

Thus the United Nations is faced with a situation totally unlike that which prevailed under the League of Nations. What would the League of Nations have done in such a case? We do not know. There can be two sides to the question and two differing views of the legal position. However, under the League it was contended in some quarters that the fact that it was the duty of the League of Nations to supervise the mandatory administration implied a right of enquiry, of investigations on the spot. It is at least arguable that where the United Nations body charged with supervision of a mandate is denied access to direct sources of information concerning the mandated territory, the General Assembly (as the United Nations body responsible for supervision) can properly authorize resort to other sources to gain information on the mandate.

In saying this, I want to make it clear that the Canadian Government still hopes for the co-operation of the Union of South Africa; we would welcome this very much and we do not agree that in adopting this and previous resolutions the United Nations intends to close the door on negotiations with the Union.

... You will now permit me to make some comments on the text of the resolution itself. First of all, we are grateful to the co-sponsors for the co-operative attitude they displayed in accepting a number of changes in the text to meet the point of view advanced by the distinguished representative of the United States. These changes, to my mind, greatly improve the text.

As regards preambular Paragraph 4 of the resolution, we agree with the comments made by the distinguished representative of the United Kingdom in addressing the Committee yesterday. In our opinion, it is beyond question that the mandate was conferred, in accordance with Article I of the operative part, "upon His Britannic Majesty for and on behalf of the Government of the Union of South Africa". All the mandatory power's rights and duties under the mandate were conferred upon the Union of South Africa through the agency of the Crown, and at no time did the United Kingdom Government or any other of His Majesty's Dominions than South Africa possess any rights or duties regarding the mandate.

We have certain reservations concerning operative Paragraph 5 of the resolution. We think the distinguished representative of Ireland was quite right to ask for clarification of the meaning of this paragraph. We have noted the statements by several of the co-sponsors that this paragraph does not contemplate any forcible action. Nor, in our view, is it intended to permit deception.

However, it is still not clear how far the paragraph is intended to go. It has been stated here that there may be means of accomplishing the tasks given to the South West Africa Committee which do not involve co-operation with the Union Government, but the language used is imprecise and is open to varying interpretations. In the absence of clarification I must reserve the position of the Canadian Government on this paragraph.

We interpret the references to national independence and sovereignty in operative paragraphs 1 and 4 as meaning that only the people of South West Africa can determine their own future and they may decide on complete independence, or on association or integration with an independent state.

... I do not feel it necessary to elaborate on the attitude of the Canadian Government concerning the apartheid policy of the Government of the Union of South Africa. During the first part of the present session, my Delegation voted in favour of a resolution