial of self-determination and a means of perpetuating white supremacy.

119. The South African Government has claimed that the provisions of this Act were arrived at through consultations with the people of Namibia and therefore represent a valid form of self-determination. We should like to know: what was the nature of these consultations? What procedures and guarantees were provided against intimidation? Were various options offered for free choice among different plans for the political future of Namibia, or were those consulted merely asked to endorse the Odendaal report? ⁶

120. Unless such questions, already raised by my Government, the United States, with South Africa, can be satisfactorily answered and the answers verified, we are obliged to maintain our view that this Act represents not a valid form of self-determination, but rather a complicated exercise in divide and rule, designed to entrench *apartheid*, and to delay forever any possibility of true self-determination. There are important relationships between the Development of Self-Government for Native Nations Act

⁶ *Report of the Commission of Enquiry into South West Africa Affairs, 1962-1963* (Pretoria, Government Printer, 1964).

and the Terrorism Act. Both involve violation of South Africa's international obligations, of the status of the Territory and of the rights of its inhabitants. Both reinforce the policy of maintaining white supremacy over the economic and political development of Namibia. Together, they seek to legalize the intimidation of free expression and association, to break the will and strength of the people of Namibia, and to deny them their rightful self-determination.

121. Even if the question of racial discrimination did not arise in Namibia, the attempt of South Africa to perpetuate its rule of an alien minority over an international Territory—and over a people increasingly aware of rights elsewhere held inviolable—would be doomed to failure. But in Namibia we have not only the anachronism of alien domination; we have the blind attempt to make over another country, according to ideas of racial difference which all peoples, in this age, should have long since put behind themselves as the relics of a dark and shameful past.

122. Despite the walls of censorship and propaganda, with which their own Government has surrounded them, the people of South Africa must soon realize that the system they are trying to entrench in Namibia will not work—that it will neither satisfy the wants and needs of the non-white population nor, by some conjuring trick, conveniently make them disappear.

123. In South Africa itself—especially within some parts of the religious, university, press and legal communities—there is evidence of growing concern about the moral implications of a policy which separates thousands of men from their wives, families, and normal social ties, and consigns large populations to poverty-stricken reserves without hope of economic development. It is increasingly evident that the effort to separate the races and yet keep a modern economy functioning cannot succeed, and that the Government's plans for providing adequate employment in the so-called native homelands in South Africa are unworkable.

124. We must hope that the growing realization of the political bankruptcy and economic absurdity of the system the South African Government is attempting to entrench in Namibia will at last force a fundamental reappraisal of these policies, and particularly of South Africa's attempt to enforce its own rule upon the international Territory of Namibia. Meanwhile, the Government and people of South Africa should understand that the international community will not surrender its responsibility for Namibia or be satisfied with unverified claims that the rights and well-being of the people of the Territory are being protected.

125. The United States profoundly believes that no nation in this world can be impervious to the force of world opinion and to the trends of history—trends which are flowing today in the direction of true equality and the fullest realization of human rights. Nor can any nation long survive on policies which promote conflict, rather than peaceful reconciliation, both with other nations and among its own people.

126. We call upon South Africa today to recognize the right of the people of Namibia to meaningful self-deter-

mination. We call upon South Africa to recognize the absurdities, the immoralities upon which its racial policies and its actions in Namibia are based. We call upon South Africa to correct these evils for the sake of the people of Namibia and, in the final analysis, for its own sake.

127. My Government has no higher purpose and no more sacred commitment than the achievement of full social justice for all our citizens. As the world can see, we are in the midst of this difficult and historic process in which our Constitution, our courts, our laws, our leaders and, most important, our youth, are fully engaged. For us, so engaged, there is a deep concern for those who do not yet enjoy the most rudimentary rights upon which man's highest aspirations first depend. The course of social justice will prevail. What we do here can speed its triumph in Namibia.

128. Mr. VRATUSA (Yugoslavia): In the course of the last year, the Yugoslav delegation on a number of occasions in the General Assembly and in the Council for Namibia has set out its views and suggestions on the measures which should urgently be taken so as to enable the people of Namibia to realize their right to freedom and independence which had been guaranteed to them with the adoption of resolutions 2145 (XXI) and 2248 (S-V). On this occasion we wish only to point out some elements which are characteristic of recent developments relating to Namibia and to express our attitude regarding the activities through which this Organization could, in the present phase, most effectively discharge the responsibility which it has assumed in respect of that Territory.

129. Since the resumed twenty-second session, when the General Assembly thoroughly considered the problem of Namibia, further serious deterioration of the situation in the Territory has occurred. The Government of the Republic of South Africa has undertaken a number of measures in the Territory of Namibia which constitute a gross violation of the provisions contained in resolutions of the General Assembly and the Security Council. It has given fresh evidence of the persistent repudiation by Pretoria of the authority and resolutions of the world Organization, of which it is a Member. In addition to that, the Government of the Republic of South Africa has continued further to intensify such actions which have as their aim the strengthening of its occupation of Namibia, and the destruction of the unity of the people and the territorial integrity of the Territory. In spite of the fact that the General Assembly in paragraph 7 of the aforementioned resolution 2145 (XXI) had called upon the Government of South Africa forthwith to refrain and desist from any action—constitutional, administrative, political or otherwise—which would in any manner whatsoever alter or tend to alter the present international status of Namibia, the Pretoria régime on 6 June 1968 adopted an Act⁷ on the establishment of the so-called separate homelands—Bantustans—in Namibia.

130. As noted in the report of the Council for Namibia, under the aforementioned "Act", six areas have been designated as "areas for native nations". The so-called Act further provides for the establishment of "legislative councils" and "executive Governments" and other quasi-

⁷ *Development of Self-Government for Native Nations in South West Africa Act*, No. 54, 1968.

constitutional arrangements and procedures. The ultimate legislative and executive powers, however, remain vested in the State President of South Africa. The Act is inspired and founded upon the ideology of *apartheid* and aims to petrify within the Territory of Namibia the concept of racial division, discrimination and hatred.

131. In addition to this, the Government of South Africa has forcibly resettled the African population from their homes in the Old Location of Windhoek to a new settlement called Katutura. The homes of the African population and their property were destroyed at the time. In its letter⁸ addressed to the Security Council on 5 August 1968 on this question, the Council for Namibia has justly concluded that those actions of the South African Government constituted further evidence of South Africa's continuing defiance of the authority of the United Nations and a further violation of General Assembly resolutions 2145 (XXI), 2248 (S-V), 2325 (XXII) and 2372 (XXII).

132. Extremely flagrant violation of international norms and decisions of the United Nations is evident in the harsh treatment by the racists of South Africa of the representatives of the liberation movement of Namibia who, in the absence of effective international action, are compelled to realize their legitimate right to independence and freedom through armed struggle against foreign occupation. This is best illustrated by the information which the Council for Namibia received recently about the repressive actions of South Africa's police in the Caprivi Strip when many Namibians were killed and others arrested. These actions of South Africa comprise the continuation of arrests and trials in Pretoria of a group of Africans from Namibia, on which the Security Council adopted two resolutions, 245 (1968) and 246 (1968), in January and March of this year, and which the Government of the Republic of South Africa has refused to implement. Regrettably, the Security Council has not yet examined the situation resulting from South Africa's refusal, even though this was provided for under paragraph 5 of its resolution 246 (1968) which reads:

"...in the event of failure on the part of the Government of South Africa to comply with the provisions of the present resolution, the Security Council will meet immediately to determine upon effective steps or measures in conformity with the relevant provisions of the Charter of the United Nations".

133. In view of the fact that the occupation of Namibia by the Republic of South Africa constitutes the major obstacle to having the United Nations fulfil its solemn commitments towards the people of Namibia, and fully aware of the dangerous consequences which the aggressive policy of South Africa could have for the safeguarding of peace and security in the southern part of Africa, the Yugoslav delegation shares the conviction of the majority of representatives who have taken part in the debate on the necessity of having the United Nations take effective steps to eliminate the illegal presence of the Republic of South Africa from the Territory of Namibia. By this we understand, on the one hand, the substantive engagement of the

Security Council in the solution of the problem of Namibia, and, on the other hand, a change in the attitude of the chief economic and political partners of South Africa towards the implementation of commitments resumed under the Charter and in pursuance of resolution 2145 (XXI), for which they have voted.

134. Yugoslavia, as a member of the Council for Namibia, has supported the recommendation formulated under item 1, paragraph 45, of the report of the Council [*A/7338 and Corr.1*] which requests the Security Council to take effective measures to secure the withdrawal of South Africa from the Territory so as to enable the people of Namibia to achieve their independence at the earliest date.

135. We feel that it is indispensable that the General Assembly should draw the attention of the Security Council to the urgency of the situation which has arisen as a result of the illegal actions of the Government of South Africa, and that it should recommend to the Security Council the taking of effective measures, in accordance with the provisions of the United Nations Charter, to ensure the immediate removal of South Africa's presence from Namibia and to secure for Namibia its inalienable right to self-determination and independence.

136. The sad history of events and the urgency of the issue, as well as the responsibility incumbent upon the United Nations for the Territory, require that the Security Council examine forthwith the problem of Namibia in its totality and take effective measures for the unconditional withdrawal of South Africa from the Territory. Further reluctance to act in accordance with those commitments would be welcomed only by the protagonists of the policy of *apartheid* and of violence against the people who are fighting for their independence and elementary human rights. It would justly be interpreted as inadmissible tolerance of the arrogance and defiance of the Government of South Africa towards the United Nations, as well as tolerance towards the events and growing alliances in the southern part of Africa which represent continuation of the situation of lawlessness in the Territories under colonial rule and an increasing threat to the independence of the newly emerged independent States of that region.

137. However, the success of the Security Council action will depend in great measure upon the readiness of some of the most industrialized Western countries which are maintaining close political, and especially economic, relations with the Republic of South Africa to reappraise their policy towards the problem of Namibia and to extend their necessary assistance to the world Organization, in order that it may fulfil the responsibilities which it has assumed towards the people of Namibia.

138. My delegation, like many others, has on a number of occasions pointed out that the main reason why the Republic of South Africa feels that it can continue to defy the international community without fearing serious consequences lies in the support which it is receiving from certain circles in the industrially most developed Western countries. As long as those countries express only declarative condemnation of the illegal activities of South Africa, without undertaking concrete measures to have those declarations reflected in their practical policy relating to the Republic of

⁸ Official Records of the Security Council, Twenty-third Year, Supplement for July, August and September 1968, document S/8729.

South Africa, the Pretoria régime will feel encouraged to insist on its dangerous orientation. However, it is clear that precisely these countries have the greatest possibilities of influencing the Republic of South Africa to comply with the decisions of the United Nations.

139. In spite of the recognized difficulties which the Council for Namibia has been facing, it has succeeded in achieving considerable results during the recent period, as is evident from its report submitted to this Assembly. First of all, it has followed closely the situation in the Territory and has kept the General Assembly and the Security Council informed of its findings. The Council has also examined a number of practical questions, especially those contained in paragraph 4 of resolution 2372 (XXII) on the programme for technical and financial assistance to persons from Namibia, as well as travel documents and programmes of education. The Council has completed preparations for the issuing of travel documents and it is expected that it will begin to issue them in the course of the coming year. Other questions, because of the need of greater financial resources, call for further study of the most suitable means by which the outstanding questions could be resolved.

140. However, the Council for Namibia is faced with insurmountable difficulties in discharging the mandate entrusted to it by resolution 2248 (S-V) as long as Namibia is actually under the occupation of South Africa. For this reason the Council found it necessary to point out to the General Assembly for the third time that it would not be able to discharge effectively its functions and responsibilities—in spite of the readiness of all its members to exert maximum efforts—in the execution of its tasks unless effective measures to secure the withdrawal of the Republic of South Africa from Namibia were undertaken.

141. I am confident that I am expressing not only the opinion of the Yugoslav delegation as a member of the Council, but also that of other members when I say that that Council is ready to intensify its activities in order to discharge by every available means the responsibilities and functions entrusted to it.

142. Mr. OUEDRAOGO (Upper Volta) (*translated from French*): According to the popular adage, it is never too late to mend. My delegation, not having taken part in the general debate this year, would therefore like to take this opportunity to congratulate the President and members of the General Committee on their election and to wish President Arenales complete and final recovery.

143. My delegation has repeatedly expressed its point of view on the means of settling the question of South West Africa, now called Namibia. In this year's debate, after the eloquent statements which have so well described, in detail, the various aspects of a question that is of great importance for the Organization, there is really little to add; my delegation's statement will therefore be very brief.

144. In the first place, it seems useful to recall the steps that have been taken in the last two years and to sum up the resulting situation.

145. On 27 October 1966, the General Assembly adopted, by an overwhelming majority of 114 votes, its historic resolution 2145 (XXI), which said:

"The General Assembly

"...

"Mindful of the obligations of the United Nations towards the people of South West Africa,

"...

"Convinced that the administration of the Mandated Territory by South Africa has been conducted in a manner contrary to the Mandate, the Charter of the United Nations and the Universal Declaration of Human Rights,

"...

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

146. In 19 May 1967, in its resolution 2248 (S-V), the General Assembly provided, firstly, that everything should be done to enable South West Africa to attain independence by June 1968 at the latest; secondly, that until its accession to independence, the Territory should be administered by a United Nations Council based in South West Africa; thirdly, that the United Nations Council for South West Africa should entrust the administrative tasks to a United Nations Commissioner for South West Africa.

147. Finally, in its resolution 2325 (XXII) of 16 December 1967, the General Assembly requested the Security Council to take effective steps to enable the United Nations and its Council for South West Africa to fulfil their responsibilities with respect to South West Africa.

148. How do matters stand in December 1968? We must perforce admit to a failure which does no credit to our Organization: first, the United Nations Council for Namibia has been prevented by the Government of South Africa from entering the Territory; second, the United Nations Commissioner for Namibia has not yet been appointed; third, almost six months after the date set by the General Assembly, Namibia is still not independent. Furthermore, there is every reason to believe that unless South Africa is prevented from so doing, it is determined purely and simply to annex the Territory of Namibia.

149. We have taken the liberty of recalling these facts in order to emphasize two considerations which to our mind are of fundamental importance.

150. First of all, we must draw the necessary consequences from the attitude of the Government of Pretoria. Those countries, large or small, which for obvious economic or geographical reasons have always advocated a dialogue with South Africa can no longer honestly continue to do so, that country having clearly shown that it is not prepared to co-operate with the United Nations and with the peace-loving and justice-loving States in solving the world's problems. Far from seeking a dialogue, the Government of Pretoria is increasing its open defiance of the Organization and of its fundamental aims and principles to such a point that my delegation even questions whether South Africa

still deserves its place in the United Nations and its subsidiary organs. Since it is thus illusory to try to find any solution to the problem of Namibia through dialogue and co-operation, we must apply more appropriate and effective measures within the framework of the Charter.

151. The allegations that the relevant resolutions adopted by the General Assembly are illegal and that the United Nations is not empowered to settle the question of Namibia stem from a fallacious and dubious argument.

152. Where in fact is this illegality when, as indicated in a number of opinions by the International Court of Justice, it has been recognized that the United Nations, the successor to the League of Nations, had powers of control over South West Africa? It was because the administration of the Mandate by South Africa ran counter to the commitments undertaken that the United Nations was compelled to terminate the Mandate.

153. Further, where is this illegality when the resolutions of the General Assembly on Namibia, and in particular resolution 2145 (XXI), were adopted by an almost unanimous vote in the United Nations and in accordance with the rules laid down by the Charter?

154. Law is in essence no more than the expression of the will of an organized community. If, in the name of the international community, the League of Nations could legally decide on 17 December 1920 to entrust the Mandate for South West Africa to the Union of South Africa, at a time when the collusion of capitalism and imperialism prevented peoples under the colonial yoke from expressing themselves, there is all the more reason to repeat the decision of the General Assembly as legal and valid, since it is the expression of the will of a broader international community, which moreover includes the main countries that allowed the problem that now confronts us to arise in the days of the League of Nations.

155. The situation is clear: even though Member States have to undertake an agonizing reappraisal of their policy, they must act urgently in order to solve the problem of Namibia.

156. We must act urgently because—and this is the second vital consideration—the positive and decisive turn of events set in motion by the adoption of resolution 2145 (XXI) constitutes a point of no return and more than ever commits the United Nations to responsibility for the settlement of a question which, in accordance with the purposes and principles of the Charter and with our earlier resolutions, can only be the accession of Namibia to full and complete sovereignty.

157. The responsibility of the United Nations being therefore irreversibly engaged, we must move forward resolutely; any other attitude could only be in contradiction with the positions of principle taken by our Governments, a betrayal of the trust placed in us by world public opinion and by the people of Namibia, a very denial of the Organization and a serious failure to maintain international peace and security.

158. It is difficult for Member States to continue to proclaim the inalienable right of the Namibians to self-

determination and independence without placing at their disposal the means to achieve that right, when, for them, the United Nations is legally held to be administering the Territory.

159. My delegation considers it desirable that a United Nations Commissioner for Namibia should be appointed as soon as possible, in accordance with resolution 2248 (S-V).

160. It supports the conclusions and recommendations of the United Nations Council for Namibia and, in particular, considers that everything possible should be done to obtain the immediate, complete and unconditional withdrawal of South Africa from the Territory of Namibia.

161. In view of the blindness of the Pretoria authorities, a confrontation between South Africa and the United Nations appears inevitable if the latter wishes—as it must—fully to discharge its responsibilities in respect of Namibia. This means that the situation in Namibia, to say the least, constitutes a grave threat to peace.

162. It also means that, in view of the responsibilities of the United Nations, the role of the Security Council, which in our view should meet as a matter of urgency, will be decisive in this whole question. We do not wish to prejudge the manner in which the Security Council will discharge its obligations but we believe that the recommendation of the United Nations Council for Namibia on this point is sound:

“that the Security Council be called upon to take effective measures including those provided for in Chapter VII of the Charter, if necessary . . .” [*A/7338 and Corr.1, para. 45*].

163. In fact the possibilities of action which the Charter affords to the Security Council should, by reason of the dominant role of the permanent members, enable the Council to make some use of the weapon of dissuasion. Who can doubt that South Africa would see reason if, in order to solve the problem of Namibia, the Security Council were to take a decision by a vote which includes the votes—all the votes—of the permanent members? The unanimity and determination of the permanent members of the Security Council should in themselves suffice to dissuade South Africa from persisting in its obstinacy, without need to resort to the specific measures provided for in Chapter VII of the Charter. Yet any act of dissuasion depends on the belief placed in the determination of those who exercise it to proceed to action. Abstention by permanent members in any vote on the question of Namibia in the Security Council can only seriously weaken belief in the Organization's determination to act. In fact, such abstention would constitute in practice an encouragement to South Africa to persist in its policy of aggression against Namibia. To sum up, we have a feeling that apart from the veto, which in a sense constitutes the supreme weapon, abstention, as used by the great Powers which are permanent members of the Security Council, also becomes a weapon, more flexible no doubt, but one which, like the veto, blocks the progress of the Organization.

164. My delegation may be mistaken in its analysis of the situation; if it is, so much the better. However, until this is proved, we cannot help feeling concerned. We are con-

cerned because we seriously doubt whether some of the permanent members of the Security Council are sincere in their desire to find a just solution to the problem of Namibia. The position of those States at the time of the vote on resolution 2145 (XXI) is quite revealing. The United Kingdom and France abstained; the United States, although it voted in favour of the resolution, clearly indicated through its representative that its vote did not in any way prejudice its future attitude in the Security Council. In both cases there is every reason to believe that these three Powers, because of their attitude in the Security Council, may dispel all belief in the likelihood of any action by our Organization.

165. We listened with the keenest interest to the statement just made by the representative of the United States. He himself recognized that South Africa has lost its right to administer the Territory of Namibia and that the occupation of this Territory by South Africa is illegal. We should like to add, as a conclusion to his assertions, that, since

October 1966, the presence of South Africa in Namibia, constitutes aggression against a Territory which, we again recall, comes under the responsibility of the United Nations. We thus have every right to wonder what the United States of America, with all its power and influence in international relations, is doing to enable this aggression to be brought to an end. As a Member of the Organization and a permanent member of the Security Council, what will the United States do when a vote is taken in the Security Council to enable that United Nations organ to respond to the challenge?

166. That is why my delegation, in conclusion, wishes to appeal to the three Western Powers which are permanent members of the Security Council to give their frank and sincere co-operation and thus enable the United Nations to fulfil its responsibilities towards Namibia.

The meeting rose at 1.20 p.m.