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NOTE

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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.

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2267th MEETING

Held in New York on Tuesday, 21 April 1981, at 6.30 p.m.

President: Mr. Noel DORR (Ireland).

Present: The representatives of the following States: China, France, German Democratic Republic, Ireland, Japan, Mexico, Niger, Panama, Philippines, Spain, Tunisia, Uganda, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

Provisional agenda (S/Agenda/2267)

1. Adoption of the agenda
2. The situation in Namibia:
Letter dated 10 April 1981 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council (S/14434)

The meeting was called to order at 6.50 p.m.

Statement by the President

1. The PRESIDENT: As this is the first time that I have had occasion to preside over a formal meeting of the Council since my country took its place in the Council on 1 January, I should like at the outset to say that I am honoured to do so, especially at the start of such an important debate. As President I shall try to act with fairness and try to promote harmony and progress in our discussions. In doing so, I hope and believe that I can count on the co-operation and good will of all the delegations on the Council towards me and my country.

Expression of welcome to Ministers for Foreign Affairs of member States of the Council

2. The PRESIDENT: I should also like at the very outset of this meeting to acknowledge the presence at this table of distinguished Ministers for Foreign Affairs, to whom on behalf of the Council I extend a very warm welcome. They are Mr. Daouda Diallo, Minister for Foreign Affairs and Co-operation of the Niger; Mr. Jorge Enrique Illueca, Minister for External Relations of Panama; and Mr. Albert Picho Owiny, Minister of State for Foreign Affairs of Uganda.

Expression of thanks to the retiring President

3. The PRESIDENT: As this is the first meeting of the Council for the month of April, I should like on

behalf of the Council to pay tribute to my predecessor, Mr. Peter Florin, Permanent Representative of the German Democratic Republic, who presided over the Council during the month of March, for the great diplomatic skill, tact and courtesy with which he conducted the business of the Council at all times.

Adoption of the agenda

The agenda was adopted.

The situation in Namibia:

Letter dated 10 April 1981 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council (S/14434)

4. The PRESIDENT: I should like to inform members of the Council that I have received letters from the representatives of Algeria, Angola, Benin, Cuba, Ethiopia, Guinea, India, Indonesia, Jamaica, Mozambique, Nigeria, Senegal, Sierra Leone, South Africa, Sri Lanka, Togo, United Republic of Tanzania, Yugoslavia, Zaire, Zambia and Zimbabwe, in which they request to be invited to participate in the discussion of the item on the agenda. In accordance with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion without the right to vote in accordance with the relevant provisions of the Charter and rule 37 of the provisional rules of procedure.

At the invitation of the President, Mr. Bedjaoui (Algeria), Mr. de Figueiredo (Angola), Mr. Houngavou (Benin), Mr. Malmierca (Cuba), Mr. Gedle-Giorgis (Ethiopia), Mr. Coumbassa (Guinea), Mr. Krishnan (India), Mr. Kamil (Indonesia), Mr. Shearer (Jamaica), Mr. Lobo (Mozambique), Mr. Baba (Nigeria), Mr. Niassé (Senegal), Mr. Conteh (Sierra Leone), Mr. Fourie (South Africa), Mr. Hameed (Sri Lanka), Mr. Akakpo-Ahiany (Togo), Mr. Salim (United Republic of Tanzania), Mr. Vrhovec (Yugoslavia), Mr. Kamanda wa Kamanda (Zaire), Mr. Lusaka (Zambia) and Mr. Mashingaidze (Zimbabwe) took the places reserved for them at the side of the Council chamber.

5. The PRESIDENT: I should also like to inform members of the Council that I have received a letter dated 20 April from the President of the United Nations Council for Namibia, which reads as follows:

"I have the honour to convey to you, on behalf of the United Nations Council for Namibia, the interest of the Council in participating in the forthcoming Security Council debate on the question of Namibia.

"The Steering Committee of the United Nations Council for Namibia has appointed a delegation led by myself as President of the Council and including the following Vice-Presidents: Mr. Mohammed Bedjaoui, Permanent Representative of Algeria; Mr. Noel G. Sinclair, Permanent Representative of Guyana; Mr. Natarajan Krishnan, Permanent Representative of India; Mr. A. Coşkun Kirca, Permanent Representative of Turkey; Mr. Miljan Komatina, Permanent Representative of Yugoslavia."

6. On previous occasions the Security Council has extended invitations to representatives of other United Nations bodies in connection with the consideration of matters on its agenda. In accordance with past practice, therefore, I propose that the Council extend an invitation pursuant to rule 39 of the rules of procedure to the President of the United Nations Council for Namibia and the delegation of the Council.

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

7. The PRESIDENT: I should like to inform members of the Council that I have received a letter dated 20 April from the representatives of France, the United Kingdom of Great Britain and Northern Ireland and the United States of America [S/14451], which reads as follows:

"We have the honour to refer to the request circulated on 16 April from Mr. Peter Kalangula and the others associated with his request to the President of the Security Council to speak at the forthcoming discussion of the Council concerning the situation in Namibia. In accordance with the usual practice of the Council in inviting persons whom it considers competent for the purpose to supply it with information, we request that, in the course of the forthcoming discussion of the Council concerning the situation in Namibia, an invitation under rule 39 of the provisional rules of procedure should be extended to Mr. Peter Kalangula and the others associated with his request. We would of course similarly support applications from other persons competent for the purpose who requested the opportunity to speak at the meeting in order to supply the Council with information on this matter."

8. Is there any objection to this proposal?

9. Mr. ILLUECA (Panama) (*interpretation from Spanish*): Mr. President, first of all I should like to congratulate you on your accession to the presidency of the Security Council. You may rest assured that we shall give you our full co-operation.

10. My delegation would associate itself with the words of gratitude that you quite rightly addressed to your predecessor, Mr. Peter Florin, head of the delegation of the German Democratic Republic, for the way in which he conducted the business of the Council during the month of March.

11. My delegation, like the delegations of other members of the Council that belong to the non-aligned movement, as well as other delegations, considers that the request which appears in document S/14451 gives rise to certain objections because, as the document states, it relates to the request distributed on 16 April from the President of the so-called Democratic Turnhalle Alliance (DTA) of Namibia. That is a political entity, whose juridical personality flows from an administrative act by the Government of South Africa, which does not have the legal authority to take decisions of such a nature, obviously relating to electoral activities in Namibia.

12. That is why we consider that this request is not in line with the provisions of rule 39 of the provisional rules of procedure nor with the provisions of Council resolution 439 (1978), which hold that an entity of this kind does not have the valid personality to take part in the debate. Therein lies the objection which leads me to ask that the request at issue be put to the vote.

13. Mr. LEPRETTE (France) (*interpretation from French*): Mr. President, I should like at the outset, on behalf of the French delegation, to convey to you our most sincere congratulations on your assumption of the lofty position of President of the Security Council for this month. I have had the privilege of knowing you throughout my career and have appreciated and admired your abilities as a negotiator, your spirit of co-operation and your will to succeed. You have already demonstrated those qualities since taking up your duties. All our good wishes are with you as you begin to guide our work in this difficult and major debate.

14. I should also like to pay a tribute to your predecessor, Ambassador Florin, who demonstrated very remarkable qualities throughout the month when he was President and guided our work.

15. By letter of 20 April, the delegations of France, the United Kingdom and the United States asked that favourable action be taken on the request made by Mr. Kalangula on 16 April to address the Council during its consideration of the situation in Namibia. Our request is based on rule 39 of the provisional rules of procedure, by which the Council is authorized to invite persons whom it considers competent for the purpose to supply it with information. Mr. Kalangula represents a Namibian political party and spoke at the pre-implementation meeting held at Geneva last January.

16. It seems to us that one of the main functions of the Organization is to make possible the expression of

the most diverse opinions within the framework of United Nations deliberations. The free circulation of ideas, the comparison of points of view, are means of negotiation which, to our mind, should not be disregarded. There is no need to recall that my delegation has always in the past supported the participation of a representative of the South West Africa People's Organization (SWAPO) in our deliberations on this matter. The question before us relates to the procedure of the Council. It is not, however, unrelated to the substance of the Namibian question. Council resolution 435 (1978) provides for the organization of free and fair elections in the Territory. We think that the Council should hear the opinions of those who will be participating in those elections.

17. Mr. OTUNNU (Uganda): Since this is the first time that my delegation has spoken this month, allow me to express our warm congratulations to you, Mr. President, on your election to the high office of the presidency of the Council. We are sure that, under your wise leadership and given your diplomatic skills and political wisdom, the Council will discharge its responsibility wisely and swiftly.

18. May I also take this opportunity to pay a tribute to Ambassador Florin, the President of the Council for the month of March, for the very inspiring and energetic leadership he gave to the Council.

19. Turning now to the request contained in document S/14451, my delegation must express its astonishment that it has become necessary for the Council to take a procedural decision on whether or not the entity known as DTA should participate in the work of the Council.

20. It is clear that the situation in Namibia consists of two clear forces, well recognized by the whole international community. There are, on the one hand, the forces and the power of occupation—illegal occupation—represented by South Africa and various puppets; and there are, on the other, the forces of self-determination and independence represented by the vast majority of the people of Namibia. There are only two forces poised in the situation: one represents a continuous act of illegality and the other represents a resistance to that illegality.

21. The United Nations, for its part, has pronounced on the illegality of the continued occupation of Namibia. That pronouncement was reinforced by an advisory opinion of the International Court of Justice¹ and has been reinforced also by resolutions of the Security Council and of the General Assembly.

22. It would therefore be extremely odd for the Council, the highest organ of the United Nations, to begin now to give some semblance of recognition to the elements which constitute the forces that are illegally occupying the Territory of Namibia. Indeed, it would be contrary to the clear decision of the Council. And

I wish to refer specifically to Security Council resolution 439 (1978), paragraph 3 of which reads as follows:

“Declares those elections and their results null and void and states that no recognition will be accorded either by the United Nations or any Member State to any representatives or organ established by that process”.

23. That was the resolution which declared null and void the sham elections organized in Namibia, and which declared null and void any system of representation arising out of those sham elections. The DTA is a direct product of the sham elections organized by the occupying Power, and, therefore, the provisions of paragraph 3 of resolution 439 (1978) apply clearly to DTA. To admit DTA here to address the Council on the question of Namibia would be to go some way towards revoking that resolution. There is no constitutional or political provision for the Council to revoke its resolution—a substantive resolution—through a procedural method.

24. For those reasons, my delegation would oppose the participation of the so-called DTA in the deliberations of the Council when it discusses the question of Namibia, because DTA is part and parcel of the instrument, the tool, of illegal occupation which the Council and the whole United Nations have been fighting since 1966, when South Africa's Mandate was terminated by the General Assembly [*resolution 2145 (XXI)*].

25. Mr. WHYTE (United Kingdom): Mr. President, I should like first to add my voice to those of the representatives who have already congratulated you on your assumption of this extremely important office for what is, I think, the first time. Perhaps I could add on a more personal note a friendly greeting to a friend and cousin from across the Irish Sea.

26. I should also extend my congratulations to your predecessor, the representative of the German Democratic Republic, *in absentia*.

27. Turning now to the matter which we are here discussing, my delegation added its signature to the request from Mr. Kalangula of DTA to be allowed to address the Council in the course of the debate on which we are now embarking because in our view it is absolutely clear under rule 39 of the provisional rules of procedure that he is competent to speak as an individual, and on behalf of his political party, and to supply the Council with relevant information on the situation in Namibia. There is no doubt, in our view, that rule 39 applies, fair and square, to his case.

28. Resolution 435 (1978), which endorses the five Western States' settlement proposal [*S/12636 of 10 April 1978*], calls for free and fair elections in Namibia under United Nations supervision and control. It is therefore fully in accordance with the spirit of that

resolution that all Namibian political parties, without distinction, should be granted equal treatment by the Council. As we made clear in our letter to you, we would support the application of any of the Namibian political parties which sought to speak at meetings of the Council. It seems to us that simple justice demands a fair hearing for all interested parties.

29. Resolution 439 (1978), to which reference was made by the Minister for External Relations of Panama and then by the representative of Uganda, who quoted from that resolution, is not in our view applicable to this case, since Mr. Kalangula, in his request to the President, did not claim to speak as a representative of, or on behalf of, an organ established by the process which that resolution declared to be null and void. He asked merely to speak as a representative of a political party, and in our view he should be accorded that right.

30. Mrs. KIRKPATRICK (United States of America): I too, Mr. President, should like to begin by adding our voice to those of other representatives who have congratulated you on your accession to the presidency of the Council. Even more, I should like to congratulate us, this body, for having such an indefatigable, imaginative and altogether excellent President.

31. I regret that Ambassador Florin is not here so that I could thank him personally for his marvellous performance as our President last month. I do not pretend to be an expert on these matters, but I must say that he seemed to me an exemplary President.

32. Turning now to the matter before us. I should like to emphasize that the United States believes it a very important matter of principle that all individuals with relevant information to impart to the Council should be permitted to speak under rule 39 of the provisional rules of procedure.

33. We believe that there are two important issues here. One is whether the United Nations, through the Council, is and should be willing to listen to a party to any important question before it, assuming that an application has been made in accordance with the rules of the body. The second is whether it matters whether the United Nations—and the Council through which it acts—is willing to listen to any such group.

34. It seems to us that no one here tonight requests of the Council that it should agree to agree with the analysis or the position of DTA; no one asks that anyone in the Council support the positions of, or the arguments which will be made by, the representatives of DTA. We ask merely that the Council hear the representatives of this group of Namibians. We do not purport to know how many Namibians support this party or any other party. We will not know the answer to that question unless, or until, free elections are held in that country—if, indeed, they can ever be arranged. We only know that some Namibians support this party.

35. Therefore, the question, it seems to us, is whether the members of the Council should stifle in this arena the expression of DTA's opinion merely because the majority of the Council expects to disagree with that opinion. Is the majority of the Council ever justified in refusing even to listen to the arguments of a group whom some of its members desire to have heard? We think not. We think further that the stakes here are very high. By their actions on such a fundamental matter of principle—and the principles which are involved seem to me to be the most fundamental: fairness, democratic spirit, even-handedness—the United Nations and the Security Council define themselves. The Council damages its capacity to act as a forum, as a peace-maker, as an impartial mediator that can be trusted to treat all parties fairly.

36. If the Council were to deny DTA the right even to be heard, then the Council would, it seems to me, damage precisely those principles on which the United Nations itself is based: those principles of reason, discussion, representation. It is as easy to damage these principles of reason, discussion, representation as it is to silence dissent.

37. I hope the members of the Council will consider very carefully before they vote which course—listening to DTA or not listening to DTA—will be most consistent with the principles of the United Nations and the peace and independence of Namibia.

38. Mr. TROYANOVSKY (Union of Soviet Socialist Republics) (*interpretation from Russian*): Mr. President, I do not know across which waters I should welcome you—perhaps the Baltic or the North Sea. In any case, the Soviet delegation joins other delegations in the congratulations addressed to you on your assumption of the presidency of the Council for this month. We are sure that under your guidance the Security Council will make a positive contribution towards accomplishing the tasks facing it. You can count on the full co-operation of the delegation of the Soviet Union.

39. We should like also to associate ourselves with the words of gratitude that have been expressed to the representative of the German Democratic Republic, Ambassador Florin, who was so successful in discharging his duties as President of the Council last month.

40. We should like also to welcome the large number of Ministers for Foreign Affairs who have come here for the Council's consideration of the question of Namibia. Their presence shows the importance that the international community accords to the question now before the Council. We are sure that their participation in the Council's work will have a positive influence on resolving the Namibian issue.

41. The Soviet delegation would like to support the representatives of African and other States who have

spoken out against the request contained in document S/14451, which would allow certain persons to participate in the Council's debate on the question of Namibia. As is well known, in its resolution 439 (1978), the Council condemned the decision of the Government of South Africa to proceed with elections in the Territory in violation of resolutions 385 (1976) and 435 (1978). It declared "those elections and their results null and void" and stated that "no recognition will be accorded either by the United Nations or any Member States to any representatives or organ established by that process".

42. Since the persons referred to in the letter in document S/14451 are precisely persons whose credentials were directly refuted in resolution 439 (1978), allowing them to participate in the Council's deliberations on Namibia would be tantamount to violating the Council's own decisions, and in particular resolution 439 (1978).

43. The delegation of the Soviet Union regards this as a matter of principle and will vote against the request contained in document S/14451.

44. The PRESIDENT: Since no other representative wishes to speak, it seems to me that the position is this: The Council has before it a proposal contained in document S/14451, submitted by the delegations of France, the United Kingdom and the United States; objection has been made to that proposal. I shall therefore ask the Council to proceed to a vote on that proposal.

A vote was taken by show of hands.

In favour: France, Ireland, Japan, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America

Against: China, German Democratic Republic, Mexico, Niger, Panama, Philippines, Tunisia, Uganda, Union of Soviet Socialist Republics

There were 6 votes in favour and 9 against. The proposal was not adopted.

45. The PRESIDENT: I shall now call on those representatives who wish to explain their vote.

46. Mr. NISIBORI (Japan): First of all, I should like to congratulate you, Mr. President, the representative of an island country like mine, on your assumption of the presidency of the Council for this month. I am sure that under your able guidance the Council will be successful in meeting the serious challenges confronting it.

47. I should like also to extend our thanks to our colleague Ambassador Florin of the German Democratic Republic for the skill and wisdom with which he conducted the work of the Council last month.

48. I turn now to the matter before us. My delegation has voted in favour of an invitation to DTA because it is the view of this delegation that the Security Council, whose responsibility is to seek peaceful and practical solutions to disputes, should hear the range of views of those substantially concerned, and that decisions to invite such persons should be dealt with purely as procedural matters. From this point of view, despite Japan's strong opposition to the policies of *apartheid* and the practice of minority rule, my delegation has supported, as a purely procedural matter, an invitation to DTA. My delegation considers that such an invitation would have also been useful in demonstrating that accusations of United Nations partiality are unfounded.

49. Mr. ZACHMANN (German Democratic Republic): Mr. President, first of all, permit me to congratulate you on your assuming the office of President of the Council for the month of April. We wish you success in the performance of your responsible tasks. I thank you and our colleagues for the kind words addressed to Ambassador Florin, who very soon will return to New York.

50. My delegation, for well-known reasons, voted against the request made in document S/14451. The so-called Democratic Turnhalle Alliance does not in any way represent the people of Namibia. The Organization of African Unity, the non-aligned movement and the General Assembly have emphatically and in strong terms confirmed this assessment—the Assembly only a few months ago, during its thirty-fifth session.

51. Furthermore, the request contained in document S/14451 contradicts resolution 439 (1978), as already mentioned by the Minister for External Relations of Panama and the representative of Uganda. Consequently, the question of the participation of DTA was, from the very outset, pointless.

52. Mr. de PINIÉS (Spain) (*interpretation from Spanish*): I wish to join the preceding speakers in congratulating you, Mr. President, on your assumption of the presidency of the Council and to add that in the discharge of your responsibilities you will, of course, always have our co-operation.

53. May I also extend our cordial greetings to Ambassador Florin and congratulate him on the way in which he presided over the Council during the month of March.

54. My delegation voted in favour of the request contained in document S/14451, as it will also vote in favour of the request contained in document S/14452. It has done so, and will do so following a tradition and under rule 39 of the rules of procedure. This has no more significance than that which the rule attributes to the presence of such persons in this Council. We also wish to receive as much information as possible.

55. Of course, we are familiar with the role of each of these organizations, and in no way do we equate them as to their representation, as we have shown on many occasions in the past when the question of Namibia was being considered.

56. The PRESIDENT: As no other delegation wishes to explain its vote, I should now like, as representative of IRELAND, to explain our vote on the proposal to invite Mr. Kalangula and others, as contained in document S/14451.

57. While we did not ourselves put forward that proposal, we voted in favour of it. We did so as a matter of principle, and not because we wished to single out any particular group or to confer on it any particular status. We would also have voted in favour of other, similar invitations had such been proposed, as we consider that the Council should not be restrictive in its application of rule 39 of its rules of procedure in discussing an issue such as that before us. I want, however, to make quite clear our view, which we believe to be in accordance with the Council's past practice, that, when the Council decides to give a hearing to an individual under rule 39, the Council makes no judgement as to the representative nature of any body to which the individual belongs.

58. For our part, it should be clear that our vote does not imply that we regard the so-called Democratic Turnhalle Alliance as representative of Namibia, or give it recognition in the sense of paragraph 3 of resolution 439 (1978). I want to state quite clearly that Ireland remains strongly committed to the full and rapid implementation of resolution 435 (1978), which would enable the people of Namibia to determine their own future, in free and fair elections under the supervision and control of the United Nations.

59. That is the end of my explanation of vote, and I now resume my function of PRESIDENT of the Council.

50. I should like to inform members of the Council that I have received a letter, dated 20 April, from the representatives of the Niger, Tunisia and Uganda [S/14452], which reads as follows:

"We, the undersigned members of the Security Council, have the honour to request that the Council extend an invitation under rule 39 of its provisional rules of procedure to Mr. Peter Mueshihange, Secretary for Foreign Relations of the South West Africa People's Organization, during the course of the Council's consideration of the item 'The situation in Namibia'."

May I take it that there is no objection to this request?

At the invitation of the President, Mr. Peter Mueshihange took a place at the Council table.

61. Mr. LEPRETTE (France) (*interpretation from French*): Speaking on behalf of the three delegations which signed the letter circulated under the symbol S/14451, I wish to note that the decisions just taken on two requests to speak in the Council have not achieved the same result. One can only express surprise at this and wonder whether such a result does not reflect regrettable discrimination between various parties which are or should be participants in the settlement of the Namibian question. Our countries were in favour of the two requests to speak submitted under rule 39 of our provisional rules of procedure. Rest assured that we did so out of respect for custom, a sense of equity and the desire for broad information, which have traditionally characterized the Council's deliberations.

62. The PRESIDENT: The Council is meeting today in response to a request from the representative of Uganda, on behalf of the Group of African States at the United Nations, in a letter addressed to the President of the Security Council [S/14434].

63. Members of the Council have before them the following documents: S/14423, which contains the text of a note by the Secretary-General dated 1 April drawing the Council's attention to General Assembly resolutions 35/227 A, I and J, concerning the question of Namibia, and document S/14333, which contains the text of a further report of the Secretary-General concerning the implementation of resolutions 435 (1978) and 439 (1978).

64. Mr. OWINY (Uganda): It gives me great pleasure, Mr. President, to convey to you, on behalf of the Uganda delegation, our warm congratulations on your assumption of the high office of President of this Council. Your personal commitment to the pursuit of peace and justice, your diplomatic and negotiating skills, as well as the well-known contribution of your country to the cause of international peace and security, all give us great confidence that under your presidency the Council will discharge its responsibilities with wisdom and boldness.

65. I wish also to take this opportunity to pay a tribute to your predecessor, Ambassador Florin of the German Democratic Republic, for the very inspiring and dedicated leadership he gave the Council during the month of March. It was an honour and a pleasure for my delegation to work under his leadership in the Council.

66. My delegation requested this meeting of the Council on behalf of the Group of African States in order to consider the question of Namibia in the light of South Africa's continued refusal to implement various Security Council resolutions on Namibia.

67. It was here at the United Nations last year that we celebrated the twentieth anniversary of the Declaration on the Granting of Independence to Colonial

Countries and Peoples. We noted then with satisfaction that a large number of colonial peoples had achieved independence since the adoption of resolution 1514 (XV) by the General Assembly in 1960. But conspicuously missing from this otherwise proud list was the people of Namibia. This fact remains all the more disturbing and ironic since Namibia, as no other Territory, has been the unique responsibility of the United Nations.

68. The history of Namibia is the history of a continual betrayal of trust. It is a bitter history of a people struggling and waiting; a people struggling against the oppression of foreign occupation and waiting for the international community to act and to restore their rights.

69. The process of occupation in Namibia has continued uninterrupted for close to 100 years now, beginning with the original colonization by imperial Germany in 1884. With the defeat of Germany in the First World War rose the hopes of the people of Namibia for a speedy restoration of their rights. But these hopes soon came tumbling down when the League of Nations decided under its Mandates System to replace German colonial occupation by the even more pernicious occupation by racist South Africa.

70. It is no wonder that, instead of the so-called system of tutelage provided for in Article 22 of the Covenant of the League of Nations, South Africa proceeded to organize a programme of systematic oppression in Namibia. Instead of applying the principle of Article 22 of the Covenant, which stated that "the well-being and development of such peoples form a sacred trust of civilization", South Africa instituted a system for the ruthless exploitation of the human and natural resources of Namibia. In short, under the League of Nations the people of Namibia witnessed the betrayal of a trust.

71. With the demise of the League of Nations and the birth of the United Nations, the people of Namibia reposed new hopes in the new Organization. Soon these hopes too came tumbling down. South Africa, though a signatory to the Charter of the United Nations, refused to place Namibia under the new Trusteeship System as provided under Chapter XII of the Charter. Moreover, it repudiated all its obligations under the old Mandates System.

72. After all attempts to persuade South Africa to comply with the provisions of Chapters XI and XII of the Charter had failed, the General Assembly finally decided, in resolution 2145 (XXI), to terminate South Africa's Mandate over Namibia. In the same resolution the General Assembly decided to place Namibia under the direct and sole responsibility of the United Nations. From that time, South Africa's occupation, which has continued in fact, has been an act of illegality.

73. Upon the request of the Security Council, the International Court of Justice issued an advisory opinion on Namibia¹ on 21 June 1971, in which it held that South Africa's Mandate had been validly terminated by the General Assembly and that South Africa's continued occupation of Namibia was therefore illegal. Because of that illegality, the Court concluded that South Africa was under obligation to withdraw immediately from Namibia. It will be recalled that the decision of the Court was upheld by the Security Council in resolution 301 (1971). That position has been reaffirmed in all subsequent resolutions of the Council concerning Namibia.

74. That, then, is the background to the illegality about which we are holding deliberations today. Now, what has been the response of the Council so far to this act of illegality? Regrettably, thus far the response of the Council—which has come in phases—has been tentative and indecisive. Broadly speaking, the Council has responded in three phases to South Africa's illegality.

75. In the first phase, which began with resolution 264 (1969) in March 1969, the Council repeatedly called on South Africa to withdraw from Namibia. During that phase the Council also addressed repeated appeals to all States having dealings with South Africa to refrain from any contacts which might imply recognition of the authority of South Africa over Namibia. Because South Africa would not co-operate, those attempts of the first phase yielded no results whatsoever.

76. The second phase of response, which might be called the period of dialogue, began in earnest in February 1972 during the Council's meetings in Addis Ababa [1627th to 1639th meetings]. In its resolution 309 (1972), the Council charged the Secretary-General with the task of initiating contacts with all parties concerned, including South Africa, in order to expedite the process of independence for Namibia. Those efforts at dialogue had to be abandoned in 1973 because South Africa refused to co-operate with the Secretary-General.

77. After a long impasse, in April 1978 the Council began a third phase of response, which might be called the period of resumed dialogue. This time the Council had before it the settlement proposal of the five Western members of the Security Council [S/12636]. That proposal eventually culminated in resolution 435 (1978) and the United Nations plan of action for the independence of Namibia, which provides for a ceasefire, United Nations-supervised elections and the establishment of a United Nations Transition Assistance Group in Namibia.

78. Although the Pretoria régime had accepted the Western States plan before, South Africa has since employed every trick and deception in the book to wreck that plan and prevent the implementation of

resolution 435 (1978). As is now well known, this phase of resumed dialogue finally ended last January in the debacle at Geneva.

79. The Secretary-General's report on the Geneva talks [S/14333] was presented to the Council on 30 January 1981.

80. In spite of SWAPO's declared willingness to sign a cease-fire agreement and submit to United Nations-supervised elections, South Africa was interested only in using the Geneva talks as a propaganda platform.

81. Resolution 435 (1978) was a Western initiative. We accepted it reluctantly, but in good faith, on the understanding that the five Western Powers for their part would exert pressure on South Africa to comply with the United Nations plan. The lesson of Geneva, to our deep regret, is that the five Western Powers have failed to apply pressure on South Africa. Indeed, South Africa has been strengthened in its arrogance and intransigence by public words of comfort and support which have recently been flowing in favour of South Africa from a prominent member of the group of five Western Powers.

82. It is almost 15 years since the General Assembly terminated South Africa's Mandate over Namibia [resolution 2145 (XXI)]; still, the Security Council has not succeeded in bringing to an end this illegal occupation. The Council cannot allow this state of affairs to continue indefinitely. In this regard, the International Court of Justice, in paragraph 117 of its opinion of 21 June 1971, made the following categorical determination:

"A binding determination made by a competent organ of the United Nations to the effect that a situation is illegal cannot remain without consequence. Once the Court is faced with such a situation, it would be failing in the discharge of its judicial functions if it did not declare that there is an obligation, especially upon Members of the United Nations, to bring that situation to an end."¹

That decision entails a legal consequence—namely, that of putting an end to an illegal situation.

83. The Council has so far failed to put an end to South Africa's act of illegality because it has continually adopted lukewarm and indecisive measures. Yet South Africa's continued occupation of Namibia is no ordinary act of illegality. This particular act of illegality has given rise to consequences of the gravest magnitude. The situation has been characterized by a serious threat to international peace and constant acts of aggression, all of which fall within the purview of Article 39 of the Charter. These developments have now combined to constitute a clear breach of international peace and security within the meaning of Article 39 of the Charter of the United Nations.

84. The following are the specific elements of breach of international peace and security created by South Africa's continued illegal occupation of Namibia.

85. First, there is South Africa's massive military presence in Namibia, which is the means by which it ensures the forcible occupation of the Territory.

86. Secondly, South Africa continues to use the Territory of Namibia as a springboard for launching constant armed attacks against the neighbouring countries. The Council is familiar with these repeated acts of aggression: in July 1976 the Council adopted resolution 393 (1976), following South Africa's aggression against Zambia; and in May 1978 the Council adopted resolution 428 (1978), following a massive South African attack on the Angolan town of Cassinga. There have been many other acts of aggression against Angola, Botswana and Zambia which have not been formally considered by the Council. Indeed, over the last few months we have witnessed an escalation of these attacks. What South Africa has launched from the Territory of Namibia is nothing short of a systematic and comprehensive programme of violent destabilization of the entire region of southern Africa.

87. Thirdly, South Africa has organized an elaborate machinery of repression, of which execution, torture, detention and forced labour are common features. The people of Namibia are naturally resisting the illegal occupation. The ensuing conflict between the Namibian patriots, on the one hand, and the occupying Power, on the other, has now reached a very dangerous level indeed. The Council, beginning with its resolution 269 (1969), has long recognized the legitimacy of the struggle of the Namibian patriots against South African occupation. The conflict cannot therefore come to an end until the complete withdrawal of South Africa from Namibia.

88. Fourthly, in spite of the provisions of the Charter and various resolutions of the Security Council and of the General Assembly, South Africa has persisted in its design to dismember the Territory of Namibia through the purported annexation of Walvis Bay.

89. It is not often that the Council is faced with a situation where the illegality of one State gives rise to consequences that exhaust all three categories of Article 39 of the Charter, namely, threat to the peace, breach of the peace and act of aggression. In view of the fact that South Africa's continued illegal occupation of Namibia has created a grave situation comprising the specific elements of a serious threat to international peace, continued breach of the peace and constant acts of aggression, all within the meaning of Article 39; and also in view of the fact that the various measures so far employed by the Council over many years have failed, my delegation submits that the Council is now under a clear obligation to apply Article 41 of the Charter and impose comprehensive mandatory sanctions against South Africa. In so doing,

the Council not only would be fulfilling its responsibility under the Charter but would also be acting in accordance with its own precedent. I refer to resolution 232 (1966), concerning Southern Rhodesia, in which the Council, in an attempt to end that other act of illegality, invoked Articles 39 and 41 and imposed comprehensive economic sanctions against Smith's régime.

90. The situation in Southern Rhodesia in 1966 no doubt constituted a threat to international peace. But the situation in Namibia in 1981 not only constitutes a much graver threat to the peace but has already resulted in actual breaches of the peace and continuous acts of aggression. If the Council could invoke Articles 39 and 41 of the Charter in 1966 against Rhodesia, that is the least it can do in the much graver situation existing in Namibia today.

91. Such action by the Council would accord with the unequivocal verdict of the overwhelming majority of the international community reflected in the resolution adopted by the co-ordinating Committee for the Liberation of Africa of the Organization of African Unity, at its meeting at Arusha from 19 to 23 January; the Declaration adopted by the Conference of Ministers for Foreign Affairs of the Non-Aligned countries, held at New Delhi from 9 to 13 February;² the resolution adopted by the Council of Ministers of the Organization of African Unity at its meeting held at Addis Ababa from 23 February to 1 March [S/14390, annex]; the programme of action adopted by the Co-ordinating Bureau of the Non-Aligned Countries at its extraordinary ministerial meeting at Algiers last week [S/14458, annex]; and the relevant resolutions adopted by the General Assembly at its thirty-fifth session, all of which called on the Security Council to impose comprehensive mandatory sanctions against South Africa.

92. The Council cannot procrastinate any more. The situation is clear in all its legal and political aspects. I submit that the Council must act now and apply the full scope of Article 41 of the Charter against South Africa for its continued illegal occupation of Namibia, which has given rise to a grave threat to international peace, breaches of the peace and constant acts of aggression.

93. At a later stage the African Group will submit draft resolutions to that effect.

94. The PRESIDENT: The next speaker is the Minister for Foreign Affairs of Sierra Leone, Mr. Abdulai Conteh. I welcome him on my own behalf and on behalf of my fellow members of the Council. I invite him to take a place at the Council table and to make a statement.

95. Mr. CONTEH (Sierra Leone): Mr. President, before I proceed please allow me to register our appreciation and gratitude for the exemplary manner in which, in your capacity as President of the Council

for the month of April, you have conducted the affairs of this august body. Your country, the Republic of Ireland, is undoubtedly one of the staunchest supporters of the United Nations system and the contribution of that system to making our world a safer place. We are therefore fortified and encouraged that the question of Namibia is being considered at this juncture in the Council under your presidency.

96. Please allow me also to express appreciation to your predecessor in office, Mr. Peter Florin of the German Democratic Republic, for the commendable manner in which he conducted the affairs of the Council during the month of March.

97. Today, as the situation in southern Africa becomes even more explosive and more menacing to international peace and security, as the prospect of a racial war of indefinite duration and unforeseeable magnitude unfolds in southern Africa as a direct consequence of South Africa's illegal occupation of Namibia and its use of that Territory as a springboard for launching armed attacks against the neighbouring territories of Angola, Botswana, Mozambique and Zambia, we call on the Council, as the primary guardian of international peace and security, and in the name of the overwhelming majority of mankind, to assume its responsibility in that part of the world and to restore peace and confidence in that area.

98. It is pertinent to recall at this juncture that it was early in 1968—some 20 years after the inception of the dispute over South Africa's relationship with the Territory of Namibia—that the Council was formally seized of the question of Namibia. This followed in the wake of the infamous terrorism trial of the *State versus Tuhadeleni and Others* in 1967. In its resolution 245 (1968), adopted unanimously, the Council then took note of and endorsed General Assembly resolution 2145 (XXI), by which the General Assembly had terminated South Africa's Mandate over the Territory of South West Africa.

99. Our purpose in coming to the Council at this time is, without much ado, to ask the Council in the name of peace, in the name of international security and in the name of world public opinion, and, indeed, in the name of the Namibian people, to implement the appropriate provisions of Chapter VII of the Charter of the United Nations against South Africa in order to suppress and prevent further breaches of international peace and security and acts of aggression by that country.

100. We shall seek to establish here that South Africa's illegal occupation of Namibia not only is a threat to international peace and security but has also led to a deterioration of international peace and security in the area, portending dire consequences not only for the area but for global peace as well. Secondly, we shall seek to establish that Namibia is without doubt a United Nations responsibility. Thirdly, it will also be established that all peaceful efforts to persuade

South Africa to evacuate the Territory of Namibia have met with outright resistance and intransigence. Fourthly, it will be established that South Africa's illegal occupation of Namibia and its use of that Territory for cross-border raids against neighbouring States in the area is a direct breach of peace and security and an act of aggression as understood and provided for under Article 39 of the Charter of the Organization.

101. We shall also seek to establish that it is the undoubted responsibility of the Council to assume its obligation under the Charter to impose effective mandatory and comprehensive sanctions to meet these manifest and clear violations of the Charter by South Africa.

102. The question of the status of the League of Nations Mandated Territory of South West Africa and of the policies pursued by South Africa, the then mandatory Power, has been before the United Nations in one or the other of its organs since its inception and has plagued the Organization from its birth. On 14 December 1946—if a reminder is necessary—the General Assembly considered South Africa's request to incorporate the Territory of then South West Africa into the then Union of South Africa as one of its provinces. The General Assembly categorically rejected that request, and instead, in its resolution 65 (I) affirmed *inter alia* that "the mandated Territory of South West Africa be placed under the international trusteeship system".

103. Since then the historical and political development of the Territory has run its course not only through the political organs of the United Nations but through its judicial organ as well, and in the course of time the latter body, the International Court of Justice, has rendered no less than six judgments on the status of the Territory and South Africa's presence therein.

104. In October 1966, because of gross violation of the rights of the Namibian people owing to South Africa's intransigence and colonial designs on the Territory, and that country's denial and impeding of the people's right to self-determination, the General Assembly terminated the Mandate of South Africa over the Territory and demanded its complete and unconditional withdrawal therefrom [resolution 2145 (XXI)].

105. The United Nations then assumed direct responsibility for the Territory by placing it under the jurisdiction of the United Nations Council for South West Africa, established by the General Assembly in 1967 [resolution 2248 (S-V)] as the sole legal Administering Authority of Namibia, and in 1970, in its resolution 276 (1970), the Security Council affirmed that "the continued presence of the South African authorities in Namibia is illegal". In June 1971, in paragraph 133 of its advisory opinion, the judicial organ of the United Nations system stated clearly that South Africa's continued presence in Namibia was illegal and

that it was under an obligation to withdraw its administration therefrom immediately.¹

106. From all this it is clear that South Africa has no place, either in morality or in law, in the Territory. Today, therefore, Namibia is a United Nations responsibility. South Africa's military occupation of the Territory by force is therefore illegal and a violation of the Charter, of the opinion of the International Court of Justice, of innumerable resolutions of both the General Assembly and the Security Council and indeed of international law. South Africa's violation of the territorial integrity and denial of the self-determination of the Namibian people are equally in violation of the Charter and equally condemnable.

107. South Africa's use of military force against the Namibian people and, in particular, against the liberation movement, SWAPO, is tantamount to an act of war against a foreign territory and its inhabitants.

108. Notwithstanding South Africa's defiance of the United Nations and in spite of its illegal occupation of Namibia, it was believed that a political solution was feasible and achievable in the struggle for the accession of the Namibian people to its inalienable rights of self-determination and independence. It was, in our view, no doubt this belief in a peaceful political solution and the negotiating process that must have inspired the contact group of five Western countries, namely, Canada, France, the Federal Republic of Germany, the United Kingdom and the United States, to embark on an arduous, tortuous and—as it has proved in the event—thankless bargaining process that culminated in Security Council resolution 435 (1978). That resolution contained the plan for Namibia's accession to independence. It was in itself, in our view, an act of faith and we accepted it as such. That resolution called for a United Nations civilian and military operation in Namibia designed to pave the way for elections leading to the Territory's accession to independence.

109. Severally and collectively within the Organization of African Unity (OAU), we had our reservations and misgivings about resolution 435 (1978). For, in our view, the question of Namibia's independence was one of principle, subject to no equivocation or compromise. In the end, the entirety of the membership of the OAU came to accept resolution 435 (1978) and indeed persuaded SWAPO to go along with it, for in that resolution was envisaged the blueprint for Namibia's accession to independence.

110. In return for that act of faith, South Africa repaid not only the OAU and SWAPO but also members of the contact group of five Western States with subterfuge, vacillation and prevarication, as evidenced by its callous and premeditated scuttling of the recent pre-implementation talks in Geneva with pious charges of partiality.

111. It is, in our view, inadmissible and it lies ill in the mouth of South Africa to make charges of partiality on

the question of Namibia. To hear South Africa charge the United Nations and its system, and indeed our indefatigable Secretary-General, with partiality sounds like the devil accusing God of partiality after the devil has committed a manifest wrong.

112. At Geneva this year South Africa demonstrated beyond any scintilla of doubt that for it negotiations are not a means to achieving Namibia's independence. By its actions at Geneva, South Africa has implacably set its face against negotiations, against reason, against good sense, and flaunted its defiance in the face of the world body to do what it will. This is the challenge and one of the reasons we are here in the Council today. Are we going to allow this one single nation, which is a veritable pariah in the community of nations, to challenge our collective and singular will and get away with it?

113. Of course there are *ad hominem* arguments which some here in the Council are disposed to invoke for not going along with the imposition of measures against South Africa under Chapter VII of the Charter.

114. To those we say the issue is clear. Do we want to observe and uphold international peace and security, on which, at the end of the day, collectively and severally, our welfare depends? Or do we want, for paltry, short-sighted, short-term and immediate interests, to shelter and allow South Africa to live undisturbed in its cocoon of obduracy and defiance? Surely in the latter course lies disaster, not only for South Africa and those who may be disposed to side with it, but for all of us.

115. In the face of sustained and unremitting efforts by the United Nations and indeed by the international community at large to bring about a peaceful settlement of the Namibian question, South Africa has time and again demonstrated its callous disregard, its unreasonable disregard for the decisions of the Organization and for international law, and it persists in its illegal occupation of Namibia.

116. Instead of engaging in a peaceful search for a solution of the problem, South Africa has all this while been engaged in activities aimed at the dismemberment of the Territory, destroying its national and territorial integrity, upsetting its natural demographic composition, annexing Walvis Bay, laying claim to sovereignty over several islands which constitute an integral part of Namibian territory, and systematically and ruthlessly exploiting the natural resources of the Territory, in clear and manifest violation of the relevant United Nations resolutions, the advisory opinion of the International Court of Justice earlier referred to and Decree No.1 for the Protection of the Natural Resources of Namibia,³ enacted on 27 September 1974 by the United Nations Council for Namibia.

117. The foregoing list is not exhaustive but it underpins the foundation of the petition the African Group, and indeed all peace-loving members of the comity of

nations are submitting to the Council today that, in the face of all these illegalities, it is incumbent on the Council to put on its mantle of responsibility and act decisively in this matter.

118. It was inevitable that South Africa's illegal occupation of Namibia, its betrayal of the sacred trust to promote the national and moral well-being of the Namibian people, its introduction of the abominable system of *apartheid* in the Territory, its ruthless suppression of the inhabitants in the Territory and its denial of their right to self-determination, were bound to invoke the legitimate political and military response of the Namibian people in the form of resistance to win their national liberation, which endeavour is today channelled through SWAPO.

119. It is for all those reasons and more that the OAU has over the years given unflinching and unwavering support to SWAPO as the sole and authentic representative of the Namibian people, a position that has been endorsed and echoed in resolutions of the various organs of the United Nations.

120. As a response to the valiant struggle being waged by the Namibian people for their independence, South Africa, with the futile and base aim of consolidating its illegal occupation of the Territory, has unleashed a reign of terror of genocidal proportions against the Namibian people, and has converted Namibia into a military armed camp with an occupation force of more than 75,000 men under arms.

121. South Africa, whether for propaganda or other reasons, has asserted that in the last two years it has killed 3,343 freedom fighters belonging to SWAPO. The strategy behind this is clear: it is aimed at decimating the population of the Territory. For, since the South African army is raised and nurtured on racism, what is relevant for them is the colour of the person, and there is no way of determining whether those killed were SWAPO freedom fighters or peaceful and defenceless inhabitants who happened to be black.

122. South Africa—in a new imperialist aggressive strategy aimed at consolidating its hold over Namibia and intimidating the neighbouring African States which, because of geographical propinquity and humanitarian considerations, have provided refuge to thousands of Namibian women, old people and children who have fled, and continue to flee, South Africa's military terror in Namibia—has converted that Territory into a springboard from which it carries out incessant armed attacks and repeated aggression against Angola, Botswana, Mozambique and Zimbabwe. Those repeated acts of aggression are not only in clear and manifest violation of the sovereignty and territorial integrity of those States, but are also in clear violation of the Charter of the United Nations and of principles of international law which govern the conduct of relations between the States of the world.

123. In view of all those facts, we solemnly call upon the Security Council to impose comprehensive mandatory sanctions against South Africa as provided for in Chapter VII of the Charter, and also including an oil embargo, in order to ensure South Africa's immediate compliance with the resolutions and decisions of this body relating to Namibia.

124. Our call is hallowed in the Charter and is based on our jurisprudence and practice. It is also a reaffirmation of our faith in the Organization. We cannot afford to abandon the Namibian people. We are mindful of the argument of those who say that comprehensive mandatory sanctions will cause suffering to the innocent. That is inevitable. To them we say: the sooner the better, in order not to prolong the agony. More particularly, the principle involved is such that no price is too high to pay.

125. We are all aware of the unilateral imposition of sanctions in some cases, political, military and economic boycotts by one State or group of States against another, in order to achieve a political objective, even though the innocent have suffered from such actions. Is it therefore too much to ask that the international community, under the aegis of the Security Council, which has primary responsibility for the maintenance of international peace and security, impose sanctions on an errant and recidivist member of the community of nations? In recent practice, the Council had the duty to order comprehensive mandatory sanctions under Chapter VII of the Charter against an entity that not only was defiant of the decisions of the international community, but also constituted a threat to international peace and security. Those principles, we submit, are the same in the case of the Namibian question in relation to South Africa; only in this case the enormity of the problem is compounded by South Africa's unacceptable and inadmissible practices, underpinned by its intransigence.

126. For all those reasons and more we beseech the Council to rise to the sacred responsibility conferred upon it by the generality of the membership of the United Nations: that it shall have primary responsibility for the maintenance of international peace and security.

127. Without doubt, the facts and the evidence disclose that over the years South Africa's policies and practices with relation to the Territory of Namibia, its continuous and callous disregard of the decisions and opinions of both the political and the judicial organs of the United Nations constitute not merely a threat to the peace: South Africa is, in fact, in veritable, clear and manifest breach of the peace.

128. Moreover, South Africa's continued militarization of the Territory, in flagrant disregard of the findings of the International Court of Justice that its presence in that Territory is illegal and of the repeated affirmation of that illegality both by the Security

Council and by the General Assembly, is undoubtedly not only a violation of Namibia's territorial integrity, but a clear and uncontestable act of aggression.

129. To compound and exacerbate the situation, South Africa's use of the Territory of Namibia to launch cross-border raids against the sovereign independent States contiguous to the area is, we submit, a further clear and manifest breach of international peace and an inexcusable act of aggression.

130. We come to the Council today as supplicants. We supplicate for the integrity of the United Nations. For in all the Organization's 35 years of existence no single State has been so contemptuous, so defiant, so dismissive of the Organization as South Africa. We supplicate for confidence in the international process and system, for if the Council fails today to put on its mantle of responsibility and adopt the appropriate measures under Chapter VII of the Charter, it will by this failure deal a body blow to global confidence in the international process and system. Finally, we supplicate for international peace and security, for South Africa's continued presence and policies in Namibia disturb international peace and security in a material way.

131. In the name of our common humanity, in the name of the integrity of the United Nations and the upholding of peace and justice, we beseech that this supplication be answered affirmatively by the Council.

132. The PRESIDENT: The next speaker is the Minister for External Relations of Cuba, Mr. Isidoro Malmierca. I invite him to take a place at the Council table and to make his statement.

133. Mr. MALMIERCA (Cuba) (*interpretation from Spanish*): For 15 years now, our representatives and those of other Member States have heard directly from the representatives of the United States Government and its partners in exploitation of the black people of South Africa and Namibia torrents of words, of mendacious arguments and twisted interpretations aimed at impeding the implementation of decisions adopted since 1966 by the General Assembly and by the Security Council itself, which on many occasions have established that the racist authorities of Pretoria must cease their illegal occupation of that Territory and embark upon a process which would allow Namibia to take its place in the concert of independent, sovereign nations.

134. It was for that reason that the extraordinary ministerial meeting of the Co-ordinating Bureau of the Non-Aligned Countries, held at Algiers from 16 to 18 April this year, decided as follows:

"In view of the deterioration of the situation in southern Africa caused by the illegal occupation of Namibia and in view of the many obstacles created frequently by South Africa to impede the search for

a solution to the question of Namibia, the Bureau undertakes to make every effort to oppose the efforts to distort the substance of the question of Namibia, which is a specific problem involving decolonization and illegal occupation." [S/14458, annex, para. 18.]

135. My delegation is taking part in these meetings of the Council on behalf of the non-aligned movement, currently presided over by the head of State and Government of the Republic of Cuba, President Fidel Castro, in express compliance with the mandate conferred by that meeting of the Co-ordinating Bureau at Algiers.

136. Our delegation is pleased, Mr. President, to see you presiding over these meetings of the Security Council devoted to the question of Namibia, an important item for whose prompt and just solution the international community has launched an urgent appeal.

137. As we said at the outset, 15 years have gone by during which, far from heeding the will of the General Assembly and Security Council, the *apartheid* régime, with its allies and supporters, has persisted in its arrogant defiance of the international community, refusing to comply with the Organization's resolutions and stepping up its military presence and its régime of terror, racism and oppression, as well as its systematic exploitation of the natural resources and of the black people of Namibia, in open violation of Decree No. 1 for the Protection of the Natural Resources of Namibia,³ enacted on 27 September 1974 by the United Nations Council for Namibia.

138. Let no one be misled as to who has encouraged and made possible the lawlessness of the minority Government of South Africa. Only the support and connivance of certain Western Powers—particularly the United States of America, together with its transnational corporations and banking and financial institutions—have permitted the South African racists to continue their illegal occupation of the Territory of Namibia and to develop their expansionist, interventionist and aggressive policy against the independent neighbouring States—mainly against Angola, Botswana, Mozambique and Zambia.

139. The illegal occupation of Namibia by South Africa, with the support of those Western Powers, in flagrant violation of the purposes and principles of the Charter and of United Nations decisions and resolutions not only denies the inalienable right of the Namibian people to self-determination and freedom and national independence in a united Namibia but also is aimed at keeping southern Africa in a state of instability and insecurity. For that reason the Ministers for Foreign Affairs of the Co-ordinating Bureau of the Non-Aligned Countries, at Algiers in April, condemned "the systematic policy of destabilization, provocation and aggression of the racist Pretoria

régime, which constitutes a threat to international peace and security" [*ibid.*, para. 7].

140. The failure of the meeting relating to the pre-implementation of the United Nations plan for Namibia, held at Geneva earlier this year, was caused both by the resolve of the racist authorities of South Africa to persist in their defiance of the international community and by the lack of political will on the part of the members of the contact group of Western States to crown with success the process of negotiated settlement which they themselves had begun [S/12636] and to exert the necessary pressure on the Pretoria régime.

141. For the non-aligned countries the policy of the Pretoria racist régime and of those who regard it as an ally is also intended to impose a neo-colonial solution on the Territory of Namibia in keeping with Pretoria's interests, contrary to Security Council resolutions 435 (1978) and 439 (1978), and to prevent SWAPO, the sole and legitimate representative of the Namibian people, from attaining power through a democratic process, under United Nations control and supervision.

142. It is therefore essential to reiterate most emphatically our full support for and solidarity with the liberation movement of the people of Namibia—SWAPO, its sole and authentic representative—and the appeal made by the General Assembly in its resolution 35/227A to lend SWAPO multilateral assistance in its struggle to ensure Namibia's early access to national independence, to sovereignty and to full territorial integrity, including Walvis Bay and the Penguin and other off-shore islands.

143. Furthermore, an end must be put to the plunder of Namibia's natural resources and to the exploitation of the Namibian people by the racist South African occupiers and by the transnational corporations of several Western Powers; to the military and nuclear collaboration of some of those Powers and of the Zionist régime of Israel with the Fascist Botha Government; to the acts of criminal aggression committed by South African armed forces, even from the Territory of Namibia itself, against the front-line States; and to the development of a policy of open State terrorism against the black people of South Africa, the liberation movement of Namibia—SWAPO—and neighbouring States.

144. In this connection, the Co-ordinating Bureau expressed deep concern over the measures announced by the United States Government, designed to ensure the repeal by the United States Congress of the Clark Amendment in order openly to lend military assistance to the traitor groups serving the Pretoria régime, groups which, based in Namibia, are attempting to destabilize the legitimate Government of Angola. It also reaffirmed the commitment of the movement of non-aligned countries to support the front-line States and to strengthen their defensive capability in the face of

South Africa's repeated acts of aggression [S/14458, paras. 15 and 16].

145. In reiterating that the question of Namibia is specifically a problem of decolonization and illegal occupation, the Co-ordinating Bureau condemned all attempts aimed at distorting the basic dimensions of the question in order to impede the exercise by the people of Namibia of its inalienable right to self-determination and national independence; at affecting the territorial integrity of Namibia; at imposing an "internal settlement" based on puppet organizations; at presenting the case of Namibia as a regional conflict, depriving it of its universal scope and minimizing the defiant attitude of the racist occupiers towards the people of Namibia, the will of the United Nations and the international community in general; and at modifying or watering down the key elements of the United Nations plan, the only universally accepted framework for a peaceful transition to independence for Namibia [*ibid.*, para. 18].

146. Recent history unequivocally shows that South Africa's racist régime refuses to accept the will of the United Nations and to take any serious steps to end its illegal occupation of Namibia and to pave the way towards its independence. On the contrary, for the past 15 years it has systematically strengthened its economic and military presence in the Territory and has sabotaged all efforts at reaching a negotiated settlement based on internationally accepted elements. The South African racists have, in fact, shown their deep scorn for international law and for the principles and purposes that are embodied in the Charter of the Organization, their disrespect for the right of peoples to self-determination and independence and their barbarous commitment to the infamous and brutal system of *apartheid*, which has been termed a crime against humanity by the General Assembly.

147. Duplicity and prevarication have been typical of the behaviour of the Pretoria racist régime in the negotiations that have taken place throughout recent years at the initiative of the contact group of the five Western Powers. There is no more room for further delays or manoeuvres. The Namibian people, under the wise and incorruptible leadership of its sole and authentic representative, SWAPO, will not cease in its endeavours to attain independence by force of arms if there is insistence on closing down other avenues.

148. The Security Council has the political and moral duty to contribute to ensuring for the people of Namibia the exercise of its inalienable rights, pursuant to General Assembly resolution 1514 (XV), which contains the Declaration on the Granting of Independence to Colonial Countries and Peoples, and in this regard it also has the inescapable duty of making the racist régime of Pretoria comply with the General Assembly's decisions and resolutions as well as its own.

149. Pursuant to the mandate of the extraordinary ministerial meeting of the Co-ordinating Bureau of the

Non-Aligned Countries, which was held at Algiers recently, I have the honour to request of members of the Council through you the application of comprehensive mandatory sanctions, including an oil embargo, provided for in Chapter VII of the Charter, against the racist Government of South Africa, whose flagrant violation of the principles and purposes contained in the Charter and its utter scorn for the norms, decisions and resolutions of the Organization place it outside international law and in rebellion against the will of this community of nations, constituting at the same time a grave danger to international peace and security.

150. Mr. SLIM (Tunisia) (*interpretation from French*): Mr. President, we derive reassurance and comfort from the fact that this meeting is taking place under your presidency; your boundless devotion to the principles of the Charter, your dynamism and your spirit of initiative, your truly outstanding sense of compromise, to which you have accustomed us and which has been made manifest in an even more striking manner since your accession to the presidency of the Council at the beginning of this month, strengthen our conviction that under your authority the Security Council will live up to the responsibilities conferred upon it by the Charter of the United Nations, in particular during this difficult time of testing. Along with our most heartfelt congratulations, I should like to assure you of the full co-operation of my delegation.

151. My congratulations go also to your predecessor, the representative of the German Democratic Republic, Ambassador Florin, for the admirable, exemplary and particularly effective manner in which he conducted the work of the Council last month.

152. I should also like to welcome the presence amongst us of the Ministers for Foreign Affairs of a number of our countries who have come to reaffirm here the devotion of their Governments and States, as well as of the regional organizations which have given them mandates, to the maintenance of international peace and security and the strengthening of the role of the United Nations and of the Council. At the same time, they have come here to testify to the overriding importance accorded within and outside this forum to the question before us today—the question of Namibia.

153. The Minister for Foreign Affairs of the Republic of Tunisia was to have been amongst us today to add his voice to those of his colleagues to whom the OAU and the non-aligned movement have given mandates. For scheduling reasons pertaining to our internal policies he was not able to make the journey. He is none the less very concerned with following the debates as closely as possible, and he has entrusted me to support the joint action undertaken by his African and non-aligned colleagues in the Council and to reaffirm here the full solidarity of the Government of President Bourguiba with SWAPO in its struggle for the dignity of our Namibian brothers and the independence of Namibia.

154. Because of the gravity of the subject on which it has been called upon to deliberate and the expectation and hopes that it has raised, the Council is now witnessing a period which is of crucial and primary importance in its history. It is called upon to pronounce itself on the fate of the ideals and principles which the United Nations has helped define and make universal and which the Council itself has undertaken to defend and implement throughout the world.

155. In this last quarter of the twentieth century, more than 20 years after the adoption by the General Assembly of resolution 1514 (XV), we still have to take up implementation of the principles called self-determination, independence, freedom and justice.

156. Still in the land of Africa, in Namibia, there is a people struggling for the recognition of its right to dignity and independence. In that same land of Africa there is still an enclave where oppression, repression and exploitation have been established as a system, where the régime there flouts the inalienable rights of the people to self-determination and displays with equal self-assurance and arrogance, on behalf of its own colonialist interests, its total scorn for the will of the international community and the decisions of the United Nations.

157. If it falls to us to bring about the triumph and implementation of the internationally recognized principles, it also falls to us—because it is high time for this—to take note of the incessant, arrogant acts of defiance thrust at the Organization by the South African régime.

158. Those acts of defiance did not, unfortunately, begin only recently.

159. Back in 1946, one year after the establishment of the Organization, South Africa committed its first act of defiance: it refused to place the Territory of Namibia, which was then called South West Africa, under the Trusteeship régime, as advocated by the General Assembly at its first session [*resolution 65 (I)*].

160. In 1949, South Africa unilaterally declared the international Mandate obsolete and refused, notwithstanding the advisory opinion of the International Court of Justice in 1950⁴ confirming the validity of the Mandate, to give account of its administration to the General Assembly as it was explicitly called upon to do.

161. Since that date Pretoria's acts of defiance have been constant and its opposition to any idea of co-operation and negotiation with the United Nations has been systematic. The appeals of the Organization have been met by a policy of *fait accompli*, and the Territory of Namibia has been increasingly regarded by Pretoria as its fifth province.

162. Exasperated, the United Nations decided in 1966 to terminate the international Mandate officially

and to remove from South Africa any right to administer the Territory [*General Assembly resolution 2145 (XXI)*]. Assuming its full responsibilities in the matter, it decided to take charge—through the United Nations Council for South West Africa, which was established subsequently [*General Assembly resolution 2248 (S-V)*—of conducting the Territory to independence.

163. That decision was met by South Africa with another act of refusal, a further act of defiance and the continuation of its presence—by then illegal—in Namibia.

164. Pretoria showed the same attitude of rejection and defiance to the decision of the Security Council which, in its resolution 276 (1970), confirmed the illegal character and presence of South Africa in Namibia, and to the opinion of the International Court of Justice of 21 June 1971, which declared in paragraph 133 that South Africa "is under obligation to withdraw its administration from Namibia immediately and thus put an end to its occupation of the Territory".¹

165. After a period of five years—during which time Pretoria had reinforced its positions, systematically exploiting the workers and resources of the Territory, brutally repressing the struggle of the Namibian people for its emancipation and devoting itself shamelessly to the unspeakable bantustanization operation—in 1976 the Security Council unanimously adopted resolution 385 (1976), in which, in paragraph 7, it reaffirmed the right of the Namibian people freely to determine its own future and declared that: "it is imperative that free elections under the supervision and control of the United Nations be held for the whole of Namibia as one political entity".

166. The elections decided on by the Council in 1976 have not yet seen the light of day. Pretoria's unanswered acts of defiance generated doubts about the will and determination of the Organization. The Namibian people and the whole of Africa began asking questions. A reply to them came in 1978. It was made by five countries members of the Security Council which formulated a settlement plan for the question of Namibia through negotiations [*S/12636*].

167. The people of Namibia, which has given proof of its resolve and courage, accepted, through the voice of its sole authentic representative, SWAPO—whose international recognition in 1973 testified to its maturity and keen sense of responsibility—the way offered it to exercise its right to self-determination and to accede to independence through dialogue and negotiation.

168. What of the attitude of the other party? Were the pressure and influence of the five Western countries decisive? The international community none the less noted the acceptance by South Africa of the settlement plan.

169. The entire international community agreed to adopt the plan at the same time as the Security Council, in 1978.

170. Three years after the adoption of resolutions 431 (1978) and 435 (1978) the pre-negotiations were still going on. But the legendary patience of Africa was reaching its limits as well as that of the United Nations and the Secretary-General, whose constancy and resolve in this matter deserve our full praise. Then Pretoria gave a sign, and the Geneva meeting was organized.

171. The Namibian people, through SWAPO, and Africa as a whole, through the front-line countries, convened, under United Nations auspices, the countries members of the contact group to meet across the table of the Geneva conference from the representatives nominated by the Pretoria régime.

172. Between 7 and 14 January 1981, the representatives of Pretoria lived up to their reputation. They engaged in a vast public-relations exercise, and finally they replied to both sides, whose efforts and patience deserve to be emphasized, that they were not prepared to keep their promises or to honour their commitments. Once again they proved that they could not accept the language of negotiation or the idea of democracy and elections. The Secretary-General's report [S/14333], which is exhaustive and objective, and which was submitted to this Council on 30 January 1981, is particularly eloquent and meaningful in this respect.

173. Of course, the Geneva failure could have been foreseen since South Africa had inured us to subterfuge, dilatory tactics and crude manoeuvring the unavowed aim of which was to gain time to perpetuate its domination of Namibia and to pursue the exploitation of its people and the resources that belong to them. That is another act of direct defiance in addition to those made manifest to the Geneva meeting and thereby to the international community and the Security Council.

174. Does one have to give an exhaustive account of the acts of defiance of the United Nations since 1946 which have remained unpunished? It is clear that the time has come for the Organization once and for all to resolve this grave dispute with which it has lived since its foundation. It must once and for all put an end to the intolerable acts of defiance to which it has been thus far subjected by a country that was among the first 51 signatory States of the Charter.

175. That should have been sufficient reason for the United Nations to take, in accordance with the Charter, steps which South Africa's behaviour makes essential. That would have been sufficient reason had it not in addition been a question of the fate of a whole people fed on the ideals and principles of the Charter, which quite rightly aspires to dignity, freedom and independence.

176. With Geneva all means of persuasion and moral pressure seem to have been exhausted. The patience shown by the people of Namibia cannot be endless. The peoples of Africa have since 14 January 1981 been waiting for our reaction. Our silence cannot reassure them. Will we now be able adequately to meet those expectations?

177. Of course, it is not for us around this table now to advocate independence for Namibia. That stage has long since passed. At the most in this respect we should reaffirm for the benefit of the people of Namibia that we support and salute the heroic struggle that it has been waging against subjugation and dehumanization. We must decide on ways and means that will enable it to exercise its right to self-determination without further procrastination or subterfuge.

178. The plan laboriously elaborated by the United Nations in accordance with resolution 435 (1978) certainly offered a framework that could have been judged valid since it was supposed to transfer power to the Namibian people in 1981. What is the situation eight months later? Can we in the Council let the Namibian people have recourse to the ultimate measure of despair to recover its inalienable rights? After the Geneva conference, will people still believe us if we once more advocate settlement of the question through negotiation and dialogue alone?

179. At this stage, while reserving the right to speak again during this debate, my delegation believes it is not a question of advocating negotiation without there first being total reaffirmation, without restriction of any kind, by the members of the Council, and in particular those that have primary responsibility in this matter, of their commitment to achieving independence for Namibia within the allotted time-frame and in accordance with the objectives laid down by the United Nations.

180. My delegation considers that what is necessary to enable that goal to be reached—and this in fact emanates from our commitment—is to do everything to remove from South Africa the means of carrying out its policies of sufficiency and arrogance based on self-assurance and impunity. For what effect can our decisions have, and what credibility can we have, when, on the one hand, we declare ourselves to be struggling against the racist, expansionist and colonialist policy of Pretoria, and, on the other, we maintain with that same régime official relations supposedly based on mutual respect, when we offer it the possibility of procuring arms notwithstanding the relevant resolutions of the Council, and when we allow it to build up its arsenal, which exists to support its policies of repression and aggression, and when we maintain with it, directly or indirectly, economic and trade relations that strengthen it internally and reinforce its racist and hegemonistic practices?

181. The commitment of the international community to achieving Namibian independence pre-

supposes real and effective pressure on the South African régime, pressure that will deprive it of the means to carry out its policies. The provisions of the Charter, and in particular Chapter VII, authorize and compel us to do so. Comprehensive and mandatory sanctions must be adopted against South Africa. It is then that, bereft of support and seriously threatened by isolation, South Africa will decide to abandon its attitude of arrogance and defiance and will agree really to join in a process that will lead to Namibian independence.

182. That being so, if it is done expeditiously, it will be possible for South Africa to find—within the framework of constructive discussions under the auspices of the United Nations and side by side with the contact group and the front-line countries, supported by the whole of Africa and the non-aligned countries, as well as all nations that cherish peace and freedom—the authentic representative of the Namibian people, SWAPO, which remains resolved, through negotiations or by any other means, to achieve independence for its country.

183. In the course of these meetings we are being called upon to take important decisions and to adopt concrete measures. We must show political courage, just as we must be animated by a concern for effectiveness. On the attitude of each of us will depend the future of a people whose fate is bound up with the fate of the principles of the Charter, the credibility of the Organization and the preservation of international peace and security.

184. We are meeting at a time when the world is looking at us and judging us. The peoples of Namibia and Africa are watching this body and awaiting our decision. I hope, Mr. President, that under your wise guidance we can unanimously and without delay give them answers that will live up to their expectations.

185. Mr. DIALLO (Niger) (*interpretation from French*): Allow me, at the outset, Mr. President, to congratulate you on your accession to the presidency of the Security Council for the month of April. The outstanding manner in which you have guided the work of this prestigious organ during the past weeks bears eloquent witness to your qualities, among which we would point to your eminent talents as a diplomat, your fine consistency and moderation, and your keen sense of international relations. I am certain that under your lofty guidance the present work of the Council will have the interest and the precision that will accord with the gravity of the agenda item before us.

186. I should like also to pay a sincere tribute to your predecessor, Ambassador Florin of the German Democratic Republic, who showed a great commitment during the month of March to the Council's fulfilling its role and demonstrating its vitality.

187. Here we are, then, once again gathered to debate the question of Namibia. The subject is so old that we are well acquainted with all its circumstances and implications. But today we know more: the pure, steely determination of racist South Africa to continue its illegal domination of Namibian territory. The Geneva conference, whose only merit will appear to future historians to be that it unmasked South Africa, clearly revealed that it would henceforth be illusory to seek to persuade by arguments a country that 15 years of rebellion against the international community without damage have fully confirmed in its extreme obstinacy, in its blatant policy of provocation and defiance, and finally in its calm impunity towards the warnings and the most solemn decisions of the OAU, the non-aligned movement and the United Nations itself.

188. In the circumstances, what could be more fitting and revealing than the collective voyages of so many Ministers for Foreign Affairs especially charged by the OAU and the non-aligned movement with denouncing in the Council the South African attitude and declaring the inadmissibility of any prolongation of the present situation in Namibia?

189. We are actually entering upon a new phase in international relations, in which any additional delay in the liberation of Namibia, any inertia on the part of the international community in regard to this painful problem, any indulgence of the advocates of *apartheid*, could greatly endanger the stability of Africa and world peace. Let us briefly consider the context.

190. We know the secret plan of South Africa: it is to shape Namibia to measure, a Namibia which would have, at most, independence in name only; which would be subject to tallage or a feudal tax; which would sell off its resources to South African power; and which would serve as a bridgehead for *apartheid* to sow turmoil and disorder in the neighbouring States.

191. That was the meaning of the so-called elections of December 1978, which flagrantly violated Council resolutions 385 (1976) and 435 (1978). That was also the meaning of the administrative and political tinkering invented and applied by South Africa at will to the Territory of Namibia. It is, finally, the meaning of the provocative manoeuvres, as frequent as they are crude, used by South Africa since the failure of the Geneva conference to try to discourage United Nations efforts and so to dissociate itself as far as possible from resolution 435 (1978).

192. But there is more. There are active alliances and warm friendships which Pretoria puts to fruitful use since it knows that they are solid and that they play a not insignificant part in the complexity of the Namibian story. It is clearly those that the racist régime uses now to poison international relations, attempting even to foment confrontation between the partners just mentioned and the rest of the world, with the African States in the forefront.

193. Moreover, this tactic of Pretoria is quite clear: it seeks in the first place to discredit the United Nations as far as possible, notably by dramatizing the scandalous allegation of a lack of impartiality on the part of the Organization. Then it looms up theatrically, using barely concealed blackmail against its own allies and friends to recall the close economic ties binding them and thus to bring about their active caution if not their clear support. It is finally a question, at the same time, of seeking to continue and intensify the exploitation of Namibian wealth; of creating in that Territory new conditions of a new subjection; of stepping up the acts of sabotage, provocation and armed aggression against the front-line States, which have the courage to proclaim, loud and clear, all the South African tricks and to pit their meagre resources against the dark designs of the advocates of *apartheid*.

194. And behind all these manoeuvres, there appears just beneath the surface a determination to stifle, to gag and finally to isolate SWAPO, that genuinely Namibian organization, the sole representative of the Namibian people, which is struggling with calm and a sense of responsibility. We are bound to recognize that it is thanks to SWAPO that the worst has not happened in Namibia, despite the many martyrs which the South African colonizer creates daily in its ranks, despite the fact that its militants are fed up—that is to say, the vast majority of the Namibian people—ready for their part to intensify the struggle to the point of chaos.

195. Regrettably we must be apprehensive that the present course of events, along with the lukewarm attitude and the lack of understanding of a certain part of the world, which should nevertheless have every interest in showing somewhat more initiative, cannot but lead SWAPO to change its position in the near future and to answer war with war, repression with war, scorn with war, procrastination with war, and even offers of dialogue with war. In the event of such a catastrophe, it is obvious that the OAU, Africa, the non-aligned movement and the vast majority of the progressive world, cannot remain indifferent and will not hesitate to bring to bear, out of solidarity and a sense of duty, all the force of their weapons all their means to safeguard the independence and freedom of Namibia. Already we have decided, at the level of the OAU and of the non-aligned movement, as several resolutions demonstrate, to increase the means of SWAPO to enable it to meet all its responsibilities, to take up any challenge, and to counter any vague impulse towards individual or mass repression.

196. But perhaps it is still premature to place this tragic development in the realm of the inevitable. Perhaps after a new analysis of this situation, to which there can be no other outcome, the most visible partners of South Africa will join the rest of the world in persuading it that its own survival and world peace will be served by its working actively, honestly and positively towards the imminent liberation of Namibia. And to that end, the sooner is indubitably the better.

197. That is why, when we turn in particular to the five Western countries of the contract group, we stress that their role is taking on harrowing features, for their room to manoeuvre will henceforth be extremely limited. They can no longer run with the hare and hunt with the hounds. They can only plead the case of inescapability: of the urgent, democratic and total liberation of Namibia in accordance with the relevant resolutions of the United Nations, more specifically Security Council resolution 435 (1978).

198. On this point we are convinced that South Africa, already rebellious beyond the limits of tolerance, will not begin truly to calm down and to evaluate the price of future negotiations unless comprehensive mandatory sanctions are applied against it in conformity with the relevant provisions of Chapter VII of the Charter of the United Nations. This is so despite the certainly considerable harm which such sanctions would unquestionably do to Namibia itself and to the fragile economies of the front-line countries. But it would certainly be another opportunity for the international community to demonstrate its active solidarity with those countries so that their suffering might be light and their fight—our fight—might triumph. In this connexion, we shall never forget the magnificent example of heroic Zimbabwe, which was recently born of the debris of rebellious Rhodesia.

199. Those sanctions, in the general area of economic relations, and especially reflected in an oil embargo, would thus be added to the arms embargo already decided upon in resolution 418 (1977), so as really to make South Africa feel the weight of isolation, the result of its incredible obstinacy and of international disapproval.

200. Those are some of my thoughts on the situation in Namibia, thoughts I wished to share with the Council as a contribution to this important debate.

201. But I would not wish to end without stating my appreciation and that of my country for the remarkable efforts of the Secretary-General of the United Nations, who, in spite of numerous obstacles and the most unfair and gross accusations, unshakably continues his efforts to restore South Africa to reason, and thus to obtain the peaceful liberation of Namibia. I wish to assure him of the support and encouragement of the Niger for his devotion to peace and harmony among nations. I hope he will transmit these congratulations and encouragements to his entire Secretariat team, and especially to Mr. Brian Urquhart.

202. I should also like to salute the efforts of the United Nations Council for Namibia, which has taken its duties so much to heart and which will certainly deserve its day of commemoration by the international community.

203. The PRESIDENT: The next speaker is the Minister for Foreign Affairs of Ethiopia, Mr. Feleke Gedle-

Giorgis. I invite him to take a place at the Council table and to make his statement.

204. Mr. GEDLE-GIORGIS (Ethiopia): Mr. President, I should like at the outset to thank you and, through you, the members of the Council for acceding to my delegation's request to participate in the debate on the important and urgent question of Namibia. I should also like to join previous speakers in extending to you felicitations on your assumption of the presidency of the Council for this month. Congratulations are also in order to your predecessor for the able manner in which he presided over the deliberations of the Council during the month of March.

205. It is with a keen awareness of Ethiopia's long-standing tradition of anti-colonialism and anti-imperialism that my delegation is taking part in the current deliberations of the Security Council on the question of Namibia. Since Ethiopia and Liberia, as members of the defunct League of Nations, brought the case of Namibia to the International Court of Justice some two decades ago, and more particularly since the onset of the Ethiopian Popular Revolution in 1974, the independence of Namibia and indeed the total liberation of Africa and the emancipation of its peoples have been among the most important objectives of my country.

206. It is therefore on the specific instructions of my head of State, Comrade Chairman Mengistu Haile Mariam, that I am here today to discharge Ethiopia's historic responsibility to the people of Namibia and to fulfil the mandate given to my country to represent, with other sister States, the movement of non-aligned countries in the current meetings of the Council.

207. Today the attention of the international community is focused on this august body, the only body under the Charter of the United Nations that has the legal competence and political obligation to enforce the will of the world community. Whether the Security Council plays its role effectively and discharges its responsibilities with honour this time will depend on neither the novelty nor the complexity of the question of which it is currently seized.

208. The question of Namibia is as old as the United Nations, and the issues involved are simple and well known to all. In essence, the issue at stake is whether the South African régime will be forced to end its illegal occupation of Namibia or whether it will be allowed to continue in its denial of basic human rights and fundamental freedoms to the Namibian people. Reason and justice demand that South Africa be evicted from the Territory of Namibia without further delay. That this will eventually and inevitably come to pass through the gallant struggle of the Namibian people, under the leadership of SWAPO, their sole, legitimate and authentic representative, is a foregone conclusion for all those who draw lessons from history. In this enlightened age, however, it had been the hope of Africa that the people of Namibia would not have had to

wage a long and costly struggle for their freedom and independence. The collective will of mankind and the moral authority of the United Nations were expected to prevail on the South African régime. Time has now shown that those expectations were unwarranted, for a régime based and thriving on force and terrorism can neither understand nor have any use for reason.

209. Four years ago, when SWAPO and Africa accepted the plan [S/12636] put forward by the five Western countries to end South Africa's illegal occupation of Namibia, they were led by the expectation that reason and justice would ultimately prevail in the counsel of South Africa. Moreover, since those five Western Powers presented their plan—not as mere members of the Security Council but more as States with vested interests in southern Africa—SWAPO and Africa, indeed the international community at large, were led to believe and expect that those vested interests would be used to serve as leverages against South Africa. The experience of the last four years amply demonstrates that reason and justice have not prevailed and that, so far, the Western nations have not shown any willingness to use positively their immense influence in Pretoria in order to vindicate the trust reposed in them by the international community. All along, treachery and deception have been the hallmark of South Africa's behaviour, while sincerity and patience have distinguished the diplomatic conduct of SWAPO. In any event, by taxing beyond limit the patience and forbearance of SWAPO and Africa through its prevarication and by finally rejecting outright the United Nations plan, the terrorist and racist régime of South Africa had dashed all hopes for a peaceful transition of Namibia to independence.

210. Those four years of false hopes and unfulfilled expectations have only benefited South Africa, allowing it to entrench itself in Namibia through the establishment of illegitimate and unrepresentative institutions. Instead of independence, Namibia has regrettably witnessed the entrenchment of dependence. To every call of the Security Council, South Africa has invariably responded with defiance and impudence.

211. The question now is: Where do we go from here? Should Pretoria be allowed indefinitely to deny the people of Namibia their inalienable right to self-determination and independence? Should it be allowed to continue in its defiance of the whole world with impunity? The answer should be a resounding no. What then should the world community—more particularly these meetings of the Council—do in order to fulfil the aspirations of the Namibian people and realize the will of the United Nations?

212. That is the historic task that the Council must discharge if it is to remain a viable and positive force in the life of nations and peoples. The United Nations has a unique responsibility for Namibia's independence, and it is incumbent upon the Council to discharge that responsibility.

213. The South African régime has time and again made it clear that it is unwilling to accede to the independence of Namibia. I submit, therefore, that the only course of action left for the world community, apart from supporting the continuing armed struggle, is to avail itself of the enforcement measures under Chapter VII of the Charter.

214. Through its persistent and continued denial of the rights of self-determination and independence to the people of Namibia, South Africa has violated both the letter and spirit of the Charter. Through its war of repression within Namibia and repeated acts of aggression against the independent neighbouring States of Angola, Botswana, Mozambique and Zambia, it has breached the peace, thereby threatening international peace and security. This fact was determined by the General Assembly a long time ago. It is, therefore, only natural to expect the Council to follow suit and not to await a racial conflagration on the African continent.

215. We all know that there are permanent members of the Council which have close and extensive economic and military co-operation with South Africa and which pretend to view the whole situation differently. Those States are among the five Western Powers which initiated the plan that culminated in Council resolution 435 (1978) of September 1978 and which have failed to fulfil their special obligation in its implementation. They are also the primary beneficiaries of the unbridled exploitation of the human and natural resources of Namibia. That these same countries, through a wide network of overt and covert political, economic and military—including nuclear—links with Pretoria, have contributed to the ability of South Africa to remain in Namibia is beyond contest. In this regard, the recent overtures by the present United States Administration to the terrorist South African régime cannot but be interpreted as encouragement for Pretoria to continue in its repression of the Namibian people and unprovoked aggression against the front-line States.

216. Even before taking power, through its public embrace of the terrorist South African régime, the new Administration in Washington contributed to the scuttling of the so-called pre-implementation talks in Geneva. This can only be interpreted as a total disregard of the genuine aspirations of the African peoples. Not content with its open support for the racists in Pretoria, the present United States Administration has moreover embarked on strengthening its collaboration with the enemies of Africa by, as an initial measure, requesting the United States Congress to lift the ban on subversive activities against the legitimate Government of the People's Republic of Angola. The move to repeal the so-called Clark Amendment is clearly designed not only to undermine the stability of Angola but also to weaken that country's resolve and ability to play an active part in the total liberation of Namibia. The sinister motives behind this move and its wider implica-

tions for the stability of the entire continent of Africa have not escaped us. It is with serious concern that Africa is following the actions of the new United States Administration and, indeed, of all those Western States with colonial interests in southern Africa.

217. The present United States Administration and the other Western States must realize that they cannot for long safeguard their vested interests, be it in Namibia or South Africa, by collaborating with the terrorist and racist régime of Pretoria. I submit that these States have to choose between their short-term and long-term interests. Their choice is nothing less than a choice between alliance with racist South Africa and friendly relations and fruitful co-operation on a long-term basis with a free and independent Africa. The stand they take now in the Council will undoubtedly constitute their choice. The Ethiopian delegation hopes that the dictates of reason and justice would be given due weight, more than financial and racial considerations.

218. Finally, permit me to avail myself of this opportunity to reaffirm Ethiopia's unswerving commitment to the independence of Namibia and its full support for the armed struggle being waged, with so much valour and sacrifice, by SWAPO—the legitimate representative of the Namibian people. On behalf of the Government and people of socialist Ethiopia, I should like to hail here and now the gallant sons and daughters of Namibia for the valiant struggle they are waging for their freedom and dignity. Namibians have been left with no alternative but the intensification of their legitimate armed struggle. In this, they deserve the continued assistance of all peace- and freedom-loving people of the world.

219. Pursuant to its long-standing position and in conformity with the decisions taken by the OAU at Addis Ababa in March and by the non-aligned countries at New Delhi in February and Algiers in April, Ethiopia calls upon the Council to discharge its responsibility to the Namibian people by immediately imposing comprehensive mandatory sanctions against South Africa.

220. The world is watching and let no one doubt the historic significance of the outcome of these meetings of the Council. The question of Namibia is inextricably linked with the history of the United Nations. What is, therefore, at stake today is not the fate of the Namibian people alone, but the future of the United Nations as well.

221. The PRESIDENT: The next speaker is the Deputy Prime Minister and Minister of Foreign Affairs of Jamaica, the Right Honourable Hugh Shearer, P.C. I welcome him here tonight and now call upon him to take a place at the Council table and to make his statement.

222. Mr. SHEARER (Jamaica): Mr. President, permit me, on behalf of my delegation, to join the speakers

who have preceded me in extending warmest congratulations to you on your assumption of the high office of the presidency of the Council for this month. The supportive and innovative role of your great country, Ireland, and its contribution within the context of the United Nations in promoting the cause of freedom, independence and justice are well known.

223. The history of United Nations involvement with the question of Namibia is a saga of the determined and dedicated efforts of the members of the world body to terminate South Africa's illegal occupation of the international Territory, to end the racist régime's brutal and inhuman oppression of the Namibian people, to frustrate and prevent South Africa's attempts to foist a puppet and client régime on that richly endowed land and, above all, to ensure the inalienable right to self-determination and independence of the Namibian people.

224. These efforts of the United Nations date back to 1966 when, by its resolution 2145 (XXI) of 27 October 1966, the General Assembly assumed direct responsibility for the future of Namibia by ending South Africa's Mandate over the Territory and declaring it an international Territory. Today, 15 years later, this *de jure* termination of South Africa's Mandate remains unrealized and unimplemented, to our shame and discredit.

225. In 1967, the General Assembly took further action by establishing the United Nations Council for South West Africa [resolution 2248 (S-V)] as the sole legal Administering Authority for the Territory. The United Nations Council for Namibia, currently under the able leadership of Ambassador Paul Lusaka of Zambia, has rendered invaluable service in mobilizing international public opinion for the cause of the Namibian people in their just struggle for independence under the leadership of SWAPO, their sole and authentic representative. It rightly deserves our continuing support.

226. Although the overwhelming majority of the international community was steadfast in these demands that sustained pressure should be brought to bear on South Africa to divest itself of the political and administrative control of Namibia, a few sought to explain their lack of commitment and political will by questioning, on legal grounds, the General Assembly's decision to withdraw South Africa's Mandate [resolution 2145 (XXI)].

227. Representatives will recall that on 21 June 1971 the Assembly's decision was upheld in a ruling by the International Court of Justice. By an overwhelming vote, the verdict of the Court, in paragraph 133 of its advisory opinion, was

“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”.¹

228. At innumerable points during these 15 years, the Security Council has reaffirmed the special responsibility of the United Nations towards Namibia. This responsibility must and will remain throughout the decolonization phase of Namibia's history, notwithstanding the contributing role played by the non-aligned movement and other international organizations, movements and groups to secure the inalienable rights of the Namibian people.

229. On a number of occasions during the past 15 years, the international community, against its better judgement, has dared to hope that at least South Africa would agree to co-operate with the United Nations in ending its illegal occupation of Namibia.

230. Each time, however, those expectations have floundered against the harsh realities of Pretoria's duplicity and deceit; and whenever the Security Council has justifiably sought to impose sanctions against a recalcitrant and intransigent South Africa, such actions have been blocked either by those countries that continue to maintain significant political and economic vested interests in South Africa or by yet another spurious promise to “co-operate” by the racist régime of South Africa itself.

231. Today, the Council is meeting at perhaps the most critical of such crossroads just described.

232. We have before us the proposals of the five Western members of the Council for an internationally acceptable settlement of the question of Namibia which embodies provisions for a cease-fire and that country's transition to independence after elections held under the supervision and control of the United Nations.

233. With all its deficiencies and limitations, this plan is supported by the Government and people of Jamaica, who remain fully committed to the achievement of genuine majority rule in a free and independent Namibia.

234. However, in the light of Pretoria's deliberate sabotage of last January's Geneva meeting, which was organized to prepare for the implementation of the United Nations plan, it is pertinent to ask whether that régime is genuinely interested in a peaceful settlement in keeping with the United Nations plan, or whether it aims through a process of attrition to so compromise and undermine this initiative that by the time that régime accedes to it the plan will be little more than a recycled version of an internal settlement.

235. As custodians of the legitimate aspiration of the Namibian people, the utmost vigilance on the part of the Council will be required to ensure that the Council's own resolutions are complied with and its credibility is not further compromised.

236. Of particular importance are resolution 385 (1976), which called on South Africa to transfer power to the people of Namibia through free and fair elections, and resolution 435 (1978), which established a United Nations Transition Assistance Group to supervise and control the electoral process in Namibia and thereby promote the early independence of that Territory.

237. It would be exceedingly dangerous for the Council to allow itself to be deflected from its primary objective in Namibia at the present time, that is, to ensure the full implementation of the United Nations plan in accordance with resolution 435 (1978) and secure the racist régime's speedy compliance. Such a step, I submit, now requires the application of comprehensive economic sanctions under Chapter VII of the Charter against the racist South African régime. It is for the Council to live up to its responsibility and resolution 439 (1978) which, in paragraph 6, warned South Africa that failure to co-operate with the Council would compel it "to meet forthwith to initiate appropriate actions under the Charter of the United Nations, including Chapter VII thereof . . ." That is a commitment that the Council has already made.

238. This course of action has been urged repeatedly by my Government, by the Conference of Ministers for Foreign Affairs of Non-Aligned Countries held at New Delhi from 9 to 13 February, and by the meeting of the Council of Ministers of the OAU held at Addis Ababa from 23 February to 1 March, as well as by the extraordinary ministerial meeting of the Co-ordinating Bureau of Non-Aligned Countries held at Algiers, which ended a few days ago, where member countries agreed to a comprehensive programme of action to be taken against South Africa.

239. The Council must also consider the fact that acts of aggression against neighbouring States which are in defiance of the whole United Nations system have been perpetrated by South Africa from Namibia and that

international peace and security have been violated repeatedly within the meaning of Article 39 of the Charter.

240. We cannot continue to allow South Africa to treat the decisions of the Council with scorn and contempt, flout the opinion of the international community and treat the United Nations as an impotent body.

241. Let me remind the Council that, were sanctions to be considered inadequate, Article 42 of the Charter, to which we are all already committed, provides for additional measures which the Council can and should take to enforce compliance.

242. I declare in this forum that the Government and people of Jamaica are ready to play a constructive role in the efforts to secure a free and independent Namibia. To this body and to all those who bear responsibility, I urge: Clear the way for the peoples of Namibia to secure their inalienable rights now; create a reliable model for the peaceful settlement of dispute; decide now in favour of totally eradicating the scourge of racism and *apartheid* from Namibia, and thereby clear the way for all the peoples and races of Namibia to live side by side on the basis of equality and justice.

The meeting rose at 10 p.m.

NOTES

¹ *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.*

² A/36/116 and Corr.1, annex III

³ *Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 24, vol. I, annex I.*

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