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**Chairman:** Mr. Guillermo FLORES AVENDAÑO  
(Guatemala).

**Communication concerning agenda item 56 (Question of Southern Rhodesia)**

1. Mr. PROTITCH (Under-Secretary for Trusteeship and Information from Non-Self-Governing Territories) said that the Acting Secretary-General had requested him to bring to the attention of the Committee the contents of a letter that he had received from the Director-General of the World Health Organization regarding the cable which Mr. Kraaft and Mr. Wren, two WHO officials, had allegedly sent to the Chairman of the Fourth Committee from Bulawayo on 17 October.

2. He recalled that the cable had been brought to the attention of the Committee on 18 October and that reference was made to it in the summary record of the 1352nd meeting. The investigation ordered by the Director-General of WHO had revealed that Mr. Kraaft and Mr. Wren had both been absent from Bulawayo on the day on which the cable had been sent and that they had each been at a different place at that time. They had also signed written statements denying that they were associated with it in any way. In his letter the Director-General of WHO added that his organization would pursue the question further with the Government of the Federation of Rhodesia and Nyasaland.

**AGENDA ITEM 57**

**Question of South West Africa (A/5238, chap. IX; A/C.4/572) (continued):**

(a) Report of the United Nations Special Committee for South West Africa (A/5212 and Add.1-3);

(b) Special educational and training programmes for South West Africa: report of the Secretary-General (A/5234 and Add.1)

3. Miss BROOKS (Liberia) recalled that at the previous meeting she had put various questions to the representative of Mexico, who had stated that he would

reply to them later. Having learnt that there were other delegations which wanted to put similar questions to the Mexican representative, she would like to suggest that he should wait until they had done so before replying to her own questions.

4. Mr. WALL (United Kingdom), referring to the statement one of the petitioners had made at the 1172nd meeting about the arrest on the territory of the Federation of Rhodesia and Nyasaland of three persons said to be from South West Africa who had been on their way to Tanganyika, said that he was now in a position to supplement the information that he had already given on the subject. One of the three, Mr. Bassingthwaighe, had been sentenced to a fine of £10 or two months' imprisonment for illegal entry. He went to prison because he had not paid the fine. At the time of his arrest he had been accompanied by the two others, who had also had to break off their journey. The latest news was that Mr. Bassingthwaighe's fine had been paid and the Federal police had escorted him out of the Federation; his two companions, whose exact status was uncertain, were at present at liberty in Bechuanaland. The United Kingdom Government would do its best to help any of the three who were *bona fide* students to proceed to the country in which they were to pursue their studies.

5. Miss BROOKS (Liberia) thanked the United Kingdom representative for the information that he had supplied and for the interest that his delegation had shown in the fate of Mr. Bassingthwaighe and his companions. The incident was typical of the situation of the inhabitants of South West Africa, who were refused the requisite travel documents even when they had officially been awarded a scholarship abroad, and were arrested when they set out without those documents. Her delegation would be glad if the United Kingdom delegation would bring its influence to bear in any similar cases that might arise, so that students who had been awarded scholarships might be granted the necessary travel permits.

6. Mr. WALL (United Kingdom) thanked the representative of Liberia for her remarks. He explained that Mr. Bassingthwaighe had set out before he had received the documents which people had been trying to obtain for him, and that he had entered the territory of the Federation illegally. That was why he had been arrested. He assured Miss Brooks that the United Kingdom delegation would always concern itself with cases of students wishing to go abroad.

7. Miss BROOKS (Liberia) appealed to the South African Government to facilitate the issue of the requisite travel documents to students who were granted scholarships abroad. That was the very least it could do to co-operate with the United Nations.

8. Mr. FOURIE (South Africa) said that that question had been discussed when the Chairman and Vice-Chairman of the Special Committee for South West

Africa had been in Pretoria, and that he intended to speak of it at greater length at a later meeting.

#### GENERAL DEBATE (continued)

9. Mr. ROS (Argentina) stated that by solemnly proclaiming, in its resolution 1702 (XVI), the right of the people of South West Africa to independence, the General Assembly had merely applied the principles of resolution 1514 (XV) to the case of a particular territory. In resolution 1702 (XVI), however, South Africa had still been recognized as the Mandatory Power and the General Assembly had requested the co-operation of the South African Government. Such co-operation had not been forthcoming, for that Government had adhered to its usual line of refusing to recognize the competence of the United Nations. The message sent by the South African Minister for Foreign Affairs to the Chairman of the Special Committee on 12 April 1962 (A/5212, para. 9) had left no doubt on that score. The invitation conveyed in the message had been accompanied by the comment that South Africa was not willing even to consider sub-paragraphs (b) to (h) of paragraph 2 of resolution 1702 (XVI). Notwithstanding that attitude, the Special Committee had felt that the invitation afforded a chance which should not be neglected: for the first time, representatives of the United Nations would be able to enter the Territory, to observe the situation there and to collect evidence. The Special Committee had considered that the invitation should be accepted, even with the reservations attaching to it. To have rejected it would have implied that any hope of co-operation, however faint, had been relinquished. The results of that effort had been lamentable. The affair of the joint communiqué issued at Pretoria had at least served to show the impossibility of holding any useful talks between the United Nations and the Mandatory Power, since the views of the parties were diametrically opposed.

10. The Committee was now faced with a situation which offered scant prospect of a new approach. Two possible courses of action remained open: namely, the termination of the Mandate and the granting of independence to the Territory. His delegation considered that the United Nations was politically competent to revoke an international mandate once it had been established without a shadow of doubt that the obligations that had been assumed had been wittingly neglected and that the social economic and political advancement of the population had been subordinated to the interests of the nationals of the Mandatory Power. At the sixteenth session of the General Assembly, the Fourth Committee had had no doubts about its competence when it had displayed its readiness to terminate a mandate concerning an African Territory even if the Administering Authority should fail to vote in favour of the corresponding draft resolution. At that time, it had also discussed the competence of an Administering Authority to put an end to a mandate unilaterally. Fortunately, the goodwill displayed on both sides had enabled two new African States to see the light of day, and a country friendly to Argentina to put an honourable end to its colonial career. In the case of South West Africa, the circumstances were not quite the same but the right of the United Nations to revoke the Mandate was undeniable.

11. The Mexican representative's statement at the 1376th meeting that it would be useful to request a further advisory opinion from the International Court of Justice on the matter of revoking the Mandate was

worth considering. If the Court were to give a clearly favourable reply, there could scarcely be any more solid legal foundation for a decision to revoke the Mandate. His delegation feared, however, that several months might elapse before the Court would be able to hand down such an opinion, since the proceedings instituted by Liberia and Ethiopia were still pending. It consequently considered that although an advisory opinion of the International Court of Justice might be extremely useful, inasmuch as it would endorse a political decision of the United Nations with all the authority of the Court, such an opinion was not entirely indispensable.

12. The action brought by Liberia and Ethiopia was of fundamental importance and the judgement rendered by the Court might be of great significance to the future of the Territory. The United Nations could not disregard the Court's decision, which his delegation thought would be based on a finding that the situation in the Territory proved that the Mandatory Power had not properly discharged its obligations. Whether the Court gave an advisory opinion or rendered a judgement, the United Nations should be prepared to deal with the resulting situation.

13. No consideration had yet been given to the steps that would have to be taken if it was decided that the Mandate was to be revoked. The fact that the Republic of South Africa would be occupying a territory to which it had no legal title would present a number of possibilities that should be carefully considered. Even assuming that the United Nations could take over the Territory, there would be serious political, administrative and financial problems. The experience being gained in West New Guinea might be very valuable in that connexion. It would be desirable for the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, established under General Assembly resolution 1654 (XVI), to devote some time to those questions in close collaboration with the Secretariat. The problem of independence should also be studied. The United Nations had solemnly recognized the right of the people of the Territory to independence, but the way in which they should accede to it must depend on their wishes, freely expressed through a referendum, and the question of the elections which would produce the first government must also be studied in advance.

14. That being so, the Argentine delegation felt that it would be unwise to force the pace in following up resolution 1702 (XVI) and—as one delegation had requested—formally to proclaim the immediate independence of the Territory without regard to the problems he had mentioned, quite apart from the fact that the action brought by Liberia and Ethiopia before the International Court of Justice would then become completely unnecessary. Any draft resolution that was proposed should therefore reaffirm the provisions of resolution 1702 (XVI), dissolve the Special Committee established by that resolution, endorse the action taken by Liberia and Ethiopia, and instruct the Special Committee established under General Assembly resolution 1654 (XVI) and the Secretariat to study all the political, administrative and financial problems which would result from the termination of the Mandate and from the presence of the United Nations in the Territory until such time as its independence could be proclaimed following a referendum in which the people had freely indicated their wishes.

15. Mr. KHOSLA (India) said that his delegation had listened with care to the statement of the South African Minister for Foreign Affairs (1369th meeting), hoping against hope to find in it some signs of a change of attitude on the part of the South African Government towards the Mandate for South West Africa. The representative of South Africa had, however, employed his talent only in an attempt to justify a position which was legally and morally indefensible. Not content with being the only State which had failed to accept the obligations incumbent on it under the Trusteeship System set out in the United Nations Charter, South Africa had treated the agreement it had signed with the League of Nations as a scrap of paper, had broken all the "commandments" of the Mandate and had condemned the inhabitants of South West Africa to a life of misery and frustration, reducing them to bondage and slavery instead of doing all it could to improve their lot. Through its police and army, it had imposed a reign of terror and oppression in the Territory. Instead of submitting annual reports to the United Nations, it had done all in its power to prevent any information from leaking out.

16. It was not surprising that the South African Minister for Foreign Affairs found it convenient to plead, once again, that the matter was *sub judice* and that he expected the United Nations to jettison its moral and political obligations under the Charter and the Mandate and to play the part of a silent spectator of crimes against humanity. In any event, the International Court of Justice was dealing only with certain legal aspects of the problem, and not with its social, political and economic aspects. The South African Minister for Foreign Affairs had chosen, at the previous session, to quote Sir Benegal Rau<sup>1/</sup> in support of his argument; he was not accusing the Fourth Committee of a lack of due respect for the International Court of Justice. Yet neither he nor his Government had acknowledged the jurisdiction of the Court, much less the validity of its previous decisions. He wondered whether the representative of South Africa would be prepared, if the Fourth Committee agreed to discontinue its debate on the question, to give a solemn undertaking on behalf of his Government that the decisions of the International Court of Justice would be respected and put into effect.

17. At the present session, the South African Minister for Foreign Affairs had introduced a new factor to complicate the matter—the so-called Pretoria joint communiqué. The Indian delegation was glad that neither the Special Committee for South West Africa nor the Special Committee established under General Assembly resolution 1654 (XVI) had allowed itself to be drawn into that absurd controversy. He wondered why, if the Minister for Foreign Affairs was so sure that conditions in South West Africa were satisfactory, he had not invited the whole of the Special Committee to go there. The Chairman and Vice-Chairman of the Special Committee had had no hesitation in stating in their report (A/5212, part II) that the non-Europeans and the European opposition party were dissatisfied with the present administration, and particularly with the system of apartheid which pervaded its every aspect. It had appeared obvious to them that the majority of the people wanted radical changes and wished the United Nations to take over the administration of the Territory. Even the United National South West Party, representing 40 per cent of the European voters,

favoured the continuation of United Nations supervision over the administration of the Territory.

18. The Chairman and Vice-Chairman of the Special Committee had further reported that the South African Prime Minister had refused, in his discussions with them, to consider any changes in the apartheid laws, to permit the specialized agencies to operate in South West Africa or to give assurances that the Government would facilitate matters for inhabitants of the Territory who wanted to go abroad to study. The Minister for Foreign Affairs had taken care not to mention those facts—much less the recommendation of the Chairman and Vice-Chairman of the Special Committee that, if the South African Government failed to apply the General Assembly resolutions within a short time, the United Nations should consider the feasibility of revoking the Mandate and of assuming the administration of the Territory to prepare its people for independence, if need be by imposing sanctions or employing other means to enforce compliance. The Chairman and Vice-Chairman had had very little opportunity of speaking to the people during their visit, and when they had been able to do so it had been only in the presence of government representatives and through government interpreters.

19. He would not dwell on the appalling conditions existing in South West Africa or on the way in which the South African Government had defied world opinion and ignored the United Nations Charter and General Assembly resolutions, for all those facts were only too well known to the Committee. The Indian delegation's sole concern was to help the people of South West Africa to rid themselves of the colonial yoke and the apartheid system, which was practised more severely and with more disastrous consequences in South West Africa than in the Republic of South Africa. The Mandated Territory was surrounded, as it were, by an iron curtain; people who could arouse public conscience abroad—diplomats, business men, journalists, groups of progressive Whites or of Africans—were not admitted to the Territory as they were to the Republic; hence the laws in the Territory were much more oppressive and punishment infinitely more severe.

20. He referred in that connexion to the book Brutal Mandate, by A. K. Lowenstein,<sup>2/</sup> which gave a glimpse of the vicissitudes of the life of the workers in South West Africa and of the manner in which the Republic discharged the sacred trust it had assumed under the Mandate. The average wage of the African was below the subsistence level; he had been driven out of the cultivable land; there were no trade unions to protect him; and he was denied the right to vote. In short, he was subjected to a system of legalized tyranny. In those circumstances, it was not surprising that the African was becoming more and more desperate and it was not inconceivable that, in his desperation, he might one day react violently. The Government, under the pressure of world events and haunted by fear of the inevitable, was also becoming more and more defiant and intensifying its repression. Consequently, anything might happen and it was not impossible that a racial conflagration of a type never before known might break out in the Territory.

21. He was convinced, therefore, that the United Nations must act with speed and firmness. At the same time it could not afford to make any mistakes, since

<sup>1/</sup> See Official Records of the General Assembly, Sixteenth Session, Fourth Committee, vol. I, 1218th and 1229th meetings.

<sup>2/</sup> New York, The Macmillan Co., 1962.

the fate of millions of helpless indigenous people was involved.

22. It had been suggested in some quarters that the Mandate should be revoked. It was, of course, true that given the way in which the South African Government was carrying out the mission that had been entrusted to it, the United Nations would be fully justified in taking such a step. However, it was such a serious step with such far-reaching political consequences that it should be very carefully weighed. The Indian delegation, therefore, though as anxious as any other to put an end to the tyranny in South West Africa, was not sure that the immediate revocation of the Mandate was the best method of achieving that objective. In his opinion, it would be more realistic, firstly, to press the South African Government to comply fully with its obligations as a Mandatory Power and, secondly, to act to establish a United Nations presence in the Territory. He was aware that it could be argued that the United Nations had been trying for many years to achieve that dual aim but without success and that the Government of Mr. Verwoerd had not only refused to cooperate with the Organization but had defied its resolutions and the Universal Declaration of Human Rights. However, it might be asked whether the United Nations had done all that was possible to bring real pressure to bear on the Republic of South Africa. Without wishing to advocate the use of force, the Indian delegation believed that moral and economic pressure could be intensified to such an extent as to give the South African Government pause. He recalled that the Indian Government had broken off all trade relations with South Africa some fifteen years before and that other countries had taken similar steps in recent years. He thought that if almost all the Members of the United Nations could join in a boycott of South Africa, the South African Government would realize where its interest lay and change its attitude, more particularly since the economy of the Republic depended to a very great extent on foreign trade and was particularly vulnerable to foreign economic pressures.

23. The Indian delegation was also anxious that the South African Government should accept assistance from United Nations agencies to ameliorate the miserable lot of the inhabitants of the Territory. In addition, the Indian delegation suggested, as it had in 1961, that the Committee should examine whether it would not be appropriate for the Security Council and other United Nations bodies to give urgent consideration to means of securing the effective implementation of the General Assembly's recommendations on the question of South West Africa.

24. Mr. EL KHATIB (Morocco) said that he would be brief, because it seemed to him difficult to avoid repetition on a matter which had been before the United Nations for so long. Nevertheless, he felt that he owed it to the Committee and to world public opinion to state his delegation's point of view.

25. The question of South West Africa had been on the agenda for fifteen years, and in that time the United Nations had been unable to persuade the South African Government to accept any solution or any compromise. The Moroccan delegation felt, therefore, that the time had come to consider in a more constructive and resolute manner by what means the South African Government might be brought to abandon its unspeakable policy.

26. The Moroccan delegation had stated very explicitly on a number of occasions that the attitude of the

South African financial groups, which manipulated national policy so as to defend their own interests without taking the higher interest of the whole nation into account, was harmful to the interests of the greater part of the African people. What was deplorable was that when those financial groups felt themselves threatened, they took refuge behind the national consciousness in ways which were as ineffective as they were Machiavellian. It was curious, to say the least, that a Government such as that of South Africa, which had persistently violated the rules of international law and defied the Charter of the United Nations, should now invoke their protection.

27. The documents presented by the Special Committee for South West Africa (A/5212 and Add.1-3) and the statements of the petitioners gave the Committee a very clear picture of the conditions which the South African Government had imposed in South West Africa despite the recommendations of resolution 1702 (XVI) and previous resolutions. Moreover, it was well known that the South African Government was purchasing weapons and military equipment from several countries, including certain Members of the United Nations, for the sole purpose of exterminating the African population. That should be enough to make the Committee realize that the time had come to take more effective action.

28. The Moroccan delegation felt that the United Nations could no longer tolerate a situation which involved not only a whole people who were the victims of a hateful and outworn colonial system, but also the reputation and the dignity of the Organization itself, which represented the conscience of mankind. The Moroccan delegation was determined to tolerate defiance of the United Nations and of the rules of international law no longer; it would therefore support any draft resolution, no matter how severe, designed to transfer the Mandate over South West Africa to the United Nations.

29. The South African Government's refusal to give effect to the previous resolutions of the United Nations, and more particularly resolution 1702 (XVI), should convince the Committee that, as far as the South African Government was concerned, the only acceptable solution would be one enabling it virtually to annex the Mandated Territory and wipe out its rightful inhabitants. The Moroccan delegation was firmly convinced, therefore, that the only solution was to entrust the direct administration of the Territory of South West Africa to the United Nations and to grant independence to the African people of that Territory as quickly as possible. He added that, in his opinion, the Committee should request the Security Council to take the necessary steps to compel South Africa to conform to the decisions of the General Assembly.

30. Mr. N'GARABAYE (Chad) recalled that the Mandate for the former German colony of South West Africa had been entrusted to the Union of South Africa after the First World War. In 1946, the United Nations General Assembly had recommended without success that the Territory should be placed under the International Trusteeship System. The attitude of the United Nations had been prompted by the way in which the Union of South Africa had been administering the Territory that had been entrusted to it, for the fact was that its administration had been based for more than forty years on a mistaken belief in the ancient myth of superior and inferior races. Although the United Nations had been dealing with the question of South

West Africa for many years, the situation remained unchanged. The General Assembly continued to affirm its responsibility for the people and the future of South West Africa while the Mandatory Power maintained that neither the United Nations, the Fourth Committee, nor the International Court of Justice was competent in regard to the Territory. He recalled in that connexion the circumstances in which the Special Committee for South West Africa had been set up and the many obstacles it had encountered in carrying out its duties.

31. From the evidence collected by that Committee, it was clear that the system of government known as apartheid had a deplorable effect on the economic and social life of the indigenous inhabitants of the Territory. Separated not only from the white settlers but also from each other along tribal or ethnic lines, the indigenous inhabitants were confined to their reserves and places of work and could not leave them without a pass, and then only for the purpose of seeking work elsewhere. The African lived as an outcast in his own country and was denied all his human rights and fundamental freedoms. Such a situation could only end in the gradual extinction of the indigenous population, under the combined effects of poverty, hunger, disease and the climate. The delegation of Chad thought that those facts should be sufficient to bring about a general mobilization of free consciences throughout the world with a view to ridding mankind for all time of colonialism and its barbarous practices.

32. Fundamentally, the problem of South West Africa was very simple and had but one solution. Since it had been demonstrated on various occasions that the United Nations was fully entitled to revoke South Africa's Mandate over the Territory, the General Assembly, which had proclaimed the international status of the Territory and had noted that the South African Government had failed in its obligations, should take immediate action. If it hesitated too long over a choice of means, the Organization might one day be accused of secretly encouraging the colonialist tendencies of certain countries, although the Declaration on the granting of independence to colonial countries and peoples (General Assembly resolution 1514 (XV)) was an expression of the universal desire to speed the process of liberating the colonial peoples. It had been established that the presence of South Africa in South West Africa was no longer defensible, despite the tacit support of certain countries and the outrageous arguments put forward by the representatives of the Mandatory Power. The report of the Special Committee (A/5212 and Add.1-3) and the statements of the petitioners showed that the South African Government was pitilessly oppressing the people of South West Africa, and, in his view, it was impossible to over-emphasize the need for the United Nations to take radical action without further delay.

33. Some delegations had contended that the immediate granting of independence to the Territory would be premature in view of its shortage of trained personnel. The delegation of Chad, however, believed that the lack of political rights and inadequate training were due precisely to the fact that South West Africa was not independent. It was sure that once the Territory acquired independence, the Members of the United Nations would help its people to organize their State, to develop their resources, to train the necessary personnel and to take the necessary steps to defend

their independence in accordance with the provisions of the Charter.

34. In conclusion, he made an earnest appeal to the other independent African States and stated his conviction that the time had come for resolute action. That left no choice but to expel South Africa from the United Nations and unconditionally revoke the Mandate entrusted to it by the League of Nations.

35. Mr. GREN (Union of Soviet Socialist Republics) recalled that ever since 1946 the United Nations had been concerned with the question of South West Africa, the fate of the indigenous population of the Territory and South Africa's attitude to that question. In the past sixteen years, however, considerable changes had taken place throughout the world. Under the impulse of nationalist liberation movements, the old colonial system had begun to collapse, dozens of States had won their independence, and the number of African countries in the United Nations had increased tenfold. Several African countries, such as Algeria, Angola and others, had paid or were still paying with bloodshed and suffering for their refusal to submit to settler rule and its appalling consequences.

36. What was happening in South West Africa aroused public indignation throughout the entire world. However, it could not be said that the United Nations had failed to do anything towards seeking a solution. In 1946, the General Assembly had drawn South Africa's attention to the need to give effect to the provisions of Chapters XI and XII of the Charter; in reply, the South African Government had announced its intention of annexing South West Africa. In 1949, the General Assembly had asked the Mandatory Power to submit information on conditions in the Territory; the South African Parliament had responded by passing an amendment to the law dealing with the administration of South West Africa which in effect set the seal on the illegal annexation of the Territory. Disturbed by the turn events had taken, the General Assembly, at its fifth session, had established the Ad Hoc Committee on South West Africa to conduct negotiations with the South African Government concerning the future of the population of the Territory; that Government had refused to negotiate and had passed a law on the suppression of Communism, applicable to South West Africa, which was used as a pretext for banning progressive organizations in the Territory.

37. The General Assembly had subsequently passed a number of resolutions condemning the racialist practices of the South African Government, which had none the less continued to stifle African opposition to the system of apartheid and had sought to lend a semblance of legality to its arbitrary measures. Thus, in 1953, the South African Parliament had enacted a law on the maintenance of order and had amended the South African Penal Code with a view to intensifying the repression of the indigenous inhabitants. In 1962 it had passed a law on sabotage, whereby even persons of fourteen or fifteen years of age were liable to five-year prison terms or even the death penalty. That repressive legislation was designed to drive the Africans to famine, despair and death. The indigenous inhabitants could be barred from work and could be sent to concentration camps or be expropriated; their houses could be destroyed, as had happened at Katutura, near Windhoek, in 1961; and they could be sold as slaves or sent to trial for having appealed to the United Nations for help, as had happened to twenty-five Africans at Windhoek in August 1962. They could even be shot to

death, as had been the case with sixty-two Africans in the course of a demonstration on 10 December 1959. South Africa was pursuing a deliberate policy of exterminating the Africans. In that connexion, he read out a directive issued by the Town Council of Rand Rifles near Walvis Bay and published in the Namib Times of 22 January 1962. The order forbade African workers to die on their feet, and if a worker noticed that a fellow worker had made no movement for a period of two hours, he was required to investigate, as it was almost impossible to distinguish between death and the natural movement of some workers. Mr. Verwoerd himself had said that the Africans were making a mistake if they thought that they would obtain equal political rights with Europeans, for there was no place for them in a European society. The South African Government's policy of apartheid had created a situation that was made all the more intolerable by the fact that the Government was acting illegally in a Territory that did not belong to it.

38. If South Africa felt that it could carry out its task of extermination and its policy of annexing South West Africa with impunity, that was solely because it enjoyed the support of the other colonialist Powers, which were seeking to stem the tide of nationalism. Mr. Verwoerd was in league with Sir Roy Welensky and Mr. Salazar. The South African Government was speeding up its military preparations and, after having sent troops into the Territory, had just installed a new base at Walvis Bay, which was said to be an ideal place for training in desert warfare. European quarters were separated from the African reserves by a buffer area of some 500 metres, and most of the administrative functions were carried out by the police, who controlled all the movements of the Africans. The latter lived in an atmosphere of terror, violence and despotism.

39. There was clearly a need, therefore, to reassess the situation. The United Nations could not remain indifferent to the sufferings of the people of South West Africa. Having the task of guaranteeing peace and security for all nations in accordance with the principles of the Charter, the Organization's prestige was at stake, as was the Declaration on the granting of independence to colonial countries and peoples. All peace-loving countries demanded independence for South West Africa and called upon the South African Government to comply with the resolutions of the General Assembly. The support of the colonial Powers and of the North Atlantic Treaty Organization enabled South Africa to defy the wishes of the overwhelming majority of United Nations Members. The measures taken by the General Assembly had been of no avail, and the attempts to negotiate with South Africa had yielded no results because South Africa refused to carry out the obligations it had undertaken under the Mandate and the Charter, thus losing all moral, political and legal right to exercise any control over South West Africa. But times had changed, and the balance of forces had shifted to the point where colonialism could no longer survive.

40. The Soviet delegation therefore believed that the General Assembly should take decisive action. In the first place, it should revoke the Mandate and take the necessary steps for the immediate transfer of powers to the lawful representatives of the people of South West Africa and for the granting of independence to the Territory. It could entrust the execution of that task to the Special Committee established under General Assembly resolution 1654 (XVI), which would also be asked to keep constant watch over the situation and to

co-operate with the representatives, or a representative body of the indigenous population in preparing for the attainment of independence. If South Africa continued to disregard the General Assembly's decisions, the Security Council might be requested to consider imposing sanctions, including those provided for in Article 6 of the Charter. The General Assembly should also demand that Member States should refrain from helping the racist Government of South Africa by supplying it with arms or funds or by granting it trading privileges. An appeal to that effect should be addressed particularly to the United States, the United Kingdom and the Federal Republic of Germany. At the same time the General Assembly should invite Member States to help the indigenous population of the Territory by supporting its struggle for independence. The time for negotiations was over. The time had now come to take a resolute stand.

41. Mr. FOURIE (South Africa) said that he did not intend to reply to all the allegations made by the USSR representative, which were unfounded. However, that representative had twice quoted "official documents" to support his argument. With regard to the so-called official document the Soviet representative had mentioned in connexion with the alleged Namib Times report, he asked the USSR representative to make available a copy of the document to the Committee and his delegation so that everybody could see what it was all about.

42. The USSR representative had also mentioned the amendment to the Law and Order Maintenance Act. He had no intention of discussing the Act. However, there seemed to be a misunderstanding in the Committee about the scope of that amendment, which did not automatically apply to South West Africa. The amendment passed in 1962 changed earlier acts and applied to South West Africa only when such acts also applied to the Territory. The Riotous Assemblies Act 1960 and the Criminal Procedure Act 1955, which had been mentioned several times, were not applicable to South West Africa. Furthermore, article 21 of the General Law Amendment Act, the so-called sabotage clause, did not amend any previous act and was an entity on its own. That article was not applicable to South West Africa.

43. Mr. GREN (Union of Soviet Socialist Republics) remarked that he had merely quoted a decree by the municipality of Rand Rifles which had been published in the Namib Times of 22 January 1962; that was a local newspaper and the South African representative would therefore certainly have no difficulty in obtaining a copy.

44. Mr. FOURIE (South Africa) said that he was convinced that there could be no such document as that mentioned by the USSR representative; it was for that reason that he had asked the Soviet representative to circulate the document in question.

45. Mr. PASCUCCI-RIGHI (Italy) observed that no question had been studied at such length as that of South West Africa: in addition to the reports of the Special Committee established under General Assembly resolution 1654 (XVI) (A/5238, chap. IX) and of the Special Committee for South West Africa (A/5212 and Add.1-3) and the hearing of the petitioners who supplemented the information known to the Committee, the General Assembly had adopted sixty-three resolutions on the question in sixteen years. He wondered what the sixty-fourth resolution should say. The fact that those efforts had produced no apparent results did not prove

that the United Nations had adopted the wrong approach to the problem. Its main aim was to find means of solving international problems in the spirit and letter of the Charter, and that took a long time. Recent experience—in the case in question, the adoption by the General Assembly of resolution 1761 (XVII) on the policies of apartheid of the Government of South Africa—showed that the United Nations did not shun the use of more cogent methods than moral pressure when it judged that the time had come to do so.

46. The time had come to do something different for South West Africa: the conditions in the Territory were intolerable from all points of view and the evidence given by the petitioners and obtained from other sources confirmed the urgent need to put an end to a situation which might become dangerous. The main cause of that situation was the policy of racial discrimination pursued by South Africa in South West Africa; the system of administration based on segregation and domination by a white minority was illegal, immoral and incompatible with the Mandate, the Charter, the Universal Declaration of Human Rights and the various resolutions of the General Assembly. That did not, however, mean that his delegation was prepared to support a strongly worded resolution condemning apartheid, requesting the South African Government to take a number of immediate measures and possibly inviting an over-burdened Secretary-General to offer his good offices to bring about a peaceful and lasting solution. In the opinion of his delegation, such a resolution would not serve the interests of South West Africa or enhance the prestige of the United Nations. Nor would his delegation be prepared to support a decision to impose sanctions, within the framework of the Charter, against South Africa. In his statement at the 1375th meeting the representative of Brazil had shown that the time was not yet ripe for such a step, which would provide no constructive answer to the specific problem of South West Africa.

47. Although not unaware of the complexity of the problem, the Italian delegation thought that there was a third course, to be sought in a return to the legal aspect of the problem. His delegation had no desire to tone down the draft resolution to be submitted to the General Assembly but it thought it preferable to await the verdict of the International Court of Justice in the action brought by Ethiopia and Liberia. Each resolution of the General Assembly which mentioned the Charter was prejudicial to the moral value of the Charter whenever the party concerned did not comply with the resolution. Moreover, the stress laid on the legal aspects

of the problem enhanced the moral prestige of the United Nations and in itself constituted, in the eyes of world opinion, an indirect form of moral pressure. In that connexion, his delegation fully shared the ideas expressed by the representative of Mexico at the 1376th meeting. It was also likely that the path to the independence of South West Africa would have to pass through the revocation of the Mandate. In that case, the verdict of the International Court of Justice seemed to be the only legal and practical way to enable the United Nations to revoke the Mandate; it was also the only ground upon which the South African Government could be compelled to recognize the authority of the United Nations and to comply with its resolutions. Finally, it was reasonable to expect that the Court would issue its verdict, which would probably not be very different from the advisory opinion it had already given, in four or five months' time. It was at that time that the United Nations should as a matter of urgency take the most appropriate action to bring about the independence of South West Africa.

48. His delegation therefore believed that, at the present stage, the General Assembly should ask the International Court of Justice to expedite its verdict on the action brought against South Africa by Ethiopia and Liberia, request that the verdict should be forthwith submitted to the Special Committee established under General Assembly resolution 1654 (XVI) for its consideration, and invite that Committee to submit at the next session or at a special session of the Assembly specific suggestions on the most appropriate action to be taken in order to transfer all powers to the institutions freely elected by the people of the Territory by universal suffrage and to achieve full independence for South West Africa.

49. The CHAIRMAN informed the Committee that the Secretariat had received a letter from Mr. Mburumba Kerina thanking the members of the Committee for their services to the cause of the petitioners from South West Africa. Mr. Kerina had enclosed the text of his application to the Government of South Africa for a permit authorizing him and his family to re-enter South West Africa. Mr. Kerina expressed the hope that the text of his letter would be circulated to the Committee.

*The Committee decided, without objection, to circulate the text of the letter as a document.<sup>3/</sup>*

The meeting rose at 5 p.m.

<sup>3/</sup> The letter was subsequently circulated as document A/C.4/574.