

APPENDIX III

A. Canadian Statement, October 8, 1947

QUESTION OF SOUTH WEST AFRICA

Mr. Chairman, since we shall vote shortly upon the resolutions now before the committee, I desire to make clear the position of the Canadian delegation on this subject.

In the debate which has taken place on this matter in this committee, learned and interesting opinions have been offered over the question of the Union of South Africa having failed to honour an obligation to place the territory of South West Africa under the trusteeship system. It is the opinion of my delegation, Mr. Chairman, that there is absolutely no question of the Government of the Union of South Africa being under any legal obligation, either now or in the past, to submit the territory of South West Africa to inclusion within the trusteeship system. I do not see how any other conclusion can be drawn from the discussion on this subject which took place in San Francisco and the decision which was reached there.

I should like to draw your attention to these discussions, held at San Francisco in Committee Four of Commission Two during May, 1945. It was in this committee that the various delegations resolved their differences over what classes of territory should be placed under the trusteeship system and under what condition such agreements should be governed. The discussion over what territories should be placed under the trusteeship system, which occurred in the eighth meeting of the committee on 22 May, 1945, centred in general around paragraph B3 of document 323, the paragraph which was the original blueprint for the present Article 77 of the Charter. In particular, the crux of the discussion was whether or not to include an amendment proposed by the Egyptian delegate which would have substituted for the present initial paragraph of Article 77 which reads, "The trusteeship system shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements, (a) territories now held under mandate," the words "The trusteeship system shall apply to *all* territories now held under mandate". I should like to emphasize the word "all" in this context.

There was a good deal of debate over this amendment: it occupied the whole of one meeting and some thirty pages of verbatim records. But the remarks made by the various delegates at the time, and the outcome of the issue, left no doubt as to what was intended and, therefore, as to what should guide us in our present discussions. I should like to quote from the remark of the Australian delegate in these discussions. He summed up the matter very concisely: "The assumption is that there is an identity between the terms of the mandate and the terms of this trusteeship system, but there is not. In many respects the terms of this