

UNITED NATIONS



# SECURITY COUNCIL OFFICIAL RECORDS

TWENTY-SIXTH YEAR

**1589**<sup>th</sup> MEETING: 6 OCTOBER 1971

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## FIFTEEN HUNDRED AND EIGHTY-NINTH MEETING

Held in New York on Wednesday, 6 October 1971, at 3.30 p.m.

*President:* Mr. Guillermo SEVILLA SACASA (Nicaragua).

*Present:* The representatives of the following States: Argentina, Belgium, Burundi, China, France, Italy, Japan, Nicaragua, Poland, Sierra Leone, Somalia, Syrian Arab Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland and United States of America.

### Provisional agenda (S/Agenda/1589)

1. Adoption of the agenda.
2. The situation in Namibia:
  - (a) Letter dated 17 September 1971 addressed to the President of the Security Council from the representatives of Algeria, Botswana, Burundi, Cameroon, Central African Republic, Chad, the Congo (Democratic Republic of), Dahomey, Egypt, Equatorial Guinea, Ethiopia, Gabon, Ghana, Guinea, Kenya, Liberia, the Libyan Arab Republic, Madagascar, Mali, Mauritania, Mauritius, Morocco, the Niger, Nigeria, the People's Republic of the Congo, Rwanda, Senegal, Sierra Leone, Somalia, the Sudan, Swaziland, Togo, Tunisia, Uganda, the United Republic of Tanzania, the Upper Volta and Zambia (S/10326);
  - (b) Report of the *Ad Hoc* Committee on Namibia (S/10330).

### Point of order by the representative of Sierra Leone

1. The PRESIDENT (*interpretation from Spanish*): I call on the representative of Sierra Leone, who wishes to speak on a point of order.
2. Mr. PRATT (Sierra Leone): Yesterday, before the close of the meeting, I raised a point of order requesting that the opportunity be given for representatives who so desired to view a film on Namibia so as to determine its admissibility as documentary evidence to assist the Council in the task in which we are now engaged.
3. This film was shown today at the Dag Hammarskjöld Auditorium and, in company with other representatives, I saw it. I am satisfied that it represents a balanced view of what can be called responsible opinion in the Territory of Namibia. I am further satisfied that it provides adequate visual aid to assist us in arriving at a just and equitable position in relation to the matter under discussion.

4. Since this film was shown outside the Security Council, it cannot form part of the records of the Council, but since it contains documentary material of inestimable benefit for the work of the Council, it is my opinion that it should form part of our records. The only way in which, in my opinion, it can form part of the record is for it to be shown to the Council assembled. It cannot become part of the record merely by being tendered as a film, nor can it become part of the record because some representatives who so desired went to see it outside an official meeting of the Council.

5. I am therefore raising this point of order formally to propose that the film on South West Africa—which we know as Namibia—which was unofficially shown at 3 o'clock this afternoon, should be officially shown by United Nations Secretariat personnel to the Security Council so that it may form part of the documentary record of the Council.

6. I do this because Mr. Muller, the Foreign Minister of South Africa, tried to make us believe that conditions in South West Africa, as he called it—Namibia, as we know it—were as he described them. He gave the impression that everything was rosy in Namibia. Indeed, it has come to my knowledge that a day after Mr. Muller made his intervention before this Council [*1584th meeting*], no less a personage than the President of Uganda made contact with Mr. Muller's Government, offering to send a delegation to go and see for itself the benefits of *apartheid*. Of course, we can judge for ourselves South Africa's sincerity. We know that the offer was immediately turned down. All that South Africa was interested in was getting some form of international African recognition for the Head of State himself or for some Ministers of his Government.

7. It is particularly disturbing that only today *The New York Times* carries an article concerning South West Africa which shows that the South African régime is perpetrating against Zambia acts of hostility almost like the Portuguese actions in Guinea and Senegal.

8. It is therefore necessary for us to correct the balance by seeing this just and equitable film and by ensuring that it forms part of our records. I therefore formally propose that the film on Namibia which we saw today at 3 o'clock should form part of the documentary records of the Council on the agenda item now before us.

9. The PRESIDENT (*interpretation from Spanish*): Representatives have heard the proposal made by the representative of Sierra Leone in his point of order—namely, that the

film on Namibia which we had the pleasure of seeing be made part of the official documentation of this meeting. Does any representative wish to speak?

10. Mr. KOSCIUSKO-MORIZET (France) (*interpretation from French*): I believe that the Security Council has already been very liberal on this subject. For my part, I have no assessment of the film to make. I suppose that after all a documentary film could, if necessary, be included perfectly well in the documentation of a Council. However, I do not feel that I am in a position to pronounce myself on that kind of a document. Who made this film? What guarantees does the Security Council have regarding this film? What is its specific nature? At least there should be some kind of preliminary investigation. On the other hand, I must warn the Council that if we start admitting this kind of document, then perhaps other delegations, including furthermore that of South Africa, and other Member States, will also wish to produce films as Council documents, and the Council will then become a kind of cinema club. I think we are venturing on a very dangerous course. I have nothing against the film itself, but nevertheless to have this kind of document made official in the present circumstances seems to me a bit frivolous. Accordingly, I for my part am not able to accept the proposal made to us.

11. Mr. PRATT (Sierra Leone): I note that the representative of France has nothing at all against the film itself. Indeed if we had to make an assessment of whether we agreed or disagreed, or whether we thought something was constructive or not constructive in the interventions that are made, it would become so subjective that the Security Council would not be able to do its work.

12. One important point is whether the film concerns Namibia and another important point is whether it would assist us in reaching just conclusions.

13. As to the question of who made the film, it is necessary for us to inquire into that in order to determine its authenticity. I have information at my disposal, which may satisfy the representative of France, that the film was made by no less an institution than the BBC. That is the information at my disposal. Perhaps the representative of the United Kingdom would wish to add to that—although it is very difficult for films like this to have their father's name tacked on to them, for obvious reasons.

14. As to the suggestion that if we accepted a film like this there would be nothing to stop any other delegation from submitting another film, I would say there is nothing wrong with that. If South Africa wishes to show a film that would assist us, why should we gag it? South Africa would be perfectly at liberty to show its film, and if we were satisfied that it would assist us, then I would be prepared to make the same type of proposal in connexion with that film. That would not make us a cinema club, any more than the Council is a library because we receive documentary evidence.

15. Sir Colin CROWE (United Kingdom): I am afraid that I did not see the film myself, but I am prepared to accept that it was produced by the BBC. However, I wonder whether we might perhaps pause a moment and reflect on

this, because, while in principle I have no objection at all to this film, it is not just with this particular film that I am concerned. After all, in the last two weeks we have dealt with five different subjects in this Council, and if there is to be the possibility of films being shown and we have to judge whether they are suitable evidence to place before the Council, we may find ourselves with rather a lot of work. I should really like to think about this myself just a little bit more, and perhaps some of my colleagues would too.

16. Mr. ORTIZ DE ROZAS (Argentina) (*interpretation from Spanish*): The delegation of Argentina was present when the film was shown at 3 o'clock this afternoon and we followed the entire showing with the utmost attention and interest.

17. I can understand very well the feelings which prompted the Foreign Minister of Sierra Leone to raise his point of order, but the fact remains that under the provisional rules of procedure of the Security Council there is no provision made for such a case. Accordingly, I wonder whether, as a compromise solution, it would not be possible—in order to make that film official, that being the purpose of the Minister for Foreign Affairs of Sierra Leone—for the Council to decide to incorporate the film in its files and, in accord with the thought behind rule 49, make it available to Council members. In other words, those Council members who are interested in seeing the film could in due course request the Secretariat to have the film shown to them, either individually or in groups. But it would then become a matter for the Council's judgement whether that film should be included in the files of this Council and be available to members who ask to see it, just as Council members are entitled to ask to see the verbatim records of any statement, in accordance with rule 49 of the rules of procedure.

18. I believe that if we followed that course we would avoid a procedural debate and we might then go on to the substance. At the same time, I believe that we would thereby safeguard the legitimate concern of the Foreign Minister of Sierra Leone, who wishes this documentary film not to be forgotten.

19. Mr. BUSH (United States of America): I just want to express our delegation's opinion, and to say that we are concerned about the precedent. I understand that the film was made available and will be shown again in the Fourth Committee as evidence that will help people make a point. But I worry about films put together to make a point. Our country is filled with them; you can get them ranging from one side of an issue to another. I love to watch movies; I think it can be very pleasant. But I worry about establishing a precedent. And though our distinguished and most articulate colleague from Sierra Leone—I think in a great spirit of open-mindedness and fairness—said that he would welcome films that might present the other side of the picture, our experience, which perhaps is just drawn too exclusively from our own television and movie media, is that this could be carried to very far extremes and that it could lead to a precedent that I think all of us would regret.

20. I would think that maybe the best thing would be for the Minister to describe and put into the record, in his own

words, his view of the results of the film. And I would urge upon him consideration, not of this particular incident, but of what would happen if we once opened up the Council Chamber itself to the showing of films, long or short, that tried to make a point, because I fear we would start a film war. I think somebody else would be in here the very next day with an expensive documentary trying to represent the other point of view.

21. I for one should like to see us restrict ourselves, as much as possible, to the verbal approach. It is not always possible, but I would certainly like to urge that at this particular time.

22. Mr. NAKAGAWA (Japan): Before forming any opinion on this proposal, I should like to hear the views of the Secretariat on two points. First, is there any provision in the rules of procedure enabling a film to be made a part of the official records of the Security Council? And, secondly, is there any precedent for such a procedure?

23. Mr. MALIK (Union of Soviet Socialist Republics) (*translated from Russian*) I should like to reiterate the view I expressed yesterday [*1588th meeting*], namely that we seem to be heading towards complications. The matter is, it seems to me, rather simple and straightforward. If in the practice of the Security Council there is no such precedent—and I do not recall any offhand—the practice of other United Nations bodies, in particular the Committee of Twenty-Four,<sup>1</sup> shows that films have been projected on various occasions. Films have also been shown in the Fourth Committee. What is more, there was a case when the United States delegation in the Third Committee tried to stage a show in connexion with a statement of its representative there concerning some social question.

24. So there have been precedents. But does that compel every member of the Security Council to see this film? If you do not want to, do not see it. This is definitely a case where the principle of free choice applies. As I understand the proposal of the representative of Sierra Leone, he would like to have any discussion about this film included in the verbatim record. In that sense it will be a document of the Security Council. It is impractical, on the other hand, to distribute a film as a document of the Security Council or of the General Assembly. However, every representative is free to see the film if he wishes, or not to see it if he does not wish to.

25. Today a group of members of the Security Council, including myself, saw the film, and I did so with pleasure; it was instructive and added to my knowledge of the actual state of affairs in Namibia, and of racism and *apartheid* in South Africa. Seeing documentary films is useful, and there is no reason to object to it in this day and age when so many films are being produced. However, that must be governed by the principle of free choice. Judging from the attendance at today's film, some members of the Security Council were not there. Well, what of it? No one will denounce them for that, since it is a matter of choice.

26. That is why I suggest that we should not complicate the question: if there is any need, occasion or desire to see a documentary film in connexion with the consideration of a particular item, it is certainly a matter of free choice. Let those who wish to see it do so, and if some prefer to stay away, that is their business.

27. The PRESIDENT (*interpretation from Spanish*): It seems to me that we can summarize the situation in the following manner. The representative of Sierra Leone yesterday invited us to go and see a film on Namibia, which we have just seen. He has now requested that it be incorporated into the official documentation on this item to help the Council in its task. Of course, the representative of Sierra Leone has the right to make any comments he wishes at this meeting regarding the film on Namibia, precisely so that his statement will be included in the official record of this meeting. Naturally, this is a right he has.

28. On the other hand, there is apparently no precedent in the Security Council in regard to incorporating films as official records.

29. But what the representative of Argentina has just said is very important. He asked whether a compromise solution would be possible, to make the film official, whereby the film would be incorporated into the archives of the Secretariat so that any member of the Council could see it whenever he wished, in order to be able to form a judgement on it. This proposal of the representative of Argentina might possibly solve the problem.

30. The representative of Japan put the question to the Secretariat whether there is any provision in the provisional rules of procedure which would allow the film to be considered an official record of the Security Council. He also asked whether there was any precedent. The President has been informed that there is no precedent for incorporating a film as an official Security Council document. I would therefore suggest that we should adopt the following procedure: that the film should be placed in the files of the Secretariat and be available to any member of the Council who wishes to see it, and that the representative of Sierra Leone can answer questions as to the legitimate character of the film, its origin, etc. It is possible that, if we all make an effort to co-operate we may be able to arrive at a solution, so that we may move forward on the substance of the item.

31. Mr. MALIK (Union of Soviet Socialist Republics) (*translated from Russian*): I should like to add that rule 39 of the rules of procedure provides that members of the Secretariat, or other persons whom the Security Council considers competent for the purpose, may be invited to supply the Council with information. In this case we heard a statement by the President of SWAPO. I do not think anyone will wish to challenge his competence in the matter we are considering. As an additional element of the information he was supplying to the Council, he kindly offered to let the members of the Council see a film—a documentary, not an artistic film. Those who wished to see it, did so.

<sup>1</sup> Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

32. I remember a case in which evidence of a material nature was presented. On one occasion, during the coldest times of the cold war, the United States representative in the Security Council, the late Senator Austin, displayed a Soviet automatic weapon. He simply gave it to members of the Security Council to look at and handle, asserting that it had been found in South Korea. The Soviet representative at the time succeeded in explaining that after the Second World War, during which a large quantity of Soviet weapons had fallen into the hands of the enemy—the Hitlerite aggressors—on our territory, it would not be surprising if a Soviet automatic weapon should appear anywhere in the world. For that reason, such evidence was highly questionable. Nevertheless, the United States representative deemed it necessary and appropriate to display that particular object as evidence. That too was a special kind of information, even if different in form from the usual kind. So what I am saying is not that every object offered as evidence, or every documentary film, should be regarded as a document of the Security Council, but that the rules of procedure of the Council do not prohibit proposals that members of the Council should see a film. And the members of the Council who have received that kind of information will decide for themselves whether or not the information in question is convincing. Consequently, I do not think we need to go any deeper into this matter.

33. Mr. JOUEJATI (Syrian Arab Republic) (*interpretation from French*): My delegation sees some merit in the proposal of the representative of Argentina which you clarified, Mr. President, with your usual eloquence. However, if this proposal by Argentina gives rise to any controversy, I suggest that we hold private consultations outside the official meeting of the Council and discuss among ourselves the proposal of the Minister for External Affairs of Sierra Leone, and that for the time being we go on with the debate on Namibia. I am convinced that the Minister will not object to this suggestion.

34. Mr. FARAH (Somalia): My delegation had the good fortune to see the film in question, and we were very much enlightened by it about Namibia. The value of this film lies in the fact that it refutes to a large extent many of the sweeping claims that were made in this Council by Mr. Muller of South Africa when he addressed the Council a few days ago [1584th meeting]. In the opinion of my delegation, it is necessary not only that this film be acquired by the United Nations but that a transcript of the dialogue, of the questions posed and the answers in the film, should be made available in the form of a document, so that all may read it at their leisure. It would be much more convenient to have a written record before us, rather than having to have access to a film to know what it is all about.

35. Mr. PRATT (Sierra Leone): I believe that all the representatives who have spoken have testified to the value of the film and its importance in helping us to form the right conclusions. We have reservations only about precedents and procedure. As far as that is concerned, I chose my words carefully when I made my point of order concerning procedure. If the Council will remember, I said that I was formally moving that we request the Secretariat to obtain this film and show it to us so that it could

become part of our records. I had in mind rule 39 of our provisional rules of procedure, which enables the Security Council to invite members of the Secretariat, among others, to give assistance in examining matters within its competence. I thought my suggestion was well within rule 39. Anyway it appears that we need to think this matter over. The representative of the United Kingdom says he wants to think further about it. It also appears that other delegations would like to do so, including those of Somalia and Syria.

36. I would therefore accept the suggestion that we leave this matter of procedure for a while, proceed with the agenda item before us, hear those who wish to make statements, and perhaps have informal discussions, and I reserve my right to bring it up again at the next meeting. This does not detract from the proposal which I have made, whether we agree to deal with it today, tomorrow or next week, as long as we take a decision about the procedure in question.

37. I would conclude by saying this: the Security Council is master of its own procedures, and we must all remember this. The fact that there has been no precedent should not be placed in the way of the Council's examining a matter on its agenda so as to reach correct conclusions.

38. Mr. SIMBANANIYE (Burundi) (*interpretation from French*): Far be it from me to try to delay our debates on this matter, but I should like to speak about the problem we are debating.

39. This is a particularly abnormal case, for the Security Council cannot send United Nations missions to that part of the world, which is illegally administered by South Africa. The *Ad Hoc* Sub-Committee cannot even go to Namibia to inform itself about what is happening.

40. This is why, when the Minister for External Affairs of Sierra Leone agreed that South Africa also might present a film to the Security Council, I thought that he was really most understanding. And I think that this precedent should be created today since the Council does not have the necessary information, cannot go to Namibia, cannot send United Nations missions to Namibia.

41. Further, rule 39 of the rules of procedure authorizes this and one can say that there were precedents—not exactly the same, but a film is a means of securing information, and the Security Council has to inform itself and to do this through modern media.

42. If the proposal of the Minister of Sierra Leone is not adopted today, my delegation will reserve its right to speak to that matter. But I accept the idea that there should be consultations, as proposed, because this is a rather important matter.

43. The PRESIDENT (*interpretation from Spanish*): I am pleased that, because of the generous co-operation of the representative of Sierra Leone, our work this afternoon has been facilitated. He must be pleased that the exchange of views we have had here has shown the importance we attach to the possibility of having this film as a part of the archives of the Secretariat or having it appear in the records

of the Council. I shall therefore proceed with informal consultations in order to reach an appropriate decision.

### Adoption of the agenda

*The agenda was adopted.*

#### The situation in Namibia:

(a) Letter dated 17 September 1971 addressed to the President of the Security Council from the representatives of Algeria, Botswana, Burundi, Cameroon, the Central African Republic, Chad, the Congo (Democratic Republic of), Dahomey, Egypt, Equatorial Guinea, Ethiopia, Gabon, Ghana, Guinea, Kenya, Liberia, the Libyan Arab Republic, Madagascar, Mali, Mauritania, Mauritius, Morocco, the Niger, Nigeria, the People's Republic of the Congo, Rwanda, Senegal, Sierra Leone, Somalia, the Sudan, Swaziland, Togo, Tunisia, Uganda, the United Republic of Tanzania, the Upper Volta and Zambia (S/10326);

(b) Report of the *Ad Hoc* Sub-Committee on Namibia (S/10330)

44. The PRESIDENT (*interpretation from Spanish*): In accordance with previous decisions taken by the Security Council and with the consent of the Council, I shall proceed to invite the representatives participating in this debate to take the places reserved for them in the Council chamber, on the understanding that they will be invited to be seated at the Council table when they are to speak.

45. I invite the representatives of Sudan, Ethiopia, South Africa, Liberia, Guyana, Chad, Nigeria and Mauritius to take the places reserved for them in the Council chamber. I invite the President of the United Nations Council for Namibia to take a place at the Council table.

*At the invitation of the President, Mr. E. O. Ogbu, President of the United Nations Council for Namibia, took a place at the Security Council table; and Mr. M. Khalid (Sudan), Mr. T. Makonnen (Ethiopia), Mr. H. Muller (South Africa), Mr. J. R. Grimes (Liberia), Mr. S. S. Ramphal (Guyana), Mr. B. Hassane (Chad), Mr. O. Arikpo (Nigeria) and Mr. R. Ramphul (Mauritius) took the places reserved for them in the Council chamber.*

46. Sir Colin CROWE (United Kingdom): The question of Namibia—South West Africa—has given my delegation difficulty ever since the debates leading up to the adoption by the General Assembly of resolution 2145 (XXI) and even before. On the face of it, certain propositions look so simple. As Mandatory, South Africa undertook certain commitments. For example, it undertook to promote to the utmost the material and moral well-being and social progress of the inhabitants of the Territory. Some social and economic progress may have been made. But by contrast, South Africa has introduced into the Territory the evil policies of *apartheid*.

47. In these circumstances it seems and seems clear that the South African Government has ignored the moral obligations undertaken by it under the Mandate. This is established beyond doubt; on this I think we are all agreed.

48. But it is not as simple as all that. Leaving aside for the moment the question of the powers of the General Assembly to make decisions rather than recommendations, as laid down in the Charter, it was the view of my Government at the time resolution 2145 (XXI) was adopted that neither the League of Nations nor the United Nations, as the inheritor of the supervisory powers of the League, had any power unilaterally to terminate the Mandate. This is primarily a legal matter. In a matter of this sort the United Nations cannot act on the basis of moral indignation and emotion, however deeply felt and however justified—as indeed it is. Before we take up a position vis-à-vis a Member State, and *a fortiori* before we contemplate action in its regard, we must all be fully satisfied that we are doing so on a basis which is fairly and squarely in accordance with the law.

49. In this spirit, my Government has given close and careful study to the advisory opinion of the International Court of Justice, which was delivered in June this year.<sup>2</sup> I think I owe it to the Council and to the Court to explain frankly—but I hope not at too great length—the conclusions we have reached, especially since my Government did not, as some other Governments did, intervene in the proceedings of the Court.

50. There is one point of legal interpretation in the advisory opinion that raises issues far beyond the confines of the present question of Namibia. I should therefore like to deal with it first. I refer to that part of the advisory opinion which asserts that certain resolutions adopted by the Security Council in this matter were legally binding.

51. This part of the majority opinion seems to my delegation to be open to the most serious legal objection. Some delegations may have wished the Council to take decisions of a binding character; in order to achieve this, indeed, they proposed findings which would have brought the situation within Article 39 of the Charter. But these proposals were not accepted. My Government does not believe that the course of events in the Security Council and in the consultations among its members supports the conclusion of fact asserted in the Court's opinion. And, as a matter of law, my Government considers that the Security Council can take decisions generally binding on Member States only when the Security Council has made a determination under Article 39 that a threat to the peace, breach of the peace or act of aggression exists. Only in these circumstances are the decisions binding under Article 25. No such determination exists in relation to South West Africa or Namibia.

52. I believe we would all agree that this question is one which affects the whole working of this Council and concerns all Members of the United Nations and indeed almost every question that comes before us. It has been referred to in another issue which came before us only two weeks ago. It is essential that we should get it right.

<sup>2</sup> *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council resolution 276 (1970), Advisory Opinion, I.C.J. Reports 1971, p. 16.*

53. I think it is fair to say that some of the arguments of the Court on the question of the force of Security Council decisions came as a surprise not only to my delegation, but to Members of the United Nations generally. Members of the Council have in the past formed their positions on draft resolutions on the clear understanding that the Council could take decisions binding on Member States generally only if there had been a determination under Article 39. If this is no longer accepted, the working basis which results from a clear understanding of the legal effects of what the Council does may be seriously prejudiced. As a practical matter, therefore, it is surely in the interest of all of us that we should continue to operate on the understanding, well founded on the Charter, to which I have referred. Otherwise, yet a new source of uncertainty and potential disagreement will complicate the already difficult tasks which the Council faces.

54. I come now to the other important aspects of the advisory opinion. Let me say again that my Government is fully conscious of the historical complexity of the legal issues and it is also fully alive to, and sympathizes with, the impatience of those who feel frustrated by delay in achieving objectives inspired by the most understandable humanitarian sentiments. We do not minimize these factors, but I hope before I close to suggest a remedy, a possible way forward.

55. The crucial question in legal terms concerns the termination of the Mandate. As the opinion of the Court recognizes, any powers of the United Nations to terminate the Mandate depend upon the position under the League of Nations, since the Mandates System was established by the Versailles Peace Conference within the framework of the League of Nations. The first question, therefore, is whether the League of Nations had the power to terminate the Mandate unilaterally. As to this, neither Article 22 of the Covenant of the League nor the Mandate itself contains any provision conferring such a power of termination in any circumstances. The notion of revocability was indeed discussed when the Mandates System was established, but objections were raised to it and it was not incorporated either in the Covenant or in individual mandates. In these circumstances, it is not possible, in our view, to infer a power of unilateral termination. Moreover, the suggestion of the existence of such a power does not accord with the nature of the Mandates System. The System gave no executive powers to the League, but only a power to receive and examine reports.

56. Furthermore, even if the Mandate over South West Africa as such was understood as implying some possibility of revocation in the case of breach, the Council of the League, working within its own constitutional framework, would not have been in a position to exercise that power without the consent of the Mandatory. Article 5 of the Covenant provided that the Council of the League must take its decision by unanimity "Except where otherwise expressly provided". By Article 4, the Mandatory was entitled to be present and to vote at meetings of the Council concerning the Mandate. The Mandatory was thus in a position to block any resolution seeking to assert and exercise a power to revoke the Mandate. Whatever our views on the drafting of the Covenant in this respect, that

was in fact the position. A number of limited exceptions to the rule of unanimity are contained in the Covenant. There is, however, no provision which could have deprived a Mandatory of its vote so as to enable the Council to exercise any powers in relation to the Mandate without the Mandatory's consent, including a power of revocation if one had existed. It is surely not without significance that the League of Nations never did revoke a Mandate, or even try to do so, even though accusations of breach of mandate were made during the League period.

57. I come now to General Assembly resolution 2145 (XXI). The General Assembly is an organ created by the Charter and can act only within the powers conferred upon it by the Charter. The Charter explicitly confers upon the General Assembly powers which, with certain exceptions, are recommendatory only. These very limited exceptions relate to matters such as those to which the Secretary of State of Liberia referred [*1585th meeting*], like the admission of new Members, the approval of the budget and the apportionment of expenses. There is no provision in them or elsewhere in the Charter which would give the Assembly the powers necessary for the termination of the Mandate. The exceptions, therefore, are not of relevance in the present context. The General Assembly has no general competence of an executive character, and, with the exceptions to which I have referred, there is no basis in the Charter for the attribution to it of a competence to adopt resolutions which are other than recommendatory in effect. It was for this reason that, during the discussion of resolution 2145 (XXI) in 1966, the United Kingdom delegation, together with a number of others, expressed serious reservations as to the legal effectiveness of that resolution. The argument before the International Court went into the matter more deeply than had previously been done; but I am bound to say that, having given the most careful consideration to the question, my Government is not persuaded by the reasoning advanced in the advisory opinion to sustain the validity of resolution 2145 (XXI).

58. To sum up, therefore, for my Government to be able to agree that there was a power of termination of the Mandate, certain propositions of law would have to be established. It is our considered view that these propositions have not been established either in relation to the League or in relation to the General Assembly. Since the United Kingdom Government has reached the conclusion that the Mandate has not been validly terminated, we cannot accept the legal consequences deduced by the Court from different premises; and accordingly, we cannot accept the conclusions of the Court set out in paragraph 133 of its advisory opinion. Whatever we may all feel about South Africa's actions in its administration of the Territory—and I have made clear my own Government's view on this—we are still faced with a question of law; and the serious legal difficulties which my Government encountered earlier have not been dispelled.

59. It has been suggested on various occasions since the advisory opinion was delivered, and indeed in the course of our own deliberations in this Council, that the advice given by the Court is now binding on the whole international community. This, of course, as the Secretary of State of Liberia has rightly said, is not so. While an advisory opinion

given by the Court is entitled to be, and must be, considered with the greatest respect, and while no Government could fail to take it fully into account in assessing what the legal position is, such an opinion is in law not binding. The fact that the Court has given its advice cannot absolve Governments from themselves considering very carefully all the relevant legal factors, forming their own view of them and then, honestly and seriously, reaching the legal conclusions which in their judgement flow from that process. This is what my Government has done.

60. It is in the light of my Government's position on the legal aspects that I turn now to the recommendations of the *Ad Hoc* Sub-Committee on Namibia contained in paragraphs 18 to 20 of its report [S/10330].

61. I shall confine myself in the main to parts A and C. I do not think I need to explain why the proposals in part B are unacceptable to my delegation; indeed many of the proposals in part B do not seem to have any basis in the position taken by the Court in its advisory opinion, even if it were accepted.

62. Rather different considerations apply when we come to the proposals in part A. Even though my delegation is unable to accept the basic premise on which they are founded, nor therefore to support the proposals, we appreciate the considerable restraint and spirit of compromise which has been shown in drafting them. We fully share some of the sentiments expressed. My Government agrees on the importance of the unity and territorial integrity of Namibia and deplores any measures that would tend to destroy them against the wishes of the people. It accepts that all matters affecting the rights of the people of Namibia are of immediate concern to all Members of the United Nations; and indeed we agree with the Ministry for External Affairs of Sierra Leone that the essential *raison d'être* of the United Nations concern with Namibia, as it should be of South Africa's administration of the Territory, is the furtherance of the rights and interests of its inhabitants. It is the interests of the people of the Territory that should be uppermost in our minds as we debate this question. On this we all agree. But as I have suggested earlier, it would surely also be agreed that if we are going to take up a position *vis-à-vis* a Member country we must be absolutely sure that the position is soundly and lawfully based: the implications are obvious. Unfortunately, it is precisely this legal basis that, in the opinion of my Government, is not proven.

63. Part C of the proposals, however, appears to my Government to be a constructive thought and to contain the seeds of a move forward. Whatever the legal position, the Government of South Africa is in fact administering the Territory. Realism dictates that it is only by negotiation with the South African Government that any advance can be made in the well-being of the people of the Territory. And we agree that the essential purpose of discussion should be to ensure that the people of Namibia are able to exercise their right to self-determination.

64. We have consistently said, and my Secretary of State has reiterated this in his speech in the General Assembly [1944th plenary meeting], that it is by dialogue rather than

by confrontation that progress can be made: progress in the interest above all of the people concerned, who are human beings and should not be used as political pawns. This, it seems to my delegation, is the path we should take. In a complex and difficult situation this does at least offer some prospect of moving towards the goals we wish to attain.

65. There are plenty of subjects for discussion and negotiation. They could concern all appropriate ways of reaching agreement on a programme that would enable the people of the Territory to exercise their right to self-determination, a right which is acknowledged by all. Suggestions have been made which are surely worth further exploration. We can understand that the terms in which some of these suggestions have been formulated may have proved unsatisfactory to many. Nevertheless, I am sure that there are various possible means whereby self-determination could take place and the wishes of the people of Namibia be ascertained under proper arrangements and in such a way as to allay legitimate anxieties. Or again, could we not follow up the suggestion that the Secretary-General or his representative might visit the Territory? Perhaps some people will find this hard to reconcile with what they regard as the legal position of the Territory. Nevertheless, is it not a possibility sufficiently interesting to warrant further investigation, without prejudice to the legal position?

66. My delegation for its part would be more than ready to join with other delegations in urging the South African Government to enter the path of negotiation—and we consider that the Government of South Africa, for its part, is in duty bound to respond to such an approach and to co-operate in ensuring that the peoples of Namibia may freely and fully exercise their just, due and inalienable right to self-determination.

67. No one, of course, can guarantee that any negotiation is going to be successful or 100 per cent satisfactory to either side. Nevertheless, progress along these lines does seem to be the most positive of the options that are open to us. Whatever our opinions on the legal aspects, can we not agree that we should explore every possibility of steering away from a collision course which would be unlikely to alter, except for the worse, the present *de facto* position? In the opinion of my delegation we ought to make the attempt.

68. The PRESIDENT (*interpretation from Spanish*): The next speaker on my list is that of the Minister for Foreign Affairs of South Africa. I invite him to be seated at the Council table and to make his statement.

69. Mr. MULLER (South Africa): I wish to comment briefly on certain cardinal aspects of the debate, without traversing matters of detail.

70. With regard to the advisory opinion of the International Court of Justice, some speakers have urged that this Council should take the opinion as its point of departure. Others have seemed to suggest that the Members of the United Nations and members of this Council are in some way precluded from disputing or doubting the correctness of the majority opinion. Any such suggestion would of

course, be completely untenable. An advisory opinion is, as its name indicates, advisory only. The weight to be attached to it depends, ultimately, on the cogency of its reasoning. And, for the reasons I have given, the South African Government cannot accept that the reasoning of the majority is in the least persuasive.

71. It is important to note that no single speaker in this debate has answered my criticisms of the opinion. In this regard I shall refer briefly to the three main points which I raised in my earlier address.

72. The first related to the powers of the General Assembly. I said that, "apart from some immaterial exceptions which were never in issue, the Charter confers upon the Assembly only the power to discuss and the power to recommend" [1584th meeting, para. 98]. On what basis then could resolution 2145 (XXI) be justified under the Charter? The Court itself could not indicate any basis.

73. Nor has any acceptable Charter basis been suggested in this Council. For it does not avail to say that the Assembly can take binding decisions in respect of the admission of Members, the approval of a budget or the apportionment of expenses. Express provision is made for these matters in the Charter—they are some of the immaterial exceptions to which I referred. But where is the provision which could provide authority for resolution 2145 (XXI)? We have asked the General Assembly, we have asked the Court, we have asked the Security Council. But we have received no reply.

74. How then can we justifiably be accused of defiance? Is it reasonable to expect us to accept resolution 2145 (XXI) and the resolutions to which it gave rise when we are sincerely convinced that they are legally invalid and when nobody has answered our arguments in this connexion?

75. My second main criticism of the opinion related to the powers attributed by the Court to the Security Council. Members will recall that, with a very minimum of reasoning, the Court gave an extremely wide interpretation to Article 24 of the Charter. Although speakers here have defended this finding of the Court, it is significant that they did not in any way make good the lack of reasoning in the opinion.

76. I turn now to the Court's censure of South African policies in the Territory. My criticism here was that the Court's comments were irrelevant to its conclusions—that they were made after the Court had refused to hear evidence and had spurned the evidence which could have been obtained by the holding of a plebiscite. This criticism remains unanswered.

77. The question of a plebiscite has also been referred to in this Council. Some speakers have rejected the idea, while others have given it their qualified support. Of course, should the Security Council itself adopt a resolution on this issue, it would be referred to my Government.

78. There are certain other matters to which I should also like to refer. The first of these is the idea, which certain

speakers have sought to convey, that South Africa considers that it "owns" or "possesses" the Territory, and that it intends, come what may, to "keep hold" of the Territory until at least the next century. Others have stated that the reason for this is the economic benefit which they allege South Africa is deriving from the Territory. It has even been stated in the debate that this is why South Africa is spending so much on development in the Territory.

79. Let me state categorically here and now that these allegations are not true. South Africa does not claim, and never has claimed, to possess the Territory. Our purpose in the Territory is not our own aggrandizement or enrichment—territorial or otherwise. In fact, Government expenditure on the Territory far exceeds revenue. Our purpose is to guide each of the peoples of South West Africa along the road to self-determination according to its wishes and, by development in all fields, to bring it to full self-government and eventual independence, if this is what it desires. For we know that only by doing this can we ensure the peaceful development of the Territory, which is essential for the peace and the stability of all of southern Africa.

80. It has also been alleged that the various press reports which I cited in my earlier address were, "practically without exception, dictated by the voice of South Africa, even though they appeared to be the hands of foreign correspondents."

81. I mentioned the other day the names of only some of the news agencies, magazines and newspapers which had recently reported on conditions in South West Africa. There were others from which I could equally well have quoted to support my statements. All those reports emanated from some of the best-known news media in the world.

82. I can only say that I am flattered that some should think that South Africa is able to dictate to media as powerful as these—to dictate, moreover, not only that they must report on South West Africa in the first instance, but also what they should report and how they should report it.

83. Finally, I was asked why, if what I say about conditions in the Territory is true, South Africa did not co-operate with the Council for South West Africa and allow its members to visit the Territory and satisfy themselves as to the true facts of the situation.

84. I think that the answer is well known to everybody here. We refused to deal with the Council because we did not accept the validity of resolution 2145 (XXI) and the establishment of the Council to which it gave rise. It was not because we had anything to hide. We have on various occasions in the past invited representatives and dignitaries of this Organization to visit the Territory and to see conditions for themselves. We have also invited heads of foreign missions to visit the Territory, and several have availed themselves of the opportunity. The invitation still stands for the others to go if they so wish. We have invited the International Court of Justice to do the same. And the other day I repeated our invitation to the Secretary-General of the United Nations or his representative.

85. Notwithstanding these attempts on our part to make known the true situation in South West Africa, the charges against us are regularly repeated. They are founded not upon any objective evidence but upon the reports of those who do not know the Territory and have never been there or else of those who, for motives of their own, misrepresent conditions in the Territory. Distortions and misrepresentations, the evidence of interested petitioners, and films such as the one shown today—all are accepted without question as the truth.

86. On the other hand, the views and comments of those whose impartiality and integrity cannot be doubted, who have been to the Territory, who have seen conditions for themselves and who have no axe to grind, are summarily dismissed or simply ignored.

87. I repeat: we have nothing to hide. On the contrary, on a variety of occasions over the past few years we have made information on conditions in the Territory freely available to, *inter alia*, the United Nations and the International Court of Justice. That information, backed by statistics, is contained in hundreds of pages of written documents. Just the other day I outlined to the Council some of the more important developments that had recently taken place in the Territory. And I gave up-to-date and irrefutable statistics to illustrate the progress being made.

88. What has been the reaction in this Council? Instead of objective discussion, I have met with vituperation and have been accused of distorting facts and figures. Instead of constructive criticism, I have heard our very real achievements in the Territory being scornfully disparaged. And when I ask for answers to fundamental legal questions, I am told that I am indulging in "legal pyrotechnics" in order to becloud the issues. The information and the statistics which I have given are branded as false, as clever propaganda. But not one speaker has substantiated these claims.

89. When all is said and done, it is the interests of the peoples of the Territory which are of paramount importance. It is their future and their welfare which are at stake.

90. We, for our part, have made a real and significant contribution to the material welfare of the inhabitants of the Territory and we have promised them independence if that is what they desire. It is our purpose to see that they realize their ambitions to the full by way of peaceful development.

91. One further comment apropos of the discussion here on the showing of films to the Security Council. I should very much like to put it on record that South Africa may also in due course wish to avail itself of an opportunity to show a film on the Territory of South West Africa to members of the Council.

92. Mr. NAKAGAWA (Japan): First of all, Sir, I wish to congratulate you on your assumption of the high post of President of the Security Council. I also wish to assure you that my delegation will be most happy to participate in the activities of the Council under your most able and experienced leadership. I thank you also for your very kind words addressed to me as the out-going President. I also

wish to thank Mr. Malik, the Ambassador of the USSR, for his very generous words about me.

93. My delegation considers it significant that the Council is requested to consider the question of Namibia in the light of the advisory opinion of the International Court of Justice. My Government welcomed the advisory opinion, which, in effect, confirmed the validity of the United Nations decision to terminate the South African Mandate and to assume direct responsibility for the Territory until its independence. Japan has consistently supported this decision of the United Nations.

94. Although we do not fully agree with all of the reasoning, particularly with regard to some interpretations of the Charter, underlying the Court's opinion, we have no doubt as to the rightness of the conclusions of the opinion. We consider that the Security Council, in its new efforts to find a peaceful solution of the Namibian problem, should respect those conclusions when formulating ways and means to implement the relevant resolutions of the Council.

95. Before dealing with the question of what action the Council should take for the peaceful settlement of the situation in Namibia, I should like to state briefly the basic position of my Government with regard to the continued presence of South Africa in the Territory of Namibia.

96. The situation prevailing in Namibia causes us grave concern, particularly in view of the reported acceleration in the extension and enforcement of South African laws in the Territory—moves designed to destroy the national unity and territorial integrity of Namibia by a continuing process of racial and tribal partitioning, along with the over-all incorporation of the Territory into the South African State. Japan does not recognize South Africa's authority over Namibia and considers that South Africa's continued presence in Namibia is illegal. South Africa, therefore, is under obligation to comply with the decisions of the Security Council demanding immediate withdrawal from the Territory.

97. It is further the position of my Government that the United Nations has direct responsibility for Namibia until such time as the people of Namibia can freely exercise their inalienable right to freedom and independence in accordance with General Assembly resolution 1514 (XV).

98. We have no diplomatic, consular, trade or other official representation in Namibia. Neither have we any official institutions in any other area that may imply recognition of South Africa's authority over Namibia. I also wish to stress that no investment has ever been made in Namibia by any Japanese concern. Furthermore, the Government of Japan has not entered into any bilateral treaty with South Africa which acknowledges or might imply the authority of South Africa over Namibia, and has no intention of doing so in the future.

99. Turning now to the question of the action to be taken by the Security Council, I should like to emphasize that the overriding consideration must be the well-being of the Namibian people. The advisory opinion of the Court also makes this point in paragraphs 122, 125 and 127.

100. I also believe in the wisdom of adopting a realistic and gradual approach with regard to the full attainment of the rights of the Namibian people. Certainly, in order to ensure the effective transfer of administration to the people of Namibia, there should be a civil service corps capable to performing administrative responsibilities in the Territory. It was with that consideration in mind that Japan actively supported the idea of establishing a United Nations Fund for Namibia to provide assistance to Namibia in various fields, and in particular to finance a comprehensive education and training programme for Namibians.

101. It is in the light of these considerations as well as of the basic position of my Government as explained before that my delegation will study the proposals contained in the report of the *Ad Hoc* Sub-Committee on Namibia or any other proposals put forward before the Council.

102. I should like to take this opportunity to commend the work accomplished by the *Ad Hoc* Sub-Committee. In my view, the proposals contained in the report could usefully serve as the basis of our consideration.

103. My delegation is in general agreement with the ideas expressed in part A, on which there seemed to be a large measure of agreement in the Sub-Committee. These proposals, although they do not represent a drastic departure from past decisions of the Council, are useful and significant in view of the recent advisory opinion of the Court.

104. My delegation can also support some of the ideas expressed in part B. Above all, we recognize the significance of the arms embargo with regard to the Territory and people of Namibia. However, certain other proposals in that part of the report require further study, particularly regarding their practical implications, if and when they are put into effect. We consider it advisable to request the *Ad Hoc* Sub-Committee to continue its consideration of these proposals.

105. We are also in favour of the proposal contained in part C: namely, the idea of inviting South Africa to enter into immediate discussions with the Secretary-General or an appropriate United Nations organ with a view to ensuring that the people of the Territory are able to exercise their right to self-determination. I should like to stress, however, that the clear objective of such discussion should be the attainment of full freedom and independence for the people of Namibia. The practical aspects of this proposal should also be studied by the *Ad Hoc* Sub-Committee.

106. I should like to reserve any further comment I may have until a later stage of our proceedings.

107. The PRESIDENT (*interpretation from Spanish*): Personally I am grateful to the representative of Japan for his expression of praise for me and my conduct of the Presidency. His courtesy comes as no surprise, because it is consistent with the proverbial gallantry of the Japanese.

108. Mr. VINCI (Italy): Mr. President, breaking for a moment the rule my delegation has followed since taking its seat in this Council—that is to say, to abstain from complimentary expressions—I wish to congratulate you, Sir,

on your assumption of the Presidency for this month, which is likely to become as busy as, if not busier than, the last two months. If I do break the rule it is because I feel that all of us here around this table are indebted to you for your effective and skilful discharge of the many difficult tasks entrusted to you by the Council. We are fully confident that your Presidency will add even more laurels to the many you have earned for yourself and for your own country, Nicaragua, in your exceptional, eventful and brilliant diplomatic career.

109. I wish, furthermore, to pay tribute to Ambassador Nakagawa for the able and effective manner in which he conducted our business during one of the busiest sessions of this Council.

110. Before addressing myself to the item under consideration, Mr. President, I wish to inform you that my delegation is prepared to hold consultations on the question of the film which was shown today to all members of the Council who wished to see it. I should like at the same time to place on record that a member of my delegation went to see the film and that I myself would have gone personally if I had not been detained in the plenary meeting of the General Assembly until 2 o'clock to listen to the statement of my Foreign Minister, and if I had not been further detained by a later lunch and other commitments with my Foreign Minister.

111. The question of Namibia—formerly South West Africa, a Territory placed under United Nations Mandate—is a matter of great concern for the United Nations. Nowhere, perhaps, has a Member State been more at odds with this Organization, with its constitutional principles, its collective interests and responsibilities, than in the case of Namibia. It is not necessary for me at this point to dwell on the causes and consequences of this controversy. The matter has been dealt with in depth over the years, in the General Assembly and in this Council. Italy has on many occasions voiced its opinion and stated its position.

112. Nor is it necessary for me today to go deeply into the developments that led the United Nations to adopt resolution 2145 (XXI), which terminated the Mandate of South Africa over the Territory. My country voted for that resolution. We stand firmly by it; all the more so since the International Court of Justice has confirmed, by its advisory opinion, the validity of that decision of the General Assembly.

113. I shall speak only briefly about the negative repercussions that the policies of South Africa produce throughout the African continent. Having had the privilege to listen during our previous meetings on this subject to the eloquent exposés made by the President of Mauritania, Moktar Ould Daddah, acting in his capacity as President of the Organization of African Unity, and by many distinguished speakers, members of African Governments, I found those repercussions clearly reflected in what we heard from some of the most authoritative voices of Africa. We had, however, long been aware of those negative repercussions. More recently, the Italian Minister for Foreign Affairs, Mr. Moro, had the opportunity, during his visits to several African capitals, to observe personally, in

meeting the African leaders, the deep feelings which the situation in Namibia arouses in Africa. The justified reactions of African Governments and public opinion are one aspect of the question that is of growing concern to us.

114. We realize that the situation prevailing in Namibia is unbearable, especially for the young and justly proud African countries, which base their independence on the principle of self-determination and on the well-founded aspirations of all African people to shape their future in accordance with their own free will, to play a role in international affairs on an equal footing and to make their own original contribution to the progress of mankind in all fields. It is, indeed, a shocking anachronism that, when the process of decolonization is approaching its completion, when vast—and I should add, short-lived—African colonial empires have vanished, Namibia, with a few other Territories in that same part of the continent, should remain under colonial rule; and, what is more, one of the most archaic colonial rules the world has ever witnessed, based as it is on the manifold injustices of racial discrimination, economic exploitation and exclusion of the native population from the mainstream of international life and progress.

115. I do not think there is any need at this stage to go into the many legal aspects of the question. That has been done by previous speakers in a very learned manner. Furthermore, since there is a very wide measure of agreement on the illegality of South Africa's presence in Namibia, the legal aspects of the question are no longer of overriding importance.

116. We agree with the conclusion of the advisory opinion of the International Court of Justice of 21 June 1971. We think that its reasoning on the main question put to it is sound. The Court also deemed it necessary to pronounce itself on various other questions, some of which involve delicate constitutional problems. The opinion expressed on those problems might raise, in our view, very controversial issues, which are not essential for dealing with the question of Namibia. To give only one example, the Court offered a far-reaching interpretation of Articles 24 and 25 of the Charter—an interpretation which is highly controversial and, I must say, not shared by my Government. We think it is for the Council to decide when its resolutions have a mandatory character. But, as I have said, we must look at the essential part of the advisory opinion, concerning the validity of resolution 2145 (XXI) and the termination of the Mandate.

117. The Minister for Foreign Affairs of South Africa has reiterated all along—and again today in a detailed critical examination of the Court's Opinion—that South Africa still has the right to administer the Territory. What is the source of that right? What is the title to it? The answer is not controversial. The right to administer Namibia stems from the Mandate entrusted to South Africa in 1920 by the international community, at that time organized in the League of Nations. If it is accepted that—as South Africa has often contended—the Mandate lapsed when the League of Nations was dissolved, then the right to administer the Territory is also extinguished. If, on the contrary, it is accepted—as any sensible person accepts—that the Mandate survived the League of Nations, then the Mandate must be

exercised under the control of the international community, through the United Nations, in which that community is now organized and in accordance with the obligations contained in the San Francisco Charter. We see no alternative.

118. The Mandate has a specific international status and cannot be conceived of in a vacuum. It cannot exist outside the international community and outside any control by that community; nor can it produce its effects, so far as the rights of the Mandatory Power are concerned, while remaining suspended and with the establishment of obligations and procedures to control the fulfilment of those obligations paralysed for ever, unless South Africa wants us to find grounds for its administration of the Territory in some sort of divine right.

119. It is in order to avoid such a situation, which could not have any legal justification, that the Charter contains provisions in Articles 73, 77 and 80, paragraph 2, for the conversion into Trusteeships of the old Mandates entrusted to Member States. South Africa is the only Member State which has refused to comply with the above-mentioned provisions and with the obligations arising from the Court's opinion of 1950<sup>3</sup> and has refused to negotiate in good faith to convert the Mandate over South West Africa into a Trusteeship.

120. The subsequent conduct of South Africa has clearly been in violation of the obligations flowing from the Mandate, since it has been acting to fasten its grasp on the Territory by the extension of repressive legislation, and by the application of the policies of racial discrimination and by the partition of Namibia into "native Homelands", leaving the developed modern sector to uncontested white control.

121. In its resolution 2145 (XXI), the General Assembly drew its inescapable conclusions, and the overwhelming majority of the Member States today recognize that the administration of Namibia by South Africa has no legal basis any more. The Security Council has, in the preamble to its resolution 276 (1970), adopted in January 1970, reaffirmed General Assembly resolution 2145 (XXI). If we followed the reasoning that those resolutions have no effect whatsoever, I am afraid that it would amount to an acceptance of the view that the United Nations cannot act and is impotent before a defiant Member State.

122. We have noted, on the other hand, that the Minister for Foreign Affairs of South Africa spoke at length in an effort to persuade us that his country has not violated the obligations of the Mandate, that the South African Administration is promoting the well-being and the progress of the inhabitants of the Territory and that the South African Government is pursuing the goals of the Mandate, namely, to bring the people of Namibia to self-government and finally to the stage of full self-determination and independence. While he was speaking a question haunted my mind: Was he giving all this abundant information on the Territory's economic and political progress as a way of reporting to the United Nations as required under Article

<sup>3</sup> *International Status of South West Africa, Advisory Opinion, I.C.J. Reports 1950, p. 128.*

73 e of the Charter? He even invited the Secretary-General or his representative to visit the Territory and to see for himself the conditions that prevail there. Should this be considered an invitation to visit the Territory in the spirit of Article 87 of the Charter? It seems to me that these questions are justified, since whatever evaluation, if any, this Organization gives of the explanations and information provided by South Africa depends on the answer to them. We do not see the purpose and usefulness of the statement we have heard, or how the Organization can take the said information into consideration, if the rights, the interests and the authority of the United Nations are to continue to be totally denied and opposed by South Africa. These are questions that should be answered in order for us to understand whether South Africa is still defying the United Nations or is trying—as would be sensible on its part—to relieve itself of the burden of a dangerous confrontation with practically the whole international community.

123. Having said this in order to reaffirm our position once more, I should like to turn now to what we can do to surmount the present deadlock and what steps we can have recourse to in order to attain our common goal, namely, that of bringing Namibia to independence. Let me, however, first of all recall that, whatever course of action we decide upon, it is of paramount importance that we maintain complete unity and solidarity. We know that consensus is for the United Nations, at this difficult, critical stage of its life, a precondition of success. We know that unity has become even more imperative now in the face of the policies pursued by South Africa in blatant opposition to the will of the international community. We must give a crystal-clear demonstration of such a unity of purpose which will never abate until Namibia is free from colonial rule.

124. There is no point, I believe, in minimizing or concealing the many complexities of the question before us. If we sincerely intend to lay the basis for future constructive action by this Organization, we shall be well advised to appraise the difficulties fully and to study in depth the various problems the situation is confronting us with. The question of Namibia is hardly one that we might expect to solve overnight with hasty or so-called radical moves. The United Nations will have to deal with this question for a very long time to come: it must be prepared, therefore, for a long, gradual and persistent action, which in the first place should be carefully considered in the short term and in the long run and in the second place should follow different lines and be pursued by different means to enable the United Nations to come to grips with the various difficult aspects of the question.

125. For the present and for the immediate future I think the Council might proceed on the excellent basis provided by the suggestions contained in part A of the report of the *Ad Hoc* Sub-Committee on Namibia. These proposals have two main objectives: first, to reaffirm in very clear terms that Namibia is the direct responsibility of the United Nations, which means making a solemn commitment not to abandon the people of Namibia to colonial rule nor to shirk our tasks by contenting ourselves with extreme magic formulas, radical in words only, that would create more difficulties or would put the entire burden on the African

States alone; and secondly to establish, following the advisory opinion of the International Court of Justice, a preliminary set of steps that States could envisage as stemming from the termination of the Mandate.

126. We think that the *Ad Hoc* Sub-Committee should continue its study of the various aspects and developments of the question, taking into account the various proposals made by Member States and particularly the very useful work done by the Committee of Fourteen<sup>4</sup> set up by the General Assembly to suggest ways and means for the implementation of resolution 2145 (XXI). The Italian delegation played an active role not only in the adoption of that resolution but also in the meaningful work carried out by the Committee of Fourteen. Many of the ideas discussed in that Committee might be considered again by this Council's *Ad Hoc* Sub-Committee on Namibia. The Italian delegation has also tried to contribute in a constructive manner to the work of the *Ad Hoc* Sub-Committee on Namibia and we are ready to continue to give our co-operation in the future in the same spirit.

127. The PRESIDENT (*interpretation from Spanish*): I thank the representative of Italy for his kind words addressed to me. They please me even more because they come to me from an illustrious son of the Italian nation, one of the beloved Latin motherlands of my own country, and Ambassador Vinci is an outstanding personality in the international world.

128. I have just received a letter from the representative of Saudi Arabia [*S/10353*], requesting, under rule 37 of the provisional rules of procedure of the Council, to be allowed to participate in our debate. Following our usual practice, I intend to invite him to participate in our deliberations, without the right to vote.

*At the invitation of the President, Mr. J. Baroody (Saudi Arabia) took a place at the Security Council table.*

129. Mr. BAROODY (Saudi Arabia): I thank you, Mr. President, and the members of the Council for granting me permission to participate in the debate. Looking at the President of the Council, who hails from a small country and who has proved his ability to preside over this body, it gives representatives of small nations like my own hope that, after all, we may have ideas that are constructive, in spite of the fact that we do not exercise world power.

130. You will note from what I am going to say on the item before the Council that my statement will in no way be predicated on solidarity. Nor would it be useful, I believe, for me to contest legal opinions or juridical decisions, including the opinion of the International Court of Justice. I shall do my best to avoid swerving from one point of view to another regarding proffered solutions; to what may appear an intractable problem. However, I hasten to say that it is indeed difficult not to be upset by policies of racial discrimination, one brand of which, in South Africa, is known as *apartheid*.

131. However, I shall not be emotionally involved in my statement regarding *apartheid* because we are here to find a

<sup>4</sup> *Ad Hoc* Committee on South West Africa.

solution rather than to incriminate and to hurl invectives or cast aspersions at others. My approach to the problem will be, if I may say so, a little *avant-garde* in some of its aspects.

132. Some members of the Council might say: why should Saudi Arabia be so concerned about the Mandate of South West Africa—which was christened Namibia by the United Nations in 1966? Remember that many of our brothers, our Moslem brothers, are Africans, and the Moslems are one community. We have bonds with the Africans—not through religion, although many of them were indeed Arabized, and we belong to the same culture. So is it astonishing that I should ask for the floor, when some who hail from Europe or the new hemisphere concern themselves to such an extent as to appear as if they were the arbiters of problems like the one which confronts us.

133. Let me say that during the first two decades after the founding of the United Nations almost all the colonies, mandated Territories and other non-self-governing Territories emerged as independent States, which were subsequently admitted to membership of the United Nations. In fact, all that is left for the Trusteeship Council nowadays is to handle such small geographical entities as New Guinea, administered by Australia, and the Trust Territories of the Pacific Islands.

134. But let us go to the root of the matter, the reason why this problem seems to be insoluble—although, if South Africa does not heed the warnings of African States that do not exercise enough power to dislodge South African authorities from the erstwhile Mandate, I would only ask our South African colleagues to delve not into books of ancient history, but rather into those of relatively modern times. Why should there be such a Territory as South West Africa, or Namibia, which still presents us with a problem? And I must be very frank here. The difficulty all started with what happened in the Congo. The dispute among major Powers regarding the serious situation in the Congo at the end of the fifties paved the way to the creation of a subsidiary body, namely, the anti-colonial Special Committee of 17 members,<sup>5</sup> which was created for the purpose of helping to liquidate the remnants of colonialism which still existed, mostly in the African continent. The membership of that Committee was later increased to 24. I believe that it is now 22, two major Powers having withdrawn from it. And then we find another subsidiary body established by the General Assembly in 1967, which came to be known as the United Nations Council for Namibia.

135. I am not going to state who or what countries suggested that the Committee of Seventeen—later Twenty-Four—should be created or who created or persuaded us to create the United Nations Council for Namibia. Suffice it to say that they were major Powers. I do not want to embarrass people by citing names. I submit—and I said so from the rostrum of the General Assembly in 1966—that it was a grave mistake on the part of the General Assembly to terminate the Mandate over South West Africa granted to the Republic of South Africa. The Mandate was granted originally to the United Kingdom; and, as if it were a

cheque to be endorsed, it endorsed the whole people of a former German colony over to South Africa. By what right was that done? There is no use crying over spilt milk: what was done cannot be undone.

136. The Republic of South Africa, as I said, had the Mandate transferred to it—but on certain conditions—through the United Kingdom. In fairness to the United Kingdom, we must say “under certain conditions”, under specific terms of the League of Nations.

137. I lived in an area that had been part of the Ottoman Empire and was divided into Mandated Territories—and Mandated Territories are colonies in disguise. How do I know? I lived in one and I rebelled in another; and I had to leave the Territory in 1929 and I had to go back. We know what Mandates are. However, *prima facie*, the Mandated Territories were Territories that were granted by the Treaty of Versailles to certain Powers—they happened to be the victor Powers—by an agreement known as the Sykes-Picot-Sazonov Agreement. When the Revolution broke out in 1917 Sazonov was forgotten, so the agreement became known as the Sykes-Picot Agreement. The United States was not a Power to contend with in those days.

138. Mr. Wilson, President of the United States, proclaimed the Fourteen Points at Versailles—and I was a contemporary of that era; I am not talking from the history books. We were personally involved in Versailles, those of us who were young men in their twenties. I must say the Russians gave that secret agreement to the Germans and dropped out of it; they did not want any territories—they had enough territory in the Soviet Union. It became known as the Sykes-Picot agreement, and all of a sudden we found ourselves partitioned into British and French Mandated Territories. The British had the lion's share, including the Mandate over Palestine. They even tried to dislodge the French from their Mandate over Syria in 1920, but they did not succeed because one of the emirs—and I do not want to mention his name—who had been placed by them played the British game, and the French ousted him.

139. We remember those days. We were the victims, the powerless victims under the Mandate. But there was a good feature too about those Mandates. In accordance with their terms, the Mandatory Powers took upon themselves the responsibility of preparing the peoples of those Territories for ultimate independence. The Mandates were classified as A, B, C, and so forth. South West Africa was classified, I believe, as a C Mandate—Mr. Muller, the Minister for Foreign Affairs of South Africa, whom I see sitting here, could tell me which it was. That is how they grade peoples in schools—A, B, C, D. But we, the A Mandates, were rebelling. I participated—peacefully—in a rebellion in 1925, in Damascus. We demonstrated in the cities of the Middle East. But it took a second world war to liberate us from the Mandatory Powers, because we ourselves did not have sufficient power. We organized bands and harassed the Mandatory Powers, and then they would crush those that we called nationalists but that they called terrorists. Nothing has changed; today, anyone who is against a great power is a terrorist, a rebel, but the people who are fighting for their independence call him a nationalist. The nomenclature depends on which side you are on.

<sup>5</sup> See foot-note 1.

140. Now, I must say something that will not sit well with many of my colleagues who suffered under the Nazis. Had it not been for Hitler, we might still be rebels and terrorists. Not that Hitler liberated us, but the Second World War accelerated the liberation movement in our territory. I do not wish to go into details, but this is by way of a preface to what may take place in South West Africa, alias Namibia. What's in a name? What we call a part of Africa others may call either a Mandate or Namibia.

141. When the Mandate was terminated in 1966, I warned the United Nations that we were committing an error by cutting the legal cord—the umbilical cord, if you want to call it that—that tied South West Africa to the United Nations, the heir of the League of Nations; this Organization, as far as the Mandates are concerned, is the heir of the League of Nations. We should never have cut that cord. I think our colleagues from South Africa were quite pleased, because we gave them a free hand. And now we criticize them. We tell them we do not consider them the Mandatory Power, and then we ask them why they are doing this, why they are doing that, in Namibia. Where is the logic in our asking them these questions?

142. For an organization such as ours to give a Territory a name and declare it independent, without implementing its decisions, has proved to be futile, if not ludicrous. Decisions which are not bolstered by the collective power of the United Nations have proved to be most ineffective, to say the least. The mere fact that the United Nations Council for Namibia has no power whatsoever to influence the policies of the Republic of South Africa should be carefully pondered. In effect, that Council is only a glorified committee—and I say this with all due respect to its members, who are friends of mine. They constitute, rather, a committee on Namibia in the United Nations. And why was the Council created? I submit that it was created as a pacifier for those African, Asian and other Members who, without let-up, raised their voices in the General Assembly and the Security Council in the hope that by so doing they could throw the mantle of freedom over the people of the Mandated Territory of South West Africa, which has been christened Namibia. It would have been far better if the Members of the United Nations had followed certain practical suggestions that were submitted in a draft resolution in the General Assembly in 1966,<sup>6</sup> stipulating that the Republic of South Africa should be persuaded to accept either observers or one or more co-administrators to accelerate the process of self-determination and subsequent accession to independence of the Mandated Territory, just as all the other Mandatory Powers were supposed to do. Instead, after the creation of the Council for Namibia, decisions were taken by the General Assembly and the Security Council that have proved to be quite abortive. Petitioners were invited amongst us—some of them very respectable petitioners: some belonged to churches, others were genuine political figures. They were invited to testify before us, after which rhetorical statements were made by representatives—sometimes including me—year in, year out, without achieving any tangible results. The General Assembly even went so far as to take decisions for creating a sort

of Namibian passport or identification document for travelling. That is all right for refugees. But we have a High Commissioner for Refugees in Geneva, who could have furnished papers for that purpose.

143. As I said, all these things were lollipops that were given to us by certain Powers to pacify us, as if we were children, those Asians and Africans who thought that by christening South West Africa with the name of Namibia, by creating a passport for it, by making speeches in the General Assembly and the Security Council, we would, as I said, throw the mantle of freedom over the people of South West Africa.

144. The liberation of Territories like South West Africa or Namibia cannot be attained by petitioners abroad or by leaders who chose or were compelled to leave, if they do not risk their lives by becoming activists for true independence inside the mandated Territory itself. Such a style of activity, assumed by expatriates, some of whom are genuine leaders and others self-styled leaders, has boomeranged in the past. I am speaking from personal experience. The struggle for independence should be carried out from within in order to be effective. Independence cannot be gained by vociferous speeches carried out by political emigrés from without.

145. Hence the United Nations should wake up and take some drastic steps to rectify the error that it has made by thoughtlessly terminating the Mandate and concurrently creating an academic Council, which, incidentally is costing the Organization unnecessary expenditure, while we are on the brink of insolvency, as all members know. And some countries which cry out to high heaven—mostly countries which are able to contribute to the United Nations budget—are even speaking of creating a new post of High Commissioner for Human Rights, with an initial expense of \$300,000, which will reach \$3 million in a couple of years. I do not understand how some people can rationalize with respect to such posts when we are on the brink of bankruptcy. I think man is not so much a rational animal as he is a rationalizing animal. We find excuses for posts we want to create. But a remedy should be found for dealing with this unfortunate situation, which developed from our own errors here.

146. With the permission of the President, I should like to make a few suggestions. I believe that private negotiations may be carried out with the Government of South Africa for placing the erstwhile Mandated Territory, currently known as Namibia, under the Trusteeship Council. I believe the ice was broken by our illustrious colleague, the representative of France, in his intervention yesterday [1588th meeting] which I have read very carefully. Do not underestimate the sagacity of the French intellect for finding practical solutions. The French are logical. They have always been dubbed logical, and sometimes the world does not go by logic. It is not true. They are both logical and practical, as we can see from solutions such as those contained in the intervention of the representative of France. The Ambassador of France said:

<sup>6</sup> See *Official Records of the General Assembly, Twenty-first Session, Plenary Meeting*, 1449th meeting, paras. 169-178.

"It is the obligation to negotiate in good faith with the United Nations for the establishment of an international

régime enabling the people concerned freely to choose their destiny.”<sup>7</sup> [1588th meeting, para. 22.]

And I liked what he said when he spoke of legal polemics. There are not only political polemics; there can also be legal polemics, and there can be just polemics. Polemics do not solve anything. The representative of France also said:

“If South Africa were to fail to abide by its strict obligation to negotiate with the United Nations for a new international régime for South West Africa, France would draw its own conclusion about the illegality of an administration maintained under such conditions.”<sup>7</sup> [*Ibid.*, para. 27.]

147. That is a gentle warning by one of the four major Powers, and that is why I think the ice is broken. I believe that in his statement today the Ambassador of Italy mentioned something to that effect. Those statements tally with my suggestions.

148. My first suggestion is to place Namibia under the Trusteeship Council, and, let me hasten to say, with South Africa as the major administering Power. We do not want to create problems by placing a Territory under the Trusteeship Council. That should not imply that we are alienating the Republic of South Africa. On the contrary, we should like it to do the administering. But show us your good faith and accept some observers—civilian observers, incidentally: no military observers—and accept a couple of co-administrators, stable Africans, because Africans and Asians and Europeans may be emotionally unstable also, and stable Scandinavians, who are from the north and are cold-blooded. There should not be a monopoly of administration by South Africans.

149. This, of course, would involve an agreement between the Government of South Africa and the Trusteeship Council, which would define South Africa's responsibilities and obligations for paving the way for the autonomy and ultimate independence of Namibia.

150. The Government of South Africa may well be advised to admit observers, as I mentioned, chosen by the Security Council—which would be in conformity with what Ambassador Malik always says, namely, that the Security Council is the responsible body—or by any other instrumentality that may be agreed upon, so that we may not be exclusive, in order to check on the reports that the Government of South Africa would be requested to submit periodically to the Trusteeship Council. Then and only then, it may be hoped, Namibia would gain ultimate independence through the process of self-determination. Otherwise, we shall be going in circles, achieving nothing worth while.

151. By agreeing to consider the erstwhile Mandated Territory of South West Africa, known as Namibia, as a Trust Territory, and by taking the necessary measures towards that end on the aforementioned lines, the Government of South Africa would prove the sincerity of the various statements and declarations that it has recently

made that it would like to see Namibia independent in the future.

152. I must say a few good words about Powers that administer Trust Territories. Australia's record and that of the United States have been quite satisfactory, to the extent that in the Pacific Islands the United States has been criticized for pouring in so many funds that the people do not want to work any more and they are importing labour from outside. Sometimes they go too far by accelerating the raising of the standard of living of people to the detriment of their own currency. Australia has been spending, I think, something like \$60 to \$100 million to see that New Guinea ultimately gains its independence. Do we mean to say that the people of New Guinea are more advanced than the people of Namibia? And here you find the administering Power—in this case Australia—accelerating the accession to independence of those people who at one time were thought to be among the most primitive in the world the people of erstwhile West Irian.

153. There is no reason whatsoever why South Africa should not accept the suggested plan of entering into an agreement with the Trusteeship Council in regard to Namibia. On the other hand, the erstwhile Mandated Territory of South West Africa—known as Namibia—is economically viable. I read a very interesting booklet that was sent to me by the Republic of South Africa. Today we saw a film. It showed that South West Africa—or Namibia—has tremendous possibilities. I do not see any hurdles or any difficulties if South Africa really means Namibia to gain independence. Let South Africa prove its goodwill. The Trusteeship Council is doing nothing: let it concern itself with the remnants of colonialism in the African continent.

154. I hardly have to draw the attention of members to the fact that politics revolve around economics and finance in the world, whether we like it or not. It has been suggested to me time and again that that is a Marxist theory. It is not a Marxist theory; it has been a theory since Adam and Eve. Cain and Abel, in the Bible—whether they existed as such or were mythological—had the whole world for themselves, and one killed the other out of greed. Organized society tries to curb greed through law—greed, ambition for power and even glory.

155. South Africa is not like many Member States that can hardly pay their officials and diplomats abroad and yet are Members of the United Nations. They have been admitted to membership, and before they were admitted they became independent. So by dint of what logic can we be told that Namibia—or South West Africa—is not fit to gain independence, comparing it with many Territories that ultimately became independent? There is no logic that could tell us that it is not fit.

156. I am going to propose something to our friends from the Republic of South Africa. They have gold; they have diamonds—not only ornamental diamonds. Today in the film we saw bushels of industrial diamonds too, in Namibia itself. I do not know where the Oppenheimers or the de Beers operate, but they must have considerable interests in Namibia. Then there is Persian lamb. It is called

<sup>7</sup> Quoted in French by the speaker.

"Persian", but I think that some of the best lamb the ladies wear as fur coats comes from that part of Africa. We saw ranches in the film and breeding stock, and what not, and a sparse population and desert. Saudi Arabia is a desert too, but we are prosperous. It has great possibilities. The country needs development, but when you develop a country economically you have to educate the people and when you educate the people they begin to clamour for independence.

157. Does South Africa want to accelerate the Territory's economic development to suit its own purposes, or does it want to develop it in an orderly fashion that would suit the Territory until it can afford to give Namibia its independence?

158. I submit that one day the Africans, who cannot wield power now, will be able to activate movements of rebellion within Namibia. And then a lot of innocent blood will be shed. Usually it is innocent blood that is shed. The blood of whites is red, and the blood of blacks is red. A lot of human blood would be shed. It is a shame to differentiate between blood.

159. Therefore—and this is the *avant-garde* part of my statement—having witnessed what has happened during the last month or so, since 15 August, to the currencies that have been floating like feathers all over Europe on account of what happened in deficits of budgets, balance of payments, *et al.*, I suggest that it is within the power of South Africa to float bonds with a gold parity, and those bonds would be issued strictly to accelerate the development of Namibia, which would be placed under the trusteeship of the Security Council. And I submit that, as Namibia develops, it will want independence. We saw a few of its leaders in the film today, but one of them mentioned that he is not allowed to travel to places that are isolated—isolated not geographically but politically, by the administering Power.

160. I am sure that if such bonds based on a gold parity were floated, South Africa could use the proceeds for economic development—not on showcase lines, showing us a school as in the film, but by building a hundred schools like the one which they erected and which, I must say, seems to be quite modern, with clean and hygienic facilities. I venture to say that many blacks from the Republic of South Africa would then flock to Namibia to find jobs—jobs would be available—and the pressure of the blacks multiplying and overtaking more and more the white population in the Republic of South Africa would be lessened; the whites would be happy not to be overly out-numbered, and the blacks would regain their dignity and have a land. And one day, I predict, if South West Africa—or Namibia—becomes highly developed, the whites will beg the blacks to come back and work with them—as has happened here in New York City.

161. Thirty years ago, I remember, New York City had a relatively meagre black population. But the whites began to live on welfare, the politicians gave them all they wanted in order to gain their votes, and they became "bums", to use an American term. So the blacks from the South who were strong and willing to work came and took many jobs in

New York City, and I began to see representatives of the black community. They multiplied, and now, unfortunately, the politicians are even putting a lot of blacks on welfare for their votes. But that is another story; that is what is happening here in New York City, which is my city. Having lived here for 31 years I must know something about it.

162. I maintain that through the issuance of bonds based on a gold parity—for which, I am sure, there will be many customers all over the world, because nobody can trust a currency any more which has nothing to bolster it except some sort of self-styled economists trying unsuccessfully to find a solution—there could be an accelerated economic development of Namibia; Namibia would be able to stand on its own feet as a viable political entity. Then, in an orderly fashion, the right to self-determination would be exercised through the instrumentality and under the supervision of the United Nations, taking into account the fact that we do not want to sever South Africa from that Territory right away and that it would be the administering Power, with observers and co-administrators, until everybody was happy, regardless of the colour of his skin.

163. The PRESIDENT (*interpretation from Spanish*): I thank the representative of Saudi Arabia for his very cordial references to me and to my country.

164. Mr. FARAH (Somalia): Several representatives have spoken this afternoon about the need to apply the principle of self-determination in Namibia. We have heard it mentioned in one manner by Mr. Muller, we have heard it repeated by the representative of the United Kingdom; we have heard it expounded again by the representative of Saudi Arabia. Now, it is very important that we should have an understanding of what we mean by self-determination for the people of Namibia, because we at the United Nations have our own concept of what self-determination should mean. We always try to relate it to a certain context, which has been very graphically described in General Assembly resolution 1514 (XV).

165. On 30 June 1971 a group of black churchmen in South West Africa addressed a communication to Prime Minister Vorster. It was signed by Bishop Dr. L. Auala, who is Chairman of the Church Board of the Evangelical Lutheran Ovambo Church. In that letter he proceeded to outline how the policies being applied to Namibia contravened more than ten articles of the Universal Declaration of Human Rights. Amongst them are three which I feel should be brought to the attention of the Council. The Bishop and his colleagues said:

"The Government maintains that by the race policy it implements in our country, it promotes and preserves the life and freedom of the population. But in fact the non-white population is continuously being slighted and intimidated in their daily lives. Our people are not free and by the way they are treated they do not feel safe.

"In this regard we wish to refer to Article 3 of the Human Rights Declaration.

"We cannot do otherwise than regard South West Africa, with all its racial groups, as a unit."

166. It is very important for members to keep that in mind, because the whole theme of the statements made in this Council and in the General Assembly by Mr. Muller was that his Government wishes to apply the principle of self-determination—but within the context of existing multi-national units in South Africa.

167. Now, the people there want to be regarded as one political unit—as one people—not differentiated by their colour, religion or ideology. When we here think of self-determination we think of it within that context. A people is one; once people live in a country it is their country, and how it progresses is their destiny; you cannot divide up the destiny of a country on the basis of the colour or creed of the people constituting its population.

168. The letter goes on to say:

“People are not free to express or publish their thoughts or opinions openly. Many experience humiliating espionage and intimidation which has as its goal that a public and accepted opinion must be expressed, but not one held at heart and of which they are convinced. How can Articles 18 and 19 of the Human Rights Declaration be realized under such circumstances?

“The implementation of the policy of the Government makes it impossible for the political parties of the indigenous people to work together in a really responsible and democratic manner to build the future of the whole of South West Africa. We believe that it is important in this connexion that the use of voting rights should also be allowed to the non-white population (Articles 20 and 21 of the Human Rights Declaration).”

169. I do hope that when Mr. Muller next speaks he will expand upon how he or his Government conceives of the principles of the right to self-determination. I would also be interested to know—of course, I am already aware of the French experience—how France itself interprets that concept and also how the United Kingdom delegation interprets it, because I am afraid we shall be using that term so loosely that we shall be causing unnecessary misunderstanding.

170. Mr. KOSCIUSKO-MORIZET (France) (*interpretation from French*): Yesterday—and now again—Mr. Farah, the Ambassador of Somalia, asked us a question. In my statement yesterday [1588th meeting] I spoke of the people of Namibia and their right to self-determination. The Ambassador of Somalia has asked how we conceived of that right. We have a very clear conception—and we have shown it by our own example in the Territories which we administered in the past. It is self-determination within the framework of one Territory, not a fragmentary self-determination, for instance at the communal level or at the level of small entities. Self-determination applies to a national framework.

171. I shall probably have an opportunity later on to express other ideas in reply to the various questions asked of me, but I wanted to offer that clarification now to the Ambassador of Somalia.

172. Mr. FARAH (Somalia): I am very satisfied with the explanation given by the representative of France.

*The meeting rose at 6.45 p.m.*