

reconciled the Mandates System of the League of Nations, the Charter of the United Nations and the advisory opinion handed down by the International Court in 1950. Indeed it is the firm conviction of the Canadian Delegation that unless the Assembly asks the Court for its guidance on the question of the voting procedure to be followed by the Assembly in its consideration of matters pertaining to South West Africa, it will remain to plague our future debates and decisions on the Territory. As the distinguished representative of New Zealand so clearly stated in his intervention of October 17 last, a decision of this nature is the first requirement towards ensuring the cooperation of South Africa which we all so earnestly desire. It can only reflect in the eyes of the world, the sound and responsible manner by which the United Nations approaches the problems that confront it.

Statement by Mr. Cardin

The Canadian Delegation will vote in favour of the proposal of the Delegations of Guatemala and Lebanon to submit for a reference to the International Court of Justice for an advisory opinion Special Rule F of the Rules of Procedure relating to reports and petitions from South West Africa which this Assembly adopted in plenary on October 11 last.

The reasons for so doing are quite clear. As I had occasion to point out elsewhere, the Charter of the United Nations never foresaw that the General Assembly would have to act as a substitute for the League of Nations as it is in fact being obliged to do in the case of South West Africa as a result of the International Court's advisory opinion of July 1950. If, therefore, this Assembly is to discharge its functions with respect to the Territory in accordance with the terms of the Court's advisory opinion; that is, if it is to ensure that these conform as far as possible to the procedure followed respectively by the Council and the Permanent Mandates Commission of the League of Nations, then I submit that the manner in which decisions affecting the Territory are to be taken must be settled once and for all. This Assembly cannot if it has, as I believe it has, the prestige and responsibility of the Organization at heart, leave forever in suspense the question as to whether when it assumes functions not provided for in the Charter it should vote as the League of Nations voted or be governed by the terms of Article 18(2) of the Charter.

It follows from the above, that the only way to remove doubts in this matter which it is now clear are shared by more than one delegation in this Assembly is to refer Special Rule F to the International Court for a specific advisory opinion.

Unless this is done my delegation will be placed in the position of having to abstain on all resolutions concerning reports and petitions relating to the Territory. Let me add immediately that we would have to follow this policy until such time as we were satisfied beyond any possible doubt that Special Rule F was in full conformity with the Court's advisory opinion.