

UNITED NATIONS



UN LIBRARY

SECURITY COUNCIL OFFICIAL RECORDS

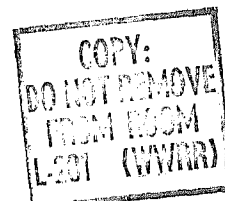
NOV 5 1972

UN/SA COLLECTION

TWENTY-SEVENTH YEAR

1678th

MEETING: 28 NOVEMBER 1972



NEW YORK

CONTENTS

	Page
Provisional agenda (S/Agenda/1678)	1
Adoption of the agenda	1
The situation in Namibia: Report of the Secretary-General on the implementation of Security Council resolution 319 (1972) concerning the question of Namibia (S/10832 and Corr.1)	1

SIXTEEN HUNDRED AND SEVENTY-EIGHTH MEETING

Held in New York on Tuesday, 28 November 1972, at 4 p.m.

President: Mrs. Jeanne Martin Cissé (Guinea).

Present: The representatives of the following States: Argentina, Belgium, China, France, Guinea, India, Italy, Japan, Panama, Somalia, Sudan, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America and Yugoslavia.

Provisional agenda (S/Agenda/1678)

1. Adoption of the agenda.

2. The situation in Namibia:

Report of the Secretary-General on the implementation of Security Council resolution 319 (1972) concerning the question of Namibia (S/10832 and Corr.1).

The meeting was called to order at 4.30 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Namibia:

Report of the Secretary-General on the implementation of Security Council resolution 319 (1972) concerning the question of Namibia (S/10832 and Corr.1)

1. The PRESIDENT (*interpretation from French*): A number of representatives of countries which are not members of the Security Council in letters addressed to me, have asked to participate, without the right to vote, in the debate on the item before us. These countries are the following: Chad, Ethiopia, Liberia, Mauritius, Morocco and Sierra Leone.

2. As I hear no objection, I shall, in accordance with past practice and the provisional rules of procedure of the Council, invite them to participate, without the right to vote, in our discussion.

3. In view of the limited number of places at the Council table, I shall invite the representatives concerned to take the places reserved for them in the Council Chamber, on the understanding that they will be called to the Council table when it is their turn to speak.

At the invitation of the President, Mr. A. Oueddo (Chad), Mr. Z. Gabre-Sellassie (Ethiopia), Mr. R. Weeks (Liberia), Mr. R. Ramphul (Mauritius), Mr. A. Benhima (Morocco) and Mr. I. Taylor-Kamara (Sierra Leone) took the places reserved for them in the Council Chamber.

4. The PRESIDENT (*interpretation from French*): I have also received a letter dated 22 November from the President of the United Nations Council for Namibia in which he requested, in accordance with a decision taken by that Council at its 161st meeting, on 22 November, to be invited to participate in the discussion of the Security Council at the time of its consideration of the report of the Secretary-General on the implementation of Security Council resolution 319 (1972) concerning the question of Namibia. I therefore propose that the Security Council extend an invitation to the President of the United Nations Council for Namibia under rule 39 of the provisional rules of procedure.

5. As I hear no objection, I shall invite Mr. Olcay, President of the United Nations Council for Namibia, to take a place at the Council table.

At the invitation of the President, Mr. O. Olcay, President of the United Nations Council for Namibia, took a place at the Council table.

6. The PRESIDENT (*interpretation from French*): The Security Council will now proceed to the discussion of the item on its agenda. I should like to draw the attention of members to document S/10832 and Corr.1, containing the report of the Secretary-General.

7. I call on the Secretary-General, who wishes to make a statement.

8. The SECRETARY-GENERAL (*interpretation from French*): Madam President, I have not had the opportunity before this meeting to address the Security Council since you became President. It therefore gives me great pleasure to extend to you my congratulations. It is of special significance that you should earn the distinction of being the first woman to preside over the Council during its 27 years of existence. It is also fitting that you should preside at a time when the Council has been primarily concerned with the problems relating to the great continent of Africa. In the few months that you have represented your country at the United Nations, and in particular during the present month as President of the Security Council, you have not only given able leadership, but also made constructive contributions to the deliberations of the Council. In paying a tribute to you, Madam President, we are also honouring the Government and people of Guinea for their outstanding contribution to the work of the United Nations.

[The speaker continued in English.]

9. Members of the Council will recall that the discussions which led to the adoption in Addis Ababa of resolution 309 (1972) on 4 February 1972 first took place in the Council during its debate on Namibia in October 1971. In that resolution, the Secretary-General was entrusted with the mandate of initiating contacts with the parties concerned which, *inter alia*, entailed meetings with the representatives of the people of Namibia and the Government of South Africa.

10. In compliance with my mandate, I initiated the necessary contacts and reported to the Security Council on 17 July 1972. That report is contained in document S/10738. On the basis of my report, the Council, by resolution 319 (1972) of 1 August 1972, invited me to continue contacts with all parties concerned, "with a view to establishing the necessary conditions so as to enable the people of Namibia, freely and with strict regard to the principle of human equality, to exercise their right to self-determination and independence, in accordance with the Charter of the United Nations."

11. In conformity with paragraph 5 of the same resolution, I appointed Mr. Alfred Martin Escher of Switzerland to assist me in the discharge of my mandate. Mr. Escher spent seven weeks in carrying out his task. His report on the results of his contacts with the parties concerned is contained in annex II to the report which is now before the Council.

12. Within the time available, the representative was able to make an extensive tour of Namibia and to meet with and obtain the views of a wide cross-section of the population of Namibia. The evidence gathered during these contacts, as summarized in section II of his report, will, I am sure, be of assistance to the Council.

13. At the outset, I should like to say that the report of the representative leaves unanswered or unresolved a number of issues which continue to occupy the minds of all of us. The most pressing of these is the question of clarification by South Africa of its policy of self-determination and independence with regard to Namibia.

14. In this regard the Security Council insists that the objectives of self-determination, national unity and independence be first agreed upon and clearly stipulated and the measures for achieving them worked out subsequently.

15. The South African Government, on the other hand, has expressed the view that a detailed discussion of the interpretation of self-determination and independence could be undertaken with better results once the necessary conditions are established and the inhabitants have had more administrative and political experience. In other words, South Africa places priority on measures for achieving political advancement without defining the ultimate goal. It speaks of "self-determination and independence" as its aim, but so far has not committed itself to a precise definition.

16. One useful aspect of the report of the representative is the fact that it has removed any doubts that might have existed about the political aspirations of the people of

Namibia. The evidence received by the representative makes it clear that the majority of the population in Namibia supports the establishment of a united independent Namibia and expects the assistance of the United Nations in bringing this about.

17. The report of the representative also provides information on certain proposals made by the Prime Minister of South Africa. The Prime Minister stated that he would be prepared to establish an "advisory council" drawn from representatives of the various regions, regional governments or authorities, and he would assume over-all responsibility for the Territory as a whole—that is, as distinct from the Ministries now responsible for different sectors; he would examine the possibility of removing certain restrictions on freedom of movement; and he was in agreement that there should be legitimate political activity, including freedom of speech and the holding of meetings.

18. While the implementation of some of these proposals could represent a partial shift in attitude by South Africa in response to the efforts of the United Nations, I recognize that they do not measure up to the expectations of the members of the Council. Other proposals put forward by Prime Minister Vorster would seem to be in conflict with the principles which guide the United Nations in dealing with the problem of Namibia and would require further clarification before they could be properly assessed.

19. Having made these brief comments on the report, I should like to refer to some points which appear to have been incorrectly interpreted in some quarters. It has been alleged that an agreement has been concluded between the Prime Minister of South Africa and the representative of the Secretary-General. I should like to emphasize that there has been no such agreement. The representative of the Secretary-General had no mandate to enter into any agreement with any of the parties, and he has not done so. It will be noted from the representative's report that what is contained therein is a record of the substance of the discussion. It is nothing more than a summary record.

20. As regards paragraph 21 (*e*), let me assure the Council that in all my efforts I have been guided by the decision of the United Nations that the Namibian people should be enabled to exercise their right to self-determination and independence in a united Namibia without delay. Accordingly, whatever further efforts are necessary to solve the Namibian problem will be made with this objective in mind.

21. As I said at the beginning, the efforts undertaken by the Secretary-General have been at the invitation of the Security Council. I have been fully aware of the sensitive and complex nature of my task and of the terms of my mandate. It was with these considerations in mind that my representative undertook his mission.

22. I was never optimistic that it would be possible to obtain quick, clear-cut results. Most of the issues on which positive responses were sought have so far been resisted by the South African Government, and therefore progress could not be expected without protracted discussion. Of course, I recognize the desire of the Council for an early and precise answer from the Government of South Africa

to some of the basic questions and I would be the last to agree to any procedure which would permit that Government to delay a clarification of its position indefinitely.

23. In paragraph 10 of my report to the Security Council I stated that there were elements in the report of Mr. Escher which the Security Council might wish to pursue. I have already referred to parts of the report which have given rise to some objections and misgivings. But there are elements in the report which should not be overlooked or dismissed. I have in mind my representative's extensive tour of the Territory and his discussions with a wide cross-section of the population on their political future. This is the first time that the Security Council has been able to obtain first-hand information on the political demands of the inhabitants. In this connexion I have taken note of the assurance of Prime Minister Vorster that no one will be victimized for seeing the representative or for any declaration made to him.

24. It will be noted further that Mr. Vorster has stated his readiness to consider removing certain restrictions on freedom of movement and to permit "legitimate political activity including freedom of speech and the holding of meetings." One would have hoped for an unequivocal decision to institute fully these fundamental rights, but it might be useful to ascertain the precise nature of the proposed measures and their possible effects on the political life of the Territory. While it may be too early to speculate on the future course of events in the Territory, it would appear desirable that in the months ahead the United Nations should remain in touch with developments. Having regard to all the circumstances, and in spite of the gap that remains between the position of South Africa and that of the United Nations, it is my view that the door should not be closed to further contacts.

25. It is, of course, for the Security Council to decide. Should the Council wish the contacts to be continued, I hope that it would be possible to count on the help and advice of the group of three established pursuant to Security Council resolution 309 (1972), whose assistance in the past has proved invaluable.

26. The PRESIDENT (*interpretation from French*): I am extremely grateful for the very kind words the Secretary-General addressed to my Government and to me.

27. The first speaker on the list is Mr. Benhima, Minister for Foreign Affairs of the Kingdom of Morocco and Acting President of the Council of Ministers of the Organization of African Unity. I invite him to take a place at the Council table and make his statement.

28. Mr. BENHIMA (Morocco) (*interpretation from French*): The Council has held many meetings since 1 November when you, Madam President, assumed the presidency of this Council. Those many meetings have given both to members of the Council and to other participating delegations around this table an opportunity to pay tribute to your merits and to express their great respect for you and for the Government of Guinea. I am sure that you will allow me to avail myself of this opportunity to express the pride of the representative of Morocco and those I have the

honour to represent, the Foreign Ministers of the Organization of African Unity, at being able to join other members of the Council in expressing our warmest congratulations to you on the election for the first time of a woman to preside over the Security Council. This is indeed an extremely important occasion.

29. That that woman should also be an African adds to our satisfaction, for it is more than a symbol: Africa, which but a few years ago was absent from international councils, has in the space of a decade travelled a very long road. That it is an African woman who has been in the vanguard of that road and is the first to have assumed the presidency of the Security Council is due, no doubt, to what we might be tempted to call coincidence or chance; in politics, however, the mysteries of chance coincide with intelligence. May I add that since the intellectual qualities of a lady are often used by ill-wishers as the only epithets to describe a woman who is not good-looking, it is delightful that our President combines these intellectual and political qualities with African beauty.

30. The matter which is before the Council for consideration today is unfortunately one of those chronic problems which the United Nations has not succeeded in solving. We are periodically summoned to the General Assembly, the Fourth Committee or the Security Council to deal with this problem which comes up cyclically and on which no progress is ever made. The Power which is responsible for this situation has never been prevailed upon to make any promise of understanding, co-operation or goodwill. And it is perhaps of its very nature one of the problems on which the United Nations has experienced constant and very painful frustrations. Some time ago the Security Council took this question up with some hope. I would like to pay a tribute to the Secretary-General here for prevailing upon South Africa to agree for the first time to having the United Nations exercise its rights in regard to a Territory under its trusteeship. South Africa had for a decade repulsed the Secretary-General of the United Nations and refused all dialogue with the Organization. This time the Secretary-General secured results, and his efforts deserve credit; I am happy to pay a tribute to him for this success.

31. However, our illusions were shortlived. We had thought that this door which had opened to dialogue with the United Nations represented a far-reaching change in South African policy. No matter what reservations or what caution we might feel, whatever limits we might wish to place on our optimism, and particularly the optimism of the peoples concerned, we had to recognize that this attitude was a gesture of a new kind.

32. The Security Council had authorized the Secretary-General to initiate these discussions and to select a personal representative to conduct a mission which would investigate on the spot the nature of the policies of South Africa, the political realities in the Territory, the degree of political consciousness and the wishes of the population, and secure—in the short or long term—a definition of South African policy which could serve as a working basis for the Security Council and the United Nations.

33. Unfortunately, the Prime Minister of South Africa who was probably moved by domestic considerations in

agreeing to this, was willing to maintain it only within the framework of a unilateral definition of a South African policy. In other words, South Africa communicated to the United Nations its intentions in terms of a policy which it determined itself, which it wished to elaborate itself, which it wished to conduct in a manner which was in keeping with its own politics and, from the first words of the Prime Minister as given in the report of the representative of the Secretary-General, a policy which respects neither the unity of the Territory nor territorial integrity. Thus we have two aspects: one legal, which is not open to discussion or dialogue, the other political, because the United Nations has taken decisions already which quite specifically determine that the destiny of the Territory, both as to territorial integrity and the unity of its people, must be one and indivisible.

34. In the past, when South Africa completely ignored the United Nations, it pursued, in certain regions, an ethnic policy, a policy of regional governments, as it called them. Perhaps it thought it could persuade the United Nations to apply such policies to Namibia.

35. Before addressing myself to the criticisms of South African policy, I should like to say that we will go no further with the Pretoria Government if these two principles are called in question, directly or indirectly. It is quite clear that the future of the Territory must be conceived in such a way that the territorial integrity of Namibia, as defined in the mandate granted to South Africa by the League of Nations, is respected. It is also understood that no ethnic consideration or one involving a regrouping of chiefs could be accepted either by the United Nations or by South Africa, because it is one indivisible people that must accede to its independence in a sovereign territory which is not subject to any alteration or division.

36. Within the framework of this policy a dialogue with South Africa would be possible. If I emphasize this point it is so that in the future the United Nations mission will not be involved in any ambiguity or any misunderstanding. The Secretary-General, who has the mandate of the Security Council, must be able to continue his mission, but he must also explain clearly to South Africa that it is in this direction, and this direction alone, that matters may proceed.

37. Unfortunately, we were disappointed. I would even say shocked—that the opportunity we had thus given Mr. Vorster to break the deadlock which had existed for several years represented for him no more than an opportunity to gain domestic political advantage, or to escape from international isolation. We refuse to go any further on that basis.

38. The Secretary-General has today been good enough to inform the Council of his view of the report of his representative. That statement by the Secretary-General is a communication of the utmost importance which will now become part of the Council dossier. I do not want to go over everything that was said. I would just like to say that if Mr. Escher went with the Secretary-General's confidence, on the one hand, and *a priori* with the confidence, as regards his status and his person, of the Africans on the

other, the Prime Minister has struck a very grave blow at his authority by using Mr. Escher's mission simply to give him a statement of his unilateral political intentions.

39. That was not the basis on which the United Nations mission was launched. A tribute must be paid, however, to Mr. Escher: he cleared up any illusions we might have entertained as regards the future.

40. Does this mean that we are now before a definitive failure? We shall not fall into that trap. If South Africa thinks only in terms of turning the United Nations around in the direction it wishes as a result of this mission, or of the Security Council or the General Assembly henceforward saying that dialogue is no longer possible with South Africa, then we shall assuredly disappoint South Africa and say that the mission must continue.

41. But the mission must continue with absolute clarity of purpose, and that is what we are asking the Secretary-General to do—namely, within a reasonable period of time to re-examine how the mission should be resumed. We have every confidence in him to consider how best he should do that, but that confidence is, of course, subject to the results that are achieved by the mission.

42. Africa agreed that the United Nations, which has primary responsibility as regards the Territory's future, should interrogate South Africa and extend to it an opportunity to take international assistance so that the Territory should, in accordance with a clearly established process of decolonization, be led to independence calmly and without conflicts or any revolutionary transformations, thus sparing the Territory possible difficulties such as those other colonial territories have had to undergo.

43. Africa backed that choice although it had always chosen the straitgate of struggle and combat. It hoped that this people which had suffered not only from colonization, but had undergone the inhuman policy of *apartheid* and restrictions of every kind—a people subject to the most reprehensible aberrations—could have a chance of accession to independence within a reasonable period of time by following a course other than that of blood and iron.

44. South Africa seems not to have realized—or not to have wished to take seriously—the significance of the choice that was offered it. We continue to stand by that choice. It is our first choice. But we should meet again within a reasonable period of time in order to ascertain the intentions of South Africa as to whether it really considers that what it communicated to Mr. Escher was a mistake and that it should return to the basis on which the mission was decided upon. If it intends to tell us, however, that the only way in which it is prepared to follow the United Nations is that outlined in the report of the Secretary-General's representative, we will return to the Council to ask for a review of the criteria behind that choice.

45. It is not my intention in this initial statement to expatiate on all the considerations contained in the report. It is a clear document, and the Secretary-General shed further useful light upon it. Other distinguished Africans have been invited to speak to convey the views of Africa to the Council.

46. I thank you, Madam President, for having given me this opportunity to make these initial comments. I shall certainly be called upon as the debate progresses to speak again to give the Council the latest information as to how the Organization of African Unity sees the mission entrusted by the Secretary-General to his representative. But as of now there is already a clear attitude. If this report does not, unfortunately, give us the satisfaction we are entitled to expect, responsibility for that must be laid at the door of South Africa alone, since it did not properly appreciate the nature of the Security Council's mission and perhaps wished to seduce us by a display of goodwill which in fact represented a repetition of South Africa's long-standing attitude over many years.

47. The PRESIDENT (*interpretation from French*): I thank the representative of Morocco for his tribute to my country and myself.

48. The next name on the list is that of the Foreign Minister of Liberia. I invite him to take a seat at the Council table and to make his statement.

49. Mr. WEEKS (Liberia): During the quarter-century existence of the United Nations one of the Organization's most significant achievements has been in the field of decolonization. The United Nations was founded with 51 Member States. Today its membership has grown to 132, most of its new Members being territories which were under colonial domination in 1945. But the Council will, I am sure, agree that the task of dismantling the colonial system is still unfinished. Colonialism continues to rear its ugly head in new and varying forms, especially on my own continent of Africa, where it presents its most difficult and most intransigent problems. There are pockets of resistance to which we must concertedly lend our efforts and bring to a long overdue close this terrible chapter in human history. Africa is committed to that goal, and so is the United Nations.

50. On 15 November 1972 the Council afforded me the opportunity to address this august body on Portuguese colonialism in Africa [*1672nd meeting*]. It is therefore with an abiding sense of gratitude that I take advantage of the opportunity to address the Council again today, in its consideration of the question of Namibia.

51. The Government of Liberia and the Organization of African Unity attach great importance to the possibility that we may be able to call to the Council's attention and the attention of the whole world the intransigent attitude of the South African Government in its continued repressive measures against the indigenous people of Namibia, its violation of the sacred trust of civilization and its illegal persistence in controlling the affairs of Namibia against the wishes of the majority of the population of that country and the authority of the United Nations.

52. As the United Nations Office of Public Information has so rightly put it, for two decades the United Nations has patiently and persistently sought to persuade South Africa to bring Namibia under the United Nations Trusteeship System and to fulfil the obligations of its Mandate towards the people of Namibia. The question of Namibia

has been on the agenda of every session of the General Assembly since 1946; resolutions upon resolutions have been adopted by overwhelming majorities; special committees have been formed; negotiations have been carried out; the International Court of Justice has devoted more of its time to this problem than to any other. But in spite of these efforts, South Africa has moved even further from its commitment to a "sacred trust", which, in the words of the Charter, is "to promote to the utmost" the well-being of the inhabitants of these territories, and, to this end "to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions".

53. South Africa continues its odious efforts to dismember and annex the Territory; it persists in flouting the appeals of the General Assembly, the efforts of the Security Council and the pronouncements of the International Court of Justice, and it continues to inflict its repressive policies upon the peoples of that African country.

54. There are, in our opinion, two essential backgrounds against which the Council's current consideration of the question concerning Namibia should be viewed. The first is the historical background, which includes the actions taken so far by the United Nations and its organs, including the International Court of Justice; the attitude of the South African Government in the premises; and the condition of the people of the Territory, with particular reference to the denial of their freedom of speech and movement and their inalienable right to self-determination and independence. The other background, which I propose to deal with here, is the report of the Secretary-General on the implementation of the Council's latest resolution concerning the question of Namibia.

55. A careful study of the report has given rise to many questions which, with the Council's indulgence, I wish briefly to review.

56. The report implies that South Africa has some rights in Namibia, since the Secretary-General's representative stated to the South African Prime Minister that he was in Namibia with "the full co-operation" of the South African Government. This, in the view of my delegation, is contrary to the position reflected in all United Nations resolutions on Namibia and contrary to the advisory opinion of the International Court of Justice that South Africa has no legal rights in Namibia.

57. In paragraph 15, the representative refers to victimization of Namibians who had met previously with the Secretary-General, but the report does not indicate whether the representative made any attempt to have the South African Government account for them. For example, was there anything inconsistent between Mr. Vorster's assurances and the fact that Mr. G. N. Maxuili was banned after the Secretary-General's visit and that the banning order was lifted only for the duration of his interview with Mr. Escher? In view of the allegations as to the fate of persons who saw the Secretary-General and of the failure of the South African Government to disprove those allegations, did the representative believe the Prime Minister's assurances this time? If so, on what grounds? If not, what guarantees did he seek?

58. In the light of the representative's conclusion—reported to the South African Prime Minister, as contained in paragraph 17—that a majority of Africans supported the establishment of a united, independent Namibia, did Mr. Escher really believe the Prime Minister's statement, contained in paragraph 14, that South Africa "could not agree to force the inhabitants [of the Territory] to adopt a system of government that they did not want"?

59. My delegation wonders why the representative felt any need for clarification of South Africa's policy on self-determination and independence for Namibia? Surely he must have known or should have been told that South Africa's Mandate over South West Africa had been terminated and that consequently South Africa's policy as to self-determination was totally irrelevant to his mission.

60. South Africa's policy on self-determination is a matter of public record. It is to be found in the country's legislation and in numerous public statements by members of the South African Government in Parliament. The policy is clear: South Africa does not intend to grant sovereignty to Namibia and Namibians, either as a territorial entity or even in individual "homelands". South Africa merely intends to grant some vague form of home rule to Namibia by the terms of which Namibia would remain perpetually under South Africa's over-all control.

61. Admittedly, the aide-mémoire to the Secretary-General by the group of three, which is contained in annex I to the report, suggested that:

"The main task of the representative should be to obtain a complete and unequivocal clarification from the Government of South Africa with regard to its policy of self-determination and independence for Namibia, so as to enable the Security Council to decide whether it coincides with the United Nations position on this matter...".

However, this term of reference should not have been interpreted as reversing previous resolutions terminating South Africa's Mandate or the opinion of the International Court of Justice that South Africa has no legal rights in Namibia. It is, in fact, a challenge to the South African Government either to change its position now or to persist in its intransigence, thus unequivocally clarifying its current position and enabling the Council and the United Nations to pursue the most expeditious course of action for "establishing the necessary conditions" to enable the people of Namibia "to exercise their right to self-determination and independence" with as little further delay as possible.

62. Prime Minister Vorster's statement, as reflected in paragraph 21 of the report, that it was not appropriate to discuss self-determination and independence until the "necessary conditions were established and the inhabitants had more administrative... experience" can only be interpreted as a refusal to discuss the issue until the "homeland" policy is fully implemented, in contravention of all United Nations resolutions. Perhaps Mr. Escher should have requested a freeze so that the *status quo* of the

"Bantustans" would not be expanded during his continuing negotiations. Of course, even if South Africa did agree to a freeze, it would most probably seek to circumvent it; but the principle would have been established, and the good faith or lack of good faith of the South African Government would have been demonstrated.

63. Self-determination or self-government "on a regional basis" is just a new phrase for "Bantustans" or "homelands". Obviously, each "homeland" constitutes a region of the Territory. As a matter of fact, self-government on a regional basis contravenes all United Nations resolutions relating to territorial integrity.

64. The Council will note from paragraph 21 (f) of the report that the "authority for the whole Territory" would be only an advisory body, according to the Prime Minister. Service on such a body would not lead to legislative or administrative experience, which the Prime Minister himself has stated he deems a necessary precondition for even discussing the South African Government's interpretation of self-determination and independence. Furthermore, the assumption of over-all responsibility for the Territory by the Prime Minister is a distinction without a difference. For, after all, he would still have to exercise his responsibilities and his functions through the Ministries.

65. Paragraph 21 refers to "influx control". I sincerely submit that this is nothing more or less than a fancy term for the pass system, and for imposing unnatural curbs on the freedom of movement of the indigenous African population. The Prime Minister's statement on freedom of movement is unworthy of repetition, as it merely promises to consider the possibility, and not the modalities, of eliminating the pass system without impairing its main provision.

66. According to paragraph 21 (i), the Prime Minister made no promise whatsoever to abolish existing restrictions on freedom of speech and the holding of political meetings. Apparently, freedom of the press was not even discussed. He did not offer to repeal or to desist from applying to Namibia the basic repressive South African laws, such as the Suppression of Communism Act, the Terrorism Act, the Riotous Assemblies Ordinance, the BOSS Act, and so on. There is no indication that Mr. Escher made any inquiries about past government actions in Ovamboland or about the present status of the emergency regulations applied there since February, or about persons imprisoned or penalized under them.

67. There appears to have been no discussion of the abolition of racially discriminatory laws and practices in the Territory.

68. My delegation believes that the report fails to spell out specifically what represents progress towards self-determination and independence for Namibia, with territorial integrity.

69. I consider that the South African Prime Minister has yet to define the "necessary conditions" which must be attained before any further concrete progress can be made as to anything the mission is supposed to accomplish. If

South Africa has been unable to give the inhabitants of Namibia valuable political and administrative experience in the 50 years it has occupied the Territory, how long will the Namibians have to wait to achieve this objective?

70. The terminology "certain measures involving the 'Territory as a whole'" is not equivalent to territorial integrity as required by United Nations resolutions.

71. My delegation believes that the Prime Minister's "promise to examine the possibility" of certain ameliorative action as to repressive legislation, other than the most important laws maintaining the pass system, commits South Africa to absolutely nothing and does not in any manner offer self-determination.

72. In view of the foregoing, I wonder if the readiness of the South African Government to continue the contacts initiated by the Secretary-General is simply a means of voicing meaningless phrases and carrying on a farce which will prevent the United Nations from taking effective action to expel South Africa from Namibia whilst South Africa continues entrenching itself against attack.

73. My delegation believes that unless the South African Government comes forth immediately with meaningful actions for self-determination of Namibia as a whole under majority rule, the Security Council and the United Nations should not take the bait of these present gestures. My delegation believes that the time has come to start the process of implementing the substantive resolutions on Namibia, and of applying the advisory opinion of the International Court of Justice.

74. My delegation must state further that it is not clear whether, as the situation stands now, the United Nations is not faced with the problem that the terms by which consultations with the South African Government have commenced have not, in fact, undermined the United Nations authority by accepting, or at least implying, the right of the South African Government to dictate the terms on which the Secretary-General or his representative should enter a Territory over which South Africa exercises no lawful rights and over which the United Nations has sovereign rights. Yet, as we understand it, the South African Government not only dictated as to the person whom the Secretary-General might send as his representative to a country lawfully under United Nations jurisdiction, but now seeks to dictate the terms under which the United Nations should implement its resolutions in respect of the country.

75. It is a known fact that the South African Government continues to expand and extend "Bantustans" in defiance of United Nations resolutions. It continues to enforce repressive legislation against citizens of a foreign country over which it has no lawful jurisdiction. It continues to deny the inhabitants of the Territory basic human rights. Is it under such circumstances that the Secretary-General is to continue his "contacts" with all parties concerned, with a view to establishing the necessary conditions to enable the people of Namibia freely, and with strict regard to the principle of human equality, to exercise their right to self-determination and independence, in accordance with the Charter of the United Nations?

76. There are perhaps some States which for a variety of reasons believe that the United Nations should give up the struggle for true independence for Namibia and accept such small measures of amelioration as South Africa is willing to grant *pro forma*, to satisfy world opinion expressed through the approaches we are discussing here today. If the Security Council and/or the United Nations is to accept such a position, then let us withdraw the resolutions which relate to Namibia and not pretend to be honouring them. In fact, if we are not careful, we may undermine rather than honour those resolutions. But I sincerely hope that all of us wish to save at least some shred of the United Nations reputation in this matter.

77. If, therefore, the Security Council believes, as my Government does, that it must uphold the rights of the Namibian people as defined in all the resolutions which the General Assembly and the Security Council have adopted over the years, then let us dispense with diplomatic diversions on the one hand and empty denunciations of South Africa on the other and let us start to consider some realistic methods of getting on with the business of ending South Africa's unlawful occupation of Namibia, and ensuring the early realization of freedom, self-determination and independence for Namibia and its people.

78. To that end, my delegation believes that there are two alternative courses of action open to the United Nations and the Security Council. The first is to renew the mandate of the Secretary-General to continue his "contacts" with the Government of South Africa but with very specific guidelines and terms of reference and with specified dates for the achievement of the stated objectives of the United Nations. The other course is to take certain direct and concrete steps, with or without the co-operation of South Africa, should the first alternative fail to produce satisfactory results within a specified time, in order to obtain and safeguard peace and security in Namibia.

79. But before outlining these proposals for the Council's consideration, my delegation believes that the following observations may be relevant and useful.

80. First, my delegation recognizes the difficult and complicated nature of the assignment of the representative and the unfavourable circumstances under which he assumed that responsibility, not to mention the impediments and the handicaps which he obviously encountered in undertaking to execute those grave responsibilities. If, therefore, our assessment of the results of his efforts seems critical, it is by no means intended to question the honesty and integrity with which he conducted this most difficult assignment. On the contrary, my delegation continues to hold the representative of the Secretary-General in high esteem for the manner in which he conducted the difficult "contacts" with the Government of South Africa. We have no doubt that with time—and time is important—with the opportunity to develop deeper insights into the nature of the problem, and with the objective assessment which all concerned here will no doubt make of his first efforts, he should be able to grapple more effectively with these problems in the months to come. That is our sincere hope.

81. Secondly, my delegation believes that it matters not what resolutions or declarations are adopted, what efforts

are put forth by the representative; the objectives we seek for Namibia will never be achieved unless and until the full moral and material support of some Powers—especially those which have economic and business interests in Namibia—is assured and is received. In this connexion my delegation notes with some concern the voting record of some of those very Powers, Members of the United Nations, on the various issues affecting Namibia.

82. Thirdly, the proposals that I shall now set forth are not intended to be mutually exclusive of one another. They may be regarded as alternatives or they may be implemented in whole or in part, simultaneously.

83. With those observations, my delegation proposes, in the first instance, that the Security Council should renew the mandate of the Secretary-General to proceed, through his representative, with "contacts" with the Government of South Africa, guided by the following specific terms of reference.

84. First, an affirmation: (a) of all United Nations resolutions adopted on the question of Namibia; (b) that the Government of South Africa no longer has any right to govern Namibia, as declared by the General Assembly and the Security Council; (c) of respect for the territorial integrity of Namibia, as an international Territory; (d) that Namibia shall attain its independence on a date to be determined by the people themselves.

85. Secondly, that the people of Namibia, irrespective of race or ethnic origin, are to be consulted by the Secretary-General during and after the period of "contacts", and that their views shall be given preference, without prejudice to their status.

86. Thirdly, that South Africa be directed to take no action, during the period of "contacts" and after, which would alter or tend to alter the special international status of Namibia.

87. Fourthly, that all exiled Namibians would be allowed to return home without the risk of imprisonment, detention or punishment of any kind because of their previous political activities in or outside the Territory.

88. Fifthly, that all political prisoners will be released, without distinction as to party or as to race.

89. Sixthly, that the Secretary-General through his representative will seek further clarification from the South African Government on the following points: (a) the terms of reference of the proposed advisory council, including its nature, its composition and its objectives; (b) what is meant by "necessary conditions" with respect to the question of self-determination and independence for Namibia; (c) the question of assumption by the Prime Minister of direct, "over-all responsibility for the Territory as a whole—i.e., distinct from the ministries now responsible for different sectors"; and (d) the procedure whereby Namibia should accede to national independence and sovereignty, including the establishment of a target date for independence.

90. Seventhly, a visit to South Africa and Namibia by the representative of the Secretary-General, on a date to be

determined by the Security Council but not later than June 1973.

91. Alternatively, or in conjunction with the foregoing proposals, my delegation also proposes that the following concrete steps be taken by the United Nations for the early realization of self-determination in Namibia.

92. In the first place, all United Nations specialized agencies and other organizations connected with the United Nations should be strongly urged by the United Nations to take steps to prevent the Government of South Africa from representing the Territory, either explicitly or implicitly, in law or in fact, in such agencies or organizations. Thus, *inter alia*, such agencies and organizations should require that South African statistics exclude Namibian data; that all South African products, personnel, sites and so on, should be limited to South Africa's own products, personnel, sites and so on, excluding those from Namibia.

93. One method of assuring that South Africa does not in fact represent Namibia in such agencies and organizations would be for Namibia to become either a full or an associate member and such agencies and organizations should be strongly urged by the United Nations to act favourably, by reasonable extension of their constitutions and rules where necessary, on any application for membership submitted by the United Nations Council for Namibia. The corollary of this proposal is that the General Assembly should vote an adequate budget to enable that Council to be represented in such agencies and organizations by competent, trained representatives.

94. In the second place, all international and multilateral treaties and conventions sponsored directly or indirectly by the United Nations should be open for signature by the Council for Namibia. The Council should be substituted for South Africa in any such treaty or convention to the extent that South Africa heretofore, explicitly or implicitly, represented Namibia in respect of such treaty or convention.

95. In the third place, States Members of the United Nations should accept accredited representatives of the Council for Namibia in their respective territories to carry out appropriate functions and to prevent representation in fact of Namibian interests by South Africa. Member States should also accept Namibian travel documents and honour visas issued by the Council for Namibia for travel in Namibia.

96. In the fourth place, the Council for Namibia should have an adequate staff of competent experts from various disciplines, including outside experts if necessary, to provide it with adequate technical assistance and guidance in all phases of its activities. Qualified Namibians should be engaged to fill such posts or as interns in training, whenever feasible.

97. A research programme should be established to provide both long-term studies valuable for a future Namibian Government and also information and technical assistance for the Council and its representatives in United Nations agencies and organizations on day-to-day problems.

The experts could also co-ordinate many of the efforts of private groups concerned with Namibia.

98. All United Nations specialized agencies and other United Nations-related organizations should be requested to supply the Council and its staff with all documents and materials, or copies thereof, which were issued in the past or will be issued in the future, relevant to Namibia and to Namibian interests. All written communications relating to Namibia, addressed to the Secretary-General or to his representative, or copies thereof, should be made available to the staff of the Council, so that the information contained therein may be used by the Council in performing its functions. They would eventually form part of the Namibian archives.

99. In the fifth place, the Council for Namibia should be encouraged to take measures, which will assist the future Namibian State when it comes into being. In addition to the kind of research projects discussed above, the Council, with the aid of the Secretariat or outside experts, should undertake the following: (a) the establishment of a land title registry, which would require every person who claims title to land in Namibia to file his claim, with copies of or references to documents on which such claim is based. Although the Council may not be in a position to adjudge registered claims, the registry would help to preserve records and claims against the passage of time and the confusion which may accompany transition from South African rule to self-rule; (b) the registration of all corporations doing business in Namibia, setting modest fees for such registration. The Council may provide penalties for failure to register, including denial of the right to operate under the corporate name in the event of failure to register; and (c) the drafting and enactment of corporate tax legislation. Such legislation should embrace all companies doing business in Namibia, and should provide for penalties for failure to pay such taxes.

100. In the sixth place, the Council should denounce as invalid all South African laws purportedly applied to Namibia after the revocation of the Mandate. It should also be authorized to repeal earlier repressive or discriminatory legislation, to enact new legislation and to amend existing legislation, as the circumstances may warrant.

101. In the seventh place, the Council may also grant its own concessions or licences to exploit minerals, fisheries or other resources to persons willing to pay a fair fee for such concessions.

102. In the eighth place, the Council for Namibia should issue its own postage stamps, valid for mail originating in Namibia. The sale of such stamps would form a small but steady source of revenue for the Council.

103. These proposed measures will not themselves bring about an automatic end to the illegal South African occupation of Namibia. But they do represent concrete actions, within the ability of the United Nations, which to the extent that they are carried out should make foreign exploitation of Namibian resources in active or tacit collaboration with the South African Government a little more dubious. More important, these measures will signal

to South Africa and its trading partners that a new era is opening in respect of Namibia and that the age of loud but ineffective denunciation, as well as of fruitless compromise and negotiation, is over. The international community will demonstrate that it has settled down to a long but unrelenting, slow but inexorable, struggle to wrest Namibia from South Africa, to restore the rights of the people of the Territory and to vindicate the international rule of law in Namibia. Above all, these measures, if and to the extent they are effectively executed, should accelerate the moment when Namibia will take its place among the family of nations, the United Nations having effectively dismantled and demolished another pocket of resistance to our efforts to rid the world of the deep degradation of colonialism and its attendant evils.

104. The PRESIDENT (*interpretation from French*): The next speaker is the President of the United Nations Council for Namibia, and I invite him to make his statement.

105. Mr. OLCAY (President of the United Nations Council for Namibia) (*interpretation from French*): Allow me first of all, Madam President, to say how happy I am to address the Security Council, which is meeting under your competent and gracious presidency. The Security Council has waited a long time before finding in you the first lady to preside over its work. It is not only your own country, Guinea, and the continent you represent, Africa, which can justly take pride in this but also the whole of mankind, for you symbolize the ideal of equality, to which we all aspire.

106. As President of the United Nations Council for Namibia I am very much aware of the honour that is bestowed on me in allowing me to address the Security Council at the time when it is considering the report of the Secretary-General on the implementation of resolution 319 (1972) on Namibia. My colleagues on the United Nations Council for Namibia, Mr. Shahi of Pakistan, Mr. Adeniji of Nigeria and Mr. Samuels of Guyana, have already had an opportunity of addressing the Council on this question at the Addis Ababa meetings in January-February of this year and later in New York in July-August 1972. The presence of a representative of the United Nations Council for Namibia during those debates, as well as at other meetings, is a symbol and a recognition of the responsibilities accepted by the United Nations in regard to that Territory. Those responsibilities, let us remember, proceed from the decision of the General Assembly which terminated the Mandate of South Africa over Namibia in 1966, and its establishment of the United Nations Council for Namibia.

107. As all members of the Council know, but as I believe must still be repeated so that it will be engraved on our minds as well as in the annals, the United Nations Council for Namibia was established by the General Assembly as the only organ responsible for the administration of Namibia until independence and was, in the meantime, to prepare the people of the Territory for independence. The mandate of the Council was confirmed in 1971, when the International Court of Justice upheld the United Nations resolutions which declared that the presence of South Africa in Namibia was illegal and demanded its withdrawal

from the Territory.¹ After that decision the United Nations reaffirmed its confidence in the United Nations Council for Namibia when, on 20 December 1971, by its resolution 2871 (XXVI), the General Assembly requested the Council for Namibia, *inter alia*, to continue to fulfil its functions and discharge its responsibilities. In the exercise of its mandate the Council was faced with the challenge of South Africa to the United Nations of which all Members of the Organization are aware. But perhaps not sufficiently known are the various activities undertaken by the Council for Namibia, despite this defiance of South Africa. Those activities are certainly modest in comparison with the scope of the task, but they are valid if judged in the light of the narrow field of action to which they are confined, beyond and outside the Territory of Namibia. May I mention a few of the activities of the Council for Namibia. For example, since December 1970, and the adoption of resolution 2372 (XXII), the United Nations Council for Namibia has negotiated, signed and deposited with the United Nations a certain number of agreements with Governments of States Members of the United Nations on the issuing of travel documents to Namibians. More than 30 such documents have already been issued by the Council and more than 80 countries recognize and accept them. Furthermore, and because of its special responsibilities for Namibia, the Council advocated the establishment of the United Nations Fund for Namibia. That Fund was intended to meet the special needs of Namibians who, because of South Africa's policy of limiting education to the Afrikaans language alone as one of the means of perpetuating its presence in Namibia, were unable to obtain assistance from existing funds. That decision was taken after many contacts with the Namibians, because since its inception the United Nations Council for Namibia has striven to establish such contacts. In addition to the many representatives of the liberation movements and other Namibians whom it has received in New York, and the missions which it has sent to Zambia, Kenya and the United Republic of Tanzania, the Council has since November 1970, with the assistance of the Government of Zambia, established a regional office entrusted with determining the needs of Namibians living outside their country and providing them with the necessary aid and assistance.

108. Parallel with that, the United Nations Council for Namibia has endeavoured to challenge the representation of Namibia by South Africa at international gatherings. The United Nations Council for Namibia has already represented Namibia at meetings of the Organization of African Unity and at other international conferences. It may well be that it will shortly participate, as the administering authority, in technical meetings of the International Civil Aviation Organization. Thus the authority of the Council and its action to protect and defend the interests of Namibia and the Namibians are strengthened from day to day. At the same time the Council is redoubling its efforts to follow the situation in the Territory, reveal the intentions of South Africa in proceeding with its policy of "Bantustans" and its practice of *apartheid* and denounce

the arrests and the many violations of human rights and freedoms in Namibia.

109. The Council for Namibia, fully aware of its responsibilities for the Territory, has carefully followed the mission of Mr. Escher. It wished to meet the representative of the Secretary-General before his departure for South Africa and explain to him that it considered his mission to be a final attempt to persuade South Africa to withdraw from the international Territory of Namibia in implementation of United Nations decisions and to enable the Council for Namibia to discharge the mandate to administer the Territory entrusted to it by General Assembly resolution 2248 (S-V) of 19 May 1967.

110. The Council for Namibia also drew the attention of Mr. Escher to the refusal of South Africa to allow the Namibians to exercise their right to self-determination and independence and to its obstinacy and insistence on fragmenting the Territory of Namibia into many non-viable entities on the pretext that the Namibians could not live together because they belonged to different ethnic groups. The obstinacy of South Africa is furthermore shown in its practice of *apartheid*, and confirmed by the arrests and the measures of repression which increased, in particular after the visit of the Secretary-General, and by the restrictions on individual freedoms and the many violations of human rights which continue to afflict Namibia.

111. Regrettably, the observations of the Council for Namibia at that time, as well as the remarks made to Mr. Escher after his return from South Africa, seem not to have been included in the report which is before us. The United Nations Council for Namibia, in July last, regretted that it had not been consulted for, under the terms of resolution 309 (1972), consultations should have been carried out with all parties concerned. The United Nations Council for Namibia, according to the mandate conferred upon it by the General Assembly, felt that it was not only an interested party but also that it constituted the only legal authority of the Territory. Here I must pay a tribute to the Secretary-General because, after the adoption of that resolution and of resolution 319 (1972), he stated his intention to co-operate with the United Nations Council for Namibia, and he has already established close contacts with the President. I should also like to thank Mr. Escher for first having understood the need to get in touch with the Council before leaving on his mission and immediately after his return from South Africa. But, to be frank, I must also express the disappointment of the Council in seeing itself barely mentioned in the report. Some members of the Council for Namibia hoped that not only would their views be included in the report, but that its own report to the General Assembly² might have constituted one of the annexes to the Secretary-General's report. But besides this point, which is of considerable importance to the United Nations Council for Namibia, the Secretary-General's report on Mr. Escher's mission, in the opinion of the members of the Council for Namibia, is very far from satisfying the concerns of the latter.

¹ *Legal Consequences for States of the Continued Presence of South Africa in South West Africa (Namibia) notwithstanding Security Council resolution 276 (1970), Advisory Opinion, I.C.J. Reports 1971, p. 16.*

² *Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 24.*

112. Of course, we must pay a tribute to Mr. Escher because of the contacts which he made in Namibia, for his efforts and for the 4,800 miles which he travelled and the 74 meetings he held with representatives of the Namibian people. Section II of the report which covers these contacts is, for the Council for Namibia, the most important one because it records the views and wishes of the Namibian people. One cannot, in this connexion, fail to note the massive support in the form of hundreds of demonstrators, who always supported the delegations which met with the representative of the Secretary-General. One cannot remain insensitive to this unanimity of view which was expressed to Mr. Escher wherever he went and whatever the political or tribal affiliations of the persons whom he met. The position of the Namibians, of all Namibians, is clear. They want Namibia to be independent in unity and they call for a United Nations administration to prepare them for independence. In short, they wish South Africa's administration to be replaced by a United Nations administration. This position confirms the points of view which have always been expressed by many Namibians who appeared before the United Nations Council for Namibia, whether it was those living outside Namibia, or those who, like Bishop Auala, were able to testify before the Council on the occasion of a trip to New York. This position of the Namibians, all the Namibians, proves that the United Nations decision taken in 1966 to remove the Mandate of South Africa over Namibia was not only legal, but also in accordance with the wishes of the people of the Territory.

113. Unfortunately, this unanimity, which was expressed by all the Namibians, seems not have served as the basis of the discussions with the South African authorities, despite the fact that in paragraph 14 of his report Mr. Escher indicates that the Prime Minister of South Africa said to him: "Once there was a fully representative view among the inhabitants, both South Africa and the United Nations would have to take cognizance of that view." Not only does South Africa appear not to want to take into account the wishes of the Namibian people but, on the contrary, seems to wish to have the United Nations—whose resolutions it refuses to recognize, particularly Security Council resolutions 309 (1972), 310 (1972) and 319 (1972), which are the basis for the mission of the Secretary-General—endorse its policy of dismembering the Territory and its practice of *apartheid*.

114. What would be the purpose of the advisory council mentioned in paragraph 21 if not to legitimize the establishment of "Bantustans", which are also called regions, many of which were set up after the visit of the Secretary-General and to confirm the direct authority of South Africa over the internationally administered Territory of Namibia in defiance of the decisions taken by the international community? In reviewing the proposals of South Africa, the Security Council should recall that it was at its own request that the International Court of Justice decided that the presence of South Africa was illegal. To endorse the establishment of this advisory council as proposed and virtually accepted by the representative of the Secretary-General would be tantamount to a failure on the part of the Organization to carry out its own

obligations and a renunciation of its own resolutions. The *Economist* of 18 November 1972 said:

"From South Africa's point of view, such an agreement, if approved by the Security Council, would amount to no less than United Nations endorsement of the policy of separate development. It would be a complete ratification of the *status quo* in South Africa."³

115. In its aide-mémoire the group of three laid down the basis for discussions with South Africa. In paragraphs 1 and 2 of the aide-mémoire it is stated that all United Nations resolutions adopted on the question of Namibia stand firm and valid and should be actively pursued and that the contacts to be carried out with the Government of South Africa should always be conducted in accordance with the mandate of resolutions 309 (1972) and 319 (1972). There is nothing to indicate that South Africa considers that the resolutions are valid or that contacts to be established with the Government of South Africa were to be placed in the framework of the mandate defined in resolutions 309 (1972) and 319 (1972). Everything leads us to believe that South Africa continues to claim that the discussions are based on the invitation of its Government addressed to the Secretary-General personally.

116. Furthermore, in paragraph 5 of the aide-mémoire it is stated that the Government of South Africa should discontinue the application of so-called "homelands" policies. Unfortunately, in the report we find no direct reply from South Africa on this question. The impression which we gather from the report, on the contrary, is that South Africa bases its entire future policy on "homelands", which are modestly called "regions" as a cover-up.

117. The same paragraph calls on South Africa to "abolish any repressive measures in Namibia". South Africa's reply to this point has been vague. It is a question of eliminating restrictions of movement without thereby renouncing control. In every legislation in the world the right of a national to move freely within his country is recognized as an inherent right. In Namibia, it was necessary for the Secretary-General and his representative to make a trip there before South Africa declared that it would study the situation. Elsewhere in the report it is indicated that the Prime Minister of South Africa stated that it was desirable that legitimate political activity should exist. To what kind of legitimacy did he refer, and why have political arrests increased? Moreover, the report is discreet, perhaps out of necessity, on the increase in the number of arrests and on the fate of the political prisoners.

118. Finally, we note that in paragraph 3 of the aide-mémoire it is stated:

"The main task of the representative should be to obtain a complete and unequivocal clarification from the Government of South Africa with regard to its policy of self-determination and independence for Namibia, so as to enable the Security Council to decide whether it coincides with the United Nations position on this matter

³ Quoted in English by the speaker.

and whether the efforts made under resolutions 309 (1972) and 319 (1972) should be continued."

119. On this point the report is explicit. According to its conclusions it was felt that it was not the right time to go into a detailed discussion of that question. It is clear, then, that the gap that divides South Africa and the United Nations on the question of self-determination remains as wide as ever and that nine months of discussion with South Africa have in no way altered its position on that particular question or in regard to its policies in the international Territory of Namibia and its position with regard to the United Nations.

120. The discussions with South Africa, which originally were to have referred to the modalities of the transfer of power to the United Nations Council for Namibia, seem to have deviated from their main objective. The Council for Namibia hopes that the Security Council, in taking a decision on the Secretary-General's report, will take into account, as it should, the fact that the situation in Namibia has not altered since the adoption of resolution 309 (1972).

121. By its attitude, particularly by its refusal to accept formally the United Nations resolutions, especially resolutions 309 (1972), 310 (1972) and 319 (1972), its refusal to discuss its withdrawal from Namibia, its refusal to accept self-determination as being based on the principle of "one man, one vote" and, finally, its refusal to take up the problems of the release of prisoners and barriers to individual freedoms, South Africa has demonstrated that no dialogue seems to be possible with it.

122. For its part, the United Nations Council for Namibia wishes to reiterate its intention fully to carry out the mandate entrusted to it by the General Assembly. In this task it appeals for the assistance and support of the Security Council and requests it to take energetic measures to compel South Africa to withdraw from the Territory so that the Council for Namibia may go there in conformity with the decision of the international community and in accordance with the wishes of the Namibian population.

123. The PRESIDENT (*interpretation from French*): I thank the President of the United Nations Council for Namibia for the very kind words he addressed to my country and to me.

124. I now invite the representative of Ethiopia to take a place at the Council table and to make a statement.

125. Mr. GABRE-SELLASSIE (Ethiopia): I wish to avail myself of this opportunity to thank the members of the Council for acceding to my request to be allowed to participate in this debate on Namibia. Perhaps a word or two is necessary to explain why I have asked to be allowed to speak today. Naturally, as a Member of the United Nations and as an African country in particular, Ethiopia feels that it has the duty to draw the attention of the Council to a situation obtaining on our continent which, in our judgement, is nothing less than naked aggression.

126. The Council is fully aware that throughout the years, whenever the question of Namibia has come before the

United Nations, Ethiopia has been involved in the various efforts to find a just and peaceful solution to the problem. More particularly our involvement has included our efforts as a party interested in bringing the contentious proceedings against South Africa in the International Court of Justice. For those reasons, we feel obliged to bring to the attention of the Council some recurring elements from the long history of United Nations involvement in this distressing question.

127. However, over and above Ethiopia's long-standing interest in the question of Namibia, I am privileged to have the opportunity to address the Council in my capacity both as current Chairman of the African Group in the United Nations and as representative of one of the countries which has been given a mandate by the Assembly of Heads of State and Government of the Organization of African Unity to represent them on this occasion. Therefore I shall to the best of my ability endeavour to express the views of the African countries with regard to the situation and particularly their views with regard to the requirements for the just and amicable solution to the Namibian problem which it is the responsibility and obligation of the Security Council to achieve.

128. The Council is called today to discuss the report of the Secretary-General submitted in pursuance of its resolution 319 (1972). More specifically, the Council will be called to decide whether the findings of the report justify the continuation of the contacts with the Government of South Africa as authorized by Security Council resolution 309 (1972). The Secretary-General's original mandate was renewed in resolution 319 (1972) with the additional provision that he appoint a special representative to assist him in his discussions with the authorities of South Africa for the implementation of the terms of Council resolutions 309 (1972) and 319 (1972).

129. There would appear to be two ways of looking at the report now before the Council. It may be looked at simply as the first results of a new effort—a new effort which, moreover, holds some prospect for success. On the other hand, the report may be seen as yet one more confirmation of South Africa's intransigence in this matter, one which is, in fact, a further reflection of the deceptive manoeuvres for which South Africa has become famous, if not infamous, throughout the many years the question of Namibia has come before the organs of the United Nations.

130. To whichever of the two views we may tend, there is need to examine the report of the Secretary-General and his representative carefully and conscientiously. The report should particularly be examined with a view to ascertaining whether there is anything new in what both the Prime Minister and the Foreign Minister of South Africa have told the Secretary-General's representative which can be considered to be a departure from the long-standing intransigence of South Africa, so as to make worth while the continuation of the Secretary-General's effort along the indicated lines.

131. The report should also be considered in the context of the various efforts undertaken in the United Nations to find a just solution to the problem and to deal with the

intransigent, but sometimes also public-relations-oriented, responses of South Africa.

132. I propose to deal with the report, first, in the context of that history, and, second, with a view to ascertaining whether any new elements are to be found in it. Let me add in this regard, however, that what the report omits may be as important as what it contains.

133. It should be remembered that throughout the 27 years in which the United Nations has been seized of the question of Namibia, every available procedure under the Charter for the settlement of disputes, and every means of diplomacy known in the United Nations, has been used to reach an accommodation with South Africa so as to enable the people of Namibia to exercise their right to self-determination and independence, in accordance with the Charter. To that end, negotiation, the good offices of the Secretary-General, resort to the International Court of Justice, action by the General Assembly and by this Council have been tried, to no acceptable result.

134. Ever since South Africa requested during the first session of the General Assembly that it be allowed to incorporate Namibia into its territory—a request which was rightly and properly then and there rejected by the Assembly—South Africa has refused to co-operate with the United Nations. South Africa not only has refused to place its Mandate over Namibia under United Nations Trusteeship—as indeed all other Mandatories of the League did—but has, in fact, continued to claim that whatever responsibility it might have had under the League's Mandate lapsed with the dissolution of the League. For that reason, it could not consider itself accountable to any organ of the United Nations with regard to Namibia.

135. Despite this intransigent stand, South Africa continued for a long time to receive the benefit of the doubt of the United Nations. As early as 1950, the General Assembly resorted to one of the procedures for settlement of disputes available under the Charter by seeking an advisory opinion from the International Court of Justice on South Africa's position in Namibia. In an opinion handed down the same year, the Court found that South Africa continued to have an obligation under Article 22 of the Covenant of the League, and that it did not have the right to modify the status of the Territory.⁴ Subsequent advisory opinions of the Court have also established that South Africa was under an obligation to report to the General Assembly of the United Nations on its administration of Namibia.

136. Following the 1950 opinion of the Court, the avenue of negotiation was tried repeatedly. By resolution 449 (V) of 13 December 1950, the Assembly established a five-member committee to discuss with the Government of South Africa procedural measures necessary for implementing the Court's opinion. After three years of unsuccessful negotiation, South Africa announced in 1954 that it would not negotiate further with the committee as it considered the Mandate of the League to have lapsed.

137. At its eleventh session the General Assembly decided on two additional approaches to the question of the

independence of Namibia. In resolution 1059 (XI) it requested the Secretary-General to explore ways of solving the question in line with the principles of the Charter and on the basis of the advisory opinion of the International Court of Justice. In resolution 1060 (XI) the Assembly requested the Committee on South West Africa to study what legal action was open to the organs of the United Nations, or to the Members of the United Nations, or to former members of the League of Nations, acting individually or jointly, to ensure that South Africa fulfilled the obligations it had assumed under the Mandate, pending the placing of the Territory under the Trusteeship System.

138. In connexion with the Committee's recommendation, Liberia and Ethiopia started proceedings against South Africa in 1960 in the International Court of Justice. At the same time, attempts to find a political solution to the problem continued, first through the Committee on South West Africa, and later on through the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

139. South Africa first contested the competence of the Court to judge its administration of Namibia, especially its racial policies, which Liberia and Ethiopia contended violated its obligations under the League's Mandate, particularly its obligation to promote to the utmost the moral and material well-being and the social progress of the indigenous inhabitants of the Territory. When the Court ruled that it indeed was competent, South Africa began a long legal manoeuvre without ever stating that it was prepared to abide by the decision of the Court. It tried to convince the Court that *apartheid* not only was compatible with its obligations under the Mandate, but was, in fact, beneficial to the people. South Africa also requested the Court to reverse its earlier findings and to declare that the Mandate, and any accountability under it to the United Nations, had ceased to exist with the dissolution of the League of Nations.

140. In 1966 the Court,⁵ however, left intact the Mandate jurisprudence it had developed; but for reasons that astonished international jurists all over the world, a divided Court—with the President casting the deciding vote—refused to rule on the submissions of Liberia and Ethiopia on the technical ground that the two States had not established sufficient right to receive judgement on their submissions.

141. This failure and reluctance on the part of the Court could not have come at a more opportune time for South Africa. South Africa immediately distorted the Court's position and launched a vast propaganda campaign to convince the world that the Court had absolved South Africa of any wrong-doing and that it had, in fact, confirmed South Africa's assertion of its rights in Namibia.

142. Basing itself on the Mandate jurisprudence developed by the Court, and after an extensive review of South Africa's record of its administration of Namibia, and particularly its refusal to fulfil its part of the obligations under the Mandate, the General Assembly, at its twenty-

⁴ *International status of South West Africa, Advisory Opinion: I.C.J. Reports 1950*, p. 128.

⁵ *South West Africa, Second Phase, Judgment, I.C.J. Reports 1966*, p. 6.

first session, by its resolution 2145 (XXI), terminated South Africa's Mandate over Namibia, placed the Territory under the direct responsibility of the General Assembly, and declared that South Africa had no other right to administer the Territory.

143. To implement that decision, and following its examination of the report of the *Ad Hoc* Committee for South West Africa which had studied ways and means of giving effect to the new United Nations responsibility for the administration of the Territory, the General Assembly subsequently established, by its adoption at its fifth special session of resolution 2248 (S-V) of 19 May 1967, the United Nations Council for Namibia, charged with the administration of the Territory until independence, which, as envisaged by the General Assembly, would be attained by June 1968.

144. Up to the present, all efforts by the Council to fulfil the functions entrusted to it by the Assembly have been frustrated by the refusal of the Government of South Africa to recognize the Council. To the direct request addressed by the Council to the Government of South Africa that arrangements be made to transfer to it all administrative functions, the Government of South Africa, through communications addressed to the Secretary-General, has made it clear in no uncertain terms that it cannot co-operate with the Council as it considers the Assembly's resolution establishing it to be illegal.

145. If I have taken the time of the Council to trace once again the tortuous history of Namibia in the United Nations, it has been first of all to show that South Africa's attitude has not changed since the time when, in 1946, it requested the General Assembly to permit it to take over Namibia. After 27 years of long and continuous debate, and after 27 years of uninterrupted search for a solution to the problem created by South Africa's policy in Namibia, the United Nations finds itself again confronting the ever-lengthening challenge, which has now assumed—if we are to accept South Africa's actions at face value—the character of a *fait accompli*.

146. This unhappy history is also consistently instructive in one important respect. It reveals the persisting if varying schemes of South Africa elaborated to confuse the issue and to divert attention from the real problems at hand. When the Assembly turned down South Africa's request to incorporate Namibia into its territory, South Africa wanted the world to believe that it was prepared to accept its obligations under the Mandate, but without accountability to the United Nations. I need hardly add that this claim was as meaningless as it was contradictory, for without accountability the Mandate could not be said to function. When public opinion did not accept that, South Africa agreed to litigation in the Court, but only to buy time and create the appearance of co-operating in the search for a mutually acceptable solution. When in 1966, the Court declined to give judgement as requested by Liberia and Ethiopia, South Africa launched a propaganda offensive to convince the world that the Court had confirmed the rightness of its position. But when the Assembly terminated the Mandate and requested South Africa to co-operate with a United Nations organ in transferring power to the people of

Namibia, once again it went back to its old position of non-co-operation with the United Nations.

147. However, since 1971, when the Court ruled that after the termination of the Mandate South Africa had no legal right to administer Namibia and that States were under a legal obligation to recognize that fact, South Africa seems to have reverted once more to a position designed to give the appearance of co-operation with the United Nations.

148. That is unmistakably the position that South Africa has now assumed, since the real issues have been clarified through long, arduous and patient debate, and in particular since the last advisory opinion of the Court was given. Clearly, South Africa does not now intend to miss an opportunity once more to confuse the issues. It is therefore not because of any change of heart that South Africa has been prepared to hold talks with the Secretary-General and his representative but because discussions with a view to establishing the necessary conditions can in its view be sustained within its unchanging policy.

149. So much for South Africa's various manoeuvres throughout the years the United Nations has been seized of the question of Namibia. What about the report now before the Council?

150. As I suggested at the beginning of my remarks, this report cannot be discussed without reference to the various efforts in the United Nations to find an equitable solution to the problem.

151. It is a matter of record that the General Assembly has on several occasions requested South Africa to enable the people of Namibia to exercise their right to self-determination and independence. The Security Council likewise has on a number of occasions recognized the right of the Namibian people to freedom and independence. It should also be recalled that in order to enable the people of Namibia to exercise that right the General Assembly has established the Council for Namibia. All these decisions remain firm and valid and obviously determine the conditions in which and the purposes for which the Secretary-General's contacts with South Africa are to be conducted.

152. Having said that, I shall now turn to the report before the Council. Before I do so, however, I wish to express to Mr. Escher my delegation's appreciation for his having carried out what has been a most delicate and demanding diplomatic assignment. He has in our judgement elicited sufficient response from the authorities of South Africa to enable the Council to draw the necessary conclusion.

153. But what does the report contain that is new, that we have not known before? We may well ask. I submit that the report contains nothing we did not know before. Perhaps here and there the South African authorities, for effect, have used some terms that we use at the United Nations, but this language can hardly hide the fact that nothing has changed. Perhaps the saying about "old wine in a new bottle" best expresses the situation.

154. Reporting on the various contacts he had with the representatives of the people of Namibia, the Secretary-

General's representative states that he has the distinct impression that the majority of the non-white population of Namibia supports the establishment of a united, independent Namibia and that they expect the assistance of the United Nations in bringing that about. This can hardly be considered a great revelation.

155. The world knows by now that the people of Namibia could not have carried on their struggle for so long if the overwhelming majority of the people of Namibia did not believe in independence for Namibia as a whole. What could have come as a surprise even to the South African authorities is the fact that, despite the repressive measures that South Africa has imposed in Namibia, and despite the spectre of victimization, so many representatives of the people should have come to express their views to Mr. Escher. The risks that were taken in those manifestations, of course, place an increased obligation upon the Council and upon the Members of the United Nations.

156. There are one or two elements in the report which, at first glance, may look new but which, in fact, are but slightly refashioned propaganda themes. For this reason they need particular explanation. First, there is South Africa's suggestion that it is creating conditions for the eventual exercise of "self-determination" by the people of Namibia and that this may result in the establishment of "regional governments or authorities".

157. It should be emphasized that the ideologues of *apartheid* have always accepted a certain concept, which, in the language of their reverse logic, they call "self-determination". As a matter of fact, South Africa's brand of "self-determination", leading to the creation of "homelands", is, as these exponents of the *apartheid* system describe it, the ultimate objective of *apartheid*. However, this is nothing less than another name for a policy which they have been implementing for some years now to set up one group against another, to create disparate, non-viable communities, ever prone to the pressures of Pretoria and pliable to its every bidding. Everyone knows that this policy has never been used, and cannot in fact be used to build nations. It is used rather to break them up and keep them broken. That indeed is what it is being programmed for in Namibia.

158. The name of self-determination is sometimes given to this South African version of divide and rule so as to soothe at home the conscience of those who may, at times, develop doubts when they realize the injustice of the system of oppression they help to maintain; abroad, it is used to pretend that *apartheid* conforms to the basic decencies of government that most people hold. When the Prime Minister and Foreign Minister of South Africa use the term "self-determination" in their meetings with Mr. Escher, they are not speaking a United Nations language, but are in fact indulging in the language of *apartheid*. That this is so has been made clear by the refusal or inability of the Prime Minister to give any precision to the concepts of "homeland" or "regional government" which he pressed upon Mr. Escher. So also when the latter pressed for precision.

159. As a matter of fact, is there a new element in the concept of "regional government or authorities"? I would say none. It only represents a change of South African nomenclature: "regional government" substituting for "homeland". What the Prime Minister in effect has told us through the Secretary-General's representative is that Namibia should be broken into pieces, "homelands", or into separate locales for "regional governments", before any idea of Namibia as an integrated whole being permitted to exercise its option for independence is even entertained. What other meaning can there be to South Africa's concept of regional government or authorities? In no other country can one speak of a regional government where no central government exists. A regional government which exists by itself without a central government is not a regional government.

160. If the South African authorities insist on calling the intended set-up a regional government, then they should make it clear that it is a regional government to that of Pretoria and not to Windhoek or Namibia, since no central government is envisaged under the South African scheme.

161. If we further examine the report critically, the importance of what has been omitted becomes more significant than what has been revealed in the report. For example, nowhere in the present report, or in the last report the Secretary-General submitted to the Council in July 1972, is there any indication that South Africa accepts any United Nations responsibility or role as to the time or the circumstances under which the people of Namibia are to exercise their right to self-determination? Even the fact that the United Nations has an established interest in the independence of Namibia has not been recognized.

162. Nor is there any indication where the Government of South Africa stands with regard to the termination of the Mandate. As I have said, South Africa has always held a contradictory position with regard to the Mandate. When it suited its purposes, South Africa had maintained that, although it considered the Mandate to have lapsed, it was prepared to abide by its obligations. At other times, it had asserted that South Africa's right in Namibia is based on conquest: when, for instance, the South African representative stated in a plenary meeting of the General Assembly that South Africa's right to administer Namibia "is not derived from the Mandate but military conquest".⁶

163. In view of the record of intransigence of South Africa that I have recounted and in view of the wide gulf that separates South Africa's view with that of the United Nations on the principle of self-determination, what use could it serve, we may ask, to continue contacts with the Governments of South Africa that so evidently lead to an unacceptable result.

164. I respectfully submit that the Council should draw the necessary conclusions from the report before us. The Council's inability to take effective action called for by the gravity of the situation should not be allowed to become a justification for opening a course of action, which may lead to unforeseen results.

⁶ See *Official Records of the General Assembly, Twenty-first Session, Plenary Meetings*, 1431st meeting, para. 264.

165. We must at this stage exercise the utmost caution in any further contacts with the Government of South Africa. I have already given some evidence of South Africa's flair for public relations. It is possible that, while all of us may hope against hope that contacts may lead to some tangible accommodation, South Africa has been quite capable of using them to project an image that it is earnestly co-operating with the United Nations in the search for a just and peaceful solution.

166. Even more distressing would be to allow South Africa to use these contacts to confuse the issues. There is already some evidence that South Africa may be attempting to do precisely that. *The New York Times* of 21 November carried a report of a press conference that the Prime Minister of South Africa gave in Johannesburg in which he is quoted as having said that he had reached an agreement with Mr. Escher. As is clear from Mr. Escher's report now before the Council and from the clarification he gave of the Prime Minister's contention, also contained in *The New York Times* report, there was, of course, no such agreement. But it is obvious that it suits the purposes of the South African Government to claim that the Secretary-General's personal emissary has approved the proposals it has made to him, implying that those proposals were perfectly in accord with the demands of the United Nations.

167. Another example of the abuse of the present programme of contacts may be drawn from the same newspaper report. The Prime Minister, in commenting on his concept of regional governments, was reported to have said that he would press on with this plan to grant self-government to 10 non-white "homelands" in the Territory of South West Africa but would also establish a council of black and mixed race leaders to provide some unifying authority for the area. To Mr. Escher he spoke of regional governments, to his press conference he spoke of "homelands". Moreover, his plan includes only the 10 already delineated African "homelands". The white areas are excluded from the scheme of regional governments. These white areas constitute some three fourths of the whole area and contain its most valuable resources. May not the design be to continue to incorporate the white areas in South Africa itself?

168. In the light of this and other newspaper reports can we believe that when the Prime Minister refers to a unifying authority he intends to establish and maintain the national unity and territorial integrity of Namibia, as called for by Security Council resolution 309 (1972) and 319 (1972) and by the Namibian people themselves?

169. I do not believe that we should be advancing the cause of the independence of the people of Namibia if, wittingly or unwittingly, we played into the hands of the authorities of the Government of South Africa by affording them an opportunity to be seen as co-operating with the United Nations, when the evidence is so clear that they are not.

170. In the circumstances, my delegation believes that the response already elicited from South Africa by the Secretary-General's representative is adequate to enable the

Security Council to appreciate South Africa's intentions on the future of Namibia. It is important that we should not in this regard substitute what we all want to see for what South Africa has not, in fact, said. We should not force ourselves into creating the illusion of hope when there is, in fact, no evidence for hope.

171. We, the representatives of African States, with, of course, appropriate instructions from our capitals, have been consulting among ourselves on the Secretary-General's report as circulated. We have examined our consciences deeply. We have put into the balance our responsibility to our brethren in Namibia and our responsibility under the Charter to seek peaceful solutions to disputes. We have also consulted with the legitimate representatives of the people of Namibia, whose interests here are paramount.

172. Much as all of us would have liked to hope that there could be some way out of the present impasse through these kinds of talks and contacts so well reported to us, even when the odds are so overwhelmingly against it, we sincerely believe that continuation of the Secretary-General's contacts, in the present circumstances and so long as the South African Government does not give some basic clarifications on a number of crucial points, would not be so productive in achieving the purposes of resolutions 309 (1972) and 319 (1972). By lending credence to South Africa's claim that it is negotiating in earnest, the continuation of these contacts in the present circumstances may, in fact, make it possible for it to implement a policy of Balkanization of Namibia which it and it alone chooses to call self-determination.

173. We sincerely urge the Council to request South Africa to give the necessary clarification. Does South Africa accept United Nations responsibility in the self-determination process? If so, does South Africa accept the establishment of an effective United Nations presence in Namibia? Does South Africa accept the exercise of self-determination by the people of Namibia as a whole? Does South Africa accept the unity of the people of Namibia and the integrity of its territory? Does South Africa accept that whatever rights it might have had under the Mandate of the League have been terminated?

174. These are some of the questions on which the Government of South Africa should give unequivocal clarification. It is only within the framework of such clarification that further contacts can hope to establish the necessary conditions to enable the people of Namibia to exercise its right to self-determination and independence.

175. However, pending receipt of such clarifications, my delegation does not, frankly, see what good in the existing circumstances the continuation of the present programme of contacts serves.

176. We submit therefore that, until such time as clarifications are given unequivocally and in a language that all of us can understand and accept, the contact which the Secretary-General initiated through his representative with the Government of South Africa should be suspended.

177. Now that the United Nations has assumed responsibility for Namibia, all efforts should be directed to giving

effect to the exercise of that responsibility with a view to establishing an effective United Nations presence in the Territory so that the people of Namibia will be able to exercise freely, and without interference by South Africa, its right to self-determination and independence. The illegal nature of South Africa's continued presence in Namibia should not be forgotten. The just and equitable development of the Namibian question must be achieved in accordance with the decisions of the Security Council and the existing findings of the General Assembly. The Security Council should continue to take those measures necessary to achieve for the people of Namibia the rights which are theirs and are for them to exercise.

178. The PRESIDENT (*interpretation from French*): The next speaker on my list is the representative of Mauritius. I invite him to take a place at the Council table and to make his statement.

179. Mr. RAMPHUL (Mauritius) (*interpretation from French*): Madam President, I wish to thank you and, through you, the members of the Security Council for allowing me to participate in this debate on the question of Namibia. I wish also to say how proud I am to see you as President of the Security Council, the most important organ of the United Nations. It is indeed an honour for the Group of African States, to which Mauritius has the privilege of belonging, that the first lady to preside over the work of the Council is an African, one so beautiful, elegant and intelligent.

[The speaker continued in English.]

180. In adopting resolution 319 (1972) of 1 August 1972, the understanding was that the Security Council should be in a position—after the second report by the Secretary-General was submitted on 15 November—to assess the progress that would have been made in order to consider whether the “new approach” that had been initiated under resolution 309 (1972) had brought the United Nations closer to the solution of the question of Namibia.

181. In the opinion of my delegation—and the African Group as a whole shares this view—the time has now come for a final evaluation so that the Council can decide on the future course of action. To this end it is useful to recall very briefly the purposes of the contacts which the Secretary-General was requested to initiate under resolution 309 (1972) and which he was authorized to continue with the assistance of an appointed representative under resolution 319 (1972).

182. According to paragraph 1 of resolution 309 (1972), the goal is the establishment of the necessary conditions so as to enable the people of Namibia to exercise their right to self-determination and independence in accordance with the United Nations Charter. One way of achieving this was suggested by the representative of France on 31 July at the 1656th meeting when he said that the South African Government should be induced to negotiate an agreement establishing a provisional international régime which would enable the populations concerned to exercise their right to self-determination.

183. Specifically, the representative of the Secretary-General was requested, as stated in the aide-mémoire of the group of three of 26 September 1972, “... to obtain a complete and unequivocal clarification from the Government of South Africa with regard to its policy of self-determination and independence for Namibia, so as to enable the Security Council to decide whether it coincides with the United Nations position on this matter and whether the efforts made under resolutions 309 (1972) and 319 (1972) should be continued.” The group of three also indicated that the Government of South Africa should discontinue the application of the so-called “homelands” policies and abolish any repressive measures in Namibia.

184. Thus the purposes of the whole exercise under the Security Council resolutions mentioned are very well defined; and it is on that basis that the Council, in the opinion of my delegation, should evaluate the efforts that have been made thus far and decide accordingly.

185. We have always believed that only a clear-cut definition of the South African concepts of self-determination and independence could make the new approach worth pursuing. That is why we are in duty bound to examine carefully the results brought back from Pretoria by the representative of the Secretary-General in order to see exactly where the South African Government stands.

186. The Secretary-General having told the Prime Minister of South Africa last March that reaffirmation of South Africa's declared policy of self-determination and independence for the peoples of Namibia—that is, the “Bantustan” policy—could not serve as a basis for continuing the contacts envisaged in resolution 309 (1972), we assumed that in agreeing to this mission of the representative of the Secretary-General, the South African Government would endeavour to co-operate with the United Nations and come to terms with the universally accepted idea of self-determination. However, judging from the Prime Minister's position as described by Mr. Escher in his report, there is doubt that we are making any headway.

187. According to the representative, the Prime Minister believed that experience in self-government was an essential element for eventual self-determination. Bearing in mind the circumstances, he felt that this could best be achieved “on a regional basis”. Although the words “on a regional basis” cannot necessarily be interpreted solely in the context of the “Bantustans” as devised by South Africa for Namibia, we strongly suspect that Pretoria will not accept that experience in self-government be carried out in the context of a Namibian entity. We were strengthened in our doubts and suspicions when the Prime Minister said that he would examine the possibility of removing restrictions on freedom of movement without impairing influx control. For there is no guarantee that the so-called “influx control” will not be used to curb the activities of those interested in self-determination for Namibia as a whole, namely, the majority of the non-white population of the Territory.

188. Here attention should be drawn to a very important conclusion in Mr. Escher's report, namely, that following an extensive 17-day trip which enabled him to ascertain the views of a wide cross-section of the population, it was his

general impression that the majority of the non-white population of Namibia supported the establishment of a united, independent Namibia. This majority of non-whites, who no doubt constitute the majority of the total population of the Territory, have categorically rejected the fragmentation of Namibia into "Bantustans" because, they said, the creation of so-called "homelands" was devised by South Africa only to consolidate its rule over the Territory and to destroy the unity of the non-white population. They said that the Namibian "Bantustans" are merely concentration-camp reservoirs for cheap labour, as well as places of frustration, despair and injustice. Some of them warned that confinement of non-whites to the "homelands"—a situation precisely created by the enforcement of the so-called "influx control" referred to by Mr. Vorster—would result in racial conflict.

189. Bishop Leonard Auala, an authentic spokesman for the oppressed people of Namibia, stressed the fact that there was an urgent need to grant Namibians basic human rights, in particular freedom of movement, because the people were becoming restive. Being the leader of a 300,000-member multiracial church, Bishop Auala is in a position to assess the mood of his people. His warning should be heeded without further delay. We submit that the rejection of the "homelands" policy by the people of Namibia is unequivocal. The majority wants an independent and unitary Namibia, so one of the basic demands of the Security Council regarding Namibia—that is the preservation of the national unity and territorial integrity of the Territory—stands firm. Consequently, a complete reversal of the South African policy of "Bantustans" is urgently called for if South Africa really wants to co-operate with the United Nations.

190. On that score there is no clarity in the text reproduced in paragraph 21 of Mr. Escher's report summing up the substance of the discussions between Prime Minister Vorster and himself. In addition, we fail to see how the establishment of an advisory council, as envisaged by the Prime Minister in subparagraph (f), can be interpreted as being "in line with the aim of maintaining the unity of Namibia", as the representative of the Secretary-General has concluded in paragraph 92 of his report. In our view it should be clear that only the creation of machinery leading to the establishment of a democratically elected government for the Territory as a whole can be acceptable. Furthermore, the fact that the Prime Minister of South Africa would assume over-all responsibility for any organ created for the Territory as a whole does not appear to be a step that would lead to a truly independent Namibia.

191. Here it should be remembered that the majority of the people interviewed by Mr. Escher also requested the withdrawal of the South African administration. We would have thought that modalities for that withdrawal should have been a priority item to be taken up by any mission entrusted with carrying out the provisions of Council resolutions 309 (1972) and 319 (1972). Other basic requirements for a satisfactory implementation of those resolutions should include the granting of all political rights to the people of Namibia, the release of political prisoners and the return of exiles. Taking all those requirements into consideration we have to conclude that the contacts between the United Nations and South Africa, with the assistance of the representative of the Secretary-General, helped by experienced members of the Secretariat, have not enabled the United Nations to reach tangible results and to obtain clarification as to the possibility of making real progress in the present circumstances.

192. It may be that there is need for more time in order to carry out the very complex mandate entrusted to the Secretary-General. In that connexion we should like to pay a tribute to Mr. Escher for having accepted the impossible task of contacting all sectors of the Namibian population and discussing all the fundamental issues with the South African Government in such a short period of time. Considering that he had only a little more than one month at his disposal, he has performed his duties with competence and dispatch and has been able to assist us all in identifying the underlying difficulties that we must overcome if the problem of Namibia is to be resolved. Obviously the Secretary-General needs more time to gather all the elements to be taken into account by the Council before deciding definitively whether it is worth while pursuing the new approach or whether we should ask that this exercise be discontinued because it leads nowhere. My delegation is therefore in favour of extending the mandate of the Secretary-General so as to allow him to provide specific answers to questions that remain to be discussed thoroughly with the South African Government and to clarify many points that are still obscure in our minds. Our position is based on the hope that the new approach advocated by the sponsors of the text adopted as resolution 309 (1972) will lead to a satisfactory solution of the problem.

193. The PRESIDENT (*interpretation from French*): I thank the representative of Mauritius for the generous remarks he addressed to me.

The meeting rose at 7.05 p.m.