



STATEMENTS AND SPEECHES

INFORMATION DIVISION
DEPARTMENT OF EXTERNAL AFFAIRS

OTTAWA - CANADA

No. 66/41

THE FUTURE OF SOUTH WEST AFRICA

Address by the Secretary of State for External Affairs,
the Honourable Paul Martin, at the twenty-first session
of the General Assembly of the United Nations, October 7,
1966.

The complex problem now before the United Nations General Assembly has been for several years the subject of many discussions, reports and resolutions and of advisory opinions and judgments of the International Court. Let us admit candidly that very little progress has been made towards a solution. Nevertheless, my Delegation believes that we should redouble our efforts to achieve a settlement of this issue that would be in the best interests of the South-West Africans themselves.

For more than a week we have listened carefully to many views expressed in this debate. These views have varied in content and emphasis, but almost all have made a constructive contribution to a greater understanding of the issues involved in this extremely difficult problem. On September 26, a draft resolution was introduced (A/L483) in the name of 49 countries, and it is to this document that I wish to direct most of my remarks.

Before doing so, it is perhaps worthwhile noting that, from its very inception, the dispute over South West Africa has consisted of a complicated pattern of interwoven legal and political considerations. On one hand, there are the advisory opinions and judgements of the International Court concerning the 1920 mandate and South Africa's international accountability under it and, on the other hand, numerous reports and resolutions of the United Nations, specially those relating to human rights and fundamental freedoms as derived from the Charter.

The opinions and judgements of the Court have clarified usefully a good number of points of international law. However, general disappointment and concern at the Court's recent decision not to judge the substance of the case against South Africa prompted the Prime Minister of Canada to make the following observations to a Montreal convention on August 9 of the American Bar Association: "The Court's decision shows that the international legal system will have to evolve much farther if the rule of law in international conduct is to become a reliable instrument for regulating relations between states which it has become in governing the conduct of individuals within states. In the result, law and progress will both suffer. The fact that the

decision of the World Court in the South West Africa case may have the unfortunate effect of slowing down this progress cannot but be a matter of deep concern."

Draft Resolution A/L483 (now co-sponsored by 53 members of the United Nations) is deserving of careful study -- first, because it expresses the views of so many member states and secondly because of the important implications its adoption would entail for the United Nations. Canada supports fully the rights of peoples to the unfettered exercise of their self-determination and we strongly deplore the uncompromising attitude South Africa has displayed in regard to South West Africa. My country is opposed to apartheid as a policy of racialism which is completely contrary to the inherent dignity of man. We consider, moreover, that such a policy carries within it the seeds of conflict which endanger the whole concept of multi-racialism throughout the African continent. Thus my Delegation fully supports the basic aim of the draft resolution. We believe that South Africa has forfeited its right to administer the mandate. My Delegation has given serious consideration to how we can give effect to this conclusion. I sincerely hope the co-sponsors will accept the following comments as evidence of our desire to make a constructive contribution.

Some speakers have expressed concern that the General Assembly may not enjoy full legal competence to assume the mandate unilaterally. My Delegation tends to the view that, in the light of advice we have received in the past from the International Court, particularly as regards the international responsibility of South Africa, this Assembly has an adequate basis for the action proposed. We do recognize, however, that, to take into account the doubts expressed by some speakers, there might be an advantage in having this matter clarified, if for no other reason than that any lasting formula for peaceful settlement of international disputes should be based on international law.

Other delegations have referred to the practical problems involved in asserting United Nations authority over South West Africa and in assisting the peoples of South West Africa to independence. These problems include what measures might be required in the face of continued intransigence by South Africa. With these observations in mind, my Delegation subscribes fully to the healthy sense of reality which the distinguished Danish Minister of Foreign Affairs urged upon us. For instance, his suggestions concerning the necessity of sharing the economic burden on an equitable basis were particularly salutary.

In our view, the suggestion which has been advanced that the resolution might provide for the establishment of a committee to study these problems and make recommendations to the General Assembly within a reasonable time has much to commend it. My Delegation has been impressed in particular by the suggestions put forward by the distinguished representative of Ireland. If the idea of the establishment of such a committee should meet with general approval, the question of how the basic objectives of the draft resolution before us can be achieved might await the committee's recommendations. These considerations should invite the thoughtful attention of all organs of the United Nations and of each member nation.

I should like to assure the co-sponsors, however, that my Delegation is conscious of the necessity for some positive action by the United Nations which would preserve the inalienable right of all inhabitants of South West Africa to self-determination. By any reasonable standards, South Africa's policies under the mandate justify the general opinion that South Africa has proven to be an unacceptable administrator of the territory. In the view of the Canadian Delegation, we are not called upon here in this Assembly to make a juridical judgement as to whether in one respect or another the Government of South Africa has been delinquent in carrying out the mandate entrusted to it by the League. We are well aware, and the representative of South Africa reminded us the other day, that this is a matter which has been argued and contested before the International Court. What we are called upon to do is to make a decision in the light of all relevant factors as to whether the Government of South Africa, taking into consideration its refusal to accept accountability to this body, should continue to exercise the mandate in the interests of development and self-government of the peoples of South West Africa. We believe the answer is no. South Africa's long history of failing to pay regard to the rightful interest and concern of the international community for detailed reports of this administration has frustrated any meaningful international supervision, even to the degree required by the mandate. In the opinion of my Delegation, therefore, the record of South Africa constitutes clear grounds for stating that, in consideration of the well-being of the inhabitants of South West Africa, South Africa has lost the right to continue administering the mandate. For our part, the Canadian Delegation pledges to do what it can in the light of these comments to join with others in trying to work out how best the decisions of the General Assembly can be fulfilled.

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