



CONTENTS

Page

Agenda item 47:

- Question of South West Africa (continued):*  
(a) *Report of the Committee on South West Africa;*  
(b) *Assistance of the specialized agencies and of the United Nations Children's Fund in the economic, social and educational development of South West Africa: reports of the agencies and of the Fund*  
*General debate and consideration of draft resolutions (continued) . . . . . 451*

*Chairman: Miss Angie BROOKS (Liberia).*

AGENDA ITEM 47

*Question of South West Africa (continued):*

- (a) *Report of the Committee on South West Africa (A/4926, A/4957, A/AC.73/4, A/AC.73/L.15, A/C.4/L.711 and Corr.1, A/C.4/L.712);*  
(b) *Assistance of the specialized agencies and of the United Nations Children's Fund in the economic, social and educational development of South West Africa: reports of the agencies and of the Fund (A/4956 and Add.1)*

GENERAL DEBATE AND CONSIDERATION OF  
DRAFT RESOLUTIONS (A/C.4/L.711 AND CORR.1,  
A/C.4/L.712) (continued)

1. Mr. THEODOLI (Italy) recalled that at the 1226th meeting Mr. Louw, the South African Minister for Foreign Affairs, had told the Committee that the Chairman of the Permanent Mandates Commission of the League of Nations had refused to go to South West Africa except at the invitation of the South African Government. That was correct. The incident had occurred in 1935 when Mr. Theodoli's father had been Chairman of the Permanent Mandates Commission and he himself had been Private Secretary to the Chairman. At that time, the terms of the Mandate had contained no provision concerning visits to Territories by groups or organs of the League of Nations. Despite that fact, the then head of the Union Government, General Smuts, had sent a cable to the Chairman of the Permanent Mandates Commission inviting him to come to South Africa. General Smuts had thus given proof of great wisdom and statesmanship for which the present South African authorities could claim no credit since they represented a different political party, that of apartheid. At that time the Union Government had taken a step which other Mandatory Powers had not taken.

2. By contrast, the present South African authorities refused to allow the representatives of the United Nations to visit South West Africa on the grounds

that, because of the contentious proceedings pending before the International Court of Justice, the whole question was sub judice. It was quite inappropriate, however, for the South African delegation to invoke the sub judice principle in view of the fact that the South African Government had disregarded earlier advisory opinions of the International Court of Justice. Moreover, the Committee on South West Africa would have inquired into many matters which were not mentioned in the proceedings pending before the Court. Consequently, the Italian delegation did not consider the South African argument to be valid.

3. Italy was very interested in all developments in the colonial Territories, especially in Africa. As Mr. Fanfani, the Prime Minister of Italy, had told the Italian Parliament on 16 November 1961, the death of the Italian airmen in the Congo furnished an instance of white men going to Africa not to oppose but to sacrifice their lives for the freedom and security of other peoples. Perseverance for the sake of international solidarity and respect for the worth and dignity of the human person were imperative in the present situation, and it was in that spirit that his delegation was participating in the debate on the question of South West Africa.

4. Italy did not approve of South Africa's behaviour in South West Africa nor support its position with regard to the question of the Mandate. On the one hand, the South African Government claimed that it did not recognize the United Nations as the successor of the League of Nations and that it therefore had no obligations under the terms of the Trusteeship System; on the other hand, it failed to apply the terms of the original Mandate which spoke of promoting the welfare of the population of the Mandated Territory. With regard to apartheid, the Italian representative in the Special Political Committee had stated at that Committee's 272nd meeting that Italy regarded racial discrimination as morally repugnant and that South Africa's responsibility was all the greater since it had been one of the founding Members of the United Nations.

5. The Committee on South West Africa had unquestionably done its utmost to gather all available information concerning conditions in South West Africa. At the Fourth Committee's 1218th meeting the South African Minister for Foreign Affairs had argued that the report of the Committee on South West Africa contained many inaccuracies. In so doing, however, he had laid himself open to the criticism that if the Committee had been permitted to visit the Territory, its report would not have included any mis-statements. As it was, the Committee's information had come from refugees and exiles who could not be expected to be always impartial and objective. His delegation was in agreement with the conclusions of the Committee on South West Africa as set out in paragraph 155 of its report (A/4926). In addition, the

conditions emerging from that document would have been condemned by the Permanent Mandates Commission of the League of Nations.

6. Some representatives had expressed the view that South Africa's actions constituted a threat to peace, but his delegation did not think that, at that juncture, there was any danger of war. The indigenous inhabitants were indeed being treated with gross injustice, but their lives were not being endangered. The figures were there to show that the size of the indigenous population had increased.

7. Certain delegations had also said that the United Nations had waited long enough and that the time had come for resorting to methods such as sanctions or termination of the Mandate. His delegation fully understood African feelings on the matter. In intervening in the debate on the question his delegation was acting in accordance with the guiding principle for Italy's action as recently stated by the Prime Minister: its intention was to persevere, above all racial, national or historic discrimination, in its efforts to ensure respect for the value and dignity of the human person. Although the Republic of South Africa had admittedly been stubborn, the function of the United Nations was to foster conciliation as far as possible.

8. While relations between the United Nations and the South African Government had not been severed, there was no dialogue between the two. He disagreed, however, with speakers who had said that the patience of the United Nations had been exhausted. Before breaking off relations with the South African Government, the United Nations should try a different approach. In that connexion, the Committee had two draft resolutions before it (A/C.4/L.711 and Corr.1, A/C.4/L.712).

9. Draft resolution A/C.4/L.711 was in effect a rejection of the suggestion made by the Government of the Republic of South Africa that three independent persons should be invited to visit South West Africa not as representatives of the United Nations but in their personal capacities. While he appreciated the argument that South Africa's refusal to allow the Committee on South West Africa to visit the Territory had been an insult to the United Nations, he did not think that the South African suggestion was necessarily useless. The Yugoslav representative had asked the South African delegation whether its Government would be prepared to invite the present President of the General Assembly as one of the three persons in question when the sixteenth session of the General Assembly was over. He himself did not know what the South African Government's view was or whether Mr. Slim would accept any such invitation. None the less, a mission consisting for instance of Mr. Slim from Africa, Prince Wan Waithayakon from Asia, and Mr. Belaúnde from America or Mr. Boland from Europe would carry much weight, especially as their report would be published in South Africa. The inhabitants of the Territory of South West Africa would consequently be able to read it, whereas they would have no access to a report by the Committee on South West Africa published at Headquarters. If the prestige of the United Nations was the sole consideration, the Committee should reject the South African offer, but if it considered that the interests of the people of South West Africa were paramount, it should look into the South African suggestion.

10. Although, as he had already said, his delegation did not think that the application of the sub judice rule barred the Committee on South West Africa from visiting the Territory, the United Nations should await the decision of the International Court of Justice before following up certain recommendations in the Committee's report (A/4926). The view had been expressed in the Fourth Committee that if the United Nations waited for the Court's decision, the indigenous inhabitants of the Territory would in the meantime be exterminated. That was not correct. If there had been fighting in the Territory, he would have said that the United Nations should act immediately, but that situation did not arise. The United Nations had an opportunity of testing South Africa's real intentions. If it refused to abide by the Court's decision, the United Nations would have a clear-cut case. If, on the other hand, the United Nations took action before the Court handed down its ruling, the United Nations itself would be failing to give due importance to the Court. In view of the foregoing considerations, his delegation favoured the idea embodied in draft resolution A/C.4/L.712, although it felt that the wording could be improved.

11. Mr. HU NIM (Cambodia) said that there had never been any legal provision in any civilized country which would allow a guardian to take possession of the goods and the person of his ward. Yet the case had arisen of a country which was seizing a territory entrusted to it by the League of Nations, although its mission was supposed to end as soon as the territory's development had reached a normal level. When the League had been succeeded by the United Nations, South Africa had unilaterally broken that contract. It no longer recognized the validity of the Mandate, and instead of rendering an account of its administration of the Territory, it was simply annexing South West Africa, regarding it as an integral part of its own territory.

12. The South African Government's threatening attitude seriously compromised the position of the United Nations from a legal, political and moral point of view.

13. First, from a legal point of view, the United Nations, which had a legitimate right to exercise supervision over the Territory of South West Africa, was faced with a grave violation committed by a Member of its own Organization. It was a violation both of the terms of a contract governed by international treaties and of the sovereignty of a Territory under the jurisdiction of the United Nations. The basis of United Nations competence in the matter was the Covenant of the League of Nations, the Mandate, the advisory opinions of the International Court of Justice and resolutions passed by a majority of the Members of the United Nations, not to mention the Charter, which, like the constitution of an individual State, was the highest law and prevailed over other legal texts.

14. Various legal consequences followed from that situation. First, it could not be questioned that the Mandate for South West Africa was within the competence of the United Nations, which, according to the 1950 advisory opinion of the International Court of Justice,<sup>1/</sup> was the successor of the League of Nations.

<sup>1/</sup> International Status of South West Africa, Advisory Opinion: I.C.J. Reports, 1950, p. 128. Transmitted to Members of the General Assembly by a note of the Secretary-General (A/1362).

Under article 7 of the Mandate, South Africa had agreed that any dispute concerning the interpretation or application of the Mandate's provisions should be submitted to the Permanent Court of International Justice if it could not be settled by negotiation. In General Assembly resolution 338 (IV) of 1949, the United Nations had requested the advisory opinion of the International Court of Justice, which was the successor to the Permanent Court and the principal judicial organ of the United Nations. Advisory opinions, which were governed by Chapter IV of the Statute of the Court, could be requested on any legal question by the General Assembly or the Security Council in accordance with Article 96 of the Charter.

15. It seemed that the two types of procedure of the International Court—case decisions and advisory opinions—had been confused and that an attempt had been made to minimize and even hold in contempt the Court's advisory opinions. That was clear from the arguments of the South African representative, who claimed to be defending the sub judice principle. There seemed to be a desire to wait until the Court had given a decision sanctioning the acts of an organ which was superior to it in the United Nations hierarchy; but the Court could not judge the United Nations as such or the resolutions it had passed. It could only give that body its advisory opinions, such as that of 1950 concerning the international status of South West Africa. The Court had on that occasion come to the conclusion that the General Assembly of the United Nations was legally entitled to exercise the supervision which the League had previously exercised with regard to the administration of that Territory and that South Africa had the obligation to agree to the supervision of the General Assembly and to submit annual reports to that body. In that same opinion the Court had also concluded that the provisions of Chapter XII of the Charter were fully applicable to the Territory of South West Africa. As to the argument that the Court's judgement should be awaited, the Court was not likely to decide that the United Nations had been acting unlawfully with regard to the Territory of South West Africa, which the Court itself had referred to as a Territory under United Nations mandate.

16. The second legal consequence was that South Africa had clearly violated not only the terms of the Mandate but also those of the Charter and the United Nations resolutions. Far from complying with those resolutions, it had been making the Territory an integral part of South Africa and had been practising an inhuman policy of apartheid and genocide against the indigenous population. That was clear, for example, from paragraph 3 of General Assembly resolution 1596 (XV) and from the reports of the Committee on South West Africa (A/4926, A/4957). Unless the General Assembly decided otherwise, all the resolutions concerning South West Africa, and in particular those relating to the establishment of the Committee on South West Africa and its special tasks, were binding on all the Members. Furthermore, in Article 103 of the Charter it was stated that in the event of a conflict between the obligations of the Members of the United Nations under the Charter and their obligations under any other international agreement, their obligations under the Charter should prevail. As the obligations by which the South African Government claimed to be bound under the League Mandate were in conflict with its obligations as a Member of the United Nations which had approved the Charter, it

was bound by Article 103, and hence its duties under the Charter had priority.

17. The legal consequences entailed serious political consequences. After many years of effort, the United Nations had been unable to induce South Africa to comply with its resolutions. As further failure would endanger the prestige and even perhaps the very life of the United Nations, it was the duty of every Member to assist in making South Africa respect the international legal order which was the foundation of the Charter.

18. With regard to the moral aspect of the question, it was impossible at a time when decolonization and technical development were the order of the day to ignore the plight of millions of Africans who were still the slaves of the colonialists of South Africa and were living under a régime of apartheid.

19. It was thus clear that South Africa could no longer be counted on to respect either the Mandate or the General Assembly resolutions, including the Declaration on the granting of independence to colonial countries and peoples (General Assembly resolution 1514 (XV)). His delegation consequently gave full support to the arguments put forward by the representative of Mexico at the 1226th meeting in favour of terminating the Mandate over South West Africa.

20. Turning to the two draft resolutions before the Committee, he said that his delegation could not approve any proposal which would have the effect of cancelling action legally taken by the General Assembly or which, directly or indirectly, might thwart the main purpose of the United Nations.

21. Since the Government of South Africa had violated all the United Nations resolutions and had ignored the Committee on South West Africa, which had been legally constituted by the General Assembly, his delegation could not accept any draft resolution which, either tacitly or explicitly, rejected the action of the United Nations for a peaceful solution of the problem. By asking for a committee of three persons to inquire into the situation in the Territory, the representative of South Africa was showing contempt for the United Nations and for the Committee it had constituted. If the General Assembly were to adopt a resolution along those lines, it would be acting illogically and in effect be rejecting all the actions previously taken. The United Nations must not reject its own resolutions by supporting a proposal made by a country that had failed to comply with its obligations both as a Member of the United Nations and as a League of Nations Mandatory.

22. The representative of Mexico, in a brilliant analysis, had rightly interpreted the Mandate as a treaty binding the United Kingdom and the Union of South Africa, on the one hand, and the indigenous inhabitants of South West Africa and the international community, on the other hand. In the circumstances, the Cambodian delegation considered that the revocation of the Mandate was the only just and peaceful way for restoring peace and order in that region and for accomplishing the sacred task of the United Nations in liberating the peoples of South West Africa. Being already bound by the United Nations resolutions, his delegation could not support some of the provisions of the draft resolution submitted by the United Kingdom (A/C.4/L.712), and he appealed to the United Kingdom representative to withdraw it. As to the

draft resolution submitted by the representative of Mali and others (A/C.4/L.711 and Corr.1), so long as it would not be detrimental to any effective action taken by the United Nations, his delegation would support it whole-heartedly, because it stressed the competence of the General Assembly and the majority point of view. In addition, his delegation was generally in favour of the recommendations of the Committee on South West Africa as set out in paragraphs 162 to 164 of its report (A/4926). He appealed to all countries that had direct relations with South Africa to assist the United Nations to surmount all the difficulties involved, because otherwise it would be too late for the cause of mankind.

23. Mrs. SKOTTSBERG-AHMAN (Sweden) said that the main reason why the question of South West Africa had defied all the efforts of the United Nations to find a solution was the Mandatory Power's consistent refusal to co-operate with the United Nations in carrying out its obligations under the Mandate. Instead, South Africa had transplanted its intolerable policy of apartheid into the Mandated Territory the welfare of whose population had been entrusted to it on behalf of the international community. There could be no two views about racial discrimination being an evil. The Swedish Government and people were radically opposed to it. While almost everywhere in the world racial discrimination was regarded as something to be ashamed of, the South African Government had elevated it to the status of an official principle and had introduced it into an international Territory.

24. The South African Government had once again displayed its unwillingness to modify its position. The Swedish delegation had been deeply disappointed at the statements made in the Committee by the South African Minister for Foreign Affairs, which did not seem to hold out any promise of progress. The question before the Committee was what the United Nations should and could do at that stage.

25. Her delegation regretted that the Committee on South West Africa had failed even to explore the possible consequences of the offer made by the South African Government in its letter of 10 May 1961 to the Secretary-General (A/4926, annex I, section 4), namely, that an "independent person" should conduct an impartial inquiry into the situation which was said to be threatening international peace and security. Although she understood the hesitation and misgivings of the members of the Committee on South West Africa, she felt that nothing would have been lost by pursuing the idea further. That proposal might have opened up an avenue of contact where none had existed for so long. The suggestion that the independent person should be agreed upon mutually by the President of the General Assembly and the South African Government brought the United Nations into the picture and implied a degree, however small, of recognition by South Africa of the fact that the fate of the people of South West Africa was a concern of the United Nations.

26. The new variant of that idea as it had been presented to the Committee by the South African Minister for Foreign Affairs had been a decidedly backward step, since the appointment of the three former Presidents of the General Assembly would be a unilateral act of the South African Government. In addition, the three former Presidents would be required to report to that Government. The United Nations could not be content with leaving the whole matter to

the South African Government and with getting its information second-hand.

27. Although the feelings of distrust and disillusionment by which the sponsors of draft resolution A/C.4/L.711 and Corr.1 had been motivated were understandable, their approach was too negative to be of any real help in finding a solution to the serious problem of South West Africa. The draft resolution implicitly rejected the South African suggestion out of hand, and that was a course which her delegation could not support. Although her delegation deeply deplored the South African Government's refusal to co-operate with the Committee on South West Africa, that refusal should not prevent the Fourth Committee from even considering suggestions emanating from the South African Government. Furthermore, the sponsors of the draft resolution would seem to place very little faith in the good judgement of representatives of the States Members of the United Nations. It was hardly conceivable that any person who had been found worthy to preside over the General Assembly would let himself be used by South Africa against the interests of the United Nations and of the people of the Mandated Territory. Her delegation considered operative paragraph 1 of the draft resolution to be too binding for the future and operative paragraph 2 seemed completely uncalled for.

28. Although draft resolution A/C.4/L.712 did not fully satisfy her delegation, it represented an approach which could usefully be explored. It was not necessarily the only possible approach nor was it certain to succeed. On the other hand, no serious risks were involved so long as the United Nations did not lose sight of the objectives of the Mandate, the wishes of the people and the principles of the Charter. The draft resolution was firmly and explicitly based on those three fundamentals. If the South African Government withdrew its offer after that offer had been modified in such a way as to become acceptable to the United Nations, the blame would fall squarely on that Government. The text of draft resolution A/C.4/L.712 might perhaps be amended so as to link the United Nations more directly with the proposed investigation. Her delegation found the proposed terms of reference of the committee of three to be generally acceptable, since they included the hearing of inhabitants in the Territory and the submission of recommendations. The recommendations should, however, be made directly to the United Nations as well as to the Mandatory Power. Furthermore, the United Nations should be directly associated with the appointment of the three persons in question.

29. The tasks of the special commission envisaged in draft resolution A/C.4/L.712 should be those outlined in the recommendations of the Committee on South West Africa. The special commission should undertake a study of the ways and means whereby the Territory could assume the responsibilities of sovereignty and independence within the shortest possible period of time. A summary revocation of the Mandate would not automatically bring about a solution, since the United Nations would then have to fill the vacuum in some way. The Committee on South West Africa recognized that any such action required careful planning. She could see no serious objection to the establishment of a special commission to carry out that urgent task.

30. In view of those various considerations, her delegation hoped that draft resolution A/C.4/L.712

would be amended in such a way as to be acceptable to the Committee.

31. Mr. ACHKAR (Guinea) observed that of all United Nations bodies it was the Fourth Committee whose work had led to the most positive result. Most of the questions with which the Fourth Committee had dealt had been finally settled, and the others were on the way to being settled. The only exception was the question of South West Africa, which had once again reappeared on the agenda. The annual discussion of the question had become a routine matter, always concluding with the adoption of resolutions calling for routine action which in any event was far short of what the situation required. It would appear that at the present session the General Assembly would have to take decisive steps in the light of the work done by the Committee on South West Africa and the specialized agencies. That new situation was mainly due to the revolutionary nature of the action of the Committee on South West Africa in implementation of General Assembly resolution 1596 (XV), which, unlike previous resolutions, called for steps consonant with the gravity of the problem. The fundamental question at the current session was whether the United Nations would shoulder its responsibilities within the framework of the Declaration on the granting of independence to colonial countries and peoples.

32. He would not go into the history of the question of South West Africa, which was well known to all members of the Committee. He would, however, draw attention to the second and third preambular paragraphs of the Mandate, which showed clearly that both the United Kingdom and the Union of South Africa were responsible for the administration of South West Africa. Furthermore, there could be no doubt whatsoever that the United Nations was the natural heir of the League of Nations. As its responsibility and authority were thus incontestable, it was the duty of the United Nations to ensure that South West Africa, like the other former German colonies, should be liberated from every form of foreign domination and especially from that most repugnant form which had been introduced into South West Africa in violation of the provisions of the Mandate and of the Charter.

33. General Assembly resolutions 1568 (XV) and 1596 (XV) were wise and realistic decisions. Nevertheless, the Government of the white racist minority in the so-called Republic of South Africa had repudiated all the provisions of those resolutions and had prevented the Committee on South West Africa from carrying out the task entrusted to it.

34. Mr. FOURIE (South Africa), speaking on a point of order, requested that the representative of Guinea would abide by the Chairman's ruling, which had been given at the 1219th meeting, that the Committee was composed of the representatives of States Members of the United Nations and that, out of courtesy, they should be referred to as such.

35. Mr. ACHKAR (Guinea) disclaimed all recollection of any such ruling. He added that he would give courtesy where it was due but that the South African delegation had never shown courtesy to the delegation of Guinea or of any other African State and he therefore saw no reason for extending courtesy to that delegation.

36. The CHAIRMAN regretted that any representative should speak in such a way as to embarrass the Chair. As she had already pointed out, everyone

seated at the Committee table was the representative of a Member State, and South Africa too was a Member State. Once a representative's credentials had been accepted by the Credentials Committee, he was entitled to the courtesy of the customary form of address. At various times her delegation had disagreed with other delegations, but she had always treated them with the proper respect. The delegation of Liberia, to which she belonged, had a particular interest in the question of South West Africa, since it was Liberia which, together with Ethiopia, had instituted the contentious proceedings before the International Court of Justice. Like most delegations in the Fourth Committee, it strongly disapproved of South Africa's policies, but the members of the South African delegation always referred to other members of the Committee in the proper manner, and they were entitled to the same treatment. To speak of the South African representative as such would not imply agreement with South Africa's policies or even acceptance of the status of the members of the delegation.

37. All the Members of the United Nations were working together to achieve peace and understanding; if members of the Committee could not even be polite to one another, it was to be wondered what hope there was of achieving that end.

38. Mr. YOMEKPE (Ghana) appealed to the representative of Guinea, in deference to the Chair, to eschew such expressions as he had used. The delegation of Ghana shared the views of the delegation of Guinea with regard to South Africa's policies, but that was not the point of the argument.

39. Mr. ACHKAR (Guinea), continuing his statement, said that the second Administering Authority, so to speak, namely the United Kingdom, had remained true to its disingenuous and equivocal foreign policy and instead of assisting the Committee on South West Africa, as requested in operative paragraph 6 of General Assembly resolution 1596 (XV), had in various ways obstructed the accomplishment of the onerous tasks with which that Committee had been entrusted. Such an attitude, though deplorable, was hardly surprising. All the United Nations could do was to draw the obvious conclusions and take decisive steps to put an end to the situation created by the defiance of those two administering Powers.

40. The information furnished by the petitioners had revealed the true reasons why the United Nations was unable to exercise the authority which was its due in South West Africa. The chief reason had been indicated by all the petitioners, and in particular by the Reverend Michael Scott, who had spoken of the industrial structure of South Africa and the profits derived from the country's industries by United Kingdom and United States companies. Those revelations concerning imperialist policy in Africa clearly showed the nature of the problem, which was closely connected with problems arising in other parts of Africa. No facile solution would effectively remedy the chronic sickness which afflicted the continent in general and South West Africa in particular, only bold and resolute action could adequately reward the efforts made by the African peoples in their struggle for freedom. The existence of the mining companies in South West Africa was the chief cause of the difficulties which faced the people of the Territory. The dividends paid by those companies to United Kingdom banks contributed to support the pound sterling and were a

major reason for the complicity of the United Kingdom. The attitude of the United States was due to similar causes. There was no need to seek further for the reasons why South Africa appeared before the United Nations as an incorrigible and impenitent offender.

41. The admirable work of the Committee on South West Africa had abundantly proved that weighty decisions must be taken at the present session if the United Nations was to emerge from the impasse created by the obstinacy of the Government of that part of Africa, supported by the capitalist Powers and their imperialist Governments. The conclusions and recommendations to be found in the Committee's report (A/4926) showed the only realistic course which could prevent the people of Africa from losing faith in the United Nations. The Committee had concluded that the South African Government would not agree to any peaceful solution of the question which did not provide for the annexation of all or part of the Mandated Territory and had added that South Africa had violated its obligations under the Mandate and the Charter in relation to South West Africa and had furnished conclusive proof of its unfitness to continue further with the Mandate. In the face of those conclusions it was impossible to give serious consideration to the argument advanced by the South African representative that he could not discuss the question because it was *sub judice*; that was especially so in view of the fact that his Government had rejected three advisory opinions of the International Court of Justice regarding South West Africa, had ignored the resolutions of the General Assembly and had failed to carry out its legal obligations under the Mandate, under Article 22 of the Covenant of the League of Nations and under the Charter of the United Nations.

42. The Committee had likewise concluded that steps must be taken to safeguard the legitimate rights and aspirations of the people of South West Africa. Those aspirations had been expounded by all the petitioners, and it was obvious that if the South African Government continued to administer South West Africa, there would be no political, economic, social or cultural progress in that international Territory. The juridical arguments adduced by the Pretoria Government were acceptable only to its avowed accomplices, because that Government was completely indifferent to the findings of the Court when those findings were contrary to its own desires. The fact that the Governments of Liberia and Ethiopia had brought the question before the International Court of Justice could not be an obstacle to the liberation of the peoples concerned, since General Assembly resolution 1514 (XV) on the granting of independence to colonial countries and peoples must apply to them as well as to all others. In any event, the Court could do no more than indicate what régime should be introduced in South West Africa in accordance with the Mandate and reaffirm the illegality of the attitude of the South African Government. That would not be a substitute for the political decision which the General Assembly was entitled to take to save the people of South West Africa from oppression, degradation and systematic extinction. The South African Government's defiance would only be encouraged by weakness on the part of the United Nations.

43. It was true that until the colonialist Powers and other countries for whom the wealth of South Africa was more important than the friendship of the whole

African continent had decided to put an end to the dangerous activities of the South African adventurers, it would be difficult to ensure peace in Africa, since all the African countries were determined to put an end to the racist policy of the Pretoria Government. The rights of the United Nations were being trampled under foot and must be defended in a Territory for which the Organization bore the entire responsibility.

44. The Committee on South West Africa had rightly concluded that "short of compulsive measures within the purview of the Charter, the problem of South West Africa cannot be solved in present circumstances in a manner that will protect the lives of the indigenous inhabitants of the Territory and ensure the maintenance of international peace and security in Africa" (A/4926, para. 163).

45. His delegation considered that the recommendations in paragraphs 162 to 164 of the Committee's report (A/4926) would alone meet the needs of the situation. Certain attempts had been made to discredit the Committee's report, but the report had been adopted unanimously, and his delegation fully supported its conclusions.

46. Guinea demanded the revocation of the Mandate that had been entrusted to South Africa through the United Kingdom, which bore a major share of responsibility for the problem. It demanded the transfer of the Mandate to some other authority appointed for the purpose by the General Assembly with a view to the early implementation of the Declaration on the granting of independence to colonial countries and peoples. Since there could be no doubt of the aggressive intentions of South Africa, the question should be debated by the Security Council as soon as the General Assembly or the Secretary-General laid the question before it. Such action should be taken automatically if the South African Government refused to transfer its powers to the authorities appointed by the United Nations. If the Security Council could not reach a decision, a special session of the General Assembly should be immediately convened with a view to restoring the rights of the United Nations in the Territory. Any opposition by the South African Government to the implementation of the General Assembly resolution could only be regarded as aggression against the United Nations.

47. In the meantime his country called for the voluntary application of economic and diplomatic sanctions against South Africa by all freedom-loving States. The African people would regard the attitude of the great Powers towards South Africa as a test which would show once and for all who were the friends of Africa. In accordance with the resolutions adopted at the Second Conference of Independent African States, held at Addis Ababa in June 1960, his delegation urged all the African countries to redouble their vigilance and appealed to those countries of Asia, Europe and America which were inspired by feelings of friendship for Africa to carry out a complete boycott of South Africa in all fields.

48. His delegation hoped that at the present session the United Nations would shoulder its responsibilities and carry out its duties in the interests of the people of the Mandated Territory of South West Africa and in the interests of peace and security in the African continent.

The meeting rose at 1.5 p.m.