

then it will be subject to interpretation either by the court or by the U.N.

Finally, in the event of the court ruling against S.A., the legal position is that S.A. should be bound by the judgment and should abide by whatever the court decides.

As S.A. has refused to indicate whether they will accept the judgment of the Court it can be assumed with a fair amount of certainty that they will not accept an adverse judgment. In that case Article 94 (2) of the U.N. Charter provides that if any party to a case fails to perform the obligations incumbent upon it under a judgment of the court the other party may have recourse to the Security Council which may decide upon measures to be taken to give effect to the judgment.

The question is whether the U.N., judging by previous experience and its present condition and composition, will decide on and impose such measures as will give effect to the judgment of the Court.

Articles 40, 41 and 42 of the Charter provide for possible economic, diplomatic and military sanctions that may be imposed by the U.N. Security Council with binding effect.

But the Security Council may be called upon to act on the judgment of the Court only if S.A. fails to comply with it. This, however, does not preclude it or the General Assembly from acting on political grounds. On the matter of U.N. judgment the possibility of S.A.'s deciding to comply with it cannot be ruled out, however. What is important is the manner in which S.A. may accept the judgment and the form her compliance will take.

(1) S.A. may announce that she is prepared to accept the judgment and indicate her preparedness to administer S.W.A. according to the letter of the mandate. As it appears that there is nothing in the mandate or convention of the statute of the I.C.J. empowering the latter to appoint an alternative administration, the issue will now be between her and the U.N. The U.N. may press that S.A. relinquish the administration of the territory to an administration appointed by them.

(2) A few problems arise in this connection. The Afro-Asian Group supported by the Socialist countries will call for the termination of the mandate, and the insti-

## To the Proud

*In the twirling mountains overhung with mist  
Foretell Nodongo the proud name of the subsequent hours  
Since, when you beat the loud music of your wings,  
The secret night creeps underneath the measured time.*

*When you behold the fixed bulk of the sun  
Jubilant in its uncertain festivals  
Know that the symbol on which you stand shall vanish  
Now that the dawning awaits us with her illusions.*

*Assemble the little hum of your pealing boast  
For the sake of the reward meted to Somndeni  
Who sat abundantly pride-flowing  
Till the passer-by vultures of heaven overtook him.*

*We who stood by you poverty-stricken  
Shall abandon you to the insanity of licence  
And follow the winding path  
Where the wisdom granaries hold increase.*

*Then shall your nakedness show  
Teasing you before the unashamed sun.  
Itching you shall unfurl the night  
But we the sons of Time shall be our parent's race.*

MAZISI KUNENE

## Autumn

*Dissent invades the mass'd  
Forest ranks. On the heights, above,  
Bluegums, pines and firs hold  
To the green. Below, the flanks  
Fall away. Poplars and oaks,  
Turncoat, flare red, yellow, gold  
And desperate brown, while stripp'd  
Boughs and khaki footpaths  
Reproach goldbraid pride.*

RON AYLING