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President: Mr. Corneliu MANESCU (Romania).

AGENDA ITEM 64

Question of South West Africa (continued)

1. Mr. EL BOURI (Libya) (translated from French): Mr. President, I take this opportunity to extend to you my warmest congratulations on the skill and tact which you have shown in carrying out your functions during the two parts of our current session, at which thorny and delicate questions have been and are still being discussed. I am convinced that your praiseworthy efforts will meet with success and that thanks to your skilful guidance our session will be outstanding in the annals of the United Nations.

2. I should also like to offer my congratulations to the members of the United Nations Council for South West Africa, who have not hesitated to take up with firmness and courage the formidable mission entrusted to them by our Assembly. Whatever the outcome, at this stage, of their delicate mission, we maintain the firm hope that law and justice will ultimately prevail over arbitrariness and arrogance.

3. No doubt it was because they had been horrified and embittered by the revelation of the atrocities of nazism, which weighed upon a large part of mankind like a leaden cloak, that the statesmen worked together to lay the foundation of our Organization.

4. Whatever remains of their undertaking, history will pay tribute to them for having conceived, in a magnificent upsurge of idealism and humanitarian enthusiasm, the dream of our great Organization, with such high aims and such limited resources. The desire to establish an international community that would henceforth be founded on justice "while leaving force to the cruel hands of injustice" was certainly a venturesome undertaking that could not for long withstand the test of time and human malice. Therefore it is not surprising that less than twenty-five years after their attempt, the authors of the Charter signed at San Francisco remain passive and unconcerned in the face of a danger that threatens the very existence of the Organization and of its principles.

5. Ever since the first session of our Organization, South Africa has been jeopardizing the Organization's moral foundations by its policy of apartheid. For more than twenty years the United Nations has endeavoured with persuasion, patience and recommendations to

bring South Africa into line with the world community; for more than twenty years we have come up against that country's obstinacy, its defiance and its arrogance. So powerless have we been to punish it that now it repudiates the legal obligations that bind it to the Organization by attempting to annex outright a Territory formerly entrusted to its good faith as Mandatory and Trustee.

6. It is in that context that the United Nations General Assembly finally adopted, by an overwhelming majority, the historic resolution [2145 (XXI)] which, while terminating the Mandate entrusted to South Africa, placed the territory under direct United Nations administration in order to lead the inhabitants of that Territory to autonomy and independence. That resolution unequivocally reaffirmed the United Nations commitment in regard to the future of the peoples of South West Africa.

7. To implement its resolution [2145 (XXI)] and to set up the body that would administer the Territory on behalf of the United Nations, the General Assembly, in resolution [2248 (S-V)], established a United Nations Council for South West Africa, made up of eleven members entrusted with the following duties:

(a) To administer South West Africa until independence, with the maximum possible participation of the people of the Territory;

(b) To promulgate such laws, decrees and administrative regulations as are necessary for the administration of the Territory until a legislative assembly is established following elections conducted on the basis of universal adult suffrage;

(c) To take as an immediate task all the necessary measures, in consultation with the people of the Territory, for the establishment of a constituent assembly to draw up a constitution on the basis of which elections will be held for the establishment of a legislative assembly and a responsible government;

The General Assembly also decided that the Council would have its headquarters in South West Africa and that it should go to the Territory in order to make arrangements for the transfer of the Territory's administration. The General Assembly requested the Council to make contact with the Pretoria Government in order to arrange for transfer of the Territory's administration.

8. The South African authorities publicly announced their refusal to co-operate in implementing the resolution. In his letter dated 26 September 1967, addressed to the Secretary-General [A/6897, annex II], the South African Minister for Foreign Affairs clearly indicated that his Government had no intention of complying with the terms of resolution 2145 (XXI) and that it

would continue to administer South West Africa notwithstanding that resolution, which it considered to be illegal. The Pretoria Government did not confine itself to rejecting the United Nations resolution and to refusing to co-operate in implementing it; it put into effect a number of measures and decisions whose implementation it had previously postponed and which are aimed at increasing racial segregation, in particular the decision to carry out the plan for tribal autonomy in Ovamboland.

9. Moreover, the day after the promulgation of the law of June 1967 on terrorism (Terrorism Act), applicable to South West Africa, the Pretoria Government announced that thirty-seven South West African nationals, arrested in 1968, would be brought to trial at Pretoria and charged with offences coming within the provisions of the aforementioned law. That serious new challenge to United Nations authority and prestige was condemned by the United Nations Council for South West Africa, by the Special Committee on Decolonization, by General Assembly resolution [2324 (XXII)] and by Security Council resolution [245 (1968)]. All those important United Nations bodies called upon the South African Government to halt that illegal trial immediately and to release and repatriate the South West African nationals in question.

10. Despite world-wide condemnation of that trial, despite the resolutions of the General Assembly and the Security Council, the Pretoria Government turned a deaf ear and sentenced the South West African nationals according to its repressive laws. Likewise, Security Council resolution [248 (1968)] censuring the Government of South Africa and demanding the release and repatriation of the prisoners was received with an equal indifference and with the same defiance. Instead of complying with the nearly unanimous wishes of the General Assembly, the South African Government, two years after the adoption of resolution 2145 (XXI), by the General Assembly, has continued to ignore the resolution that placed the Territory under United Nations administration and persists in treating South West Africa and its inhabitants as the private property of South Africa. It goes further: it insults the General Assembly by refusing access to the Territory to the United Nations Council for South West Africa, the sole legal authority to which the General Assembly has entrusted the administration of the Territory on behalf of the United Nations.

11. I have no intention of reverting here to the unhappy story of the relations between the United Nations and South Africa. I agree with the Ethiopian representative, when he stated before this Assembly on 29 April 1968:

"The debate on South West Africa ended on that historic date—29 October 1966—when the General Assembly [1454th meeting] terminated the League of Nations Mandate conferred upon His Britannic Majesty to be exercised on his behalf by the South African Government and decided that South Africa had no other right to administer that international Territory." [1645th meeting, para. 38.]

12. The United Nations assumed direct responsibility for the administration of South West Africa and for the liberation of its people. It is the duty of the 114 Members who voted in favour of resolution

2145 (XXI) to work together for the implementation of that resolution, to find effective ways and means to compel the Government of South Africa to transfer administration to the United Nations Council for South West Africa, and to protect the sacred right of the people of that Territory to self-determination. It is the responsibility of all of us to protect the sacred right to self-determination of the people of that Territory. It is the responsibility of all of us to protect the authority and prestige of our Organization and to put an end to the defiance that South Africa has been hurling at it for twenty-two years.

13. In its three resolutions on the question of South West Africa [2145 (XXI), 2248 (S-V) and 2325 (XXII)], the General Assembly invited the Security Council to take effective measures to enable the United Nations to fulfil the responsibilities it had assumed in regard to South West Africa. The Council has done nothing up to now, except to adopt resolutions [245 (1968) and 246 (1968)] concerning the illegal trial of the South West African freedom fighters. In its resolution [246 (1968)] of 14 March 1968, the Security Council decided that if the South African Government did not comply with the provisions of the resolution, it would immediately convene in order to draw up more effective measures, in conformity with the relevant provisions of the United Nations Charter. Although South Africa went on to sentence the South West African nationals and to flout the Council's resolution, two months have now passed and the Security Council still has not decided to implement its resolution [246 (1968)].

14. The General Assembly, in full knowledge of the facts and after having exhausted all the means at its disposal under the Charter, should once again call upon the Security Council to take all appropriate and effective measures to enable the United Nations Council for South West Africa to carry out its responsibilities and to show the inhabitants of South West Africa that the international community is not abandoning them. In the introduction to his annual report, the Secretary-General stated in that connexion:

"It seems to me that meaningful progress in decolonization in South West Africa can take place only if effective pressure is brought to bear by the Security Council. Such a degree of unanimity in deploring the existing situation should be accompanied in my view, by an equally unanimous sense of responsibility and determination to remedy that situation." [A/6701/Add.1, para. 129.]

15. Ever since the Second World War, mankind has been experiencing an era of freedom and the emancipation of oppressed peoples. Through hard struggles and enormous sacrifices, more than seventy colonial territories have acquired their independence and sovereignty. Our generation is witness to the fact that every people that has struggled for its liberation has succeeded in achieving it, and that in all cases the forces of oppression and arrogance have been the losers. The liberation of the South West African people and of all other oppressed peoples will undoubtedly be brought about by peaceful means or by violence. No force in the world can halt the progress of those peoples who are thirsting for freedom and justice. Therefore, it is in the interest of South

Africa and its friends to satisfy the thirst for freedom of the South West African people before United Nations passivity helps to make the situation worse and before it results in racial conflict. In the report submitted for our consideration the United Nations Council for South West Africa does not conceal its uneasiness in that regard:

"The Council fears that the persistent refusal on the part of South Africa to comply with the decisions of the United Nations on South West Africa will inevitably lead to the outbreak of violence and racial war. The Council is convinced that this situation constitutes the greatest threat to international peace and security in the area. The Council considers that the United Nations has a serious and direct responsibility to avert such a threat." [A/7088 and Corr.1, para. 62.]

16. Thus, for more than twenty years, United Nations bodies have been shouldering their responsibilities in order to put an end to an intolerable situation. It is now for the Security Council, where the will of the five great Powers is supreme, to take up its own responsibilities vis-à-vis the fundamental principles of the Charter and of history.

17. Mr. Ibrahima BOYE (Senegal) (translated from French): Before turning to the subject we have been considering for several weeks, I should like to offer you my warm congratulations, Mr. President, for the patience and skill with which you have guided our discussions, and I should like to assure you and all representatives of Member States of my deep desire to co-operate towards the greater effectiveness of our work.

18. In perusing all the discussions that have taken place on South West Africa, one would be tempted to think that everything had been said concerning that problem and at the same time to note, unfortunately, a complete shirking on the part of the international community and, of course, the arrogance of the de facto authorities of Pretoria.

19. Nethertheless, the report of the United Nations Council for South West Africa [A/7088 and Corr.1] provides us with some important data concerning that problem.

20. As President of the Group of Experts of the Commission on Human Rights, ^{1/} I have already had occasion to be acquainted with the methods employed by the Republic of South Africa and, in particular, with the shameful "Terrorism Act", a law whose application has been extended to the territory of South West Africa in violation of the relevant United Nations resolutions, and a law under whose provisions freedom fighters have been tried and sentenced in iniquitous fashion.

21. We know the inhuman and degrading tortures to which those freedom fighters have been subjected. We know the Pretoria authorities' barely concealed intention to exterminate an entire race, after having debased it and reduced it to the level of animals.

22. If we examine closely the methods of the South Africans and those formerly used by the nazis, we

are forced—if we are honest and fair—to recognize that the nazis did not perhaps go so far as the Boers of South Africa. The most serious endemic diseases that are systematically being spread among the black and coloured population; certain immoral and even amoral practices, such as homosexuality and lesbianism; the breaking up of family units; imprisonment without trial and mass execution of freedom fighters at the central prison of Pretoria: is not all that the sort of thing to incite those people who today, after having overcome many difficulties and in a supreme effort of self-defence, are trying to save their society from almost total destruction? I ask you, is not all that enough to induce the great Powers at long last to consider the situation in southern Africa as a threat to peace and to take every measure to prevent South Africa from carrying out its sinister plan?

23. Thus the appeal which we again address to the great Powers is that they assist the Secretary-General in providing the United Nations Council for South West Africa with all the technical, administrative and financial help it needs for the immediate fulfilment of its task.

24. For its part, the United Nations Council for South West Africa has begun work despite the scanty means at its disposal. My delegation takes this opportunity to pay tribute to it for the faith it has displayed in carrying out the mission entrusted to it, under especially difficult circumstances.

25. As for South Africa, which is deliberately and systematically violating the principles of the United Nations Charter, the international community will one day have to say clearly whether that so-called Republic still fulfils the conditions necessary for belonging to its family. If the United Nations wishes to continue to be the hope of the peoples, if it wishes to safeguard peace and freedom in the world, if the United Nations Charter is to remain the guide for States in their relations, it is high time for the international community to bring to that unhappy problem the solution that the world is awaiting.

26. My delegation, for its part, is ready to support any suggestions that would make the voice of reason and justice prevail.

27. The document just issued by the United Nations Council for South West Africa should serve as a light to guide our progress towards the total liberation of the peoples of the Territory of South West Africa.

28. First of all, it is a matter of drawing the logical consequences of General Assembly resolutions [2145 (XXI), 2248 (S-V) and 2325 (XXII)], which unequivocally ruled that South Africa has no longer any right whatsoever to administer the Territory and that henceforth South West Africa comes under the direct responsibility of the United Nations.

29. My delegation considers the report of the United Nations Council for South West Africa to be an enlightening document. The South African Government, giving its imagination free rein, has done its utmost systematically to set up impediments designed to hamper any Council action and to thwart its endeavours. For example, there was the refusal to enter into

^{1/} Ad Hoc Working Group of Experts established under resolution [2 (XXIII)] of the Commission on Human Rights.

contact with the Council; later, when the Council decided to go to South West Africa, there was the refusal to grant landing permission to the aircraft that was to take it to that Territory.

30. When, on 27 October 1966, the General Assembly requested the South African Government to refrain from any action that might alter in any way the existing international status of South West Africa, the South African Parliament was immediately seized of a draft law designed to destroy the country's territorial unity and integrity.

31. The arrest and trial of the South West African nationals was a further insult to the United Nations on the part of South Africa. Notwithstanding a series of joint interventions by the United Nations Council for South West Africa, the General Assembly and even the Security Council, the South African Government has continued to carry out its illegal trials and very heavy sentences have been meted out to freedom fighters in violation of General Assembly and Security Council resolutions.

32. The South African Government is continuing to flout all the decisions of the United Nations concerning South West Africa. It refuses to withdraw unconditionally and immediately all its military and police forces, as well as its administration, from South West Africa. It is continuing to bar the entrance of the United Nations Council for South West Africa into the Territory.

33. The conclusions contained in the Council's report should particularly engage our attention. There we read:

"The Council fears that the persistent refusal on the part of South Africa to comply with the decisions of the United Nations will inevitably lead to the outbreak of violence and racial war. The Council is convinced that this situation constitutes the gravest threat to international peace and security in the area. The Council considers that the United Nations has a serious and direct responsibility to avert such a threat ...

"The Council is further convinced that South Africa will not withdraw from the Territory unless

forceful measures are taken for the removal of its presence from the Territory ..." [A/7088, paras. 62 and 63].

It recommends that the General Assembly and the Security Council take action in that respect in order that the Territory "may accede to independence not later than June 1968" [*ibid.*, para. 64], as decided by the General Assembly.

34. The report continues:

"The Council is concerned that South West African freedom fighters should continue to remain under detention and trial in South Africa in defiance of United Nations resolutions ..." [*ibid.*, para. 65].

"... the unco-operative attitude of certain foreign economic and financial interests in southern Africa, from which the Council encountered difficulties in its plan to proceed to South West Africa, deserves the censure of the Assembly" [*ibid.*, para. 66].

35. The Council supports the request made by the South West African representatives who "wish their country to be called Namibia" [*ibid.*, para. 72].

36. The fears which are clearly expressed in the conclusions of the Council's report—which I have just read—and which reveal the great risks of an outbreak of violence and racial war if the South African Government persists in refusing to comply with decisions of the United Nations, should compel all those who are not sufficiently aware of the seriousness of the situation to ponder it while there is still time to do so.

37. For what is the basic question? It is solely a matter of respect for and full and faithful application of the United Nations Charter, of respect for the wishes of Member States.

38. The question of South West Africa, by virtue of the ties that bind it specifically to the United Nations Charter, both by the form and the substance, is a barometer which shows and will show to international public opinion the weight of United Nations authority. The path is mapped out. It is clear. All honest and true men must follow it resolutely.

The meeting rose at 11.30 a.m.