

UNITED NATIONS



SECURITY COUNCIL OFFICIAL RECORDS

THIRTY-SIXTH YEAR

2268th MEETING: 22 APRIL 1981

NEW YORK

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NOTE

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

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

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

2268th MEETING

Held in New York on Wednesday, 22 April 1981, at 11 a.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/2268)

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 11.55 a.m.

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)

1. The PRESIDENT: In accordance with the decisions taken at the 2267th meeting, I invite the representatives of Algeria, Angola, Benin, Cuba, Ethiopia, Guinea, India, Indonesia, Jamaica, Mozambique, Nigeria, Senegal, Sierra Leone, South Africa, Sri Lanka, Togo, the United Republic of Tanzania, Yugoslavia, Zaire, Zambia and Zimbabwe to participate in the discussion without the right to vote.

At the invitation of the President, Mr. Benyahia (Algeria), Mr. de Figueiredo (Angola), Mr. Houngavou (Benin), Mr. Malmierca (Cuba), Mr. Gedle-Giorgis (Ethiopia), Mr. Coumbassa (Guinea), Mr. Rao (India), Mr. Kusumaatmadja (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-Ahianyó (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.

2. The PRESIDENT: I should like to inform members of the Council that I have received letters from the representatives of Canada, the Federal Republic of Germany and Kenya, in which they request to be invited to participate in the discussion of the item on the Council's 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. Morden (Canada), Mr. Jelonek (Federal Republic of Germany) and Mr. Kasina (Kenya) took the places reserved for them at the side of the Council chamber.

3. The PRESIDENT: In accordance with the decision taken at the 2267th meeting, I invite the President of the United Nations Council for Namibia and the delegation of the Council to take places at the Security Council table.

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.

4. The PRESIDENT: In accordance with the decision also taken at the 2267th meeting, I invite Mr. Peter Mueshinge to take a place at the Council table.

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

5. The PRESIDENT: I should like to inform members of the Council that I have received a letter dated 21 April 1981 [S/14453] from the representative of Tunisia, which reads as follows:

"I have the honour to request the Security Council to invite Mr. Clovis Maksoud, Permanent Observer for the League of Arab States to the United Nations, to participate in the Council's consideration of the item entitled 'The situation in Namibia', in accordance with the provisions of rule 39 of the provisional rules of procedure."

6. Unless I hear any objection, I shall take it that the Council agrees to this request.

It was so decided.

7. The PRESIDENT: The first speaker is the Minister for Foreign Affairs of Indonesia, Mr. Mochtar Kusumaatmadja. I welcome him here and invite him to take a place at the Council table and to make his statement.

8. Mr. KUSUMAATMADJA (Indonesia): Mr. President, first of all, I should like to express my appreciation to you and the members of the Security Council for granting me the opportunity to take part in the present deliberations on the situation in Namibia. In congratulating you on your assumption of the office of President for the month of April, I should also like to express my confidence that under your wise leadership this series of meetings of the Council will live up to the expectations of the international community, which sees in the situation in Namibia a grave threat to international peace and security.

9. The United Nations has been seized of the question of Namibia for more than three decades and, as early as 1946, the General Assembly adopted resolution 65 (I) rejecting the annexation of the Territory by South Africa. In 1966 the Assembly adopted resolution 2145 (XXI), placing Namibia under the direct responsibility of the United Nations until independence, and in 1967 it established a council as the legal Administering Authority for that purpose [*resolution 2248 (S-V)*]. In 1971 the International Court of Justice adopted an advisory opinion¹ which declared the illegality of South Africa's presence in Namibia and the invalidity of its acts on behalf of or concerning Namibia and the obligation of South Africa to withdraw from Namibia immediately and thus terminate its occupation of the Territory. In discharging its responsibility the United Nations throughout the years has adopted numerous other resolutions and decisions. However, instead of complying with the United Nations resolutions and withdrawing from Namibia, South Africa has strengthened its colonial grip over Namibia and instituted a brutal reign of terror.

10. In blatant violation of United Nations resolutions, the racist Pretoria régime imposed a puppet régime in Namibia and stationed 100,000 troops to sustain the régime and terrorize the people of Namibia. Furthermore, it has been employing these occupation troops for indiscriminate attacks on neighbouring countries, for which the Security Council has time and again condemned South Africa. It has also persistently thwarted the implementation of the United Nations settlement plan for Namibian independence, as contained in Council resolutions 385 (1976), 435 (1978) and 439 (1978).

11. Looming behind all these highly threatening transgressions that have destroyed stability in the

region is the emerging South African nuclear capability, which is being developed clandestinely with the co-operation of its friends, in contravention of the Treaty on the Non-Proliferation of Nuclear Weapons [*General Assembly resolution 2373 (XXII)*]. In so doing, South Africa has ruthlessly exploited Namibia's major mineral and other resources, thus swiftly depleting its natural wealth and endangering its future economic viability.

12. In view of those circumstances, the Namibian people are now on the verge of losing their faith completely in the United Nations, and inevitably see the intensification of armed struggle as the remaining alternative for achieving their independence.

13. One can readily understand that attitude on the part of the Namibian people, since, in adopting its resolutions and decisions, the United Nations has raised the hopes for a settlement. These hopes have, in turn, been consistently dashed by South Africa's persistent intransigence and by the inability of the United Nations to impose them. This attitude of the Pretoria régime demonstrates not only its arrogance but also an intolerable challenge to the international community's legal responsibility over the Territory.

14. That intransigence became even more provocative after the adoption of Security Council resolution 435 (1978), which was co-sponsored and initiated by the contact group of five Western States and raised the hope that a solution was imminent. Once again the expectations of the international community have been frustrated, as some three years have elapsed without any progress towards the implementation of this resolution.

15. The most recent defiance of the United Nations by South Africa was its continuous obstructive attitude at the pre-implementation meeting at Geneva last January, which led to the collapse of that meeting. Furthermore, the failure of certain States to exert the necessary pressure on South Africa contributed as much to the collapse of the talks as did South Africa's own intransigence. In contrast, we witness good will from the side of the South West Africa People's Organization (SWAPO), which has consistently exhibited a positive approach to the issue and showed a high degree of flexibility towards arriving at an acceptable agreement. Not only was SWAPO's willingness to co-operate spurned by South Africa but the Pretoria régime also had the effrontery to state that movement towards a settlement was premature.

16. In view of the failure of all United Nations peaceful efforts to achieve Namibian independence and overcome South Africa's defiance, we seem now to have arrived at a dead-end situation in which diplomatic approaches have become increasingly unproductive. This state of affairs will, if it remains unchecked, bring us to the brink of a really uncontrollable situation further endangering international peace and security.

17. It is necessary that the United Nations should revive the momentum of the process for the liberation of Namibia, and we believe that Council resolution 435 (1978), having been universally accepted, provides the basis for a negotiated and just solution. Any attempt to amend this resolution will only prolong the suffering of the people and delay the independence of Namibia. It is therefore incumbent upon the Council to ensure the implementation of the resolution without any further delay or modification and to display its full commitment to it.

18. In view of South Africa's persistent defiance of all United Nations resolutions and the mounting threat to international peace and security caused by South Africa's actions, the time has come for the Council to take resolute action and impose the necessary mandatory sanctions against South Africa under Chapter VII of the Charter. That this action is demanded by the overwhelming majority of the international community is evident in General Assembly resolution 35/227 J, the relevant resolutions of the Organization of African Unity (OAU), the Declaration of the Conference of Ministers for Foreign Affairs of Non-Aligned Countries issued on 13 February at New Delhi² and the Declaration and Programme of Action of the Co-ordinating Bureau of the Non-Aligned Countries issued last week at Algiers [*S/14458, annex*].

19. My Government strongly urges the Council, in discharging its primary responsibility for maintaining international peace and security, to respond positively to these expectations.

20. The PRESIDENT: The next speaker is the Minister for Foreign Affairs of Algeria, Mr. Mohamed Seddik Benyahia. I welcome him here and I invite him to take a place at the Council table and to make his statement.

21. Mr. BENYAHIA (Algeria) (*interpretation from French*): In the process of the decolonization of Namibia, which is at present characterized by the impasse in which South Africa has been trying to place the efforts of the United Nations, this series of Security Council meetings is of paramount importance, not only for the right of a people under colonial domination to freedom and independence, but also for peace and security throughout southern Africa.

22. Drawing political lessons from the failure of the Geneva meeting in January, which was organized on the initiative of the United Nations in order to ensure the implementation of the plan for a negotiated settlement of the Namibian question, the African countries, within the context of the OAU, requested the urgent convening of the Council with a view to imposing comprehensive mandatory sanctions against the party responsible for the tragic situation in Namibia: South Africa.

23. The non-aligned movement in turn endorsed that initiative and decided to convene an extraordinary

ministerial meeting of its Co-ordinating Bureau for special consideration of the question of Namibia. More than 90 delegations, of which about 40 were headed by a Minister, attended the session, held at Algiers last week, from 16 to 18 April. This high-level participation reflected the importance that the non-aligned movement, which supports Africa unanimously, attaches to the search for an urgent solution of the question of Namibia and at the same time reflects the profound concern elicited by the many consequences that the crisis has on international peace and security.

24. Faced with the intransigent opposition of South Africa to any settlement plan which would involve true independence for Namibia, the Co-ordinating Bureau of the Non-Aligned Countries repeated its firm support for the struggle waged by the Namibian people and expressed in a most responsible manner its desire to see a true political solution and its confidence that the Security Council would take all the measures required by the extreme gravity of the situation.

25. In accordance with the spirit and letter of the Charter of the United Nations and under Chapter VII, the Co-ordinating Bureau thus launched an urgent appeal to the international community to impose comprehensive mandatory sanctions on South Africa [*ibid., para. 21 (f)*].

26. It was with the aim of transmitting to the Council this appeal—which has no other purpose than the lofty desire to preserve international peace and security wherever it may be threatened and of responding to the right of a people to freedom—that the Ministers for Foreign Affairs of the Co-ordinating Bureau, gave a mandate to the members of the movement, including my own country, to come here to express their legitimate concern [*ibid., para. 22 (g)*].

27. I am happy to be able to do so while you, Sir, are President of the Security Council. For you represent a country, Ireland, which has solid anti-colonial traditions and is a staunch supporter of freedom, and you are very naturally able to understand the tragedy of Namibia and the anguish of Africa.

28. The Geneva meeting having showed quite clearly South Africa's rejection of dialogue and negotiation within the context of the United Nations and having abundantly revealed its determination to keep Namibia within its colonial arena, it has become even more imperative for the United Nations to organize the appropriate collective reaction to such defiance.

29. Faced with the continuing illegal occupation of Namibia, accompanied and protracted by South Africa's policy of aggression, the international community cannot stand by doing nothing. In this situation, which is so extremely dangerous to world peace itself, the Council, the organ invested with the paramount responsibility for the maintenance of international peace and security, cannot disregard the urgent appeal

and true concern of this great group of people organized in the non-aligned movement.

30. Faced with the challenges and provocations of the racist régime of Pretoria, the international community—and, in particular, Africa, whose dignity and very being are affected by the tragedy in its southern part—expects today that the Council will show increased determination and take decisions that measure up to the requirements.

31. For in this crucial stage of the process of the decolonization of Namibia, any hesitation, any inaction or any shirking of its duty by the international community would simply be a bonus for illegality, an encouragement to arrogant and aggressive force and, ultimately, would help to consolidate the racist and totalitarian system in southern Africa.

32. It is clear that the question of Namibia as a problem of decolonization is uncontestable, since the basic data involved are perfectly unambiguous.

33. The United Nations, holding legal authority over Namibia until its accession to full independence, assumed full responsibility for the Territory in 1966 [General Assembly resolution 2145 (XXI)] and undertook to liberate it completely. Thus an international consensus was established confirming, *inter alia*, the illegality of the occupation of Namibia, the inalienable right of the people of the Territory to independence and the legitimacy of its anti-colonial struggle, as well as the fact that its sole representative was its national liberation organization, SWAPO.

34. However, by its very nature—that is, racial oppression, colonial domination and a policy of aggression—South Africa could not accept such a consensus and comply with the repeated injunctions of the international community. Basically, it is that very attitude of rejection and intransigence on the part of the racist régime of Pretoria that is feeding the crisis and paralysing the process of negotiation towards a settlement which the United Nations is pursuing with patience and perseverance.

35. The failure of the Geneva meeting, which revealed the nature and scope of the true intentions of the racist régime, requires that we draw up a very honest balance sheet and that we learn all the lessons necessary to shed some light on what should be the future action of the international community.

36. The Geneva meeting showed first of all that South Africa was unwilling to work for the independence of the Territory and was indeed hostile to it, trying to impose the ridiculous argument that the question of the decolonization of the Territory had been overtaken by events, if indeed it had not been achieved.

37. What the South African régime revealed at Geneva, more than an unwillingness to co-operate

with the United Nations, was a deliberate determination to distort the question and to divert the normal course of the decolonization of the Territory.

38. South Africa's delaying tactics and its sham support for United Nations initiatives hardly hid at all the procrastination which it was trying to use—in vain—to weaken the vigilance of the international community and to inure the latter to South Africa's *faits accomplis*.

39. These delaying tactics and manoeuvres are illustrated quite clearly and significantly by the establishment of a so-called Council of Ministers at Windhoek on the basis of sham elections which the international community as a whole and the Council in particular, in its resolution 439 (1978), condemned and formally declared null and void.

40. Accompanying and protracting this illegal occupation of Namibia is an attempt to extend an aggressive policy throughout southern Africa. The colonial policy of Pretoria, the system of *apartheid* which it imposes on the South Africa people, and its policy of aggression against the front-line States derive from the very nature of the racist régime which has been established in southern Africa. Thus, consideration of the tragic situation that has developed in that part of Africa can be complete and understandable only if we take account of everything that is involved and all the facts of the situation. Today it is clear that the repeated acts of aggression against the sovereign States of the region are directed not only at breaking the natural solidarity of their peoples with the Namibian people, but also and above all at imposing through intimidation a racist order in South Africa and a neo-colonial solution in Namibia.

41. In the light of all that information, is it necessary to underline that the continued illegal occupation of Namibia and the acts of aggression perpetrated with complete impunity against the front-line States are, for Africa and the non-aligned movement, a cause of serious concern?

42. The three aspects of the situation in southern Africa are quite clear now to the Council: first, the unacceptable continuation of a situation of illegality; secondly, aggression against a people struggling to exercise its right to independence; and, lastly, aggression against the African States of the region. Because of those three aspects, we must consider the situation in southern Africa as a serious threat to international peace and security.

43. The situation in southern Africa, marked by continuing illegality, has been analysed in this way since the adoption on 27 October 1966 of General Assembly resolution 2145 (XXI) whereby the Assembly decided to end South Africa's Mandate over Namibia and proclaimed the direct responsibility of the United Nations for the administration and decolonization of

the Territory. Since then South Africa has been an illegal occupier of a Territory under the authority of the United Nations and has constantly refused to heed the injunctions of the entire international community.

44. The Namibian people has been denied its right to independence, and the situation in Namibia must be characterized as a state of permanent aggression against a people deprived of its national rights. Taking over indeed from the General Assembly, the Security Council has recognized in 1969 [*resolution 269 (1969)*] the legitimacy of the armed struggle of the Namibian people. According to General Assembly resolution 3314 (XXIX) of 14 December 1974 containing the Definition of Aggression, any attempt to deprive peoples of their right to self-determination, freedom and independence is in itself flagrant aggression justifying recourse to armed struggle.

45. It is thus perfectly clear that the situation now prevailing in Namibia has been recognized as aggression under contemporary international law. It is therefore the duty of the Security Council to ensure that an end is put not only to an occupation that has been declared illegal but also to the state of aggression, recognized as such, against the Namibian people.

46. Such a situation, described as illegal occupation and aggression, logically has a third dimension, namely, aggression against the African States of the region. There is no doubt that the Council would be failing seriously in its lofty mission if it did not condemn those repeated attacks on the sovereignty, integrity and independence of Members of the Organization and also on international peace and security.

47. It is thus evident that all these elements of the situation mean that we have established the actual existence of a threat to international peace and security, for which South Africa is responsible, throughout the southern region of Africa. For almost two decades, the Council has been describing—it did so in 1963 for the first time [*resolution 181 (1963)*—the situation in the southern African region as “seriously disturbing international peace and security” because of South Africa’s actions and manoeuvres. These facts demand an appropriate reaction on the part of the Council.

48. The Council has already outlined the legal framework for such a reaction, as has the International Court of Justice. Indeed, in its resolution 276 (1970) the Council declared illegal “the continued presence of the South African authorities in Namibia” and noted that “the defiant attitude of the Government of South Africa towards the Council’s decisions undermines the authority of the United Nations.” Accordingly, it called upon

“all States, particularly those which have economic and other interests in Namibia, to refrain from any dealings with the Government of South Africa which are inconsistent with [the provisions of resolution 276 (1970)]”.

49. In this connexion, the Council, in its resolution 283 (1970), requested Member States to refrain from maintaining certain kinds of relations with South Africa touching upon the latter’s presence in Namibia. Thus, in that decision which we can certainly call the beginning of selective and isolated sanctions, the international community, and in particular the Security Council, clearly realized in 1970 that South Africa could not be made to heed the United Nations except through organized, collective action.

50. Today, 10 years later, it has been proved that those selective measures as well as the embargo on arms and military supplies adopted in 1977 [*Council resolution 418 (1977)*], because they were isolated actions, had limits. In the same way, the Council, in its resolution 269 (1969), declared that it had the responsibility “to take necessary action to secure strict compliance with the obligations entered into by States Members of the United Nations under . . . the Charter of the United Nations.” That “necessary action” which the Council undertook to take is still awaited. Accordingly, we must state that, since the Council has noted that for almost 15 years now South Africa has not changed its attitude of defiance of international legality, the Council must now, in accordance with its own special responsibilities, adopt comprehensive mandatory sanctions.

51. In the same vein, in its opinion of 21 June 1971,¹ the International Court of Justice considered in paragraph III that “the qualification of a situation as illegal does not by itself put an end to it. It can only be the first, necessary step in an endeavour to bring the illegal situation to an end.” That is certainly a clear statement addressed to the Security Council. The world court quite clearly told the Council that, in order to put an end to a situation that had been declared internationally illegal, it was not enough to call the situation illegal. Once it had been declared illegal, it would be necessary to work to eradicate the situation by organizing collective reaction on the part of the international community. The additional measures to be taken were thus to be found, on the one hand, in each State’s exercising its special responsibilities in order to help put an end to a situation that had bindingly been declared to be illegal by the competent bodies of the United Nations and, on the other, in collective action by the Council.

52. In 1971 the International Court of Justice had already outlined—broadly, it is true, but rather significantly—some of the measures that should be taken. At the same time, the Court had recognized that the Security Council had specific powers and general powers that enabled it to discharge its special responsibilities with regard to the restoration of international legality in Namibia. And yet for almost 10 years now the international community, and in particular the non-aligned movement and Africa, has been waiting for the Council to follow up on the opinion of the International Court of Justice. Had it done so, the Council not only would

have responded to the need to re-establish international legality in Namibia but also could have worked to satisfy the national rights of the people of that Territory.

53. Today there is paralysis in the process of the decolonization of Namibia, and South Africa alone is responsible for it. Under the circumstances, it is clear that the obligations of every Member State in regard to the internationally illegal situation in Namibia and the measures needed to end that situation require that we adopt and impose comprehensive mandatory sanctions.

54. If it is true that the present impasse arising from South Africa's intransigence infringes upon the fundamental principles of the Charter of the United Nations and weakens the very credibility of the Organization, and if it is true that the many condemnations—so far with no effect—are not enough to put an end to this policy of defiance, then the Council must today translate into mandatory concrete action the appeal for comprehensive sanctions that has been launched by Africa and the non-aligned movement.

55. The Council has the difficult privilege of dealing with situations involving a threat to or a breach of international peace and security, and it must today shoulder its responsibilities in respect of a colonial and racial system that defies the international community and its essential foundations.

56. The PRESIDENT: The next speaker is the Minister of State for Foreign Affairs of Senegal, Mr. Moustapha Niassa. I welcome him, and I invite him to take a place at the Council table and to make a statement.

57. Mr. NIASSE (Senegal) (*interpretation from French*): On behalf of my country I should like to thank the members of the Security Council for inviting me and my colleagues the other Ministers for Foreign Affairs to take part in this important and historic debate on the important question of Namibia.

58. Indeed, Mr. President, your country, Ireland, and mine, Senegal, have always believed profoundly in the ideals of the United Nations. Both countries have remained devoted to safeguarding international peace and security. It is in that spirit that our two countries have co-operated closely on a daily basis for several years now within the United Nations Interim Force in Lebanon, which has been charged with restoring peace in the Middle East.

59. For all those reasons, to which must be added your great experience in international affairs, I have the privilege of extending to you my country's sincerest congratulations on your assumption of the presidency of the Security Council, convinced, as we are, that, despite the difficult circumstances of the hour, you will be able to steer the Council to positive results in connexion with this important question of Namibia,

which would clearly be in the interests of all the States of Africa and indeed the whole world.

60. I should not like to fail to thank Ambassador Florin, who preceded you as President, and I should like through him to hail his country.

61. Our debate on the Namibian question occurs at a particularly crucial stage in the evolution of the world and more specifically in the process of decolonization in Africa in general and southern Africa in particular. Several of my Minister for Foreign Affairs colleagues have, yesterday and this morning, with great relevance stressed the importance of the question and above all the need finally to find a just and lasting solution to the issue.

62. The question of Namibia is not of concern just to Africa or Africans. The question of Namibia requires constant attention and responsible consideration on the part of the whole world, and for that reason it is fortunate that the Council is now devoting a special series of meetings to it.

63. One might have thought that with the decolonization of Zimbabwe, which occurred exactly a year ago, through a regular and legal transfer of power to the majority by means of free elections, the international community might reasonably have expected South Africa to learn a lesson from the past and agree to put an end at last to its illegal occupation of Namibia. The example of Zimbabwe in fact showed that a transfer of power to the majority, while putting an end to an era of injustice based on racial discrimination and scorn, promoted the beginning of co-operation among all the States in the region. One might have thought that the example of Zimbabwe would affect the behaviour of South Africa.

64. The question of Namibia, which is still before the United Nations, is well known to all and it does not appear to be necessary to go over its history, particularly since some of my colleagues who preceded me in speaking here have done that with clarity and relevance.

65. What we should like to say is that, since the General Assembly decided to put an end to South Africa's Mandate over Namibia [*resolution 2145 (XXI)*], the Organization has always come up against a total lack of co-operation from South Africa. There is no need to recall that the latter has never ceased to oppose the implementation of the relevant resolutions and decisions adopted by the Organization in its concern with discharging the task conferred upon it in connexion with Namibia by the international community.

66. For its part, during that time South Africa, rather than performing the task given it by the United Nations, which consisted basically of establishing conditions leading to the international sovereignty of the Territory of Namibia, instead raised obstacles—ob-

stacles to any negotiated settlement of the question. By that attitude, South Africa aimed and continues to aim at perpetuating its presence in Namibia. More seriously, South Africa, month after month and week after week, ceaselessly undertakes, under various pretexts, frequent, blatant acts of aggression against the African front-line States—Angola, Botswana, Mozambique, Zambia, Zimbabwe—claiming to be acting in self-defence.

67. Of all the resolutions and decisions adopted by the General Assembly and by the Security Council on the question of Namibia, the delegation of Senegal would like to place particular stress on Council resolutions 385 (1976), 431 (1978), 435 (1978) and 439 (1978). In the opinion of my delegation, those resolutions constitute a valid and unchallengeable framework for bringing Namibia to total independence, and it is for all those reasons that the countries members of the non-aligned movement and of the OAU had confidently placed great hopes in the Geneva meeting in January, to the extent that the meeting might have made it possible to achieve a negotiated settlement of the Namibian question. We know the outcome.

68. Despite the failure of the Geneva talks, for which South Africa bears full responsibility—and it is fortunate, once again, that the so-called Democratic Turnhalle Alliance (DTA) is not present here—the non-aligned movement and the OAU have month after month shown great restraint and responsible moderation. Our countries have preferred negotiated settlement to confrontation—in other words, dialogue.

69. The Ministers for Foreign Affairs of the non-aligned countries, at their conference held at New Delhi last February, while regretting the failure of the Geneva meeting, decided to stress the mandatory implementation of decisions adopted by the Organization. In that connexion, they all decided to highlight the role and the responsibility of the members of the contact group of Western countries in the settlement of the Namibian question.³

70. Within that framework, while emphasizing the somewhat limited progress that has been made, that responsibility must be reaffirmed. Indeed, the five member countries of the contact group should be invited once again to bring new pressure to bear on South Africa. For its part, the OAU has for several years taken a responsible approach to this question, continually confirming our solidarity with our brothers of SWAPO. This attitude is a result of determination based on a thorough and responsible analysis of the question of Namibia and of the situation brought about by South Africa in that country.

71. In the same spirit, in the final communiqué released at the end of the summit meeting of the front-line States, held at Luanda on 15 April 1981 [S/14464, *annex*], the heads of State of those countries reaffirmed their support for the United Nations plan, as provided

for under Security Council resolution 435 (1978). They also stressed the responsibility of the five members of the contact group of Western Powers in the implementation of the plan. They invited those Powers to continue to exert the necessary pressure on the South African régime to comply at last with the relevant provisions of Security Council 435 (1978). My country, Senegal, would like to reaffirm here its support for that stand by the front-line States, a stand which all Africa fully supports.

72. Inspired by that summit meeting, and given the worsening of the situation in that part of southern Africa, the Co-ordinating Bureau of the Non-Aligned Countries, meeting in an extraordinary ministerial session at Algiers from 16 to 18 April, for its part reaffirmed the validity of the settlement plan for Namibia contained in Council resolutions 385 (1976), 435 (1978) and 439 (1978) [S/14458, *annex*]. That plan is rightly considered to be the sole and most valid framework for the independence of Namibia and the Bureau underscored the need for its immediate implementation, with the assistance of the contact group. While condemning once again the tactics of South Africa, the Co-ordinating Bureau advocated appropriate mandatory sanctions, which, if scrupulously observed, would make it possible to force South Africa finally to co-operate with the United Nations in the implementation of the resolutions adopted by the Organization.

73. In conclusion, as members of the Council will have noted, the support given by the international community to the Namibian cause, support essentially based on the purposes and principles of the Organization, of the non-aligned movement and of the OAU, is legitimate support, realistic support, responsible support.

74. The heroic struggle waged by the Namibian people under the leadership of SWAPO, its sole and authentic representative, and under the clear-sighted leadership of SWAPO's president, Mr. Sam Nujoma, is a just struggle; it is a historic struggle, a struggle which should lead to victory. The goal we are seeking is not only the liberation of the Namibian people from South African domination, but also the establishment in Namibia of a régime which will be a régime of the majority, a régime of democracy, enabling Namibia, its people and its leaders to play the role which is legitimately theirs on the international scene, and enabling Namibia to accede to independence without any territorial usurpation of any kind.

75. Faithful to the principles of the Charter of the United Nations, faithful to the principles of the Charter of the Organization of African Unity, faithful to the purposes of the non-aligned movement, my country, Senegal, wishes solemnly to reaffirm here its constant commitment to SWAPO.

76. The Security Council, whose mission is precisely to see to it that international peace and secu-

ity are guaranteed, should support the initiative of the non-aligned countries, the initiative of the African countries, the initiative of all peace-loving and freedom-loving peoples to assist Namibia in achieving independence.

77. Senegal would like once again to express its confidence in and support for the United Nations and its Secretary-General; we hail his great qualities and the praiseworthy efforts he has ceaselessly made to lead the Namibian people to total independence, despite the extraordinary and unjust accusations made by South Africa against the United Nations.

78. We think that the time has come for action. By stilling passion and prejudice, and by showing resolve, realism and firmness, we can all together lead the valiant brotherly Namibian people to total independence, for peace and for justice. It is in that way, and that way only, that peace and security can be restored in that region and, hence, throughout the world.

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

80. Mr. FOURIE (South Africa): I too should like to congratulate you, Sir, on your assumption of the presidency of the Security Council.

81. South Africa has asked to participate in this debate for the following reasons.

82. First, it is directly concerned with the future of South West Africa/Namibia.

83. Secondly, the people of the Territory urgently wish to proceed to an early, internationally recognized independence. They have waited for many years and are growing impatient. South Africa supports their wish and shares their anxieties about certain aspects of the procedures followed in the past. South Africa therefore deems it its right and duty to state its views to the Security Council.

84. Thirdly, South Africa regards it as its right and duty to emphasize that the democratic parties of the Territory have never been afforded an opportunity to present their views in the Council, while one particular group, through one-sided action of this body, has been given preferential treatment, and to demand that this be rectified.

85. A great deal has been said about the need to distinguish between the actions of the General Assembly and those of the Security Council. While so many of the decisions and actions of the General Assembly are completely inconsistent with the role of referee envisaged for the United Nations in the settlement proposal [S/12636 of 10 April 1978], it has been argued that the settlement proposal is to be implemented in accordance with a Security Council resolution and, therefore, under the authority of the Council.

86. In the circumstances, it is of cardinal importance that the Council, in all its dealings, should ensure that equal treatment be accorded to all parties. This applies here and now also to their right to come and state their views in this chamber.

87. But what has happened? The decision of the Council yesterday [2267th meeting] to deny DTA an opportunity to address it has stripped away the last vestige of any claim which the United Nations might have had to being an impartial arbiter of the future of the Territory.

88. For the last three years, whenever apprehension over the blatant partiality of the General Assembly and the Secretariat towards SWAPO was voiced, assurances were given that there was nothing to be concerned about: this was a Security Council exercise and the Council's impartiality was above reproach.

89. Now it is clear for all to see what had been suspected for some time: that the Council is no different from any other United Nations organ in its bias in favour of SWAPO. I say this in spite of the fact that six members of the Council voted for the right of DTA to speak; but I am talking about majority decisions. Here you see living proof of that bias. The Council has not hesitated to invite SWAPO to sit at this table, but has denied DTA, a democratic party from inside the Territory, the basic right to speak on a matter of the most direct concern to it.

90. The decision of the Council yesterday has once and for all exposed the intentions of the majority for what they are: nothing but a device to install a SWAPO government in Windhoek by any means, regardless of the wishes of the people of the Territory and in contravention of every precept of democratic practice.

91. South Africa has consistently maintained that it is for the people of the Territory themselves to determine their own future. Accordingly, South Africa's acceptance of the Western proposal on 25 April 1978 was based on our fundamental approach, that the inhabitants should be allowed to determine their own future in a procedure which would be manifestly free and fair.

92. In this connection, it will be recalled that the basic motivation for United Nations involvement in the process leading to independence was the wish to provide a mechanism whereby elections could be certified as having been free and fair and as therefore having accorded with the aspirations of the inhabitants, thus leading to international recognition.

93. A free and fair expression of the will of the people must take place in conditions of peace and security. The elimination of political opponents, the maiming of civilians, the abduction of school children and the destruction of property can never from part of any democratic process. Accordingly, one of the basic

assumptions of the original Western proposal was that visible peace should prevail throughout the Territory. The democratic political parties do not believe that the United Nations can and will take effective steps to bring this about. This very important consideration still remains to be resolved.

94. In this process, the United Nations should be seen to be impartial. It is not good enough to hint at undefined and conditional assurances to the parties that impartiality would begin once the plan was implemented while in practice continuing the partiality towards SWAPO. The remarkable degree to which the United Nations has assisted, and identified itself with, SWAPO is a matter of record, as is the manner in which it has denigrated the status of the other parties.

95. Authentic self-determination implies the continuation of the democratic process and satisfactory assurances that individual and minority rights would continue to be respected after the election, whatever its outcome. This perception underlies every democratic process. Without it the proposed elections would simply be a prelude either to tyranny or to civil war.

96. The Geneva meeting failed to reassure the democratic parties in regard to their anxieties.

97. My Minister of Foreign Affairs, in his letter of 28 January [S/14346], has already dealt with the Secretary-General's report on the Geneva meeting, and all the points raised therein need no repetition here. The following excerpt from paragraph 7 of that letter forms the cornerstone of South Africa's approach to the question of South West Africa/Namibia:

"At Geneva the internal parties were not satisfied that it would not be a case of one man, one vote, one time. In addition, their concerns for solid guarantees regarding freedom of speech, the freedom to form political parties, a free and independent judiciary, a free economy and respect for property—concepts basic to the democratic process envisaged in the settlement plan—were not addressed. It can only be hoped that due regard will be had by all concerned to the legitimate anxieties of the democratic parties of [the Territory]."

98. We have reached a sad moment for the forces of reason, understanding and moderation. A climate of intolerance has been nurtured in the Organization by unbridled invective.

99. The developments surrounding the question of South West Africa/Namibia are of the greatest importance to the whole of southern Africa. The struggle surrounding South West Africa/Namibia is increasingly turning into a struggle between the advocates of the free expression of the right of self-determination and the advocates of power seizure by means of force and intimidation. This development is bringing the countries of southern Africa to a serious relationship crisis.

100. This crisis is being aggravated and fanned by the proposal for sanctions against South Africa. Needless to say, those advocating this course would not take responsibility for the crisis when it reaches the boiling-point. The leaders of southern Africa should rather decide whether they want co-operation or confrontation. The consequences of the latter will be felt by all. Acceptance of the current proposal to institute sanctions against South Africa would likewise be felt by all the countries of southern Africa. But apparently the question of sanctions against South Africa has become an obsession to the extent that it is propagated, regardless of the consequences in human suffering. The United Nations is supposed to be deeply concerned with the well-being of South West Africa/Namibia. Development in that Territory compares most favourably with similarly placed developing countries. In co-operation with South Africa, the Territory has an efficient infrastructure and it is one of only a handful of countries on the African continent exporting food. With the prospect of further development and progress, its stability could be secured in southern Africa and foreign interference terminated.

101. Is it one of the purposes and desires of those propagating sanctions to destroy, *inter alia*, what has been accomplished in South West Africa/Namibia? Do they want to deprive the inhabitants of that country of the fruits of decades of arduous effort, or is it rather their purpose to create chaos and instability in the Territory and in southern Africa as a whole?

102. My Government cannot observe with equanimity the thwarting of the legitimate aspirations of the people of South West Africa/Namibia; or allow their country to be transformed into a landscape of devastation, famine and poverty as has happened elsewhere.

103. The militant, punitive approach of the General Assembly, reflected in the resolution it adopted on 6 March [resolution 35/227] is the wrong one, if genuine independence for South West Africa/Namibia is sincerely held to be the real objective. Threats will accomplish nothing other than to strengthen determination not to permit an unfair solution to be foisted on the Territory—a solution which would, by subterfuge, subject the people of the Territory to an "independence" which would in reality be nothing but tyranny.

104. South Africa would not take sanctions lying down but would exercise all its options and react appropriately to safeguard its own interests. Sanctions against South Africa would in effect amount to sanctions against the countries of southern Africa, whose economies are so closely interlinked, and it would inevitably be the poor who would suffer most.

105. This view was confirmed by the Economic Commission for Africa in a recent report on the effect which sanctions imposed against South Africa would have. The Economic Commission for Africa concluded that

the cost of such sanctions. "would be incalculable in human terms to some States, while others States, inside and outside Africa, could find the cost to be economically prohibitive".⁴

106. The ripple effect of sanctions if ever applied, would therefore be ruinous. Tolerance and understanding are required in deliberations on the future of South West Africa/Namibia—not threats by the United Nations or any other quarter. A cool and clear-headed approach is needed now, more than ever. Confrontation should be avoided. South Africa stands ready to play a constructive role in securing a peaceful and just internationally recognized solution in the Territory in which equal opportunity would be afforded to the democratic parties. With this objective in mind, we shall continue to look for positive ways to go forward together with those genuinely interested in a fair solution.

107. At this time more than ever, it is not sanctions that are called for in Africa—a continent which United Nations and OAU reports are unanimous in declaring to be economically ailing—but increased economic co-operation. Furthermore, sanctions will make it more difficult to find peaceful solutions to the problems of our subcontinent. They will in fact destroy the basis of co-operation which exists.

108. Let us, rather than proceeding on this destructive course, recognize that if South West Africa/Namibia is to be led peacefully to independence, co-operation between South Africa, on the one hand, and the neighbouring States, on the other, is essential. A prerequisite for this course is peace and tranquillity, with a lack of violence and intimidation. This can be brought about effectively only if there is a growing realization of this fact by the countries directly concerned and, furthermore, if there is a willingness on the part of all concerned to work towards this goal.

109. This series of meetings has been convened at a time when serious discussions are taking place in an attempt to make real progress towards finding an equitable solution which will accommodate the concerns of all the interested parties. South Africa has responded positively to the approaches for further discussion since it believes in continuing dialogue rather than sterile confrontation. It is our hope that these discussions will centre on the problems which stand in the way of peaceful settlement. I must emphasize that a settlement will not be achieved unless equal treatment of all parties is assured; unless the rights of minority groups are protected and guaranteed; and unless fundamental principles of democracy are ensured for the future.

110. For its part, the South African Government will, as in the past, be guided by the wishes of the democratic leaders of the Territory, who cannot be expected to go along with a solution which is forced upon them. It is also our belief that the basic motivation which led to the settlement proposal can be satisfied without some of the glaring symbols of United Nations partiality.

The meeting rose at 1.10 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.

³ *Ibid.*, Political Declaration, paras. 46-47.

⁴ A/CONF.107/1, p.2.