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TWENTY-SIXTH YEAR

1598th MEETING: 20 OCTOBER 1971

NEW YORK

CONTENTS

	<i>Page</i>
Provisional agenda (S/Agenda/1598)	1
Adoption of the agenda	1
The situation in Namibia:	
(a) Letter dated 17 September 1971 addressed to the President of the Security Council from the representatives of Algeria, Botswana, Burundi, Cameroon, the Central African Republic, Chad, the Congo (Democratic Republic of), Dahomey, Egypt, Equatorial Guinea, Ethiopia, Gabon, Ghana, Guinea, Kenya, Liberia, the Libyan Arab Republic, Madagascar, Mali, Mauritania, Mauritius, Morocco, the Niger, Nigeria, the People's Republic of the Congo, Rwanda, Senegal, Sierra Leone, Somalia, the Sudan, Swaziland, Togo, Tunisia, Uganda, the United Republic of Tanzania, the Upper Volta and Zambia (S/10326);	
(b) Report of the <i>Ad Hoc</i> Sub-Committee on Namibia (S/10330 and Corr.1) . . .	1

FIFTEEN HUNDRED AND NINETY-EIGHTH MEETING

Held in New York on Wednesday, 20 October 1971, at 3.30 p.m.

President: Mr. Guillermo SEVILLA SACASA (Nicaragua).

Present: The representatives of the following States: Argentina, Belgium, Burundi, China, France, Italy, Japan, Nicaragua, Poland, Sierra Leone, Somalia, Syrian Arab Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland and United States of America.

Provisional agenda (S/Agenda/1598)

1. Adoption of the agenda.

2. The situation in Namibia:

(a) Letter dated 17 September 1971 addressed to the President of the Security Council from the representatives of Algeria, Botswana, Burundi, Cameroon, the Central African Republic, Chad, the Congo (Democratic Republic of), Dahomey, Egypt, Equatorial Guinea, Ethiopia, Gabon, Ghana, Guinea, Kenya, Liberia, the Libyan Arab Republic, Madagascar, Mali, Mauritania, Mauritius, Morocco, the Niger, Nigeria, the People's Republic of the Congo, Rwanda, Senegal, Sierra Leone, Somalia, the Sudan, Swaziland, Togo, Tunisia, Uganda, the United Republic of Tanzania, the Upper Volta and Zambia (S/10326);

(b) Report of the *Ad Hoc* Sub-Committee on Namibia (S/10330 and Corr.1).

Adoption of the agenda

The agenda was adopted.

The situation in Namibia:

(a) Letter dated 17 September 1971 addressed to the President of the Security Council from the representatives of Algeria, Botswana, Burundi, Cameroon, the Central African Republic, Chad, the Congo (Democratic Republic of), Dahomey, Egypt, Equatorial Guinea, Ethiopia, Gabon, Ghana, Guinea, Kenya, Liberia, the Libyan Arab Republic, Madagascar, Mali, Mauritania, Mauritius, Morocco, the Niger, Nigeria, the People's Republic of the Congo, Rwanda, Senegal, Sierra Leone, Somalia, the Sudan, Swaziland, Togo, Tunisia, Uganda, the United Republic of Tanzania, the Upper Volta and Zambia (S/10326);

(b) Report of the *Ad Hoc* Sub-Committee on Namibia (S/10330 and Corr.1)

1. The PRESIDENT (*interpretation from Spanish*): According to previous decisions adopted by the Security

Council, and if there is no objection, I shall invite the representatives who are participating in the Council discussions on this item to take the seats reserved for them in the Council chamber.

2. I invite the representatives of Sudan, Ethiopia, South Africa, Liberia, Guyana, Chad, Nigeria, Mauritius, Saudi Arabia, Uganda and India to take the seats reserved for them in the Council chamber, it being understood that they will be invited to take a place at the Council table when they wish to make a statement. I also invite the President of the United Nations Council for Namibia to take a place at the Council table.

At the invitation of the President, Mr. E. O. Ogbu, President of the United Nations Council for Namibia, took a place at the Security Council table, and Mr. M. Fakhredine (Sudan), M. Y. Tseghe (Ethiopia), Mr. C. F. G. von Hirschberg (South Africa), Mr. J. R. Grimes (Liberia), Mr. P. Moussa (Chad), Mr. R. K. Ramphul (Mauritius), Mr. J. M. Baroodi (Saudi Arabia), Mr. G. S. K. Ibingira (Uganda) and Mr. S. Sen (India) took the places reserved for them in the Council chamber.

3. The PRESIDENT (*interpretation from Spanish*): We shall now continue our consideration of the revised draft resolution, sponsored by the delegations of Burundi, Sierra Leone, Somalia and the Syrian Arab Republic, which has been distributed in document S/10372/Rev.1.

4. Mr. FARAH (Somalia): I just wish to inform you that, following consultations with various delegations, the sponsors of the revised draft resolution agree that in operative paragraph 6 the word "Endorses" should be replaced by "Agrees with". That is the only amendment which the sponsors wish to make to their draft resolution, in the hope that, with the amendment, the Council will not be in a position to proceed to a vote.

5. The PRESIDENT (*interpretation from Spanish*): The representative of Somalia has told us of the amendment which the sponsors of the draft resolution are ready to accept. I understand that this is another proof of co-operation shown to the Council by the sponsors and that it would be generally acceptable to the other members.

6. Mr. KOSCIUSKO-MORIZET (France) (*interpretation from French*): We have considered with care the draft resolution submitted by Burundi, Sierra Leone, Somalia and the Syrian Arab Republic. We did so particularly because of the extremely friendly relations that we maintain with the countries in question and also because of the

qualifications of the authors of this text. I should like to pay tribute to the work performed by the sponsors and I should like to say that, although we have given sympathetic consideration to the call for a unanimous vote emitted by Ambassador Farah, nevertheless we are not able to vote in favour of a text which, to our mind, does not take into account either the possibilities or the necessities of the moment.

7. I shall briefly explain our position. Without going into the details of the preamble or the operative provisions of the text and also without expounding on a matter to which we had occasion to refer at length in the general debate [1588th meeting], I must first recall that we cannot accept an approval, even implicit, of The Hague Court's conclusions, much less the arguments on which they are based. We note that the initial text on this particular point was amended on several occasions, but even in the latest version the text is such that we cannot accept it.

8. I do not wish to repeat the arguments already submitted by us to the Council. I would just say that even if only the conclusions are concerned, that is to say paragraph 133 of the opinion of the Court,¹ these conclusions cannot be endorsed by us. Quite clearly the draft resolution before us does not have the validity of a decision by the Council. I must state quite clearly that if it had been a decision of the Council our position would have been a negative one. It is only because of the appeal made by the sponsors and a desire not to hamper work which has met with the approval of several members of the Council that we shall merely abstain. Our position is categorical and we request that it be placed on record: we do not consider ourselves bound in any way either by the Court's conclusions or by its arguments.

9. Having said that, we have other critical comments to make on the draft resolution. There are references in it to resolutions which were never supported by us because we have always felt that they went beyond the scope authorized by the Charter.

10. I should like to make an additional comment that goes beyond the scope of the present draft resolution. I was a member of the *Conseil d'Etat*, the highest administrative tribunal in France. One of its functions is to deal with administrative disputes. References to precedents are normal in judgements concerning such disputes. I must say that the decisions of the *Conseil d'Etat* in France are shorter, and much simpler, than they are less encumbered with references than the resolutions of the United Nations, although this is not as far as I know, an organization which is an administrative tribunal. Why then is it necessary at every turn to recall resolutions X, Y, Z? Why is it not possible to state matters more simply and clearly for the benefit of public opinion? The language of the United Nations and the specialized agencies has in fact become a jargon, understood only by the initiated and completely incomprehensible to the mass of world public opinion. We would hope very much that formalism will be dropped in

future. Is anything added to the right to freedom and independence by giving it a number, when in point of fact that right is prescribed by the Charter? I think the United Nations would gain if we were to speak more simply and much more directly, particularly when there is no doubt about the aim being pursued. And we know that in this matter, our objective, on which there is complete agreement is that the people of Namibia be granted the possibility of exercising their right to self-determination.

11. That is, in essence, why we shall not vote for the draft resolution; it does not appear to us to be one that represents a single forward step in solving the problem. I should have liked it to be otherwise but I fear that this text will join the all too large stockpile of sterile resolutions that has been built up in the archives of our Organization. We believe that in this matter—and this is what we have proposed—we should stray from the beaten track, get out of the rut and consider questions more realistically, not only in the interest of the United Nations but also in that of the people of Namibia because, after all, that is what we are concerned with.

12. In any case, we wish this draft resolution well, but we still beg to be allowed to remain sceptical as to its future. We think that other ways should be tried. We have said that and we repeat it. We shall, for the time being, abstain on the proposals before us today, only because of the appeal made by the sponsors, whose good work and goodwill we fully appreciate.

13. Mr. BENNETT (United States of America): My delegation has listened with great interest to the statements that have been made in the Council on the question of Namibia. We have paid particular attention to the statements made by Moktar Ould Daddah, President of Mauritania, and his colleagues, the Foreign Ministers of Liberia, Nigeria, Ethiopia, Chad and the Sudan, who have spoken here on behalf of the Organization of African Unity.

14. The United States supported General Assembly resolution 2145 (XXI) and I should like to reaffirm our support. We supported Security Council resolution 284 (1970), by which the Namibian problem was referred to the International Court of Justice, and when that body deliberated on the legal consequences for States of the continued presence of South Africa in Namibia the United States made two contributions to its proceedings. In a written statement to the Court in November 1970² and in an oral statement made before the Court in March 1971 the United States stressed the validity of General Assembly resolution 2145 (XXI) and the fact that South Africa's continued presence in Namibia is without legal basis.

15. In the aftermath of the Court's advisory opinion the Council's *Ad Hoc* Sub-Committee on Namibia began its task of recommending to the Security Council courses of further action to enable the people of Namibia to exercise their right to self-determination. We are pleased with the spirit of co-operation that prevailed in the *Ad Hoc*

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 *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council resolution 276 (1970)*, Pleadings, Oral Arguments, Documents, vol. I.

Sub-Committee. That spirit has carried over into the proceedings of the Security Council and has made possible the draft resolution now before us.

16. The United States will vote for and support the draft resolution. The text before us, however, contains references to certain resolutions on which my Government abstained. Our vote for the present resolution should not therefore be construed as constituting any change in position with regard to the earlier resolutions.

17. The draft resolution takes note of the advisory opinion of the International Court of Justice, particularly its conclusions. For its part, the United States accepts those conclusions, which declare—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, and which further declare that Member States are

“...under obligation to recognize the illegality of South Africa’s presence in Namibia and the invalidity of its acts on behalf of or concerning Namibia, and to refrain from any ... dealings with the Government of South Africa implying recognition of the legality of, or lending support or assistance to, such presence and administration.”

18. In his speech two weeks ago in the General Assembly [1950th plenary meeting] Secretary of State Rogers stated our acceptance of those conclusions and observed that that position was consistent with our support of practical and peaceful means to achieve self-determination and end racial discrimination.

19. Our acceptance also reflects the importance that my Government attaches to the Court. We consider that this advisory opinion adds a significant and authoritative legal element to the effort of the international community to make it possible for the people of the Territory to enjoy their right to self-determination. Our acceptance, of course, does not necessarily imply approval of all the Court’s reasoning. We note in this connexion concern about the Charter interpretation which has been expressed by several members of this Council.

20. The draft resolution reaffirms resolution 283 (1970), which urges Member States to take a number of actions vis-à-vis Namibia. Let me recall, in this connexion, that even before the adoption of that resolution the United States had announced that it would officially discourage investment by United States nationals in Namibia, would not make available United States Export-Import Bank credit guarantees and other facilities and would not assist United States citizens who invest in Namibia on the basis of rights acquired after the adoption of General Assembly resolution 2145 (XXI) in protection of such investments against claims of a future lawful government of Namibia. Following that announcement, my Government made sure that investors were informed of that new policy; and investment has in fact been inhibited in Namibia.

21. There are a few aspects of the draft resolution on which my delegation wishes to make specific comments. In

the seventh preambular paragraph, we note that the term “movement” could be subject to several interpretations. I wish to make it clear that we understand this term in a peaceful sense, consistent with our support of practical and peaceful means to achieve self-determination for the people of Namibia. We would further note that the use of the term does not connote support for any particular Namibian group to represent the Territory.

22. With respect to operative paragraph 11 of the draft resolution, I wish to point out that, as stated by the United States in July 1970 [1550th meeting], in relation to Security Council resolution 283 (1970), and in the light of the advisory opinion of 1971—especially paragraphs 133, 118, 122, 123 and 125—from which the resolution now before us was drawn, the United States considers States free to take appropriate action to protect their own citizens and to assist the people of Namibia.

23. We wish to see no doors closed in dealing with the future of Namibia. We hope that South Africa’s participation in the discussion of this question indicates a willingness to enter into further talks.

24. Sir Colin CROWE (United Kingdom): In the past two days we have been engaged in discussion of two draft resolutions. I understand we are about to vote on only one of those, and so my explanation of vote now will be confined to that.

25. The main proposals in draft resolution S/10372/Rev.1 are very similar to those in part A of the report of the *Ad Hoc* Sub-Committee on Namibia, on which I gave my delegation’s views during the general debate [1589th meeting]. I will not repeat what I said on 6 October in detail. I think the Council will recall that the basic reason for which my delegation has not been able to associate itself with and will, therefore, have to abstain on the draft resolution is that we cannot accept—still less “endorse” or “agree with”—the premises on which most of its proposals are founded.

26. In the course of the debate there has been discussion of several of the important points of law involved, both with regard to the particular question of the Mandate for South West Africa (Namibia) and to the wider question about the force of Security Council resolutions. We have studied carefully the points which have been made by others, particularly those relating to our own position. At this stage of the proceedings I do not think I need say more than that we have found in those points nothing which seems to us to require any qualification of that position. This applies particularly to the question of the force of Security Council resolutions, on which the United Kingdom fully maintains the position I stated earlier.

27. I hope we shall soon be able to vote on the other draft resolution we have been looking at, which could move us towards our common objective of permitting the people of Namibia to exercise their right of self-determination. At that stage, I hope, I shall have something more cheerful to say.

28. Mr. NAKAGAWA (Japan): I note that there has been a change in the wording of the draft resolution contained in

document S/10372/Rev.1. Since my delegation did not participate in the informal consultations on this change, I should be grateful if the representative of Somalia could explain to us the reason for the change and what difference he envisages as a result of the change of wording.

29. Mr. FARAH (Somalia): As I said yesterday [1597th meeting], the Afro-Asian group of sponsors would have liked to see the term "endorses" employed, as used in the draft. However, it was drawn to our attention by some delegations, following the intervention of the representative of France yesterday, that the word "endorses" could have a different connotation. The International Court of Justice and the Security Council are two of the four main organs of the United Nations, and it might connote that one of those two was subordinate to the other. If recognition of the equal status of those two organs is to be maintained, the word "endorses" would not be the correct term; "agrees" would be more suitable. It was also brought to our attention that perhaps endorsement would imply a higher degree of involvement and that to make the draft resolution more acceptable the term "agrees with" should be used.

30. Mr. NAKAGAWA (Japan): I thank the representative of Somalia for his clarification.

31. The PRESIDENT (*interpretation from Spanish*): As no other representative wishes to take the floor, we shall proceed to vote on the revised draft resolution, as amended orally, contained in document S/10372/Rev.1, sponsored by the delegations of Burundi, Sierra Leone, Somalia and the Syrian Arab Republic.

A vote was taken by show of hands.

In favour: Argentina, Belgium, Burundi, China, Italy, Japan, Nicaragua, Poland, Sierra Leone, Somalia, Syrian Arab Republic, Union of Soviet Socialist Republics, United States of America.

Against: None.

Abstaining: France, United Kingdom of Great Britain and Northern Ireland.

The draft resolution was adopted by 13 votes to none, with 2 abstentions.³

32. Mr. LONGERSTAEY (Belgium) (*interpretation from French*): The resolution that has just been adopted, while agreeing with the conclusions of the Court's opinion of 21 June 1971, also implements the principles enshrined in General Assembly resolution 2145 (XXI). My delegation concurs with the former and remains attached to the latter, as we stated in the general debate [1594th meeting].

33. My delegation voted in favour of the draft resolution despite certain legal difficulties raised by paragraph 12. In that paragraph we see a provision that may be upheld as far as its principle is concerned, but the application of which is open to challenge because it covers franchises, rights, titles or contracts granted by South Africa to corporations and

individuals after the adoption of resolution 2145 (XXI), in other words for some five years.

34. My delegation feels that it would have been more in keeping with the second of the conclusions of the Court in its advisory opinion, to have acted in such a way that paragraph 12 would only cover the future and not have a retroactive effect. Abiding by the principle of non-retroactivity of laws, which is the rule in internal legislation, we wish to stress that Belgium cannot implement that provision except in so far as the future is concerned; that is to say, any operation that may take place subsequent to the adoption of this resolution and not for those concluded since the adoption of resolution 2145 (XXI). We believe that this innovation, where the Council has for the first time adopted a retroactive provision will not be taken as a precedent, since this is something that my delegation could not recognize.

35. The PRESIDENT (*interpretation from Spanish*): The statements which representatives make are, of course, reproduced in the records of the Council. Thus it follows that opinions expressed on behalf of their Governments and their personal views are officially recorded.

36. Mr. ORTIZ DE ROZAS (Argentina) (*interpretation from Spanish*): Mr. President, I should like to take the floor if all statements referring to the resolution we have adopted have now been concluded.

37. I have asked to speak in order to submit for the consideration of the members of the Council the draft resolution contained in document S/10376, which has been distributed in all the working languages of the Council.

38. On behalf of the Argentine delegation, I am submitting the draft resolution, and the name of my country appears at the head of it. However, I should like to indicate, from the very outset, that the text contained in this document is not exclusively an Argentine initiative. In the course of the debate on the question of Namibia, the representative of France [1593rd meeting] threw out an idea which I felt was extremely constructive and fruitful, and which in turn was taken up by other delegations and then taken into account by the delegation that I have the honour to head. This idea began to take shape and, after lengthy consultations, not only with members of the Council but with other delegations not represented on the Council, it was embodied in the text that the Council now has before it.

39. First let me express my appreciation for the assistance and co-operation that I have received, in my consultations, from all delegations concerned. But if I might specify, I would say that my main thanks must be addressed to the African delegations, both members and non-members of the Council. The same applies to the President of the United Nations Council for Namibia, my good friend the Ambassador of Nigeria, whose counsel and co-operation have been extremely valuable in allowing us to arrive at the point where the draft resolution is ready for submission.

40. The fact that many delegations participated in the drafting of the document may explain why the original is in

³ See resolution 301 (1971).

English and not in Spanish, which is my usual working language. In the course of those consultations, some texts were shown to us in French, others in English, others in Spanish, and, finally, the merger took place around the original text which the Council has before it in English. For our part, we have endeavoured to be as flexible as possible in the preparation of the draft resolution, since what we have in mind is not to present an exclusively Argentine text, but rather to submit a draft that would above all reflect the concern felt by many members of the Council and particularly by the members of the African Group.

41. Perhaps in my presentation of the draft resolution I shall not proceed in completely orthodox fashion because I intend to speak with complete frankness. This draft resolution has no ulterior motives. The Argentine delegation is led by one single concern. It is the same concern as that felt by African States as a whole. It is obvious that the Namibian question affects the entire international community, but it is no less obvious that the African States are quite properly more interested than any one else in a final solution being found to the problem afflicting the people and the Territory of Namibia. Therefore, while we have borne in mind all the suggestions made to us, we have paid particular attention to those that were made to us by the countries of Africa.

42. Namibia is in Africa, but, across the ocean, it is opposite Argentina. Thus, like the African nations, we hope, as soon as possible, to see a free, independent and sovereign Namibia taking its rightful place in the United Nations, for when the inhabitants of this Territory look across the ocean, symbolically they will have the Argentine Republic on the other side, on the east coast of the Atlantic Ocean, while by land they will be linked to their African brothers.

43. In my previous statements I had said that there were not too many possibilities of solving this problem and that as time passed those possibilities would shrink. One of those possibilities has been chosen by the Security Council with the adoption of the resolution submitted by the four Powers: Burundi, Sierra Leone, Somalia and the Syrian Arab Republic. My delegation voted in favour of that resolution and is the first to be gratified that it has been endorsed and approved by the Security Council.

44. But, apart from that resolution, I should like to reiterate our conviction that there are still other courses of action and that these courses of action must not be closed off. The other courses of action—and I must stress this—must in no way be considered as in opposition to or incompatible with the course of action that the Council has now adopted. I am just trying to ensure that another possibility is considered by the Council, and I do so because I am bearing in mind the fact that the basic concept that we must keep before us must be the future of Namibia and every possible alternative must be explored; none can be discarded if we are to benefit the Namibian people.

45. The draft resolution which I have the honour to submit to the Security Council is a very straightforward document. As I said, speaking very frankly, you will see that in this draft resolution we do not refer to any previous

resolutions of the United Nations at all and we do so because the idea embodied in this draft resolution is the idea of making easier a possible solution and not in any way to place obstacles in its path. Therefore, this does not by any manner or means imply that the Security Council or the United Nations is abdicating or retreating from any position previously adopted. Our position is unchanged and what steps we have taken are still valid. But we should not like to leave open the possibility of being told that because we mention one document or another the search for a solution on the basis of this resolution might be jeopardized.

46. Yet all the basic principles which have any bearing on the future of Namibia and which constitute the goals set for themselves by the countries of Africa and the majority of if not all the Members of the United Nations are embodied in and represented by this draft resolution.

47. The second preambular paragraph of our draft resolution reads:

“...*Recognizing* the special responsibility and obligation of the United Nations towards the people and territory of Namibia”.

In this very simple sentence we have embodied all that the United Nations has done in the past regarding the Territory of Namibia, which has been reaffirmed by the resolution we have just adopted. In other words, far from complacently setting aside concern over the people and Territory of Namibia, we are reaffirming the special responsibility and obligation of the United Nations towards the people and Territory of Namibia.

48. The next preambular paragraph says:

“*Reaffirming once again* the inalienable and imprescriptible rights of the people of Namibia to self-determination and independence”.

I think that this language speaks for itself. I know that the word “imprescriptible” in English gives rise to certain difficulties, but in the Latin languages the word is important and I have tried very hard to keep it in the draft resolution because the meaning attached to the word here is that the rights of the people of Namibia to self-determination and independence will never become obsolete. They will not fail with the passage of time and that is the legal meaning of the word “imprescriptible”. As regards the word “inalienable” we know it means that no one can deprive the people of those rights.

49. The draft resolution then goes on to say “*Also reaffirming* the national unity and the territorial integrity of Namibia”. This wording is very clear, but if any doubts should exist in anyone’s mind, I would state categorically that what my delegation understands by this is that Namibia cannot and must not be parcelled off for the benefit of anyone. States have the right to exist independently, without any reduction of their national unity or territorial integrity. The responsibility of those countries which, whatever the circumstances, exercise rights over territories that have not as yet achieved independence lies

in the preservation of the territorial integrity of those territories and in promoting and encouraging a spirit of national unity. It is only when peoples accede to independence endowed with a territory which has been preserved wholly and integrally that they can fully exercise their sovereign rights among other sovereign nations of the world. This is what we have tried to spell out in this preambular paragraph.

50. Operative paragraph 1 states:

"Invites the Secretary-General, acting on behalf of the United Nations, to take all necessary steps as soon as possible, including making contact with all parties concerned, with a view to establishing the necessary conditions so as to enable the people of that territory, freely and with strict regard to the principles of human equality, to exercise their right to self-determination and independence in accordance with the Charter of the United Nations."

51. I do not doubt that as far as operative paragraph 1 is concerned a more precise language might have been chosen. This wording, however, is the result of many lengthy consultations. But what is, I think, very clear to me and should be clear to all concerned is that it carries a message addressed to those who have a responsibility towards the people and the territory of Namibia, and that responsibility dictates their taking full advantage of this opportunity to prove the purity of their intentions and their objectives to lead the people of Namibia to self-determination and independence. Since I started out by saying that I would be frank, I would say that the message is, first and specifically, addressed to the Government of South Africa. It is that Government, in those contacts which it will certainly have with the Secretary-General, which has the sole responsibility for carrying out the purposes of which we were told by the Foreign Minister of that country in the course of our debate; as Mr. Muller stated [*1584th meeting*], the purposes are those of promoting the welfare of the people of Namibia and leading them to self-determination and independence, if the people so decide. This is what we were told.

52. Argentina believes that the people do so desire. We believe that what must be done with the people of Namibia is to prepare them within a certain time-limit, but gradually and specifically, so that they can accede to that independence. We believe that this draft resolution does make that step possible.

53. As far as the Argentine delegation is concerned, we do not wish to inflict what might be termed a political defeat on South Africa—far from it. What we are interested in—and we are not alone in this—since, when submitting the draft resolution, as I said, we have taken into account the desires and concern of the African States—is that the people of Namibia accede to self-determination and independence and that they very soon join the United Nations as such.

54. Thus, in a form of words, which may at first sight appear vague, nevertheless we ensure that the door is left open. The next step is up to the others. When I say "the others", I am again referring specifically to the Government

of South Africa whose co-operation in the implementation of this draft resolution we trust will be positive. Were it not to be so, then the Council can draw very clear conclusions from such a result.

55. Finally, the draft resolution "*Requests the Secretary-General to report to the Security Council on the implementation of this resolution*". This is so as to ensure that the implementation of the resolution not be lost with the passage of time and that we may all be kept informed on how the contacts that the Secretary-General may carry out are progressing.

56. I have endeavoured to make as direct, succinct and frank a presentation of this draft resolution as possible. However, if it were felt necessary for me to stress this, I will do so again: that the only intentions of my delegation are those that I have described in the course of this statement. We would be the last to lend ourselves to any type of manoeuvre, for delay on any other purpose. That is why we felt that we were making a contribution to the solution of the problem which, unfortunately, afflicts Namibia.

57. In conclusion I understand that some delegations would wish for more time to consider this draft resolution. My delegation does not in any way object to such a step. It can be put to the vote whenever you, Mr. President, consider it appropriate to do so.

58. Once again, I wish in conclusion to thank the delegations of Africa and Asia on the Council, other members of the Council and also the other African delegations that have given us such valuable co-operation in the preparation of this draft resolution.

59. The PRESIDENT (*interpretation from Spanish*): We thank the representative of Argentina and I think that he has put before us very clearly the purport of his draft resolution. We understand that that draft does embody noble concerns expressed within the Council. We also understand that the representative of Argentina's draft is accompanied by the best of intentions. He has told us that what we might term the very seeds of his concept lay in the idea that first emerged from the representative of France—that idea that very rapidly gained ground in the minds of other members of the Council. We understand that he has submitted to us a very worthy instrument meriting our most careful consideration and therefore deserves a careful exchange of views regarding the meaning of the draft. But this exchange of views must be carried out with open minds as we always proceed in this forum of international peace and security.

60. Mr. TERENCE (Burundi) (*interpretation from French*): Actually, my problem is half solved because the representative of Argentina does not request any immediate vote on his proposal. My delegation would like to request formally that a vote on the draft resolution take place at a subsequent date in order to provide us with the necessary possibility for consultations on other draft resolutions. On the other hand, as the Council has considered the subject before us for some three weeks or a month, I hope that the same patience that was recorded over the period now behind us will still be available to us all for a few days in

order that we may consider carefully the text that we have just received.

1. Consequently, I should like to propose formally that the draft resolution be put to the vote at a later meeting, say, Friday morning. I submit this proposal following consultations with the sponsor of the draft resolution and also in agreement with the African delegations, which are the most directly concerned, and certain other representatives as well. I have not been able to contact all the members of the Security Council on this matter, but I think we would all agree that there is no necessity for undue haste. Despite the sound basis of the draft resolution, it would be desirable for us to have another 24 hours to take a responsible position. Consequently, a meeting on Friday morning might be the last on this particular subject, and a vote could be taken then.

2. Mr. KOSCIUSKO-MORIZET (France) (*interpretation from French*): I am very happy to support the request of the representative of Burundi; I think it to be a perfectly normal suggestion. After all, yesterday I asked for an adjournment, which was supported by the Soviet delegation. I do not intend to take a position now on the draft resolution just submitted by our colleague, the representative of Argentina. He has been good enough to refer to the original inspiration of the draft. I shall go back to that in due course and I, in the course of consultations, may have certain comments to make.

3. However, I would right away mention, in order to gain time, a few matters of form.

4. I must say that "Recognizing the special responsibility and obligation of the United Nations" does not sound very good in French; we should say rather "special obligations of the United Nations Organization".

5. Similarly, in the next paragraph we read: "Reaffirming once again the inalienable and imprescriptible rights of the people of Namibia to self-determination..."; and in this case there are no rights, but there is one right, the right to self-determination. Therefore, it should read: "...the inalienable and imprescriptible right...". The text is weakened, not strengthened by the use of the plural.

6. I should like to make one further observation, one not concerning form. I would merely point out to the sponsor of the draft resolution that it seems somewhat illogical to say "to self-determination and independence", because independence, after all, is only one of the choices under self-determination. A people expresses itself freely, and that is self-determination; it chooses independence, which is but a consequence of self-determination. It would seem more logical to me to say "to self-determination, including independence".

7. This last observation of mine is a question not only of form, but I will go back to the matter of form; for after all, as I emphasized earlier, if the United Nations wishes to be understood, it must speak in language that is used by everyone, remaining faithful to the genius of the respective languages it uses for the purpose. But when we read in French "*et dans l'observation rigoureuse des principes de*

l'égalité humaine", we really get the impression we are reading a translation of an English text, as we used to say in the *Lycée*. The wording should be: "*dans le respect rigoureux du principe de l'égalité entre les hommes*". That, I believe, sounds a great deal better, and I think everyone would agree.

8. Mr. PRATT (Sierra Leone): I should like very briefly to congratulate Ortiz de Rozas of Argentina for his draft resolution, which would be a positive step in the right direction and which my delegation hopes will be accepted by all members of the Security Council. Later on, when we come to discuss it, I shall give my delegation's views, but at this stage I should like to propose a slight amendment, so that at the time of the discussion, everyone will have the amendment in mind.

9. I refer to the first preambular paragraph, which now reads: "*Having examined further the question of Namibia*". I would suggest the addition of the following words: "and without prejudice to action to be undertaken on other resolutions of the Security Council".

10. I should like to stress that we have just adopted a resolution by 13 votes, with 2 abstentions and the members abstaining have explained the reasons for their abstentions. And there are other resolutions. It is wonderful that our proposal does not mention any resolution specifically. But that must not blind our eyes to the fact that there are resolutions which have been accepted by practically all of us, under which some action must be taken. And if there are those resolutions that we have accepted, we need not specify them. And since we do not specify them, since, as the representative of France would say, we do not make a catalogue of resolutions, but merely say "without prejudice to action to be undertaken on other resolutions", it shows that this will meet the wishes of, for example, the representatives of France and United Kingdom; and since we do not further specify any resolutions referring to the International Court of Justice, this should meet any objection that may have been posed from those quarters. Also, the proposal is to refer merely to other resolutions in general.

11. The reason for this is that if we were to adopt a draft resolution, however, well-meaning it might be, we might be entangled in a legal problem, namely, that if a second piece of legislation were adopted and if it, or some of its provisions, were considered to be incompatible with previous pieces of legislation, then the subsequent legislation could be interpreted, by implication, to have repealed the inconsistent earlier provisions.

12. Now, this, I am quite certain, is not the intention of the representative of Argentina. It is therefore necessary to avoid further technicalities in the future, to save resolutions which perhaps might even be inconsistent with this one. For example, the resolution we have just adopted "Calls once again on South Africa to withdraw from the Territory of Namibia". The draft resolution before us does not mention South Africa; it calls upon the Secretary-General, acting on behalf of the United Nations, to take all necessary steps with South Africa to implement what is envisaged here—leading the Namibians towards the exercise of their

right to self-determination. Thus the two are inconsistent; and if we do not protect the earlier resolution by saying that what we are asking the Secretary-General to do is without prejudice to what we have previously decided, then we might find ourselves wrapped up in all sorts of legal technicalities in the future.

73. It is merely for these reasons that the Sierra Leone delegation is proposing this slight amendment mentioning the word "resolutions". We want to be specific.

74. The PRESIDENT (*interpretation from Spanish*): We have listened to his observations with great care. We are all taking full advantage of the dialogue that has taken place around the Argentine draft resolution. I am sure the sponsor has taken full advantage of the ideas expressed by the representative of France and the Foreign Minister of Sierra Leone.

75. Mr. FARAH (Somalia): My delegation wishes to associate itself with the views and suggestions just expressed by the representative of Sierra Leone.

76. For 25 years now the United Nations has been waiting for South Africa to respond in accordance with the spirit of the Charter. For 25 years we have met with a wall of defiance and a wall of silence.

77. Operative paragraph 2 of the draft resolution tabled by the representative of Argentina calls upon the Secretary-General to report to the Security Council on the implementation of this resolution. I think it is most important, in view of the time factor, that we ask the Secretary-General to report not later than a certain date. Otherwise we may have to wait for another 25 years before the Secretary-General is able to respond. When the time comes, and possibly at the next meeting, my delegation will not only make further observations on the text of this draft resolution but will also perhaps elaborate further upon the time-limit which should be set for the Secretary-General to report to the Security Council on the progress of any talks that might be initiated as a result of this draft resolution.

78. Mr. MALIK (Union of Soviet Socialist Republics) (*translated from Russian*): I am not fully convinced that all members of the Security Council participated in the preparation of the Argentine draft resolution. However, novelty is always attractive. The sponsor, the distinguished representative of Argentina, stressed that he was trying to find an entirely new approach to the problem. It is difficult to object to novelty—it is a good idea. He also stressed that his draft makes no reference to previous resolutions. Here some doubt might arise. Would our approach be correct if we were to forget all that has been done so far by the Security Council and the United Nations on the question of Namibia? Should we erase the past? We should give some thought to this.

79. Yet another question arises. The draft resolution includes a request to the Secretary-General. By what would he be guided—by his own judgement or by those basic provisions that already exist in previous decisions of the United Nations, in the form of both General Assembly resolutions and Security Council decisions? It is all the

more necessary to ask this question in that we have just adopted a very important, although in the Soviet delegation's opinion, insufficiently forceful, draft resolution containing many important provisions. Furthermore, one special factor in our current consideration of the problem of Namibia is the existence of a new element, namely, the opinion of the International Court of Justice, with which the majority of members of the Security Council agreed today. It hardly seems desirable, therefore, to strike out this new page too in the history of the Security Council's consideration of all that has been done in this matter so far.

80. Actually, I am merely thinking aloud, without defining, and without prejudice to, any positions that may be taken with regard to these problems and so we shall, of course, study most carefully the interesting draft submitted by the representative of Argentina. However, the comments already made by other speakers lead me to think that this question requires more thorough consideration and consultation.

81. With all due respect for the opinions expressed by the distinguished representative of Burundi and supported by the distinguished representative of France, I would suggest that it might be more appropriate to have further time to think about the matter and hold consultations, and to inform our Governments and receive instructions. Bearing in mind also that we are all occupied with the consideration of very important questions in the General Assembly and in the First Committee—the Assembly is now in full swing—it might be better to hold the next meeting of the Council not on Friday morning but, for example, on Monday morning. This would give more time for consideration and consultation, and for receiving instructions.

82. The PRESIDENT (*interpretation from Spanish*): Note has been taken of the suggestion made by the representative of the Soviet Union.

83. Mr. ORTIZ DE ROZAS (Argentina) (*interpretation from Spanish*): I should like to refer to the statements that were made after I submitted the draft resolution to the Council today.

84. With regard to the comments of the representative of France, my delegation feels that those corrections of style that he has suggested do improve the text. With regard to retaining the words "and independence" after "to self-determination", might I make the following clarification? It is obvious that, in the right to self-determination, any possibility is involved and that right may not necessarily be exercised to achieve independence. But my delegation believes that the right to independence is implicit in any right of peoples subject to foreign domination, and so we feel it is extremely important that independence be included as one of the rights recognized to the people of Namibia. At the time when self-determination is exercised by the Namibian people it will be up to them to decide upon their future; but what must be understood and what must be stated very clearly from the outset is that independence is involved. That is why, with all due respect to the views of the representative of France, although I fully understand the line of his argument, I would prefer to retain the word "independence" in the text.

85. With regard to the comments of the Foreign Minister of Sierra Leone, I would say that I find no objection to including the addition that he has suggested. I say that because, as I said at the outset, we do not consider that this draft resolution is in any way incompatible with any other resolutions already adopted or which the Security Council may see fit to adopt on the subject. It is obvious, therefore, that if that is our idea we could not have any objection to the specific mention being made in the text of the resolution itself.

86. I should like to refer to what the representative of the Soviet Union has just said. With this draft resolution we are in no way forgetting any of the previous resolutions of the Security Council. We are not setting aside any resolution adopted by the Security Council. A little less than half an hour ago this Council, which is one and indivisible, adopted a resolution—in which all previous resolutions on the subject are recalled. And it was this same Council. How, therefore, can we now forget the previous resolutions if we have just adopted one which we recall resolution 1514 (XV) of the General Assembly on the liquidating of colonialism. We recall resolution 2145 (XXI) of the General Assembly. We recall and reaffirm resolutions 264 (1969), 276 (1970), 283 (1970) and 284 (1970), all of the Security Council. We have recalled all that needed to be recalled. We have overlooked nothing.

87. The point is that we are submitting another draft resolution which does not overlook or forget anything, but opens up a new possibility. It may well be—and I do not discard this as a solution—that this draft resolution I have submitted will lead nowhere. It is possible and it would not be the first time in the history of the United Nations. But by the same token I am convinced that the representative of the Soviet Union would not object to our following a course of action which might lead the people of Namibia to self-determination and independence. If that were the case, simply because we do not mention previous resolutions why should we discard that possibility? I am sure that the representative of the Soviet Union wants the same thing as my delegation, namely, that the people of Namibia should accede to independence. If that be the case, why object to a draft resolution which does not contradict previous resolutions but does not mention them specifically and which would be adopted by the same Council that half an hour ago adopted another resolution which does mention each and every one of the other resolutions? This is an open door. My friend Mr. Malik of the Soviet Union, who is a skilful diplomat, knows full well that in the process of deliberations of a collegiate body such as the United Nations no possibility should be discarded, particularly when that possibility might—I do not say that it will, but might—lead the people of Namibia to self-determination and independence.

88. Mr. KOSCIUSKO-MORIZET (France) (*interpretation from French*): I think perhaps a certain error of interpretation has arisen in connexion with this question of right of self-determination and independence. Either my Argentine colleague did not understand me, or I expressed myself incorrectly. I never suggested dropping the word "independence". Actually, speaking here originally, I did propose the word myself. What I said was that it seemed to me more

logical to refer to "the right to self-determination, including independence". It never entered my mind, on the contrary, to delete this word, which I deem essential.

89. Mr. JOUEJATI (Syrian Arab Republic): On a point of clarification, does the representative of Argentina think it might be proper to have another operative paragraph calling upon the Government of South Africa to co-operate fully with the Secretary-General in the contacts he is going to initiate? If the Government of South Africa, under one pretext or another, should state that it will have nothing to do with the resolution, we would be in a total impasse again. The Council might re-open the discussion just to make it clear that the Government of South Africa is under an obligation to respond favourably to the steps the Secretary-General might take. The insertion of such a paragraph would not only fill a gap but might also save time, and perhaps render unnecessary another series of Security Council meetings dealing with procedure rather than substance. This is merely a question of clarification.

90. Mr. ORTIZ DE ROZAS (Argentina) (*interpretation from Spanish*): I am grateful to Mr. Jouejati for his request for clarification. May I tell him that as far as I am concerned I would have no objection to the insertion of this paragraph. But, as I said in my presentation, this draft resolution is in fact the result of many and lengthy consultations, particularly among the African States. The text, as it stands now, is the result of these consultations and therefore in order to respect the points of view expressed by the African States and conveyed to me it would be important to keep the text in the form in which it stands. Nevertheless I feel that, even without the paragraph that my colleague from Syria has suggested, the message should already have been received, in all clarity, by the Government of South Africa, since what is sought is precisely that the Government of South Africa should co-operate in those contacts that the Secretary-General will establish with that Government and any other interested party in order to protect the rights of the Namibian people.

91. I feel that with the clarification given in the course of the presentation and the one I am now giving in response to the quite justifiable concern of the representative of Syria, the South African delegation will have been able to take due note and will inform its Government that we expect such co-operation on its part, without there being any necessity for it to be spelled out in an additional paragraph of the draft resolution.

92. Mr. KULAGA (Poland) (*interpretation from French*): The Polish delegation was not involved in the consultations which led to the draft resolution now before the Council. Consequently it has certain difficulties in connexion with the eventual expression of its attitude on the text. Nevertheless, at this juncture, it would like to refer to a feeling of uncertainty already shown in this Council about what has been called the new approach towards the problem. We consider that resolutions adopted in the United Nations are not, after all, merely numbers; they are more than that. Resolutions adopted in the United Nations are the reflection of positions, of opinions, of stands adopted in and by the Security Council in connexion with the problem under discussion, that of Namibia. Conse-

quently, we would agree with the comments on the need, the desirability of all questions pertaining to Namibia being dealt with within the political and legal framework which has been provided for Namibia by the United Nations for a long time.

93. That is the first comment we wished to make on procedure. The second is the following: it would seem difficult to prejudge now the exact date on which we might be able to take a final stand and vote. I believe that the debate has shown the need for a serious consideration of this matter to see exactly what could be done. Consequently it would appear that it is premature today to decide on a date when we could vote.

94. The PRESIDENT (*interpretation from Spanish*): I have taken careful note of the statements made on the draft resolution submitted by the representative of Argentina. We understand very well that all comments are important, and I am sure that the sponsor has duly taken note of all the views expressed. We understand very well that it might be better to continue exchanging views before we set a specific date and time for another meeting of the Security Council. If I hear no other comments or objections from members of the Council, I would submit the suggestion that the President be allowed to convene the meeting at some future time to continue consideration of the Argentine draft resolution submitted today. This means that whatever time we have between now and the time of the next meeting—tomorrow and Friday also—would be utilized to continue our consultations. The sponsor of the draft will consult all members of the Council, particularly the sponsors of the resolution just adopted. The President will of course take note of the consultations and will be at the disposal of all concerned, and, when we feel the time is ripe to do so, we shall convene a meeting of the Council. It could be Monday afternoon, as was suggested. I would hope in the near future. But I believe that we should adopt this procedure, leaving it to the President to decide upon the date and time of the meeting after the consultations are held, instead of deciding here and now on a specific time and date.

95. I am very respectful of the views of all members of the Council, and therefore I would ask whether they agree with this procedure, which I would sum up as follows. I shall in due course call another meeting of the Council, which will not be before Friday, and, I trust, will not be after next Monday, to continue dealing with the draft resolution submitted by Argentina, on the understanding that we shall in the meantime take full advantage of the hours and days available to continue with open minds to hold consultations among ourselves and particularly to allow consultations between the sponsor of this draft and the sponsors of the resolution adopted this afternoon.

96. Mr. TERENCE (Burundi) (*interpretation from French*): I did not wish to contradict the consensus that

you referred to, but I would remind members of the Council that the General Assembly and other United Nations bodies are considering problems of considerable importance. Their importance is great because these problems are of interest to the world at large, to all countries; in the case of Africa, there are also urgent problems, such as that of Namibia, which in our opinion cannot be relegated to a second-string category. There are other problems with which the Council has been seized, the request of Senegal and the problem of Guinea. They also have to be dealt with. Consequently, while agreeing to an adjournment of the consideration of this problem, we hope that the Council will not lose sight of these problems on the agenda that are also of such great importance. For the Africans the problems of Namibia, of Guinea and of Senegal, problems due to colonialism and racism, must enjoy first priority among the items and concerns of the United Nations.

97. Therefore, we do not object to the adjournment, you proposed, but we hope that during the consultations the President will take into account the necessity of acting speedily. The resolutions we adopt are only partial solutions, because the final and complete solution of such problems as those of Namibia and of the remaining colonies in Africa will only be full accession to independence.

98. The PRESIDENT (*interpretation from Spanish*): Repeating what I said, I pledge myself to convene another meeting of the Council to continue dealing with the Argentine draft resolution. It is possible that after consultations with members of the Council, on how we may use the next few days I may call a meeting to deal with other questions before the Council. If this is acceptable, I will adjourn the next meeting now, but will take care to convene another meeting after consultations, defining the subject we shall discuss.

99. We have a number of items on our agenda. The representative of Burundi has mentioned them, and I am fully aware of their existence. I place myself at the disposal of the Council so that we may take full advantage of the next few days in order to continue our work for the benefit of international peace and security.

100. If the Council therefore agrees with my suggestion I shall adjourn this meeting, and I shall consult all members of the Council as to when the next meeting is to be held and what subject is to be discussed at it. I ask whether this is the proper decision. We will not set a specific time and date at this time but the chair, after consultations, will set a time tomorrow morning—possibly Friday and we can then decide on whether the subject is to be Guinea, Senegal or Namibia—all subjects which I am fully aware are on our agenda.

The meeting arose at 6.10 p.m.