

External Affairs
Supplementary Paper

No. 61/5

South West Africa

Statement by Mr. Martial Asselin, M.P., Canadian Representative on the Fourth Committee of the United Nations General Assembly, on March 23, 1961.

... Since the Canadian Delegation did not participate in the debate on the 24-power-draft resolution on the question of South West Africa, I now wish to explain briefly our attitude towards the revised text which was circulated yesterday, and the vote we intend to cast on this resolution.

The Canadian Delegation will vote in favour of this resolution. To this extent our position has changed from that which we adopted in regard to Resolution 1568 (XV) of December 18, 1960. We do so in the belief that under the mandates system the supervision of the League of Nations was intended to be effective and genuine, not a purely theoretical or formal kind of supervision.

Under the League of Nations the question was once asked: Should the Council of the League of Nations content itself with ascertaining that the mandatory power has remained within the limits of the powers which were conferred upon it, or should it ascertain also whether the mandatory power has made good use of these powers and whether its administration has conformed to the interests of the native population? The League Council approved the wider interpretation of its right of supervision.

The advisory opinion given by the International Court on July 11, 1950 concluded that the General Assembly of the United Nations should act in place of the Council of the League of Nations in exercising international supervision over the administration of the territory of South West Africa and should conform as far as possible to the procedure followed in this respect by the Council of the League of Nations. The Council of the League and the Mandates Commission received extensive information concerning South West Africa from direct sources such as annual reports, written petitions and hearings of accredited representatives of the mandatory power. What action the League Council would have taken, had that body and the Mandates Commission been denied such information, must necessarily be a matter of speculation. It can be argued, however, that the League Council considered itself competent to authorize the Mandates Commission to obtain information through such appropriate means as circumstances might require for the effective supervision of the mandates system. That supervision, as I have said before, was intended to be effective and genuine.

Now what has been the experience under the United Nations? The League of Nations received full information. Under the United Nations the mandates system for South West Africa has broken down completely. The Government of the Union of South Africa has failed to provide the United Nations with the information it requires to exercise effective supervision of the mandate. It has discontinued the submission of annual reports, and it has refused to submit petitions on the territory or otherwise provide information to the Committee on South West Africa. The Union Government contends that the mandate in respect of South West Africa has lapsed; it does not accept the judgment of the International Court and does not agree to accept accountability to the United Nations.