

Distr.  
GENERALA/6219  
21 December 1965

ORIGINAL: ENGLISH

Twentieth session  
Agenda item 69

## QUESTION OF SOUTH WEST AFRICA

Letter dated 21 December 1965 from the Permanent Representative  
of South Africa to the United Nations addressed to the President  
of the General Assembly

I have the honour to refer to resolution I appearing at paragraph 23 of the report of the Fourth Committee (A/6161) on the question of South West Africa.

The resolution in question, which was approved in the General Assembly on 17 December 1965, contains a number of groundless charges against the Government of South Africa, which were included despite repeated refutation by my delegation, the most recent occasion being the statement made in the Fourth Committee on 9 December 1965.

I wish to refer in particular to operative paragraph 7 relating to the withdrawal of alleged bases and military installations in South West Africa. My delegation wishes to register its regret that baseless assertions of this nature should, as embodied in resolution I mentioned above, become part of the records of the United Nations in spite of the fact that they are devoid of truth and have been refuted on previous occasions.

In connexion with this charge I wish to inform you that South Africa's alleged militarization of South West Africa is also one of the basic charges brought against it by the applicant States at the International Court of Justice and that the South African Government called an expert witness to testify on this matter before the Court. The witness was General S.L.A. Marshall, a well-known military expert as admitted for the record in the International Court of Justice on 14 October 1965 by Mr. Gross, Counsel for the applicant States, when the latter declared "I am glad to state in the record, Sir, that you are indeed a

recognized military authority and widely read as such" (page 21 of Court Record 65/81 of the same date).

General Marshall testified to the Court on that date, and after having visited various parts of South West Africa in April and September of 1965, that there were no military bases in the Territory and that the Territory as such could also not be regarded as a military base. General Marshall's own words in reply to the charge were: "My answer is no. May I add that the Territory is less militarized and more under-armed than any territory of its size I have ever seen in the world" (page 20 of Court Record 65/81).

Furthermore on the same day when General Marshall was being cross examined by Counsel for the applicant States on South Africa's alleged militarization of the Territory, Mr. Gross stated: "I may say this is the first inspection of which the United Nations will have heard and this information will be transmitted to them" (page 22 of the same Court Record).

Although Counsel for the two applicant States intimated to the International Court of Justice that General Marshall's evidence on the non-militarization of South West Africa would be forwarded to the United Nations, the South African delegation wishes to draw attention to the fact that, as far as is known, the relevant information has not been passed on to the United Nations. In fact at the first session of the General Assembly after the foregoing development, the unfounded charge of militarization was again repeated in the United Nations as in previous sessions.

In this brief reference to the testimony given at the International Court on this matter, it is not the intention of the South African delegation to prejudge the decision of the Court on the militarization charge or any other matter before the Court. I wish to point out that evidence given before the Court is of course not subject to the sub judice rule, once it has been published in the Court Records. As the question of South Africa's alleged militarization of South West Africa was raised at the twentieth session, despite the objections of my delegation, I considered it proper and necessary to refer to the detailed evidence given to the Court about the non-militarization of the Territory.

I should be grateful, Excellency, if you would arrange for this letter to be circulated as an official document of the twentieth session of the General Assembly under item 69.

(Signed) M.I. BOTHER  
Ambassador,  
Permanent Representative.

-----