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REPORT OF THE SPECIAL COMMITTEE ON THE SITUATION WITH
REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE
GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND
PEOPLES**

(covering its work during 1966)

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CHAPTER IV

SOUTH WEST AFRICA

* This document contains the chapter on South West Africa. The general introductory chapter of the report of the Special Committee will be issued subsequently under the symbol A/6300. Other chapters of the report will be issued as addenda.

** Item 66 of the provisional agenda.

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I. ACTION TAKEN BY THE SPECIAL COMMITTEE AND BY THE
GENERAL ASSEMBLY DURING 1965

1. On 17 June 1965, at its 372nd meeting held in Addis Ababa, Ethiopia, the Special Committee adopted a resolution on South West Africa in which it reaffirmed the right of the people of the Territory to self-determination and independence and condemned the South African Government for its persistent refusal to apply the resolutions of the General Assembly and the Special Committee. It recognized as legitimate the struggle of the people of South West Africa for the effective exercise of the rights set forth in the United Nations Charter, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples, and appealed to all States to give the African population of the Territory the necessary moral and material support to enable them to accede to national independence and to exercise fully their sovereignty over their country's natural resources. By the same resolution, the Special Committee, after having referred to the expressions of concern by the Governments of the African States adjacent to South West Africa regarding the military installations established in the Territory by the South African Government, including the installation of an important military base in the Eastern Caprivi Zipfel, requested the South African Government to withdraw all the bases and other military installations situated in the Territory and to refrain from using the Territory in any way whatever as a base for the concentration of arms or armed forces for internal or external purposes. It recommended to the General Assembly and the Security Council to take appropriate steps to safeguard the sovereignty of the people of South West Africa and the integrity of the Territory and to this end to take the necessary concrete and adequate measures in co-operation with the Organization of African Unity (OAU). It also drew the attention of the Security Council to the serious situation prevailing in the Territory. The Secretary-General was invited to request all States to inform him of the measures they had taken to carry out operative paragraph 7 of resolution 1899 (XVIII) of 13 November 1963; he was further invited to report to the General Assembly and the Special Committee on the application of that paragraph.

2. The text of the resolution was included in the Special Committee's report to the General Assembly at its twentieth session (A/6000/Add.2, para. 285). That

report, as well as the reports submitted by the Special Committee to the General Assembly in 1964 on South West Africa^{1/} and on the implications of the mining industry and of the other international companies having interests in South West Africa,^{2/} were considered by the General Assembly at its twentieth session. On 17 December 1965, the General Assembly adopted three resolutions relating to South West Africa.

3. In preambular paragraphs of resolution 2074 (XX) of 17 December 1965, the General Assembly, after recalling its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples and other earlier resolutions of the General Assembly and the Special Committee with respect to South West Africa, noted with regret the policy of the Government of South Africa to circumvent the political and economic rights of the indigenous people of South West Africa through a large-scale settlement of foreign immigrants. In the ninth preambular paragraph, the General Assembly noted "with deep concern the serious threat to international peace and security in that part of Africa, which has been further aggravated by the racist rebellion in Southern Rhodesia". The operative paragraphs of the resolution read as follows:

"1. Approves the chapters of the reports of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples concerning South West Africa;

"2. Endorses the conclusions and recommendations of the Special Committee contained in its report on the implications of the activities of the mining industry and of the other international companies having interests in South West Africa;

"3. Condemns the policies of apartheid and racial discrimination practised by the Government of South Africa in South West Africa, which constitute a crime against humanity;

"4. Reaffirms the inalienable right of the people of South West Africa to freedom and independence, in accordance with General Assembly resolution 1514 (XV);

^{1/} Official Records of the General Assembly. Nineteenth Session, annex No. 8 (A/5800/Rev.1), chapter IV.

^{2/} Ibid., annex No. 15 (A/5840).

"5. Considers that any attempt to partition the Territory or to take any unilateral action, directly or indirectly, preparatory thereto constitutes a violation of the Mandate and of resolution 1514 (XV);

"6. Considers further that any attempt to annex a part or the whole of the Territory of South West Africa constitutes an act of aggression;

"7. Calls upon the Government of South Africa to remove immediately all bases and other military installations located in the Territory of South West Africa and to refrain from utilizing the Territory in any way whatsoever as a military base for internal or external purposes;

"8. Condemns the policies of financial interests operating in South West Africa, which mercilessly exploit human and material resources and impede the progress of the Territory and the right of the people to freedom and independence;

"9. Condemns the policy of the Government of South Africa to circumvent the political and economic rights of the indigenous people of the Territory through a large-scale settlement of foreign immigrants in the Territory;

"10. Condemns the Government of South Africa for its refusal to co-operate with the United Nations in implementing the Declaration on the Granting of Independence to Colonial Countries and Peoples;

"11. Requests all States to take immediate action to carry out paragraph 7 of General Assembly resolution 1899 (XVIII);

"12. Appeals to all States to give the indigenous people of South West Africa all necessary moral and material support in their legitimate struggle for freedom and independence;

"13. Requests the Security Council to keep watch over the critical situation prevailing in South West Africa in the light of the ninth preambular paragraph of the present resolution."

4. By resolution 2076 (XX) of 17 December 1965, concerning special educational and training programmes for South West Africa, the General Assembly expressed its appreciation to those Member States which had made scholarships and travel grants available for the use of South West Africans, and invited them and other States to consider including in their offers scholarships for secondary education and for vocational and technical training. It further invited Member States to give sympathetic consideration to requests by the Secretary-General for placement in their secondary, vocational or technical schools of candidates awarded scholarships under the special training programme. Once again, the General Assembly

requested all Member States, and in particular South Africa, to facilitate the travel of South West Africans seeking to avail themselves of educational opportunities provided under the programme. It also called upon South Africa to co-operate with the Secretary-General in implementing the resolution. The Secretary-General was asked to disseminate information concerning the programme in South West Africa and elsewhere. He was further asked to consult with the Special Committee concerning the implementation of the programme and to report thereon to the General Assembly.

5. The draft resolution recommended by the Special Committee with respect to petitions concerning South West Africa (A/6000/Add.2, para. 292) was adopted by the General Assembly as resolution 2075 (XX).

II. INFORMATION ON THE TERRITORY

A. GENERAL

6. Information on the Territory is contained in previous reports of the Special Committee to the General Assembly.^{3/} Supplementary information on recent developments is set out below.

B. INTERNATIONAL COURT OF JUSTICE

7. The oral proceedings in the South West Africa cases initiated on 4 November 1960 by the Governments of Ethiopia and Liberia against South Africa closed on 15 November 1965. On 29 November, at its 100th public sitting on the cases, the International Court of Justice announced its decision on South Africa's request of 30 March 1965 that the Court make an inspection in loco of South West Africa and also visit South Africa, Ethiopia and Liberia and one or two other sub-Saharan countries. By 8 votes to 6, the Court decided not to accede to the request in respect of proposals concerning South West Africa and South Africa, and by 9 votes to 5, in respect of other areas.

8. In a communiqué dated 13 December 1965, the Court indicated that it had had a general exchange of views in relation to the various questions which arose in the cases and had then recessed to enable the individual members of the Court to study those questions. The communiqué stated that under the established practice of the Court, after the hearing is concluded, a period of time proportionate to the nature of the case is allowed to judges in order that they may study the oral arguments of the parties. It further stated that the extended and complicated nature of this case was such that this study would require a period of time somewhat longer than usual.

9. Members of the International Court resumed private deliberations at The Hague on 3 March 1966 to formulate the judgement of the Court on the South West Africa cases.

^{3/} Official Records of the General Assembly, Seventeenth Session, Annexes, addendum to agenda item 25 (A/5238), chapter IX; *ibid.*, Eighteenth Session, Annexes, addendum to agenda item 23 (A/5446/Rev.1), chapter IV; *ibid.*, Nineteenth Session annex No. 8 (A/5800/Rev.1), chapter IV, and annex No. 15 (A/5840); and A/6000/Add.2.

C. STATEMENTS CONCERNING THE FUTURE OF SOUTH WEST AFRICA

10. The strategic relationship between the Territory of South West Africa and South Africa, which had been one of the main considerations advanced by South Africa in 1946 in support of its plea for the incorporation of the Territory,^{4/} was again stressed during 1965 by leading spokesmen for the South African Government.

11. The Prime Minister of South Africa, Mr. H.F. Verwoerd, is reported to have said, in an address to a National Party meeting in De Aar, South Africa, on 27 June 1965, that if South West Africa should fall into the hands of hostile nations it could be fatal to South Africa. At the United Nations, it was said that it would be a small matter for South Africa to submit a report on South West Africa or to allow a United Nations presence there, the Prime Minister observed. South Africa had known from the beginning, however, that once interference was allowed it would increase step by step. No one should have any illusions about that. It was because of the potential danger to South Africa, the Prime Minister explained, that Prime Minister Malan had said that South Africa would not allow foreign interference in the Territory, and that was why the Republic had recently been using all its diplomatic power and legal skill to try and prevent that danger from coming to its borders.

12. The South African Minister of Justice, Mr. Balthazar Vorster, addressing a National Party congress in Windhoek, South West Africa, on 31 August 1965, informed the gathering that what affected South West Africa affected the Republic, and vice versa. After referring to "the Langa and Sharpeville riots in 1960, not as isolated examples of something spontaneous" but as "part of a coming invasion", the Minister of Justice was quoted as saying:

"My department has a responsibility to keep law and order here, and that order was given the Union at the time of the Mandate. We intend obeying it; we will see that there is peace, law and order here. Do not be lulled into a sense of false security because we have repelled the past. Make sure it does not happen again. The assault on South Africa will come again; it will come from outside and it will be better organized than before. You as citizens not only have a duty - you have a holy right to defend what belongs

^{4/} Official Records of the Second Part of the First Session of the General Assembly, Fourth Committee, part I, annex 13 (A/123).

to you. You must help the police - particularly in the beginning until reinforcements can be brought from elsewhere. I do not say this to frighten you, but because history has shown me that these things only succeed where citizens are weak. It will only happen once and not again. You do not get a second chance to react and defend."

13. In his annual New Year's Day message, the Prime Minister of South Africa, with reference to the cases before the Court, stated:

"Whatever the outcome, which we await with hope, South Africa will not fail in her duty to her principles, to those entrusted to her care, and to the preservation of the safety and integrity of the Republic."

14. Later, in a pre-election speech in Windhoek on 15 March 1966, the Prime Minister appealed to the electorate not to give itself over to wild reaction when the International Court gave its verdict later in the year, whether or not that verdict was in favour of South Africa. He stated:

"I ask you to leave the matter in the calm hands of the government you are about to elect. The government will do what is in our common interest. We shall follow the safe, right and sensible road, and we shall trust in the support of the public of South and South West Africa."

15. The Prime Minister explained that the issue before the voters was to decide which party could best ensure prosperity, the safety of the country and continued White rule. It was the Government's firm belief, he stated, that South and South West Africa were one country and this had saved the Territory from more interference.

D. SECURITY LEGISLATION

Criminal Procedure Amendment Act, 1965

16. In its previous report (A/6000/Add.2, para. 11), the Special Committee informed the General Assembly that legislation authorizing the detention of individuals for a maximum of ninety days had been suspended in both South West Africa and South Africa in January 1965.

17. Later that year, however, a more severe detention provision, commonly known as the "180-day clause", was brought into force in South West Africa and South Africa by the Criminal Procedure Amendment Act, No. 96 of 1965. This Act authorizes the detention in solitary confinement of State witnesses or potential

State witnesses in certain types of criminal proceedings for a maximum of six months if the Attorney-General is of the opinion that they might be tampered with or intimidated, might abscond, or if he deems it to be in their interests or in the interests of the administration of justice. The Act requires that persons so detained be visited in private at least once a week by a magistrate; other visitors are prohibited except with the consent of the Attorney-General or of an officer delegated by him. The specified types of criminal proceedings relate, inter alia, to the contravention of various provisions of the Suppression of Communism Act, sedition, murder, arson, kidnapping, treason and robbery, and include any conspiracy, incitement or attempt to commit the specified offences.

18. The Act specifically provides that no court shall have jurisdiction to order the release from custody of any person so detained, to pronounce upon the validity of any regulations made by the Minister concerning such detentions, or jurisdiction over the refusal of consent to a visitor.

Official Secrets Amendment Act, 1965

19. The Special Committee had also referred in its previous report to a proposed amendment to the Official Secrets Act to prohibit the disclosure of any information concerning any military or police matter under penalty of a fine of up to R1,500, or seven years' imprisonment, or both. The disclosure of any information concerning military matters was already prohibited by the original Act. The Bill was passed by the South African Parliament after being amended to insert a definition of "police matter" to mean any matter relating to the preservation of the national security of the Union (including South West Africa) or the maintenance of law and order by the South African Police. It came into force in South West Africa and South Africa as Act No. 65 of 1965.

Police Amendment Act, 1965

20. By the Police Amendment Act, No. 74 of 1965, the South African Parliament has authorized any member of the police force to "search without warrant any person, premises, other place, vehicle, vessel or aircraft, or any receptacle of whatever nature" at any place in the Republic or South West Africa within a mile of the border of any foreign State or territory and to "seize anything found by him upon

such person or upon or at or in such premises, other place, vehicle, vessel, aircraft or receptacle". As explained by the South African Minister of Justice, the Amendment Act is a further security measure, intended to give the police the power to combat as effectively as possible the infiltration of well trained saboteurs trained elsewhere in Africa.

21. The police force operating in South West Africa, including the Special Branch, forms part of the South African Police Force. Apart from the regular police and Special Branch functions, the South African budget also provides funds for "secret services" under the budget headings for police, information services, and Bantu administration, all of which are among the integrated services covering both South Africa and South West Africa.

Other proposed legislation

22. The Emergency Planning Bill referred to in the Special Committee's previous report was not passed by the South African Parliament during 1965, but was to be reintroduced after the election of a new Parliament in 1966. As previously stated, the Bill, which defined sabotage as one of the events which could lead to the declaration of a state of emergency, would give South Africa broad powers to muster men and materials in times of emergency. It would render able-bodied men and women from seventeen to sixty-five years of age who had not had military training and did not fall within specified categories of public service liable to compulsory training to cope with natural emergencies.

23. Another Bill scheduled for consideration during 1966, the Suppression of Communism Further Amendment Bill, would debar anyone listed or convicted under the principal Act from practising as an advocate, attorney, notary or conveyancer.

E. DEPORTATION OF SOUTH WEST AFRICAN POLITICAL LEADERS

24. The Windhoek Advertiser reported on 22 March 1966 that Mr. Sam Nujoma, the President of the South West Africa People's Organization (SWAPO) and another SWAPO official, who was not identified, had landed at the Windhoek international airport on 20 March. After being detained at the airport by the security police, the report stated, they were escorted back to their chartered aircraft the following day, on 21 March, and ordered to leave the Territory. They were reported to have landed in Livingstone and were expected to reach Lusaka on 22 March, en route to Dar es Salaam.

25. It should be noted that the deportation of South West Africans from the Mandated Territory has been regarded within South West Africa itself as beyond the legal authority of the State. In this connexion, attention is drawn to the following passage in the judgement of the High Court of South West Africa in the case of R. v Skrywer:^{5/}

"According to the generally recognized principles of the law of nations a state is entitled to expel at any moment an alien who has been admitted into its territory... A corollary to this principle is that a state is by international law not entitled to expel its own nationals."

F. INCIDENT IN OVAMBOLAND

26. According to another report appearing in The Windhoek Advertiser on 17 March 1966, a telegram addressed to the Secretary-General of the United Nations,^{6/} and reading as follows, had been sent from Windhoek on 16 March by an official of SWAPO:

"SWAPO leader Leo Shoopala shot dead by South African Government armed Chief Jacob Ashipala of Ovamboland stop Fedelis Ijabo seriously wounded stop Situation in Ovamboland very tense stop."

27. The Windhoek Advertiser quoted the following statement concerning the situation as having been issued by the State Information Department:

"The South African Police are investigating a shooting incident in Ovamboland.

"According to information available, a Bantu man died as a result of a shot fired by an Ovambo headman while another Bantu man was slightly injured.

"Situation by no means tense in the area."

28. No further information could be obtained through the Department, according to The Windhoek Advertiser.

G. GENERAL ELECTIONS

29. General elections were held in South West Africa on 30 March 1966 to select six members of the South African House of Assembly from the Territory and the

^{5/} R. v Skrywer (South West Africa), 1957; J.P. Claassen and J. Hofmeyr, Judges. This case involved an African born in the Rehoboth Gebiet.

^{6/} Not received by the United Nations.

eighteen members of the territorial Legislative Assembly. Suffrage is restricted in the Territory to Europeans aged eighteen years or older. On 15 September 1965, there were 37,264 registered voters in the Territory.

30. The Nationalist Party, which is affiliated with the governing party in South Africa, and the United National South West Party, which is not affiliated with the opposition party in South Africa, contested all seats. The Nationalist Party candidates won all seats in both houses. The leader of the United National South West Party, Adv. J.P. Niehaus, who had been the only Opposition member of the South West African Legislative Assembly, lost his seat.

31. Unofficial election results gave 21,380 votes for Nationalist Party candidates and 9,808 for United National South West Party candidates for the six seats in the House of Assembly. The results of the Legislative Assembly elections showed a total of 21,240 votes for Nationalist Party candidates against 10,187 for the Opposition Party candidates, compared with 19,360 votes for Nationalist Party candidates and 13,216 for their opponents in the 1961 general elections to the territorial Legislative Assembly.

32. The election and appointment of the four Senators from South West Africa for five-year terms in the South African Senate had taken place earlier. On 26 November 1965, the territorial Legislative Assembly, meeting with members of the House of Assembly from South West Africa, elected two Senators. With effect from 6 December 1965, the State President nominated two other Senators from South West Africa, one of whom is required to be nominated "mainly on the ground of his thorough acquaintance, by reason of his official experience or otherwise, with the reasonable wants and wishes of the Coloured races of the Territory".

H. LOCAL GOVERNING BODIES

33. In all of the main urban areas of the Territory, there are local governing bodies composed of Europeans; in Native locations, there are African advisory boards. In 1965, following the establishment of the first of a series of separate townships for Coloureds, the Administrator was authorized by the Legislative Assembly (Ordinance No. 34 of 1965) to establish in each Coloured township either consultative or management committees, composed of Coloured residents, elected,

appointed, or partly elected and partly appointed. A consultative committee would serve in a consultative capacity to the European local governing body, whereas a management committee would be charged with some of the functions of the European local governing body with respect to the Coloured township. The Ordinance also contains provisions governing the eventual establishment of separate local governing bodies for the Coloured townships.

I. OTHER POLITICAL DEVELOPMENTS

34. During 1965, a series of anonymously issued pamphlets attacking SWAPO, the South West Africa National Union (SWANU) and the National Unity Democratic Organization (NUDO), and supporting the recommendations of the Odendaal Commission, were reportedly distributed clandestinely in Native locations and Native reserves in South West Africa.

35. In September 1965, following a visit earlier in the year by chiefs and headmen from South West Africa to various parts of South Africa, including the Transkei, the Prime Minister of South Africa approved of a further visit to the Republic by a party of about 145 teachers, ministers and nurses of the Ukuanyama tribe of Ovamboland.

36. It will be recalled that, by letter of 26 November 1965 to the Chairman of the Fourth Committee (A/C.4/660), the Reverend Markus Kooper, and Messrs. Mburumba Kerina and Nathanael Mbaeva announced the formation of a new organization, the South West Africa National United Front (SWANUF). In a petition dated 11 February 1966, (A/AC.109/PET.474), Mr. Kerina informed the Special Committee that NUDO, SWANU, the South West Africa United National Independence Organization (SWAUNIO), and the South West Africa Workers Union (SWANU) had united to form SWANUF. According to a statement by the SWANU External Council contained in a petition dated 21 March 1966 (A/AC.109/PET.457/Add.1), SWANU was not and had never been a party to SWANUF.

J. DEFENCE AND POLICE FORCES

37. During the past several years, the Defence and Police Forces, combined for South Africa and South West Africa, have been reorganized for co-ordinated and

complementary operations. Stress has been laid on mobility, to enable both personnel and equipment to reach any point in South or South West Africa at short notice, if necessary, ready for emergency action.

38. Within South West Africa, the first police helicopters and police dog units were brought into service during 1965 and early 1966. On two occasions during 1965, on 26 March and 9 and 10 September, coast artillery practice was held, firing seawards within six nautical miles off the coast of Walvis Bay; advance warnings of the military exercises were given in the territorial Gazette and in the Press. Cadet inspection parades were held during the year at various European schools. Whereas in October 1964, air cadets at the English Medium High School in Windhoek had been informed by the Captain of the South West Africa Command that the object of cadet training was not to train soldiers, but to develop qualities of leadership, self-discipline and esprit de corps, during 1965 school cadets were being informed by a Commandant at inspections that they formed the basis on which successful military gymnasiums of the future would be built, and that they were the men who would have to defend the country in the future.

K. CRIME STATISTICS

39. There has been a noticeable increase in crimes of violence and other serious crimes in the Territory during recent years. In the Windhoek District, which had a total population of 50,191 at the end of 1963 (24,450 Africans, 21,817 Europeans and 3,924 Coloureds), published statistics indicate that the number of serious cases, such as murder, rape, culpable homicide and serious thefts perpetrated by Europeans, Coloureds and Africans has risen from sixty-two in 1962 to ninety-two in 1963, 116 in 1964 and 142 in 1965 before the end of the year.

40. During 1963, a total of 5,225 persons appeared before the Windhoek Magistrate's Courts. Of these 4,423 were found guilty; these included 183 on charges of common assault, 119 on charges of assault with intent, 246 on charges of theft, 121 on charges of housebreaking, twenty-five on charges of stock theft, 125 on charges of trespassing, and six on charges of robbery. It is presumed that the great majority of other cases involved offences against the pass laws. During 1964, the Windhoek Magistrate's Courts heard a total of 8,519 cases, and during 1965, before the end of the year, a total of 11,335 cases.

41. In the one other district, for which recent statistics are available, the Okahandja District, which had a population of 10,000 non-Whites and 2,193 Whites according to information published on 9 February 1965, the number of criminal cases increased from 834 in 1964 to 1,047 during the full year 1965; serious crimes in the district rose from nine in 1964 to fifteen in 1965.

L. FRIENDS OF RHODESIA FUND

42. In February 1966, European business and professional men and farmers in South West Africa formed a branch of the "Friends of Rhodesia" organization to collect donations to be forwarded to the central organization in the Transvaal, where fuel was being purchased and sent to Rhodesia. Stop order form letters were published in the local Press whereby individuals could authorize their banks to make regular monthly payments from their accounts to the "Friends of Rhodesia Fund S.W.A." until further notice.

M. IMPLEMENTATION OF THE RECOMMENDATIONS OF THE ODENDAAL COMMISSION

43. During 1965 and the early part of 1966, the South African Government and the South West Africa Administration have proceeded rapidly with the establishment of the infra-structure considered necessary for the establishment of "homelands" in South West Africa. It will be recalled that the Government deferred a decision on the actual constitution of the proposed "homelands" pending the conclusion of the case before the International Court and the acquisition of at least the greater portion of the European-owned farmlands to be included in these "homelands".

44. By 25 October 1965, over R18^{7/} million had been spent for the purchase of more than 315 farms, and the Government planned to complete the farm-purchase programme within the next succeeding months. Many of the European farmers have elected to remain on their farms after selling them, paying rental to the Administration. The sales, which took place during a severe two-year drought which was only recently broken by heavy rains, are reported to have saved many farmers from ruin and to have contributed appreciably to the rising cost of living in South West Africa.

45. In the case of one European-owned farm in the Rehoboth Baster Gebiet, one of the proposed "non-White homelands" the owner asked R750,000; the Administration

^{7/} One rand = 10 shillings sterling.

offered R508,000 and later withdrew its offer. The Administration issued a statement explaining that the owners of the farm had been notified that since the purchase of farms under the Odendaal Plan was still taking place on a voluntary basis, they were free to continue their farming activities until such time as the acquisition of the land might become necessary. The farm in question would fall under the Government's definition of a "White spot", meaning European-owned land within an area designated for another group.

46. The policy and practice of the South African Government in such a situation are reflected in the following extract from the official report of the Department of Bantu Administration and Development for the years 1960 through 1962, a report published in February 1965:

"The clearance of both 'black spots' and 'white spots' is one facet of the greater policy of the creation of Bantu homelands. To achieve this object the co-operation of all concerned is needed, since it is not always possible to acquire suitable land adjoining Bantu areas for ethnic grouping. Expropriation is resorted to only as a last and extreme measure."

47. If the Odendaal Plan for the creation of separate "homelands" for non-Whites and of a "White area" should be implemented in South West Africa, it may be expected that the following general policy of the Government, as described in the report of the Department of Bantu Administration and Development for the years 1960 through 1962, will be translated into law as has subsequently been done in respect of so-called "White areas" of South Africa:

"The general policy pursued in respect of the Bantu in the White areas (and vice versa) was explained by the then Minister of Native Affairs, Dr. H.F. Verwoerd - now Prime Minister - in a speech as follows:

'In these areas (that is, the Bantu areas or reserves) Whites have no claim to ownership and certain civil rights. There he is merely a temporary inhabitant assisting with the development of the areas, which, however, remain Bantu territories. There the rights of the Bantu are secured. There Whites have no permanent rights of any kind. But exactly the opposite applies in the White areas. There Whites have their rightful home and there the Bantu is the temporary inhabitant and guest, whatever the reason for his presence may be... the Bantu residential area near the city is only a place where Whites provide a temporary home in their part of the country for those who require it because they are employed by them and earn their living there'."

48. It may be recalled that the so-called "White area" of South West Africa would have a majority of "non-Whites". The Government's classification of a multi-racial area as a "White area" reflects a distribution of legal rights rather than the actual composition of the population.

N. ECONOMIC CONDITIONS AND DEVELOPMENT PROJECTS

49. Some 80 to 90 per cent of South West Africa production, consisting mainly of minerals, fish products, karakul and cattle, is for export.

50. Mineral exports rose to a new high of over R93 million in 1964, of which diamond sales accounted for R60.2 million and base minerals from the Tsumeb Corporation for almost R32 million. The Consolidated Diamond Mines (CDM), a subsidiary of De Beers Consolidated Mines, earned record profits of more than R33.3 million after taxes of over R17.9 million during 1964. CDM estimated that its profits for 1965 would rise to a new high of over R39.7 million, after taxes of R24.8 million. During the first eight months of the year, CDM produced an average of 115,000 carats per month. A new heavy media separation plant, opened in September 1965, was expected to increase production by 10,000 carats monthly. The new plant, operating on a day shift only, has a capacity double that of the old plant, which operated twenty-four hours per day. During 1965, De Beers Consolidated Mines, which had direct or indirect investments in the various offshore mining enterprises, acquired control of the Marine Diamond Corporation operating offshore along the southern coast of the Territory. The net profits of the Tsumeb Corporation, which bought its property for about R2 million after the Second World War, amounted to R7.6 million in 1964, after taxes of almost R3.5 million, compared with a net profit of R5.2 million after taxes of only R14,930 in 1963, when the Corporation was allowed to write off capital expenditure for a smelting plant.

51. Exports of karakul pelts, valued at over R15 million in 1963, reportedly rose to over R20 million during 1964. Fish production increased from R22.6 million in 1963 to R34.3 million in 1964. According to statistics published in January 1966, cattle exports had dropped to 252,000 in 1964 and to 246,000 in 1965, due in part to renovations of South African abattoirs; exports of carcasses fell from 3,822 to 192; and exports of small stock from 150,000 to 107,000 head. In the past, the export market for cattle and small stock has been restricted almost exclusively to

South Africa. Toward the end of 1965, however, the South African Government granted a meat canning factory in Windhoek permission to export 250 tons of meat cuts monthly to overseas markets provided the meat was not required by South Africa. South Africa, to make up the loss in its own abattoir facilities, began buying frozen Rhodesian beef in December 1965.

52. There has as yet been no indication of sales of surplus livestock from the northern Native reserves. During the period of South African administration of the Territory, Africans in those reserves, who constitute a majority of the population of the Territory, and who own about two thirds of the cattle owned by Africans in South West Africa, have been prohibited from selling their livestock outside of their own areas, owing to stock diseases. Programmes to conduct various animal diseases in the northern reserves were being carried out during 1965. The South African Information Service reported in August 1965 that the Bantu Investment Corporation, which had already established a furniture factory in Ovamboland, "is already buying up the products of home industries, such as baskets and mats, for re-sale elsewhere". There is no indication of other exports from the area.

53. As indicated in the previous report of the Special Committee, the implementation of the five-year plan recommended by the Odendaal Commission and other territorial development projects was reflected in the estimates of expenditure beginning in the fiscal year 1964/1965. According to the audited accounts of actual revenue and expenditure for that year, territorial revenue amounted to R71 million, of which over R31 million was derived from income tax and diamond export duty and profits tax, and R17 million represented loans from the South African Government. In 1963/1964, territorial revenue amounted to R39.6 million of which R21.2 million was derived from income tax and the diamond duty and profits tax. Expenditure during 1964/1965 amounted to R63.2 million, including an appropriation of over R20.5 million to the Territorial Development and Reserve Fund, compared with a total expenditure of R33.6 million in 1963/1964, of which 9.3 million was appropriated to the Territorial Development and Reserve Fund.

54. Another record budget for the fiscal year 1965/1966 was approved by the territorial Legislative Assembly. The Legislative Assembly authorized the expenditure of R81,760,200 in 1965/1966, compared with an original appropriation of R71,389,600 in 1964/1965 and R37.2 million in 1963/1964. Of the 1965/1966 expenditure, over R55 million was to be financed from territorial revenue, R23 million from a South African development plan loan, and the balance from funds

earlier appropriated from territorial revenue to the Territorial Development and Reserve Fund.

55. During 1964/1965, a R16.6 million administration building programme financed from the Territorial Development and Reserve Fund was being carried out in South West Africa, involving the construction of administration buildings, educational and health facilities and postal, telegraphic and telecommunication facilities.

56. Of a total authorized expenditure of over R8 million for administration buildings, on which expenditure was incurred during the fiscal year, projects in Native reserves accounted for R266,390, as follows: R49,892 for a new police station at Ondangua; R200,490 for a new police station at Runtu; and R16,008 for the construction of temporary buildings at Runtu.

57. Of a R4,769,412 school construction programme being carried out during 1964/1965, R3,315,966 was authorized to be spent for Whites, R799,534 for Africans and R673,912 for Bastards and other Coloureds. Educational facilities under construction for Africans involved an authorized expenditure of R185,225 for new schools in the Ovamboland and Okavango Native Reserves and an additional R19,083 for various buildings for educational purposes in Ovamboland; R149,000 for schools and hostels in other Native reserves; R45,000 for further additions to the Augustineum secondary and teacher-training school, which is to be abolished in the future; and R14,836 for prefabricated classrooms at Hoachanas, a Native reserve officially classified as "temporary", but which is in fact a part of the traditional homeland of the Rooinasie Namas.

58. School construction for Coloureds involved the expenditure of R406,925 in the Rehoboth Baster Gebiet, R190,625 for a high school and R216,300 for a hostel, and the expenditure of R266,987 for schools for Coloureds in three "White" urban areas, including Walvis Bay.

59. In an address given in September 1965 at the opening of a new prevocational school for European girls in Windhoek, a member of the Executive Committee of South West Africa stated that the administration's aim was to provide for every child in the Territory - White, Coloured and African - "the opportunity to enjoy education as far as he is able". Referring to new school construction, he stated that in the foreseeable future R5.5 million was to be spent on school buildings

for Whites, R2.25 million for Coloureds, and R250,000 for Africans. He said that "comparisons are odious" and that the amount of money spent on African education could not be compared with that earmarked for White education. "Such a comparison is not realistic", he explained. "It rests on another basis and other principles."

60. In 1965, while temporary extensions were being made to the Augustineum, to enable 100 extra, or a total of 400, students to enter the school in 1966, a new Augustineum was under construction near Windhoek, beginning in the fiscal year 1965/1966, at a cost of nearly R1.5 million. The new Augustineum Non-European Educational Centre was due to be completed by April 1967. The Centre was to provide hostel accommodation for 700 boys and girls aged fifteen years and over, and the facilities would include a high school curriculum leading to matriculation, a teachers' training course, a domestic department for girls, and technical training for artisans. However, it was reported that the site of the school was within the new Coloured township and, while the school would initially be open to all non-White groups, it would later be restricted to Coloured pupils. An announcement by the Administration in March 1966 indicated that the first teachers' training college for Whites was to be planned and erected within the Territory as soon as possible.

61. For hospital construction, the normal pattern of expenditure was reversed during 1964/1965, a major portion of the authorized expenditure being for non-Whites, and, for the first time in the history of the Mandate, for construction in Native reserves. Of a total expenditure of R3,661,976 authorized for hospital construction, R3,162,995 was for non-Whites: R2,041,508 for the 444-bed hospital and auxiliary equipment including a power station, laundry equipment, streets, etc., at Oshakati (formerly known as Okatana) in Ovamboland; R712,837 for a new hospital at Runtu, the administrative centre of the Okavango Native Reserve, and R408,650 for hospital construction for non-Whites in "White" urban areas.

62. Posts, telegraphs and telecommunications projects under construction during 1964/1965 involved a total authorized expenditure of R154,604, of which R27,280 was to be spent for a new post office at Runtu, and the balance in "White" urban areas.

63. Toward the end of 1965, the construction of two townships in Ovamboland, at Oshakati and Ondangua, was reported to be well under way, as part of the Odendaal Plan. At Oshakati, residences and other buildings were being built for the Commissioner-General for the indigenous peoples of South West Africa and for other government officials, and an African township of 152 four-room houses was also under construction. Other townships were to be built at about a dozen other places in Ovamboland.

64. Water development and road construction continued throughout the Territory during 1965 and early 1966.

65. During 1965, South Africa began constructing a jet airfield in the Eastern Caprivi Zipfel, a Native reserve bordering Angola, Zambia, Southern Rhodesia and Bechuanaland. The Odendaal Commission had recommended that the existing airfield at Katima Mulilo, which it described as serviceable for lighter aircraft, should be developed into one of sixteen proposed principal airfields for the use of big aircraft on scheduled services and for commercial and freight flights. Katima Mulilo airfield was built by WENELA, a South African labour recruiting organization. It has a 6,000 foot cement runway, the longest in South West Africa before the completion of the 9,000 foot tarmac runway at the new international airport outside Windhoek. The Katima Mulilo airfield is situated two miles southeast of Katima Mulilo, administrative headquarters of the Eastern Caprivi Zipfel. Reports concerning the new airfield indicate that it is situated some fifteen miles from Katima Mulilo, at Mpacha.

66. The President of Zambia has claimed that the airfield being built at Mpacha is a military airbase and warned that any Zambian firms supplying materials for the construction of the airstrip would be severely dealt with. In October and November 1965, the President of Zambia, as well as the SWAPO representative in Zambia (A/AC.109/PET.434), stated that there were fighter planes on the new airfield. South African Government spokesmen have denied that the new airstrip is a military base. The South African Minister of Transport has explained that an airstrip with hardened runways was being constructed at Katima Mulilo to serve as an emergency landing for the South African Airways on overseas flights and to enable civil air contacts between the Republic and the administrative headquarters there to be maintained in times when the roads in the Caprivi strip were impassable.

67. The WENELA-built airfield has heretofore been used for the latter purpose. South African Airways jet services to Europe include a weekly service via Windhoek, Luanda and Las Palmas. More frequent service to Europe is provided by South African Airways flights from Johannesburg to Luanda (1,344 nautical miles), continuing non-stop to Las Palmas (3,238 nautical miles) and from there to Europe.

68. Other new airfields are under construction in various centres of the Police Zone, at Ruacana, the site of the proposed Kuene power development scheme, and in the Ovamboland and Okavango Native reserves on the northern border of South West Africa.

III. CONSIDERATION BY THE SPECIAL COMMITTEE^{8/}

Introduction

69. The Special Committee considered the question of South West Africa at its 395th, 396th and 398th meetings held in New York on 11, 16 and 22 March 1966, and at its 417th, 418th, 420th, 433rd to 435th, 437th to 439th and 455th meetings held in Africa between 23 May and 22 June 1966.

70. At its 396th meeting, the Special Committee decided without objection to accept an invitation extended to it to send observers to an international conference concerning South West Africa to be held at Oxford, England, from 23 to 26 March 1966. At its 398th meeting, the Special Committee decided that the delegation of observers to the conference should consist of Mr. Gershon Collier (Sierra Leone), Chairman of the Special Committee, and Mr. Hans Tabor (Denmark).

71. During its subsequent consideration of the question of South West Africa, the Special Committee had before it the report of its delegation to the International Conference on South West Africa (A/AC.109/L.290).

72. The Special Committee also took into account communications from forty-nine States referred to in the report of the Secretary-General to the General Assembly (A/6332) concerning the implementation of operative paragraph 7 of General Assembly resolution 1899 (XVIII) and operative paragraph 12 of General Assembly resolution 2074 (XX).

A. WRITTEN PETITIONS AND HEARINGS

73. The Special Committee circulated the following written petitions concerning South West Africa:^{9/}

^{8/} See also chapter II, Meetings in Africa, for an account of the discussions on the resolution adopted by the Special Committee at its 455th meeting on 22 June 1966 (A/AC.109/188) concerning the implementation of General Assembly resolution 1514 (XV) with regard to colonial territories considered by the Special Committee during its meetings in Africa in 1966.

^{9/} The petition contained in document A/AC.109/PET.434/Add.5 was circulated after the Special Committee had adopted a resolution on the Question of South West Africa at its 439th meeting on 9 June 1966.

Petitioner

Document No.

Mr. Jackson Kambode, Secretary of Labour, and Mr. Lucas Pohamba, representative in Zambia, South West Africa People's Organization (SWAPO)	A/AC.109/PET.434
Mr. John G. Jaotto, Acting Secretary General, SWAPO	A/AC.109/PET.434/Add.1 and 4
Mr. Mueshihange, a representative of SWAPO at Dar es Salaam	A/AC.109/PET.434/Add.2
Mr. Edward Katjivena, chief representative at Algiers, SWAPO	A/AC.109/PET.434/Add.5
Chief Hosea Kutako, National Leader, National Unity Democratic Organization (NUDO)	A/AC.109/PET.450 and Add.1
Mr. Gerard Esperet, Vice-President, <u>Confédération française démocratique du travail</u>	A/AC.109/PET.451
Mr. Duma Nokwe, Secretary General, African National Congress of South Africa (ANC)	A/AC.109/PET.452
Mr. Zedekia Ngavirue, Co-ordinating Secretary and Chairman of the External Council, South West Africa National Union (SWANU)	A/AC.109/PET.457/Add.1
Mr. Thembani Munangwane	A/AC.109/PET.473
Mr. Mburumba Kerina, Co-ordinating Secretary, and Mr. Nathanael Mbaeva, Financial Secretary, South West Africa National United Front (SWANUF)	A/AC.109/PET.474
Mr. Brendan K. Sumbwaye	A/AC.109/PET.483

74. The Special Committee heard the following petitioners concerning South West Africa:

Mr. Sam Nujoma, President, Mr. Solomon Mifima, chief representative in Zambia, and Mr. Peter Nanyemba, chief representative in Tanzania, of the South West Africa Peoples Organization (SWAPO) (A/AC.109/PET.434/Add.3)	(417th meeting)
Mr. Andries Booy, chief representative, and Mr. Claudius Kandjou, of the South West Africa National Union (SWANU) (A/AC.109/PET.457)	(418th meeting)
Mr. Moses Smith, Pan-Africanist Congress of South Africa (PAC) (A/AC.109/PET.484)	(438th meeting)

75. Mr. Nujoma, speaking on behalf of SWAPO, said that the South African regime had increased its brutal measures of repression against the indigenous population of Namibia, otherwise known as South West Africa. News had recently been received from there that on 11 March 1966 the regional organizing secretary of SWAPO at

Ukuambi in the northern region had been shot dead by one Jacob Ashipala, a Government-appointed sub-headman in the area, and that Mr. F. Ijambo, another prominent member of SWAPO, had been shot and seriously injured by Lukas Utoni, also working for the Government. A third member of SWAPO, Mr. Kashumua Nembija, had been arrested on 31 March by the so-called Bantu Affairs Commissioner at Ondangua, accused of wearing the clothes that had been worn by a murderer in Angola. Although he had not been in Angola and knew nothing of the affair, he had been beaten by the police and taken into custody. He had again been beaten and on 3 April 1966 had been found dead of his injuries.

76. It had been discovered that those killings had been secretly organized by the South African police. At the time of the shooting at Ukuambi, a large contingent of armed police from Tsumeb and Otjiwarongo had been rushed to the scene of the disturbances to protect the Government puppets. The Bantu Affairs Commissioner had announced publicly that the Government would supply more arms and ammunition (for further suppression and massacre of people in the area).

77. In violation of the Mandate under which the racist regime of South Africa administered South West Africa, military bases had been established in the country, the largest of them at Walvis Bay, the country's main seaport. There was a military training camp at Windhoek, the capital, and a huge air base had recently been constructed at Singalamwe in the Eastern Caprivi Zipfel, only fifteen miles from the Zambia-Namibia border. Equipment valued at £25 million including guns and heavy artillery was said to have been brought to the Caprivi air base from South Africa via Southern Rhodesia. According to his information, large tanks, such as those that had been used during the Second World War, were massed there and Southern Rhodesian jet fighters were stationed at the air base. It was also reported that construction of the air base had been carried out by Lewis Construction, a Southern Rhodesian company. Police stations attached to the South African Army had been erected throughout Namibia, and White housewives were being trained in the use of automatic weapons.

78. South Africa had not only imposed upon Namibia its ruthless system of apartheid but had also persistently pursued a policy of colonialism, exploitation and suppression. The system of labour recruitment of African workers from the so-called Native reserves outside the Police Zone endangered the welfare and future growth

of the nation. The South West African Native Labour Association (SWANLA) - a Government-sponsored agency authorized to recruit labourers under contract to work on mines, farms and other European undertakings - served to impose inhuman conditions on the African workers. Direct or indirect economic pressure was often imposed upon Africans in their reserves: they were compelled to pay a Government tax, and since there was no other way of obtaining money they had to take up employment through the SWANLA contract system, under which they were recruited for a period of eighteen months or two years and were not allowed to leave. Wages of Africans employed in the mines were about R5 a month, whereas the average White man would consider himself underpaid if he received about R150. At least R100 a month would be necessary for a man to live a decent life. The cost of living in the country was high, and the average wage of R5 a month paid to African workers was barely enough to buy food and left nothing for clothing. A pair of trousers, for example, cost about R10 and a pair of shoes about R8, which represented about two months' wages. On expiry of their contracts Africans were forced to return to their reserves and only allowed to leave in order to work again through the same contract system. Their families were not allowed to accompany them, and a man working for two years could, by the end of his contract, save no more than R30 - the maximum allowed by the Government. There were no family allowances or sick pay under the contract system. On returning home, an African could spend only a few days there before proceeding to work again under the same system.

79. Far from being trained as skilled workers, Africans were not allowed to be re-employed in the same factory in order to prevent them from acquiring skills; they were sent some miles away for their subsequent work, where they continued to be exploited.

80. The contract system was a systematic exploitation of man by man which was tantamount to slavery. Large foreign companies exploiting the country's mineral wealth were engaged in that slave trade; some of them, such as the Consolidated Diamond Mines of South West Africa, the Tsumeb Corporation, the fishing industries and the Farmers' Union, were even represented on the Board of Directors of SWANLA to make sure of obtaining the necessary cheap labour. The South African colonial administration had thus turned the Mandated Territory of Namibia into a White man's paradise based entirely on cheap African labour. The companies which exploited the workers shared the profits after paying taxes to the fascist regime. Africans had

no share in them whatsoever. The economy was entirely in the hands of Whites. Investments by foreign companies - most of them having come originally from South Africa - were continuing. Such investments were responsible for promoting oppression by the racist regime in South Africa. Mr. Nujoma appealed to the countries involved to prevent their investors from continuing such activities.

81. Mr. Nujoma said that the South African racist regime was incapable of administering the country or of helping it to proceed towards self-determination.

82. Africans had no right to vote and were not represented in any way, the whole governmental machinery being entirely run by Whites. Africans could be employed in government departments only as messengers and cleaners. The South African Government, far from preparing the people of the country for self-rule, was reducing them to slave status. Education for Africans was badly neglected. African children were educated only to standard six, and the secondary schools and technical institutions were not open to Africans at all. There was a teacher's training college, but only about 250 Africans had been able to attend. In parts of the country, there were no schools whatsoever, and in most homelands there were no hospitals or health facilities. He would like the United Nations to appoint a sub-committee to go to the country and see conditions for itself. At a time when advanced countries were exploring outer space and preparing to send men to the moon, the people of his country were scarcely allowed to cross the street without a pass. The country was virtually cut off from the rest of the world. There were harsh restrictions on information media, and no United Nations publications were available.

83. Although the nations of the world had joined forces to oppose German fascism during the Second World War, practical, moral and material support, including armaments, were being supplied to the fascist regime of South Africa to help it to carry out its declared racial discrimination and apartheid policy, and to perpetuate White supremacy and exploitation of the Africans in a most inhuman manner.

84. The Nairobi Sunday Nation of 8 May 1966 reported Rhodesia's Hunter jet fighters and Canberra bombers had been using South Africa's Caprivi Strip airfield, that Rhodesian Air Force jets had been using Lourenço Marques as a refuelling point, and that Rhodesia had negotiated an air pact with Portugal and South Africa to give them the advantage in case of any direct armed intervention. According to the article, military liaison between Rhodesia, South Africa and Mozambique had been established along the 700-mile Zambian border shared by the three countries.

85. That report indicated the existence of a military pact between the regimes of Salazar, Verwoerd and Smith in order to maintain White supremacy and to continue the suppression and exploitation of the African masses in southern Africa. The military build-up and the stockpiling of war material in Namibia by those regimes was a threat to the peace and security not only of the people of Namibia and Africa, but of the whole world. The period pending the judgement of the International Court of Justice was being used to speed up that military build-up in exactly the same way as Hitler had done in the early 1930's. It was a deliberate manoeuvre aimed at the large-scale massacre of the African people in Namibia and at the implementation of the Odendaal Commission's recommendations, which had been completely rejected by the African majority.

86. That Commission had recommended the partition of the country into tribal groupings, the so-called Bantustans or homelands, reminiscent of the Nazi concentration camps, from which Africans would only be allowed out to work as cheap slave labour on farms and mines for the benefit of the White settlers. His organization strongly resisted the Bantustan policy. He recalled that on 10 and 11 December 1959, the South African police had opened fire and killed twelve Africans who had resisted an attempt to move them from the area where they were living. Such resistance had continued among the African population, the majority of whom were still living there. His people were determined to carry the struggle to the bitter end, and fight to the last man, with sticks and stones if need be, against its fully armed oppressors.

87. SWAPO strongly condemned the atrocities committed by the Verwoerd colonial administration. It also wished to place on record its strongest rejection of the unilateral action taken by the regimes of Portugal, Southern Rhodesia and South Africa to use Namibia as a dumping area for war material, and demanded that the United Nations or some other competent international body undertake an on-the-spot investigation to discover exactly what kind of armaments had been installed. He said that poison gases were being developed in South Africa; he had no information in that connexion regarding South West Africa, but his people feared that one day, when they rose up against the regime, poison gas would be used against them.

88. The sentence of life imprisonment imposed upon Mr. Bram Fischer, on 9 May 1966, had proved to the world that the policy of apartheid was similar to Hitler's fascist policy in Europe before the outbreak of the Second World War.

89. After the Sharpeville massacre in 1960, the South African economy had been in a state of panic. Its gold and foreign exchange holdings had fallen below the \$280 million danger point defined by its bankers to the critically low figure of \$216 million, and collapse had been averted only with the help of powerful financial interests in such countries as the United States of America and the United Kingdom.

90. The history of British colonialism clearly showed that the British Government had deliberately granted independence to the South African minority White settlers in 1910, knowing full well that the country belonged to the Africans; and it was the British Government that had transferred the Mandate for South West Africa to the racist regime of South Africa. It was again that Government that encouraged the rebel regime of Ian Smith in Zimbabwe (Southern Rhodesia) to further its colonial aims and continue to suppress and exploit the African people. The reluctance of the United Kingdom Labour Government to take positive action against the rebel regime in Southern Rhodesia had proved to the world that Prime Minister Wilson was still dreaming of the now-diminishing British Empire. That Government had undoubtedly proved to be Africa's enemy number one. While it pretended to support the Universal Declaration of Human Rights and the United Nations Charter, the United Kingdom was in fact the largest investor in South Africa, with investments amounting to £1,000 million.

91. On 6 November 1962, the United Nations General Assembly had adopted its historic resolution 1761 (XVII) calling upon Member States to end diplomatic and economic relations with South Africa, stop the supply of arms to it and break communication links with it. The United Nations had passed the resolution with a view to solving the South African situation by peaceful means. Many Member States were still, however, supplying the minority White regime of South Africa with arms and ammunition.

92. On 7 April 1965, the newspaper Le Monde had reported that on his arrival in Johannesburg, Mr. Raymond Schmittlein, Vice-President of the French National Assembly and Chairman of the France/South Africa parliamentary group, had stated that France would continue to sell arms to South Africa and would improve its trade and cultural relations with that country. The Tanzania Standard of 14 May 1966 reported the purchase by South Africa of sixteen French Super-Frelon helicopters for an estimated £10 million. It had further been reported by the

South African pro-Government newspaper, Die Vaderland, that the French Government had promised to supply the apartheid Government of Dr. Verwoerd with submarines by 1970.

93. The New York Times of 25 March 1966 had reported:

"While the main thrust of Portugal's military activities lies in Africa in what Professor Salazar termed a successful campaign against terrorists, her European defence ties are now entirely on a bilateral basis with Germany, France and Spain. The forthcoming visit here by German Foreign Minister Gerhard Schroeder may lead to the expansion of the arrangements under which a German jet air base with accompanying facilities is being built at Beja in southern Portugal. In exchange for these facilities, Germany is to provide Portugal with jet combat aircraft for the African operations. France, which sells Portugal Alouette helicopters used in Africa and is building frigates for her, has been granted a missile tracking station on the Azores. This week, Portugal's Defence Minister and army Chief of Staff visited France."

94. The Tanzania Standard of 12 May 1966 had stated:

"The former West German Defence Minister, Mr. Franz Joseph Straus, said that there was no white-black confrontation. Apartheid certainly contained aspects which were open to severe criticism, but it was wrong to speak of oppression and exploitation of Africans. The achievements of the whites in making economic provision for the Africans were impressive ... Mr. Straus said."

95. It had meanwhile been reported that the former West German Defence Minister was visiting South Africa as a guest of the Government-sponsored South African Foundation, a body with offices in most European capitals whose main purpose was to make propaganda, foster the gospel of apartheid and invite European immigrants to South Africa and Namibia.

96. The influx of large numbers of White immigrants constituted a danger to the future of his country. Namibia had only a small African population, and it was the intention of the Verwoerd regime to speed up the inflow of European immigrants so that, when the principle of one man one vote was applied, the White settlers would automatically take over power and permanently dominate the Africans. The South African Foundation was providing money towards the air fares of immigrants to South Africa, whence they were transferred to South West Africa. Unless the United Nations took action to prevent it, the country was likely to become completely White.

97. While the slave trade was internationally prohibited, forced labour tantamount to slavery still existed in southern Africa, where Africans from Mozambique, Angola, Namibia, Bechuanaland and Southern Rhodesia were recruited to work in the gold mines under shocking conditions.

98. According to the United States Department of Commerce, American companies had invested \$353 million in South African enterprises controlled by them at the end of 1962. That year, the South African Financial Yearbook had listed an American, Mr. Engelhard, as Director of the two organizations that recruited black labour for the South African gold mines: the Recruiting Corporation and the Witwatersrand Native Labour Association. Those recruiting companies brought hundreds of thousands of Africans from Mozambique, Angola, Bechuanaland, Namibia and Southern Rhodesia. Mr. Engelhard was also listed as Director of the Chamber of Mines, which set the wages and conditions of the Africans in the mining industry, and which met once a month to co-ordinate the major finance and gold-mining companies in their dealings with the labour recruiting companies and the Government. He was a director of the controlling company of Harry Oppenheimer's famous South African mineral and diamond empire, whose profit before taxes had been estimated at a third of a billion dollars. Engelhard - only one of many Americans who profited as much as the South African Whites from the cheap black labour made possible by apartheid - had announced a record profit by his company of almost \$3 million in 1964, and had declared:

"This progress (in South Africa) in my opinion will be advanced if the rest of the world shows understanding to the problems which exist. Inaccurate reports, whether emanating from well-meaning sources or otherwise, only aggravate the difficulties and play into the hands of communist supporters."

99. In January 1965, the Norton Company of Worcester, Massachusetts, had opened a new abrasive factory near Johannesburg. The Chairman of the company, Mr. Milton P. Higgins, had declared: "I think South Africa is going to remain a strong country, led by White people. I think foreign countries should leave South Africa alone. If they leave you alone, you will get on and do a great job."

100. In February 1965, Mr. J.H. Fulford, President of the Jeffrey Company of Ohio, opening a new factory in Germiston, had said: "We have complete faith in the soundness of the South African economy, full confidence in the stability of your

country, and know that the substantial investments that we have made in the past and the further investment we are presently making are all in good care."

101. On 20 March 1965, General Norstad, the retired NATO Supreme Commander, now Chairman of the Atlantic Council of the United States and President of the Owens-Corning Fiberglas Corporation, had flown into Johannesburg to negotiate new investments and had announced: "We have full confidence in South Africa, not only we as individuals, but the United States and the American people as well."

Mr. Harold Boeschenstein, Chairman of the Owens-Corning Fiberglas Company, who had accompanied General Norstad, had added: "Any boycott moves do not reflect the general opinion of the United States or of its businessmen, but we have great appreciation of South Africa's importance as an ally and as an economic force in the free world."

102. An American, a prominent investor both in South Africa and Namibia, Mr. N.G. Banghard, Vice-President of the Newmont Mining Corporation which, in association with American Metal Climax, operated a copper mine at Tsumeb in Namibia, had said in 1962: "We know the people and the Government of South Africa and we back our conviction with our reputation and our dollars."

103. While SWAPO appreciated the action taken by the United States Government in banning the export of arms and ammunition to South Africa, it had noted that an appreciable number of American businessmen were providing massive economic aid to the Verwoerd regime to further the aims of exploitation and suppression of the African peoples in both South Africa and Namibia. It appeared in practice that the colonial regimes of Salazar, Verwoerd and Smith were watching over the interests of monopolies whose headquarters were in New York, Bonn, Paris, London and Washington.

104. His organization called upon the Governments of those countries to stop the supply of arms and ammunition to the South African racist regime, because it believed that suppression of a people by others constituted a constant threat to the peace and security of the world.

105. It had been proved that the apartheid regime of South Africa ruled Namibia with brute force and had totally failed to promote moral and material well-being and the progress of the indigenous population towards self-determination and national independence. His organization therefore called upon the United Nations to take positive action against the South African colonial administration. Mr. Nujoma said

that the South African Government had reached a point of no return. It was resolved to continue its policy of suppression, and even contemplated the annexation of the country to its White minority. It was well known that the South African Government had refused to allow a United Nations presence in the Territory. His organization's demand was that the Mandate should be terminated and immediate independence granted. The United Nations had passed many resolutions, none of which had been implemented. It should, if necessary, send a police force to rid the country of the fascist regime.

106. In response to questions concerning his organization, Mr. Nujoma explained that SWAPO was supported by such sectors of the population as workers and teachers. It numbered some 100,000 members, most of whom lived in rural areas, and was the only political party effectively opposing South Africa. The aim of SWAPO was to convince the present corrupt regime that it had no future, and to create a new society in which every person would be equal before the law. White settlers would be welcomed. His organization was Pan-African and supported the OAU, which it would join upon the country's accession to independence. Within South West Africa, his organization enjoyed no official recognition and individual members were constantly arrested. He himself had been arrested at the Windhoek airport on 20 March 1966 and kept in a cell throughout the night, whence he had been taken at gunpoint the next morning and deported to Zambia. The regime also subsidized armed bands of indigenous thugs to harass the opposition organizations, and, as he had already informed the Committee, members of SWAPO had even been killed.

107. As to relations between SWAPO and SWANU, Mr. Nujoma observed that his country believed in democracy and that a choice between the two organizations would rest with the people.

108. Mr. Booys, speaking on behalf of the South West Africa National Union (SWANU), said that in view of all that had previously been said by various petitioners regarding South Africa's violation of the Mandate in South West Africa, he would confine himself to a few brief remarks which would bear out those made by previous petitioners. The people of South West Africa did not intend to make a career of petitioning. However, while the energetic efforts of the Afro-Asian countries were appreciated, it was the duty of SWANU to express its misgivings at the failure of the United Nations to implement its resolutions on South West Africa.

109. SWANU had, of course, appealed repeatedly to the international community to intervene in the explosive situation prevailing in South West Africa, or at least to establish a United Nations presence there. It had done so because it held the international community - through the League of Nations, to which, by the decision of the International Court of Justice on South West Africa, the United Nations was the successor - fully responsible for the presence of the South African administration in its country. SWANU expected the United Nations to rectify the situation. The idea of the Mandate as a "sacred trust of civilization" had not been created by the people of South West Africa. If their demands were not justified, then they should be told so; and if the organized international community could not act against the notorious Verwoerd regime or honour its obligations, it should not hesitate to say so. If it failed, SWANU would not, and it was determined to liberate South West Africa by any means at its disposal.

110. While it realized that the United Nations was trying to find a peaceful solution to the question of South West Africa, SWANU wished to issue a very friendly warning that, so long as the Verwoerd regime exploited South West Africa morally, socially and economically, there could be no peace in that country.

111. The South African regime had been greatly assisted by certain major Powers which were themselves Members of the United Nations and of its Security Council and which had demanded legal clarification before taking action against the Verwoerd regime. Dr. Verwoerd had thoroughly exploited that state of affairs and had consolidated his own position by occupying South West Africa and dividing its people into racial, religious and tribal groups. Meanwhile, those same major Powers were looting that country at a rate which, if continued, would, according to United Nations estimates, exhaust South West Africa of all its wealth within the next twenty years.

112. The question of race also had to be taken into account, although he would welcome any evidence that it played no role in the violation of human rights. The Western Powers had intervened when they had considered that White lives were in danger in the Congo, but had done nothing after the massacres of African people in Windhoek and Sharpeville and were ignoring events in Zimbabwe. Instead, the great Powers were paying starvation wages to the people, from their investments in South West Africa, and were supplying arms to Verwoerd's minority regime.

113. He reiterated SWANU's stand on South West Africa. SWANU strongly believed in the right of self-determination for the people of South West Africa and advocated immediate independence. That was SWANU's message for the Special Committee.

114. In response to a question concerning relations between SWANU and the South West Africa People's Organization (SWAPO), and the size of his organization, Mr. Booys said that SWANU believed in uniting with all movements which were guided by principles similar to its own. Its present membership was 10,000.

115. Mr. Smith, speaking on behalf of the Pan-Africanist Congress of South Africa (PAC), said that he and his colleagues had been granted hearings by the Special Committee in Addis Ababa in 1962 and in Dar es Salaam in 1965. He would, however, be failing in his duty if he did not speak again on behalf of the South West African people who suffered from the monstrous practice of apartheid and who were committed to overthrowing White domination and oppression in their Territory.

116. The South West African issue could not be treated as an isolated case, since the evil policies practised against that Territory also affected the people of South Africa. Despite the fact that, for more than fifteen years, the case of South West Africa had been under consideration by the General Assembly and that numerous resolutions had been passed both by that body and by the Special Committee itself, there had been no change of heart on the part of the South African racists, who clung obstinately to their policy of apartheid in the hope that the South West African case would ultimately become a dead issue in the United Nations. However, he believed that, if the indigenous population of South West Africa pursued their struggle relentlessly, their efforts would eventually be crowned with success. The South West African case constituted a challenge to the structure and the ideals of the United Nations. South Africa had violated the Mandate, which should have been transferred to the United Nations Trusteeship System. It was evident that only force would now make the South African racists change their minds.

117. The International Court of Justice had decided, at The Hague in 1950, that it was the duty of the United Nations, to which responsibility for South West Africa had been transferred from the League of Nations, to safeguard the sacred trust of civilization through the maintenance of effective international supervision of the administration of the Mandated Territory. The Special Committee should not be deluded into believing that the South African regime would accept any verdict against it - unless, of course, that verdict was implemented by force.

118. It was not his intention to refer again to the inhuman torture of the indigenous inhabitants of South West Africa, regarding which he had provided the Special Committee with detailed information in 1962. However, he wished to state that apartheid was practised even more intensively in South West Africa than in South Africa itself.

119. The South African Government was building an air base in the Caprivi Strip in South West Africa. If such military developments remained unchecked, the whole of southern Africa would one day be locked in a mortal struggle for which both the United Nations and those Powers which had supplied South Africa with the necessary equipment and technical information would be responsible. Despite the fact that, according to the terms of its Mandate, South Africa had undertaken not to build military or naval bases on South West African territory, it had nevertheless proceeded to do so. The United Nations should therefore take the necessary steps to deprive South Africa of its Mandate. Without wishing to find fault with the United Nations, he considered that it was hypocritical to adopt numerous resolutions without taking any concrete action. It was evident that further resolutions, however strongly worded, would never move the South African racists. If that fact were accepted, there was then no other alternative but to take up arms. The South African racists had long prepared for such an eventuality and, on the eve of his election campaign early in 1966, Verwoerd had exhorted the White electorate not to panic at the Court's verdict, since South Africa's interests in South West Africa would be safeguarded. There could be nothing more explicit than the statements of such people as John Naser who, as Chief Native Commissioner for South West Africa, had warned the indigenous population that, since the Afrikaners had won that Territory by bloodshed, the only way they would regain it was also by bloodshed. That was not a personal expression of opinion but the official Government view shared by all White racists in southern Africa.

120. Apartheid was no different from Hitler's national socialism and the only difference between the so-called Native reserves and Hitler's concentration camps was their geographical situation. The South African White racists, who had long oppressed the indigenous people of South West Africa, were now haunted by visions of revenge which had no foundation in reality. They should, however, endeavour to behave like human beings or they would one day perish in a bloody revolution.

121. The great nations of the world would have to realize that empires built on subjugation and maintained by force would one day collapse under their own weight. In the end, right would triumph over might.

B. GENERAL STATEMENTS BY MEMBERS

122. The representative of Denmark observed that the situation in South West Africa undeniably presented a dark picture. More than forty years had passed since the League of Nations had entrusted the Mandate to the Union of South Africa. That country had not been empowered to exercise sovereignty over the Territory, but was expected to promote to the utmost the material well-being and social progress of its inhabitants. It was a tragic fact that the Government of South Africa, far from fulfilling those obligations, had kept the African people in constant political and economic subjection and had ignored all the United Nations resolutions on the subject. Its policy was a flagrant violation of the Mandate, of the United Nations Charter, of the Universal Declaration of Human Rights and of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

123. In approaching the problem of how to secure rapid termination of the Mandate, however, care should be taken not to repulse those whose support was necessary. The General Assembly would of course be competent to cancel the Mandate if the claim that South Africa was violating it was validated. The question had, however, been brought before the International Court of Justice by Ethiopia and Liberia, and it would be contrary to the general principles of law for a political organ like the General Assembly to take a decision pending the Court's judgement, which was expected before the convening of the twenty-first session of the General Assembly.

124. The violation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and of the Universal Declaration of Human Rights was perhaps even more important politically than the case before the International Court. By adopting the General Assembly resolution classifying South West Africa as a Non-Self-Governing Territory, Member States had undertaken a moral and legal obligation to act in accordance with resolution 1514 (XV) and secure the freedom of the people of that Territory.

125. Frequent reference had been made to paragraph 2 of Article 9⁴ of the Charter in calling for the use of force against South Africa if the International Court should find that that country was violating the Mandate and Article 22 of the Covenant of the League of Nations, in which event the Security Council might take action. Such measures, however, would not go far enough: it was important also to secure revocation of the Mandate and self-determination for the South West African people.

126. Even in the absence of a clear-cut decision by the International Court, the United Nations could continue its efforts to secure the right of the people of South West Africa to independence. Although a decision on the practical approach should be deferred pending the International Court's decision, there was no doubt about the goals to be pursued. The Special Committee should at its present session confine itself to a general resolution stressing the inalienable right of the people to independence, condemning South Africa's rejection of that right, its denial to the African people of the most elementary political rights, its attempt to annex the Territory, its apartheid policies and its preparations to implement the Odendaal report, and deciding to consider appropriate recommendations to be made to the General Assembly immediately following the International Court's decision. By that course, the Committee would avoid making recommendations that might have to be changed even before they reached the General Assembly. Only by such a step-by-step approach could the Committee be certain of receiving all the support it needed from Member States.

127. The representative of Denmark stated that his Government and people were outraged by the arrogant position adopted by South Africa with regard to its obligations under the Charter and to the resolutions of the various organs of the United Nations, and whole-heartedly wished that deplorable situation to be brought to an end in the interests of human dignity and peace.

128. The representative of Iran said that the deteriorating situation there was further aggravated by conditions in Southern Rhodesia and in the Territories under Portuguese subjugation, and the situation in the whole of southern Africa was fraught with danger.

129. Developments were moving towards South Africa's total annexation of the Mandated Territory and its stricter application of the policy of apartheid, on the pretext that those measures were necessary for strategic reasons. The further tightening of oppressive laws by means of the Criminal Procedure Amendment Act,

the Official Secrets Amendment Act, the Police Amendment Act and other proposed legislation was designed to repress any action by the African population to secure their fundamental rights. The rapid preparations being made to implement the odious Odendaal report completed that sombre picture.

130. Against such a background the Africans could not be expected to remain passive. Petitioners had warned of the danger of sudden racial conflict, and even Chief Albert Luthuli, the Nobel Peace Prize winner and advocate of non-violence, had said that in the face of uncompromising refusal to abandon a policy which denied oppressed Africans their rightful heritage, no one could blame them for seeking justice by violent methods.

131. South Africa's so-called Minister of Justice had alleged that the Langa and Sharpeville riots in 1960 had been planned by the communists, and that his department had a responsibility to keep law and order in South West Africa. He had then warned that the people should not be lulled into a sense of false security because they had repelled the past. He had finally concluded that the assault would come again; it would be better organized than before. The situation was thus depicted by both sides as set for impending racial conflict.

132. The time had therefore come for the Special Committee to undertake a systematic study of the means of overcoming South Africa's intransigence, and of thwarting the further consolidation of the alliance between Verwoerd, Smith and Salazar. The Iranian delegation was ready to support any action to restore to the African people their inalienable rights to freedom and justice, and to avert a catastrophe in southern Africa.

133. In accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples, the United Nations should do its utmost to revoke the Mandate and thus secure the independence and freedom of the people of South West Africa.

134. The representative of the United Republic of Tanzania observed that the Special Committee had heard petitioners on South West Africa and had found that the situation had not improved. The United Nations had passed many resolutions condemning the apartheid regime for its suppression and exploitation of the people of South West Africa, yet that regime continued to flout world opinion.

135. The Special Committee had been informed by Mr. Sam Nujoma, President of SWAPO, that South Africa had increased its measures of oppression against the indigenous population of Namibia, and that the regional organizing secretary of

his organization had been shot dead, another member seriously wounded and yet another brutally murdered by the South African police. Those murders were crimes against humanity committed to suppress the struggle for emancipation by the people of South West Africa, and humanity must condemn South Africa for its policy of colonization and exploitation.

136. It was distressing that in spite of all the declarations that had been made, certain countries and influential individuals continued their activities in support of the apartheid regime in Pretoria, to the detriment of the indigenous population. The study on the implications of the activities of foreign monopolies having interests in South West Africa had shown that the United Kingdom of Great Britain and Northern Ireland, the United States of America, Belgium, the Federal Republic of Germany and many other countries had extensive interests in the Territory, and were making immense profits through dispossessing the African people of their natural resources and means of existence. He quoted an extract from the International Trade Magazine of the United States Department of Commerce, reproduced in the New York Herald Tribune of 24 February 1964, stating that United States exports to South Africa in 1963 had increased by \$30 million over the preceding year.

137. Paragraph 7 of General Assembly resolution 1899 (XVIII) of 13 November 1963 urged all States to refrain from supplying arms, military equipment, petroleum or petroleum products to South Africa. The study of the activities of foreign monopolies had shown that, in giving extensive leases to the financial houses, South Africa derived certain advantages such as the supply to it of some of the items produced, or partial control of their utilization or distribution. One of the active interests was the Gulf Oil Corporation, which helped South Africa to obtain the very items that the General Assembly resolution had urged should be withheld.

138. A still more sinister aspect was the accumulation of military forces and arms by the oppressors. The petitioner, Mr. Nujoma, had, at the Special Committee's 417th meeting, quoted the newspaper Le Monde as having reported that the Vice-President of the French National Assembly and Chairman of the France/South Africa parliamentary group, Mr. Raymond Schmittlein, had stated that France would continue to sell arms to South Africa and improve its trade and cultural relations with it.

139. The representative of Tanzania also recalled reports that South Africa had bought sixteen French Super Frelon helicopters at a cost of some £10 million and that France was to supply submarines by 1970, in direct contravention of General Assembly resolution 1899 (XVIII).

140. The existence of the racist minority regime in Southern Rhodesia, and its collaboration with South Africa, further aggravated the serious threat to international peace and security.

141. The time for paying lip-service had passed. It was now time for action. The free African people had made repeated proposals to rid humanity of the scourge of apartheid and colonial suppression. The Tanzanian delegation had always sought the implementation of the various General Assembly resolutions in relation to South West Africa, notably resolutions 1514 (XV) and 1899 (XVIII), which would create the necessary conditions for the attainment of freedom by the African people. The representative of Tanzania expressed the hope that those whose actions were detrimental to liberty and progress would come to be guided by reason and justice instead of by their lust for immense profits.

142. The representative of the Union of Soviet Socialist Republics said that the question of South West Africa had already been discussed on many occasions. The reason why it appeared so often on the Special Committee's agenda was that Verwoerd's fascist regime was imposing a reign of terror, practising exploitation and systematically refusing to apply United Nations resolutions. Furthermore that regime was constantly taking new measures to oppress the indigenous population, paying no heed to United Nations appeals and recommendations. Measures should therefore be taken to compel the Verwoerd regime to respect United Nations decisions. The situation had recently been aggravated even further by the odious Odendaal Plan for the creation of the ten Bantustans, which were nothing else but ghettos. Immediate decisions were needed.

143. The only reason why the South African Government had been able to violate the Charter and decisions of the United Nations with impunity for twenty years was that it received aid from abroad and even from certain Members of the United Nations. General Assembly resolution 1899 (XVIII) had stressed that the Government of South Africa was receiving support from certain Western Powers. The studies undertaken had proved that all sectors of South Africa's economy and industry were in the hands

of foreigners and White settlers. International monopolies were rampant in South Africa, just as they were in Angola or Mozambique. Their head offices were in London or New York. Thus the president of one mining corporation operating in South West Africa and South Africa had recently told a New York Times correspondent that his company's annual profits amounted to 27 per cent of the invested capital. The other United Kingdom and United States companies established in South Africa were making profits of the same order. The Observer had stressed the fact that those monopolies would redeem their investments in four or five years. If that was so, it was because apartheid gave foreign companies certain advantages in their task of exploiting the country. Such exploitation, far from diminishing, was being intensified from month to month. In November 1964 The Times had reported that foreign monopolies had decided to invest \$260 million in South Africa. That had been an open challenge to the United Nations, to OAU and to world public opinion. General Norstad, the former Commander-in-Chief of NATO, had stated in March 1965, in the course of a visit to Johannesburg on behalf of the industrial company he headed, that he had full confidence in South Africa's future. That confidence, he had said, was not just the confidence of one individual but the confidence of the United States and the American people. Another United States industrialist had declared shortly afterward that the boycott of South Africa did not reflect the opinion of the American people as a whole. No one, therefore, should be surprised that those Members of the United Nations which had interests in South Africa and South West Africa were helping the racist Government and refusing to apply the resolutions of the United Nations.

144. Again, South Africa's Minister of Defence had recently boasted of having received 120 licences for the production of modern armaments. He said that he had obtained all the necessary technical data for assembling such weapons, as well as a licence from the Federal Republic of Germany for the manufacture of an ultra-modern type of bomb. He had added that South Africa no longer needed to buy arms abroad, and that the Western Governments had themselves established armaments factories in South Africa to equip its armed forces. Military co-operation with the Federal Republic of Germany had recently been strengthened still further, particularly in regard to the supply of nuclear warheads. A technical missiles institute had just been set up near Pretoria. In 1964 experts from the Federal

Republic of Germany had built a missile guidance centre in South West Africa. The Aeronautical Institute was financed by the Armed Forces Ministry of the Federal Republic of Germany. Moreover, SWAPO had revealed that South Africa had built poison gas factories in its territory. Against whom was all that activity directed, he asked, if not against the African countries? A member of South Africa's Atomic Energy Board had declared that South Africa should produce nuclear bombs and use them against the African States.

145. In November 1965 the Pretoria military airfield had taken delivery of seven aircraft, making a total of sixteen aircraft purchased from the United Kingdom. On 21 October 1965, Flight International had reported that South Africa was to receive ultra-modern Italian jet aircraft, Macchi MB 326, which were capable of a speed of 800 kilometres per hour. At the time, that report had been open to doubt because the British engines for the aircraft should have come under the embargo, but any such doubt had been rapidly dispelled. Italy was going to deliver the aircraft, and their engines were to be assembled on the spot in South Africa. It should be noted that those aircraft could carry six 200 kilogramme bombs as well as rockets and machine-guns. It was thus clear that Verwoerd had aggressive intentions against the African countries.

146. While the United Nations listened to soothing speeches, a number of Western countries were continuing to aid the fascists in South Africa.

147. Resolutions 1899 (XVIII) and 1514 (XV) must, therefore, be applied with all speed. The Special Committee should launch an appeal to States Members of the United Nations and ask them to support the people of South West Africa in their struggle for the inalienable right of self-determination.

148. Some countries, including Denmark, had alluded to the decision which, it was said, the International Court of Justice was going to take; but the study of that case had already dragged on for a long time, and no one knew when a decision would finally be taken. Naturally, all that lost time only helped the Verwoerd regime. There was no justification for waiting any longer, for the situation had already lasted twenty years. Consequently his delegation supported the proposal made at the General Assembly's twentieth session that South Africa's Mandate in South West Africa should be terminated. A date must be fixed for the Territory's independence. The results of the studies concerning the aid which certain Western countries were giving South Africa should be submitted to the Security Council with all dispatch.

149. The Special Committee should recommend that the Security Council take the necessary decisions, under Chapter VII of the United Nations Charter, to compel all Member States to apply sanctions against the Smith, Verwoerd and Salazar regimes, and to force the three fascist regimes to fulfil their obligations.

150. His delegation would support all decisions that might be adopted to that effect.

151. The representative of Afghanistan said that after nearly twenty years of discussion on the South West African problem in the United Nations, no progress had been made. South Africa had not taken a single step to implement the resolutions of the General Assembly, and had refused to co-operate with the United Nations. The United Nations had a special responsibility in the matter and it was essential that it should find rapid means of ending the Mandate and of helping the people of the Territory to attain independence and freedom.

152. The Government of South Africa claimed that, with the end of the League of Nations, the Mandate had expired. How, therefore, could that Government explain its presence in South West Africa? It was clear that South Africa had no legal claim to the Territory and that its only desire was to make it into a colony for White settlers, thus perpetuating the most abject form of discrimination, using the people as a cheap source of labour and depriving them of their land, wealth and dignity. Such action was a crime against humanity.

153. In claiming that the Mandate had expired, the Government of South Africa was annexing the Territory as its own. Such a trend was extremely dangerous. The unilateral declaration of independence by Southern Rhodesia had clearly shown that racist minority regimes were capable of defying world opinion; in condoning the action of Southern Rhodesia, the United Nations might find itself facing another fait accompli.

154. In violation of the provisions of the Mandate, the South African Government had established military bases. The petitioners had mentioned that £25 million sterling of equipment, including guns and heavy artillery, were said to have been brought into the Eastern Caprivi Zipfel via Southern Rhodesia. The reasons for such military action were, it would seem, to repress the people's desire for independence and to resist any external attempt to liberate the country from foreign domination. The establishment of military bases and the collusion between South Africa, Southern Rhodesia and Portugal constituted a threat to international peace.

155. The South African Government was also seeking to prevent the indigenous peoples of the Territory from gaining their lawful political and economic rights by a large-scale settlement of foreign immigrants. The aim of that policy was twofold: to provide the White settlers with land and to ensure that if the "one man, one vote" principle were eventually adopted, the White settlers would outnumber the African population and thus gain legal control of the country.

156. It should also be remembered that the proposals of the Odendaal Commission were being implemented in South West Africa, thus intensifying discriminatory policies in that Territory.

157. The presence of South Africa in the Mandated Territory provided guarantees for mining and other companies. Big interests were at stake, which would obviously benefit from the continuation of South African domination.

158. His Government was anxiously awaiting the decision of the International Court of Justice on the question, but the legal aspect was one of secondary importance. The main issue was political: the termination of the Mandate and the accession of South West Africa to independence, in accordance with the provisions of General Assembly resolution 1514 (XV).

159. In resolution 1761 (XVII) of 6 November 1962, the General Assembly had called upon Member States to end diplomatic and economic relations with South Africa, and to cease to supply that country with arms. Although some countries had severed such relations, the resolution had had no effect on the situation. In order to find an equitable solution by peaceful means, the United Nations should take concrete measures against the minority regime in South Africa; otherwise an explosive situation, leading to terrible racial conflict, would result. The Security Council should again consider the question of South Africa, and examine the economic and commercial relations between that country and others. His own Government condemned the policy of racial discrimination practised by South Africa, had no political or economic relations with that country, and gave full support to the aspirations of the people of South West Africa.

160. The representative of Venezuela said that the United Nations had been trying for nearly twenty years to find the means of putting an end to the situation prevailing in South West Africa. Even before the inception of the United Nations, the League of Nations, which had granted South Africa a Mandate for South West Africa, had studied that problem.

161. His delegation had on many occasions stated the position of the Venezuelan Government. In the course of those twenty years, Venezuela had continually raised the question of South West Africa in the deliberations of various United Nations organs. The Venezuelan Government's position had remained unchanged in the Special Committee as it had in the General Assembly or in the Security Council, of which Venezuela had been a member. Indeed, the Venezuelan delegation had submitted a detailed account of the problem to the Fourth Committee at its 1460th meeting during the General Assembly's eighteenth session. That statement had been circulated as an official General Assembly document, under the symbol A/C.4/617. It contained a legal, political, humane and practical analysis of the problem; the members of the Special Committee might consult it in order to save time.

162. It was a matter of record that the situation in South West Africa had deteriorated further. His delegation was convinced that the United Nations should now take more vigorous measures. His delegation reiterated the position it had adopted at the General Assembly's twentieth session: the United Nations could not and should not rest content with adding more pious resolutions to the seventy or so which had already been adopted on the subject over a twenty-year period, and which always repeated the same things, without recommending any practical measures.

163. The United Nations must realize that the question fell within its competence. The General Assembly and its subsidiary organs should not have their hands tied on the pretext that the question was sub judice. On the contrary, it was the duty of the United Nations to act as the Mandatory, since the South African authorities had stated that they would not recognize the validity of decisions of the International Court of Justice that did not conform to their aspirations. As though to furnish immediate proof of that intention, the South African regime had put into effect the recommendations of the Odendaal Commission and decided to maintain the inhuman policy of apartheid.

164. Again, it had often been claimed that the problem was one of law. That was a pretext used by the administering Power to gain time and hold up such measures as the United Nations might take.

165. As the Venezuelan delegation had already stated at the General Assembly's twentieth session, it was the duty of the Special Committee to recommend to the General Assembly means and procedures calculated to put an end to the abnormal situation prevailing in the Territory and to give effect to General Assembly resolution 1514 (XV).

166. In his opinion it would be useful to set up a sub-committee whose functions would be:

1. To study and propose to the Special Committee the most appropriate means of putting an end to South Africa's Mandate for South West Africa;
2. To study and recommend the most appropriate means of administering the Territory until it attained independence, i.e., until resolution 1514 (XV) had been fully applied.

167. That sub-committee would report on its work to the Special Committee. The Committee in its turn, would submit to the General Assembly at its twenty-first session, a report which could serve as a basis for the Assembly's discussions, without prejudice to the Court's decision.

168. He was prepared to make a formal proposal to that effect. Such a proposal would, moreover, be in keeping with General Assembly resolution 2074 (XX) of 17 December 1965, which indicated that the South African Government had failed in its international obligations with regard to the administration of South West Africa and that, by reason of its policy of apartheid, it had defied world opinion and lost all authority to administer that Territory. It was likewise in keeping with the conclusions of Commission I of the International Conference on South West Africa held at Oxford from 23 to 26 March 1966, especially those contained in paragraph 22 of annex I to document A/AC.109/L.290, and with the statements made by the petitioners.

169. The representative of Mali said that his delegation had subscribed unreservedly to the resolution which the Special Committee had adopted the previous year, recommending the General Assembly to hasten the liberation of South West Africa.

170. The essential problem in connexion with South West Africa was that of the use of arable land. The working paper prepared by the Secretariat (see paras. 1-68) and the testimony of the petitioners had proved that the South African regime had robbed the indigenous population for the benefit of White settlers from South Africa and Europe. The latter held over 47 per cent of the total land area. The Africans themselves only had poor land which did not produce enough. The members of the Special Committee had learned at first hand from petitioners the extent of the cynicism shown by those White settlers, sure as they were of the colonial and imperialist Powers' support. The Verwoerd Government, making its case even worse,

was today contemplating the application of the disgraceful Odendaal Plan. As for the Bantustans, they constituted a flagrant negation of human rights.

171. At the General Assembly's twentieth session, the Malian delegation had called for the withdrawal of the Mandate from South Africa. It was the earnest hope of his delegation that the International Court of Justice would condemn the Verwoerd Government.

172. The problem of decolonization had been solved in principle by resolution 1514 (XV). It was now a question of finding practical solutions. The Special Committee should make recommendations to the Security Council and the General Assembly to safeguard the lives of the Africans. The Malian delegation, like that of Denmark, considered that the Mandate should be withdrawn from South Africa and that apartheid should be abolished. In addition the capitalist Powers should be asked not to invest any more capital in South Africa so long as that despicable regime lasted.

173. The petitioners had spoken of military bases established in South West Africa. His delegation declared itself firmly in favour of abolishing all such bases, which constituted a threat to international peace and security.

174. He thought that the General Assembly might hold a special session to consider what practical measures would be most appropriate for suppressing apartheid.

175. The Special Committee should give effect to resolution 2105 (XX) of 20 December 1965, which placed it under an obligation to seek the best means for the application of resolution 1514 (XV). In addition, a terminal date should be set for South Africa's presence in South West Africa.

176. His delegation would support any proposal to that effect.

177. The representative of India said that the United Nations had been dealing with the question of South West Africa since 1946, and a number of its organs had adopted resolutions expressing almost unanimous concern at the distressing situation in that Territory. It was a matter of profound regret and shame that in violation of every principle of the United Nations Charter, the pathologically racist Government of South Africa continued its policies, abusing the trust placed in it by the international community. By extending its policy of apartheid to South West Africa, the Government of South Africa was condemning its inhabitants to a life of misery and frustration. Its open support of the rebel regime in Southern

Rhodesia was only the latest proof of South Africa's true belief which was racial superiority. That policy was cynically described as "Western civilization", "freedom", "anti-communism", and "uplifting the Native". It had continued for too long and should be ended at once if at all possible.

178. General Assembly resolution 1899 (XVIII) had urged all States to refrain from furnishing arms or military equipment to South Africa, to stop supplying petroleum or petroleum products to that country, and to desist from any action which might hamper the implementation of that resolution and of previous resolutions on South West Africa. His own delegation believed that prompt and faithful implementation of the resolution by all nations would make a peaceful solution probable. However, if certain Member States, in particular South Africa's major trading partners, continued to find specious reasons for refusing to co-operate with the United Nations, the people of South West Africa might well be obliged to use violent means to achieve their legitimate rights. It was madness to believe that superior military and economic progress would prevent such a development.

179. The situation had been aggravated by the report of the Odendaal Commission, the recommendations of which were already being put into force by the Government of South Africa, and which would have the effect of making South West Africa part of South Africa; segregation and ghetto structure were being extended in the Territory. The Commission's recommendations were based on the dangerous premise that non-White groups should live in separate areas. Such a policy was totally unacceptable to his delegation.

180. He recalled that in a private conversation as early as 1946, General Smuts had made it clear that South Africa would take no account of any United Nations resolutions on the subject of South West Africa. Although the United Nations had already declared that any attempt by South Africa to carry out the recommendations of the Odendaal Commission would constitute aggression, past experience had shown that that warning would carry no weight, since the racist regime in South Africa had with impunity flouted earlier resolutions of the General Assembly, and was engaged in an unholy alliance with Portugal and Southern Rhodesia to perpetuate White supremacy. The Special Committee would therefore have to exercise particular vigilance to defeat such designs.

181. Colonial oppression in South West Africa was only one side of the picture. The economic exploitation of the Territory was another. The study of the implications of the activities of the mining industry and other international companies having interests in South West Africa had shown the close relationship between colonial rule and economic exploitation, of which the petitioners had also given clear evidence. Not only South Africa, but several other countries were plundering the Territory, alleging their contribution to the well-being of the indigenous inhabitants. Such excuses were naive, for conditions in South West Africa were appalling. Political independence was essential if the country was to make progress economically.

182. Governments which had refused to implement the General Assembly's resolutions had often invoked the excuse that sanctions would have the most harmful effect on the people of South West Africa, in whose very cause they would be imposed. That was to side-track the issue. The people of South West Africa had many times declared that they would be willing to suffer any hardships to attain their goal.

183. Some members had considered that it was not proper for the Special Committee or for the United Nations to discuss the question of South West Africa because it was being considered by the International Court of Justice. Such an argument was intended to divert attention from the support given by the trading partners of South Africa. The International Court of Justice was dealing only with certain legal aspects of the problem, not with the social, political and economic aspects; it was not expected to rule on the Territory's political future. The United Nations was entitled, and indeed morally obliged, to examine the situation and to study ways of transferring power to the indigenous people. The Special Committee's own task was to ensure speedy implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, and his delegation hoped that it would not be deterred from its aim.

184. The Indian Government had been the first to bring up the issue of South African racist policies before the United Nations in 1946, and had taken effective measures to implement the United Nations resolutions on South West Africa. It deplored the illegal occupation of that Territory by the South African Government. At considerable sacrifice it had abandoned trade relations with South Africa long before the United Nations had appealed to its Members to do so. Diplomatic

relations had also been severed. Similar action by others, and in particular the major trading partners of South Africa, would oblige that country to yield to world opinion. Only if the United Nations resolutions were implemented by as many countries as possible could the desired objective be attained by peaceful means; otherwise violence and bloodshed might become inevitable. He was not opposed to the speedy and orderly progress advocated by the representative of Denmark; but in the case of South West Africa such a policy had not been effective. Patience and restraint had been exercised for more than eighteen years by the United Nations, in the hope of a change. Time was running short, and if the South African racists refused to reconcile their policies with changing conditions in Africa, they would only have themselves to blame for the consequences.

185. The representative of Poland said that despite the fact that the South West African question had been under consideration by the United Nations for almost twenty years, the situation was deteriorating continuously. The Special Committee was already aware of the dire conditions in which the population of that Territory had lived for over forty years. But the most alarming feature was the intensification of military preparations, particularly the building up of a military base at the Caprivi Zipfel, the strategic location of which sufficed to indicate against whom they were directed.

186. It was clear from the Secretariat working paper (see paras. 1-68) that it was the explicit intention of the South African Government to annex South West Africa permanently and to consolidate its brutal policy of apartheid. South Africa continued to ignore the resolutions of the General Assembly and of other organs of the United Nations, calling for the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. In the view of his Government, therefore, South Africa had violated both the Mandate and the United Nations Charter, thereby failing to discharge its obligations as a Member of the Organization. It had been able to do so since it received the active support of certain influential Powers, primarily the United Kingdom and the United States, which had financial interests in South Africa and South West Africa. The activities of foreign Governments in South West Africa, where labour was cheap and profits high, constituted one of the main obstacles to its development.

187. Moreover, the United States, the United Kingdom and the Federal Republic of Germany were all helping South Africa to produce arms and military equipment.

Emphasizing the importance of securing world-wide support for any action the Committee might take on South West Africa, he said that it was not by accident that its resolutions calling for material and moral support of the legitimate rights of the people to independence had been addressed to all States. The German Democratic Republic had accordingly made its views known on this question. He then read out the communication which had been received from that country:

"The Ministry of Foreign Affairs of the German Democratic Republic welcomes the present session of the twenty-four-nation Special Committee of the United Nations in several African capitals, wishing the Committee meeting good progress. Referring to the discussion of the problem of South West Africa, I have the honour to state the following:

"In accordance with its principle attitude of condemning all forms of colonialism and neo-colonialism and of granting moral and material support to the anti-colonial liberation movements in their struggle for freedom and independence, the German Democratic Republic Government backs resolution 2074 (XX) of the United Nations General Assembly of 17 December 1965. It identifies itself with the rightful demand of the national liberation movement of South West Africa to grant full independence and national self-determination to the people of this Territory, and it considers the attempts of the apartheid regime in South Africa to annex this area an aggressive act which must be stopped with all available means. As early as 1963, the German Democratic Republic Government explained its stand on the apartheid policy of South Africa (document A/AC.115/L.26 of 2 August 1963), and it maintains neither diplomatic and consular nor economic relations with the Verwoerd regime. With particular indignation, the Government and people of the German Democratic Republic have learnt that with the help of the West German Federal Republic rocket bases and training grounds, which are used for military purposes, were established by South African authorities in South West Africa and that West German monopolies participate in exploiting the African population of South West Africa. Indicative of the relations between the West German Federal Government and South Africa, which are becoming ever closer, is not only the expansion of trade between the two States, but also the visit of Strauss, ex-War Minister and Chairman of one of the two ruling parties of West Germany, to South Africa, who, during this trip, expressed himself in favour of West German military aid to the apartheid State. The Government of the German Democratic Republic dissociates itself from this attitude of the West German Federal Republic and declares that it has always supported the struggle of the population of South West Africa for national self-determination and independence and that it will continue to do so in the future.

"Excellency, I request you to bring this position of the German Democratic Republic to the notice of the Committee members."

188. Germany had played a large part in the events that had led up to the present fate of the people in South West Africa, having colonized that Territory before the First World War. Between the two world wars, Nazi Germany had spread the ideology of White supremacy in South and South West Africa, and twenty years after the Second World War, the Federal Republic of Germany was abetting the regime that was following the Nazi policy of racial superiority and discrimination. His delegation was happy, however, that there existed another sovereign independent German State, the German Democratic Republic, that was giving its whole-hearted support to the struggle of the South West African people for their freedom and independence.

189. It was interesting to note that the same Governments which had opposed the imposition of sanctions against South Africa were also against the adoption of effective measures to crush the rebellion in Southern Rhodesia. His delegation had always maintained that the fate of Africans in South Africa, South West Africa, Zimbabwe and other Territories in that area was indivisible, since they were all faced with collusion between the forces of the international industrial combines.

190. The South African Government had so far managed to forestall concerted United Nations action and to destroy African opposition by its policy of fragmentation in South West Africa. The fact that the South West African case was still before the International Court of Justice had also been used as a pretext by the Mandatory Power to delay United Nations action.

191. The South West African question was a challenge to the conscience of mankind. In his delegation's opinion, there could be no exception regarding the implementation of General Assembly resolution 1514 (XV) and the United Nations should not allow legal technicalities to prevent the people of South West Africa from attaining independence. The Special Committee should realize that South Africa and its allies were doing their utmost to consolidate their industrial and military empire in the southern part of Africa and to perpetuate the exploitation of Africans. His delegation therefore considered that the General Assembly and the Special Committee should agree upon concrete measures to divest South Africa of its Mandate and should demand the withdrawal of all military bases and personnel from South West Africa. It would support any resolution calling for the transfer of power to the people of South West Africa, in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples. He

therefore suggested that the Special Committee should recommend that the General Assembly take the necessary measures to divest South Africa of its Mandate over South West Africa and call upon the Security Council to consider the steps to be taken in order to effect the transfer of power to a representative Government established as a result of general elections held under the supervision of the United Nations.

192. The representative of Tunisia emphasized that the question of South West Africa was a specifically colonial problem which came within the purview of the Special Committee and the General Assembly. The people of that Territory had to be freed from the grasp of a State which, although a Member of the United Nations, continued to oppress them politically, as well as economically and socially, despite all the recommendations of the United Nations. The situation prevailing in South West Africa was unworthy of modern times and all men had a duty to put an end to it. The legal arguments adduced by certain delegations, which had taken refuge behind the final decision to be taken by the International Court of Justice, should not stand in the way of the recommendations made by the majority of States Members of the United Nations that the Mandate for South West Africa should be withdrawn from South Africa.

193. In conclusion, he repeated that he would unreservedly support any specific steps which the Special Committee might take to meet the legitimate aspirations of the people of South West Africa.

194. The representative of Bulgaria said that the Special Committee had a great deal of evidence that South Africa was continuing to use South West Africa as a military base and was applying the regime of apartheid in it. The sanctions .. advocated by the United Nations against South Africa had not materialized, because of the co-operation and assistance which the Western countries and the members of NATO were continuing to furnish to that country. In resolution 2074 (XX), the General Assembly had unequivocally condemned the policies of financial interests operating in South West Africa and had denounced the pernicious activities of the imperialist monopolies. However, those very same financial interests were continuing to invest in South Africa and to support apartheid. The moment had therefore come for the United Nations to take steps to put an end to the activities of those large United States and other Western monopolies which were delaying the liberation of the people of South West Africa.

195. He considered that the judgement of the International Court of Justice related to only one aspect of the question and that it was now time to decide on the substance of the matter, namely, the question of releasing the people of South West Africa from colonial domination once and for all by ending South Africa's Mandate for that Territory.

196. Since General Assembly resolutions 1899 (XVIII) and 2074 (XX) had not achieved the expected results, the only course remaining was to request the Security Council to apply the sanctions envisaged in Chapter VII of the Charter to South Africa.

197. The representative of Chile observed that the question of South West Africa, with which the United Nations had concerned itself for so many years, had been the subject of countless studies, proposals and resolutions. It was time for effective steps to be taken to remedy the situation in that Territory, in which the people were still being oppressed. He therefore considered that the Special Committee should make an appeal to all countries to refrain from assisting South Africa in any way whatsoever. Moreover, he supported the Venezuelan representative's proposal that a sub-committee should be set up to study methods of ending the Mandate given to South Africa.

198. The representative of the Ivory Coast said that he wished to draw attention to certain events which had taken place since the adoption of the last General Assembly resolution on South West Africa. From year to year, the situation in South West Africa remained equally grim. Verwoerd and his henchmen had not given up the idea of implementing the odious plan set out in the Odendaal report. Verwoerd's objective was to annex South West Africa.

199. The indigenous population of the Territory lived under increasingly repressive legislation. Although the ninety-day detention law had been suspended, a new law, the Criminal Procedure Amendment Act, No. 96, which was even more stringent than the previous law, had come into force in 1965. Under the new Act, persons who were to serve or who might possibly serve as witnesses for the prosecution in certain criminal trials could be held incommunicado for six months if the State prosecutor so desired. The Official Secrets Act provided for a fine of R1,500 and imprisonment for seven years. The Police Amendment Act, No. 74 of 1965, authorized the police to search without warrant any person, premises or place, any vehicle, boat or aircraft, or any receptacle whatsoever. In addition to these strengthened repressive measures, he would also mention the massive deportations of Africans to

reserves as well as the installation of military bases by the Government of South Africa against the wishes of the people of the Territory. South Africa had thus violated the commitment it had made as the administering Power of the Territory of South West Africa.

200. Despite the fact that one aspect of the question was being examined by the International Court of Justice, he considered that General Assembly resolution 1514 (XV) should be applied to that Territory without delay. He agreed with the representatives of Denmark, Venezuela and Mali that the Mandate should be withdrawn from South Africa as soon as the International Court of Justice had handed down its judgement.

201. In conclusion, he said that his delegation would support any resolution calling for the application of General Assembly resolution 1514 (XV) to South West Africa, the withdrawal of South Africa's Mandate, and measures to restore the land to the indigenous population.

202. The representative of Syria stated that ample proof of the tyranny reigning in South West Africa could be found in the Special Committee's findings, in the legislation and statements of the Government of South Africa, and in the evidence of the discriminatory and inhuman treatment given the indigenous population in that Territory. Despite the condemnation of apartheid contained in General Assembly resolution 2074 (XX), South Africa's course had remained unchanged, and even continued to enjoy the approval of certain profit-seeking visitors.

203. The unilateral annexation of a Territory by a so-called "trustee" would lead to the proliferation of racial discrimination and other social and economic injustices, which would be not only a violation of General Assembly resolutions and of the principles laid down in the United Nations Charter, but also a denial of fundamental human rights.

204. In view of South Africa's persistent refusal to modify its policies, and in view of the time factor involved in awaiting the decision of the International Court of Justice, the Special Committee should immediately adopt a resolution reflecting the strongest possible opposition to South Africa's policies, and providing for the fixing of an early date for the liberation of South West Africa, action to prevent the Territory's annexation, and the application of appropriate sanctions.

205. The representative of Yugoslavia said that although the problem of South West Africa had been a matter of concern to the United Nations for twenty years, no change for the better had been perceived. Indeed, conditions had deteriorated. The Government of South Africa had refused to listen to the repeated demands of the United Nations not to extend its racist policies to South West Africa, and was pursuing an increasingly ruthless policy of integrating that Territory into South Africa and subjecting its inhabitants to racial discrimination. The indigenous population was denied basic human rights, and the recent introduction of the measures advocated by the Odendaal Commission was the culmination of an evil and dishonest policy. In the Fourth Committee, the representative of South Africa had denied that those recommendations were being implemented; but it was common knowledge that large sums had been spent to buy land preliminary to the establishment of so-called homelands for non-Whites and that the Government of South Africa was encouraging large-scale immigration into the Territory by White settlers. The aim of that policy was to ensure the continued supremacy of non-Africans. His delegation could only condemn it. The Special Committee, after studying the implications of the activities of the mining industry and of the other international companies having interests in South West Africa, had concluded that foreign economic activities constituted one of the major obstacles to independence. Large profits, cheap labour and favourable conditions for exploitation explained the desire of foreign investors to preserve the status quo in South West Africa.

206. Moreover the existence of military bases in South West Africa violated the Mandate and constituted a challenge to the demands of the United Nations and of world opinion. The action of the Government of South Africa was indeed contrary to the principles of the Charter and the Declaration of Human Rights, and it was only the active support of its allies which enabled it to continue that action.

207. Although time was running short, there was still a possibility of a peaceful solution provided that the measures recommended by the General Assembly were fully and promptly carried out by all Member States, and in particular by South Africa's principal trading partners. The use of force would have consequences which he thought no one, including South Africa's friends, would welcome.

208. It was the duty of the Special Committee and of the United Nations to take rapid action to put an immediate end to the shameful and dangerous situation in South West Africa.

209. The representative of Sierra Leone recalled that almost a year before, the Special Committee had adopted a resolution recommending that the General Assembly and the Security Council should take appropriate steps to safeguard the sovereignty of the people of South West Africa, in co-operation with the OAU. The General Assembly itself, in resolution 1899 (XVIII) had urged all States which had not yet done so to refrain from supplying arms, military equipment, or petroleum products to South Africa, and requested them to refrain from any action that might hamper the implementation of the resolution and of previous General Assembly resolutions on South West Africa.

210. However, as the petitioners had stated, arms and military equipment were still in fact being supplied to South Africa, and that country had so much petrol that it could afford to send Southern Rhodesia more than its daily requirements. Nothing had been done by the nations involved that could be construed as "not hampering" the implementation of the General Assembly resolution, and indeed some countries had even increased their trade with or investments in South Africa, thus helping to worsen conditions in South West Africa.

211. South Africa had been charged by the League of Nations to lead South West Africa to independence. Among other duties, it was supposed to promote the material and moral well-being and the social progress of the inhabitants. The International Court of Justice had on several occasions affirmed that South Africa's obligations had not lapsed with the end of the League of Nations and that it had no right unilaterally to change the status of South West Africa, which remained a Mandated Territory. South Africa had betrayed its sacred trust, for the lives of the indigenous inhabitants were daily being made more miserable; oppressive measures were constantly being introduced to reduce them to the state of animals; and the nations that could help to restore their dignity took no action but only made pious statements. The situation was deplorable.

212. South West Africa was potentially rich, but its economy was operated entirely for the benefit of the White settler minority and of foreign investors. Foreign capital took the highest net profit in the world from the Territory. The report of the delegation of the Special Committee to the Oxford Conference (A/AC.109/L.290) mentioned that in 1962 a White miner earned £1,200 a year, whereas his African counterpart earned only £100. The ratio of Africans to Whites was 7:1; yet White

settlers owned twice as much land as Africans. Moreover, the land set aside for the Africans was poor and only afforded its inhabitants a bare subsistence. A deliberate policy of land shortage and enforced poverty obliged Africans to leave their homes and families for the White Police Zone, where they were ruthlessly exploited and lived in appalling conditions. Such a policy could only be described as slavery.

213. While every White child could go to secondary school and later to university, only about 0.3 per cent of Africans received secondary education; the education of most Africans, when they had any at all, ended at the lower level of the primary school. To aggravate matters, South Africa's declared policy was to allow the various communities to finance their education. Educational expansion was thus out of the question in the African reserve areas which were not even self-supporting.

214. It had been stated that South West Africa was not economically viable and could therefore not aspire to independence. However, its mineral and oil resources yielded a larger per capita income than that of many independent States; and it was one of the few countries with more exports than imports. All its resources were at present exploited by foreign settlers and monopolies; but if the indigenous people were allowed to govern themselves they would be starting off with a far higher potential than many newly independent States which were themselves making rapid progress. South Africa had used its legislative powers to further its own interests to the detriment of the indigenous population.

215. In contravention of the Mandate, South Africa had set up military bases in South West Africa. They served two purposes: to ensure that any point in the Territory could be reached in half an hour, thus terrorizing the population, and to constitute a threat to neighbouring African States. In that connexion he quoted from paragraphs 11 and 12 of annex III to document A/AC.109/L.290, which stated that the Security Council should be called upon to exercise its powers under Chapter VII of the Charter to restore freedom to the people of South West Africa, and that all States should be prepared to take action to achieve that end.

216. The Special Committee's task was clearly to take the initiative to end the dilatory methods of South Africa and of some Members of the United Nations itself. It should see that General Assembly resolution 1899 (XVIII) was implemented, devise a way of preventing the policy of apartheid from spreading and prevail on South Africa to remove its military bases from the Territory. It should also appeal to the friends of South Africa not to allow their nationals to settle in

that country and, through it, in South West Africa. The current legal proceedings in the International Court of Justice should not obscure the Special Committee's political responsibilities. His delegation would support any resolution with those objectives.

217. The representative of Iraq recalled that the Special Committee had heard petitioners on the question of South West Africa whose evidence, together with the report of the Oxford Conference and the arguments advanced by the representative of Sierra Leone, showed that South African policies in that area were wreaking havoc on the lives of the indigenous population. Contrary to the Mandate, economic and social progress was being impeded, and in defiance of the United Nations, South Africa had also begun to establish military bases in the Territory. It was outrageous that South Africa should continue to receive military support from certain countries and that foreigners should derive revenues as high as 32 per cent of the gross national product from South West Africa.

218. His delegation deemed it the Special Committee's duty to do away with those evils and would support any resolution to that end. Such a resolution should contain a recommendation to the Security Council that implementation of General Assembly resolution 1899 (XVIII) be made mandatory for all Member States, and a further recommendation concerning the dismantling of military bases in South West Africa.

219. The representative of Madagascar said that for twenty years the international community had been desperately trying to find an equitable solution to the problem of South West Africa and had been unsuccessfully seeking to put an end to the racial policy in that country by means of negotiation and persuasion. South Africa was continuing to favour the White minority at the expense of the Africans; it was strengthening apartheid and was stripping the indigenous population of its property, with the support of those States which were refusing to implement United Nations resolutions.

220. For that reason, the Malagasy delegation wished to issue an appeal to all States to reconsider their attitude towards South Africa.

221. It had been stated that the International Court of Justice was about to reach its decision concerning South West Africa. While the question of the Mandate was, of course, an important aspect of the problem, the Committee should have no

illusions about the effects of the Court's judgement. A decision by the Court that the terms of the Mandate had been violated would not be enough to free South West Africa. The population of that Territory must be given constitutional means to make its complaints known. That was why the United Nations and the Special Committee had the right and the duty to consider the question of South West Africa and to make appropriate recommendations in order to prevent a whittling down of human values and to ensure peace in the world. His delegation would vote for any constructive proposal which took account of the facts of the situation.

222. The representative of Italy stated that South West Africa was a particularly serious problem, with three distinct aspects: non-compliance by South Africa with the Mandate of 17 December 1920, by which the Territory was placed under its administration; the refusal by South Africa to recognize and apply to South West Africa the Declaration on the Granting of Independence to Colonial Countries and Peoples; and the extension of apartheid to the Territory.

223. It was particularly regrettable that South Africa should disregard its obligations under the Mandate, for its action weakened the whole structure of inter-State relationships. It was also regrettable that South Africa had not realized that the Declaration represented a decisive step towards the establishment of a new international society based on freedom, justice and co-operation. The main cause of the unsatisfactory situation in South West Africa was to be found in the racial discrimination applied in the legal system enforced by the Government of South Africa.

224. The Special Committee's task was to evolve suggestions for submission to the General Assembly as to the best way of dealing with the problem. The Italian delegation shared the view of a number of speakers that the pending judgement by the International Court of Justice covered only one of the three main aspects of the problem of South West Africa, i.e., the violation of the Mandate. The other two aspects fell within the purview of the Special Committee.

225. However, any measure taken by the General Assembly at its twenty-first session would be taken in the light of the judgement of the International Court, which was expected to be delivered before the opening of the session. For that reason, his delegation agreed with the representative of Denmark that nothing should be done that might prejudice action by the General Assembly after the

judgement. It also endorsed the proposal of the representative of Venezuela that a sub-committee to deal with the matter should be set up.

226. Although experience had shown that the Mandate had been disastrous, hasty repeal of it might cut off the only link between the Territory and the United Nations, making South West Africa a sort of no-man's land and even justifying South African activity there. His delegation would submit proposals on that question at a later stage.

227. The Special Committee should present a common front on the problem of South West Africa, and when the time came for a decision his delegation would not be unduly influenced by mere drafting detail.

228. Referring to the accusations against the Western Powers and NATO, the representative of Italy stated that his delegation felt that such allegations might divert the Special Committee's attention from the real causes of the problem, which had nothing to do with so-called NATO assistance or the visit of a retired United States general to South Africa. Regarding the contention by the representative of the Soviet Union that Italy had supplied South Africa with military equipment, he stated that that accusation had no basis in fact. Two Italian firms had merely supplied half a dozen airplanes equipped for civil aviation, before adoption of the Security Council resolution on apartheid; after adoption of that resolution further supplies had been prohibited. The two firms were subsidiaries of FIAT, a firm of international repute and one that had concluded a contract to supply half a billion dollars' worth of equipment to the Soviet Union itself. Such allegations were baseless and could be traced to the South African Government, in whose interest it was to sow dissension among the countries of Western Europe. He hoped the Special Committee would continue to be guided in its deliberations by its desire to establish the truth and not by other motives.

229. The representative of the United States of America said that she wished to comment on some specific points raised in the discussion, in particular concerning the pending decision of the International Court of Justice.

230. Before proceeding, however, she pointed out that the right of private United States citizens to express their own opinions was a United States tradition, and repeated references by the representative of the Soviet Union to remarks of former General Norstad and other Americans would not diminish dedication to that tradition.

231. Her country shared the general concern and frustration that so little progress had been made towards a solution of the problem of South West Africa. At the same time, it hoped for positive results from the long-awaited decision of the International Court of Justice. Article 94 of the Charter provided that every Member State should undertake to comply with the decisions of the Court in proceedings to which it was a party and all States Members of the United Nations were therefore obliged to respect the Court's judgements.

232. She did not believe that there had been any feeling against a thorough debate on the problem during the period of the Court's proceedings. There had been a belief that the General Assembly should refrain from taking action or making recommendations relating specifically to the questions before the Court until a judgement was given. United Nations action should rest upon a solid legal foundation. That did not mean that views could not be expressed or that the United Nations could not take constructive action. Her country had always insisted that South Africa must comply with the Mandate and condemned that country's policy of apartheid both in its own territory and elsewhere.

233. As the Special Committee was aware, her country had scrupulously enforced the embargo on the supply of military equipment. That fact could not be obscured by false accusations that NATO was supplying arms to a country that was not even a member of that organization. The United States Government had not supported General Assembly resolution 1899 (XVIII) on the embargo of petroleum products, since it considered that such action could only be taken by the Security Council. Figures on trade with South Africa were not necessarily relevant, but she believed that certain nations whose representatives had mentioned the question were in fact carrying on a flourishing trade with South Africa.

234. Her own country condemned the narrow policy of ruling at the expense of the majority. It had learned from its own experience the sufferings that resulted from such a policy, and it was engaged in a civil rights campaign to extend equality to all citizens of the United States; it therefore could not remain indifferent to the grave problem of South West Africa.

235. The representative of the Union of Soviet Socialist Republics replied that it was well known that the members of NATO, in particular the United States, the United Kingdom and the Federal Republic of Germany, were assisting the South African

regime. No matter how often the representatives of those countries denied that fact, everything pointed to it, including the statements of the petitioners heard by the Special Committee and even press reports. He reiterated that Flight International had stated that South Africa now had Italian-made jet fighter aircraft with a top speed of 800 kilometres per hour. Italy might claim that those aircraft were intended for civil aviation, but it was very easy to change them into military aircraft. Those were facts and not baseless allegations.

236. He considered it sheer hypocrisy for the United States representative, when referring to General Norstad's remarks, which he himself had quoted earlier, to invoke freedom of speech as a tradition of United States democracy. Moreover, in all sincerity, that representative could hardly argue that the United States Government could not prevent increased United States investment in South Africa or that, unless the Security Council decided otherwise, there was no valid reason to halt arms deliveries to South Africa. She seemed to have forgotten the General Assembly resolution on the matter.

237. The United Kingdom and the Federal Republic of Germany were also supplying arms to South Africa. In that connexion, he quoted a passage from the telegram addressed to the Special Committee by the Minister for Foreign Affairs of the German Democratic Republic. The Minister of War of South Africa himself had admitted that the Federal Republic of Germany was furnishing military assistance to the regime in power in his country.

238. The policy of the NATO countries was part of a long-term scheme to impede the development of the African peoples and to maintain the bastions of colonialism in South Africa, Southern Rhodesia and the Portuguese colonies. As regards the Soviet Union, it was a proven fact that it was and would remain the true friend and ally of the oppressed.

239. The representative of the United States of America reiterated that the United States Government respected and observed the arms embargo, and she asked the representative of the Soviet Union to substantiate the general accusations he had made by citing a specific example of any military equipment supplied to South Africa by the United States in contravention of it.

240. The representative of Italy said that the unfounded allegations of the Soviet Union representative had been inspired by South African or Soviet propaganda and he relied on the judgement of his colleagues to dispose of such charges.

241. The representative of the United Republic of Tanzania pointed out that South Africa was acting against the United Nations and against the wishes of millions of people who cared for the dignity of man and for the freedom of the people of South West Africa. It was able to continue its policy of oppression because it continued to receive economic and military aid from its allies; had the resolutions of the General Assembly been carried out, that country would have had cause to re-examine its policies.

242. Africans could not remain indifferent, when American respect for the right of the individual and the private businessman was allowed to impede Africa's progress towards independence. His delegation had hoped to be told that the facts it had given concerning the increased trade between the United States and South Africa were wrong. Instead, however, it had been told of relatively unimportant statements by President Johnson about United States support for General Assembly resolution 1899 (XVIII).

243. So long as South Africa continued to enjoy trade with the most influential countries in the world, it would have no cause to change its policies. Evidence had been given to the Special Committee that the people of South West Africa had in many instances been dispossessed of their land by the South African Government in favour of foreign companies and private citizens who wished to exploit the mineral resources; that the people were being systematically grouped into reserves on mainly barren land that could not support decent living standards, and being kept as a reservoir of cheap labour; that as shown in the report of the delegation of the Special Committee to the Oxford Conference (A/AC.109/L.290, annex I, paras. 7 and 8), they were being forced into slave labour and separated from their families; and that the South African Government gave some of the private companies power over the indigenous population in return for the high taxes paid by those companies.

244. The representative of Bulgaria said that there were few members of the Special Committee who had not protested against the activities of the Western monopolies which were assisting South Africa. The facts in question were proven facts and were even mentioned in such official United Nations documents as the report of the Special Committee on the activities of foreign monopolies.

245. The representative of Denmark referring to the allegation that members of NATO had supplied arms to South Africa, said that NATO was a defence organization whose function was to take measures for the common defence of its members. In the

economic and political fields, they acted individually, and to say that any individual actions in those fields were the deliberate policy of NATO was to abuse the Committee's forum for propaganda purposes. His country, a member of NATO, had never supplied arms to South Africa. He entirely agreed with the Tanzanian representative that any countries supplying arms to South Africa should be prevented from so doing. He had taken note with satisfaction of the confirmation by the United States representative that her country was observing the embargo on the supply of such arms, and unless the Soviet Union representative could cite specific examples to the contrary, that assurance should be accepted.

246. The representative of Chile noted that according to certain delegations, South Africa owed its military strength to aid from regional military groupings and to bilateral agreements with different countries. The representatives of the States in question said that they were the victims of false accusations. In order to find out the truth, an objective and conscientious study should be made of the question.

247. Drawing the Special Committee's attention to the communications dated 16 June and 6 July 1965 which it had received from the Government of the Federal Republic of Germany (A/AC.109/125 and 142), he observed that the Federal Republic of Germany defended itself against the charge of having established a military base in South West Africa, saying that it was really a meteorological centre constructed under an agreement between the University of Leipzig and the Government of the Republic of South Africa and did not contain any military installations. The Special Committee had been invited to visit the centre in order to verify the statements made by the Government of the Federal Republic of Germany. On the other hand, a cable from the Government of the German Democratic Republic stated the contrary. There was only one way to resolve such contradictions, namely, to decide to hold an inquiry so that the Special Committee could collect evidence which would enable it to come to a well-founded conclusion and thus discharge its task.

248. The representative of Australia stated that his Government held strong views on the question of South West Africa and considered it proper that the Special Committee should address itself to the matter despite the fact that the International Court of Justice had certain aspects under consideration. Australia condemned South African policy in South West Africa and considered that the

United Nations had an important role to play. His delegation did not endorse the South African argument that consideration of the question of South West Africa by the General Assembly infringed the sub judice principle. On the contrary, Australia thought that the General Assembly had a very important role to play immediately; but the United Nations must satisfy itself entirely of the strength of its legal position before taking action that might be based on purely political considerations. His country would be bound to take full account of the Court's ruling, which it would regard as a definitive legal opinion on the subject. It was true that the Court was concerned only with certain aspects of the problem of South West Africa; but no member of the Committee could predict the judgement or its effects and implications. The circumstances of the case constituted one of the most important developments in the direction of new norms of human behaviour and attitudes. Therefore the Committee should not prejudice or anticipate what could be a historic decision.

249. Australia condemned South Africa's refusal to recognize the processes leading to self-determination and assume its international obligations. His Government was also opposed to the hateful doctrine of apartheid and the repressive methods used to enforce it, and had informed the South African Government clearly and directly of that attitude.

250. To the best of his knowledge, his country had no commercial interests in South West Africa. Even if it had, they were certainly so utterly insignificant as to be of no importance whatsoever in the issues before the Special Committee; and, in any case, his Government would never defend any commercial undertakings which might, in pursuit of profit, ride with roughshod inhumanity over the people. The whole industrial system of his country, with its carefully balanced system of Government and private activity, bore out that assertion.

251. Australia, as a former Mandatory Power under the League of Nations, had a special interest in the Mandated Territory of South West Africa. Just as his country had done much towards the formation of the United Nations itself, so also had it been most active in the development of the Trusteeship System, when it had been unhesitating in concluding with the United Nations trusteeship agreements for the transformation into Trust Territories of the Mandated Territories for which it was responsible. It had been, and still was, guided by a clear recognition

of the inalienable right of any people to self-determination. Australia did not practise or advocate limitation of the forms of government from which peoples might choose, provided that they themselves chose in all freedom. Nor did the country view independence itself as being of any unchanging or simple form; for its form could be determined only by the people making the choice.

252. The approach, purposes and ideals of his delegation were those embodied in the United Nations Charter. In the Australian Trust Territory - and former Mandated Territory - of New Guinea, for instance, the people had elected their own parliament with a substantial indigenous majority from a common roll based on the principle of "one man, one vote", without regard to race, colour or creed. In those advances, Australia had in no way differentiated between the Trust Territory of New Guinea and the Non-Self-Governing Territory of Papua.

IV. ACTION TAKEN BY THE SPECIAL COMMITTEE

253. At the 435th meeting on 7 June 1966, the representative of Ethiopia introduced a draft resolution (A/AC.109/L.300) on behalf of Afghanistan, Ethiopia, India, Iran, Iraq, the Ivory Coast, Madagascar, Mali, Sierra Leone, Syria, Tunisia, the United Republic of Tanzania and Yugoslavia.

254. He explained that an attempt had been made to incorporate in the draft resolution the views expressed in the Special Committee. Many of the points mentioned in the text were a reaffirmation of the stand that the Special Committee had taken in the past, and should pose no difficulty. The most important new idea was that contained in operative paragraph 10, which envisaged the establishment of a sub-committee to make a thorough study of the situation with a view to recommending an early date for the independence of South West Africa. The establishment of such a sub-committee was particularly important in view of the impending judgement by the International Court of Justice on the case brought by his country and Liberia.

255. The members of the Afro-Asian Group and Yugoslavia, in co-sponsoring the draft resolution, were strongly convinced that its adoption would go a long way towards alleviating the sufferings of the people of South West Africa, and were confident that it would receive maximum support. While the co-sponsors were prepared to accept any amendment that would improve the text, they would be unable to accept anything calculated to weaken it.

256. The representative of India observed that, apart from operative paragraph 10, which had been included to take account of suggestions by several delegations, the part most likely to give rise to debate was operative paragraph 6, whereby the Special Committee would recommend to the Security Council to make it obligatory for all States to implement the measures contained in General Assembly resolution 1899 (XVIII), and in particular those mentioned in paragraph 7 of that resolution calling for an embargo on arms and petroleum supplies to South Africa. He stated that South Africa had repeatedly been denounced for its refusal to take cognizance of United Nations resolutions, but if other States were permitted to continue their support of that country, condemnation of it would lose its logical force.

257. The representative of Venezuela said that he had studied the draft resolution very carefully. It merely reaffirmed a series of principles for which Venezuela had always voted and his delegation therefore had no objection to voting for them once again. Nevertheless, he thought it advisable to submit, on behalf of Chile and Venezuela, an amendment (A/AC.109/L.302) which was merely the logical sequel to their statements, and, indeed, to those made by many other delegations during the general debate. The amendment was to replace operative paragraph 10 of the draft resolution by the following;

"10. Decides to set up a Sub-Committee composed of five members appointed by the Chairman to study and recommend to the Special Committee:

"(a) Appropriate ways and means of terminating South Africa's Mandate in respect of South West Africa; and

"(b) The most suitable ways and means of administering the Territory until it attains independence, i.e., until such time as the terms of General Assembly resolution 1514 (XV) have been fully implemented;

"11. Requests the Sub-Committee to submit its report before the Special Committee concludes its meetings for the current year."

258. A study of the proposed new paragraphs would show that they contained positive elements which were consistent with the resolutions already adopted and with the wishes expressed by petitioners. They were also consistent with the decisions of the International Conference on South West Africa held at Oxford in March 1966. He referred in particular to paragraph 22 of annex I of the report of the Conference (A/AC.109/L.290). The amendment also reflected the viewpoint of most members of the Special Committee. It simply returned to the principal themes raised in the course of twenty years and had the merit of introducing a slight improvement in the original text of the draft resolution which would bring about some progress and help the General Assembly to thwart South Africa's policy. The ill-treatment to which the people of South West Africa were subjected could not be tolerated any longer and he considered that the time had come to recommend to the General Assembly that a study should be made of the question in order to put an end to the intolerable situation.

259. The representative of Venezuela was sure that all the sponsors of the original draft would support the joint amendment in order to enable the people of

South West Africa, who had been so maltreated for forty years, to gain their independence at last.

260. The representative of Bulgaria said that he agreed in general with the main ideas contained in the draft resolution. He recalled that the representatives of the Soviet Union and Poland had made a number of suggestions which his delegation had supported. Those suggestions were reflected in paragraphs 6, 7 and 10 of the draft resolution. While accepting in principle the basic ideas of the draft resolution, he proposed four amendments jointly sponsored by Bulgaria, Poland and the Union of Soviet Socialist Republics (A/AC.109/L.305), which he thought would strengthen the draft resolution without altering its substance.

261. Firstly, the situation in South West Africa was very dangerous and constituted a serious threat to peace. That idea was not expressed in any of the preambular or operative paragraphs of the present draft resolution, although it was to be found in the last preambular paragraph of General Assembly resolution 2074 (XX).

Consequently, the first amendment proposed was to add the following new paragraph at the end of the preamble:

"Noting with deep concern the serious threat to international peace and security in this part of Africa, which has been further aggravated by the racist rebellion in Southern Rhodesia".

262. The second amendment, to operative paragraph 1, would have the Special Committee reaffirm the inalienable right of the people of South West Africa "to freedom, independence and territorial integrity" instead of "to freedom and independence".

263. The third amendment would add the phrase "which constitutes a serious threat to international peace and security" at the end of operative paragraph 5, which provided that the attention of the Security Council be drawn "to the serious situation prevailing in South West Africa and its aggravation caused by the racist rebellion in Southern Rhodesia".

264. The fourth amendment would add the following at the end of operative paragraph 10: "and to request the Sub-Committee to submit its report to the Special Committee by the beginning of the twenty-first session of the General Assembly".

After thanking the sponsors of the draft resolution for taking into account the ideas put forward earlier by the delegations of Bulgaria, Poland and the Soviet Union, the representative of Bulgaria expressed the hope that they would accept the joint amendments.

265. The representative of Chile said that the text of the draft resolution represented a middle-of-the-road position which the Special Committee could adopt. It recommended methods which had won the support of the United Nations in the past and contained new elements which would surely help to end the painful situation in which South West Africa had languished for so many years. He was very pleased to see that the views he had put forward had been reflected in the draft resolution.

266. He regarded it as most important that another appeal should be made to States Members of the United Nations and to non-member States to stop giving the Government of South Africa any assistance whatever. It was for the Security Council to transform the appeal into an obligation. It was obvious that any support for the Verwoerd regime would strengthen its sectarian tendencies and aggravate the oppression of the Africans who formed the majority of the population in South West Africa. His delegation wished to lay special stress on economic and military aid, which openly gave the regime the upper hand over the indigenous population, eternally oppressed by those with powerful weapons.

267. Operative paragraph 10 of the draft resolution before the Special Committee expressed the idea which the delegation of Venezuela had put forward at the previous session of the General Assembly and had repeated during the present session of the Special Committee. His delegation firmly supported the proposal. It considered that the Committee could not remain idle while waiting for the decision of the International Court of Justice, but should devote all its energy to finding some means by which the Mandate over South West Africa entrusted to South Africa by the League of Nations could be withdrawn. His delegation felt that the paragraph should be revised in such a way as to define more precisely the role and objectives of the proposed sub-committee and had therefore joined Venezuela in submitting an amendment which he hoped would be accepted.

268. The representative of the Union of Soviet Socialist Republics commenting on the amendment submitted by Chile and Venezuela to paragraph 10 of the draft resolution, said that the idea of establishing a sub-committee of five members

appointed by the Chairman seemed very sound, and he was confident that the Chairman, in consultation with the members of the Special Committee, would ensure that all trends of opinion were represented in the sub-committee. As regards sub-paragraphs (a) and (b) of the amendment, there was no reason why they should not be considered, provided that the principal elements in the original paragraph 10 were kept, i.e., "a thorough study of the situation" and "an early date for the independence of the Territory". He considered that paragraph 10 of the draft resolution should be kept in its original form, save for possible additions proposed by Chile and Venezuela.

269. At the 438th meeting of the Special Committee, on 8 June 1966, the representative of the United Republic of Tanzania introduced a revised text of the joint draft resolution (A/AC.109/L.300/Rev.1), in which the phrase "and its consequences for international peace and security" had been added at the end of operative paragraph 5, and the words "and, among other things, to recommend" had been added in operative paragraph 10. On the suggestion of the representative of Chile, the sponsors replaced the word "things" by "matters".

270. The representative of Tanzania explained that the sponsors of the draft resolution considered that the revised text of operative paragraph 5 would meet the wishes of the sponsors of the three-Power amendment (A/AC.109/L.305) calling for a separate reference to the "threat to international peace and security". He observed that the insertion of the words "and territorial integrity" in operative paragraph 1 was not really necessary, since the main question was whether or not South Africa would accept its responsibility towards the United Nations. However, if that were insisted upon, the matter could be referred back to the sponsors of the draft resolution.

271. With respect to the amendments calling for the proposed sub-committee to report to the Special Committee before the twenty-first session of the General Assembly (A/AC.109/L.302 and 305), he considered that the normal procedure. However, the sponsors of the draft resolution felt that there could be no real objection to that amendment, if it were insisted upon.

272. He felt that the matter of finding ways and means of terminating the Mandate in South West Africa should be left out, since the question could be dealt with at a later stage. He had been asked by the sponsors of the draft resolution not to press the point.

273. He considered that operative paragraphs 1 and 10 of the revised draft resolution should meet the wishes of Chile and Venezuela and that operative paragraph 5 would satisfy Bulgaria, Poland and the Union of Soviet Socialist Republics. He regretted the impossibility of meeting all the requests for amendments, but observed that a resolution was inevitably a compromise, and hoped that the Special Committee would recognize that the draft resolution as revised represented the best course in the circumstances.

274. The representative of Bulgaria, on behalf of the Polish, Soviet Union and Bulgarian delegations, understood that the sponsors of the draft resolution had not been able to accept changes of substance, and thanked them for having tried, as far as possible, to take their amendments into consideration. In view of the revised text of operative paragraph 5 they would not insist that their first and third amendments be put to the vote. They regretted that the sponsors of the draft resolution had been unable to accept their second amendment to insert "and territorial integrity" in the first operative paragraph. In view of the observations by the Tanzanian representative, and the fact that the Chairman of the Special Committee, who would appoint the members of the Sub-Committee, would expressly request them to report to the Special Committee no later than the opening of the twenty-first session of the General Assembly, they would not insist that their second and fourth amendments be put to the vote.

275. The representative of Venezuela expressed regret that the sponsors of the draft resolution had not found it advisable to accept the amendments submitted by Chile and Venezuela (A/AC.109/L.302), which had been designed solely to defend the interests of the people of South West Africa. The ideas contained in those amendments were in conformity with the statements of petitioners and the opinions expressed in the Oxford conference.

276. He could not accept the administering Power's contention that the question of South West Africa could not be examined by the United Nations because it was under consideration by the International Court of Justice. While the sponsors of the draft resolution wished to consider the question as being exclusively juridical, the Venezuelan and Chilean delegations, for their part, thought that it was a colonial question. The main point was to decide whether the Special

Committee could recommend to the General Assembly measures which would make it possible to apply the Declaration on the Granting of Independence to Colonial Countries and Peoples to the Territory of South West Africa. The draft resolution, as it stood, could not give satisfaction to the people of South West Africa and did not take fully into account the terms of reference given to the Special Committee by the General Assembly.

277. The important point was not that a date should be fixed for the independence of South West Africa or that the International Court of Justice should issue a decision concerning the Mandate. The problem arose primarily from the fact that the administering Power did not recognize the authority of the United Nations to intervene in the affairs of the Territory and that the adoption of another resolution simply repeating what had already been said many times would not change the situation at all.

278. Nevertheless, the Chilean and Venezuelan delegations, having heard the explanations of the Tanzanian representative, agreed in a spirit of co-operation to withdraw their amendments.

279. The representative of Chile confirmed what the Venezuelan representative had said. The sole purpose of their amendments had been to facilitate the Special Committee's task and to achieve a text representing the views of all the members of the Special Committee and not merely those of a geographical group.

280. The representative of the United Republic of Tanzania, speaking on behalf of the sponsors of the draft resolution, thanked the sponsors of the amendments for their co-operation, and expressed agreement with what the Venezuelan representative had said about South Africa's Mandate in South West Africa. The main issue in South West Africa was that of independence, Mandate or no Mandate, and operative paragraph 1 of the draft resolution left no doubt in that respect. It was quite clear that the principal aim was to implement General Assembly resolution 1514 (XV), and those concerned with implementing the resolution should not be slaves to the purely academic aspect of legal considerations.

281. The Venezuelan representative had said that too many resolutions had been adopted, and too little action taken. He was in full agreement. Africans were frustrated before the plethora of resolutions and absence of action. There were two ways of ending colonialism: either through United Nations resolutions and

subsequent action by the Special Committee, the Security Council or other bodies; or through an armed struggle, in which case African blood would water the tree of freedom.

282. Africans had waited in the hope that the United Nations would take action. If they were let down by the United Nations, they would have to resort to arms.

283. Referring to the co-operation displayed between Latin America and the Afro-Asian countries, together with Yugoslavia, the representative of Tanzania observed that both groups of countries had been colonized at some time or another, and their common goal was to gain independence for their brothers everywhere. Co-operation was the corner-stone of the work and progress of the Special Committee.

284. The representative of the Union of Soviet Socialist Republics said, in reply to the Venezuelan representative's assertion that the Special Committee seemed to consider the question of South West Africa a strictly juridical question, that his delegation, for its part, considered it a political and colonial question.

285. The representative of India associated his delegation with all that had been said by the Venezuelan and Tanzanian representatives. They could appropriately have added the word "India" every time they had mentioned Africa.

286. The representative of Australia considered that the most important new element in the draft resolution was its operative paragraph 6. Australia had no vested interests in the matters of trade and supply to which that paragraph was directed for it did not supply arms or oil to South Africa. However, his delegation opposed the usurpation by the Special Committee of the functions of the Security Council. It was seriously concerned about paragraph 7 recommending that the Security Council take measures to ensure the withdrawal of military bases and installations from the Territory. His delegation could not support those two paragraphs or paragraph 3.

287. With regard to paragraph 3, he had no hesitation in condemning any financial interests deliberately and shamelessly exploiting the people and resources of the area and impeding progress there. However, he could not agree with the implication that all financial interests were doing that. He believed there were business concerns of repute and integrity, and the development of commercial enterprise was essential to the progress of the Territory.

288. He had reservations about paragraph 10, for Australia had always maintained that the fixing of a date for independence was a matter for the people concerned. Paragraph 10 contained no mention or suggestion of the will of the people and the necessary consultations. The role of the people should not be assumed by anyone else.

289. In conclusion, he wished to pay tribute to the obvious efforts of the co-sponsors to draft a resolution fairly reflecting a variety of views. In so doing they had produced much with which his delegation could agree. He regretted that no instructions had come from his Government to authorize his delegation to participate in the voting.

290. The representative of Denmark reiterated his Government's strong reaction to the continued oppression of the South African people and to the stubborn attitude of the Verwoerd regime towards the United Nations. It was in the light of this position the Danish Government had considered the draft resolution. Regrettably it was, however, not a general resolution, which his delegation thought most appropriate in the present situation. Furthermore, his delegation had a few reservations concerning specific paragraphs. The main objection of his delegation concerned paragraph 6, because it went beyond the competence of the General Assembly. He believed that every member of the Committee was as conscious as he of the limits of the competence of the various organs of the United Nations. For that reason Denmark would have to abstain when the draft was put to a vote. Technical difficulties had been as much to blame as differences of opinion for the Committee's failure to reach a satisfactory compromise. He hoped that in future the Special Committee could agree on the goals and on the most effective means of meeting them.

291. The representative of Italy agreed that a strong and united stand was needed on South West Africa. Having examined the draft resolution and having brought it to his Government's special attention, he found that although most of it was inadequate, he had reservations concerning several operative paragraphs.

292. The meaning and scope of the expression "a crime against humanity" were not clear. If taken as a general condemnation of apartheid, it would be acceptable to his delegation. If, however, the terms had legal implications, he could not support that paragraph.

293. He suggested that in paragraph 3, the expression "those financial interests" replace "the financial interests", but that if it was too late to make such an amendment, he would be satisfied with a separate vote on that paragraph.

294. Referring to the unconstitutionality of resolution 1899 (XVIII), he said that his delegation would have reservations on paragraph 6.

295. The recommendation to the Security Council contained in paragraph 7 was not entirely in accordance with the United Nations Charter. Moreover, as the Special Committee would be asking the Security Council to do something new, it should give the matter very careful consideration.

296. He asked for a separate vote on operative paragraphs 3, 6 and 7 and stated that if they were adopted as they stood, Italy would have to abstain from voting on the resolution.

297. The representative of the United States of America explained her delegation's reservations, which concerned difficulties mentioned in its previous statement as well as in that of the Italian delegation.

298. She specified that her support of the call for an embargo on the shipment of arms stemmed from a rejection of apartheid, and declared that the United States had scrupulously adhered to the arms embargo. If a distinction had been made in the resolution between an arms embargo and economic sanctions, her Government could have supported it. However, the United States would have to abstain if separate votes were taken on paragraphs 3 and 6. She could not support a blanket indictment of the financial interests, and would have preferred specific indictments of the labour conditions and policies associated with foreign companies in South West Africa.

299. She raised a question concerning the Special Committee's mandate, and felt that it should take no action such as that recommended in paragraph 7, prior to the International Court's decision.

300. Although in agreement with the resolution's condemnation of racial practices, with its appeal for support for the people of South West Africa in their effort to exercise self-determination, and with its implicit condemnation of South Africa for failing to live up to its obligations to the United Nations and to the peoples of South West Africa, the United States would have to abstain from voting on the resolution as a whole.

301. The representative of Venezuela explained that his delegation's position regarding the strict delimitation of the functions of United Nations bodies obliged it to abstain in the vote on operative paragraphs 6 and 7 of the draft resolution.

302. Although he would vote in favour of operative paragraph 3, he had some reservations regarding that provision. His delegation was not convinced, as it had previously pointed out, that the activities of the financial interests operating in the Territory constituted the principal, much less the only, obstacle to the freedom and independence of South West Africa. The essential problem was the subjection of the Territory to South Africa. It was out of the question for the Special Committee to condemn all financial interests; it could only consider condemning those which were exploiting the human and material resources of the Territory and impeding its progress.

303. Moreover, in connexion with operative paragraph 8 of the draft resolution which his delegation supported, he took it that the moral and material support requested of Member States was that provided for in the Charter. He added that by voting in favour of a draft resolution which did not satisfy it completely, the Venezuelan delegation wished to give evidence of its readiness to co-operate with its African friends.

304. The representative of Chile expressed his gratitude to the sponsors of the draft resolution for their spirit of understanding and co-operation. Although his delegation would vote for the draft, it nevertheless had certain reservations to make. Operative paragraph 3 was much too sweeping. All foreign interests were not necessarily harmful; the text should have spoken of the interests of States which adopted an imperialist attitude. He had earlier expressed his views regarding operative paragraphs 6 and 7 and indicated the limits which the Special Committee should observe in order to abide by the Charter. It was not for the Special Committee to tell the Security Council how it should proceed. Operative paragraph 8, on the other hand, was in full conformity with the Charter.

305. The revised draft resolution (A/AC.109/L.300/Rev.1), as orally revised, was voted upon at the 439th meeting on 9 June 1966 as follows:

Operative paragraph 3 was adopted by a roll-call vote of 18 to none, with 3 abstentions. The voting was as follows:

In favour: Afghanistan, Bulgaria, Chile, Ethiopia, India, Iran, Iraq, Ivory Coast, Madagascar, Mali, Poland, Sierra Leone, Syria, Tunisia, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: None.

/...

Abstaining: Denmark, Italy, United States of America.

Operative paragraph 6 was adopted by a roll-call vote of 16 to 1, with 4 abstentions. The voting was as follows:

In favour: Afghanistan, Bulgaria, Ethiopia, India, Iran, Iraq, Ivory Coast, Madagascar, Mali, Poland, Sierra Leone, Syria, Tunisia, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia.

Against: United States of America.

Abstaining: Chile, Denmark, Italy, Venezuela.

Operative paragraph 7 was adopted by a roll-call vote of 16 to none, with 5 abstentions. The voting was as follows:

In favour: Afghanistan, Bulgaria, Ethiopia, India, Iran, Iraq, Ivory Coast, Madagascar, Mali, Poland, Sierra Leone, Syria, Tunisia, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia.

Against: None.

Abstaining: Chile, Denmark, Italy, United States of America, Venezuela.

The resolution as a whole, as revised, was adopted by a roll-call vote of 18 to none, with 3 abstentions. The voting was as follows:

In favour: Afghanistan, Bulgaria, Chile, Ethiopia, India, Iran, Iraq, Ivory Coast, Madagascar, Mali, Poland, Sierra Leone, Syria, Tunisia, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: None.

Abstaining: Denmark, Italy, United States of America.

306. The resolution on the question of South West Africa (A/AC.109/177), adopted by the Special Committee at its 439th meeting on 9 June 1966, reads as follows:

"The Special Committee,

"Having heard the petitioners,

"Recalling General Assembly resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

"Recalling further General Assembly resolution 2074 (XX) of 17 December 1965 and other resolutions of the General Assembly, and of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples with respect to South West Africa,

/...

"Noting with concern the policy of the South African Government to suppress and circumvent the political and economic rights of the indigenous people of South West Africa through large-scale settlement of immigrants in the Territory,

"Noting further with deep concern the continued presence of military bases and other military installations in South West Africa, in violation of General Assembly resolutions 1805 (XVII) of 14 December 1962 and 2074 (XX) of 17 December 1965,

"1. Reaffirms the inalienable right of the people of South West Africa to freedom and independence in accordance with General Assembly resolution 1514 (XV) and recognizes the legitimacy of their struggle to achieve this right;

"2. Condemns the policies of apartheid and racial discrimination practised by the Government of South Africa in South West Africa which constitute a crime against humanity;

"3. Condemns the activities of the financial interests operating in South West Africa which exploit the human and material resources and impede the progress of the Territory and the right of the people to freedom and independence;

"4. Condemns the policy of the Government of South Africa to suppress and circumvent the political and economic rights of the indigenous people of the Territory through a large-scale settlement of foreign immigrants in the Territory;

"5. Draws the attention of the Security Council to the serious situation prevailing in South West Africa and its aggravation caused by the racist rebellion in Southern Rhodesia and its consequences for international peace and security;

"6. Recommends to the Security Council to make it obligatory for all States to implement the measures contained in General Assembly resolution 1899 (XVIII) of 13 November 1963 and in particular those mentioned in paragraph 7 thereof;

"7. Further recommends to the Security Council to take the necessary measures to ensure the withdrawal of all military bases and installations from the Territory;

"8. Appeals to all States to give moral and material support to the African population of South West Africa in their struggle for freedom and independence;

"9. Invites the Secretary-General to approach the specialized agencies and other international organizations concerned, with a view to extending assistance to the refugees from South West Africa;

"10. Decides to establish a sub-committee to make a thorough study of the situation and, among other matters, to recommend an early date for the independence of the Territory;

"11. Decides to transmit the present resolution to the President of the Security Council;

"12. Decides further to maintain the item of South West Africa on its agenda and to keep it under constant review."

307. The text of the resolution was transmitted to the President of the Security Council on 14 June 1966 (S/7370).

308. At its 455th meeting, the Special Committee decided that the Sub-Committee established by operative paragraph 10 of the resolution should comprise the following members: Denmark, Ethiopia, India, the Ivory Coast, Poland, Tunisia and Venezuela.

V. FURTHER CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

309. The Special Committee further considered the question of South West Africa at its 460th and 465th to 468th meetings on 5 August and 12, 14, 15 and 19 September 1966.

310. At its 460th meeting, the Chairman and some members of the Special Committee made statements concerning the judgement delivered on 18 July 1966 by the International Court of Justice on the South West Africa cases instituted by Ethiopia and Liberia against South Africa on 4 November 1960. By the President's casting vote, the votes being divided seven to seven, the Court had found that Ethiopia and Liberia could not be considered to have established any legal right or interest in the subject matter of their claims and accordingly decided to reject them.

311. The Chairman of the Special Committee stated that several members had expressed the wish that, since that was the first substantive meeting of the Special Committee following the judgement of the International Court of Justice, he should make a statement on the recent developments concerning the question of South West Africa.

312. Since the last meeting of the Special Committee, the world had received with shock and dismay the judgement of the International Court of Justice on the South West Africa case. This was particularly so because by that judgement the International Court evaded every substantive legal issue placed before it for decision. It had failed to rule on apartheid, a system of administration which was so clearly a violation of the Mandate and of the Charter of the United Nations. It had failed to rule on the obligations of the Republic of South Africa to submit to the supervisory authority of the United Nations over its administration of the Mandate. Indeed, it had failed even to confirm its previous opinion regarding the very existence of the Mandate. The Court chose the expedient of evading all of the important issues before it on a procedural technicality by ruling that Ethiopia and Liberia had failed to establish any legal right or interest in the subject-matter.

313. One might well ask, as indeed Judge Jessup of the United States in his dissenting opinion asked, why the Court would "tolerate a situation in which the parties would be put to great trouble and expense to explore all the details of the merits, only to be told" - and that after six long years of litigation - "that

the Court would pay no heed to all their arguments and evidence because the case was dismissed on a preliminary ground which precluded any investigation of the merits". Indeed, the Court had led public opinion to believe, by its 8 to 7 majority judgement of 1962, that the issue of the parties to the dispute had already been resolved and that it would investigate the merits of the dispute. By an accident of fate, what was the minority of the Court in 1962 became a majority in 1966 by virtue of the casting vote of Judge Spender of Australia, a circumstance allowing the 1962 minority to interpret and, in effect, to reverse the judgement reached by a majority of the Court in 1962.

314. For these reasons, it was not surprising that large sections of international opinion believed that the judgement had diminished the prestige of the Court as a means of settling international disputes, and raised serious doubt about its integrity and usefulness. Nor was it any wonder that demands were being made for more equitable representation in the membership of the Court and for a closer examination of its operation.

315. It was true that the International Court did not disavow either its judgement of 1962 or its advisory opinions of 1950, 1955 and 1956 which established that the Mandate continued in effect and that South Africa continued to be bound to accept United Nations supervision. However, the fact that South Africa had refused to accept the three previous opinions of the International Court on South West Africa raised serious doubts as to the advisability of further recourse to the International Court on the substantive issues.

316. The outcome of the proceedings of the International Court of Justice had been a bitter disappointment to the African States and other Members of the United Nations that had so long sought a solution to that difficult issue by peaceful means. There were indeed States the representatives of which cautioned against any positive action by the General Assembly or by the Special Committee on the ground that such action might prejudice the case before the International Court. For six years they had urged caution, pending the judgement of the International Court.

317. That long-awaited judgement had now been given. It was an exercise in futility, but not entirely futile, for it was now clear beyond any doubt that there was no further excuse for waiting. The time had come for concrete action by the United Nations.

318. There should now be no doubt that the problem of South West Africa was essentially political and so was its solution. There already existed an irrefutable political and moral basis for action by the United Nations, and while a favourable judgement would have represented additional ammunition, the basis for action was by no means undermined by the Court's judgement.

319. Members of the Special Committee were well aware that, while the International Court had been deliberating the South West Africa case, the South African Government had continued its preparations for the establishment of the so-called "homelands" in South West Africa recommended by its Odendaal Commission. If the scheme were fully carried out, it would result in the partitioning of the Territory and its annexation, in effect, by South Africa. The South African Government had deferred a decision on the actual establishment of the "homelands" and other related measures pending the judgement of the International Court and the completion of its advance preparations. The preparations were already either complete or nearing completion.

320. It might thus be timely to remind South Africa that the General Assembly, by resolution 2074 (XX) of 17 December 1965, had stated that it:

"Considers that any attempt to partition the Territory or to take any unilateral action, directly or indirectly, preparatory thereto constitutes a violation of the Mandate and of resolution 1514 (XV);" and

"Considers further that any attempt to annex a part or the whole of the Territory of South West Africa constitutes an act of aggression".

321. The Special Committee must therefore be especially vigilant and should seek to ensure that the United Nations took immediate action if South Africa should proceed with the proposed partition of South West Africa and attempt to annex the Territory.

322. The Special Committee was charged with ensuring the implementation in South West Africa of the Declaration on the Granting of Independence to Colonial Countries and Peoples. It would also be recalled that by resolution 1805 (XVIII) of 14 December 1962 the General Assembly assigned a number of other specific tasks to the Special Committee in relation to South West Africa. By that resolution the Special Committee was asked to achieve the objectives outlined in General Assembly

resolution 1702 (XVI) of 19 December 1961 - objectives which included: the repeal of all laws or regulations which establish and maintain the intolerable system of apartheid; preparations for general elections to the territorial Legislative Assembly based on universal adult suffrage, to be held as soon as possible under the supervision and control of the United Nations; advice and assistance to the resulting Government with a view to the early granting of full independence and the co-ordination of economic and social assistance to be provided by the specialized agencies.

323. In the light of the foregoing the Chairman was confident that the Sub-Committee on South West Africa would consider and recommend to the Special Committee in the near future the date which should be set for the establishment of those objectives.

324. The representative of the United Republic of Tanzania said that his delegation fully endorsed the Chairman's statement.

325. The representative of Mali said that his delegation also wished to congratulate the Chairman on his statement. The International Court had shown by its judgement that the problem of decolonization could not be solved by the legal means chosen by the Africans. The African States, therefore, together with the peace-loving States of other continents, must now give serious attention to the problem and consider what was the best method of ensuring that South Africa would not be able to take over the Territory of South West Africa.

326. The Special Committee noted the communications received from the following Members of the United Nations concerning the judgement of the International Court: Bulgaria (A/6372 and Corr.1), India (A/6250), Ivory Coast (A/6371), Kenya (A/6387), Mongolia (A/6407), Nigeria (A/6346), Pakistan (A/6388), Poland (A/6402) and Turkey (A/6413).

327. At its 465th to 467th meetings, the Special Committee considered the report of the Sub-Committee on South West Africa (A/AC.109/L.325) established under operative paragraph 10 of the resolution adopted by the Committee at its 439th meeting on 9 June 1966. The report is annexed to this chapter.

A. Written petitions and hearings

328. The Special Committee also had before it the following additional petitions concerning the Territory:

PetitionerDocument No.

Mr. Jackson Kambode, Secretary General of the South West Africa Trade Union Movement and member of the South West Africa People's Organization (SWAPO)	A/AC.109/PET.434/Add.6
Mr. Gottfried Hage Geingob, representative in the United States of America, SWAPO	A/AC.109/PET.434/Add.7
Messrs. Sam Nujoma, President, and Solomon Mifima, a member, SWAPO	A/AC.109/PET.434/Add.8
Mr. Peter Nanyemba, a member of SWAPO	A/AC.109/PET.434/Add.9
Mr. N. Mahuiriri, Acting President, SWAPO	A/AC.109/PET.434/Add.10
Mr. Ewald Katjivena, representative in Algeria, SWAPO	A/AC.109/PET.434/Add.11
Mr. Sam Nujoma, President, SWAPO	A/AC.109/PET.434/Add.12
Chief Hosea Kutako, Leader of the National Unity Democratic Organization (NUDO)	A/AC.109/PET.450/Add.2
Messrs. Mburumba Kerina, Co-ordinating Secretary, and Nathanael Mbaeva, Financial Secretary, South West Africa National United Front (SWANUF)	A/AC.109/PET.474/Add.1 and 2
Headman Fritz Gariseb on behalf of the Damara Community	A/AC.109/PET.534
Mr. Omer Becu, General Secretary, International Confederation of Free Trade Unions (ICFTU)	A/AC.109/PET.535
Mr. Irving Brown, representative of the ICFTU	A/AC.109/PET.535/Add.1
Sheik Mostafa Rahnama, editor of "Hayat Moslemin", magazine, Teheran	A/AC.109/PET.536
Mr. M.F. Nouveau-Piobb	A/AC.109/PET.537
Mr. Carl-Axel Valen, Secretary General, World Assembly of Youth (WAY)	A/AC.109/PET.538
Chiefs H.S. Witbooi and I.D. Isaak	A/AC.109/PET.539
Mr. Kanburzada Murad Bey, Movement for Human Rights, Karachi	A/AC.109/PET.540
Mrs. A.M. Hughes, State Secretary, Union of Australian Women	A/AC.109/PET.541
Mrs. Rosa Jasovich Pantaleon, General Secretary, Women's International Democratic Federation (WIDF), Berlin	A/AC.109/PET.542
The International Student Conference, Nairobi	A/AC.109/PET.543

329. The petition indicated above as A/AC.109/PET.474/Add.1 contained a request for hearing which was approved by the Special Committee at its 464th meeting on 9 September 1966. However, the petitioners who requested the hearing have not yet appeared before the Special Committee.

B. Statements made by members on the report of the Sub-Committee on South West Africa

330. The representative of India, Rapporteur of the Sub-Committee on South West Africa, introduced the Sub-Committee's report (see annex). He stated that the Sub-Committee, meeting soon after the verdict of the International Court of Justice of 18 July 1966, had expressed its deep regret at the International Court's decision to dismiss the case filed by Ethiopia and Liberia on technical grounds without adjudicating the substance of the matter. The Sub-Committee had unanimously condemned South Africa's barbaric administration of the Mandated Territory and its intransigent attitude in the face of many United Nations pleas. It was convinced that South Africa, by its unchanging behaviour had disqualified itself from administering the Mandate for South West Africa.

331. The Sub-Committee firmly believed that, if the steps outlined in paragraph 32 of its report were implemented fully and without delay, the prospects of restoring the legitimate rights of the people of South West Africa would be greatly expedited. It hoped that the Special Committee would promptly and unanimously adopt the report.

332. He observed that the reservations of the delegation of Denmark, referred to in paragraph 35 of the report, were purely provisional and related to only two points of the report; they were necessitated by the lack of instructions from the Government of Denmark on the issues involved. He hoped that the Danish representative would soon be in a position to withdraw those reservations.

333. The representative of the United Republic of Tanzania said that his delegation fully endorsed the Sub-Committee's conclusions and recommendations. Despite the various United Nations resolutions calling for the progressive development of the Mandated Territory of South West Africa to independence, the South African apartheid régime had only increased its oppression of the African people and the Territory. It had established military installations for the sole purpose of suppressing the African people's legitimate aspiration for liberation. It had dispossessed the African people of their land and had given extensive leases to

foreign financial interests originating in Western countries, which were ruthlessly exploiting the Territory's human and natural resources and automatically enforcing South Africa's policies of apartheid. It had instituted oppressive legislation aimed at maintaining slave-labour conditions. Above all, it had enacted legislation calculated to eliminate the African family by such methods as the establishment of the notorious bachelor quarters.

334. South West Africa today was not merely a colony but a concentration camp on the nazi pattern. It was high time for concrete action to eliminate once and for all the gross injustices perpetrated against the people of the Territory.

335. Since the question of South West Africa would be taken up as a matter of priority by the General Assembly, he joined the Rapporteur of the Sub-Committee in proposing that the Special Committee should unanimously endorse the Sub-Committee's report for immediate submission to the Assembly at that time.

336. The representative of Mali said that almost all the members of the Special Committee were becoming aware of the increasing danger inherent in the maintenance of the South African Government's reactionary and barbarous policies founded on the shameful system of apartheid. The White racists of Pretoria, after their vain attempts to annex South West Africa, were employing cruel and oppressive methods in exploiting the mineral and agricultural resources of the country. His delegation deeply regretted the fact that, by rejecting the complaint of Ethiopia and Liberia, the International Court of Justice had encouraged South Africa to pursue its evil policies.

337. Although the knell of colonialism had been sounded by the historic Declaration in General Assembly resolution 1514 (XV), it remained for the United Nations to compel the administering Powers to comply with its provisions and, in particular, to compel the South African Government to heed the seventy-three resolutions adopted by the General Assembly over a period of almost twenty years. South Africa must allow the people of the Territory to achieve self-determination and independence. The imperialistic Powers of Western Europe and the United States were reluctant to take action against South Africa, simply because it offered profitable opportunities for private investment; their support was the only reason for the defiant attitude of the South African Government. His delegation would discuss that aspect of the question further during the coming debate on South West Africa in the General Assembly. Meanwhile, it urged the

Special Committee to adopt unanimously the recommendations and conclusions of the Sub-Committee on South West Africa.

338. The representative of Ethiopia formally expressed his Government's full support for the report presented by the Sub-Committee on South West Africa and hoped that it would be unanimously adopted by the Special Committee.

339. The report did not deal with the question of how the General Assembly should establish its authority in the international Territory of South West Africa, leaving the matter to be decided by the Assembly itself. It was an objective report, emphasizing certain undeniable facts. Firstly, South West Africa was a United Nations responsibility, a fact repeatedly affirmed even by the International Court of Justice. Secondly, the General Assembly, and indeed the whole of civilized humanity, had appealed to South Africa in respect of that country's responsibilities under the Mandate; not only had South Africa ignored those appeals and the resolutions of the United Nations but it had taken a number of steps clearly contrary to the principle on which the Mandates System of the League of Nations had been based. Since no conciliatory response could be expected from South Africa, it was absolutely necessary for the General Assembly to act in order to ensure the rights of the people of South West Africa to freedom and independence. Unless the United Nations took appropriate action on the South West African problem, which was only part of the larger problem of racial confrontation in southern Africa, the prestige of the Organization itself would be endangered.

340. The representative of Madagascar said that during his recent travels he had found that both the people of his own country and the peoples of Asia and Africa were astonished at the judgement of the International Court of Justice concerning South West Africa, which seemed to deprive the people of that Territory of all hope.

341. His delegation supported the report of the Sub-Committee on South West Africa. He urged the Special Committee to approve the report unanimously and thereby demonstrate to the peoples of South West Africa that in their struggle for freedom, independence and racial equality they were not alone but were supported by all freedom-loving peoples throughout the world.

342. The representative of Iraq supported the report of the Sub-Committee on South West Africa.

343. The report pointed out that the question of South West Africa had been dealt with in many resolutions of the General Assembly and that if the present situation

continued the prestige of the United Nations would be harmed. His delegation wondered whether, in view of the long record of fruitless debate and unheeded resolutions, there had not already been some reflection on the prestige or authority of at least some organs of the United Nations.

344. In his delegation's view the contents of paragraph 32 (c), sub-paragraphs (i) and (ii), were not true recommendations but merely statements of facts which were known to everyone. The really important passages were sub-paragraphs (iii) to (vii), which asked for the revocation of South Africa's Mandate, the establishment of an organization to administer South West Africa, the exercise of the Mandate by the General Assembly and a request to the Secretary-General to prepare for the exercise of the Mandate.

345. His delegation considered that the wording of parts of paragraph 32 (c) should be amended in order to express a greater sense of urgency. In sub-paragraph (iii), the words "during the twenty-first session of the General Assembly" should be inserted after the words "The United Nations should decide". Similarly, in sub-paragraph (v) some such expression as "not later than the forthcoming General Assembly", would better express the sense of urgency than the words "as early as possible".

346. Subject to those considerations, his delegation supported the report and would vote in favour of it.

347. The representative of Yugoslavia said that the South African Government had violated the provisions of the Charter and the Mandate for South West Africa by attempting to partition and annex the Territory and by pursuing a ruthless policy of apartheid. Despite the strong and consistent opposition of the United Nations, South Africa had continued its efforts to put into practice the recommendations of the Odendaal Commission, in flagrant violation of the United Nations Charter, the Declaration on the Granting of Independence to Colonial Countries and Peoples and General Assembly resolution 2074 (XX). The indigenous population of South West Africa was being denied fundamental human rights, while its labour and natural resources were being ruthlessly exploited for the sole benefit of the South African régime and the White settlers.

348. Contrary to the United Nations resolutions on the Territory, military bases and installations had been established for the purpose of suppressing the national liberation movement and of prolonging the advantages which the racist régime of ...

South Africa derived from the existing status of the Territory. Despite the seventy-three resolutions adopted by the General Assembly, South Africa had ignored its obligations under the Mandate, had refused to acknowledge the supervisory authority of the United Nations and had persisted in its policy of apartheid. The overwhelming majority of the Members of the United Nations had made valiant efforts to find a peaceful solution to the problem. One such effort had been the complaint submitted by the Governments of Ethiopia and Liberia to the International Court of Justice against the Republic of South Africa. Unfortunately, after a long period of waiting, the international community, which had expected a righteous judgement from the Court, had been disappointed. By ruling out the possibility of solving the problem by judicial means, the Court had placed upon the General Assembly the responsibility of achieving a solution through political action.

349. The Yugoslav delegation fully supported the conclusions and recommendations set forth in the Sub-Committee's valuable report. It was convinced that the implementation of those recommendations would enable the people of South West Africa to achieve complete independence in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples. It would continue to support any action undertaken by the African and Asian countries and by Members of the United Nations for the purpose of enabling the people of South West Africa to exercise their legitimate rights.

350. The representative of Syria said that his delegation wholeheartedly supported the Sub-Committee's report. The question of South Africa was a clear case of annexation and oppression by a conqueror which, despite the many United Nations resolutions condemning its abominable practice of apartheid, was now trying to spread that practice further, in defiance of the principles of the United Nations and of world opinion. He hoped that the report would be adopted unanimously.

351. The representative of Australia said that the Australian Government continued to hold the views which it had expressed both privately to the South African Government and publicly on several occasions. Australia regarded South West Africa as a Non-Self-Governing Territory in respect of which there existed specific international obligations. Consequently, Australia believed that the principles applicable to such Territories, in particular the duty to promote genuine self-government and the acceptance of the doctrine of self-determination and of the principle of advancement towards equality of status among all the inhabitants of

the Territory, applied to South West Africa. Since, however, the legal and political issues involved had not so far been properly studied either by his delegation or by the Special Committee, his delegation wished to reserve its general position on the report and, in particular, was unable at present to support paragraph 32 (c) (iii) and (iv) or paragraph 33.

352. The representative of the Union of Soviet Socialist Republics said that the Soviet Union Government had issued a statement on the judgement by the International Court of Justice, denouncing it as a shameful judgement handed down in the interests of the South African racists and their imperialist protectors and affirming its full support for the people of South West Africa and for the African and Asian States which opposed the Court's illegal action.

353. The Soviet Union, which considered the policy of racial discrimination and apartheid practised by the South African racist régime shameful, was prepared to support any measures which the African States might consider necessary to ensure the speedy liberation of the South African people from the colonialist yoke and their exercise of the right to decide their own destiny.

354. The Soviet Union delegation had always spoken in favour of the full and unconditional implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and its application to South West Africa. His delegation had voted in favour of all the United Nations decisions on the subject.

355. It gave its full support to a number of the recommendations in the report of the Sub-Committee, in particular those calling for termination of South Africa's rights and responsibilities as Mandatory Power in respect of South West Africa, the holding of elections based on universal adult suffrage in the Territory, and the adoption of measures by the Security Council in accordance with the Charter in the event that South Africa refused to comply with the Organization's decision on South West Africa.

356. The Soviet Union delegation felt, however, that the direct administration of the Territory of South West Africa by the United Nations would not be the best solution and would be fraught with danger for the national liberation movement of the people of the Territory. While the Soviet Union delegation would support the recommendations as a whole, it wished to reserve its position on those recommendations relating to the assumption of direct administration of the

Territory by the United Nations, which in its view might create serious difficulties with regard to the granting of independence to the Territory. What was in effect being recommended was that South West Africa should be placed under trusteeship, even though the trusteeship would be administered by the United Nations as a whole rather than by an individual State or States. Past experience had shown that even when the United Nations adopted positive political decisions, the machinery of the Organization, which was still dominated by representatives of the Western Powers, often implemented those decisions in the interests of imperialist and colonialist forces rather than in the interests of the people concerned. A striking example was the United Nations operation in the Congo, which had not only failed to put an end to colonialist intervention in that country's internal affairs but had given rise to serious difficulties within the United Nations itself.

357. His delegation considered that the preparations for and conduct of elections in South West Africa should be under the supervision of the Organization of African Unity, which might ensure the transfer of power to the people of the Territory and thereby guarantee genuine independence. His delegation also considered that the recommendations should call for OAU participation in the implementation of the measures to be taken against South Africa by the Security Council in the event that that country refused to comply with the United Nations decisions on South West Africa.

358. The Soviet Union delegation hoped that the recommendations which the Special Committee would submit to the General Assembly would take due account of those observations.

359. The representative of Iran said that his delegation fully endorsed the Subcommittee's recommendations. It agreed that the question of South Africa was a political question and that political action should therefore be taken to settle it. Political means, political procedures and political pressures would be the most effective means of putting an end to South Africa's twenty-year defiance of the recommendations of the General Assembly and its contempt for the United Nations Charter.

360. The representative of the United Kingdom said that his delegation would reserve its comments until the question of South West Africa was discussed in the General Assembly. It fully reserved its position on the report and on its conclusions and recommendations.

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361. The representative of Afghanistan said that, after a careful study of the report, his delegation felt that the situation in the Territory of South West Africa was a serious challenge to the responsibility of the United Nations. After twenty years of discussion, there had been no progress in the problem of South West Africa and the South African Government had not taken a single step to put the General Assembly resolutions into effect. It was therefore essential that the United Nations should find a way of bringing South Africa's mandate to a speedy end and of helping the people of the Territory to obtain independence and freedom through the application of justice and the right of self-determination. The solution of the problem should be in accordance with fundamental human rights and the principles of the United Nations Charter. The Afghan delegation fully supported the conclusions and recommendations appearing in the report of the Sub-Committee.

362. The representative of Italy said that his delegation fully endorsed most of the conclusions arrived at by the Sub-Committee, and in particular those appearing in paragraphs 27 to 30 of the report. Moreover, paragraphs 11 to 15, which reproduced extracts from the most recent advisory opinions of the International Court of Justice and from its judgement of 21 December 1962, were of great value, from both a political and a legal point of view. Those advisory opinions, as also the 1962 judgement, had established the legal status of the question beyond any doubt. As the Court's judgement of 18 July 1966 had not in any way modified them, they were still perfectly valid.

363. The Italian delegation did not underestimate the gravity of the situation and it shared the concern of the members of the Sub-Committee, and indeed of all the members of the Special Committee. As, however, the problem of South West Africa would be fully debated at the forthcoming session of the General Assembly, the Italian delegation, while not opposing the adoption of the report, wished to reserve its position until then.

364. In a desire to help the General Assembly in its deliberations on the question, he suggested that the Office of Legal Affairs should be asked to make a summary of the judgement of 18 July 1966, together with the accompanying annexes and records, as far as they were relevant. There were undoubtedly a number of ideas and suggestions in the text of the judgement which could facilitate the deliberations of the General Assembly and which confirmed the fact that, far from invalidating the previous advisory opinions of the Court, the judgement strengthened them.

365. The representative of the United States of America said that if the report of the Sub-Committee was put to the vote, his delegation would abstain; if there was a move to adopt the report without a vote, his delegation would have to reserve its position.

366. The General Assembly would be called upon to take important decisions on further steps to be taken for the solution of that very difficult problem. Meanwhile the United States delegation would continue to study the legal and political aspects of the question and would for the moment reserve its position. The United States Government was publicly committed to stand by the opinions handed down by the International Court of Justice with regard to the status of the Territory and South Africa's obligations under the Mandate. The United States did not consider the practice of apartheid to be conducive to the social progress or material and moral well-being of the inhabitants of the Territory.

367. The representative of Chile said that the events of the past twenty years led his delegation to consider that the appropriate solution, from the political and moral point of view, would be to revoke the Mandate entrusted to South Africa by the League of Nations. The legal aspects of the question, however, were really complex and were still being studied by Chile's Ministry of Foreign Affairs. The Chilean delegation was consequently obliged to reserve its position and its opinion on the question for the time being, as also on the various consequences that the conclusions in the Sub-Committee's report would entail. It endorsed the report in general and during the debate in the General Assembly it would have an opportunity to make a positive contribution to the efforts made by the international community to solve that difficult problem.

368. The representative of Uruguay said that the report of the Sub-Committee clarified a number of essential points. His delegation was quite prepared to vote affirmatively on the substance of the question, as it had done consistently over the last twenty years.

369. Nevertheless, it shared the concern of other delegations, especially with regard to the recommendation in paragraph 32 (c) (iii) of the report that "the United Nations should decide to exercise the right of reversion of the Mandate to itself". On the basis of the moral and political aspects of the question, that would appear to be the only appropriate solution, but from the strictly legal point of view it raised certain fundamental problems which, unless great care was taken, might create an unfortunate precedent. The Uruguayan delegation also felt that the report should

not present the General Assembly with such a categorical conclusion. It therefore provisionally reserved the right to state its final position in the General Assembly, when it was in possession of all the relevant information.

370. Furthermore, as a member of the Security Council, he wished to make a reservation with regard to paragraph 33, which referred to Chapter VII of the Charter, a matter which was within the competence of the Security Council. His delegation would therefore abstain if that paragraph was put to the vote, for the simple reason that it did not want to prejudice the position which it would subsequently adopt on the subject.

371. Subject to those reservations, the Uruguayan delegation fully supported the other conclusions set forth in the report.

372. The representative of Sierra Leone said that his delegation would support the report of the Sub-Committee in its entirety, for it felt that the report represented a detailed study of the question.

373. The representative of Ethiopia said that, as Chairman of the Sub-Committee on South West Africa, he would like to provide clarification on certain points which, judging from his discussions with other representatives both inside and outside of the Special Committee, seemed to him to have given rise to some misunderstanding. He was referring to paragraph 32 of the report and the recommendations appearing in it. First and foremost, contrary to the impression given by some representatives, the Sub-Committee had not sought to reject or ignore the legal aspect of the problem or the very useful body of jurisprudence that had been built up on the question of South West Africa. It was obvious that any political decision would have to rest on legal grounds, which fortunately existed. The entire Afro-Asian group was absolutely confident that there were good legal grounds. When Ethiopia and Liberia had submitted the case of South West Africa to the International Court of Justice six years previously, on behalf of the African group, they had done so, not in order to establish legal grounds, but in order to have those legal grounds strengthened. The fact that they had not met with the success for which they had hoped did not in any way invalidate the legal arguments they had put forward in favour of the South West African case.

374. While they were convinced that the struggle had to be waged on political grounds the members of the African group respected legality. They would continue in the future, as they had done in the past, to adopt a line of conduct that best corresponded to the legal aspects of the question. Even the International Court of

Justice, which seemed recently to have evaded its responsibilities, had handed down judgements and given advisory opinions which formed the legal basis upon which any political action would be founded. It would therefore be an injustice to think that in drawing up its report the Sub-Committee had disregarded the legal situation.

375. There also appeared to be a misunderstanding on the question of the revocation of the Mandate. Some delegations, as also some observers, seemed to have understood that the revocation of the Mandate would mean the cancellation of the Mandate. There was, however, no question of cancelling the international agreement governing the status of South West Africa: that Territory was and would remain an international Territory until such time as it attained independence. The report did not recommend any action which would lead to South West Africa becoming a sort of "no man's land" into which anyone might be tempted to move. That was not at all what the Sub-Committee had intended when it had declared that the responsibilities of South Africa under the Mandate should be terminated. If the report of the Sub-Committee was not sufficiently clear on that point, the Special Committee was perfectly free to criticize it and to improve the text.

376. The fact was that, faced with South Africa's stubborn refusal to respect its obligations, and since, after six years of waiting for a legal solution, the question was still not settled, the Sub-Committee thought that the time had come to call for action on the part of the General Assembly.

377. For six years the United Nations had refrained from intervening on behalf of the people of South West Africa for fear of prejudicing the case which was pending before the International Court of Justice. The Court had now declared that it could not pass judgement, on the pretext that the plaintiffs had not established the existence of a legal right or interest. Faced with that ridiculous situation, the Sub-Committee had no further recourse but to appeal to the General Assembly. One of the parties to the contract, namely South Africa, had not fulfilled its commitments; the other party, namely the United Nations, must now take a decision on the contract's validity. According to the latest news, it did not appear that the recent change of leadership in South Africa held out the slightest hope of an improvement in the situation. He wondered whether the United Nations was going to wait until South Africa fulfilled its intention of annexing the Territory, a move for which the latest judgement of the Court gave it every encouragement. He could not imagine how the United Nations could justify its existence and its responsibilities unless it took effective and immediate action in the international field.

378. The representative of Uruguay said that, while he did not question the quality of the Sub-Committee's work, he regretted that the conclusions of its report were not backed by a solid juridical argument. His delegation recalled that at the eighteenth session of the General Assembly it had supported the proposal made by Venezuela to carry out a legal study of the question. It was fully aware of the sufferings of an oppressed population but felt it would be difficult to justify the revocation of the Mandate for South West Africa before the General Assembly if such legal arguments were lacking. It had no doubt that the position set forth by the Ethiopian representative was justified from a legal point of view but he hoped that that position would be better substantiated. Meanwhile, the Uruguayan delegation would continue to study the question so as to be able to prepare its position for the debates which would take place in the General Assembly.

379. The representative of Denmark said that since his Government had not yet completed its examination of the legal and political issues involved in the report, his delegation had to enter a provisional reservation regarding point (iii) of paragraph 32 (c) and paragraph 33; thus, its position remained as indicated in paragraph 35 of the report. Subject to that reservation, his delegation had no objection to the adoption of the report.

VI. FURTHER ACTION TAKEN BY THE SPECIAL COMMITTEE

380. At its 467th meeting, on 15 September 1966, the Special Committee adopted the report of the Sub-Committee on South West Africa^{10/} by consensus, it being understood that the reservations expressed by members would be reflected in the records.

^{10/} The conclusions and recommendations contained in this report appear in the appendix, paragraphs 27-34.

VII. EXAMINATION OF PETITIONS

381. The petitions concerning South West Africa which were received and circulated by the Special Committee are listed in paragraphs 73 and 328 above. These petitions relate, inter alia, to the establishment of military bases in the Territory, the situation of refugees from South West Africa, political organizations, the shooting, arrest and deportation of political leaders in the Territory, the ejection of Africans from urban areas, implementation of the recommendations of the Odendaal Commission, the situation in Ovamboland, labour conditions in the Territory, the judgement of 18 July 1966 of the International Court of Justice, and the future of South West Africa.

382. In operative paragraph 8 (a) of General Assembly resolution 1899 (XVIII), the Special Committee was requested to continue its efforts with a view to discharging the tasks assigned to it by resolution 1805 (XVII). In operative paragraph 3 of resolution 1805 (XVII), the General Assembly requested the Special Committee "to discharge, mutatis mutandis, the tasks assigned to the Special Committee for South West Africa by resolution 1702 (XVI), taking into consideration the special responsibilities of the United Nations with regard to the Territory of South West Africa...". One of the tasks accordingly assigned to the Special Committee is that of examining petitions relating to South West Africa.

383. During 1966, the Special Committee examined forty-four petitions concerning South West Africa, which it took into account during its consideration of the situation.

384. Bearing in mind the special responsibilities of the United Nations with regard to the Territory of South West Africa, the Special Committee, on the recommendation of the Sub-Committee on Petitions, decided, at its 468th meeting on 19 September 1966, to recommend to the General Assembly the adoption of the following draft resolution on petitions concerning South West Africa:

Draft resolution recommended to the General Assembly
by the Special Committee

Petitions concerning South West Africa

The General Assembly,

Bearing in mind the special responsibilities of the United Nations with regard to South West Africa,

Noting that the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples has received and examined forty-four petitions concerning South West Africa, in accordance with paragraph 3 of General Assembly resolution 1805 (XVII) of 14 December 1962 and paragraph 8 (a) of General Assembly resolution 1899 (XVIII) of 13 November 1963,

Noting further that these petitions relate, inter alia, to the establishment of military bases in the Territory, the situation of refugees from South West Africa, political organizations, the shooting, arrest and deportation of political leaders in the Territory, the ejection of Africans from urban areas, implementation of the recommendations of the Odendaal Commission, the situation in Ovamboland, labour conditions in the Territory, the judgement of the International Court of Justice of 18 July 1966, and the future of South West Africa.

1. Notes that the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples has taken these petitions into account in its consideration of the question of South West Africa;

2. Draws the attention of the petitioners concerned to the report of the Special Committee concerning South West Africa and to the resolutions adopted by the General Assembly at its twenty-first session on the question of South West Africa, as well as the reports of the Secretary-General relating to the Territory.

APPENDIX

REPORT OF THE SUB-COMMITTEE ON SOUTH WEST AFRICA*

Rapporteur: Mr. C.R. GHAREKHAN (India)

INTRODUCTION

1. By operative paragraph 10 of the resolution adopted at its 439th meeting on 9 June 1966 on the question of South West Africa (A/AC.109/177), the Special Committee decided to establish "a sub-committee to make a thorough study of the situation and, among other matters, to recommend an early date for the independence of the Territory".
2. At its 455th meeting, on 22 June 1966, the Special Committee decided, on the proposal of its Chairman, that the Sub-Committee on South West Africa should be composed of Denmark, Ethiopia, India, the Ivory Coast, Poland, Tunisia and Venezuela.
3. At its first meeting, on 21 July 1966, the Sub-Committee unanimously elected Lij Endelkachew Makonnen (Ethiopia) Chairman, and Mr. C.R. Gharekhan (India) Rapporteur.
4. In his opening statement at that meeting, Mr. John W.S. Malecela, Acting Chairman of the Special Committee, stressed the determination of the African States to rid South West Africa of colonialism and apartheid. The failure of their efforts to solve the problem of South West Africa in a peaceful manner through recourse to the International Court of Justice confirmed not only that the problem was a political rather than a judicial one, but also that the composition of many organs of the United Nations needed reappraisal in the light of changed conditions. The problem of South West Africa, notwithstanding its complexities which were due in large measure to the support given to South Africa by colonial Powers having

* Previously issued under the symbol A/AC.109/L.3.

vested interests in the area was in essence a simple one: it was a question of decolonizing the Territory. The Acting Chairman expressed the hope that the Sub-Committee would analyse all the factors involved and would recommend the most positive and concrete steps to be taken to liberate the Territory of South West Africa and secure for its African population its right to freedom and independence.

5. The Sub-Committee held three further meetings, on 12 and 19 August and on 8 September 1966.

6. In its study of the situation, the Sub-Committee was guided by the resolutions of the General Assembly and the Special Committee on the question of South West Africa. The Sub-Committee also took into consideration the advisory opinions of 11 July 1950, 7 June 1955 and 1 June 1956 as well as the judgements of 21 December 1962 and 18 July 1966 of the International Court of Justice. Further, the Sub-Committee took account of communications from the following Member States concerning the Court's judgement of 18 July 1966: Bulgaria (A/6372 and Corr.1), India (A/6250), Ivory Coast (A/6371), Kenya (A/6387), Mongolia (A/6407), Nigeria (A/6346), Pakistan (A/6388) and Poland (A/6402).

7. The Sub-Committee noted that, by a letter dated 3 August 1966 addressed to the Secretary-General (A/6386), the representatives of thirty-five Member States requested that the question of South West Africa be considered as a matter of priority by the General Assembly at its twenty-first session.

CONSIDERATION BY THE SUB-COMMITTEE

8. Members of the Sub-Committee expressed the opinion that the Court's judgement of 18 July 1966, by ruling out the possibility of solving the problem of South West Africa by judicial means, had placed upon the General Assembly a serious responsibility to achieve a solution through political action.

9. Members of the Sub-Committee found it regrettable that the International Court of Justice had limited itself to deciding to reject the applications of Ethiopia and Liberia on the ground that they could not be considered to have established any legal right or interest in the subject matter of their claims; as a consequence, the Court had not pronounced on any of the substantive issues before it.

10. At the same time, it was unanimously recognized that, as regards the existence of the Mandate and the obligations of South Africa thereunder, the earlier advisory opinions and the 1962 judgement of the Court remained valid.

11. Concerning the status of the Territory, the Court, in its advisory opinion of 11 July 1950, unanimously expressed the opinion:

"that South West Africa is a territory under the international Mandate assumed by the Union of South Africa on 17 December 1920" (I.C.J. Reports, 1950, p. 143); and

"that the Union of South Africa acting alone has not the competence to modify the international status of the Territory of South West Africa" (I.C.J. Reports, 1950, p. 144).

12. Concerning the obligations of South Africa under the Mandate, the Court in 1950 expressed its opinion, as follows:

"that the Union of South Africa continues to have the international obligations stated in Article 22 of the Covenant of the League of Nations and in the Mandate for South West Africa as well as the obligation to transmit petitions from the inhabitants of that Territory, the supervisory functions to be exercised by the United Nations, to which the annual reports and the petitions are to be submitted, and the reference to the Permanent Court of International Justice to be replaced by a reference to the International Court of Justice, in accordance with Article 7 of the Mandate and Article 37 of the Statute of the Court" (I.C.J. Reports, 1950, pp. 143-144).

13. Members also noted that the advisory opinion of 11 July 1950 had been reaffirmed by the Court in its advisory opinions of 7 June 1955 and 1 June 1956 and by its judgement of 21 December 1962.

14. In its advisory opinion of 1 June 1956, the Court itself interpreted the general purport and meaning of its 1950 opinion as follows:

"The general purport and meaning of the Opinion of the Court of 11 July 1950 is that the paramount purpose underlying the taking over by the General Assembly of the United Nations of the supervisory functions in respect of the Mandate for South West Africa formerly exercised by the Council of the League of Nations was to safeguard the sacred trust of civilization through the maintenance of effective international supervision of the administration of the Mandated Territory." (I.C.J. Reports, 1956, p. 28)

15. Again, in its judgement of 21 December 1962, the International Court, after citing a passage from its 1950 opinion relating to South Africa's obligation to accept international supervision over its administration of the Territory, stated:

"The findings of the Court on the obligation of the Union Government to submit to international supervision are thus crystal clear. Indeed, to exclude the obligations connected with the Mandate would be to exclude the very essence of the Mandate." (I.C.J. Reports, 1962, p. 334)

16. In the view of members, it had been established beyond any doubt that South Africa had failed to discharge, and even to recognize, its obligations under the Mandate to accept the supervisory authority of the United Nations and to promote to the utmost the material and moral well-being and the social progress of the inhabitants of South West Africa. Ignoring the repeated condemnation of the apartheid system by the General Assembly, South Africa had continued to apply and to extend that system in South West Africa, in violation of its obligations under the Mandate and the Charter.

17. Members also observed that far from co-operating with the United Nations in the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, South Africa, in contravention of various General Assembly resolutions, had consistently attempted to annex South West Africa. As early as 1946, during the first session of the General Assembly, South Africa had declared its intention, which was, however, rejected, of annexing the Territory. Further, it had proposed in 1957 to partition the Territory so that a portion would be placed under Trusteeship and the other richer part, containing the Territory's diamond deposits and other major resources, annexed to the Union. This proposal also was rejected by the General Assembly.

18. Despite the strong and long standing opposition to annexation from the world community, South Africa is currently preparing to partition the Territory into separate racial and ethnic areas on the basis of the recommendations of the Odendaal Commission, the full implementation of which would destroy the territorial integrity of South West Africa, alter the status of the Territory and in effect result in its annexation by South Africa. This development would be a most flagrant violation of General Assembly resolution 2074 (XX) of 17 December 1965.

19. A total of seventy-three resolutions adopted by the General Assembly over a period of twenty years had not resulted in compliance by South Africa with its obligations in its administration of South West Africa. On the contrary, South Africa had continued its persistent defiance of the resolutions and maintained its refusal to co-operate with the United Nations in its efforts to enable the people of the Territory to exercise their right to self-determination.

20. In these circumstances, several members of the Sub-Committee considered it essential that immediate and effective action be taken by the General Assembly to find a solution to the question. They emphasized that if the situation were

allowed to continue, it would reflect on the prestige and authority of the United Nations. It was also felt that any delay would result in a consolidation of South Africa's position in South West Africa.

21. Since the United Nations bore a heavy and special responsibility in relation to South West Africa, it was the duty of the Organization to bring the South African regime in South West Africa to a speedy end and to enable the people of the Territory without delay to enjoy their inalienable rights to freedom and independence in accordance with General Assembly resolution 1514 (XV).

22. Members recalled that General Assembly resolution 1702 (XVI) of 19 December 1961 outlined certain objectives to be achieved for the speedy implementation of resolution 1514 (XV) of 14 December 1960. By General Assembly resolution 1805 (XVII) of 14 December 1962, the task of ensuring the attainment of these objectives was assigned to the Special Committee. In the opinion of members of the Sub-Committee, there was little expectation that these objectives could be achieved while the Government of South Africa exercised uncontrolled authority over the Territory.

23. Some members accordingly proposed the immediate termination of South Africa's Mandate by the General Assembly. In this connexion, it was suggested that the United Nations itself take over the administration of the Territory until the people of South West Africa were in a position to assume control. Another suggestion was that termination of the Mandate be accompanied by the provision of all possible assistance to the people of South West Africa and the imposition of an embargo on all trade with South Africa.

24. Some members also proposed that the Assembly should ensure that South West Africa was not annexed by South Africa and that it should declare null and void any act by South Africa which was inconsistent with United Nations resolutions.

25. A further suggestion was that measures be taken to ensure the removal of all military bases from the Territory and to end the militarization of the area; to stop the provision of military equipment and training to South Africa; and to revoke licences granted to South Africa for the manufacture of arms and military vehicles. It was pointed out in this regard that it was regrettable that some Western Powers had not taken action to implement the recommendations of the General Assembly calling upon States to refrain from supplying arms or military equipment to South Africa and to refrain from any action which might hamper the implementation of United Nations resolutions on South West Africa.

26. It was suggested that in addition steps should be taken to ensure the strict observance of the embargo on the supply of petroleum and petroleum products to South Africa and to impose an embargo on exports of other specific products to South Africa, notably rubber, certain metals and chemicals, lumber, cotton and other fibres, industrial equipment, and motors and spare parts.

CONCLUSIONS AND RECOMMENDATIONS

27. The Sub-Committee, expressing grave concern at the situation prevailing with regard to the Territory following the judgement of the International Court of Justice delivered on 18 July 1966, is convinced that urgent and effective steps must be taken so as to prevent a serious threat to or breach of peace in the area.

28. The Sub-Committee gave careful study to the above-mentioned judgement on the question of South West Africa and particularly to the operative part dismissing the case of the applicants, Ethiopia and Liberia, on the technical ground that they had failed to establish any legal right or interest in the matter. The Sub-Committee deeply regrets that the Court decided to dismiss the case without adjudicating upon the substance of the matter; fears were expressed that the judgement of the Court may have harmful consequences for the respect for and establishment of orderly international conduct in future.

29. At the same time, the Sub-Committee is of the opinion that this judgement does not invalidate the earlier substantive advisory opinions of the Court, which have left no room for any doubt regarding the obligations of South Africa and the supervisory powers of the United Nations.

30. The Sub-Committee is of the unanimous opinion that the problem of South West Africa is a political and colonial issue, the solution of which must be sought in terms of fundamental human rights and the principles of the Charter, particularly those contained in Article 73, and General Assembly resolution 1514 (XV) of 14 December 1960. The fact that the provisions of this resolution are fully applicable to South West Africa, a Non-Self-Governing Territory, has already been recognized in numerous resolutions of the General Assembly. The Republic of South Africa has consistently refused to respect and implement the resolutions of the General Assembly. It has, on the contrary, extended its inhuman policies of racial discrimination to the Territory of South West Africa in clear violation of its obligations under the sacred trust which was entrusted to it in 1920.

31. The Sub-Committee firmly believes that immediate and effective steps should be taken by the United Nations in accordance with its basic responsibilities, with a view to protecting the fundamental rights of the people of South West Africa. The aim of such steps should be to enable the people of the Territory to exercise their right of self-determination in a free and unrestricted atmosphere.

32. In view of the foregoing, the Sub-Committee recommends the following course of action:

(a) That the provisions of the Declaration contained in General Assembly resolution 1514 (XV) of 14 December 1960 are fully applicable to South West Africa, a Non-Self-Governing Territory, as has been recognized by several General Assembly resolutions, should be reaffirmed.

(b) The inalienable right of the people of South West Africa to freedom and independence in accordance with resolution 1514 (XV) of 14 December 1960, which has been affirmed by General Assembly resolution 2074 (XX) of 17 December 1965 and other earlier resolutions should be reaffirmed in unequivocal terms.

(c) The people of the Territory should be given the opportunity to exercise their right to self-determination as early as possible, since only thus can their legitimate rights and interests be protected. For this purpose, the following steps are recommended:

- (i) The United Nations should recall that it has made all possible efforts to solve the problem by negotiations with South Africa;
- (ii) The United Nations should once again record the fact that South Africa has consistently refused to comply with the resolutions of the General Assembly in respect of South West Africa;
- (iii) The United Nations should decide to exercise the right of reversion of the Mandate to itself;
- (iv) The rights and responsibilities of South Africa as a Mandatory Power in respect of South West Africa should be terminated, along with the assumption of responsibility by the United Nations for the direct administration of the Territory as well as the creation of appropriate machinery for the purpose;
- (v) In order to enable the United Nations to make adequate arrangements for the administration of the Territory, the Secretary-General should be requested to undertake a thorough study of the

administrative, financial, personnel and other prerequisites for such direct administration; the Secretary-General should be requested to submit his findings as early as possible;

(vi) Following the assumption of direct responsibility by the United Nations, arrangements should be made to hold elections on the principle of universal adult suffrage so that the people can decide on the form of government they desire through their own freely expressed wishes;

(vii) The Territory should become fully independent following the elections and the formation of a government as provided for in sub-paragraph (vi) above.

33. In the event of South Africa resisting the implementation of the above steps, the Sub-Committee is of the opinion that effective measures, including those provided under Chapter VII of the Charter, should be taken against South Africa.

34. The Sub-Committee is convinced that the implementation of the above recommendations will expedite the achievement by South West Africa of independence and of its rightful place in the community of nations. The Sub-Committee expresses the fervent hope that all the Members of the United Nations, conscious of their responsibilities under the Charter, will extend their whole-hearted co-operation in supporting and carrying out the above recommendations.

ADOPTION OF REPORT

35. This report was unanimously adopted by the Sub-Committee at its fourth meeting on 8 September 1966. The representative of Denmark stated that since the examination of the legal and political issues involved had not yet been completed by his Government, the Danish delegation had to enter a provisional reservation regarding point (iii) of paragraph 32 (c) and paragraph 33.
