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# **SECURITY COUNCIL OFFICIAL RECORDS**

TWENTY-THIRD YEAR

**1395<sup>th</sup>** MEETING: 4 MARCH 1968

NEW YORK

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## THIRTEEN HUNDRED AND NINETY-FIFTH MEETING

Held in New York on Monday, 4 March 1968, at 11 a.m.

*President:* Mr. Ousmane Socé DIOP (Senegal).

*Present:* The representatives of the following States: Algeria, Brazil, Canada, China, Denmark, Ethiopia, France, Hungary, India, Pakistan, Paraguay, Senegal, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland and United States of America.

### Provisional agenda (S/Agenda/1395)

1. Adoption of the agenda.
2. The question of South West Africa:  
Letter dated 12 February 1968 addressed to the President of the Security Council by the representatives of Chile, Colombia, Guyana, India, Indonesia, Nigeria, Pakistan, Turkey, United Arab Republic, Yugoslavia and Zambia (S/8397);  
Letter dated 12 February 1968 addressed to the President of the Security Council by the representatives of Afghanistan, Algeria, Cambodia, Cameroon, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Cyprus, Dahomey, Ethiopia, Ghana, Guinea, Iran, Iraq, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Libya, Madagascar, Malaysia, Mali, Mauritania, Morocco, Nepal, Niger, Philippines, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sudan, Syria, Thailand, Togo, Tunisia, Uganda, United Republic of Tanzania, Upper Volta and Yemen (S/8398 and Add.1/Rev.1 and Add.2).

### Expression of thanks to the retiring President

1. The PRESIDENT (*translated from French*): Members of the Council will, I am sure, allow me to express on their behalf our warmest contragulations to Ambassador Miguel Solano Lopez for all that he has done throughout the month of February to guide the critical work of the Security Council along the right channels. Thanks to his insight, tact and perseverance, he has been able to achieve practical results, for which we most sincerely thank him. His patience and his conciliatory attitude have set an example which I, in my turn, hope to follow in carrying out my duties as President for the month of March.
2. I now call upon the representative of Paraguay.
3. Mr. SOLANO LOPEZ (Paraguay) (*translated from Spanish*): Mr. President, in a few brief but very sincere words I wish to thank you for your generous reference to my work as President of the Security Council during the

month of February. May I also avail myself of the opportunity to thank each and every member of the Security Council for their sincere and patient co-operation which enabled me to discharge the great responsibilities of the Presidency of the Council. Those duties are indeed arduous, but they carry their own reward in the knowledge, gained at first hand, of the spirit of co-operation which characterizes every member. Once again, I am most grateful to all the members of the Security Council.

### Adoption of the agenda

*The agenda was adopted.*

### The Question of South West Africa:

Letter dated 12 February 1968 addressed to the President of the Security Council by the representatives of Chile, Colombia, Guyana, India, Indonesia, Nigeria, Pakistan, Turkey, United Arab Republic, Yugoslavia and Zambia (S/8397);

Letter dated 12 February 1968 addressed to the President of the Security Council by the representatives of Afghanistan, Algeria, Cambodia, Cameroon, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Cyprus, Dahomey, Ethiopia, Ghana, Guinea, Iran, Iraq, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Libya, Madagascar, Malaysia, Mali, Mauritania, Morocco, Nepal, Niger, Philippines, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sudan, Syria, Thailand, Togo, Tunisia, Uganda, United Republic of Tanzania, Upper Volta and Yemen (S/8398 and Add.1/Rev.1 and Add.2)

4. The PRESIDENT (*translated from French*): In accordance with the Security Council's previous decision, if there is no objection I shall invite the representatives of Guyana, Turkey, Chile, Indonesia, Yugoslavia, Nigeria, the United Arab Republic, Zambia, and Colombia to take the places reserved for them at the sides of the Council chamber, on the understanding that when one of them wishes to speak he will be invited to take a place at the Council table.

*At the invitation of the President, Mr. E. A. Braithwaite (Guyana), Mr. O. Eralp (Turkey), Mr. J. Piñera (Chile), Mr. D. Adjani (Indonesia), Mr. Z. Jazić (Yugoslavia), Mr. A. Clark (Nigeria), Mr. M. R. Abdul-Wahab (United Arab Republic), Mr. R. B. Manda (Zambia) and Mr. A. Herrán-Medina (Colombia) took the places reserved for them.*

5. The PRESIDENT (*translated from French*): The Council will now proceed to consider the item on its agenda. The

first speaker on my list is the representative of Pakistan, on whom I now call.

6. Mr. SHAHI (Pakistan): Mr. President, let me first of all congratulate you on your assuming the Presidency of the Security Council. It is indeed a matter of great satisfaction to us that you should be presiding over our deliberations at this time when we are again considering the question of South West Africa. Nothing could be more appropriate than that you—a distinguished leader and statesman of Senegal, which represents the progressive forces in Africa—should guide our efforts to face the challenge presented to the Security Council by the Government of South Africa.

7. I should also like to pay the tribute of my delegation to your predecessor in the Chair. As President of the Council, Ambassador Solano Lopez performed his task with patience, skill, ability and great wisdom. He was determined and tireless in his efforts to help us achieve positive results in our consultations.

8. In the course of their statements in the Security Council meetings held last month, representatives made some kind remarks on the manner in which Pakistan presided over the Security Council meetings in the month of January. I should like to express to all of them our profound gratitude.

9. Before adjourning the 1393rd meeting of the Security Council on 21 February, the President voiced his expectation that the members of the Council would undertake consultations for the purpose of submitting draft resolutions on the question before us. Those consultations have since taken place among the members of the Security Council and also with the delegations of other interested Member States. As a result of those consultations the seven African, Asian and Latin American members of the Security Council—namely, Algeria, Brazil, Ethiopia, India, Pakistan, Paraguay and Senegal—have circulated a draft resolution which they have co-sponsored. I have the honour, on behalf of the seven co-sponsoring delegations, to introduce this draft resolution, which is contained in document S/8429. I trust that our colleagues have studied the text; being self-evident it requires no elaborate explanation. I shall therefore make only a few brief introductory comments.

10. I shall first deal with its preambular part. The first paragraph recalls the substance of operative paragraphs 1 and 2 of resolution 245 (1968), adopted unanimously on 25 January.

11. The second preambular paragraph is similar to the first preambular paragraph of resolution 245 (1968) except for the substitution of the words “taking into account” for the words “taking note”. The co-sponsors believe that the expression now used is more appropriate to the situation.

12. The third preambular paragraph is nothing more than a reaffirmation of the right of the people of South West Africa to freedom and independence. In the light of the Charter, of General Assembly resolution 1514 (XV) of 14 December 1960 and of the other relevant resolutions of the General Assembly, that right is beyond question.

13. The fourth preambular paragraph restates the obligation of the Member States of the United Nations to accept and carry out the decisions of the Security Council in accordance with the United Nations Charter.

14. The fifth preambular paragraph reflects the distress felt by the members of the Security Council—indeed, by the entire membership of the United Nations—that the Government of South Africa has failed to comply with Security Council resolution 245 (1968). It is hardly necessary for me at this stage to quote the much stronger expressions that have been used by almost all members of the Security Council during the present debate in voicing their reactions to South Africa's conduct. Compared to what they have said, the language of this paragraph is an understatement.

15. The sixth paragraph of the preamble takes into consideration the memorandum of 25 January 1968 of the United Nations Council for South West Africa, which gives full information concerning the illegal trial of the South West Africans detained for alleged terrorist activities. It also takes cognizance of the letter of the President of the United Nations Council for South West Africa to the President of the Security Council. That letter [S/8394] expressed the profound shock and indignation of the United Nations Council for South West Africa, as the authority charged by the General Assembly with administering the Territory until independence, when it received the news of the sentences passed on 9 January on thirty-three of thirty-four South West Africans, in contravention of General Assembly resolution 2324 (XXII) and Security Council resolution 245 (1968). The letter also stated the view of the United Nations Council for South West Africa that the Security Council, as the highest authority of the United Nations, should consider taking appropriate action.

16. The penultimate paragraph of the preamble to the draft resolution reaffirms in substance the second preambular paragraph of Security Council resolution 245 (1968). It also observes that the continued detention and trial and subsequent sentencing of the South West Africans constitute a flagrant violation of the Universal Declaration of Human Rights. In this context it is pertinent to quote from the text of the consensus reached by the United Nations Commission on Human Rights at its 951st meeting, on 9 February 1968:

“The Commission on Human Rights expresses its deep indignation at the fact that the Republic of South Africa has defied the international community by sentencing these South West Africans after an illegal trial and under the ‘Terrorism Act’—a law which has been rejected by the whole international community as contrary to the principles of the United Nations Charter and the Universal Declaration of Human Rights”. [S/8411]

17. The last paragraph of the preamble, as compared to the last paragraph of the preamble to resolution 245 (1968) is more specific in regard to the special responsibility of the United Nations towards the people and the Territory of South West Africa.

18. I shall now deal with the operative part of the seven-Power draft resolution.

19. In regard to paragraph 1, it is obvious that the Security Council would be failing in its duty if it were to omit a censure of the Government of South Africa for the latter's deliberate disregard of resolution 245 (1968), as well as of the authority of the United Nations, of which South Africa is a Member.

20. Paragraph 2 demands in plain language the forthwith release and repatriation of the South West Africans. Considering South Africa's persistent defiance of the Security Council, it is the firm conviction of the seven sponsors that this is no time to mince words.

21. Paragraph 3 is stronger than operative paragraph 3 of Security Council resolution 245 (1968). That resolution invited all States "to exert their influence in order to induce the Government of South Africa to comply with" its provisions. Many Member States have sent replies to the Secretary-General informing him of the action taken by their Governments in response to that invitation. Now that South Africa has spurned all their appeals and is confronting the Security Council with a challenge to its own authority, the seven sponsors of the present draft resolution believe that the Security Council should do no less than summon all the resources of persuasion and even pressure commanded by the entire membership of the United Nations to ensure that the Government of South Africa complies with the provisions of the present draft resolution.

22. In regard to operative paragraph 4, the seven sponsors are convinced that, given the record of South Africa's arrogance and obduracy, the Security Council owes it to itself to make it clear to South Africa that the Council has the will to act effectively if South Africa disregards the present draft resolution. By doing so South Africa would be violating Article 25 of the United Nations Charter. In that case the Security Council would be faced with the necessity of having recourse to those provisions of the Charter which, in its judgement, would effectively meet the situation created by such defiance. It is clear, in the light of what was said and done in regard to the interpretation of Article 25 at the time of the signing of the United Nations Charter at the San Francisco Conference in 1945, that the Security Council is competent to make recommendations as well as to take decisions under Chapter VI of the Charter. The question whether the Security Council in acting under Chapter VI of the Charter is merely making a recommendation or is taking a decision is, in our view, a matter more of policy for the Security Council than of law. Having regard to all the circumstances of the present case, having regard to South Africa's defiance of the United Nations for more than twenty years, and finally having regard to South Africa's defiance of Security Council resolution 245 (1968), the seven sponsors consider that the time has now come for the Security Council to adopt a resolution in the nature of a decision under Chapter VI of the Charter, rather than to make yet another recommendation to South Africa.

23. It is not the intention behind operative paragraph 4 of the seven-Power draft resolution to bind the Security Council in advance to a specific course of action. Naturally the Council would wish to decide for itself, should South Africa again defy the Council, what particular course of

action under the Charter it should take. But the seven sponsors are firmly convinced that in that event the Security Council should not exclude from its consideration the application of appropriate measures under Chapter VII and the other Articles of the United Nations Charter which are relevant to situations in which a Member State persistently violates the principles of the Charter. The seven sponsors believe that the Security Council cannot afford to let South Africa remain under the impression that in the event of its refusal to comply with the present draft resolution the Security Council will lapse into passivity or inaction. The provisions of operative paragraph 4, in the judgement of the sponsors, constitute the minimum necessary to warn South Africa against an impression which may be comforting to it but which would be subversive of justice and dangerous to peace. We consider that this warning is both necessary and timely because South Africa is reported to be about to start another illegal trial, under the infamous Terrorism Act,<sup>1</sup> of eight more South West Africans.

24. In operative paragraph 5 the Secretary-General is requested to follow closely the implementation of the present resolution and to report to the Security Council within a time limit from the date of its adoption. It is our intention to propose a time limit of two weeks, within which time we would hope that the Secretary-General would report on the efforts of the Member States to induce South Africa to comply and on South Africa's response.

25. The last paragraph of the operative part of the seven-Power draft resolution is identical with the corresponding paragraph of Security Council resolution 245 (1968).

26. The text of the seven-Power draft resolution which I have just introduced has been evolved after intensive consultations in which the different points of view among the seven sponsors and among the other interested delegations, in particular those of Africa, have been adjusted on a basis of mutual accommodation. As such it contemplates a course of action by the Security Council which they consider to be the minimum in the light of South Africa's defiance of Security Council resolution 245 (1968) and also its endless violations of the principles of the Charter of the United Nations for more than twenty years.

27. The seven sponsors are conscious that constructive suggestions have been made by some representatives in the course of the present debate. The idea has been put forward that the Secretary-General should be requested to send a special representative to South Africa to secure the release and repatriation of the South West Africans. The seven-Power draft resolution does not in any way preclude such action by the Secretary-General. It would be consistent with operative paragraph 5 of the seven-Power draft resolution for the Secretary-General, on his own initiative, to send a special representative to South Africa to bring about compliance with the Security Council's demand for the release and repatriation of the South West Africans.

<sup>1</sup> Act No. 83 of 1967, to Prohibit Terroristic Activities and to Amend the Law Relating to Criminal Procedure; and to Provide for other Incidental Matters.

28. In regard to the other suggestion that has been made that every additional effort should be made to ensure humane treatment of the South West Africans detained by South Africa, and that the International Committee of the Red Cross should be enabled to have access to each of the South West Africans detained under the Terrorism Act of 1967, it is the view of the seven sponsors that this is a matter within the competence of that humanitarian organization. Here we are concerned with the Security Council's own responsibility in the face of South Africa's defiance of resolution 245 (1968). The seven-Power draft resolution therefore confines itself to the discharge of that responsibility.

29. Before I conclude, on behalf of the seven sponsors I should like to express their gratitude to the representatives of the United Kingdom and the United States for their deep concern that the Security Council should continue to act in this matter unanimously. The seven have had intensive consultations with Lord Caradon and Ambassador Goldberg, who put forward their comments and observations to us on their own behalf and also as spokesmen of the views held by the representatives of France, Canada and Denmark.

30. We believe that we were able to convey to them as clearly as we could the intent and meaning of the seven-Power draft resolution. However, differences between the two sides, which in the main seemed to pertain to the language of the draft resolution, have not so far been reconciled. The seven sponsors, in deciding not to postpone any further the introduction of their draft resolution, are deeply conscious of the spirit of sincerity and co-operation which Ambassador Goldberg and Lord Caradon have brought to the consultations. We know that both they and the other members of the Security Council whose views they represent are no less concerned and anxious than the seven co-sponsors that the Security Council should respond to the challenge of the situation confronting it, effectively and promptly, and that the South West Africans concerned should be released and repatriated without delay.

31. That the seven sponsors have decided to introduce their draft resolution does not—I repeat, not—in any way mean or imply that they refuse further consultations with the other members of the Security Council. Our attitude is exactly the contrary. We remain ready at all times to pursue constructive consultations with them in a spirit of sincerity and co-operation in order that a draft resolution commensurate with the requirements of the situation can be evolved.

32. It must be confessed that, in formulating the text of the draft resolution which I have just introduced, the African and Asian members of the Security Council would have liked to propose a text which would be in their judgement more commensurate with the gravity and challenge of the situation that is now confronting the Security Council. We would have preferred to deal with the root of the problem. However, in deference to the views of our other colleagues, the seven-Power draft resolution has been couched in terms which we believe do not necessarily bind any member of the Security Council in advance to action under Chapter VII of the Charter of the United Nations.

33. We are also conscious of the fact that in order to induce the Government of South Africa to respect the decisions of the United Nations, the role of the permanent members—and, in this context, of those permanent members which are in a position to bring to bear great and even decisive influence on South Africa—will be a crucial one. It is our earnest hope that they will bring to bear to the greatest possible extent the influence which they command, and that they will do so both individually and collectively to bring about a speedy release and repatriation of the South West Africans, and indeed to ameliorate the disturbing situation.

34. Mr. BOUATTOURA (Algeria) (*translated from French*): First, Mr. President, I should like to join with the representatives of Paraguay and Pakistan in congratulating you on your accession to the Presidency of this Council. Our congratulations are all the more sincere in that they are addressed to someone whose worth as a statesman, a diplomat and a scholar is greatly appreciated not only by the members of the Algerian delegation but, indeed, throughout the territory of Algeria and the whole continent of Africa. Moreover, Senegal and Algeria are almost neighbours and have for many years woven ties beyond the normal requirements of protocol, as part of the common bond of African unity and solidarity we hold so dear.

35. I must also pay a tribute to you for the effort, you have already made in these few days and for the concern you have shown, particularly over the weekend, to achieve some worthwhile result and to assist this Council in finding a just solution to the problem confronting us.

36. After the brilliant speech with which my distinguished friend and colleague, Ambassador Shahi, has presented the Afro-Asian and Latin-American draft resolution, there is little left for me to say. I think it is important, however, that members of the Security Council should be fully aware of the position of the three African States concerning the draft which they have co-sponsored. Although, as Ambassador Shahi has already indicated, we consider that this draft only partially reflects the concern of our Governments and of all the African States, we agreed to sponsor it as a result of a long and fruitful discussion which was guided with tact and competence by Ambassador Solano López of Paraguay.

37. At this juncture I should like to pay a well deserved tribute to the objectivity and intellectual honesty which Ambassador Solano López has displayed throughout his most difficult tenure of office.

38. It is indeed difficult for us to take note of Pretoria's defiance without reacting to it more vigorously. We should have liked to see the Security Council enforce respect for its decision of 25 January by resorting to the means which the Charter puts at its disposal. Several members of the Security Council, however, who in other respects maintain sometimes close ties with Pretoria and who came out strongly against South Africa's rejection of Security Council resolution 245 (1968), would not allow this violation to be punished as it should have been. We deplore this faint-hearted attitude, which Pretoria will certainly exploit and interpret as it must be. We deplore this attitude ever<sup>1</sup> more, in that those same delegations have stated that we ar<sup>o</sup>

dealing with a humanitarian problem, in spite of the fact that the African States are still convinced that the humanitarian aspect is only one side of the problem of South West Africa which is essentially political.

39. With your permission, Mr. President, I should like to stress the importance we attach to some of the provisions of the draft resolution now before the Council. The commitment into which the Council entered on 25 January 1968 allows us today to consider concrete measures to implement the Council's decision and, if South Africa continues to ignore resolution 245 (1968) we hope, adopt the draft resolution now under discussion. Such measures are provided for in the Charter and, according to the relevant provisions, can be preventative, provisional or of the enforcement kind.

40. I should like to add that the reason why the African delegations in the Council joined the Asian and Latin-American delegations in sponsoring this draft (which as I have already said, falls far short of meeting all their wishes, was in order to maintain the unity of the third world, a unity which has already been apparent in this matter among others in the General Assembly, the Security Council and the United Nations Council for South West Africa. We hope that this unity will be extended to include the other members of the Security Council, especially those which have close relations with Pretoria. For without such unanimity it will become increasingly difficult to carry our decisions into effect. Energetic action is imperative, if we wish to avoid further setbacks which might have serious consequences for the authority of the United Nations and a direct effect on the current situation in South West Africa and southern Africa as a whole.

41. If we examine the present draft resolution, we shall see that it falls somewhere between a determined search for unanimity and the necessity of taking some additional step towards the solution of the problem. This means, first, that we should strengthen the credibility of the decisions which the United Nations sees fit to take and that, secondly, we should be prepared to foresee every single possible further development of the situation.

42. The draft resolution before us meets both these requirements and this fact is stressed in the very wording of paragraph 3. The words "calls upon the Members of the United Nations to co-operate with the Security Council" clearly cover States maintaining trade or other relations with South Africa, States which have what might be termed privileged relations with that country, the great Powers, or at least some of them, which still have relations with South Africa, and in particular those which still maintain diplomatic relations with that country. These States have both the opportunity and the power to exert influence, or even as Ambassador Shahi has said, pressure on South Africa, whether it be moral, political or material.

43. Paragraph 3 contains nothing to alarm Powers which are convinced of the rightness of the United Nations cause in South West Africa and we believe that it would not be contrary to their interests to agree to the implementation of this paragraph.

44. With regard to paragraph 4, it is hardly necessary to point out that the allusion to Article 25 of the Charter does not necessarily imply an automatic reference to a specific Chapter of the Charter, or that the rest of the paragraph is designed essentially to allow for any action as may be deemed useful, barring none, according to the situation that arises.

45. It can thus be seen that, in order to achieve a concerted result, the Council will have to make a twofold effort. The co-sponsors of the draft resolution, despite their desire to go much further, had to agree to some limitations, had to contain and channel their will to act. The other Powers, however, as partners of South Africa in one way or another, should avail themselves of the opportunity thus given them, to bring the full weight of their moral and political authority to bear on the side of the third world, and, on a broader basis, the Security Council. Hesitation on their part would be unfounded, useless and not even positive. It would be unfounded by reason of paragraphs 3 and 4, as we have just pointed out; it is obvious that it would be useless as far as they were concerned; and in relation to the concerted action which must be taken jointly, with the other members of the Security Council, it would be negative.

46. In our view, we have no other alternative but to strengthen the effectiveness of the Council's action and authority. The support of the great Powers for such a resolution will at least give us reason to hope that the United Nations will confront this problem with a courage which it should never allow to wane. A refusal to grant such support will encourage the idea that the West prefers to cut itself off, refuse to co-operate with the third world and avoid any confrontation with South Africa. Conversely, the unanimous adoption of a resolution such as the one before us, that is to say, a resolution. With the characteristics of realism, will prepare a situation permitting the necessary action, whatever that may be, to be taken at a later stage. In our view, there is no alternative.

47. To adopt a weaker resolution would be an admission of failure and would lend credence to the idea that the Council has shifted to a negative approach. To envisage more energetic action would certainly have been in keeping with the situation; but, things being as they are, it might have given grounds for breaking the unanimity which has always been advocated here whenever possible.

48. In adopting the draft resolution contained in document S/8429, we should be committing ourselves to examining the situation as it develops in future and to deciding what action could be taken.

49. We think it important to reaffirm that a unanimous vote in favour of the present draft resolution could effectively lead South Africa to initiate measures which would obviate a confrontation, if such a possibility exists.

50. The Ambassador of Pakistan has emphasized the good faith and good-will of the sponsors. Suffice it to mention that the African, Asian and Latin American delegations asked the Security Council to consider this question nearly three weeks ago. The fact that the sponsors of the draft

have waited so long and, in spite of their desire to act rapidly, have agreed to successive adjournments, testifies to their will to reach an agreed decision. This concerted approach is something we can achieve. For our part, we believe that an exhaustive debate on the draft resolution now before us will prove both useful and necessary. It will unquestionably help the Council, the United Nations and public opinion in general to get a clearer picture of the true, as distinct from the alleged nature and implications of the spirit and the letter of the resolution. It will also make it possible to give free rein to the will, affirmed in some instances and publicized in others, to demonstrate a constructive spirit which will fail neither through a dangerous inertia nor through a prejudicial rupture.

51. Before concluding, I should like, with all the clarity which the situation demands, to echo the words of my colleague, Ambassador Shahi, when he said that the sponsors of the draft resolution contained in document S/8429 wish to reiterate their desire to co-operate unreservedly as they have done during the last few weeks, and to enter into public or private talks in order to reach an agreed decision, whether unanimous or not. To that end, any constructive or better practical suggestion or initiative will be taken into consideration and will be carefully and openly studied.

52. The PRESIDENT (*translated from French*): I thank the representative of Algeria for the kind words he addressed to me, in which, I am sure, he has exaggerated my qualities.

53. Mr. DE CARVALHO SILOS (Brazil): Mr. President, allow me, first of all, to express to you on behalf of my delegation our satisfaction at seeing you in the Chair of the President of the Security Council. I am sure that all of us here will profit in the month ahead from your competence and wisdom. Permit me also to thank Ambassador Solano Lopez of Paraguay for the very effective way in which he discharged his duties as President of this Council during the past month.

54. It is a source of gratification to my delegation to second the very able presentation made by the representatives of Pakistan and Algeria of the draft resolution contained in document S/8429, sponsored by Algeria, Brazil, Ethiopia, India, Pakistan, Paraguay and Senegal, on the question of South West Africans illegally tried and sentenced in Pretoria.

55. The views of my delegation on this question have already been expressed in the intervention I made before the Council on 19 February [*1392nd meeting*]. Since then, the Brazilian Government has informed the Secretary-General that it has appealed to the Government of South Africa, through the appropriate diplomatic channels, to comply with Security Council resolution 245 (1968).

56. With your permission, Mr. President, I should like to make some comments, on behalf of my delegation and of the delegation of Paraguay, on the draft resolution before us. My delegation feels that this draft faithfully expresses the continuing commitment of the United Nations to human rights, to the rule of law and to racial equality

throughout the world. We feel that it constitutes a further step for securing the release of the prisoners. We feel that it corresponds to the will of the overwhelming majority of the Members of this Organization. Its approval by the Security Council can give to every one of us around this table a sober satisfaction that the responsibilities that devolve on us under the Charter have been duly discharged. Confronted by the defiance of South Africa, we will have acted responsibly and with that restraint that must guide all of us in this Council.

57. I should like, on behalf of my Government, to stress the following. In our view, the draft resolution before us does not commit the Council to any specific course of action and does not in any way prejudge the substance of any future recommendation or action on the part of this body. It would not be wise to determine here and now the steps to be shaped by tomorrow's events. There is only one commitment in this draft: to meet again and forthwith in case of new defiance on the part of South Africa. Then, and only then when confronted with a new development, shall the Security Council be in a position to choose a particular course.

58. In my previous statement on this question, I stressed the necessity for the Council to achieve a solution approved by a very substantial majority, I should like to repeat here, on behalf of the delegations of Paraguay and Brazil, that in order to achieve this goal we are ready at any moment to enter into negotiations with all delegations around this table.

59. Now I come to my last remark. My delegation sincerely hopes that at this time the Government of South Africa will prefer to heed the wishes of the international community, and follow a constructive path of moderation and restraint, and that it will reconsider its decision not to comply with Security Council resolution 245 (1968).

60. The PRESIDENT (*translated from French*): I again call on the representative of Pakistan.

61. Mr. SHAHI (Pakistan): Mr. President, I apologize to you and to the members of the Security Council asking for the floor a second time, but I feel it necessary to do so in order to make good an inadvertent omission from my statement which pertains to the role of the representatives of the Soviet Union and Hungary.

62. The seven co-sponsors acknowledge with gratitude the constructive co-operation extended to them by Mr. Morozov and Mr. Csatorday and the great contribution which they made to the formulation of the draft resolution which we hope will command as wide support as possible, and which at the same time makes it clear to the Government of South Africa that the Security Council would not refuse to act with determination should that Government defy its decisions.

63. The PRESIDENT (*translated from French*): The next speaker is the representative of Nigeria. In accordance with the Council's previous decision, I invite him to take a place at the Council table in order to make his statement.

convincing if the problem is not seen in its true perspective, that is, as a challenge to the authority of the Security Council. Those countries which, like my own, place their hopes in the United Nations to establish conditions under which justice and respect for the obligations arising from the Charter can be maintained will be disillusioned.

75. It is not the severity of the penalty to be imposed on South Africa that bothers us. Whether such penalty should be under Article 5 or Article 6 or under Chapter VII is not at issue. Those who worry about this question have the right and the opportunity to ask South Africa to comply with resolution 245 (1968) and the present draft resolution, and thereby avoid the necessity for any action under those articles and that chapter. What we must certainly demand is that the Security Council retain its will and capacity to act.

76. The draft resolution before you has the full support of my Government, as it seeks to warn South Africa of its obligations under the Charter. If compliance with those obligations is lacking, the Security Council must, with courage and humanity, face up to its responsibilities.

77. Mr. GOLDBERG (United States of America): At the very outset, I should like to associate myself with what Ambassadors Shahi, Bouattoura and de Carvalho Silos have so well said about you, Mr. President, and about your illustrious predecessor, Ambassador Solano López. I congratulate Ambassador Solano López on his able stewardship of our affairs, and express the conviction, based upon the manner in which you, Mr. President, are already discharging the duties of your office, that you will carry on with similar objectivity and ability.

78. I have listened with careful attention to what Ambassador Shahi has said in presenting the draft resolution on behalf of the co-sponsors. I regard it as one of the most outstanding sponsoring statements that I have heard since I assumed my post on this Council, now almost three years ago. This is not only because of the clarity of the presentation of the sponsors' point of view, but, perhaps more important, because of its spirit—a spirit of concern, resolution and responsibility, and at the same time, of conciliation. I extend to Ambassador Shahi my sincere congratulations on his presentation. I am sure that if we all pursue it in the proper spirit, it can provide the key to common action at this stage of our consideration of the grave problem before us. I also want to thank Ambassadors Bouattoura and de Carvalho Silos for their valuable contributions to our debate, as well as to express my appreciation for the able intervention of the representative of Nigeria.

79. Nothing this Council does or fails to do should give any aid or comfort to South Africa in its illegal application of the so-called Terrorism Act to South West Africa. The very best way to prevent South Africa from gaining any comfort from what this Council does or fails to do is to preserve the unanimity which has characterized our action thus far. That unanimity is indispensable if we are to be effective in our common objective of obtaining the prompt release and repatriation of the South West Africans concerned, who have already been sentenced, and of preventing

further illegal prosecutions, which have already been put forward as the intention of South Africa.

80. As Ambassador Shahi has correctly and accurately stated, several delegations not sponsors of the draft resolution [S/8429] have submitted their own conception of specific proposals for Council action. Those proposals are not intended in any way to weaken the Council's abhorrence of South Africa's action or the Council's will to take appropriate action with respect thereto; rather they embrace, in our view, a reflection of the law of the Charter and a realistic appraisal of the best method to proceed in order to achieve the practical result we all seek in common.

81. I am sure I speak on behalf of all of the five delegations which have presented certain proposals in the course of the informal discussions that have taken place, in saying that we welcome the conciliatory spirit displayed by the sponsors of the draft resolution before us and reciprocate it in full measure. We similarly are willing to consult on all proposals, theirs and ours, in a spirit of flexibility and with a genuine desire to achieve unanimity.

82. Mr. President, it is the tradition of the Council that consultations are carried on under the leadership of the President. We respect that provision and pledge you our continued co-operation in carrying on such further consultations as you may see fit to conduct to reach agreement in the light of the several statements that have been made here today.

83. Mr. MOROZOV (Union of Soviet Socialist Republics) (translated from Russian): The Soviet delegation has already had an opportunity to state in detail the position of principle of the Soviet Union on the question raised before the Security Council on the initiative of a large number of African, Asian and Latin American States. We wish now fully to confirm that position and to declare that we shall in future invariably continue the struggle against the inhuman policy conducted by the racist régime of the South African republic.

84. The Pretoria régime, as has been eloquently shown here by my colleagues, has illegally arrested South West African patriots who were defending the freedom, dignity and independence of their homeland. Not only were those arrests carried out in a territory which is not under the jurisdiction of the Pretoria régime, but what is even more important, they are attempts on the part of that régime to subject individuals to repression for acts committed in a country to which the jurisdiction of the South African régime does not extend. Thus, from the legal point of view, there has been a double violation: the seizure of persons in a territory not under the jurisdiction of the Pretoria authorities and the charge of acts committed in a territory which is not under the jurisdiction of that régime. The point, therefore, is not whether the accusations levelled against the thirty-three South West African patriots are justified or not, or whether the sentences imposed on them were severe or lenient. The point is that this whole action is an altogether unprecedented violation of international legality and of the basic principles of international law and of the Charter. It is from this standpoint that the solution to the problem must be approached, as indeed it has quite

correctly been by the representatives of Asian and African countries.

85. This act is a manifestation of international gangsterism on the part of the Pretoria régime. An end must be put to this through the efforts of the United Nations.

86. There is hardly any need to repeat in detail that the system of *apartheid* imposed by the Pretoria régime in the territory of South West Africa, which the South African racists are trying to transform again into their colony, has now become synonymous with fascism and obscurantism, a most shameful phenomenon, rightly abhorred by all progressive mankind. It is the duty of the United Nations, including the Council, to defend the elementary rights of peoples subjected to such unprecedented and arbitrary action, and to put an end to the very possibility that the fascist and racist rabble can carry out such arbitrary and illegal acts.

87. The Soviet delegation is ready to support the draft resolution submitted by the seven Afro-Asian and Latin American countries [*ibid.*]. We firmly support the demand by the African and Asian States that an end should be put immediately and without delay to the arbitrary measures and the persecution of the inhabitants of South West Africa, who are trying, in conformity with the Charter and the many decisions taken by the United Nations, to ensure respect for their legal rights to national independence.

88. We pay tribute to the efforts made by the African and Asian countries to bring about liberation of the South West African patriots. We consider that a demand by the Security Council, confirming the clear and unequivocal call for the immediate release and repatriation of the condemned South West Africans, would be a useful step in defence of the victims of the oppression meted out by those unbridled racists.

89. We cannot, however, pass over the fact that the draft resolution submitted for our consideration has certain defects. We should like to note, for example, that the appeal contained in operative paragraph 3 of the resolution should rightly be addressed to those who hitherto have supported the racists. We have already remarked, and wish to recall at the present moment, that many Western Powers—above all the United States of America, Britain and the Federal Republic of Germany—continue, despite the numerous appeals of the General Assembly, to maintain close economic, trade and political relations with the South African régime and to give aid and support of various kinds to the racists. We shall not tire of repeating that it is this assistance and support on the part of the main Western Powers which enable the racist régime in Pretoria to ignore the decisions of the United Nations concerning South West Africa, and in particular the call for the release of the South West African patriots and freedom fighters who were illegally arrested and imprisoned in the Pretorian torture-chambers.

90. That is why we consider that the Security Council, in its decision, should categorically demand that the Western Powers we have mentioned, the main trading partners and political allies of the Republic of South Africa, take the

necessary measures to ensure compliance with the Council's decision by the South African authorities.

91. We have said, however, that we are ready, for the sake of solidarity and on account of our traditional support of the progressive attitudes of the Asian and African members of the Security Council, to support the draft resolution as submitted, despite the shortcomings which we have referred to.

92. We shall vote in favour of the draft resolution on the understanding that the appeal contained in paragraph 3 in no way applies to countries which are striving—and have proved this by their actions—to put an end to the criminal policy of the racist régime in Pretoria, but applies to those countries which continue to extend a helping hand to the South African racists.

93. In conclusion, I should like to express the conviction that the just cause for which the South West African people are fighting will triumph, and that the sacred struggle of those patriots for justice, freedom and their national independence will end in victory for the progressive forces and peoples.

94. Lord CARADON (United Kingdom): It is not my intention at this late hour to keep the Council. Certainly I have no time now adequately to express our gratitude to the Ambassador of Paraguay, who led our discussions last month, or to thank him for his courtesy, steadiness and impartiality. Nor have I time now adequately to congratulate you, Mr. President, on your assumption of the Presidency of the Security Council. We know you well. We have full confidence in you. We shall seek to support you in this matter and in all others that may come before the Council during your Presidency.

95. Since, however, it was I who, on the last occasion when this Council met, urged that there should be full consultation among us in the hope that we could act unanimously within our capacity, I feel it right that I should express to the Ambassador of Pakistan and the other sponsors of the draft resolution who have made statements today our very great appreciation of the spirit in which they have spoken to us. We have carefully noted the assurances they have given us.

96. It is right, of course, that we should consult. It was with that in mind that we first put forward a request to the sponsors—a request which was courteously received when I myself had the opportunity of speaking to them a few days ago. Then, following that request and the acceptance by the sponsors of the necessity for consultations, a number of us put forward specific proposals. We put them forward in good faith. We assumed that they would be fully discussed. Today we have the assurance of the sponsors that they are prepared to enter into such discussions. We on our part give full assurance of our readiness to co-operate in that spirit.

97. We therefore hope that without delay we can go forward to consultations in the desire that we can still act together and achieve full agreement and unanimity so that our actions can have the maximum effect.

98. Finally, we too feel a sense of urgency. There is no question on the part of my delegation and others with which I have been in contact of desiring any delay whatsoever. We hope that we can go forward to a conclusion as rapidly as possible. We too have in mind other trials that, so we hear, may take place under the condemned Terrorism Act. It is with that in mind, also, that we hope that we can now proceed to consultations and achieve the full effect of this Council acting in unanimity.

99. Mr. BORCH (Denmark): Mr. President, in view of the lateness of the hour, I promise you I shall be very brief.

100. First, I want to congratulate you on your taking over the Presidency of this Council and to assure you of our full support.

101. Secondly, I also want to say here that I listened with the greatest interest and appreciation to the several expressions of readiness to continue the private consultations made by the sponsors of the draft resolution before us.

102. Though positive responses have already been given, nevertheless, like to underline on behalf of my delegation what I have already said in private to Mr. President during the last few days, that my delegation, indeed, finds it essential, that these consultations be continued with a clear view towards obtaining an agreement which is so important for achieving the objectives for which we are here assembled, namely, the release of South West African prisoners.

103. Mr. President, I also want to assure you sincerely that my delegation will go to such consultations whenever you call for them, and that we shall give our full co-operation in a flexible and compromise.

104. The PRESIDENT (*translated from French*) thanked the speakers on my list. The next meeting will take place at three o'clock tomorrow afternoon.

*The meeting rose at 2.15 p.m.*