

UNITED NATIONS



SECURITY COUNCIL
OFFICIAL RECORDS

TWENTY-FIFTH YEAR

1527th MEETING: 28 JANUARY 1970

NEW YORK

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FIFTEEN HUNDRED AND TWENTY-SEVENTH MEETING

Held in New York on Wednesday, 28 January 1970, at 3 p.m.

President: Mr. Nsanzé TERENCE (Burundi).

Present: The representatives of the following States: Burundi, China, Colombia, Finland, France, Nepal, Nicaragua, Poland, Sierra Leone, Spain, Syria, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America and Zambia.

Provisional agenda (S/Agenda/1527)

1. Adoption of the agenda.

2. The situation in Namibia:

Letter dated 26 January 1970 addressed to the President of the Security Council from the representatives of Afghanistan, Algeria, Burundi, Cambodia, Ceylon, Chad, the Congo (Democratic Republic of), Cyprus, Dahomey, Ethiopia, Gabon, Guinea, India, Indonesia, Iran, Iraq, Japan, Jordan, Kenya, Kuwait, Laos, Lebanon, Liberia, Libya, Madagascar, Malaysia, Mali, Mauritania, Mauritius, Morocco, Nepal, the Niger, Nigeria, Pakistan, the People's Republic of the Congo, the Philippines, Rwanda, Senegal, Sierra Leone, Singapore, Somalia, Southern Yemen, the Sudan, Syria, Thailand, Togo, Tunisia, Turkey, Uganda, the United Arab Republic, the United Republic of Tanzania, the Upper Volta, Yugoslavia and Zambia (S/9616 and Add.1).

Statement by the President

1. The PRESIDENT (*interpretation from French*): The beginning of the participation of the Republic of Burundi in the work of the Security Council, the ending of the terms of five members, who have been succeeded by five other members, the advent of a new decade in which the world places great hope, among other things for economic salvation and the preservation of peace, and the fact that a quarter of a century has passed since the founding of the United Nations—this imposing set of circumstances obliges the President of the Security Council to make a preliminary statement at the first meeting of this year.

2. In addition to the reasons I have just adduced, there is the presence among us of the Secretary-General after a most successful tour of Africa. It is my first duty to express to all the members of the Security Council my delegation's pleasure in co-operating with them in an atmosphere of frankness and mutual respect.

3. The President of the Republic of Burundi, Mr. Michel Micombero, and his Government, taking advantage of the

fact that we are presiding over the Council, have asked me to transmit to all the members of the Council their best wishes for success in its most difficult and noble task, which is to guarantee peace in the world. The Head of State of Burundi and his Government, far from restricting their interest to mere wishes, have undertaken to play an active part in the Security Council in order to triumph over the cause of war and to ensure peace on earth.

4. At the time when some members have left us and others have come to the Council, it would be wrong to allow the names of the first to be forgotten. I wish, therefore, to discharge a most pleasant duty of gratitude to the representatives of Algeria, Senegal, Pakistan, Hungary and Paraguay for the important part played by them in the discharge of the difficult tasks of the Council during their term of office. It goes without saying that their activities have left their mark on the Council and will continue to influence it in the future.

5. I should like to present to the new non-permanent members of the Council our warmest congratulations on the very important responsibility entrusted to them. The warm wishes that I address to them and the hope I express that they will play an important part in the fight for the peace and security of nations is accompanied by our sincere promise and firm assurance of close and loyal co-operation with the representatives of Sierra Leone, Syria, Poland and Nicaragua.

6. Finally, it is with spontaneous enthusiasm that I should like to address Mr. Vernon Johnson Mwaanga, my immediate predecessor, the representative of a country and a State for which the people and Government of Burundi have the highest esteem. Indeed, Mr. Ambassador, the masterfulness and the remarkable manner in which you discharged your tasks as President of the Council for the month of December faithfully reflected the great talents and qualities with which you are endowed. Your dynamism, your faith in the cause of Africa make of you a true symbol of the youthful vitality of Africa, a source of satisfaction, inspiration and hope for our continent in this, its phase of regeneration.

7. Mr. Secretary-General, your return after a fruitful trip to our youthful continent offers me an unprecedented opportunity to pay tribute and to express our gratitude to you. Many factors, personal and international, had several times made it necessary to postpone your journey. Your firm resolve to undertake this project clearly proves the great interest which you show in the cause of Africa. Since you have yourself witnessed the enthusiasm which sur-

rounded your august person during this whole journey, is it not superfluous for me to stress the tremendous sympathy felt for you by the peoples of Africa? We have come to the end of a decade in which you were closely linked to the events that shook Africa from Algeria to the Congo, from our accession to independence to the creation of the Organization of African Unity. You have made most praiseworthy efforts to help us to restore the right of our continent to preside over its own destiny, and we know that you will never desist as long as the forces of racism, colonialism and division, forever active and harbouring old illusions, still cling to a few strongholds.

8. The direct dialogue which you undertook with many African leaders will have been not only beneficial for the present, but also a prelude to the solution of problems which we are still facing in the final liberation of a continent reborn. The success of your journey justifies the fervent wish which we express that in the near future you will be able to undertake a second journey to other countries in order to hear the voice of all of Africa. The concomitant nature of the end of tragic events in a country member of the Organization of African Unity and of your visit enable us without hesitation to call you a pilgrim and a messenger of reconciliation and peace. This happy concomitance is a reason for consolation, it proves you right and is a genuine reward for your political courage, your independence of judgement, and confirms the aptness of your judgements and your views. The full-fledged defeat inflicted in the past on the artisans of the disintegration of the continent in its very heartland, Congo (Kinshasa), has been repeated today and inflicted on the authors of the second attempt to disintegrate Africa on its flank, and you may be legitimately and deservedly proud of your powerful assistance.

9. As a faithful echo of Africa and a privileged interpreter of the peoples of Africa, I should like to pay a sincere tribute to Your Excellency and to all your assistants who, from near or far, have contributed so greatly in honouring our continent and ensuring the success of your visit. May your eminent role enable you to crown your brilliant career by a final blow dealt to this double anachronism which is a danger to Africa—the dehumanization of man by his equal and the colonial exploitation of man by man.

10. The imperatives of peace require that we rehabilitate the Security Council, the keystone of the United Nations. At a time when this world Organization is reaching maturity, it is at a crossroads. At the age of twenty-five man is usually able to judge his own value objectively, to build his future, to recover his rights if they have been denied him. The Security Council, thanks to the combined wisdom and experience of its members, is even much more entitled and obliged to go through that process of healthy self-criticism, which would unmask the mistakes of the past and prescribe remedies for the causes of its failures. A quarter of a century has elapsed, marked by hesitation, timidity and failure to act in the face of certain threats to peace. The relative successes and the shortcomings of our Council should lead us to recover the rights taken away from it by those Members of the United Nations who seem to have come to terms with it only in order to repudiate its resolutions and to challenge its authority. The com-

memoration of the twenty-fifth anniversary of our Organization offers the most propitious opportunity for assessing the efficiency of the Security Council.

11. It is obvious however that a preliminary task must be undertaken before the Council can again play its role as the true defender of peace and thereby strengthen the rights and powers entrusted to it by the Charter, especially under Articles 24 and 26, and, if need be, under Chapter VII. To achieve that objective the prior duty of the Council should be to replace the sometimes concealed failure to see the chronic shortcomings it has evinced by a formal pledge to do away once and for all with those shortcomings in the most effective and irrevocable manner. If the growth of this Council has at times been invoked to explain the fluctuations and contradictions of the adolescence of the Organization, the latter has now come to a point where no tolerance or indulgence will be shown by a bitter and disenchanted world for the pretexts behind which the Council might wish to hide.

12. At its age our Organization is faced by many temptations—the temptation to sink in routine activities, to make insufficient efforts, to persist in its refusal to recover. It is obvious that such a choice would lead to an underestimation of the authority of the United Nations and to a final capitulation in the face of inherent requirements. However, the sublime ideal of universal peace which the Council has the weighty task of guarding throughout our planet makes it imperative for all the members to make another choice: to confront reality and, therefore, to adopt a more dynamic attitude which would enable the Council to face its tremendous responsibilities.

13. It is urgent and imperative to make the latter choice, the reinvigoration of the Council, because that cornerstone of the United Nations is beginning to show signs of lassitude, of premature senility, to such an extent that the whole edifice is showing the effects from it. That, unfortunately, can be seen in the influence of certain countries compelling others to follow in their wake, in the reprehensible attitude of some other Powers which refuse to support or approve measures prescribed by the Security Council, under the simple pretext of the supposed refusal of the rebel Governments concerned to heed those appeals.

14. Therefore, the constant denial of the rights of the United Nations by the Governments of Lisbon, Salisbury and Pretoria is but a consecration of the intrinsic paradox that now exists in this Organization. The often-adopted defeatist attitude only strengthens those dictatorial régimes which constantly challenge the supreme authority of the United Nations and exert pressure over some countries. And a strange scenario is being played out where tyrannical, colonialist, inhuman régimes, universally condemned, dictate their will to the giants of the United Nations, who are fully capable of ensuring compliance with decisions of the Council.

15. Therefore, very often, specious legal pretexts suffice to ensure the continuation of the usurped powers of Lisbon, Pretoria and Salisbury in their respective fields. There is no need to prove that that leads to rigid legalism, then to complete injustice, what was called in Roman law

summum jus, summa injuria: the excessive enforcement of the law leads to injustice.

16. The objectives of the United Nations make it incumbent upon all members of the Security Council, mainly the great Powers which have primary responsibility, to take a stand against the *de facto* measures taken by Governments that have revolted against the United Nations, to free themselves once and for all from the highly prejudicial influence of those Governments, which impose their will because the fundamental and inalienable rights of peoples are made subordinate to commercial transactions.

17. The new era into which this Organization is entering makes it imperative for Member States to act less in keeping with their immediate national interests and more for universal solidarity in the cause of international peace and security.

18. I must remind the Council that the United Nations is approaching the age at which the League of Nations succumbed to the weight of its impotence. The Security Council, which is the equivalent of the Council of the League of Nations, could not wish to be responsible for leading our Organization towards the fate of its predecessor.

19. In today's world, where the problems of peace among nations and understanding among races arise every day, where needs and interests as well as the ambitions of States and racial collectivities collide, the Security Council must be determined to face realities. Until now the efforts and appeals have been limited to the search for means to prevent or stop armed warfare. However, if we disregard an ever-decreasing number of hotbeds of conflicts and tension, armed warfare is evermore rare in the nuclear age when actual or supposed antagonists hold each other in mutual respect.

20. There is another kind of warfare, more calamitous because it is covert and comes into the open only sporadically, causing destruction by its implacable virulence. A line is being drawn between the members of one single human family. It is called racial psychosis, complexes of superiority on the one hand, of resignation on the other. This double complex is encouraged and pursued and imposed upon the so-called coloured peoples, its victims. Racial antagonisms are responsible for this division of mankind into two camps. Harmony, equality and fraternization of peoples and men cannot be achieved. This is an obvious fact. Another order has to be set up in the interest of peace. It is up to the Security Council, especially, and the United Nations in general, during this decade, to eradicate this obstructionist mentality which has given birth to obsolete and artificial doctrines which claim a sacred right of racial supremacy for some and claim that there is congenital inferiority among other races.

21. To ensure total and authentic peace and security, which is the primary responsibility of the Security Council, the latter must fulfil its strict obligation to free mankind from this psychological warfare pitilessly waged against it by the advocates of racial inequality.

22. These are the fundamental imperatives which require a rapid rebirth of the prestige of the Security Council, its credit, its rights, its powers, which are due to its role as a body guaranteeing world peace. This rehabilitation is not a possibility but an imperative necessity to safeguard peace at any cost rather than sacrificing it or subjugating it to economic or ideological alliances.

23. This is the declaration of faith which all the peace-loving peoples and nations want to see professed by the Security Council.

Adoption of the agenda

The agenda was adopted.

The situation in Namibia

Letter dated 26 January 1970 addressed to the President of the Security Council from the representatives of Afghanistan, Algeria, Burundi, Cambodia, Ceylon, Chad, the Congo (Democratic Republic of), Cyprus, Dahomey, Ethiopia, Gabon, Guinea, India, Indonesia, Iran, Iraq, Japan, Jordan, Kenya, Kuwait, Laos, Lebanon, Liberia, Libya, Madagascar, Malaysia, Mali, Mauritania, Mauritius, Morocco, Nepal, the Niger, Nigeria, Pakistan, the People's Republic of the Congo, the Philippines, Rwanda, Senegal, Sierra Leone, Singapore, Somalia, Southern Yemen, the Sudan, Syria, Thailand, Togo, Tunisia, Turkey, Uganda, the United Arab Republic, the United Republic of Tanzania, the Upper Volta, Yugoslavia and Zambia (S/9616 and Add.1)

24. The PRESIDENT (*interpretation from French*): The Security Council is meeting today at the request of fifty-four States Members [S/9616 and Add.1], to which have now been added two more Members. The Security Council will therefore now consider the question of Namibia as submitted to it by the States I have just mentioned.

25. Before I call on the speakers on my list, perhaps the Council will permit me the pleasure of asking a favour of it. Apart from my obligation to address all speakers as representatives of their countries, the eminence of the posts they occupy, the respect and admiration I feel for them, and the human aspects that should imbue our relations, tempt me, however, to address all members as persons in their own right. Therefore, I trust that any whose names I do not pronounce properly will correct me after the meetings at which this may have occurred.

26. In a letter dated 27 January 1970 [S/9619], the representative of Turkey, as President of the United Nations Council for Namibia, has asked to be allowed to participate in the debate of the Security Council on the question before it. If I hear no objection, I shall consider that the Council has decided to accede to that request and to invite the President of the United Nations Council for Namibia to participate without the right to vote in the debates of the Security Council in accordance with the provisional rules of procedure and the practice of the Council.

It was so decided.

At the invitation of the President, Mr. N. Çuhruk (Turkey), President of the United Nations Council for Namibia, took a place at the Security Council table.

27. Mr. JAKOBSON (Finland): At our last meeting in 1969 I did not have the opportunity of addressing the outgoing members of the Council, and I should therefore like to begin my statement today by paying tribute to Algeria, Hungary, Pakistan, Paraguay and Senegal, five countries which, during their terms as members, made an important and constructive contribution to the work of the Council. To the representatives and the delegations of the five outgoing members I wish to extend, on behalf of my delegation, our most sincere thanks for the friendly co-operation we had with them during the past year. I also wish to congratulate Ambassador Mwaanga of Zambia who presided over our meetings in December with great effectiveness and charm.

28. The representatives of the five newly elected members of the Council, Burundi, Nicaragua, Poland, Sierra Leone and Syria, have today for the first time taken their seats at this table. I am happy to be the first, after the President, to welcome them. We in the Finnish delegation look forward to working with the delegations of those five countries in the coming year.

29. To you personally, Mr. President, I wish to extend the very best wishes of my delegation. Your distinguished record as a representative of your country at the United Nations and your great knowledge of international affairs are well known to all of us in the United Nations and we have complete confidence in your impartiality and competence as the President of the Security Council.

30. It is appropriate that the Security Council should resume consideration of the question of Namibia under the leadership of the representative of an African State. It is equally appropriate, I think, that the debate on this question should be opened this time by the representative of a State which is far from the continent of Africa. For the question of Namibia should not be treated as a purely or even primarily African issue. The United Nations as a whole is deeply and irrevocably committed to helping the people of Namibia to attain freedom and independence. This Organization has assumed direct responsibility for the Territory of Namibia until its independence. Failure to discharge that responsibility cannot but undermine the authority of the United Nations, to the detriment of the interests of every one of its Member States. It is natural, therefore, for a country like Finland, which regards the strengthening of the United Nations as a primary objective of its foreign policy, to engage actively in the search for effective means by which we may advance towards our common goal. We have worked closely with the African and Asian members of the Security Council, and as a result of our consultations I have the honour to introduce to the Council a draft resolution the provisional text of which has just been circulated to the members of the Council. It is sponsored by the delegations of Burundi, Nepal, Sierra Leone and Zambia as well as Finland.

31. I said that the text was a provisional one. Before I proceed I should point out that the sponsors have made one

revision which I shall read out orally. It is a revision of the first part of paragraph 6. It should read in the revised form:

“Requests the Secretary-General to set up an ad hoc committee of experts, to be appointed in consultation with the members of the Security Council . . .”.

I think that the text of the draft will be distributed shortly.¹

32. Before I comment on the text of the draft resolution I should like to outline the views of my Government on the question of Namibia in more general terms.

33. It may be recalled that my delegation welcomed the decision taken by the Security Council on the question of Namibia in March 1969 [*resolution 264 (1969)*]. The General Assembly had clearly exhausted the means at its disposal. The Government of South Africa had refused to co-operate with the United Nations Council for Namibia. We believe it was right that the Security Council should take up the search for effective means by which the United Nations could discharge its responsibility towards Namibia and its people. The resolution adopted by the Security Council at that time in our view meant more than a mere restatement of what the General Assembly had already decided. It meant that for the first time the authority of the Security Council had been fully engaged in the task of translating that decision into reality.

34. Finland did not, however, support the subsequent resolution [*269 (1969)*] adopted by the Security Council in August last year. It seemed to my delegation that that resolution was leading the Council towards a dead end, towards a confrontation not between the United Nations and South Africa but within the Security Council itself.

35. The crucial question concerns, of course, the use of coercive measures under Chapter VII of the Charter of the United Nations. The division of opinion on that question in the Council seems to be irreconcilable, at least for the present. Obviously issues of fundamental importance to every Member are involved. In the view of my Government—and this view has been stated in detail in another context—it is of paramount importance to preserve and strengthen the authority and effectiveness of the Security Council as the supreme organ of international co-operation for the maintenance of international peace and security. A pronouncement by the Council on the existence of a threat to international peace and security must therefore carry conviction in the context of the prevailing international situation. It must carry conviction not only within the Council itself, but also among the nations which will be called upon to make the efforts and sacrifices that may be necessary to remove the threat.

36. We believe, accordingly, that before invoking the provisions of Chapter VII the Security Council should make sure that its decisions can in fact be carried out and that its will can be made to prevail. Otherwise, we run the risk of failure which can only weaken the authority of the Council

¹ Subsequently circulated as document S/9620.

and the credibility of its decisions, and thus impair international security in general.

37. In the absence of the possibility of action under Chapter VII of the Charter, the Security Council has a duty to examine every other means by which it can advance the cause of the people of Namibia. Obviously there is no single decision or single act that could solve the problem. But there are, in our view, possibilities of practical action which have not so far been explored.

38. The purpose of the draft resolution which I am introducing on behalf of its sponsors is to make it possible for the Security Council to explore those possibilities. It seeks to define the area of agreement between the great majority of Members and purposely avoids those issues which tend to divide the Council.

39. I do not think it necessary to comment on the draft resolution paragraph by paragraph; most of its provisions speak for themselves. I shall limit myself to dealing with what I regard as the key points.

40. Our point of departure is that since South Africa's Mandate over South West Africa has been terminated [*General Assembly resolution 2145 (XXI)*], the continued presence of the South African authorities in Namibia is illegal and that consequently all acts taken by the Government of South Africa on behalf of or concerning Namibia after the termination of the Mandate are illegal and invalid. That fact must clearly have a number of implications for any Government dealing in one way or another with the Government of South Africa. Accordingly, the draft resolution calls upon all States, particularly those which have economic and other interests in Namibia, to refrain in any dealings with respect to Namibia from recognizing any right of the Government of South Africa to act on behalf of the Territory of Namibia.

41. The practical application of the injunction stated in that paragraph of the draft resolution has not yet been sufficiently investigated, and we propose that that should be studied by a committee of experts to be appointed by the Secretary-General in consultation with the members of the Security Council.

42. I do not wish to anticipate the work of that committee by trying to spell out in detail the various possibilities the experts might wish to look into. It is enough to state that the committee would have a broad enough mandate to be able to examine all proposals and ideas for such effective and appropriate steps as may be taken by the Security Council to enable the United Nations to discharge its special responsibility towards the people of Namibia.

43. The draft resolution further requests, in paragraph 7, all States as well as the specialized agencies to give the expert committee all the information and other assistance that it may require in pursuance of the resolution. It is, of course, for the expert committee itself to decide which Governments to approach. It is a hope of the sponsors of the draft resolution that those Powers which have not supported the resolution on the termination of the Mandate

will nevertheless also be prepared to co-operate with the expert committee.

44. It should be clear from the text of the draft resolution that the expert committee is not intended to become another United Nations organ or to replace or detract from any existing body. It is an *ad hoc* committee, and it has been given a very limited time, until 1 June 1970, to submit its recommendations to the Security Council. The setting up of such a committee would thus not tend to delay or postpone the question of Namibia. It is designed, on the contrary, to move consideration of that question forward from dead centre, where it is now. The draft resolution explicitly states that the Security Council should resume consideration of the question of Namibia as soon as the recommendations of the expert committee have been made available.

45. The draft resolution now before the Security Council is obviously limited in scope and purpose. It should be regarded as an interim resolution, the purpose of which is to help the Council make more substantive decisions in the months to come. It is, in our view, a useful and practical step in the process of United Nations action for the purpose of discharging its responsibility towards the people of Namibia. It is in that spirit that I hope the Security Council will consider our proposals and, I trust, adopt them.

46. Mr. MWAANGA (Zambia): I should like to take this opportunity of thanking you, Mr. President, for calling on me at this stage, and to welcome you to the presidency of this important organ of the United Nations. We are particularly glad to see you occupying that position of prominence, because you represent a country with which we have always enjoyed the best of relations. Apart from anything else, we have age in common, and we have always enjoyed views which are identical throughout our period of association.

47. Mr. President, I wish to thank you for the very kind remarks that you made about my presidency of the Security Council during the month of December. If I was able to achieve anything at all, it was indeed with the co-operation of all the members of the Security Council.

48. I should also like to take this opportunity of welcoming the new members of the Security Council: Ambassador Kulaga of Poland, Ambassador Sevilla Sacasa of Nicaragua, Ambassador Tomeh of Syria and Ambassador Nicol of Sierra Leone. They are all eminent men who possess very great qualities and we have no doubt that they will prove to be worthy representatives of their countries. On behalf of my delegation may I express the hope that we shall enjoy a very healthy and fruitful relationship?

49. We meet today for the first debate of the seventies to consider one of the most thorny problems facing the United Nations: the illegal occupation of Namibia by South Africa. We all recognize the fact that the refusal of the Government of South Africa to comply with Security Council and General Assembly resolutions concerning Namibia seriously undermines the authority of the United Nations. We have adopted numerous resolutions which South Africa has defied with impunity and which we have

not been able to enforce—not through any fault of our own but because we unfortunately depend on other people in order to obtain any kind of results, no matter how limited and insignificant they may be.

50. The Security Council adopted resolution 269 (1969) on 12 August 1969, calling upon the Government of South Africa to withdraw its administration completely from the Territory of Namibia “immediately and in any case before 4 October 1969”—to use the phraseology of the resolution. There was also a provision that if the Government of South Africa failed to comply with that decision the Security Council would “meet immediately to determine upon effective measures in accordance with the appropriate provisions of the relevant chapters of the United Nations Charter”. We all know that the Government of South Africa has, with the usual scornful contempt, categorically refused to withdraw from the Territory of Namibia. That refusal was sent in the form of a volume of distortions and fallacies to the Secretary-General, justifying South Africa’s illegal presence in Namibia. Before I deal with some of the provisions of resolution 269 (1969), allow me to refer to that long letter which the South African Foreign Minister, Mr. Muller, sent to the Secretary-General [*S/9463, annex I, of 3 October 1969*].

51. We recognize that although South Africa claims that South West Africa was a Mandated Territory which it was to administer as an “integral portion” of its own Territory, there was also a special Mandate Agreement for South West Africa² and it provided that the Territory must be administered so as to “promote to the utmost the material and moral well-being and the social progress” of its inhabitants. Mr. Muller asserts in his reply that Namibia is an integral portion of South Africa and shamelessly states that his Government’s policy of Bantustanization of Namibia signifies “an approach to the principle of self-determination” and that it is an approach “fully recognized as proper also in terms of the Charter of the United Nations”. That is the wildest of wild distortions. The Odendaal plan and the Balkanization of Namibia into the so-called homelands are no different from the Bantustans in South Africa. The plan has given all the fertile and somewhat industrialized areas of the Territory to the white minorities. The “police zone” which was assigned to the white population includes all the cities, harbours and coastline and substantially all exploitable mineral deposits. The so-called homelands, except for Rehoboth Gebiet and Namaland, are located in the desert or semi-desert areas. The economic result is that these homelands cannot support the growing population of the black majority.

52. The black majority is being forced to return to work on the rich land, which unfortunately belongs to the white minority, as a landless and rightless proletariat, because the so-called homelands are too small and too poor to be economically viable.

53. There is one further point we should like to clarify for the purposes of the record. When Ethiopia and Liberia took the case of Namibia to the International Court of Justice

they asked the Court to rule that South West Africa was still subject to the Mandate, that the United Nations was entitled to supervise the administration of the Mandate and that the South African administration—especially the administration of *apartheid*—was contrary to the well-being and social progress of the black majority. We know that the International Court of Justice had that complaint before it for well over five years, ruling first that it had the capacity and authority to decide on the complaint,³ and we know that the Court held finally in 1966 that it should not after all rule on the merits of the complaint.⁴ Yet Mr. Muller claims that the International Court of Justice ruled in favour of his country. Where, one may ask, does this judicial fiction come from which Mr. Muller claims vindicates his country’s position on Namibia?

54. It was essential for me to point out those historical facts, which are too often taken for granted. The function of history is to help us find formulas for the problems that have a bearing on the present and the future. We decided to review the historical background before we adopted resolutions 264 (1969) and 269 (1969). The experience of my delegation is that every time the Council convenes to discuss the question of Namibia and the criminal policies being perpetrated in that Territory, it seems to meet in an atmosphere of frustration and guilt, and some members would rather we did not discuss the question at all. That must not be, because we clearly have a mandate from the people of the world to help reduce world tension and alleviate human suffering. It is a well-known fact that the situation in Namibia is a threat to international peace and security. It is our considered opinion that the Security Council must avoid succumbing to a sense of fatalism, for to do so would essentially mean not only leaving the oppressed people of southern Africa to nazi types of government but also encouraging dangerous dynamics that would plunge mankind and the values it defends into an unredeemable catastrophe. We must reject fatalism and approach this problem with determination.

55. Albert Camus once said: “Perhaps we cannot prevent this world from being a world in which children are tortured. But we can reduce the number of tortured children. And if you do not help us, who else in the world can help us do this?”. The draft resolution which my delegation has joined in sponsoring and which has been very ably and eloquently presented by Ambassador Max Jakobson of Finland seeks to engage this Council more seriously in the search for a solution. It may disappoint many friends of Namibia but it has been drafted after the most serious and careful consideration and takes into account the vital interests of the people of Namibia as a whole. It may be considered lacking in militancy; it may not be the most revolutionary; but in the absence of any effective and constructive alternatives it may help us break the present deadlock. We believe that it is critically important for us to keep the question of Namibia in the public eye. We believe further that the formation of a

³ *South West Africa Cases (Ethiopia v. South Africa; Liberia v. South Africa), Preliminary Objections, Judgment of 21 December 1962: I.C.J. Reports 1962, p. 319.*

⁴ *South West Africa, Second Phase, Judgment, I.C.J. Reports 1966, p. 6*

² See *Official Records of the General Assembly, Twelfth Session, Supplement No. 12A, annex A.*

committee of experts under the auspices of the Security Council would not serve a useless purpose.

56. In regard to the committee of experts we would, for instance, like it seriously to examine, among many other things, the following possibilities: (a) applying fully or partially the relevant provisions of Chapter VII of the United Nations Charter against South Africa; (b) setting up a special United Nations fund to which all taxes of foreign economic concerns in Namibia would be paid; (c) emphasizing United Nations presence through the introduction of special visa regulations by Member States concerning travel to Namibia; (d) having United Nations passports issued to Namibians recognized by all States; (e) making recommendations to Member States that passports or travel documents of their nationals should not be valid for Namibia without a United Nations visa; (f) Member nations reviewing and amending all those treaties entered into between themselves and South Africa which have territorial implications for what was formerly South West Africa; (g) resuscitating the co-operation of national labour unions and confederations in the boycott of South African goods and services; (h) any other possibilities which may or may not have been considered by the Security Council.

57. It must surely be clear to all of us that in the final analysis, as has been amply demonstrated over the years, the people of Namibia hold the key to their freedom. In view of the obstinacy of South Africa, they will have to take up arms and fight for their independence, because the white oppressors have rejected all possibilities for a peaceful and negotiated settlement.

58. Resolutions have been adopted by both the Security Council and the General Assembly concerning Namibia, but these have been violated by South Africa because of the support it receives from the major Western Powers. We have condemned those Western Powers in the past and we do so again. We have clearly pointed out that external factors have greatly contributed to the strengthening of South Africa's hold on Namibia. We are aware of campaigns which are current in Europe and here in the United States for the lifting of the ban on the sale of arms to South Africa imposed by the United Nations. In recent weeks press reports have indicated increasing pressure in the United Kingdom and in Europe in general on various Governments to lift their ban despite the United Nations resolutions calling for an embargo. Government and business circles in NATO countries have been haunted by agents of South African interests seeking support in furtherance of their oppressive and aggressive policies. For example, some British businessmen and Conservative Party leaders in particular have argued that the United Kingdom has lost economically as a result of the arms embargo and that the Conservatives, if returned to power, would reverse that policy. Other Governments which have participated in the sale of arms to South Africa despite the appeals of the Security Council have adopted the profit motive as the reason for their present stand. France, Italy, West Germany and Japan, for example, have refused to impose a ban on the sale of arms to South Africa. They have continued to supply certain military equipment and spare parts to the South African Army, Navy and Air Force.

59. South Africa has of late, especially to its supporters in the United Kingdom, stressed its strategic importance in the defence of the West. It has used the concept of the "vacuum in the Indian Ocean" created by Britain's "withdrawal from east of Suez" and the fear of the power of the Soviet Union in that area. It has either completely ignored or vehemently denied the fact that the weapons being supplied are being used, and will be increasingly used, for the political oppression of the majority of the people of all races who genuinely desire democratic government and peace in freedom and justice.

60. On the political front, it has been argued that the so-called "new outward-looking policy" adopted by the Vorster régime removes the danger that South Africa may pose a threat to independent Africa. Indeed South Africa has made reference to some African countries which have been engaged in courting its friendship. Thus South Africa has tried to carry out a campaign of unprecedented magnitude, both in effort and money, in Africa and the Western world in order to win friends to support its objectives, the purpose of which is to keep the political, economic and military power completely in the hands of the white minority. The so-called outward-looking policy, therefore, is designed not to ameliorate the situation in southern Africa but rather to obtain the acquiescence of African States to the diabolical policies of *apartheid*. Fortunately, many of us saw through the smokescreen, and when we came forward with the Lusaka Manifesto on Southern Africa⁵ the bubble burst. Pretoria reverted to its aggressive posture. Let me take this opportunity of stating the position of my Government on this matter.

61. First, the aims of the building up of South Africa's military capacity at the present moment cannot be divorced in any way from the major objective of the Vorster régime: to keep political and economic power firmly and permanently in the hands of the white minority. Internally, the Bantustan policy has the effect of dividing the people of Namibia and of South Africa, weakening their national spirit and rendering them completely impotent in pursuing their national objectives as one people under one government. The Bantustan policy has had the effect of shepherding the black majority into what are called Bantu homelands and concentrating them there. That will obviously make it easy for the South African security forces to deal with them ruthlessly without risking the lives of any white people in those areas. It will also make possible the use of military equipment supplied by the West within South Africa provided it is not against the white people. My Government cannot countenance this situation.

62. Secondly, it has been argued that the equipment that has been supplied by the Western countries is for self-defence and is intended to help South Africa in guarding Western interests around the Cape. Quite obviously, South Africa and its friends in the West have deliberately exaggerated the threat in the Indian Ocean as an excuse to build up its military capability, with Western support, either materially or in the form of technical skill. In our view, what threatens Western interests is not the so-called

⁵ Official Records of the General Assembly, Twenty-fourth Session, Annexes, agenda item 106, document A/7754.

vacuum in the Indian Ocean but the policies pursued by Western nations in continuing to arm what is almost a band of desperadoes who have terrorized the masses in southern Africa and threatened to enlarge the area of conflict. It is the view of my Government that continuing to sell arms to the minority régime in Pretoria, which has shown all the manifestations of a ruthless clique determined to maintain its position of power and control by whatever means, in the name of Western interests, is like hiring murderers to act as defenders. It is clear to us that South Africa will not use the Buccaneer bombers, the Mirages, the Shackletons, the Impalas and all the missiles and various deadly weapons supplied to it by the West or manufactured with Western technical skill in defence of Western interests. It will definitely use them against black Namibians, black South Africans and all the independent African countries which are determined to make the whole of Africa truly independent.

63. Therefore we cannot sit by idly and watch the West and South Africa, which has not hidden its intentions, make these preparations for our annihilation. It has not only threatened to attack us; it has in fact encouraged its friends to do so. Already weapons supplied by the United Kingdom, France and the United States have been used against us and against the oppressed people of Namibia. Therefore we cannot believe that what is being supplied to South Africa will not be used against our economic and political interests.

64. It is because of these serious considerations that we have appealed to our friends in Latin America and to Australia and New Zealand to be wary of South Africa's cry for the formation of a South Atlantic/Indian defence pact. If such an absurd idea were to be pursued, we should consider it a conspiracy against the people of Namibia, of South Africa and of the other oppressed countries as well as against independent Africa. The security of the Cape route could, if necessary, better be served by all the people of southern Africa than by a minority which is sitting on top of a volcano. Indeed, this is true also of the security of the economic interests of the West in southern Africa.

65. The so-called outward-looking policy of South Africa is not intended to create real friendship and understanding in Africa. We regard it as an illusory exhibition and an exercise in hoodwinking the West about the readiness of the minority groups in control in southern Africa to co-operate with independent Africa. This policy, which appears liberal abroad but reactionary and oppressive at home, does not impress us at all. It is our firm conviction and belief that white South Africans must make friends with Africans in South Africa itself first and show respect for them as equals. Only that will convince us of the sincerity of Pretoria's intentions.

66. Over the past few years we have seen the Western countries, and the Western major Powers in particular, adopt an increasingly negative attitude towards issues concerning southern Africa here at the United Nations. It appears that the economic and military support that the West is giving the Vorster régime strengthens the basis of the political support for *apartheid* which the South African régime greatly desires.

67. Compare this situation with the stand of certain European Governments which advocated the expulsion of Greece from the Council of Europe. The reason behind this campaign lay in Greece's internal policies; yet South Africa and Portugal will not be confronted when they have committed even worse acts of oppression against the people of Namibia, South Africa, Angola, Mozambique and Guinea (Bissau). Is oppression objectionable only when the victims are of European stock?

68. It would appear that we are approaching a situation in which the Western world must, in its own interest, choose between South Africa on the one hand and the rest of Africa on the other. Has it already decided that what matters for the future is its interests in the 472,000 square miles, or less, that comprise South Africa, and not those in the 11.5 million square miles in the rest of Africa? We are sick and tired of being considered second in everything. The concept of the "silent majority" also exists in Africa. The Africans are the "silent majority" in that continent and they are determined to decide the destiny of that continent in accordance with their interests.

69. The struggle for the restoration of the rights of the people of Namibia has been waged for many years. Here at the United Nations our efforts culminated in the resolution adopted by the Security Council [269 (1969)] last August which set a deadline for the withdrawal of South Africa. Our efforts today are designed to move us a step forward towards the implementation of that momentous and irrevocable decision. We have time and again indicated that we would prefer negotiations to armed struggle, in the interests of all the parties. But if our efforts here fail, thanks to the obstruction of some of the members, what else is there to expect? It was the late President John F. Kennedy who once said: "Those who prevent peaceful revolution make violent revolution inevitable".

70. Those who are bent on frustrating our decisions, because of their ties with the oppressors, must realize that they are playing the role of grave-diggers in southern Africa—the tragedy will be even greater for their kith and kin. We would appeal to them not to be guided by greed. They should put man before economic gain, and even when the baser side of man, euphemistically known as the paramount national economic interest, grips their attention they should remember that such interest, apart from being universal, is better safeguarded in a world where there is peace and stability.

71. In conclusion, it is my hope and expectation that political and diplomatic distress will teach man, if anything can, that realities are less dangerous than fancies, that fact-finding is more effective than fault-finding. It is for this reason that we express the hope that the draft resolution so ably presented by Mr. Jakobson will be unanimously adopted by the Council to enable us to move forward in our search for a solution to this dangerous problem.

72. Mr. YOST (United States of America): Mr. President, may I first join you in expressing my particular appreciation to our colleague, Mr. Mwaanga, for the outstanding fashion in which he conducted our proceedings last month? During the year in which he has served the

Council, we have come to count on his always effective participation, and we were therefore only confirmed in our judgement by his distinguished leadership during his presidency.

73. Permit me also, Mr. President, to welcome you most particularly and warmly to this Council table and to its presidency. We count equally, not only this month but this year and next, on your distinguished participation, co-operation and leadership.

74. Finally, I should like to express my particular satisfaction in welcoming the other new members of the Council. All of them are distinguished and experienced diplomats and, I am happy to add, personal friends with whom it will give me very great pleasure to serve the United Nations and the cause of world peace throughout this twenty-fifth anniversary year.

75. On the initiative of almost half the membership of the United Nations, we are convened again to deal with an important problem, Namibia, for which this Organization carries major responsibility. I am sure that we all find it a matter for grave regret that so little progress has been made since we discussed the issue last August in persuading the Government of South Africa to recognize the responsibility of the international community for Namibia.

76. We have now before us a draft resolution, which has just been presented and explained by the representative of Finland with his customary clarity; and he has also informed us of an amendment to the written text which has been circulated.

77. The draft resolution in its present form seems to us accurately to represent and to reaffirm the basic attitude of the United Nations to this problem. In addition, the sponsors have concluded that further expert study would be helpful to the United Nations in permitting all of us to discharge our responsibilities. This appears to us to be a reasonable request and we support it.

78. My Government is keenly interested in the fate of the people and Territory of Namibia and will be prepared to do whatever it can to contribute to the Committee's work. Not only the substance of the draft resolution before us, but the manner of its development, deserves a word of comment. I wish to commend warmly you, Mr. President, and the other sponsors of the draft resolution for proceeding in this meeting on the basis of broad consultations which permitted you to introduce a draft which appears to carry a wide measure of agreement within the Council. In our view, this is a wise and effective way of proceeding in a problem of this kind, which will require the best efforts of all of us.

79. I am sure that none of us is under any illusion that with this draft resolution we shall have solved a problem of such magnitude and difficulty, or that we can escape further responsibility for it. In particular, I believe that we all continue to have an obligation to do our best to persuade South Africa to acknowledge United Nations responsibility for Namibia. For our part, we shall continue to point out to South Africa that we consider its presence in Namibia illegal. We do not recognize and do not intend

to recognize South Africa's claim that it has the right to act on behalf of the people of that Territory.

80. It would be our sincere hope that the experts' study called for in this draft resolution will provide a complete and impartial analysis of all the implications of South Africa's presence in Namibia and will also permit us to form an intelligent judgement as to what other peaceful and practical steps it might be possible for the United Nations to take to discharge more effectively its obligations towards the people of Namibia.

81. Mr. SEVILLA SACASA (Nicaragua) (*interpretation from Spanish*): I wish to thank the President of the Security Council, the representative of the Republic of Burundi, for welcoming me with a kindness worthy of his diplomatic and gentlemanly qualities, which are deeply appreciated by his colleagues and friends. In return, I extend to Ambassador Terence my sincere congratulations on his election as President of this distinguished international forum.

82. I also wish to thank the Ambassadors of Finland, Zambia and the United States of America for their welcome. Their courtesy is equalled by our high regard for them and their nations.

83. I am deeply grateful for the honour which the General Assembly has accorded the Republic of Nicaragua by electing it a non-permanent member of the Security Council, to occupy the seat vacated upon the expiry of its term of membership by the Republic of Paraguay—a noble nation which belongs to the community of Latin American nations, as do the equally noble Republic of Colombia, a non-permanent member of this Council, Nicaragua and the other sister Republics of the Western Hemisphere—and I extend my cordial greetings to all of you, distinguished Ambassadors, whose very special responsibilities I, with the sentiments of a son of Nicaragua, shall share in this Council.

84. By a happy chance, Nicaragua is joining the Security Council at a time when the United Nations is preparing to celebrate its twenty-fifth anniversary, recalling the historic events of San Francisco and the successes achieved by our Organization in favour of international peace and security.

85. Today, on becoming a member of this Council as representative of Nicaragua, I hope I may recall our friendly meeting at San Francisco twenty-five years ago, as the delegates of fifty nations, to draft a Charter for the legal and political Organization conceived for the maintenance of peace by the leaders of the Powers which had triumphed in the war.

86. To the sense of honour I feel at having participated in that memorable conference and signed the Charter of the United Nations is added the satisfaction of having attended all the sessions of the General Assembly held since that time. This truly fortunate circumstance has enabled me to observe at close range the work and effort devoted by many statesmen of the world to the great cause of international peace and security.

87. I remember how firmly we at San Francisco emphasized that the structure of the Charter should allow for

the functioning of regional organizations capable of contributing to the maintenance of peace and to the peaceful settlement of disputes that might arise among Member States, so long as such organizations and their activities remained consistent with the purposes and principles of the United Nations.

88. Every people in the world was aware of the diverse opinions held at the time concerning the sensitive problem of the powers to be vested in the Security Council as an institution whose fundamental mission was to maintain international peace and security through its effective action and its prestige. All of us who served as delegates to the Conference knew that we were legislating not only for the nations we represented, but also for nations absent from that Conference and for peoples which, with the passing years, would gain independence and join this Organization, proclaiming their devotion to peace. We also knew that the decisions of the Security Council would have to be unreservedly accepted and complied with and that the representatives of States members of the Security Council would be acting on behalf of the Organization itself and in the interests of international peace and security.

89. Since the Security Council acts in accordance with the purposes and principles of the Charter, it may be understood that its extraordinary powers under the Charter constitute obligations rather than rights and that therefore the Security Council does not have absolute sovereignty. It does enjoy sovereign rights in the investigation of any dispute or any other situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of such a dispute or situation might endanger the maintenance of international peace and security.

90. When we signed the Charter in 1945, no one could be so optimistic as to expect that the legal and political Organization we had just established would function in a world free from all tensions. Having established the United Nations precisely in order to find appropriate solutions for international problems, we must show that it is capable of keeping the world under the rule of law and justice.

91. Our Organization, the successor to the League of Nations, is guided in its actions by past experience. Having arisen out of war, it must win the battles of peace, for if those battles were lost, we should inevitably revert to warfare. If war broke out in our present atomic age, there would be no victorious nations, as there were in 1945; there would be only victims sacrificed on the altar of misunderstanding.

92. We should not be disturbed by the fact that differences arise among nations. It is natural that differences do arise and sometimes create problems. What is serious is not the existence of problems but the failure to find solutions for them.

93. In the search for effective solutions based on fairness and justice, the Security Council must continue its all-important work with the knowledge that the eyes of a hopeful world are fixed on this table.

94. If power without justice is tyranny, while justice without power is a mockery, in the wise words of Pascal, let us make every effort to combine power with justice, so that power will always be just and justice will never cease to be powerful.

95. I am most gratified to be here among you, the distinguished ambassadors of nations which I esteem most highly, and, as head of the Nicaraguan delegation, I pledge you our friendly and unfailing co-operation in the delicate tasks that lie before us.

96. The PRESIDENT (*interpretation from French*): I have no more speakers on my list. Therefore, as a result of consultations, I should like to suggest that the next meeting be held tomorrow, 29 January, at 3.30 p.m.

It was so decided.

The meeting rose at 6 p.m.