CANADIAN DELEGATION TO THE UNITED NATIONS GENERAL ASSEMBLY
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TEXT OF ADDRESS: QUESTION OF SOUTH WEST AFRICA

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STATEMENT BY MR. MARTIAL ASSELIN, M.P., CANADIAN REPRESENTATIVE ON THE FOURTH COMMITTEE, ON MARCH 23, 1961, IN EXPLANATION OF VOTE ON DRAFT RESOLUTION CONCERNING THE QUESTION OF SOUTH WEST AFRICA (A/C.4/L.675/Rev.1).

Mr. Chairman,

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.

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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.

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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.

Mr. Chairman, 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.

Mr. Chairman, 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 condemning the racial policy of the Union of South Africa as contrary to the United Nations

Charter and to the Declaration of Human Rights. Canada has always been strongly and firmly opposed to apartheid because it considers the South African policy is in contradiction with the principle of racial equality in which the people and the Government of Canada have always deeply believed. This was the stand taken by our Prime Minister, the Hon. Mr. Diefenbaker, last week during the Commonwealth Prime Ministers' Conference in London. Let me paraphrase what the head of the Government of Canada said at a press interview during that meeting and repeated a few days ago in the House of Commons on his return to Ottawa. He said, in effect, that while admitting that there is no country which can claim to have a perfect record in respect of racial relations, nevertheless, racial discrimination such as is the established principle and official policy and practice in South Africa must be condemned by Canada, as by other countries, with the utmost vigour.