

UNITED NATIONS

1363-25



SECURITY COUNCIL OFFICIAL RECORDS

UN 107141 V

THIRTY-FIRST YEAR

MAY 28 1985

UN 107141 V 127 112

1954th

MEETING: 31 AUGUST 1976

NEW YORK

CONTENTS

	<i>Page</i>
Provisional agenda (S/Agenda/1954)	1
Adoption of the agenda	1
The situation 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.

1954th MEETING

Held in New York, on Tuesday, 31 August 1976, at 11. a.m.

President: Mr. Isao ABE (Japan).

Present: The representatives of the following States: Benin, China, France, Guyana, Italy, Japan, Libyan Arab Republic, Pakistan, Panama, Romania, Sweden, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America.

Provisional agenda (S/Agenda/1954)

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

The meeting was called to order at 11.30 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Namibia

1. The PRESIDENT: I wish to recall that when the Council considered the question of the situation in Namibia in January it decided in its resolution 385 (1976):

"to remain seized of the matter and to meet on or before 31 August 1976 for the purpose of reviewing South Africa's compliance with the terms of the present resolution and, in the event of non-compliance by South Africa, for the purpose of considering the appropriate measures to be taken under the Charter."

In accordance with that resolution and after consultations with the members of the Council, the Council has been convened to consider the question inscribed on the agenda.

2. I have received a letter from the representative of Madagascar, in his capacity as Chairman of the Group of African States for the month of August, containing a request 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. Accordingly, I propose, in conformity with the usual practice and with the consent of the Council, to invite the representative of Madagascar to participate in the discussion without the right to vote.

3. I invite the representative of Madagascar to take the seat reserved for him at the side of the Council chamber on the understanding that he will be invited to take a place at the Council table when it is his turn to speak.

At the invitation of the President, Mr. Rasolondraibe (Madagascar) took the place reserved for him at the side of the Council chamber.

4. The PRESIDENT: I have also received a letter dated 30 August from the Acting President of the United Nations Council for Namibia containing a request to be allowed to participate in the debate in the Council on this item. It may be recalled that on previous occasions, when the Council was considering the situation in Namibia, it had extended invitations to representatives of the United Nations Council for Namibia—most recently at its 1880th meeting on 27 January 1976. Accordingly, I propose that the Council extend an invitation pursuant to rule 39 of the provisional rules of procedure to the Acting President and four members of the United Nations Council for Namibia.

At the invitation of the President, Mr. Rosenzweig Díaz (Acting President of the United Nations Council for Namibia) and the other members of the delegation took places at the Council table.

5. The PRESIDENT: The first speaker is the representative of Madagascar as Chairman of the African Group. I ask him to take his place at the Council table and to make his statement.

6. Mr. RASOLONDRRAIBE (Madagascar) (*interpretation from French*): I am particularly happy to present to you, Mr. President, the warm congratulations of the African Group on your accession to the lofty functions of President of the Council. The African Group, which has always enjoyed your solicitude and particular friendship and consideration, wishes you a happy and successful end to your presidency, now that your term of office as President of the Council is almost over. We are particularly happy that this debate on the question of the situation in Namibia is being held today under your presidency.

7. The debate which we are beginning today was decided upon last January, and I know that the entire world has awaited this debate with some anxiety and

a great deal of interest. There are many interests involved, but in my statement I shall mention only the base essentials.

8. When I spoke last week on the occasion of Namibia Day, this is what I said:

“That Namibia wishes to be reborn to international life and to resume all the attributes of sovereignty after several decades of German colonization and South African exploitation under the *apartheid* régime, that its people is prepared for this end to commit itself to a battle where the means used are too unequal, reflects but one thing—the futility of measures of oppression, repression and suppression which, even though applied with the frenzy of the South African racists, cannot prevail over the profound aspirations of a people for justice, freedom and national independence.”¹

9. I take the liberty of repeating myself today in order to indicate before this Council that the African Group, of which I have the honour to be the spokesman, understands the struggle of the people of Namibia, is in solidarity with it, gives it its entire support and expresses its admiration for the South West Africa People's Organization (SWAPO) which leads it and for the fighters who wage the good fight.

10. It is an honour for the African Group, at the beginning of the debate today, to be able to participate at this stage of the struggle, whose objectives are in accord with the broader battle that we are waging wherever there is a challenge to the principles of unconditional national independence, respect for territorial integrity, unreserved support for human rights and the application of democratic rules.

11. The self-determination of the Namibian people, which cannot be distorted or confiscated by non-representative groups or illegitimate interests, is of serious concern to us because we are all aware of the difficulties of the problems manifested in the situation in southern Africa.

12. There are difficulties because the racist régime, which we gladly label stupid when it proclaims itself the guardian of Christian civilization in Africa, that régime which we do not take seriously when it claims to be the defender of the last bastion of the so-called free world, that régime succeeds disconcertingly in bargaining with the Western Powers because of its unique geographical and strategic position.

13. There are difficulties because that régime, which has created its power and wealth on the shameless exploitation of African populations, also brilliantly exploits the greed of the imperialist and neo-colonialist interests with which it has a joint cause and which are always prepared through it to pursue manoeuvres which were carried out in the light of day during the recent Angolan conflict.

14. There are difficulties because, in a world which is greedy for raw materials, that régime which is basically illegal manages to ensure for itself a clientele made up of countries which, out of opportunism, refuse to side with the African majority and pretend to ignore the changes announced by the present upheavals in southern Africa.

15. That régime, which knows it is being challenged, which sees its political foundations crumbling and trembles at the thought of losing power, seeks and finds respite among allies which, not content with granting it a semblance of legitimacy and strengthening its economic, military and nuclear potential, also carry out on its behalf a political and diplomatic offensive which is as futile as it is desperate.

16. The surreptitiousness with which those countries maintain their position while making statements contrary to their actions has made them lose in our eyes all moral right to speak to us of their solution for putting an end to minority régimes in southern Africa. Gradualism has been proposed without any concern for the urgency which the oppressed peoples attach to their claims.

17. A certain realism has been suggested to us when there is a danger of alienating the Fascist Powers of southern Africa. A dialogue has been suggested despite the habitual bad faith of the Pretoria régime which, furthermore, has the distinction of obstinately refusing to hold dialogue with the genuine representatives of Azania and Namibia, namely, the African National Congress of South Africa the Pan Africanist Congress of Apania and SWAPO. Can one think of a better proposition than the Lusaka Manifesto,² based on this more positive manner of conceiving a dialogue?

18. It appears that people are less and less inclined to believe or hope that there will be a peaceful solution of the Namibian problem. Is it to be considered an impossible objective?

19. To face the popular battle which is gaining ground, the South African régime has been compelled to introduce in to Namibia armed forces and a police force of 50,000 men, including mechanized infantry battalions with complete armaments such as tanks and helicopter squadrons. In addition it has built up an impressive system of fortifications there in the obvious hope that what did not work in the jungles and rice-fields of Viet-Nam could work on the more arid land of Caprivi, Ovamboland and Okavango.

20. Such reactions from the racist South African régime do not surprise us. It has always placed the boundaries of its national security far beyond its physical boundaries; it has always dreamt of maintaining a protective barrier between South Africa and the independent African States north of the Zambezi River.

21. That régime, which watched in horror as the Portuguese colonial empire crumbled, which sought to halt decolonization by its military intervention in Angola, which today has been forced to accept the inevitable in Zimbabwe; that régime, I maintain, is capable of going to any extreme in a fit of despair. Namibia, which has always been administered as the fifth South African province, is well worth the efforts endured in Angola in a different legal context.

22. Faced with this escalation, the African countries will not change their attitude because we know that the South African régime is insufficiently armed against our strategy based on the legitimate right of oppressed populations and the solidarity of the nations of the black continent with peace- and justice-loving peoples throughout the world. Since the Namibian people, under the impetus of SWAPO, has become aware of its rights and requirements for survival as a modern nation, since it is prepared to face the battle, since it knows that the enemy is not invincible and is daily becoming more embroiled in the mysteries of its contradictions, its complexes and its blemishes, we know that the conditions for final victory are there. The material means and superior weapons of the South Africans will not be a sufficient dissuasive force to divert us from our struggle or to make us change our strategy.

23. We know that despite its bravado, its dodging and the insolent attitude it adopts to the resolutions of the General Assembly and the Security Council the South African régime is very much aware of the danger in which it stands from the combined force of the popular struggle and international public opinion. That is why we shall not fall into the trap of minimizing the role which the United Nations can play in the solution of the Namibian question.

24. We must recognize that it was not without delays and hesitations that the General Assembly arrived, in 1966, at the historic decision [*resolution 2145 (XXI)*] to terminate South Africa's Mandate over Namibia. The first corollary of that decision was to place that Territory under the legal responsibility of the United Nations; the second corollary was that the International Court of Justice in 1971 rendered its advisory opinion³ whereby South Africa's presence in Namibia was henceforth illegal. The United Nations decision involved for it the political commitment to implement the revocation of the Mandate and attain the effective liberation of the Namibian people.

25. Beyond the demands, the appeals and the condemnations which we have voiced; beyond the disappointing experience of the aborted negotiations between the Secretary-General and the Pretoria authorities; beyond the establishment of several institutions—the Council for Namibia, the United Nations Fund for Namibia and now the United Nations Institute for Namibia—and beyond the decision to appoint a United Nations High Commissioner for

Namibia, there are some constant factors which emerge from the action taken by the United Nations.

26. The first, which is undeniable, is the perseverance of the Organization in the political commitment entered into with respect to the Namibian people, in recognizing the legitimacy of its struggle and in giving it moral and material support. The second constant factor is true at least with respect to the majority; it is the will to go beyond symbolism and to exercise real influence for the rapid solution of the Namibian question. The third constant factor concerns our division with respect to the policy of sanctions, and this is of particular interest to the Security Council.

27. The African Group favours a policy of sanctions against the Pretoria régime in the context of the Namibian question as well as in that of the questions of Southern Rhodesia and *apartheid*. The African Group considers that to belong to any organization means that one is committed to complying with its basic rules. As soon as one member violates those rules in a flagrant and repeated manner, there is no alternative other than to take appropriate sanctions against it, which may go as far as expulsion, unless, of course, the organization concerned denies its right to do so thus signing its own death warrant.

28. Sanctions, in our opinion, can also play an important role since they can bear witness to our solidarity with those who for 10 years have been struggling to rid themselves of the domination of the white minority in Namibia and to banish from their country the *apartheid* system and its degrading practices, and to put an end to the imperialist exploitation of their labour and of the resources of their country.

29. Finally, we believe that sanctions can be useful and can contribute to some extent to hastening the cessation of criminal acts and even to redressing the wrongs they have caused. If the effectiveness of sanctions against Rhodesia has been seriously hampered because of the criminal complicity between Mr. Vorster and Ian Smith, that does not mean *a priori* that sanctions against South Africa would not be crowned with success. We see rather in this situation an additional reason to show more firmness and more unity in our ranks, provided we all remain committed to the same objectives in southern Africa.

30. In resolution 385 (1976), the Security Council called for the holding of free elections in Namibia under United Nations supervision and control. The resolution called on South Africa urgently to make a solemn declaration indicating that it accepted the principle of such elections, undertaking to comply with the resolutions and decisions of the United Nations and with the advisory opinion of the International Court of Justice and recognizing the territorial integrity and unity of Namibia as a nation. The resolution concluded by stating that the Council would take

appropriate measures in the event of non-compliance by South Africa with the relevant provisions of the resolution.

31. The only reply was a communiqué dated 18 August [S/12180, annex] published at Windhoek by a committee of the so-called South West African Constitutional Conference. Like SWAPO, the United Nations Council for Namibia lost no time in rejecting the communiqué, and published a statement on the same day which, in part, reads as follows:

“The United Nations Council for Namibia strongly condemns the latest ill-advised strategem of the South African administration in Windhoek as totally lacking in legitimacy, ambiguous and equivocal. The proposals of the so-called Constitutional Conference do not even approach any of the requirements for genuine self-determination and independence laid down by the United Nations. These proposals make no mention of the elimination of *apartheid* legislation. They merely seek to perpetuate the homelands (bantustan) policies with all their deleterious effects on the integrity and unity of the Namibian people. They are also silent about free elections under United Nations supervision and control. They totally ignore SWAPO, which has been recognized by the Organization of African Unity and the United Nations as the authentic representative of the Namibian people. There is no undertaking to release political prisoners or to allow the return of political exiles. The date suggested, that is, 31 December 1978, constitutes an unjustifiable prolongation of the illegal South African occupation. The reference to unity is couched in ambiguous terms without specifically recognizing the territorial integrity of Namibia as a unitary State. The references to the rejection of any attempt to solve the problems of Namibia by force are, to say the least, paradoxical in the light of the institutionalized brutality under the Repression of Terrorism Act and other rules and regulations, which give a free reign to the most blatant and ruthless violation of all principles of human rights and freedoms as proclaimed by the Charter of the United Nations and the Universal Declaration of Human Rights.” [S/12185, annex, para. 6].

32. The African Group endorses the observations of the United Nations Council for Namibia. We conclude that South Africa has not complied with the provisions of resolution 385 (1976) and that the Council today finds itself under the obligation to take the appropriate measures mentioned in paragraph 12 of that resolution.

33. At a time when the Council is about to debate the nature and scope of these measures, I should like, on behalf of the African Group, to offer the two following comments.

34. First, we are aware of the tragedy through which the Namibian people is passing and the least of its problems is not the divisive manoeuvres undertaken by the South African régime. That régime seeks to place the tribes in opposition to each other and to set the fighters of SWAPO against the rest of the population. Without overlooking what the United Nations has done so far to help the Namibian people to liberate its territory, it seems to us that our solidarity with the Namibian people must be reflected in the constant defence of its national unity and its territorial integrity. Only the organization of free elections under United Nations supervision and control can achieve these objectives, and the South African régime must be compelled to abandon the formula now proposed, which at best would assure for the Namibian people only a doubtful representation in the future entity which will govern the country.

35. Secondly, South Africa, as we have said, is waging a real war in Namibia in contravention of the preamble to the Definition of Aggression annexed to resolution 3314 (XXIX), which reaffirms the duty of States not to use armed force to deprive peoples of their right to self-determination, freedom and independence, or to disrupt territorial integrity. In the case of Namibia, this fact is aggravated, on the one hand, by the fact that South African troops are acting in a territory over which South Africa holds no title and, on the other, because of the fact that the territory of Namibia has repeatedly been used as a base for aggression against neighbouring independent countries. We have no doubt of the applicability to this situation of resolution 3314 (XXIX) and, accordingly, of the applicability of Chapter VII of the Charter.

36. On the basis of narrow juridical concepts, some in our Organization refuse to admit that the problems of Namibia, Southern Rhodesia and South Africa from the same root, the same refusal to allow the African majority to assume power. People refuse to recognize that these problems therefore require the same solution; the three situations have evolved similarly this year, in that they have become more serious, while and offensive is being aimed at separating the problems and at concentrating diplomatic and other efforts on Rhodesia rather than elsewhere.

37. By virtue of what criteria has the decision been arrived at to consider that one problem has priority in respect of another? At what cost was the understanding arrived at whereby one would first of all attack the peripheral problem of Rhodesia, which is already at an advanced stage of deterioration, instead of striking directly at the core, the Pretoria régime? Indeed, it is from there that all the nefarious influences which are poisoning the whole of southern Africa emanate. The unholy alliance with the former Portuguese régime, the sabotage of sanctions against Rhodesia, military interventions against Angola and Zambia, the manoeuvre for division with regard to the problems of dialogues, the exporting of the *apartheid* system to

Namibia and the Vietnamization of that country—only one brain has conceived and executed all these crimes, which are but the ramifications of the policy of *apartheid*. It is the fundamental unity of the three problems that are in abeyance which we must recognize, and, strategically, one could not claim to find a final solution for one or the other without first destroying the keystone.

38. There is an opportunity before the Council today which is derived from this unity, and that is to vote sanctions within the framework of the Namibian question which would directly affect the South African régime as though they had been voted on within the framework of the *apartheid* question. Such a decision from the Council at this stage would contribute to refocusing the debate instead of diffusing it, as some have now proposed doing with unseemly pride. Not only the Namibians, but all those who aspire to the genuine liberation of the African continent would be grateful to the Council.

39. Having concluded my statement, I should like now to read out the text of a cable we have just received from Mr. Sam Nujoma, President of SWAPO, which confirms a decision taken previously by the African Group with the co-operation of the local representatives of SWAPO:

“Suggest Security Council meeting held mid-September to enable full participation Foreign Ministers attending General Assembly as agreed OAU Mauritius and non-aligned meeting Colombo.”*

* Quoted in English by the speaker.

40. Mr. President, I believe that I have already informed you of our desire at this stage to suspend the debate until some subsequent date to be determined by your successor.

41. The PRESIDENT: The Council will take note of the message transmitted to us by the representative of Madagascar.

42. There are no further names on the list of speakers for this morning's meeting. If no member wishes to speak, I shall adjourn the meeting. Before adjourning, however, I should like to say a few words.

43. Today, 31 August, is the last day of my presidency of the Council and tomorrow the presidency will be turned over to our colleague from the Libyan Arab Republic, Ambassador Kikhia. I should like to express my gratitude to the members of the Council and their delegations, the Secretary-General and the Secretariat for their help and co-operation in the fulfilment of my duties as President.

The meeting rose at 12.10 p.m.

Notes

¹ This statement was made at the 236th meeting of the United Nations Council for Namibia, the official records of which are published in Summary form. See A/AC.131/SR.236.

² *Official Records of the General Assembly, Twenty-fourth session, Annexes*, agenda item 106, document A/7754.

³ *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. Reports 1971*, p. 16.