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President: Mr. Corneliu MANESCU (Romania).

Statement by the representative of Uruguay

1. The PRESIDENT (translated from French): Before continuing with consideration of the question of South West Africa, I should like to call on the representative of Uruguay, who wishes to make a special statement on behalf of his Government.

2. Mr. BERRO (Uruguay) (translated from Spanish): First of all, Mr. President, I should like to tell you how pleased we are to have you in this high post, leading the debates of this world forum with your well-proved talent, wisdom and good judgement.

3. I should explain first that, because of the various interruptions of this Assembly's work, I have had to put off from day to day a statement that I should have made last week. I have now come to this rostrum to fulfil that duty. It would not have been fitting to do so last night in view of the pressure at which the co-sponsors of the draft resolution on Namibia [A/L.546/Rev.1] were working in order to complete the official introduction of the revised draft that will be put to the vote today.

4. The image of a new civic hero has been projected before mankind with all the spiritual value and strength of action of which man's mind is capable when moved by higher ideals.

5. Those who believe that Robert F. Kennedy has died are mistaken. Ideas can be defeated by reason or lose their strength through natural aging, but they can never be struck down by bullets. Political crime, an abominable form of public activity that civilization had overcome, has unfortunately again made a beast of man, impelled by a kind of violence which, if it were to spread, would show a retreat into savagery.

6. Robert Kennedy, a martyr like his brother John Kennedy, a martyr like Lincoln, a martyr like Martin Luther King, died while he was wholeheartedly struggling for mankind, which he wished to see living in dignity and purity.

7. This abject crime affected only the body of the man who fell in California. Kennedy's spirit will live on, with his ideals, his ethical concept of life, his faith in democracy. Kennedy will live on, made sub-

lime in the image of a hero and martyr, in the image of a soldier fallen on the battlefield, in the image of a leader who guided masses along paths of ideologies, of moral principles and of political systems. The respect, admiration and worship aroused both within his country and abroad by his unselfish and altruistic behaviour will never be weakened in the hearts even of his own adversaries by their mere disagreement with his views.

8. In this case the assassin's bullet has not only removed a man; it has wounded the very heart of democracy by depriving a sector of the nation of the power to elect the leader it had already chosen.

9. "Praise no man much until thou see his death", counselled Sophocles. The truth is that this sinister destiny of John and Robert Kennedy appears to be a strange expiation of their own human dimensions.

10. Both were martyrs who, denying the apothegm of the Greek tragedian, would not have needed to die to become great; although the grandeur of their passing to the Infinite has truly invested them with a mysticism transcending humanity that will make their names live in history forever.

11. On behalf of Uruguay we bow in grief and sorrow to the memory of Robert F. Kennedy. He will shine for ever in the hearts of future generations.

12. Lastly, we offer our sincere condolence and sympathy to the Government and people of the United States in their grief at this great misfortune.

AGENDA ITEM 64

Question of South West Africa (concluded)

13. The PRESIDENT (translated from French): I shall now call on representatives who wish to explain their vote before voting.

14. Mr. MIDDELBURG (Netherlands): After six weeks of deliberations on the question of South West Africa, the General Assembly is about to vote on a draft resolution [A/L.546/Rev.1 and Corr.1] sponsored by more than fifty delegations. This text can be considered as a sequel to resolutions 2248 (S-V) and 2325 (XXII), neither of which the delegation of the Netherlands was able to support. At the time my delegation explained the fundamental reasons for its serious reservations. Unfortunately, the events of the last six months have proved the validity of those grave doubts.

15. On several occasions, my delegation felt itself obliged to warn against the adoption of resolutions which could not be carried out in practice. That was particularly the case during the fifth special session, just over a year ago, when the Assembly voted on

resolution 2248 (S-V). The conviction held by my delegation at that time with regard to the impossibility of implementing that resolution, without the active participation and support of those that have the power to do so, has been strengthened in view of the failure to implement any of the substantive decisions contained in that resolution and in the succeeding one.

16. The draft resolution now before us incorporates elements which are designed to strengthen and supplement its predecessors—the other resolutions which failed to produce the result we are seeking to obtain. The present resolution, once again, calls for action which any realistic appraisal will show to be impracticable. Once more expectations are raised which cannot be fulfilled. It is the unfulfilled expectations and unaccomplished promises that cause most harm to the prestige of the United Nations.

17. My delegation has stated in the past that it considers termination of the Mandate exercised by South Africa fully justified and it supports the right to self-determination of the people of South West Africa. I wish to make that clear once more, while voicing our misgivings about the methods envisaged and the provisions invoked for the achievement of the exercise of that right. In the view of my delegation, it is vain to hope that the United Nations Council for South West Africa will be able to perform any useful task in terminating a situation which we consider deplorable. It must be recognized that in spite of the persistent efforts of its members the Council has been unable to produce any change in the attitude of the Government of South Africa. On the contrary, failure of its efforts to gain admittance to the Territory has undoubtedly decreased the possibility, already slim but nevertheless existing, of creating a direct form of contact with that Government. My delegation does not discard the hope that it may be possible for the Secretary-General to entrust a personal representative with the task of maintaining direct contact with the South African Government. This form of contact might eventually lead to entry into South West Africa, a goal which my delegation has always considered to be the primary object of resolution 2145 (XXI).

18. For that reason, my delegation cannot accept any form of condemnation of continued relations, whether political or economic. This is implied in the terminology used in paragraph 8 of the draft resolution, notwithstanding the continued efforts to find a more acceptable phraseology. My Government firmly believes that continued conversations with the Government and the people of South Africa will eventually prove to be the only means of achieving our aims. The important function of continued relations, in exercising and using influence with the Government of South Africa in order to obtain its compliance with the provisions of United Nations resolutions, is recognized in two other resolutions, 2324 (XXII) and 2325 (XXII), both adopted in December of last year. Moreover, two resolutions of the Security Council, 245 (1968) and 246 (1968), adopted in January and March of this year, appeal to Member States to obtain South Africa's compliance.

19. Furthermore, my delegation can in no way agree with the implication that by maintaining economic relations with South Africa, countries encourage that

Government to defy the authority of the United Nations, an allegation which it considers contestable. On these grounds, my delegation cannot accept paragraph 8 of the draft resolution, in which those States are condemned which entertain relations with South Africa, relations which may usefully serve to influence the Government of South Africa.

20. Two other paragraphs of the draft resolution present major obstacles to my delegation. Although both of them have been slightly modified in the course of the last few days, even the most recent version of paragraphs 11 and 13 cannot allay the fears to which I alluded at the beginning of my statement. Even though specific mention of Chapter VII of the Charter has now been eliminated, the language used is similar to that of Article 39 and the articles following it.

21. The present draft resolution specifically states that the continued occupation by South Africa of the Territory of South West Africa constitutes an act of aggression and a grave threat to international peace and security. This terminology, derived from Chapter VII, implies the existence of a situation calling for action by the Security Council, and prejudices a definite opinion which only the Security Council is entitled to express. In the view of my delegation a statement to this effect by the General Assembly is constitutionally impermissible, factually incorrect and politically inappropriate. By forcing the matter into channels which unavoidably lead to aggravation rather than to remedy, the Assembly moves away from a solution through peaceful means.

22. While unable to give its support to the draft resolution for the reasons I have stated, the Netherlands delegation does not relinquish the hope that a reasonable and practicable way may yet be found to secure the rights of the people of South West Africa.

23. Mr. CREMIN (Ireland): I wish to explain the vote which the Irish delegation will cast on draft resolution A/L.546/Rev.1 and Corr.1.

24. Our position on the question of South West Africa has been fully set forth in earlier debates on the subject. The Deputy Prime Minister and Minister for External Affairs of Ireland, Mr. Aiken, stated it on five different occasions: at the twenty-first session, at the fifth special session, and during the first part of the present session. He urged that any steps the Assembly should decide to recommend would have to pass the two-fold test of practicability and effectiveness, and in his speech here on 11 December last [1624th meeting] he outlined what we would regard as practical and effective measures to bring South West Africa to independence.

25. These were, briefly, that the Assembly should first recognize that the United Nations Council for South West Africa was incapable of carrying out its mandate, and that it would serve no useful purpose to let either the Council or the United Nations Commissioner for South West Africa continue to exist, that the Assembly should also declare that in its opinion the continued occupation of the Territory by the South African Government constitutes an act of international aggression and that the primary responsibility for ending it rests with the Security Council under the Charter; and that the Assembly should

further decide, to request the Security Council to ensure that the Government of South Africa co-operate with the United Nations in bringing the Territory to independence in a peaceful and orderly fashion.

26. Among the measures which the Security Council might take, we then suggested, was the appointment of a special representative for South West Africa on the nomination of the Secretary-General, the special representative to enter into talks with both the South African Government and the people of the Territory with a view to working out an agreed programme for the peaceful and orderly transfer of administration to a freely elected Government. Finally, and in order to give the greatest possible support and encouragement to the Security Council, the Assembly might, we felt, decide to call upon all Member States to join in pledging whole-hearted co-operation and assistance to the Security Council in bringing the people of the Territory to independence.

27. It will be clear from the foregoing that the draft resolution does not quite correspond to the kind of text which my delegation would like to see the Assembly adopt.

28. We doubt the wisdom of letting the United Nations Council for South West Africa and the United Nations Commissioner for South West Africa continue to exist. A full year has now elapsed since resolution 2248 (S-V) was adopted, and paragraph 63 of the report submitted by the Council [A/7088 and Corr.1] on 4 May 1968 repeats the conclusion, already formulated in its report [A/6897] of 10 November 1967, that it is unable fully to discharge its functions and responsibilities unless appropriate action is taken. We would have welcomed an acknowledgement by the Assembly that this is the case, and a decision to resort to some alternative system which would be practicable and effective, such as a request by the Assembly to the Security Council to appoint, on the nomination of the Secretary-General, a special representative who might act in the manner we suggested last December. However, having regard to the nature of the specific functions which the draft resolution in paragraph 4 calls upon the Council to perform, we are prepared to accept that paragraph.

29. We have reservations about paragraph 8 and the second part of paragraph 9. Among other things, we are convinced that action of the kind therein envisaged comes within the scope of Article 41 of the Charter and is, therefore, a matter for the Security Council. These reservations will not, however, prevent us from voting for the draft resolution as a whole.

30. We approve paragraph 11 stating that the Assembly considers that continued foreign occupation by South Africa of South West Africa constitutes a grave threat to international peace and security.

31. We likewise welcome the recommendation, in paragraph 13, to the Security Council to take effective measures to bring the Territory to independence, having regard to our stated views as to where responsibility resides under the Charter for giving effect to the considered judgement of the international community, expressed in the Assembly. We also welcome the sixth preambular paragraph, which deplores the illegal arrest, deportation, trial and conviction of

South West Africans by the Government of South Africa. The Irish delegation was a co-sponsor of resolution 2324 (XXII), which dealt with this subject, and we were happy that the Security Council by its resolutions 245 (1968) and 246 (1968) censured the South African Government for its attitude in this regard.

32. Mr. THALBERG (Austria): The Austrian delegation approaches the issue now on our agenda with the utmost seriousness. We have carefully studied the statements made and the arguments put forward by the representatives who have spoken before us.

33. Time and again, the Austrian Government has reiterated its rejection of all forms of racial discrimination and firmly declared its support for the full implementation of the principles embodied in the Universal Declaration of Human Rights.

34. Only recently, Austria expressed its deep concern over the deadlock facing our Organization as a result of non-compliance with relevant resolutions of the United Nations.

35. Last October, speaking at the twenty-second session of the General Assembly, the Foreign Minister of Austria expressed this concern in the following terms:

"The complex and difficult problems characterizing the situation in the southern part of Africa have found no solution over the past year. It seems, on the contrary, that the positions of all parties involved have become more inflexible than ever, and our hopes for a relaxation of the tension existing in the area in the foreseeable future are, therefore, only slight. Understandably, there is disappointment and bitterness among the Members of this Organization that so many resolutions of the General Assembly dealing with the urgent problems of apartheid, South West Africa and Southern Rhodesia are left unheeded. We deplore this situation, which is of deep concern not only to the countries of Africa but to all nations of the world." [1578th meeting, para. 58.]

36. As Members will have noticed, the Austrian delegation has on several occasions made clear its position on the question of South West Africa. Our attitude on the matter has not changed. The decisive elements for an assessment of the situation are still the same.

(1) The principle of self-determination as embodied in the Charter of the United Nations and the principle of the right of colonial countries to decide freely on their future and to accede to full independence remain the guiding principles for a settlement of the matter. As my Government has repeatedly stated, the people of Namibia have the inalienable right to freedom, to self-determination and to full independence.

(2) The General Assembly, by its historic resolution 2145 (XXI) of 27 October 1966, which was adopted virtually unanimously, terminated the Mandate which, in our opinion, had continued to be in force up to that time, and declared that South Africa had no right to administer the Territory and that the Assembly had assumed direct responsibility for South West Africa. Those momentous and irrevocable decisions have committed our Organization to a course of action which must be followed to its logical end in the interest of the United Nations itself.

(3) The termination of the Mandate is legally binding. It cannot be argued that South West Africa ever belonged to South Africa. The provision of Article 2, paragraph 7 of the Charter cannot be considered a valid argument in the case of South West Africa, since that Territory has never been within the domestic jurisdiction of South Africa.

37. It is a matter of deep regret and concern to us that South Africa continues to defy United Nations decisions with regard to South West Africa. Indeed the South African Government has even hardened its negative attitude by declaring that the relevant resolutions of the United Nations were illegal. Moreover, the Government of South Africa is now implementing its policy of establishing so-called separate homelands in Namibia, an action which endangers the unity and territorial integrity of that Territory and which would, in fact, amount to its illegal annexation.

38. The problem which we are facing now is how we can reach the goal we have set up in resolution 2145 (XXI). The Austrian delegation is fully aware of the difficulties that stand in our way. When we draw our conclusions at the end of this debate and consider what decisions could usefully be made, we should not lose sight of the realities as they exist in our Organization. Our experience with the work of the United Nations Council for South West Africa has shown us clearly that we need a practical, pragmatic approach to this highly important problem and that we must be careful not to force the issue lest we should impair the outcome of our work.

39. Consequently, the Austrian delegation feels that the General Assembly, while reaffirming its commitment to assist the people of Namibia to exercise its right of self-determination and to achieve independence, should take only decisions which have a realistic chance of being carried out. As Foreign Minister Waldheim said:

"What we have to avoid under all circumstances is a split in our approach to this problem. What we need under all circumstances is unity. If we are unable to achieve this unity, we run the risk of doing harm not only to the people of South West Africa but also to our Organization.

"We sincerely hope that this unity can be reached in the course of our further efforts, and I wish to assure this Assembly that my delegation is ready to co-operate fully to this end." [1518th meeting, para. 65 and 66.]

40. The Austrian Government stands ready to do anything suitable to put life into our resolutions. It is in the light of the considerations I have outlined that the Austrian delegation will cast its vote on the draft resolution before us. Whilst we shall have to abstain, we appeal urgently once more to the Government of South Africa to respect the authority of the United Nations and thereby set an example that will go a long way towards decreasing tension in that important part of the world.

41. Mr. BERRO (Uruguay) (translated from Spanish): Uruguay has clearly and unequivocally stated its legal, philosophical and political position with regard to the various aspects of the problem of the colo-

nialist subjugation of Namibia by the Government of Pretoria.

42. I will quote the following passages from our extensive address of 19 October 1966:

"Our country, like all the Latin American countries which fought for their independence a century and a half ago, is familiar with the thesis of the reversion of power. In October 1963, my eminent predecessor, Ambassador Velasquez, stated:

"We members of the Latin American countries are well acquainted, if I may say so, with this principle of reversion of powers—which, of course, we distinguish from the mere transfer of powers—for it was without exception in the name of that very principle that the revolution of the American colonies was carried through between 1808 and 1810.

"However, in invoking the theory of the reversion of powers on the grounds of the dissolution of the Spanish monarchy through the imprisonment of Ferdinand VII and the subsequent occupation of the Peninsula by Napoleon's army, it was the understanding of our peoples—and I believe correctly so, (since it was likewise in line with Spain's own tradition)—that the powers should revert not to the Viceroys, the Governors or the Captains-General, who represented a Power in the process of dissolution, but directly to the people, who were the legitimate heirs thereof, so that the people, and they alone, might appoint their own authorities'."

"That is the thesis of Uruguay, and I restate it here, from this rostrum, to proclaim the sovereign right of the people of South West Africa to govern their own destiny. If the Mandate is extinguished or revoked, the sovereignty reverts to the Power that granted the Mandate, which in this case is represented by the organ of the international community, until such time as the people of Namibia can directly take up the reins of government.

"As was pointed out by the representative of Pakistan, Mr. Pirzada:

"It does not take any rights away from South Africa, because South Africa never had any rights over South West Africa. An international régime was established in South West Africa, and the agency responsible for the administration of that régime has proved itself incapable of bearing this responsibility'."

"And in another passage he stressed the following:

"The situation of South West Africa is nothing but a colonial situation with the thinnest possible disguise lent to it by the historical act of the confirmation of the Mandate by the League of Nations. The League was not the author of the idea of Mandates. The idea had been acted upon even before the establishment of the League, specifically by the Supreme Council of the Peace Conference on 6 May 1919'." [1448th meeting, paras. 144-146.]

43. Resolution 2145 (XXI) of 27 October, 1966 was based on this thesis, the legal substratum of which lies in recognition of the fact that the mandate exercised by the Government of the Union of South Africa is terminated, that South Africa has no other right

to administer the Territory, and that henceforth South West Africa comes under the direct responsibility of the United Nations as a territory with international status until it achieves independence.

44. Without going into academic discussions, this was the only possible solution, regardless of any juridical arguments that the wit or wisdom of legal technicians may bring into play. The international community accepted it by the unusual majority of 114 votes in favour, 2 against and 3 abstentions—nearly a unanimous vote of the Assembly.

45. Months later, during the debate on Namibia at the twenty-second session, we made a thorough analysis of this unusual situation, and we particularly rebutted the South African sophism regarding the sterility of any resolutions this Assembly may adopt. In this regard we quote the following passages from our speech of 5 May 1967:

"The General Assembly must not shirk its responsibilities at this decisive moment in the life of the United Nations. This Assembly must and should be remembered for its clear and unequivocal implementation of resolution 2145 (XXI), which was unanimously adopted by the body that represents the world's will. This Assembly must not be associated with delay, excuses, negligence, inaction or abdication of responsibility in the face of the categorical and unmistakable duties conferred upon it only six months ago by the community of nations, marking the end of forty-two years of infamy, half under the Genevan system and half since San Francisco.

"This place is the parliament of the world. Its worth lies not in our speeches but in the effectiveness of our decisions. Parallel to the Assembly and perhaps invested with greater responsibility is the action of the Security Council. That is the body which is essentially bound to implement the resolutions of the world legislature. The obligatory nature of our resolutions, should spontaneous compliance with the legal order fail (I repeat, should spontaneous compliance with the legal order fail), will in the final analysis depend on the attitude of the five permanent members of the Security Council ...

"No one can dispute the essential legality of the acts done by the General Assembly in matters assigned to it by the Charter. Whether they are called recommendations, resolutions or by another name, the substance does not change. If the legal act is valid, then its effectiveness must be recognized in every regard. It would be meaningless and logically inconceivable within the institutional framework of the United Nations for the legal acts adopted by its highest body to be considered as mere literary statements made in a club over coffee, lacking any value or authority and not even binding upon the community's own members. If compliance with the resolutions of the General Assembly could be left to the arbitrary will or whim of the Members of the Organization, we should have to conclude that the United Nations does not exist as an organized juridical entity.

"In view of the behaviour of the Government of South Africa, the only appropriate course of action

is that pointed out by resolution 2145 (XXI): to resort to all lawful means, progressively but without delay, in order to achieve the independence of the martyred people of Namibia, the only one of the seven African territories under the Mandate of the League of Nations when the United Nations was established that remains under the colonial yoke. All the others have long since become sovereign and free States." [1515th meeting, paras. 111, 112, 109 and 110.]

46. Resolution 2248 (S-V) was then adopted, on 19 May 1967, and was followed by resolutions 2324 (XXII) and 2325 (XXII), adopted on 16 December 1967 during the twenty-second session of the General Assembly. None of these resolutions has been put into effect. The Namibian patriots are in prison or exile. Apartheid and racism follow their course. Meanwhile we now have before us a draft resolution which reveals only a meagre common denominator of agreement and evades certain essential points that should not at this juncture be omitted from a text worthy of the legal conscience of the world's highest forum.

47. In order to be faithful to those resolutions, especially to resolution 2145 (XXI), which is the guideline and yardstick for the others, our delegation feels that a proclamation of the independence of Namibia, as a natural and logical corollary of the direct responsibility of the United Nations towards that international Territory, should have been included in some form in the document to be voted on by this Assembly, thus reaffirming the will of the 114 countries which two years ago assigned to us the task of freeing the unfortunate people that still live under the yoke of Pretoria.

48. The absence of the fundamental concept of independence is a negation of our own selves. In the process of achieving freedom for Namibia we have, in our opinion, taken both a legal and a political step backward. Our delegation would have preferred to vote for the draft deliberated by the Latin-American group, the one prepared by the Mexican representative, Mr. Cuevas Cancino, whose talents, qualities, legal vocation and devotion to great causes are outstanding. Paragraph 1 of the operative part of his draft follows the same desirable lines as the resolutions that have not yet been implemented, and also gives an emphatic and much-needed reply to the de facto and completely illegal annexation perpetrated by the Pretoria Government per se on the former territory which had been delivered to the United Kingdom Government as a "sacred mission" under the Versailles Treaty and continued since World War II as a "sacred trust" under the guardianship of the authorities of Pretoria.

49. As is well known, draft resolution A/L.546/Rev.1 endorses a compromise solution that is not entirely satisfactory to the negotiating groups. It adopts points of agreement while eliminating discrepancies on both sides. We shall vote for it as a tribute to the efforts made by the Afro-Asian and Latin-American groups; for we realize that lack of a resolution, even though it did not reflect our views, would be the gravest injury we could inflict on the cause of Namibian freedom and on the authority and

prestige of the United Nations. We shall therefore vote for this draft in the discharge of our international duty, because silence by this Assembly would be an omission of far more harmful consequence than the adoption of a resolution the doctrine of which can be improved and which is relatively effective in practice.

50. Our dilemma today is one we have faced before and shall continue to face in the future, in our constant struggle between unattainable perfection and overwhelming reality. Perhaps Maragall was right in saying:

"The way of necessity is the best way to the freedom of all ideals."

51. In view of the international need with which we are faced, our vote may serve as a way to all the ideals we wish for the people of Namibia.

52. Mr. LOPEZ URZUA (Guatemala) (translated from Spanish): The Guatemalan delegation is pleased to note that a considerable number of nations have reached an agreement on joint draft resolution A/L.546/Rev.1, which reflects the thinking of the African and Asian countries and of Latin America. We shall therefore vote in its favour.

53. This document is the logical outcome of the already historic resolution 1514 (XV), which is the basic text on the granting of independence to colonial territories. It likewise follows the lines of resolutions 2145 (XXI), 2248 (S-V), 2324 (XXI) and 2325 (XXII), which in a gradual and orderly fashion are leading the people and the territory of South West Africa to independence.

54. My delegation wishes to emphasize here that as early as 27 October 1966 the General Assembly, by its resolution 2145 (XXI), decided that the Mandate conferred upon His Britannic Majesty to be exercised on his behalf by the Government of the Union of South Africa had terminated and that South Africa therefore had no other right to administer the Territory and that henceforth South West Africa was to come under the direct responsibility of the United Nations.

55. In accordance with this responsibility it is now proposed that the General Assembly should proclaim that, in accordance with the desires of its people, South West Africa should henceforth be known as Namibia. Reaffirming that this people has the inalienable right to achieve its freedom and independence in its legitimate struggle against foreign occupation, which has brought it nothing but sweat, blood and tears, to use the phrase of the fifteenth-century Spanish dramatist Lucas Fernandez, Guatemala once more joins the international outcry to condemn the Government of South Africa for its continued occupation of that Territory in direct defiance of the will of this world Organization, expressed so often in its resolutions, and for the grave threat it poses thereby to international peace and security.

56. The Guatemalan delegation feels that the reference made by the distinguished representative of the Netherlands to acts of aggression is not pertinent, as it is not contained in this draft resolution.

57. Guatemala again takes up the banner of anti-colonialism and freedom and hopes that, in accordance

with the aspirations of the Latin-American nations, we shall in the very near future be able to stand here in this great Assembly to welcome the delegation of a free and independent Namibia.

58. Mr. ALARCON DE QUESADA (Cuba) (translated from Spanish): During the general debate on this subject [1666th meeting] we clearly stated the position of our Government on the matter of South West Africa. At that time we reaffirmed our support of the right of the Namibian people to self-determination, to the attainment of complete independence and to the support of all the countries of the world in its fight for national liberation. At that time we condemned the imperialist Powers which, under the leadership of the United States, have been offering and still offer their support to the South African régime in order to perpetuate its policy of oppression against the people of that Territory. At that time we repudiated, as we always do, the shameful policies of apartheid and racial discrimination imposed both on the people of Namibia and on the indigenous population of South Africa itself; and we also stated that we support the Namibian people morally and materially in their struggle to win their rights.

59. At that time my delegation also restated its views on the nature of this Organization and its prospects of contributing towards the independence of nations.

60. Those principles have been invariably maintained by the Cuban delegation, and in their light we have cast our votes on this matter at previous sessions. By virtue of them my delegation will now state its position on draft resolution A/L.546/Rev.1.

61. We agree with the paragraphs in this draft that reaffirm the right of the people of South West Africa to their independence, with those that express the States Members' support for their struggle for freedom, and with those that recall the terms of resolutions 2145 (XXI) and 2324 (XXII), for which my delegation voted. We also agree with the paragraphs that reaffirm the majority opinion of the Assembly regarding the unlawfulness of South Africa's occupation and of its actions in the Territory, and we furthermore agree with the adoption of the name of Namibia, in accordance with the desires of the people of that Territory.

62. However, we feel that in this draft resolution, as in others adopted recently by the Assembly, views are expressed that my delegation can in no way endorse. Thus the Cuban delegation could not support the paragraphs of the draft resolution that reaffirm the functions and powers of the United Nations Council for the Territory and which mention the possible participation of the Security Council in the solution of this problem, and particularly the paragraph that refers to Security Council resolution 246 (1968).

63. We feel that this draft resolution persists along a path which we consider erroneous and which has in practice proved ineffective.

64. My delegation, as a matter of principle, cannot approve paragraphs that tend to create illusions in this Organization about the attainment of objectives that can only be won through the struggle of the Namibian people.

65. Therefore my delegation will have to abstain from voting on this draft resolution as a whole. In so doing we wish to make it perfectly clear that now, as always, the people and the Revolutionary Government of Cuba affirm their absolute solidarity with the cause of the Namibian people, who will achieve their independence over there, in their Territory, through their resolute struggle against their oppressors, and not here in this Organization.

66. The PRESIDENT (translated from French): The General Assembly will vote on draft resolution A/L.546/Rev.1, submitted by 55 countries. A roll-call vote has been requested.

A vote was taken by roll-call.

Israel, having been drawn by lot by the President, was called upon to vote first.

In favour: Israel, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Laos, Lebanon, Liberia, Libya, Madagascar, Malaysia, Maldives Islands, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Nicaragua, Niger, Nigeria, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Southern Yemen, Spain, Sudan, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zambia, Afghanistan, Algeria, Argentina, Barbados, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cambodia, Cameroon, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Democratic Republic of), Costa Rica, Cyprus, Czechoslovakia, Dahomey, Ecuador, El Salvador, Ethiopia, Gabon, Ghana, Greece, Guatemala, Guinea, Guyana, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ireland.

Against: Portugal, South Africa.

Abstaining: Italy, Luxembourg, Malawi, Netherlands, New Zealand, Norway, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America, Australia, Austria, Belgium, Canada, Cuba, Denmark, Finland, France, Iceland.

The draft resolution was adopted by 96 votes to 2, with 18 abstentions [resolution 2372 (XXII)].

67. The PRESIDENT (translated from French): I shall now call on representatives who wish to explain their vote after voting.

68. Mr. DE SOUZA E SILVA (Brazil): My delegation cast its vote in favour of the draft resolution A/L.546/Rev.1 and Corr.1 in the firm conviction that the General Assembly has taken an important step forward on the way to the fulfilment of the ideals and principles of self-determination for all peoples of the world.

Mr. Kjartansson (Iceland), Vice-President, took the Chair.

69. We believe that this resolution proves that the international community is conscious of its responsibilities towards the people and the Territory of South West Africa and that its adoption constitutes a significant step on the road leading to the independence of

Namibia. In whole-heartedly supporting the resolution which the Assembly has just adopted, my delegation wishes to state its understanding that the reference to "a grave threat to international peace and security" made in paragraph 11 does not in any way prejudice the action to be taken by the Security Council in accordance with the provisions of the United Nations Charter when the matter is submitted to its consideration.

70. Lord CARADON (United Kingdom): I wish to explain the abstention of the United Kingdom in the vote on this resolution. I have previously and repeatedly explained the position of my Government.

71. First, we are in agreement with the overwhelming majority of this Assembly that the people of South West Africa should proceed to self-determination and independence. That is the purpose we have worked for in the overseas territories for which we have been responsible, and we wholeheartedly support these purposes for others.

72. Secondly, we have stated our conclusion that the Government of South Africa has forfeited the right to administer the Mandate over South West Africa. On that too there is overwhelming agreement. Having stated that purpose and that conclusion, we have urged throughout that what was necessary was full consultation to find practical and effective means to give effect to agreed aims; we have advocated throughout that we should act within our capacity as an Organization; and we have throughout been ready to consult on such measures.

73. Where effective measures have been open to us we have, moreover, shown in a practical way our readiness to co-operate and to act. We have, for instance, made our contributions to the Trust Fund and the Educational and Training Programme for South Africans.

74. In the course of the debate other practical proposals were put forward on which we were, and are, very ready to consult in the hope of agreement and effective advance. But, to our regret, a different course has been adopted, a course which in several essential respects we could not support. We believe that that course was mistaken. We believe that it proposed action beyond the clear capacity of the United Nations. We believe that it consequently could not succeed. Worse still, it raised hopes that we could not now satisfy. We consequently believe that it was a course which was not in the best interests of the inhabitants of South West Africa or of the reputation and authority of the United Nations.

75. It was for those reasons that we were unable to support resolutions 2145 (XXI) and 2248 (S-V). Consequently, had there been separate votes on the fourth preambular paragraph or on paragraphs 8, 9, 11 and 13, my delegation would have voted against them. We wish to make our position on those provisions quite plain.

76. We have reservations on other paragraphs. Amongst them is paragraph 1. Our view of resolution 2145 (XXI) leads us to doubt whether the Assembly can properly rename the Territory. Nor are we satisfied that the majority of the people have had the opportunity to express their own wish on this. Con-

sequently, as I have said, we have reservations on paragraph 1 and on others.

77. We recognize that the sponsors have endeavoured to meet some of the main criticisms, particularly in regard to the functions and duties of the Council. But the present resolution continues on the course which we believe has been misjudged and mistaken and misleading. It is a course which goes beyond the clear capacity of our Organization. We therefore believe that in the pursuit of the purposes on which we agree it will not do good but harm. We consequently considered it was right and necessary that we should make very clear our opposition to some of the main provisions of the resolution. It was for that reason that we were unable to support the resolution as a whole.

78. Mr. BITSIOS (Greece) (translated from French): The Greek delegation has voted in favour of draft resolution A/L.546/Rev.1, submitted to our Assembly by 55 countries, for it is based on the inalienable right of the South West African people to freedom and independence, which it reaffirms clearly. We regard the entire resolution as aimed at encouraging and strengthening United Nations responsibilities and duties in the difficult and courageous work of leading Namibia to independence along the path of peace. In particular the United Nations Council for Namibia is given encouragement for the mission entrusted to it by the Assembly.

79. We are hopeful that the resolution will mark a decisive step forward in the right direction and assist us in achieving the goal that nearly all Members present here desire so much.

80. Nevertheless, it must be clearly stated that if the provisions of the resolution had been put to the vote separately, Greece would have abstained in the vote on paragraph 8. Without really furthering our cause, the contents of that paragraph in fact appear to me to be of a sort to create certain difficulties for us completely independent of the problem of South West Africa and unrelated to it. However, our attitude towards paragraph 8 in no way detracts from Greece's position with regard to Namibia. That position has been expressed unequivocally and remains unchanged.

81. Mr. SCHUURMANS (Belgium) (translated from French): By voting in favour of resolution 2145 (XXI) of 27 October 1966 my country wanted to express its endorsement of an initiative whose essential aim it considered to be the Namibian peoples' exercise of its right to self-determination, in accordance with its freely-expressed desires and in conditions adapted to the special situation of the territory. Belgium remains faithful to that concept, as it remains faithful to that vote. The abstention my delegation was obliged to decide upon today in no way reflects a change in its basic position. It was dictated by two kinds of considerations: first, the draft resolution submitted to us comes within the purview of resolution 2248 (S-V), of which it is in a sense the extension. The Belgian delegation abstained in the vote on resolution 2248 (S-V); the reasons that dictated our decision at that time remain equally valid today. The abstention that my delegation has just registered

is thus logically in line with its abstention in May 1967. On the other hand, the whole purport of the draft resolution rests on the thesis that the situation prevailing in Namibia could constitute a serious threat to international peace and security. That thesis is furthermore expressly embodied in the fourth preambular paragraph and in paragraph 11.

82. Of course Belgium deplores the policy the South African Government has seen fit to adopt with regard to Namibia; Belgium has never missed an opportunity to make known to South Africa its feelings about the path it has chosen in that connexion. Nevertheless the Belgian delegation cannot feel that we find ourselves here faced with a serious threat to international peace and security. In the circumstances we believe that to make such a judgement would be tantamount to weakening a formula which in the Charter has a precise meaning and a specific legal and constitutional value. Such a distortion could only weaken the value of the Charter itself and give rise to a confusion that would endanger the future of our Organization.

83. My delegation is aware of the efforts that have been made on all sides in preparing the text and making it acceptable to the greatest possible number. My delegation is grateful to the delegations that have taken part in that effort; but the objections it is obliged to maintain with regard to the final text are too fundamental to allow it to waive its reservations.

84. In conclusion, I should like to repeat—for it is important—that the Belgian delegation's vote today in no way alters the basic choice it made when it voted in favour of resolution 2145 (XXI). That choice has, in fact, always been expressed in the actions of my Government, both in its approaches to the South African Government in accordance with the recommendations and decisions of the Organization, and in its consistently strict maintenance of the embargo on shipments of weapons and military supplies to South Africa.

85. Belgium remains today, as it was two years ago, ready to do all in its power to achieve through peaceful and effective means the goals set forth in resolution 2145 (XXI).

86. Mr. TSURUOKA (Japan): My delegation has voted in favour of draft resolution A/L.546/Rev.1 and Corr.1.

87. I should like to recall what I stated at the 1664th plenary meeting, on 28 May 1968, that for economic sanctions and other enforcement measures to be truly effective and mandatory they must be decided upon by the Security Council, the organ which alone under the Charter is entrusted with the primary responsibility for taking such measures. My delegation thinks that certain paragraphs of the resolution involving the competence and responsibilities of the Security Council might give rise to the question of whether they conform strictly to the spirit and reasonable interpretation of the Charter of the United Nations.

88. That being said, the Japanese delegation supports the resolution as a whole, as it has supported previous resolutions on the problem of South West Africa, in particular, resolutions 2145 (XXI) and 2248 (S-V).

89. Mr. MALIK (Union of Soviet Socialist Republics) (translated from Russian): The delegation of the Soviet Union has expressed its views on the basic provisions of the original draft resolution on South West Africa [A/L.546] in considerable detail. During subsequent consultations among the co-sponsors of the draft resolution and the representatives of other States, changes and additions were made to the draft resolution which slightly clarified certain of its provisions. Nevertheless, in our opinion, a number of the provisions of the draft resolutions were more felicitously worded in the original text.

90. The revised draft [A/L.546/Rev.1] gives no indication of who in fact bears the primary responsibility for the occupation of Namibia.

91. The delegation of the Soviet Union therefore feels it necessary to emphasize once again that the General Assembly ought to declare clearly that the responsibility for the situation in Namibia rests with not only the Government in Pretoria but also with such countries as the United Kingdom, the United States, West Germany, Portugal and certain other States which maintain close and extensive ties with the South African régime and by so doing are actually aiding and supporting that racist régime. The General Assembly should vigorously condemn those countries and demand that they should sever their diplomatic, economic, military and other ties of any kind with the régime in Pretoria and stop assisting the South African racists.

92. The Soviet delegation continues to hold the view that the General Assembly's course of action with regard to South West Africa would be more effective if it named and condemned those States which are collaborating with the South African racist régime and which, together with South Africa, bear the primary responsibility for the situation that has been created in regard to the liberation of the South West African people. Everyone is well aware of the names of these chief allies of the South African racist régime, and many delegations have singled them out by name from this rostrum during the current session of the General Assembly. We therefore assume that paragraph 8 of the resolution we have adopted, which:

"Condemns the actions of those States which by their continued, political, military and economic collaboration with the Government of South Africa have encouraged that Government to defy the authority of the United Nations and to obstruct the attainment of independence by Namibia",

applies unequivocally and directly to those States that I have named.

93. Paragraph 9 of the revised draft resolution contains an appeal by the General Assembly to all States to desist from those dealings with the Government of South Africa which would have the effect of perpetuating South Africa's illegal occupation of Namibia. The Soviet delegation considers this a very weak form of words. The General Assembly, as we see it, should have demanded categorically that States should sever all ties with the racist régime in Pretoria, discontinue capital investment in South Africa, and withdraw the capital already invested in the South African economy and in the territory of South West Africa.

94. The Soviet delegation has also stated its position with regard to the United Nations Council for Namibia. Now that the revised draft resolution has been adopted, we deem it necessary to declare once again that we are not inclined to hold great illusions about the possibilities open to that body. However, taking into account the views of friendly African and Asian countries on the subject of the Council, the Soviet delegation is prepared to co-operate with the Council in those concrete problems whose solution might contribute to the liberation of the Namibian people from racist and colonial oppression. Of course, questions concerning that body and its activities, we are firmly convinced, must not diminish the attention of the General Assembly and the United Nations or divert it from their principal and paramount task, which is to guarantee the independence of Namibia.

95. As to the question of a special programme of assistance to the Namibian people, the Soviet delegation will be prepared to consider concrete proposals regarding the nature and the content of such assistance. However, we feel it necessary at this point to state that we should proceed on the understanding that the expenses incurred through the Council's work and through the supply of assistance to the Namibian people must be reimbursed in the first place by the Government of South Africa and also by the main partners of the South African racist régime who, together with South Africa, bear political, moral and economic responsibility for the continuation of the illegal domination of Namibia by the South African racist régime.

96. Paragraph 14 of the revised draft resolution provides that the Secretary-General should assist the United Nations Council for Namibia to perform its duties. We understand this provision of the resolution to mean that the work of the United Nations Secretariat in assisting the Council will be carried out strictly and entirely within the limits of the competence of the United Nations Secretariat under the Charter. Past experience dictates the need to point this out specifically.

97. In determining its position on the revised draft resolution the Soviet delegation was also guided by the fact that the Afro-Asian countries which were co-sponsors of the draft resolution considered the text acceptable in its revised form.

98. In view of all these comments and considerations, the delegation of the Soviet Union did not object to the draft resolution and voted in favour of it.

99. Mr. ASTRÖM (Sweden): The Swedish delegation had to abstain in the vote on the resolution just adopted by the General Assembly. The reasons which, much to our regret, compelled us to take that position were the same as those which determined our attitude to the resolutions adopted by the fifth special session and by the twenty-second session last autumn.

100. Expressed in positive terms, our attitude is that we wish the United Nations to pursue energetically the declared aim of permitting the people of South West Africa to exercise its right of self-determination and to achieve independence, through action in all the appropriate organs of the United Nations, including the Security Council.

101. The now illegal administration of South Africa in South West Africa must be brought to an end. All those Member States which supported the resolution terminating the Mandate undertook a clear obligation to work for the achievement of that very aim. However, we still have doubts whether the course which has been chosen by the General Assembly is the one most likely to enable the United Nations to attain the goal. Further, on well-known constitutional grounds we were unable to support some paragraphs of the resolution. There are many provisions of the resolution with which we are in whole-hearted agreement. We deplore and condemn the refusal of the Government of South Africa to collaborate with the United Nations in order to enable the people of South West Africa to achieve freedom. We join in the demand that the Government of South Africa withdraw from South West Africa all its military and police forces and its administration. We wish to see comprehensive programmes worked out for assistance to the people of South West Africa. We go further. Governments should be encouraged to enter into financial commitments to help carry out, when the time comes, the programmes proposed, or parts of them.

102. We also think that various further steps could be taken, nationally and internationally, to give expression to the direct responsibility of the international community for the fate of South West Africa and to the obligations of Member States to contribute to the attainment of freedom. In that connexion, thought should be given to the possibility of helping the people of South West Africa to receive reliable information from the world outside through radio, communications and so forth.

103. We think that all measures contemplated should be seen as part of an over-all strategy designed to sustain an atmosphere of concern and urgency, which is a prerequisite for stronger and more effective action in the future. We believe that the time has come for the Security Council to take up the question in its entirety in order to devise methods to hasten the advent of the day of freedom for the people of South West Africa.

104. The main task now, it seems to us, is to prepare the ground for truly effective action by the United Nations which, we trust, will become practicable through the evolution of public opinion around the world, through the strengthening of the economic and political power of the independent African countries, through an increased willingness on the part of Member countries to co-operate actively for the prevention of racial explosions, through other developments in international relationships and, above all, through the efforts of the patriots of Namibia.

105. Mr. GOBBI (Argentina) (translated from Spanish): The Argentine delegation feels that the adoption of this resolution marks an advance in the inevitable process towards achievement of the independence of a people whose territory is a victim of occupation.

106. By its resolution 2248 (S-V) the General Assembly called upon the Government of South Africa to comply without delay with the terms of resolution 2145 (XXI) and to facilitate the transfer of the administration of the Territory to the United Nations Council for South West Africa. This resolution elicited no response from the South African Government.

107. With regard to paragraphs 11 and 13 of the resolution on which we have just voted, we do not feel that they prejudice future action by the Security Council. But we must admit that the occupation of a territory by an administering Power after the United Nations has terminated its mandate constitutes a fact with which the international community must deal. We feel that at this stage we must explore every possibility of persuading the South African Government to respond not only to the resolutions of the United Nations but to world-wide public opinion as well.

108. We also believe that at this time, when the process of emancipation is triumphant everywhere, when enormous colonial empires are disappearing, the problem of South West Africa, with its aftermath of racial discrimination and political and economic servitude, is a pathological phenomenon in today's society that is inexorably doomed to disappear.

The meeting rose at 12.45 p.m.