

the South African Government has not only taken further action regarding Ovamboland but has also stated that it is to introduce a similar "Homeland" plan for the Herero people. My Government is disturbed at the implication of these steps for the territorial integrity of South West Africa; it is also concerned by the reports of the perfunctory manner in which the Hereros themselves were told of this decision, which is difficult to reconcile with South Africa's proclaimed objective of self-determination.

My delegation is also concerned by the announcement made by Prime Minister Vorster that major constitutional changes affecting the status of South West Africa would be introduced by the South African Government in the South African Parliament as soon as possible. This intention of the South African Government does not seem to accord with its own stated position that it does not deny the international character of the Territory.

In this connection my delegation would like to reiterate the statement made by the Canadian Secretary of State for External Affairs in the General Debate that the Canadian Government would "consider invalid any attempt by South Africa to take action which would have the effect of dividing the Territory into smaller parts or of incorporating it into South Africa."

The third development which causes immediate and grave concern to my delegation is of course the detention and trial in Pretoria of 36 South West Africans. The United Nations Council for South West Africa and the Special Committee of 24 have both issued appeals for the release of these prisoners. My delegation has studied with dismay the Terrorism Act under which they are being tried. In particular, we are disturbed by the fact that the Act is retroactive, that it is vague in describing the offences it covers and that it places the onus of proving innocence on the accused. These provisions of the Act prima facie represent a deplorable denial of fundamental rights. This Act is clearly contrary in letter and spirit to the legal tradition which South Africa claims to share with a large number of States represented in this Assembly. Its extension to South West Africa is merely one more indication, if one were needed, that the South African Government is not qualified to act as trustee of the interests of the people of South West Africa.

Mr. President, in the light of these developments and the continued intransigence of South African authorities, the question arises as to what further action the United Nations can now usefully take. My delegation continues to hold the view that the resolution approved by the Fifth Special Session of the Assembly was not the most effective or practical action that the United Nations could take.