



SECURITY COUNCIL  
OFFICIAL RECORDS

THIRTIETH YEAR

UN LIBRARY

NOV 16 1983

1824<sup>th</sup> MEETING: 2 JUNE 1975 UN/SA COLLECTION

NEW YORK

CONTENTS

|  | <i>Page</i> |
|--|-------------|
| Provisional agenda ( <b>S/Agenda/1824</b> ) .....    | 1           |
| Expression of thanks to the retiring President ..... | 1           |
| Adoption of the agenda .....                         | 1           |
| The <b>situation</b> in Namibia .....                | 1           |

#### NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

Documents of the Security Council (symbol **S/** . . .) are normally published in quarterly *Supplements* of the *Official Records of the Security Council*. The date of the document indicates the **supplement** in which **it appears** or in which **information** about it is given.

The resolutions of the Security Council, numbered in **accordance** with a system adopted in 1964, are published in yearly *volumes* of *Resolutions and Decisions of the Security Council*. The new system, which has been applied retroactively to resolutions adopted before 1 January **1965**, became fully operative on that date.

## 1824th MEETING

Held in New York on Monday, 2 June 1975, at 3 p.m.

*President: Mr. Abdul Karim AL-SHAIKHLY (Iraq).*

*Present:* The representatives of the following States: **Byelorussian** Soviet Socialist Republic, China, Costa Rica, France, Guyana, Iraq, Italy, Japan, Mauritania, Sweden, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania and United States of America.

### Provisional agenda (S/Agenda/1824)

1. Adoption of the agenda
2. The situation in Namibia

*The meeting was called to order at 335 p.m.*

Expression of thanks to the retiring President

1. **The PRESIDENT:** First of all, as President of the Security Council, it is my pleasant duty and privilege to express the admiration and appreciation felt, I am sure, by all members of the Council for the outstanding services rendered to the Security Council by the **delegation** of Guyana during its occupancy of the post of President of the Security Council for the month of May 1975. Mr. Rashleigh E. Jackson, representative of Guyana, performed admirable service in conducting the informal consultations which occupied the Council's attention during the early part of the month. Thereafter, the Minister for Foreign Affairs of Guyana, Mr. Shridath S. **Ramphal**, was most generous in offering his **wide** experience and exceptional abilities in presiding over the two very important meetings of the Security Council which took place at the end of the month of May. I know that I can speak for all my colleagues in saying how much we have appreciated the courtesy, efficiency and statesmanship shown by our **colleagues** from Guyana.

Adoption of the agenda

*The agenda was adopted.*

The situation in Namibia

2. **The PRESIDENT:** It will be recalled that at its 1823rd meeting, the Security Council decided to extend invitations in accordance with rule 37 of its provisional

rules of procedure to the representatives of Burundi, Ghana, India, Liberia, Nigeria, Senegal, Somalia and Zambia, to participate at their request in the current discussion without the right to vote. In view of the very limited number of seats available around the Council table, I am regretfully obliged to resort to the practice followed on such occasions and to request the representatives of the delegations I have just mentioned kindly to take places reserved for them at the side of the Council Chamber. It is understood, naturally, that I shall invite them to take places at the Council table whenever they **wish** to address the **Council**. Accordingly, with the consent of the Council, I now invite the representatives of the aforementioned eight **Member States** to take the places reserved for them at the side of the Council Chamber.

*At the invitation of the President, Mr.- Mikanagu (Burundi), Mr. Boat& (Ghana), Mr. Jaipal (India), Mr. Dennis (Liberia), Mr. Ogbu (Nigeria), Mr. Fall (Senegal), Mr. Hussein (Somalia) and Mr. Mwaanga (Zambia) took the places reserved for them at the side of the Council chamber.*

3. **The PRESIDENT:** In accordance with a further decision taken at the 1823rd meeting, I now invite the President and the delegation of the United Nations Council for Namibia to take places at the Council table.

*At the invitation of the President, Mr. Banda (President of the United Nations Council for Namibia) and the members of the delegation took places at the Security Council table.*

4. **The PRESIDENT:** I should like to inform the members of the Council that I have **received** in addition letters from the representatives of Dahomey, Romania, Sierra Leone and Yugoslavia requesting to be invited to **participate** in the discussion in accordance with the relevant provisions of the Charter and rule 37 of the provisional rules of procedure. Pursuant to the **usual** practice I propose, if I hear no objection, to invite the representatives I have just mentioned to **participate** in the discussion **without** the right to vote. As there is no objection, I invite the above-mentioned representatives also to take the places reserved for them at the side of the council table and shall invite them to take **places** at the table whenever they wish to address the Council.

*At the invitation of the President, Mr. Adjibadé (Dahomey), Mr. Datcu (Romania), Mr. Blyden (Sierra Leone) and Mr. Petrić (Yugoslavia) took places at the side of the Council chamber.*

5. The PRESIDENT: The first speaker is the Minister for Foreign **Affairs** of Liberia, Mr. Cecil Dennis. I invite him to take a seat at the Council table and to make his statement.

6. Mr. DENNIS (Liberia): Mr. President, allow me first to indicate how pleased we are to see you, the distinguished representative of Iraq, assume the presidency of the Security Council as we continue to deliberate upon a question of great importance to **all** freedom-loving peoples of our one world. It is a happy coincidence of history that Iraq has been called upon to play this significant role, for there were periods in your own history when colonialist oppression had to be squarely confronted and vigorously opposed, self-determination assured and human dignity restored to your people. Iraq can therefore have full empathy in regard to the question of which the Council is seized. I want to congratulate you, Mr. President, and wish you success as you guide these deliberations.

7. Let me take this opportunity also to express gratitude to **Mr.** Jackson, the representative of the Republic of Guyana, for the efficient, effective and very able **manner** in which he conducted the affairs of the Council during the month of May. But to this I want to add an expression of special thanks and appreciation to Mr. Shridath S. **Ramphal**, Minister for Foreign Affairs of Guyana, for having taken the time from a very busy schedule to travel to New York and be with us as we began discussion of the question of Namibia. **That**, to us, is another positive manifestation of Guyana's continued commitment to the advancement of human dignity the world over and the cause of African liberation.

8. Let me now say how much I welcome this opportunity to address the Council on a matter which is of great importance and concern not **only** to the continent of Africa but to the entire international community. Liberia has always been firmly and unequivocally committed to the total liberation of Africa and to the eradication of all systems designed to deprive the African peoples of their inherent right to decide their own destiny in complete freedom, to uphold their dignity as human beings and to find proper expression for their just and legitimate aspirations. The preservation of Liberia as a nation during the long dark night of colonialism and racist oppression, rampant throughout the African continent, served as a beacon of hope that the dawn of African independence would surely one day arrive. For most of Africa that time has come. And that is why it is the more **difficult**, painful and intolerable to be confronted by the continued exploitation of the peoples of Zimbabwe; Namibia and South Africa itself. The people of Africa will never accept the inhumane,

unjust and condemned systems of racism, colonialism and *apartheid* which are so repugnant to the Charter of the United Nations, the Universal Declaration of Human Rights, the very concept of human dignity and the rights of all people to self-determination. It is therefore perfectly justified for them to employ all means at their command to bring those systems to an end.

9. Liberia's position is clear. We would prefer to see these problems resolved peacefully and in good faith. We believe that were that to be done the rights of the people in those areas could be ensured in accordance with democratic principles, and truly equitable and just multiracial societies would be created. But regrettably there are those who continue to believe that by sheer brute force they may be able to perpetuate, for the benefit of a minority racial group, the exploitation, oppression and degradation of an African majority, deprived of all rights and without any voice whatsoever.

10. Racism is a source of grave danger to world peace and security. It gives rise to irrational and blind hatreds. It is totally contradictory to mankind's highest hopes for the establishment of a world order based on freedom, justice, equality and meaningful co-operation. It stifles human development and advancement and appeals to the basest instincts of greed, fear and selfishness which have so many times in the past, and most recently in the Second World War, exposed humanity to profound depths of horror, tragedy, suffering and sorrow.

11. Yet all of this can be avoided. And if it were, the victory would be one not for any nationality, race or special group but for all mankind. More than that, it would be a resounding victory and a sure step forward to the happy dawn of a new era in which fear would give way to trust, suspicion to confidence, and hatred to understanding among all nations and peoples. For after all, whether we like it or not, we are but one human family, inhabitants in common of a finite planet. Our salvation therefore lies in the timely recognition of the brotherhood of man and of the fundamental fact that ultimately our happiness and security rest upon our ability to work together for the common good.

12. When the Prime' Minister of South Africa indicated a desire to meet President Tolbert, the President allowed him to visit Liberia to discuss the withdrawal of South African forces from Zimbabwe and the termination, without procrastination, of South Africa's illegal occupation of Namibia. It was the hope of the President that with the new situation created by the impending liberation of Mozambique and Angola, and the developments in Zimbabwe, Mr. Vorster might have had something of importance to relate in connexion therewith.

13. Liberia has endeavoured in the past, as it does today, to spare no effort in assisting the transition

of unliberated Territories of Africa to self-determination and independence. It was before the Council in 1961 [943rd to 946th meetings] that for the first time the question of Portuguese colonialism in Angola was raised, by the Liberian delegation [S/4738, of 20 February 1961]. It is indeed ironic that a few wilful and stubborn men were able by their intransigence, to delay independence for Portuguese Territories in Africa until a heavy toll in human lives had been exacted.

14. In 1960 Ethiopia and Liberia, representing independent African nations, also initiated contentious proceedings before the International Court of Justice on the question of Namibia. Although that action, by a strange twist of Justice, was circumvented at the time, the General Assembly, the Security Council and the International Court of Justice have all subsequently confirmed that South Africa's presence in Namibia is illegal and must be terminated.

15. The establishment of the United Nations Council for Namibia [resolution 2248 (S-V) of the General Assembly, of 19 May 1967] was to ensure the orderly, peaceful and just transition of that Territory to independence. Namibia must and will be an independent and united country governed on the basis of majority rule. The grave responsibility for determining whether this shall be accomplished peacefully or through more bloodshed now rests squarely on the shoulders of the South African Government.

16. During his visit to Monrovia, the South African Prime Minister told President Tolbert that South Africa did not desire an inch of Namibian territory; in fact, the South African Government would be happy to get Namibia off its back. But up until now the South African Prime Minister has not honoured what appeared to us an expression of good intention.

17. The future of Namibia and the form which the independence of Namibia as a unitary State shall take can only be determined by the Namibian people themselves. We in Liberia will never accept the divisive concept that the Namibian people are composed of several nations. This is a flagrant attempt to perpetuate the Bantustan policy in that Territory, undermine the fundamental unity of the people of Namibia and promote the balkanization of the country as well as the continuation of South Africa's political and economic domination of the Territory. We reject this most emphatically.

18. Moreover, we construe the provisions of paragraph 4 of Security Council resolution 366 (1974), concerning the transfer of power to the people of Namibia with the assistance of the United Nations, as meaning the holding of elections in the Territory under the supervision of the United Nations. Consequently we request the Security Council to affirm and uphold the legal right of the United Nations to hold such elections.

19. Because of the decisions of the United Nations which terminated South Africa's Mandate over the Territory of Namibia, South Africa has no legal right to conduct or supervise elections in that Territory. Owing to the continuance of that illegal presence in Namibia and its designs for exploitation, South Africa would never be considered a neutral actor, but rather one whose inherent bias and intimidation would prejudice the outcome of any election and render invalid the result thus obtained.

20. The full participation of the South West Africa People's **Organization** (SWAPO), the **organization recognized** by the United Nations and the **Organization of African Unity (OAU)** as the only liberation movement in Namibia, is also necessary at every stage of the process leading to a determination of Namibia's future. If SWAPO is to participate fully and effectively, all its leaders and members must be allowed to move about freely in Namibia without the threat of arrest, and all political prisoners and detainees would have to be released and exiles permitted to return and all of them allowed to participate without hindrance in the process leading to their independence.

21. Prime Minister Vorster has said that South Africa is not occupying Namibia but that South Africa **is** there by the wish of the Namibian people. We would ask how the wishes of the Namibian people have been determined, and under what circumstances an occupying foreign Power can ever objectively determine the wishes of the people over whom it exercises oppressive control.

22. It is completely unacceptable that South Africa should arrogate to itself the responsibility for supervising and determining Namibia's future, in preference to the United Nations, which has special responsibilities for the Territory. It is a perversity and an outright insult to the peace-loving nations of the world to suggest, as the South African Government has done, that it alone genuinely wishes to see the **true** aspirations of the Namibian people expressed and that the nations represented in this world body would subvert that process.

23. The plain fact is that South Africa has failed to respond in a meaningful manner to the clear and unambiguous terms of Security Council resolution 366 (1974), adopted by the Council in December of last year.

24. It must be recalled that when the African nations, supported by Third-World and other sympathetic countries, laid before the Council the question of the expulsion of South Africa from the United Nations [S/11543 of 24 October 1974], three of the permanent members of the Council—namely, France, Great Britain and the United States of America [see 1808th meeting—jointly exercised, for the first time in the history of the United Nations, the triple veto, thereby allowing South Africa to remain a Member of the

United Nations against the wishes of the vast majority of the membership of the Organization. In reaction, President Tolbert had this to say:

"The African **nations** and a great number of other States Members of the United Nations had considered the expulsion of South Africa from the Organization a timely measure towards finding a solution to this most vexing problem. But this course of action having been denied them, they reasonably expect that those who exercised their right of veto **will** be dictated by good conscience to live up to their responsibility inherent in that action and in the timely discharge of their obligation consistently lead the way in finding a just and acceptable solution to this serious problem which continues to defy sacred and fundamental principles upon which the United Nations is founded."

Continuing, President Tolbert said:

"I surely believe that a formula can be found and men of goodwill everywhere should continue to aid and co-operate in the search for that formula. It should guarantee that all the peoples of southern Africa will be able to live together in peace, justice and harmony, achieve and enjoy **those** inalienable rights of equality, self-determination and 'freedom with human dignity.'"

These are noble words, spoken by a God-fearing and courageous leader, and I am honoured and proud to reecho them at this time. We on our part have never relaxed in aiding **the** search for a solution to this problem.

25. The Council and the General Assembly have adopted numerous resolutions which are replete with expressions decrying, deploring, deprecating, denouncing, castigating, censuring and condemning the South African racist regime for its oppressive policies in Namibia. Such resolutions can be found in documents weighing tons, but yet there is not a single instance where South Africa has complied with the spirit of any of them.

26. What we must now do is to "think like men of action and act like men of thought". Those of you on the Council upon whom the Charter of the United Nations has conferred special responsibilities - in particular, those who cast the triple veto in the Council - should now demonstrate to the world their genuinely good intentions in the continuing fulfilment of their international responsibility by their active participation in the adoption of effective and positive measures to ensure the speedy liberation of **the Territory of Namibia**.

27. I consider the following to be among the least that the Council could do at this time: to institute a mandatory arms embargo against South Africa; to call for democratic elections in Namibia under the

**auspices** of the **United Nations** within the shortest possible period; and to call upon South Africa to desist from any action designed to impose upon **the** people of Namibia its Bantustan policy under a Constituent Assembly chosen in an atmosphere of coercion and intimidation.

28. The Liberian Government would not like to see the creation of an irreversible climate of confrontation and hostility in Namibia. We hope that the transition of power to the Namibian people as a whole can be accomplished peaceably and without more brutality, bloodshed and rancour. But the hour is growing late, and the continuing intransigence of South Africa has brought us face to face with the stark reality of an intensifying armed struggle. We should like to have seen this situation avoided **if at all** possible. But **this much** is clear: the right of the Namibian people to live out their lives in freedom, justice and human dignity cannot be compromised and is worthy even of the most fearsome sacrifices, should these become **n e c e s s a r y**.

29. **The PRESIDENT:** The next speaker is the Minister for Foreign Affairs of Zambia, Mr. Mwaanga, and I invite him to take a place at the Council table and to make his statement.

30. **Mr. MWAANGA (Zambia):** Mr. President, permit me to congratulate you on your deserved assumption of the high **office** of President of the Security Council for the month of June. We are sure that under your wise leadership the Council will achieve a just peace for Namibia and thereby make a significant contribution to the relaxation of tension in southern Africa.

31. My congratulatory remarks would be incomplete if I **did not** pay a tribute to your predecessor, Mr. Jackson of Guyana and his Minister for Foreign Affairs, Mr. **Ramphal**, who so ably presided over the deliberations of the Council during the month of May. Zambia and Guyana are active members of the Group of Non-Aligned Countries which have shared many common policies on major international issues. Therefore it was a pleasure for **us** to see them preside over these important deliberations.

32. Mr. President, I should like to thank you and **all** members of the 'Security Council for having given me **an** opportunity to address you on the important question of Namibia, which has the distinction of being the oldest unresolved colonial question on the agenda of the United Nations.

33. The Security Council is meeting at a very crucial time in the **history** of the great continent of **Africa**. It is also meeting at a time when some of the permanent members of the Council must provide answers to very important moral questions which arise as a result of their not having supported either armed struggle in southern Africa or peaceful change.

34. Namibia is part of **southern** Africa, and I submit that it cannot strictly be discussed **in isolation**. What happens in Namibia has a direct **bearing on** Rhodesia and on South Africa itself: For many years both the Security Council and the General Assembly **have** passed countless resolutions calling on South Africa to withdraw from Namibia; to accept the principle of self-determination and independence for Namibia; to accept the territorial integrity of Namibia; to abandon Bantustans and "homelands"; to **release** all political detainees and restrictees; to grant unconditional amnesty to **all** Namibians **in exile**; to -permit free political activities; and to hold free national elections under United Nations supervision.

35. What has been **the** South African response to all these **demands**, and why have we; **in the** first-place, made such demands of an occupying Power? The South African Government has always rejected the demands made by the international community with impunity and with defiance almost unparalleled in the history of the United Nations, and yet the United Nations has done nothing **tangible** to punish South Africa for refusing -to carry out **its** obligations under the Charter. Each time Africa and other States have demanded punitive measures against South Africa, the Western members of the Security- Council, and particularly the permanent members, have come to its aid **by** using triple vetoes -and the like to enable South Africa to continue defying the international community. If the United Nations accepts that South Africa **is** occupying Namibia illegally, why have we made demands which go beyond mere **withdrawal** and which would then lead to the establishment **of** an effective United Nations presence? The mere fact that the United Nations is demanding **a number** of things from South Africa which go beyond withdrawal is, **in** our opinion, **a** recognition of **both** the *de jure* and the *de facto* status of Namibia. There are times when we have entertained serious doubts as **to** whether there are no contradictions between demanding South Africa's withdrawal **from Namibia** on grounds that its presence there **is** illegal and at the same time asking the occupying **régime** to do certain things, which amounts to **recognizing** its illegal **occupation**. This raises serious legal questions **concerning the** status of South Africa in this matter; It must be made clear **that** the main stumbling block in Namibia **is** the South African presence, and no solution can be found to all the other problems unless and until the external factor--namely, South Africa-is removed. In **terms** of priorities, this **must** be considered priority number 'one, because, if South Africa withdraws from **Namibia**, the United Nations, which is the legal authority, would then assume its rightful place and advance the Territory towards self-determination and independence in accordance with **General** Assembly- resolution- 2145 (XXI). All the other **demands being made, like** the abandonment of Bantustans and "ho&elands", free political activities, the release of political detainees and restrictees, to mention but a few, would be

achieved **within** one day **and by** a mere stroke of the **pen**.

36. The **South African response** to Security Council resolution 366 (1974) is far from satisfactory. It leaves **a** number of fundamental differences unresolved and many important questions unanswered. It in fact **raises** new questions which do not help us in our search for a negotiated solution of this important problem. The South African response undoubtedly weakens the position of--those who have always preferred a negotiated political settlement.

37. Our objective in Namibia is immediate independence for Namibia as a unitary State, and thereafter **it** will be up to the people. of Namibia freely to **choose** what sort of **Government** they **will** have or what sort of system they will adopt. Where do we go **from** here, and how best can we make progress given the situation in which we find **ourselves**? We have come to the Security Council with a view **to** finding **a formula** which will express our condemnation of South Africa's continued illegal occupation of Namibia, its continued defiance of United Nations resolutions and its refusal to **comply** with **Council** resolution 366 (1974). At the **same** -time, we must work out measures aimed at putting more pressure on South Africa to relinquish its illegal occupation of Namibia, because this is the crux of the matter.

38. We have said we will encourage SWAPO to negotiate -the mechanics of -transfer&g power from South Africa to the people of Namibia as far as possible, but we have also stated our firm intention to support the intensification of an armed struggle in Namibia, with all its consequences, should a negotiated settlement prove **unattainable**. In both cases, we have demonstrated what we are prepared to do in practice to support these two courses of action. We have no quarrel with the Socialist countries; because they have always given practical support **to** the struggles of the African people, but we certainly have a quarrel with the Western Powers -for their **anti-liberation-**movement **attitudes**, which have only served to **strengthen** the white **minority régimes**.

39. We **Africans** have had enough of statements from Western countries **and** their representatives to the effect that "we remain committed to the cause of **peaceful change** in southern **Africa**", or "**we** are committed- to non-violent **solutions**". Such meaningless cliches only serve to destroy the credibility of **Western** Powers in the eyes of Africa, especially when they have no **constructive** alternatives to armed struggle to **offer**. **Common** sense alone should by now have taught the Western **Powers** that privileged minorities. do not forswear their privileges except under some sort of 'duress. When the privileged minority **and** the -dispossessed majority, are defined racially, and where the his&y of repression has been long and often violent, voluntary accommodations are doubly iiiusory. It is not very helpful to favour **self-**

determination and at the same time inveigh against **violence** when they have nothing better to offer.

40. This attitude is both unrealistic and unhelpful. We surely cannot call for freedom in southern Africa and at the same time deny any assistance to those who are fighting for it when we know, as they do, that every other means of achieving the freedom we are talking about has been excluded by those now in power.

41. Resolution 366 (1974) of the Council, the last one on Namibia, went further than any of the previous resolutions, short of applying Chapter VII of the Charter of the United Nations. This was, in our opinion, a clear demonstration of the anxieties in the Council about South Africa's intransigence. We expect the Security Council not **merely to** reiterate previous resolutions but to go further than resolution 366 (1974) so that South Africa can be left in **no** doubt as to where the international community stands on this matter.

42. We hope that this debate will not be one of those aimed merely at scoring debating points and **making** speeches in order to hide behind screens of inaction. It must address itself to the problems of **Namibia** and adopt **practical** solutions which will advance the cause of freedom. We therefore hope that the Security Council will, among other things, do the following:

-First, condemn South Africa's refusal to comply with resolution 366 (1974);

-Secondly, call for an effective arms embargo against South Africa as a punitive measure for its refusal to comply with United Nations decisions on Namibia;

-Thirdly, demand once more that South Africa unconditionally withdraw from Namibia or unambiguously state its intention to do so **by** 30 September 1975;

-Fourthly, demand an immediate end to the creation of Bantustans and so-called homelands, which are intended to divide the people of Namibia into tribal groups and entities. In so doing the Security Council must also make clear that it will under no circumstances accept any independence formula for Namibia which is **based on** Bantustans or "**home-lands**";

—**Fifthly**, demand that South Africa accept the holding of free elections in Namibia within 12 months from now for a constituent assembly, conducted on the basis of universal adult suffrage under the **supervision** of the United Nations or any other international organization empowered by the United Nations.

—**Sixthly**, demand that South Africa release all Namibian political prisoners and restrictees, including

those imprisoned or detained in connexion with offences under so-called security laws, whether such Namibians have been charged or tried or are held in Namibia or South Africa;

-Seventhly, demand the abolition in Namibia of all racially discriminatory and politically repressive laws and practices.

-Eighthly, demand that South Africa should accord unconditionally to all Namibians currently in exile for political reasons full facilities **in** a return to their country without risk of arrest, detention, intimidation or imprisonment;

-Ninthly, welcome the initiatives taken by the United Nations Council for Namibia to ensure the protection of the natural resources of Namibia, and request the United Nations Commissioner for Namibia to proceed with all the necessary preparations for the implementation of the decree for the protection of the natural resources of Namibia;

-Tenthly, make known to South Africa that no constitutional formula for Namibia worked out without United Nations approval will be acceptable;

-Eleventhly, demand that South Africa accept the principle of a unitary State in Namibia, and reject any interpretation of territorial integrity for Namibia which is not based on the principle of a unitary State;

-Twelfthly, declare now that should South Africa not comply with these demands **by** 30 September 1975 the Security Council will meet and take stem measures under Chapter VII of the Charter, which might include suspension or expulsion of South Africa from the United Nations.

43. We believe that these minimum measures should be taken in order to avoid confrontation in the Security Council **which** could be misconstrued to mean support for the Pretoria regime at a time when international pressure and the changed circumstances in southern Africa are beginning to create excellent conditions for the oppressed masses to register heavy political and military blows against their oppressors. Events in **Indo-China** and in the former Portuguese colonies of Mozambique, Angola and Guinea Bissau have clearly demonstrated, now more than ever before, that victory **is** always on the side of those who are fighting for justice.

44. In conclusion, let me say that in our humble opinion the choice for the Security Council and the international community is not between peaceful change and no change. The choice is between peaceful change and conflict. It must be made clear that in the absence of peaceful change and real prospects of its continuing, the African people of Namibia, led by their party, SWAPO. and supported by the rest of



independent Africa and the progressive world, will fight for their rights until final victory is achieved. The question we must ask ourselves is when and how this change will come about. We have stated our preferences; we have **also** stated our priorities. It now remains to be seen whether the outcome of this debate will strengthen the forces of peaceful change or strengthen the high priests of oppression and suppression. The choice as to which one of the two paths we take is in your hands.

45. The PRESIDENT: The next speaker is the representative of Ghana, whom I invite to take a seat at the Council table and to make his statement.

46. Mr. **BOATEN** (Ghana): Mr. President, I am grateful to you and to the members of the Security Council for this opportunity to address the Council on the question of Namibia. The question of Namibia, after many years, continues to be one of the thorniest issues of which the Council is seized. I am, however, encouraged to entertain some optimism that, under your guidance, the discussions here will produce results which will fully demonstrate the Council's concern and determination to see the issue resolved.

47. I should also like, Sir, to express my appreciation to your predecessor in the presidency of the Council, Mr. Shridath S. **Ramphal**, the Minister for Foreign Affairs of Guyana, for the arrangements he made for this series of meetings of the Council. It was more than a fortuitous coincidence that he should have presided over the first meeting of this series devoted to the question of Namibia. During his term as President of the Council for Namibia, he distinguished himself by the loyalty, dedication and the dignity with which he served the interest of the Namibian people. The country that he represents is one whose dedication to peace, justice and human equality has won the hearts of all who love peace and justice.

48. It is a little over six months ago since I had a similar privilege of addressing the Council on an equally important subject. Then, as now, my country felt compelled to participate in the debates because of the importance that we attach to peace in Africa and our fear that unless the situation in southern Africa **generally** is handled with firmness and with justice and equity, it could develop into a Viet-Nam type of situation, but one likely to have consequences **far** more severe. My statement today, then, should be seen as a sign of my Government's willingness to contribute towards **finding** the kind of solution that could prevent the situation in southern Africa from degenerating into violence.

49. When the African Group, in December 1974, called for a meeting of the Security Council [**S/11575**] to discuss this question, it was, to quote the words of my colleague from the Upper Volta, to demand of the Council that "in its wisdom, [it] take measures to defuse the explosive situation prevailing in Namibia" [**1811th meeting, para. 48**].

50. During the debate that ensued, as indeed was the case during previous meetings of the Council on the subject, many of my colleagues, representing different continents, argued strong cases which we thought might have led the Council to take those **firm** and effective measures, which it had itself long promised to take in the event of South Africa's refusing to withdraw its presence from the Territory of Namibia. What we got instead from the deliberations of last December was another warning, in Security Council resolution 366 (**1974**), that if South Africa failed to comply with the "resolutions and decisions of the United Nations and the Advisory Opinion of the International Court of Justice" by 30 May 1975, the Council would consider "the appropriate measures to be taken under the Charter".

51. Needless to say, there were many of us who felt disappointed by this decision, a decision which we saw as indicating either the inability **of the** Council to make progress on the Namibian question or an unfortunate conspiracy on the part of some members of the Council, for some reason or reasons known to them, to maintain the *status quo*. We were more inclined to the latter view. But in spite of our disappointment with resolution 366 (**1974**), we held out some hope, albeit forlorn, that the strength of international concern might compel South Africa to do what was required of it in order to defuse the situation in Namibia. We were obviously too optimistic in our expectations because the situation in Namibia remains today very much the same as it has been for the past 50 years: it is a Territory that is the captive of South Africa and suffers from the harmful effects of *apartheid* and policies of barbarism and cruelty.

52. The historical evolution of the tragedy of Namibia needs no restating, particularly before a distinguished and an informed audience such as the members of the Security Council. I **will** therefore resist the temptation of being tedious and will confute myself to reminding the Council of certain key developments of the evolutionary process.

53. When the General Assembly, in resolution 2145 (XXI) of 27 October **1966**, decided to terminate South Africa's Mandate over the Territory of Namibia, it was reacting to an unimpeachable **realization** that South Africa had failed to fulfil its obligations in respect of the administration of the Territory in the sense that the racist Government had failed to ensure the moral and material well-being and security of the indigenous inhabitants. That decision was not taken lightly nor was it meant to be treated as a joke. But that serious decision made no impression on South Africa, as was evidenced by the fact that South Africa sought to intensify its control over the Territory.

54. The tone of serious concern contained in Council resolution 245 (**1968**) was understandable, particularly as that resolution was taken after the South African Government had refused to allow the United Nations

Council for South West Africa, established in 1967, to discharge the functions entrusted to it: namely, to establish contacts with the South African authorities and to lay down procedures for the transfer of control. Indeed, it had been envisaged that South West Africa, as it was known then, would become independent on a date to be fixed in accordance with the wishes of the people. As you know, Sir, the date that the General Assembly had in mind was June 1968. Just as it had refused to accept the Assembly decision to terminate the Mandate, so did South Africa refuse to co-operate with the Council for Namibia to enable it to fulfil its mandate.

55. Despite the legitimate struggle of the Namibian people for freedom and the frustrations involved in that struggle, my Government saw Assembly resolution 2145 (XXI) as representing an important constitutional development which though of limited institutional importance, could point to a possible path for future action. As with resolution 2145 (XXI), so with Council resolution 246 (1968). Resolution 246 (1968) fell short of our expectations, but we admit that we saw it as marking a certain advance, which is why the Afro-Asian Group accepted it as the basis for future action in regard to Namibia.

56. The members of the Council will recall that resolution 246 (1968), *inter alia*, reaffirmed the inalienable right of the people of Namibia to freedom and independence; recognized the illegality and great consequence of South Africa's continued occupation of the Territory, which the Council considered to be detrimental to the interests of both Namibia's population and the international community; and decided that in the event of South Africa's failure to comply with the resolution, the Security Council would meet immediately to determine necessary steps or measures in accordance with the relevant provisions of the Charter.

57. The particular significance of resolution 246 (1968) lies in the fact that with it and for the first time the Security Council assumed its proper role in the task of translating into reality the assumption by the United Nations of direct responsibility for the Territory of Namibia.

58. I need not remind members of the Council that resolutions 246 (1968) and 366 (1974) are not the only resolutions in which the Security Council has indicated its intention of taking effective measures against South Africa, an offending Member of the Organization. The Council is therefore faced with a situation where, in spite of repeated warnings and admonitions, a Member State has persistently, almost with contempt, refused to fulfil its obligations under the Charter, especially under Article 25. The Security Council therefore has a duty to keep faith with the highest interests of the Namibian people by making good its professed intention of taking effective action against South Africa.

59. South Africa's reaction to resolution 366 (1974) is contained in the letter of 27 May of the representative of South Africa [see S/11701]. There have been varying assessments of the contents of that document and its attachments. There are some who see South Africa's statement as concessive in tone and content; to others, it is vague and unsatisfactory in terms of Security Council resolution 366 (1974).

60. The view of the Ghana delegation, whatever our assessment of the Statement might be, is that we can all agree that it is unacceptable in one fundamental aspect, namely, that South Africa has not yet accepted the legal role of the United Nations in Namibia. When that Government agrees to hold discussions on the Territory with the Council for Namibia, it does so out of its own generosity and not in compliance with any legal obligation. The statement, as we see it therefore, constitutes further proof of South Africa's challenge of three important decisions of the Organization: first, General Assembly resolution 2145 (XXI); secondly, Security Council resolution 276 (1970); and thirdly, the Advisory Opinion of the International Court of Justice delivered on 21 June 1971.<sup>1</sup> That opinion, members will recall, was delivered in paragraph 133 in clear language: "that the continued presence of South Africa in Namibia being illegal, South Africa is under obligation to withdraw its administration from Namibia immediately and thus put an end to its occupation of the Territory".

61. The South African statement came as no surprise to my delegation; at least it contained familiar elements. What would be surprising would be the failure of the Security Council at its current series of meetings to respond in an appropriate manner to the South African challenge—a challenge which is unprecedented in the history of the United Nations:

62. When the Commissioner for Foreign Affairs of Ghana addressed the General Assembly at its twenty-ninth session, he made the following remarks regarding document S/11519 of the Security Council of 26 September 1974:

"the statement constitutes one more insult which this Organization has had to tolerate from South Africa. It is the hope of my delegation that this Organization will tell South Africa in no uncertain terms that the ultimate responsibility for the future of South West Africa lies with the United Nations. What is at issue here is South Africa's continued defiance of this Organization and its flouting of the decision of the International Court of Justice on the status of that Territory. What we would like to hear from South Africa is when that country will abandon this defiance."\*

63. South Africa's defiant posture is of course intended to test the effectiveness of the Council and to bring it into contempt and ridicule. South Africa has

blatantly refused to comply with the decision of the Security Council and is therefore in serious breach of Article 25 of the Charter. It is partly in the light of this fact that we invite the Council to take effective measures against South Africa.

64. If my country has been disappointed with the lack of action by the Council in the past, it is because we feel that with such evidence as is available to us we have no option but to expect effective measures to be instituted against South Africa. To do any less would be to allow the situation in Namibia and southern Africa to degenerate to the level where it would engulf the world in a racial conflagration; for the truth is that, in spite of the impression being created by South Africa, the oppressed people of Namibia will, unless they can see the United Nations acting effectively on their behalf, resort to all means to secure their **freedom**. They will, with the assistance that many of us are ready to offer them and under the leadership of **(SWAPO)**, break out inevitably from the oppression to which they have been subjected for so long.

65. It is preposterous that we have allowed one Member State, in a calculated manner, to bring the world to the brink of chaos. Therefore, however belatedly, we wish to call on the Security Council to show foresight and courage and put an end to South Africa's effrontery and put a stop to its expansionist designs. It is necessary to condemn South **Africa** for all it represents; but we must do more **than** that. The Council must decide at this meeting, on firm, even if drastic, measures against South Africa, as provided for in the Charter.

66. The question of sanctions against South Africa is not new; it **first** arose in the Council in 1960. Of particular **significance** is General Assembly resolution 1761 (XVII) of 6 November **1962**, which required Member States to take the following measures against South Africa: first, break off diplomatic **relations** with the racist Government of South Africa; secondly, close their ports to all vessels flying the South **Africa flag**; thirdly, enact legislation prohibiting their ships from entering South African ports; fourthly, boycott all South African goods and refrain from exporting **goods, including** all arms and ammunition, to South Africa; and fifthly, refuse landing and passage facilities to ail aircraft belonging to the Government of South Africa and companies registered under the laws of South Africa.

67. The Council, in resolution 181 (**1963**), solemnly called on all States to cease forthwith the sale and shipment of arms, ammunition of ail **types** and military vehicles to South Africa. In resolution 182 (1963) the Council renewed its appeal to all States to comply with its prohibition of the shipment of military equipment to South Africa. The same appeal was again renewed in resolution 191 (1964). Those resolutions might have had the desired effect but for the economic,

political and military **connexions** that existed and still exist between South Africa and certain Western countries.

68. Admittedly, in the matter of arms embargo we, have drawn some encouragement from the fact that the Governments of the United States and the United Kingdom have largely complied with the Security Council sanctions. However, the same is not true of French arms sales to South Africa and the economic support given to South Africa by other Western countries.

69. The second decision that we expect of the Security Council is for it to give the Council for Namibia the support and the means to establish its presence and authority in Namibia and to guide the Territory to independence. If South Africa prevents the Council from doing this, then the Council must suspend its privileges and rights deriving from membership of the United Nations. Indeed the Council in that event should not exclude the possibility of expelling **South Africa** from the United Nations.

70. It is full 30 years since the peoples of the United Nations, "to save succeeding generations from the scourge of war" and "establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained", agreed on the Charter and established the United Nations. We must not allow the situation in South Africa, or any situation of that kind, to lead us to another period of suffering and sorrow. We must act now in order not to vindicate the prophets of doom who see no future for the **Organization**. We still have faith in the United Nations and the Security Council. We have reason therefore to expect that the Security Council will act decisively at this time when decisive action is required.

71. The **PRESIDENT**: The next speaker is the representative of India. I invite him to take a place at the Council table and to make his statement.

72. Mr. JAIPAL (India): Allow me, Sir, on behalf of my delegation to offer you our felicitations on your assuming the functions of President of the Security Council and to extend to you our good wishes for fruitful discussions and decisions under your guidance. Permit me also to express to the Council as a whole and to its members our gratitude for giving us this opportunity to explain our views on the **important** question before the Council.

73. India's interest in Namibia has been demonstrated on many occasions in the United Nations. Indeed it goes back in history to the very origin of the mandates system. Fortunately, this ill-fated Mandate was terminated by the General Assembly at its twenty-first session, in its resolution 2145 (XXI), and the General Assembly then assumed direct responsibility for this Territory. Later, when the **Inter-**

national Court was asked for its advisory opinion as to the legal consequences of the failure of the Government of South Africa to vacate Namibia, India submitted a written statement and also appeared before the Court to make an oral statement. Thus we have shown continuing interest in this question.

74. As we see it, there are two principal documents before the Council. The first is Council resolution 366 (1974), which called on South Africa to withdraw its illegal presence from Namibia and to transfer power to the people of Namibia with the assistance of the United Nations. That is really the crux of the matter. The other relevant document is the reply of the Minister for Foreign Affairs of South Africa [ibid.], in which he has made several points, the most fundamental of which is that he has virtually served notice on the United Nations that the Government of South Africa proposes to consult the people of Namibia about their future without the assistance of the United Nations.

75. Quite simply, South Africa does not accept that the United Nations has any role in Namibia, despite the assumption by the United Nations of direct responsibility for that Territory. The Mandate is dead and so South Africa now states that it is in Namibia because the peoples of the Territory want it to be there. Surely this is one of the several incredible statements emanating from the Pretoria regime. As to the international status of this Territory, which was never questioned by South Africa, its Prime Minister informs us quite unnecessarily that South Africa respects the Territory's status and does not claim a single inch of its soil. As to the right of self-determination, he tells us that the inhabitants themselves will decide upon their future, apparently by methods to be devised solely by South Africa. In our opinion, that would mean the denial of self-determination as envisaged in the Charter.

76. We are thus in a quandary. The Territory has international status but the United Nations has no effective role concerning it or the future of its people. There is thus a conflict here between *de jure* responsibility and *de facto* authority. The International Court stated in paragraph 127 of its Advisory Opinion of 21 June 1971 that

“all States should bear in mind that the injured entity is a people which must look to the international community for assistance in its progress towards the goals for which the sacred trust was instituted.” Evidently the South African Prime Minister considers that there is no injured entity and that the people freely look only to him for assistance.

77. This unilateral view by South Africa is contrary to the Charter and is even a violation of the original Mandate, which recognized two principles—namely, the principle of non-annexation, which South Africa

accepts; and the principle that the development of the people forms a sacred trust of civilization, which South Africa rejects, because it regards the development of the people not as a sacred trust of civilization but rather as the exclusive trust of South Africa. Here again we are at cross purposes with South Africa, with different interpretations of “the sacred trust of civilization”.

78. The Security Council may represent a civilization of sorts, but apparently South Africa is unimpressed by it. The situation facing us is a serious one. It involves the usurpation by South Africa of an international Territory for which the United Nations has resumed responsibility. The Council declared in its resolution 269 (1969) that the continued occupation of Namibia by South Africa constituted an aggressive encroachment on the authority of the United Nations. That position still continues.

79. The General Assembly in its resolution 2678 (XXV) invited the Security Council to consider taking effective measures, including those provided for in Chapter VII of the Charter. That was five years ago. In 1971 the Security Council declared in its resolution 301 (1971) that South Africa's refusal to withdraw from Namibia created conditions detrimental to the maintenance of peace and security in the region. That declaration was reiterated by the Council in 1972.

80. South Africa's refusal to withdraw from Namibia has now stabilized, and this in our opinion could be interpreted as a case of aggression and a threat to peace and security. In the absence of other measures that are effective, the Council should proceed to consider measures in accordance with Article 41 and 42 of the Charter, measures which were forecast by the General Assembly five years ago.

81. The Security Council has never before faced such an unusual situation. We have here the case of an international Territory and a people whose well-being and development are the sacred trust of civilization and the direct responsibility of the United Nations but which is illegally ruled by a Government that perversely claims that the people want it to continue its illegal domination. No question of territorial claim or of domestic jurisdiction of South Africa is involved. Nor is it a situation in which the interests of the big Powers or their military alliances are involved. There is no danger of a world war, as we see it, nor is this a matter that is of exclusive concern to the OAU. It is a much wider issue concerning all of us. It poses a simple and direct challenge to the United Nations, for essentially, it is a conflict between the United Nations and a Member State over an international Territory.

82. Since other measures have failed, there is a clear case for mandatory measures in terms of the Charter. Some members of the Council have a greater responsi-

biity than others for implementing the resolutions on Namibia and enforcing the authority of the Council. I am sure that every State Member of the United Nations will watch with close interest how the Security Council uses the powers it undoubtedly has to implement its decisions on Namibia. Above all, we trust that the Council will do nothing that will prejudice or jeopardize the legal position of the United Nations in relation to Namibia.

83. Mr. de GUIRINGAUD (France) (interpretation *from* French): Mr. President, first of all I should like to congratulate you on your accession to the presidency of the Security Council. I am sure that under your enlightened guidance our work will proceed in an atmosphere of co-operation and serenity befitting the supreme organ of the **Organization**.

84. I also wish to pay a tribute to the manner in which the delegation of Guyana presided over the Council during the month of May. My tribute is addressed first of all to Mr. Jackson, who guided our consultations on a very important subject, but also, and above all, to Mr. **Ramphal**, the Minister for Foreign Affairs of Guyana, who honoured us by coming to preside over the Council at the meetings at the end of the month. His presence emphasized the scope of our work and Guyana's devotion to our institutions as well as its ideals, and also underscored the importance of the debate we are now engaged in.

85. The delegation of France wished to participate relatively **early** in this high-level debate, which is honoured by the presence of several Ministers for Foreign Affairs and of African representatives to whom we have listened most attentively. We have done so, I hardly need say, because of the interest and sympathy we feel concerning the just cause of Namibia and of understanding among the peoples and countries of southern Africa.

86. The debates of the Security Council on the question of South West Africa go back many years. To mention only our most recent efforts, in 1972 we endeavoured to make progress towards a solution through the intermediary of the Secretary-General of the United Nations and his Special Representative. That failed. We then adopted resolution 366 (1974) and pinned certain hopes on consideration by **the** Government of South Africa of the requests addressed to it by the Council. The authorities in Pretoria have also been approached by three countries including France, which wished to state their views on the political future of Namibia. This move at that time emphasized in particular the importance those countries attach to a settlement of the question in such a way as to enable the people of Namibia rapidly and freely to express their views on the political future and the constitutional structure of the Territory.

87. We are bound to note that our hopes were largely disappointed. The response of the Government of

South Africa, expressed in the speech of 20 May and the letter of 27 May<sup>4</sup> [*ibid.*] is ambiguous. It is contradicted by facts, and it is not **sufficiently** responsive to the modern process of **decolonization**.

88. The South African response is ambiguous first of all as regards the unity of the Territory. At no time is there any mention of the Namibian people or population but on several occasions there is mention of "the peoples of South West Africa." These, we are told, can themselves choose their political future and "all options are... open to them, including that of independence as one State". This sentence, I regret to be compelled to emphasize, leaves us particularly perplexed, because it can be thought that, among the possible options there is the opposite possibility, that of fragmenting the Territory into a series of small. States independent of one another or grouped together in federations. We cannot be satisfied with so loose a formula, which leaves room for the fear that several Namibias may be formed and which does not take into account the resolutions whereby the General Assembly and the Security Council requested South Africa to respect the unity of the country. Namibia must not be cut up on the basis of **apartheid** criteria. It must accede to independence as a single State. Our position on this subject is extremely firm. This is, furthermore, why we draw an essential difference between the concept of unity and that of territorial integrity, in respect of which the South African Government gives us satisfactory assurances when it states that it does not claim "**one** inch of the Territory for itself."

89. What is said about the stages that would lead to self-determination is also ambiguous. While it is obvious that it is for the inhabitants themselves to decide on their future once and for all, it is also essentially for the Pretoria Government at long last to promote the independence of a Territory which has been under trusteeship for more than half a century. Apart from the hope expressed by the South African authorities that the inhabitants of the Territory will express their views as soon as possible, we have no specific indication of which timetable is under consideration.

90. The South African statement, I have said, is contradicted by facts. The Minister for Foreign Affairs of South Africa, in his letter to the **Secretary-General** [*ibid.*], affirms that the Namibian peoples must express their choice freely, without any external interference. It is, nevertheless, our clear **impression** that during recent years the South African **Government** has taken decisions which contradict the concept of free choice.

91. The *Development of Self-Government for Native Nations Act* of 1968, which provided for the establishment of "six indigenous nations" within South Africa, already tended to prejudge the future political direction to be taken by the Territory. The law of 28 February

1973 in granting more autonomy to the "homelands", merely reinforced the tendency to divide Namibia into a certain number of tribal homes. The **local** population has never been asked whether it conceives its political future in a different form. Is that free choice? Is it legitimate to consult the inhabitants of a single Territory and persuade them that they are "peoples" in the plural without giving them the opportunity to consider themselves as a nation or a future nation?

92. Finally, we are bound to note that in general the South African reply does not sufficiently take into account the requirements of the situation in Africa and in the world. France has **sufficient** experience of the problems of the African continent to know that rivalries among population groups, wherever they exist, have never prevented a country from embarking on the course of selfdetermination and acceding to independence. We for our part consider that these concepts are obsolete and belong to another era. Just as it is for each independent State to find its own internal balance by ensuring the protection of its minorities, likewise any outside State, particularly in Africa, should avoid promoting a **super-Balkanization**. In the case of Namibia **and** its 800,000 inhabitants, a policy so contrary to the evolution of the modern world and to the wishes of all Africans would constitute a step backwards and not the progress to which we aspire.

93. I now come to what is obviously the crux of the problem: the genuine expression by the inhabitants of Namibia of their views on their political future. The Namibian situation is the subject of suspicion on the part of world public opinion, which is astonished at the exclusion of particularly important parties from the political life of the country. I shall refer here to the opinion of a newspaper which is authoritative in this city and which says:

"The world would never regard as valid any elections or constitutional conventions controlled by the Government that has ruled for **50** years a land that it never owned and that is clearly a United Nations ward".\*

94. One might also wonder, and one should even put the question directly to the South African **Government**, what is the exact meaning of the letter dated 27 May **[ibid.]**, in which we read that Namibians "should exercise their choice freely and without interference from South Africa, the United Nations or any other outside entity.". Since it is hardly open to challenge that South Africa directs the affairs of Namibia, simple justice would indicate that the United Nations should equally have a share in the preparation of the necessary consultations. I am not unaware that there is a conflict between the South African authorities, who declare themselves to be responsible for everything in the South West African

Territory, and the United Nations, which considers that Territory to be within its competence.

95. We have been in the same deadlock for more than 10 years, to the detriment of the local population, which is prevented from exercising its rights as its African brothers have for a long time done. Can this situation last? Is it not necessary for us at least to call for United Nations supervision of the process of selfdetermination and independence, which South Africa assures us it wishes to respect?

%. Moreover, if we consider that the South African Government does not challenge the international character of the Namibian Territory, we would normally arrive at the conclusion that ways and means must be sought that will genuinely enable those chiefly concerned to make known their views on their future, objectively, freely and in conditions that can be and have been ascertained, as is customary in democratic **régimes**, and as is all the more to **be** required in an international Territory. In the specific case of Namibia, a Territory which South Africa neither owns nor wishes to own, this assumes that some control other than that of Pretoria should be exercised to ensure that nobody tries to counteract the necessary course of events.

97. That, I repeat, is the cmx of the problem, the necessary condition and, I would hope, the sufficient condition for the achievement of an agreement in the problem with which we are dealing. I cannot therefore fail to deplore all the more the reference in the letter of the Minister for Foreign Affairs of South Africa **[ibid.]** to the fact that his Government cannot accept United Nations supervision. My delegation solemnly appeals to the South African leaders to review their position, which seems to me to be based far more on superficial, unfounded reactions than on a complete analysis of the situation. It would be thoroughly deplorable if South Africa were to refuse any discussion and avoid any agreement with the international community on what should be the means of enabling the inhabitants of an international Territory to pronounce themselves openly, before the world, on their future. That would be deplorable and, I might add, damaging to South Africa itself, and would justify the condemnation which many wish to direct against it; and in these conditions I fail to see how South Africa could one day be accepted by the rest of its continent unless it establishes normal, fruitful relations with all its neighbours.

98. After this critical part of my statement, I should like to analyse the means of **harmonizing** or attempting to **harmonize** opposing points of view. To this end, it might perhaps be useful to compare the texts before us.

99. Resolution 23 (IX) on Namibia, adopted by the Council of Ministers of the OAU at its Ninth Extraordinary Session held from 7 to 10 April 1975 in Dar es Salaam sets three prior conditions for

\* Quoted in English by the speaker.

**contacts** with South Africa: the right of the Namibian people to self-determination and independence; respect for the territorial integrity of Namibia; and recognition of SWAPO as the sole representative of the Namibian people. The second of these prior conditions can be considered to have been accepted by the Pretoria Government; not so the third. As for the right of self-determination, it **is subject** to ambiguities and to differences of opinion, and its solution requires the participation of the various **political** parties, including SWAPO. The question which arises is that of trying to find a line of possible understanding and of defining the terms of a negotiation, taking into account the objectives sought **by the** OAU and the United Nations.

100. In our view-and this goes without saying, but it is worth while recalling it, because the international community cannot compromise on fundamental questions-the Council should, first of all, once again stress the provisions of resolution 366 (1974).

101. We believe, furthermore, that a concrete measure likely to promote new developments would be to try to benefit from the OAU resolution 23 (IX) which has set up **the** Special Committee to deal with all problems concerning Namibia, and from one of the positive elements of the South African letter, namely, the offer of the Pretoria Government to receive the President of the United Nations Council for Namibia and the Special Committee of the OAU. We are aware of the fact that positions are currently very far apart and that some wonder whether it would be desirable to send a mission to Pretoria, given the apparent rigidity **of** South African attitudes: However, it seems **clear** that the only way to have the Namibian affair progress peacefully would be to follow this course.

102. We could thus entrust a contact committee with the task of rapidly getting in touch **with the** South African Government and inviting it to negotiate on means that would permit the earliest possible attainment of independence by Namibia, with respect for its territorial integrity and unity. My delegation considers that one of the most appropriate means to attain that objective lies in the organization, under international supervision, of general elections throughout the territory on the basis of universal suffrage. **Such** a consultation should enable Namibia freely to pronounce itself on -its **future** as an independent, sovereign State. It goes without saying that those elections should be held with the participation of all interested parties and movements--a participation to which South Africa seems favourably **disposed**--including the party which is probably the most important of all, SWAPO, since the free exercise of democratic rules is the **only** way of measuring the real authority of the organizations that assure us **that** they represent the Namibian people. Finally, it seems to us that if that procedure were to be adopted, it would be useful to discuss the time-table for the

preparation and organization of the elections. These elections, however, should take place as soon as possible and, in any case, within a year.

103. As for the composition of the mission, it should first, in our view, be studied by Africans because of the essential purpose of the proposed contacts, namely, **I** repeat, a constructive discussion of the ways and means of achieving self-determination for **Namibia**. I wonder--but this is simply a suggestion--whether that contact committee might not, in the spirit **of** Article 33 of the Charter, include the Special Committee of the OAU adopted by resolution 23 (IX) at Dar es Salaam, the President and one or two members of the United Nations Council **for** Namibia, a representative of the Secretary-General of the United Nations, and the Administrative Secretary-General of the OAU.

104. My delegation does not agree with the opinion stated by some, according to whom the situation in Namibia comes under Chapter VII of **the** Charter or under one of its Articles. We could not go along with such a proposal. However, we admit that a serious difference does exist in regard to Namibia. We are prepared to insist on the fact that under the terms of Article 33, "parties to all disputes must seek a solution." My delegation believes that after the failure of recent years, direct contact between Pretoria and the organizations, African ones in particular; which are dealing with Namibia, would constitute a new step. Only this procedure would make it **possible** to dispel the ambiguities which we have all noted in the statements of South Africa on the self-determination of the Territory. The Africans who recently, at Dar es Salaam, **affirmed** their wish to settle the problem preferably by negotiation, might find therein the beginning of a way to do this, and **South** Africa should not refuse to consider the adoption of a perfectly democratic and simple system which consists in appealing for the vote of the entire population concerned. I would add that this procedure would enable it to clarify its responsibility regarding the future political structure of Namibia since, after the election of the constituent assembly, that structure would be defined by the elected representatives of **the** population.

105. It goes without saying-and I am sure that the Council would have no objection -that in accordance with the Dar es Salaam resolution, the mission of which I have just spoken would remain in touch with SWAPO as the political party which will be called upon to play a definite role in the negotiated settlement of the Namibian problem. The absolute declaration adopted by OAU in regard to that party cannot be endorsed by the Council for reasons that are readily understandable. Let us not facilitate **South** Africa's **avoidance** of its duties by leading to believe that we wish to impose from outside a single party system in Namibia. It is no less true that nothing can be done at present without the **participa-**

tion of SWAPO, a participation which the South African Government should accept, since, if I correctly read the letter of 27 May: “**any** political group in the Territory is free to campaign for and propagate any constitutional changes it **likes** and to participate without hindrance in any peaceable political activities ...” [Ibid.]

106. I shall *not* surprise the Council by **reaffirming** at the end of my statement the faith of my country in the United Nations. Just as France has faith in the United Nations **with** regard to dialogues and talks, which we must now **have more** of, so we also have confidence in the role which the Security Council can exercise, with the assistance of the OAU, in bringing about general free elections in Namibia. Turning once again to the Government of Pretoria, I would invite it to renounce the imposition of purely South African solutions in regard to the manner of

consulting a peaceful population which for 55 years has been awaiting an end to its dependence and which threatens no one. What my delegation proposes today is that negotiation and reason be given another chance, thus clearly calling on the South African Republic, which has inherited in Namibia more duties than rights, to favour or at **least** not to oppose the expression of sincere selfdetermination; on Africa not to lose heart and on the United Nations to prepare for a new work of truth.

*The meeting rose at 5.30 p.m.*

Notes

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

<sup>2</sup> *See Official Records of the General Assembly, Twenty-ninth Session, Plenary Meetings, 2258th meeting.*