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Chairman: Mr. Guillermo FLORES AVENDAÑO
(Guatemala).

AGENDA ITEM 57

Question of South West Africa (A/5238, chap. IX; A/C.4/572, A/C.4/574) (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)

GENERAL DEBATE (continued)

1. Mr. WOLNIAK (Poland) observed that the Special Committee for South West Africa and 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), had both concluded that the policies pursued by South Africa in its administration of South West Africa were a violation of the sacred trust of civilization undertaken by South Africa under the League of Nations Mandate and of the United Nations Charter. Despite years of efforts, the adoption of various compromise resolutions and repeated appeals to South Africa, the United Nations had been unable to obtain the co-operation of that country, which had continued its policy of oppression in complete disregard of the interests of the indigenous inhabitants and in clear defiance of the Universal Declaration of Human Rights and of the Declaration on the granting of independence to colonial countries and peoples (General Assembly resolution 1514 (XV)). Moreover, the military build-up in South Africa—which, as the evidence of the petitioners had shown, would have been impossible without outside assistance—and the introduction of the so-called Sabotage Act were evidence of South Africa's determination to suppress all forms of opposition.

2. It was the General Assembly's duty to draw the necessary conclusions and to take urgent steps to ensure the liberation of South West Africa from its present administration. The question which arose was

what action the United Nations should take. The petitioners and many of the representatives who had already spoken had referred to the conclusions of the Special Committee for South West Africa, particularly those expressed in paragraph 43 of the report of the Chairman and Vice-Chairman (A/5212, part II). His delegation endorsed those views because it felt that unless the Mandate was revoked the question of South West Africa would not be brought any nearer to a solution and the African people of the Territory would continue to suffer without hope.

3. The legal aspects of the problem had been stressed in the Committee and the sub judice rule had been invoked. In his delegation's view, the General Assembly was not relieved of its responsibilities merely because two Member States had instituted proceedings in the International Court of Justice. The International Court had already affirmed, in three advisory opinions, that the supervisory functions of the League of Nations had devolved upon the United Nations; South Africa, however, had ignored that finding. The arguments of its representatives were aimed at confusing and complicating the issue. After again advancing the sub judice argument, the Minister for Foreign Affairs of South Africa had refused to answer the question of the Liberian representative whether his Government would accept the Court's verdict.

4. At the 1376th meeting, the representative of Mexico had given an interesting analysis of the problem before the Committee. While he could subscribe to some of the points made by that representative, there were many to which he could not possibly subscribe. The Mexican representative had rightly referred to the many recommendations made to the Mandatory Power under the League of Nations Mandates System; the reports of the Permanent Mandates Commission had contained repeated statements that the situation in many Mandated Territories, including South West Africa, was far from satisfactory. The view upheld by the Mexican representative was that the legal approach to the issue was the correct one; he had, however, admitted that no absolute division could be made between the legal and the political. The Polish delegation agreed with the latter point and would add that in dealing with social or political problems concerning people, and in particular dependent people in colonial areas, political considerations were of prime importance. The decision of the United Nations that all Trust and Non-Self-Governing Territories were to accede to independence had both political and legal elements. General Assembly resolution 1514 (XV) could be regarded as interpreting the principle of self-determination in the light of contemporary events. It had been adopted without objection and was binding on South Africa as a Member State. It had clear legal consequences for all dependent territories, including any Mandated Territories, such as South West Africa, which had not been

placed under the Trusteeship System. The Mandate for South West Africa must therefore be terminated and the Territory be given full independence.

5. He saw no reason why the United Nations should delay in taking action, including the revocation of the Mandate, to bring about the speedy independence of South West Africa and to enforce the compliance of South Africa with its decision. The fact that the Governments of Ethiopia and Liberia had brought the question of South West Africa before the International Court could not be regarded as an obstacle to the implementation of General Assembly resolution 1514 (XV) in respect of South West Africa. The sole question which remained was that of deciding how the provisions of that resolution were to be implemented. That task should be entrusted to the Special Committee established under General Assembly resolution 1654 (XVI), in co-operation with the representatives of the indigenous inhabitants of the Territory.

6. The General Assembly had recently adopted a resolution (1761 (XVII)) calling upon Members of the United Nations to apply economic sanctions against South Africa and to break off diplomatic relations with that country, and requesting the Security Council to consider South Africa's expulsion from the United Nations if those measures failed. The Charter provided for such expulsion in cases where Member States persistently violated its principles. On the question of South West Africa, the South African Government had ignored the Charter and the decisions of the United Nations for almost sixteen years. In such a situation it was reasonable to expect Member States to take a firm stand. The resolution on South West Africa should call for the immediate termination of the Mandate, appeal for all possible assistance to the indigenous people of the Territory, ask Member States to refrain from giving any aid to the South African Government, and request the Security Council to impose economic sanctions and other measures in order to secure implementation by the South African Government of the decisions of the United Nations.

7. Mr. COOMARASWAMY (Ceylon) said that Ceylon, which had been a sponsor of General Assembly resolution 1702 (XVI), stood for uncompromising support for the resolutions of the United Nations on the question of South West Africa.

8. During the history of the problem of South West Africa, three questions of competence had been raised: the competence of the United Nations to take action in respect of the Territory under the Charter, the competence of the Committee to discuss the matter while the case was before the International Court of Justice, and the competence of the International Court to examine the status of South West Africa. Such objections regarding competence were the last bastion of all lost causes.

9. Following the First World War, the Principal Allied and Associated Powers had determined the future of the former German colonies on the basis of two very important fundamental principles: namely, the principle of non-annexation and the principle, laid down in Article 22 of the Covenant of the League of Nations, that the well-being and development of the peoples of the territories formed a "sacred trust of civilization". In accordance with those principles, the League of Nations had entrusted the administration of the territories to certain "advanced nations", which were to act as "Mandatories on behalf of the

League". The Mandate in respect of South West Africa had been conferred on His Britannic Majesty, to be exercised on his behalf by the Government of South Africa. The following points should be noted: no territory had been ceded or sovereignty transferred to His Britannic Majesty; the Government of South Africa had been free to administer and legislate for South West Africa, but subject to certain restrictions listed in article 6 of the Mandate; articles 2 to 5 of the Mandate, and Article 22 of the League of Nations Covenant laid on the Mandatory Power certain obligations which centred on the promotion of the material and moral well-being and the social and political progress of the inhabitants of the Territory.

10. The Mandate had been in force for the entire period of the existence of the League of Nations. On 18 April 1946 the League had adopted an important resolution in which it had recognized that, on the termination of the League's existence, its functions with respect to Mandated Territories would come to an end but had noted that Chapters XI, XII and XIII of the United Nations Charter embodied principles corresponding to those set out in Article 22 of the League Covenant, and had taken note of the expressed intentions of the Mandatory Powers to continue to administer the Territories in accordance with the obligations contained in the Mandates until other arrangements had been agreed upon between them and the United Nations.^{1/} It was clear that the League had adopted that resolution, and done nothing more to make it obligatory for Mandatory Powers to act under Chapter XII of the Charter, because it had assumed that the United Nations would take the place of the League in enforcing and applying principles similar to those in the League Covenant in respect of the Territories under mandate. The intention obviously was that the obligations in the Mandate should remain in force, but only temporarily, pending arrangements between the Mandatory Powers and the United Nations. That implied that the Mandatory Powers had an obligation to make such arrangements.

11. It was also clear that the Mandatory Powers had, by their expressed intentions, induced the League of Nations not to go beyond a certain point. In the case of South West Africa, that expressed intention was found in a statement by the South African representative on 9 April 1946, in the Assembly of the League of Nations, to the effect that the Union Government would regard the dissolution of the League as in no way diminishing its obligations under the Mandate, which it would continue to discharge with the full and proper appreciation of its responsibilities until such time as other arrangements were agreed upon concerning the future status of the Territory.^{2/} The Ceylonese delegation submitted that in the circumstances the Mandatory Powers had been estopped, both expressly and by implication, from refusing to make other arrangements with the United Nations concerning the future status of the Territory and to accept any obligations imposed on it by the United Nations in the matter. In fact, during the first year of the existence of the United Nations the South African Government had accepted its obligations in that respect, since it had acted in terms of Chapter XII of the Charter. In a memorandum to the Secretary-General dated 17 October 1946 it had stated: "This

^{1/} League of Nations, *Official Journal*, Special Supplement No. 194, pp. 278-279.

^{2/} *Ibid.*, p. 33.

responsibility of the Union Government as Mandatory is necessarily inalienable ...".^{3/}

12. General Assembly resolution 9 (I) made it clear that the Assembly considered that it had succeeded to the rights of the League of Nations and also assumed certain other rights under the Charter in respect of Mandated Territories.

13. At the second part of the first session the question of the future status of South West Africa had been placed before the General Assembly by the Union of South Africa itself, which had proposed the Territory's incorporation in the Union.^{4/} In resolution 65 (I) the General Assembly had declared that it was unable to accede to that proposal, had recommended that the Territory should be placed under the International Trusteeship System and had invited the Government of South Africa to submit a Trusteeship Agreement. That request had been repeated at the second, third and fourth sessions. In 1947 the South African Government had submitted a report for the year 1946.^{5/} In his delegation's view that Government, by inviting the United Nations to agree to incorporation and by submitting a report for 1946, had by implication admitted the competence of the United Nations to exercise its powers under the Charter and could not now question its competence in the matter. In fact, in 1947 the Union Parliament had declared that the Government should continue to render reports to the United Nations as it had done under the Mandate.

14. When the facts he had cited were tested by any known principle of law there could be no doubt that the rights of the League of Nations under the Mandate had been vested in the United Nations and that South West Africa therefore fell within the jurisdiction of the United Nations.

15. The advisory opinion of the International Court of Justice had been sought in General Assembly resolution 338 (IV). His delegation was compelled to disagree with the Court's finding, in its advisory opinion of 11 July 1950,^{6/} that the provisions of Chapter XII of the Charter did not impose upon the Mandatory Power a legal obligation to place the Territory under the Trusteeship System. Firstly, Article 77 of the Charter showed that the United Nations had to agree with a Mandatory Power only in respect of Territories which did not fall under Article 77, sub-paragraphs 1 a and 1 b, and which therefore fell under Article 77, sub-paragraph 1 c. That was the effect of the use of the words "voluntarily placed under the system by States responsible for their administration" in Article 77, sub-paragraph 1 c. If the intention had been to permit Mandatory Powers to refuse to place Territories coming under Article 77, sub-paragraphs 1 a and 1 b, under trusteeship, those words would have appeared also in those sub-paragraphs or would have been placed in such a manner as to qualify all three sub-paragraphs.

16. He was aware that attempts had been made to refute that argument by referring to Article 77,

^{3/} See Official Records of the General Assembly, Second part of first session, Fourth Committee, Part I, annex 13, document A/123, para. 86.

^{4/} Ibid., Part I, 14th meeting.

^{5/} Report by the Government of the Union of South Africa on the Administration of South West Africa for the year 1946 (Pretoria, Government Printer, 1947).

^{6/} International status of South-West Africa, Advisory Opinion: I.C.J. Reports 1950, p. 128.

paragraph 2. To counter those attempts he could not do better than refer to the dissenting opinion of Mr. Alvarez, appended to the Court's advisory opinion of 11 July 1950, which expressed the view that the Union of South Africa was under the legal obligation not only to negotiate the agreement but also to conclude it, since the Charter left no place for the future coexistence of the Mandates System and the Trusteeship System; that if no agreement could be reached an amicable solution would have to be sought or the case submitted to the International Court of Justice; and, furthermore, that even admitting that there was no legal obligation to conclude an agreement, there was at least a political obligation which derived from social interdependence and which could be sanctioned by the General Assembly.

17. The second reason why his delegation differed from the Court's opinion was based on Article 80 of the Charter, which it submitted should be interpreted as placing a Mandatory Power at least under the obligation to negotiate in good faith in order to conclude an agreement to place a Mandated Territory under the International Trusteeship System.

18. Thirdly, Article 75 imposed an obligation on the United Nations to establish an International Trusteeship System. Article 80 made it clear that the Mandates System was to remain in being only until transitional arrangements had been made. The words "delay or postponement" in paragraph 2 of that Article were significant. It had never been intended that there should be a delay of sixteen years in respect of any Mandated Territory. Article 80 had been intended precisely to apply to a case like that at present under consideration. The only liberty given to a Mandatory Power had been to reject certain terms of the agreement in the first instance—not to refuse to enter into any agreement at all.

19. Fourthly, if every Mandatory Power had adopted the attitude taken by the Government of South Africa, and that attitude had been justified under the Charter, Chapter XII would have become a dead letter.

20. In resolution 449 A (V) the General Assembly had accepted the advisory opinion of 11 July 1950 of the International Court of Justice. That acceptance, however, could not bind the Assembly, not only because the opinion was merely advisory but also because the Government of South Africa had itself repudiated the opinion by not conforming to its terms.

21. For the reasons he had outlined, his delegation was convinced that the United Nations had competence in the matter of South West Africa and that notwithstanding the contention that the Committee was precluded by the sub judice rule from looking into the question, there was no valid objection to its doing so. According to Press Release ICJ/188 of 1 October 1962, a document setting out certain preliminary objections to the jurisdiction of the Court had been filed by the Government of South Africa on 30 November 1961. Since the Government of South Africa itself did not recognize the competence of the Court in the matter, the Ceylonese delegation submitted that the Committee was competent to discuss it without infringing the sub judice rule.

22. His delegation would not express its views on the competence of the Court at the present stage, in deference to the sub judice rule. It would, however, consider a number of subsidiary legal questions that were relevant: firstly, the obligations deriving from

the terms of the Mandate; secondly, whether the Mandate could be said to have lapsed; thirdly, whether it could be revoked; fourthly, whether there was no other remedy available to the United Nations in view of the repudiation of Chapter XII by the Government of South Africa.

23. On the first question, the power given to the Government of South Africa to administer and legislate for the Territory had been strictly limited by the terms and purposes of the Mandate. Thus it was not open to the South African Government to annex the Territory or to modify the terms of the Mandate by a unilateral act.

24. To the second question, what he had said regarding the League of Nations resolution of 18 April 1946 would be an effective answer. If, however, the Mandate had lapsed, the authority of the South African Government over the Territory would also have lapsed and the continued exercise of rights under the Mandate would be illegal.

25. With respect to the third question, he had already shown that in 1946 the United Nations had succeeded to the rights of the League of Nations in respect of Mandated Territories. His delegation therefore submitted that it was within the competence of the United Nations to revoke the Mandate.

26. With regard to the last question, he pointed out that Chapter XII of the Charter applied to such Territories as might be placed under the International Trusteeship System by individual agreements. For sixteen years the General Assembly had been adopting resolutions based on the assumption that Chapter XII applied to South West Africa and for sixteen years the South African Government had refused to place the Territory under the International Trusteeship System or to act in accordance with the terms of Chapter XII, except for the submission of one report. In fact, in a letter dated 11 July 1949 the Deputy Permanent Representative of the Union of South Africa to the United Nations had stated that his Government had at no time recognized any legal obligations to supply information on South West Africa to the United Nations, but that in a spirit of goodwill, co-operation and helpfulness it had offered to provide the United Nations with reports on the administration of South West Africa, with the clear stipulation that that would be done on a voluntary basis for purposes of information only and on the distinct understanding that the United Nations had no supervisory jurisdiction in South West Africa.^{L/} Assuming that that repudiation was correct and that Chapter XII did not apply because the Territory had not been the subject of an agreement between the United Nations and the South African Government, then Chapter XI of the Charter would automatically operate, since Article 73 excluded only "those Territories to which Chapters XII and XIII apply". The words "as may be placed thereunder by means of trusteeship agreements" in Article 77 would also support that argument.

27. The broad terms of Article 73 applied because its applicability did not depend on any mandate or agreement. All that was necessary was that there should be a Member of the United Nations which had responsibilities for the administration of a Territory whose peoples had not yet obtained a full measure of

self-government. Consequently all the obligations under Article 73 b and General Assembly resolution 1514 (XV) and all related resolutions would come into play. The same argument would be applicable if in fact the Mandate had lapsed.

28. On that analysis there would be three classes of Non-Self-Governing or Trust Territories in respect of which the General Assembly and the Fourth Committee would be competent under Chapters XI and XII of the Charter: firstly, Non-Self-Governing Territories to which Article 77 had never applied and to which Chapter XI did apply; secondly, Trust Territories brought within the scope of Chapter XII by means of Trusteeship Agreements; thirdly, Territories capable of being brought within the scope of Chapter XII by Trusteeship Agreements but which had in fact not been so brought owing to refusal or delay by the Mandatory Power. It could not be said of Territories of the third class that neither Chapter XI nor Chapter XII applied to them. South West Africa must inevitably fall within the second or third class and either Chapter XI or Chapter XII must apply to it.

29. Turning to the subject of the Pretoria joint communiqué, his delegation doubted that it could have any binding effect on the Special Committee for South West Africa or the Fourth Committee. Even if it were binding, however, the material portions of it amounted only to a statement that in the places the Chairman and Vice-Chairman had visited they had found no evidence and heard no allegations that there was a threat to international peace and security within South West Africa, that there were signs of militarization in the Territory or that the indigenous population was being exterminated, and that no case of detention of political prisoners had been brought to their attention during the visit. It was clear, however, from annex XIV of the report (A/5212/Add.3) that the Chairman and Vice-Chairman had not visited the entire Territory. Furthermore, whether or not there had been evidence or allegations as referred to in the statement, the Fourth Committee was entitled to draw its own conclusions from the evidence set out in annex XII (A/5212/Add.2), the documents in annex XI (A/5212/Add.1) and the evidence and findings of the Special Committee for South West Africa and of the Special Committee established under General Assembly resolution 1654 (XVI). Lastly, the final reports of the Chairman and Vice-Chairman were not necessarily inconsistent with the Pretoria statement because the reports could have been based on other evidence besides what they had seen or heard during their short visit. In any event, the important point was not whether the three serious charges referred to in the South African Foreign Minister's statement at the 1369th meeting had been proved, but whether the purposes and principles of the League of Nations Mandate and the United Nations Charter were being carried out.

30. With regard to the utility of United Nations resolutions on the subject of South West Africa, he could only agree entirely with the views expressed at the 1376th meeting by the representative of Mexico regarding possible solutions of the problem. He had also been impressed by the constructive suggestions made by the representatives of Brazil and Chile in their statements at the 1375th and 1376th meetings.

31. The General Assembly had adopted some thirty resolutions on the subject of South West Africa. In

^{L/} See Official Records of the General Assembly, Fourth Session, Fourth Committee, Annex, document A/929, p. 7.

his delegation's view the root of the problem could be found in two documents which had been supplied or referred to by petitioners: the booklet "The Unholy Alliance", with an introduction by Mr. Conor Cruise O'Brien; and the statement made by the Reverend Michael Scott at the 1372nd meeting of the Committee, in which he had referred to a paper written by Professor Alvin W. Wolfe, of Washington University. Those documents painted a vivid picture of a high degree of economic integration and a system of interlocking directorates in the mineral industry of Africa south of the Equator. The financial interests of several Western Powers were involved. In his delegation's opinion the mere passing of resolutions would be futile until those Powers were concerned less with powerful industrial interests at home than with the welfare of the 450,000 non-Europeans in South West Africa. Then alone would there be lasting peace on the continent of Africa and freedom for its peoples.

32. Mr. LANGLO (Norway) expressed his delegation's regret and concern over the fact that the South African Government had not changed its policy in the administration of South West Africa during the year which had elapsed since the previous session of the General Assembly. The rigid system of apartheid which was being applied in South West Africa, despite General Assembly resolutions to the effect that mass-scale racial discrimination was contrary to the Mandate, had not been relaxed and there was reason to fear that it would be intensified. The indigenous inhabitants of South West Africa were still denied the enjoyment of fundamental human liberties and the right to self-determination. South Africa's long-term objective in South West Africa seemed to be the permanent subjugation of the Territory. The Norwegian Minister for Foreign Affairs had said in his statement to the General Assembly in the general debate (1126th meeting) that the choice facing the administering Powers was not one between denying or granting the right to self-determination but rather whether the peoples would achieve their legitimate aspirations by peaceful means or violence. South Africa, too, was facing that choice. No solution of the problem of South West Africa would be acceptable to the United Nations unless it clearly marked out a course leading to the exercise of self-determination by the whole population of South West Africa.

33. The Special Committee for South West Africa had been unable to report any progress. The invitation extended to the Chairman and Vice-Chairman of that body to visit South Africa and South West Africa had seemed to introduce a new element into the situation, and although no one had dared to hope that that invitation had implied a change of heart on the part of South Africa, the visit had been regarded by the Special Committee as an exploratory mission and a first step towards the implementation of its mandate.

34. South Africa now sought to turn the disputed communiqué issued at Pretoria on 26 May 1962 into the main issue. It should be remembered, however, that nothing said in that communiqué and nothing that had preceded it could change the fact that the people of South West Africa were being denied basic human rights and freedoms. It was the latter fact that, if allowed to continue, would create a situation likely to endanger international peace and security. It should also be remembered that the Special Committee had

reached the unanimous conclusion that, since it had not authorized the communiqué, the latter had not represented an official act on its part.

35. The Special Committee's report (A/5212 and Add.1-3), which had been approved unanimously, furnished the United Nations with the first information on the conditions in South West Africa to have been collected in the Territory itself by United Nations representatives. That material both confirmed the General Assembly's previous findings and conclusions and gave a more complete picture of the people's opinions. The accounts of the interviews with large numbers of indigenous inhabitants showed that the people of South West Africa were unhappy and that, like all other peoples, they wished to determine their own future and to be prepared for self-determination through education and social, economic and political development.

36. The lack of adequate educational facilities was the people's main complaint. The Chairman and the Vice-Chairman of the Special Committee had been informed that passports had been denied to many South West Africans wishing to study abroad. The South African Government's argument that those students were either too young to benefit from studies abroad or might be exposed to communist influence represented either an admission of failure in the educational field or a pretext for denying South West Africans opportunities for higher education in general. If that assumption was wrong, South Africa could demonstrate it most effectively by co-operating with the United Nations in the special educational and training programmes provided for by the General Assembly in resolution 1705 (XVI).

37. Apartheid was the cause of all the evils afflicting South West Africa. As long as that system was maintained, the indigenous inhabitants could not expect equality of educational facilities, since the very purpose of education under apartheid was to prepare the non-white population for permanent inequality.

38. South Africa had been unable to persuade the people of South West Africa to accept the present situation and it had failed to prepare them for a future of their own. It was the duty of the United Nations to seek an effective and practical solution and thus to justify the hopes of the indigenous inhabitants, who had not lost their confidence in the United Nations despite the fact that the latter's efforts had thus far proved fruitless because of South Africa's refusal to carry out its international obligations.

39. The Norwegian delegation in the Special Committee for South West Africa had felt constrained to reserve its position with regard to the measures recommended by the Chairman and the Vice-Chairman following their visit to the Territory, since it had not wished to commit itself to any definite course of action before the matter was discussed by the General Assembly. In particular his delegation had indicated that the proposal set out in paragraph 43 of the report of the Chairman and the Vice-Chairman (A/5212, part II) concerning a unilateral revocation of the Mandate by the United Nations would raise a number of legal problems which had not been thoroughly studied or clarified.

40. His delegation had listened with great interest to the statements made by the Brazilian and the Mexican representatives at the Committee's 1375th and 1376th meetings. It agreed with them that more

attention should be paid to the legal aspects of the question in view of the proceedings pending before the International Court of Justice. In that way the General Assembly could help to lay solid foundations for a solution of the problem of South West Africa.

41. The CHAIRMAN informed the Committee that a number of representatives who had been scheduled to take part in the general debate at that meeting had indicated that they would be unable to speak. He hoped that that would not establish a precedent since otherwise he would be compelled to ask the Committee to decide whether or not representatives who were not ready to speak when called upon to take the floor should forfeit their right to take part in the general debate.

42. Mr. PUREVJAL (Mongolia) said that his delegation endorsed the conclusions reached by the Special Committee for South West Africa and the Special Committee established under General Assembly resolution 1654 (XVI) and subscribed to the view of the overwhelming majority of the members of the Committee that in the question of South West Africa the United Nations was confronted with the issue of colonialism and of the immediate implementation of the historic Declaration on the granting of independence to colonial countries and peoples. The Mongolian Government and people regarded the Declaration as a major historic document which gave juridical expression to the will of the peoples and was a vivid manifestation of the spirit of the times, when the shameful colonial system was crumbling under the powerful blows of the national liberation movement.

43. The Mongolian delegation resolutely condemned the South African Government's colonialist policy and noted with profound indignation that the Government in question had crudely violated its international obligations as a Mandatory Power. South Africa's rulers had established a typically colonial régime in South West Africa, consisting of terror, cruel exploitation and the disenfranchisement of the indigenous inhabitants, and had virtually annexed the Territory, contrary to the will of the indigenous inhabitants and in violation of the United Nations Charter and resolutions.

44. The infamous policy of apartheid, which had long been condemned by the United Nations and world public opinion, was being fully applied in South West Africa and had resulted in the situation which Mr. Garoeb, a representative of the South West Africa Peoples Organization, had described to the Special Committee for South West Africa (A/5212, part III, para. 30).

45. South West Africa's wealth was largely in colonialist hands. The white farmers owned 38 million hectares of the best land in the Territory and most of the cattle, whereas the indigenous inhabitants, who accounted for over 80 per cent of the population, owned only 20 million hectares, in the arid reserves. The mineral wealth of the country belonged to South African and other foreign capitalists. In the last analysis it was the financial interests of the big Western monopolies which determined the attitude of the Governments of those countries to the question of South West Africa. The reason for the stubbornness shown by the South African Government in the matter of South West Africa should be sought in the wide support it was receiving from the countries of the North Atlantic Treaty Organization (NATO). If the United Nations wished to find a positive solution for

the problem of South West Africa, it should, first and foremost, ask the Western Governments to stop rendering assistance to the South African Government. In the course of the discussion of the question of South West Africa, attention had been drawn to the existence of an "unholy alliance" between South African, Southern Rhodesian, Portuguese and other colonialists and reactionaries, which was designed to suppress the national liberation movement of the African peoples and which could not of course be considered apart from the NATO Powers' policies towards the question of colonialism.

46. In South West Africa, as elsewhere, colonialism had resulted in the cultural backwardness of the indigenous inhabitants. It was clear from the statements of the petitioners that the South African Administration was deliberately holding back the social development of the indigenous inhabitants in order to keep them in slavery. The so-called Bantu education was conducted in the spirit of apartheid and of white domination, and the Territorial Administration prevented Africans from acquiring education and availing themselves of scholarships offered through the United Nations. Poverty, hardships, the absence of medical care and the despotic colonialist rule resulted in a steady reduction in the numbers of Africans in South West Africa, who were dying out.

47. The Mongolian people, who had experienced the horrors of foreign rule and had found the road to happiness through their struggle, supported the South West African people's legitimate desire for freedom and independence, which was fully in accord with the principles proclaimed in the United Nations Charter and the Declaration on the granting of independence to colonial countries and peoples. His delegation could see no grounds for objecting to the South West African people's demands for independence. The United Nations, whose legal rights and duties were clear to all and had been confirmed by its own acts and by the advisory opinion given by the International Court of Justice in 1950, should put an end to South African administration in South West Africa, as was being demanded by the freedom-loving people and the peace-loving independent African States.

48. Although in resolution 1702 (XVI) the General Assembly had solemnly proclaimed the inalienable right of the people of South West Africa to independence and national sovereignty and had recommended specific steps to that end, all its efforts had encountered stubborn resistance on the part of the South African Government, which was still adhering to its policy of annexation and was turning the Mandated Territory into a military base, thereby seriously threatening peace and security in Africa and the world.

49. The Mongolian delegation, which endorsed the conclusion of the Special Committee established under General Assembly resolution 1654 (XVI) that the time had come for the United Nations to take urgent, positive action (A/5238), chap. IX, para. 124), could not agree with the members of the Committee who, in effect, were suggesting that the solution of the problem should be postponed until the International Court of Justice gave an advisory opinion on the substance of the problem. That would be an unrealistic approach, for the difficult situation in South West Africa demanded immediate action. Any delays in the granting of independence to South West Africa might have serious consequences.

50. The Mongolian delegation was of the opinion that in order to find a positive solution to the problem it was necessary immediately to revoke the Mandate and to transfer all powers to representative organs of the indigenous inhabitants. It also thought that the Special Committee established under General Assembly resolution 1654 (XVI), with the active participation of the independent African States, should be entrusted with the implementation of General Assembly resolutions in relation to South West Africa.

51. The United Nations should also pay serious attention to the colonialist alliance and the support which South Africa was receiving from the Western

Powers and should ensure that deliveries of arms to South Africa were halted, since those arms were helping South Africa's racialists to suppress the Africans' struggle for freedom. It should take the necessary steps to ensure the withdrawal of all South African military and police forces from South West Africa, the release of political detainees, the repeal of laws and regulations establishing the system of apartheid, the granting of freedom of action to African parties and organizations, and the creation of national authorities through general elections held on the basis of universal suffrage.

The meeting rose at 12.25 p.m.