



# SECURITY COUNCIL OFFICIAL RECORDS

TWENTY-THIRD YEAR

**1396<sup>th</sup>** MEETING: 5 MARCH 1968

NEW YORK

---

## CONTENTS

	<i>Page</i>
Provisional agenda (S/Agenda/1396) .....	1
Adoption of the agenda .....	1
The question of South West Africa:	
Letter dated 12 February 1968 addressed to the President of the Security Council by the representatives of Chile, Colombia, Guyana, India, Indonesia, Nigeria, Pakistan, Turkey, United Arab Republic, Yugoslavia and Zambia (S/8397);	
Letter dated 12 February 1968 addressed to the President of the Security Council by the representatives of Afghanistan, Algeria, Cambodia, Cameroon, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Cyprus, Dahomey, Ethiopia, Ghana, Guinea, Iran, Iraq, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Libya, Madagascar, Malaysia, Mali, Mauritania, Morocco, Nepal, Niger, Philippines, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sudan, Syria, Thailand, Togo, Tunisia, Uganda, United Republic of Tanzania, Upper Volta and Yemen (S/8398 and Add.1/Rev.1 and Add.2) .....	1

## THIRTEEN HUNDRED AND NINETY-SIXTH MEETING

Held in New York on Tuesday, 5 March 1968, at 3 p.m.

*President:* Mr. Ousmane Socé DIOP (Senegal).

*Present:* The representatives of the following States: Algeria, Brazil, Canada, China, Denmark, Ethiopia, France, Hungary, India, Pakistan, Paraguay, Senegal, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland and United States of America.

### Provisional agenda (S/Agenda/1396)

#### 1. Adoption of the agenda

#### 2. The question of South West Africa:

Letter dated 12 February 1968 addressed to the President of the Security Council by the representatives of Chile, Colombia, Guyana, India, Indonesia, Nigeria, Pakistan, Turkey, United Arab Republic, Yugoslavia and Zambia (S/8397);

Letter dated 12 February 1968 addressed to the President of the Security Council by the representatives of Afghanistan, Algeria, Cambodia, Cameroon, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Cyprus, Dahomey, Ethiopia, Ghana, Guinea, Iran, Iraq, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Libya, Madagascar, Malaysia, Mali, Mauritania, Morocco, Nepal, Niger, Philippines, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sudan, Syria, Thailand, Togo, Tunisia, Uganda, United Republic of Tanzania, Upper Volta and Yemen (S/8398 and Add.1/Rev.1 and Add.2).

### Adoption of the agenda

*The agenda was adopted.*

#### The question of South West Africa:

Letter dated 12 February 1968 addressed to the President of the Security Council by the representatives of Chile, Colombia, Guyana, India, Indonesia, Nigeria, Pakistan, Turkey, United Arab Republic, Yugoslavia and Zambia (S/8397);

Letter dated 12 February 1968 addressed to the President of the Security Council by the representatives of Afghanistan, Algeria, Cambodia, Cameroon, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Cyprus, Dahomey, Ethiopia, Ghana, Guinea, Iran, Iraq, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Libya, Madagascar, Malaysia, Mali, Mauritania, Morocco, Nepal, Niger, Philippines, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia,

**Sudan, Syria, Thailand, Togo, Tunisia, Uganda, United Republic of Tanzania, Upper Volta and Yemen (S/8398 and Add.1/Rev.1 and Add.2)**

1. The PRESIDENT (*translated from French*): In accordance with the Security Council's previous decision, if there are no objections, I shall invite the representatives of Guyana, Turkey, Chile, Indonesia, Yugoslavia, Nigeria, the United Arab Republic, Zambia and Colombia to take the places reserved for them at the sides of the Council chamber, on the understanding that when one of them wishes to speak he will be invited to take a place at the Council table.

*At the invitation of the President, Mr. E. A. Braithwaite, (Guyana), Mr. O. Eralp (Turkey), Mr. J. Huneeus (Chile), Mr. H. R. Abdulgani (Indonesia), Mr. A. Vratuša (Yugoslavia), Mr. A. Clark (Nigeria), Mr. M. R. Abdul-Wahab (United Arab Republic), Mr. I. R. B. Manda (Zambia) and Mr. A. Herrán Medina (Colombia) took the places reserved for them.*

2. The PRESIDENT (*translated from French*): The Security Council will now resume consideration of the question on its agenda.

3. Mr. PARTHASARATHI (India): Mr. President, allow me first of all to extend to you the warm congratulations of my delegation on your assumption of the Presidency of the Security Council for the current month. My delegation and my country have very high regard for the sister nation of Senegal and for its outstanding leader, President Senghor. It is a matter of great satisfaction to us that the Council will be led by you this month. We have already been impressed with the qualities of leadership that you have displayed in the numerous and difficult informal consultations that have been held so far. We have no doubt that under your wise guidance the Council will deal with its tasks expeditiously and effectively.

4. May I also associate my delegation with those delegations which have taken the floor before me in paying a sincere tribute to the outgoing President, Ambassador Lopez of Paraguay. Ambassador Lopez has more than justified our expectations by his tactful and very able handling of the issues faced by the Council last month.

5. It is not my intention to comment at length on the draft resolution contained in document S/8429 and co-sponsored by India, among others, but merely to lend my delegation's support to the explanations given by Ambassador Shahi of Pakistan, Ambassador Bouattoura of Algeria

and Ambassador Silos of Brazil at our meeting on 4 March [1395th meeting]. These three distinguished colleagues of mine have very ably presented our point of view to the Council and I congratulate them on the effectiveness of their presentation.

6. I have explained the position of my delegation on the question of the illegal trial in Pretoria of thirty-five South West Africans at our meeting on 19 February 1968 [1392nd meeting]. I shall, therefore, be extremely brief. My delegation was and is of the view that it is imperative for the Security Council to take urgent and adequate steps, not excluding sanctions, to deal with the situation created by South Africa's defiance of the Security Council's own resolution 245 (1968) of 25 January 1968. These steps will necessarily have to be of such a nature as to convince South Africa of the futility of persisting in its stubborn arrogance.

7. It has been said within and without these chambers that our draft resolution, by referring to Article 25 of the Charter, necessarily commits the Council to take action under Chapter VII. In general, India is among those Members of the Organization which believe that Article 25 of the Charter has very close and perhaps exclusive links with Chapter VII. However, I am tempted to agree with Ambassador Bouattoura's statement yesterday in this Council that allusion to Article 25 does not necessarily imply a mechanical reference to a specific chapter of the Charter. This I do because the case we are considering today is *sui generis*. We are not now dealing with the usual situation envisaged under Chapters VI and VII of the Charter. This is not a dispute between two or more Member States of the Organization. It is a dispute, although that is a mild word for it, between the Organization and a Member State which has persistently defied the Organization. In such a situation it is necessary to warn the Member State concerned that any further defiance of the United Nations will not be tolerated by the Security Council. Hence the reference to Article 25 of the Charter. Such a clear warning is desirable so that the Government of South Africa may know what the position of the Council will be the next time we consider this case.

8. We have agreed to co-sponsor the draft resolution contained in document S/8429 even though it does not fully conform to the position of my delegation. We have done so in a spirit of compromise and with the clear understanding that this is only the first essential and immediate step. If South Africa refuses to comply with the provisions of the present draft resolution, the Council, in terms of operative paragraph 4 of the draft, will have to meet immediately to decide on the application of effective measures envisaged in the Charter. My delegation, for one, has no doubts about what those effective measures should be and when the time comes we shall press for their adoption. While, therefore, fully backing the draft resolution now before us, which is the very minimum of action which the Council can take at present, my delegation hopes that when the time for effective action comes all delegations will leave aside their reservations and join their efforts in the common cause.

9. The situation is very grave and urgent, as is emphasized by the decision of the Pretoria régime to hold another

illegal trial of eight more South West Africans under the same discredited Terrorism Act.<sup>1</sup> Furthermore, we have received disturbing reports that there are about 150 more South West Africans detained by the South African Government whom it plans to bring to trial in batches with a view to terrorizing the African people of South Africa and South West Africa. In the circumstances my delegation hopes that all the members of the Security Council, conscious of their obligations and responsibilities, will support the objectives of the draft resolution. As has already been stated here in the Council yesterday, the co-sponsors are ready to engage in further consultations with a view to arriving at mutually acceptable formulations. It is in this spirit that we shall examine any and all proposals which have been and may be made.

10. Mr. CSATORDAY (Hungary): Allow me first of all, Mr. President, to congratulate you upon your assumption of the Presidency of the Council. We are pleased indeed that our deliberations during the month of March will be presided over by such an eminent representative of a great African nation, and we offer you our entire co-operation.

11. I wish also to pay tribute to Mr. Solano López of Paraguay for the tirelessly patient and friendly manner in which he conducted our activities during the month of February.

12. In our deliberations on the illegal trial and sentencing of the South West African patriots we have been confronted with problems of a moral, legal and political nature. The violation by South Africa of fundamental principles embodied in our Charter, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights had to be considered in our discussions.

13. The Hungarian delegation has examined the problem before us with a desire to find urgent and efficient means of helping the illegally imprisoned patriots. We have been guided in this approach by the fact that the question is not merely one of local friction, and that South West Africa is a United Nations responsibility so that, in a way, it is the authority and prestige of the Organization which is at stake.

14. It was gratifying to hear the representative of Pakistan say that the co-sponsors of the draft resolution appreciated our efforts to contribute to the solution of this problem. We most certainly appreciate the fervent efforts of the African and Asian Members of our Organization and others that are co-operating with them, and we feel that the draft resolution on the whole adequately responds to the situation brought about by the defiance of South Africa. It reflects the good intentions and the goodwill of these delegations and the high hopes they attach to this draft resolution. In saying this, I do not wish to hide the fact that we are not entirely happy with certain provisions of the text before us.

15. To refer to only one of these provisions, paragraph 3 does not face the issue squarely when it "calls upon the

<sup>1</sup> Act No. 83 of 1967 to Prohibit Terroristic Activities and to Amend the Law Relating to Criminal Procedure; and to Provide for Other Incidental Matters.

Members of the United Nations to co-operate with the Security Council ... to ensure that the Government of South Africa complies with the provisions of the present resolution". It would be more just and, what is more important, much more efficient to point the finger at those who have consistently refused to co-operate with the United Nations, instead of equating them with those who have consistently co-operated.

16. We feel that the contrast is too glaring between the conduct of such States as the United Kingdom, the United States and the Federal Republic of Germany—to name only a few—which continue to maintain close economic, diplomatic and military links with South Africa in spite of valid United Nations resolutions, and States such as mine which have acted in accordance with those resolutions. The Hungarian People's Republic and other States, including the German Democratic Republic, have in effect taken steps to meet the provisions listed in Article 41 of the Charter. I mention the German Democratic Republic expressly because the Foreign Minister of that country, who has had no opportunity to present his views before our Council and our Organization, has set out the views of his Government in a telegram sent to the Secretary-General—with the request that its content be conveyed to the Government of South Africa—condemning this illegal trial and calling for the liberation of the prisoners who have been sentenced.

17. This attitude is in sharp contrast with the opinion of certain other countries, including the Federal Republic of Germany, which is often described by some as the bulwark of freedom in the Western world and which wholeheartedly supports the racist colonial régime in Pretoria. We thus feel that the blanket appeal contained in paragraph 3 enables the supporters of South Africa to pose as if they had acted in the past in accordance with the United Nations resolutions—which is not the case.

18. With regard to the differing positions concerning the applicability of Article 25 of the Charter, we wish merely to state that, in our view, South Africa has already provided a solution in this connexion. It has refused to implement resolution 245 (1968) of the Council and, by so doing, has clearly violated the obligations which it had undertaken under the Charter.

19. In these circumstances my delegation feels that what the Council should be seriously concerned with is not legalistic exercises in some abstract concepts. We have to do everything in our power to achieve the required results—that is to bring about the release and repatriation of the South West African patriots. If the allies of South Africa can influence the Pretoria régime so that it implements our resolution, we shall be content with that. But to achieve that political objective it is absolutely essential for the countries maintaining close economic, military and political relations with South Africa to act resolutely. That is what our present draft resolution invites them to do and it is what our previous resolution invited them to do.

20. Thus, in our view, the results obtained will show to what extent these countries are ready to use their considerable influence in Pretoria. Should they fail to act with

the necessary determination, we shall have to consider more effective measures to bring about the release and repatriation of the illegally imprisoned South West African patriots. As of today, we have to say that, knowing the officially stated position of South Africa, we have some doubts about the effect of the present draft resolution.

21. The South African Government says, for instance, that it "... has no intention of abdicating its responsibilities towards the people of South West Africa." [S/8357/Add.9.] In this document, issued as recently as 19 February 1968 and included in the report of the Secretary-General on the position of South West Africa, the Government of South Africa once again openly repudiates the decision of the General Assembly putting an end to South Africa's Mandate over South West Africa.

22. It is for this reason that we were surprised to hear some suggestions put forward by members of this Council advocating a larger role for Red Cross operations, the sending of some representatives from this body to South Africa, etc., measures which on countless occasions have been ignored by South Africa. This time, in addition, we are witnessing a further repugnant defiance of the United Nations by the Pretoria régime by placing eight other South West African patriots on trial. Thus the time for such measures is long past. Even if such representatives were to be permitted to visit South Africa, that action would hardly produce any concrete results. Only truly effective and specific measures can compel the racist Government of South Africa to heed world public opinion.

23. South Africa is fully aware of this and clearly counts on the continued support of leading members of our Council. It goes to great lengths to underline their community of interests and thus makes rather revealing statements. Allow me, Mr. President, to quote only one of them from the South African report mentioned earlier:

"Being responsible for the welfare of all the inhabitants of South West Africa, the South African Government cannot allow a group of trained terrorists to create a Viet-Cong-like reign of violence." (*Ibid.*)

Small wonder that those who try to suppress the struggle for freedom and independence of the peoples of South West Africa and that of the people of Viet-Nam regard their adversaries as terrorists. But is it really too much to expect that some of them will marshal at least a fraction of the energy they expend in waging war on peoples fighting for their independence and use that fraction of energy this time to face the white supremacists in Pretoria?

24. The Hungarian delegation understands and fully supports the intentions of the sponsors which were so eloquently explained to this Council at the 1395th meeting by the representative of Pakistan, Ambassador Shahi. We expect that all members of the Security Council will concentrate their efforts not on further weakening the draft resolution contained in document S/8429 by advancing semantic arguments, but on fully implementing it without delay. That is the only manner in which we shall live up to the principles of the Charter and achieve freedom for the South West African patriots.

25. The PRESIDENT (*translated from French*): I have no further speakers on my list. If there is no objection, I shall adjourn the meeting in order to allow members of the Council to continue their consultations. The next meeting

of the Council will take place after the concluding consultations.

*The meeting rose at 4.5 p.m.*