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1884th MEETING

Held in New York on Thursday, 29 January 1976, at 3.30 p.m.

President: Mr. Salim A. SALIM
(United Republic of Tanzania).

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

Provisional agenda (S/Agenda/1884)

1. Adoption of the agenda
2. The situation in Namibia:
Letter dated 16 December 1975 from the Secretary-General addressed to the President of the Security Council (S/11918)

The meeting was called to order at 3.55 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Namibia:

Letter dated 16 December 1975 from the Secretary-General addressed to the President of the Security Council (S/11918)

1. The PRESIDENT: In accordance with the decisions taken previously [1880th-1883rd meetings], I invite the representatives of Algeria, Bangladesh, Burundi, Cuba, Egypt, Guinea, India, Indonesia, Jamaica, Jordan, Kenya, Kuwait, Liberia, Mali, Mauritania, Mauritius, Nigeria, Poland, Saudi Arabia, South Africa, Tunisia and Yugoslavia to take the places reserved for them at the side of the Council chamber, on the usual understanding that they will be invited to take a place at the Council table whenever they wish to address the Council. I also invite the President and members of the delegation of the United Nations Council for Namibia to take their places at the Council table.

At the invitation of the President, Mr. Rahal (Algeria), Mr. Karim (Bangladesh), Mr. Mikanagu (Burundi), Mr. Alarcón (Cuba), Mr. Abdel Meguid (Egypt), Mr. Camara (Guinea), Mr. Jaipal (India), Mr. Marpaung (Indonesia), Mr. Hall (Jamaica), Mr. Sharaf (Jordan), Mr. Maina (Kenya), Mr. Bishara

(Kuwait), Mr. Minikon (Liberia), Mr. Cissé (Mali), Mr. El Hassen (Mauritania), Mr. Ramphul (Mauritius), Mr. Harriman (Nigeria), Mr. Jaroszek (Poland), Mr. Baroodi (Saudi Arabia), Mr. Botha (South Africa), Mr. Driss (Tunisia) and Mr. Petrić (Yugoslavia) took the places reserved for them at the side of the Council chamber; Mr. Kamana (President of the United Nations Council for Namibia) and the members of the delegation took places at the Security Council table.

2. The PRESIDENT: The Security Council will now continue its consideration of the item on its agenda. The first speaker is the Commissioner for External Affairs of Nigeria, Mr. Joseph N. Garba. I therefore invite him to take a seat at the Council table and to make his statement.

3. Mr. GARBA (Nigeria): Mr. President, may I, on behalf of the Nigerian Government, express to you and to the other members of the Security Council, my gratitude for allowing my delegation to participate in the present meeting of the Security Council on Namibia. It is a source of particular satisfaction to me that you are presiding over the Council when it is engaged in this critical debate on a subject of the greatest concern to Africa. You represent a country with which Nigeria enjoys close brotherly relations. Your own personal devotion to the issues of decolonization is well known. I am, therefore, confident that with the necessary co-operation from your colleagues on the Security Council progress will be made on Namibia's long and tedious journey to self-determination.

4. The problem of Namibia has been discussed again and again by the Security Council and the General Assembly, to the point where the issues involved are by now very clear. If the problem has not been solved, it is not because the Security Council is unaware of how it can be solved. In fact a number of resolutions and decisions have been adopted which, if implemented, would have caused Namibia to take its place among the comity of nations; however, these resolutions have been consistently ignored by South Africa, confident of course that the Council will be prevented from taking enforcement action. We are, today, discussing this problem without any clear indication, except our hope, that at the end of the Council's deliberation we shall have moved any closer to achieving the goal that we have all set for Namibia, which is our joint responsibility. Since 1968 the Secu-

Security Council has adopted some 11 resolutions. Some of the provisions of these resolutions were reaffirmations of previous decisions; others sought to find alternative means of resolving the problem. All of them were peaceful in aim and scope. Some of them were directed towards South Africa specifically, while others were directed to other Members of the United Nations, especially those with the capacity and influence to help in the peaceful transformation of those decisions into reality. There is very little by way of concrete results to show for these efforts.

5. I have said earlier that South Africa has ignored all the decisions of the important organs of the United Nations, thus bringing all of us who are concerned with the problem closer and closer to virtually abandoning this peaceful effort. The statement of the South African representative earlier in this debate once more disappoints and hurts those who have already decided that South Africa will never agree to transfer power peacefully to Namibians. This is a development which is of extreme concern to my Government, and no doubt the Council has heard over and over again a number of delegations express the same concern.

6. It is equally a source of concern and amazement to my Government that those States best placed to assist South Africa in abandoning its more and more aggressive attitude and actions have consistently failed to demonstrate their expressed commitment to a peaceful solution of this problem and in some cases have even worked against the aim. They have consistently pronounced unequivocally on self-determination, only to demur when the issues bear on Namibia and southern Africa. My delegation notes, with interest, the statement on behalf of the nine countries of the European Economic Community by the delegation of the Netherlands [S/11945]. It is the fervent hope of the Nigerian Government that, in addition to the encouraging *démarche* they have made to the usurpers of Namibia, these countries will equally direct their attention to the provisions of other resolutions on Namibia which have called for specific actions by all Member States.

7. I should like to refer, in particular, to the following decisions of the Security Council:

—First, in paragraph 7 of resolution 269 (1969), the Council

“Calls upon all States to refrain from all dealings with the Government of South Africa purporting to act on behalf of the Territory of Namibia”;

—Secondly, in paragraph 6 of resolution 282 (1970), the Council

“Calls upon all States to observe... the arms embargo against South Africa and to assist effectively in the implementation of the present resolution”;

—Thirdly, in paragraph 1 of resolution 283 (1970), the Council

“Requests all States to refrain from any relations—diplomatic, consular or otherwise—with South Africa implying recognition of the authority of the Government of South Africa over the Territory”;

—Fourthly, in paragraph 15 of resolution 301 (1971), the Council

“Calls upon all States to support and promote the rights of the people of Namibia and to this end to implement fully the provisions of the present resolution”;

—Fifthly, in paragraph 5 of resolution 310 (1972), the Council

“Calls upon all States whose nationals and corporations are operating in Namibia notwithstanding the relevant provisions of Security Council resolution 283 (1970) to use all available means to ensure that such nationals and corporation conform, in their policies of hiring Namibian workers, to the basic provisions of the Universal Declaration of Human Rights”.

8. It is of historical interest to note that Namibia was originally entrusted to the British Government for that Government to promote to the utmost the material and moral well-being and the social progress of the inhabitants of the Territory. This Mandate was subsequently transferred to the Government of South Africa without the agreement and against the opposition of Namibians. We understood that this action was motivated by the desire of the victor nations to encourage the development of the Namibian people as a whole. In this respect, Namibia was not the only Territory so mandated by the United Nations. Cameroon, Tanganyika and Togo were similarly entrusted to Britain, France and other allied associated Powers. Namibia is, however, the only Territory still under colonial bondage, thanks to the collusion of certain world Powers with the racist régime in Pretoria.

9. South Africa has, systematically and in spite of the constant opposition of Namibians and of the international community, transported its racist policy and practice to Namibia. It has had no difficulty in continuing to flout the resolutions of the United Nations because of the continued support of its Western allies, who, for economic reasons, are unwilling to use their undoubted influence on South Africa in the direction of achieving self-determination for Namibia. In this connexion, the Nigerian Government calls on the United States, Japan and other allies of South Africa in Europe to assume their responsibility and compel South Africa to comply with the just demands of the United Nations on Namibia.

10. In his statement [1881st meeting] the representative of the racist régime of South Africa qualified the

1966 International Court of Justice Judgment¹ as the only valid decision, because it was made by eminent judges elected by the General Assembly. The representative of South Africa, however, refused to accept the later 1971 advisory opinion of the Court², which was adopted by no less qualified jurists, which confirmed the earlier decisions of the General Assembly and the Security Council that provided the basis on which the United Nations terminated the Mandate of South Africa over the Territory. The inconsistency and illogicality of such double-talk is obvious.

11. Nigeria, as a member of the United Nations Council for Namibia, has demonstrated its commitment to the aims and purposes of the Council, and we will continue to support the work of the Council. Furthermore, Nigeria has equally clearly expressed and demonstrated its support for the struggle of the Namibian people against South Africa, and this support will continue and will be further diversified for as long as South Africa continues illegally to occupy Namibia.

12. The attitude of Nigeria to those countries that continue to support South Africa in the maintenance of its illegal presence in Namibia will continue to be re-examined and our relations with them will become increasingly dependent on their actions concerning the problem, not only in Namibia but in southern Africa as a whole. In this regard, I should like to refer to Decree No. 1 for the Protection of the Natural Resources of Namibia³ enacted by the United Nations Council for Namibia and to declare that Nigeria accepts the legality of this Decree and will implement it.

13. It is my understanding that the current series of meetings of the Security Council is deliberately intended to achieve limited objectives. In giving its support to this approach, the Nigerian Government does not wish to be understood as having, in any way, relented in its determination to support the Namibian people in their struggle against South Africa for their total liberation. The Government of South Africa has, in many of its public statements, denounced the well-founded claim of the South West Africa People's Organization (SWAPO) as the authentic representatives of the people of Namibia and has attempted to promote tribal dissension through the universally condemned policy of bantustans. Let South Africa and its supporters accept free elections as the most efficient method to decide who, in fact, represent the people.

14. The President of the United Nations Council for Namibia, and the representative of SWAPO, have clearly set out before the Security Council the basic conditions that must be met in order effectively to determine the wishes of the people. These conditions, which my Government wholeheartedly endorses, are:

(a) That South Africa should comply in spirit and in practice with the provisions of the Universal Declaration of Human Rights;

(b) That South Africa must release all Namibian political prisoners, including those in prison or detained in connexion with offences under the so-called internal security laws, where such Namibians have been charged or tried, or are held without charge, and whether held in Namibia or South Africa;

(c) That the application in Namibia of all racial, discriminatory and politically repressive laws and practices, particularly the creation of bantustans and homelands, must be abolished. All Namibians currently in exile for political reasons should be unconditionally accorded full facilities for returning to their country without risk of arrest, detention, intimidation or imprisonment.

15. The Security Council has been called upon on a number of occasions to consider the serious threat that the attitude of South Africa presents to international peace and security, particularly in southern Africa. Some permanent members of the Council have equally consistently denied, in an obvious agreement with the Government of South Africa, that such a threat exists, even when, for instance, the Government of South Africa through its representative confirmed to the Council only a few days ago that South Africa had extended military operations beyond its own legal territory into neighbouring African countries.

16. My Government is not in the least surprised by this admission of aggression by the representative of South Africa. We have always been fully aware of the criminal strategy of the Pretoria régime aimed at creating a buffer zone between itself and free Africa. Did not that régime recently carry out naked aggression against Angola, a sovereign and independent country? Obviously, that is Pretoria's understanding of policing areas within its responsibility.

17. There is another dimension to this. Africa is sick and tired of cooked-up figures about the high standard of living of Africans in Namibia and of spurious argument about "vital Western interests", "global defence systems", "ideological advantages", "traditional zones of influence". These concepts are expounded without the slightest regard for truly African interests. We do not seem to come into the consideration of the so-called friends of Africa who think they know our interests better than we do.

18. Nigeria will no longer accept such presumptuous notions. It is in the interests of the people of Namibia and of Africa that Namibia should be free from the clutches of the *apartheid* and oppressive régime in Pretoria. That is good enough reason to uphold the decision of the General Assembly⁴, as affirmed by the Security Council, terminating the Mandate of South Africa over Namibia. It is your duty, as the most important organ of the United Nations, to see that this objective is achieved without undue delay. In this effort, let me reiterate that you

can count on the Federal Government of Nigeria to discharge fully whatever responsibilities and obligations your decisions may impose on it.

19. Mr. BOYD (Panama) [*interpretation from Spanish*]: The delegation of Panama considers it to be a most encouraging coincidence, Mr. President, that it is under your presidency that we should be carrying out negotiations, as we are, in order to put an end to one of the most serious hotbeds of tension in Africa existing as a result of the colonialist policy of South Africa on its soil and on the Territory of Namibia.

20. For many years the United Nations has had before it, both in the General Assembly and in the Security Council, the question of Namibia, which requires a political and a legal solution, since South Africa has no right to impose its will on the people or the Territory of Namibia. For almost 30 years, in one form or another, we have been debating the question of Namibia. We can go as far back as 1946 when the Pretoria régime refused to include Namibia under trusteeship administration as it should have done, alleging that it had consulted the will of the tribes of the Territory, and decided to annex the Territory. Later, under resolution 2145 (XXI), the General Assembly in 1966 revoked the Mandate of South Africa over South West Africa, which today is Namibia, and expressed its will that that Territory be under the direct responsibility of the United Nations.

21. The next year the General Assembly established the United Nations Council for Namibia⁵ to administer the Territory until it attained independence, and indicated that that Council should immediately start negotiations with the Government of South Africa in order to determine the procedure for the transfer of the administration of the Territory. It is known to all that from that time until the present the Pretoria Government has refused to accept the resolutions of the international community and persists in its illegal occupation of Namibia.

22. The last time the Security Council considered the question of Namibia in 1975 [*1829th meeting*] an interesting debate took place, but the Council could not adopt a resolution on the item because of the three negative votes of the permanent members of the Council, which prevented the adoption of an agreement which had majority support. From that date until the present, nothing more has been done in the Security Council, and it is fair to acknowledge that South Africa has interpreted this silence of the Council as encouragement for accelerating the alarming developments which tend to consolidate the illegal occupation of Namibia by South Africa.

23. Because of this disquieting situation, the General Assembly at its recent session adopted resolution 3399 (XXX) on the question of Namibia, in which it insisted that all the provisions of resolution 366 (1974) which the Security Council had unani-

mously adopted should be implemented. Despite this, South Africa continues to refuse to comply with the resolutions and decisions of the United Nations in respect of Namibia; and the same holds true with regard to the advisory opinion of the International Court of Justice of 21 June 1971, which recognized that Namibia was a nation whose territorial integrity and unity should be respected by all States of the world.

24. In defiance of the Security Council, we have South Africa's refusal to comply with resolution 366 (1974), which is quite rightly considered to be the most complete document which the Council has prepared recently. In the records of the abortive meetings of June 1975, there is an historical account of the critical analysis by the international community of the negative attitude of South Africa. Now we must insist on maintaining Security Council resolution 366 (1974) in its entirety and, by means of a new, judicious and energetic resolution, try to implement the relevant resolutions and decisions.

25. South Africa, in its illegal occupation of Namibia, and in its intention to create bantustans in that Territory, persists in applying *apartheid*, which is State policy that South Africa is carrying out through the establishment of the so-called homelands.

26. Within the framework of the co-operation which has always existed between Latin American countries and the peoples of Africa, we have always offered our assistance in the search for a solution to the problems of colonialism, *apartheid* and racial discrimination, which still represent a threat to the peace and security, as well as to the stability, of the African continent. The delegation of Panama will be unflinching in condemning any form of racial discrimination and will support measures that will make possible the enforcement of that condemnation. Respect for human beings must be a fundamental rule of States, and we are enthusiastically in favour of any effective measure we can adopt to halt abuses, to raise the dignity of man and establish ethical principles for social coexistence.

27. Panama has always pronounced itself against the degrading political system based on the segregation of races and known as *apartheid*. We wish to go beyond mere statements of principle, and therefore announce that, in agreement with the non-aligned countries represented on the Council, we are prepared to propose concrete action to put an end to the occupation of that Territory, which should already at this time be under United Nations administration.

28. We have often heard the threadbare colonialist argument that the Territory to be liberated is not yet ready for independence. But South Africa is mistaken in wishing to maintain the *status quo* in Namibia, because the events taking place in that region clearly prove that the countries of the area are daily more

zealously guarding their independence and are determined to maintain their own sovereignty.

29. Panama condemns all kinds of colonialism and neo-colonialism, in Africa as well as in America, and every day we Latin Americans feel more closely linked with Africans in the Council and in all international forums in our condemnation of colonialism of all kinds.

30. I think this is a propitious occasion to state, on behalf of the Revolutionary Government under General Omar Torrijos, that Panama has not yet found a solution to the problem of the colonial enclave, which is known as the Panama Canal Zone, which divides our territory into two parts. As representatives know, the so-called Panama Canal Zone is a stretch of land covering five miles on each side of the inter-oceanic waterway where the United States of America refuses to respect the effective sovereignty of Panama, oversteps the jurisdictional rights granted by Panama in connexion with the functioning, maintenance, cleaning and defence of the Panama Canal and follows a policy of racial discrimination which, while not as extreme as South African *apartheid*, is no less offensive and humiliating to my country.

31. This morning we heard Mr. Bishara of Kuwait say that, basically, one of the objectives of *apartheid* is to make a reality of the inhuman philosophy of paying low wages for the work of blacks so that white can live more comfortably. In the colonial enclave known as the Panama Canal Zone, since 1903 we have been bitten by the same dog with a different collar. At the outset the wage system established two categories: one for whites and another for the nationals of the country. The category for whites was called the "golden roll" and that of the nationals of Panama the "silver roll". Later the names were changed: local salary rates as against United States salary rates. And now the system is "salaries for security posts" and "non-sensitive posts".

32. In condemning *apartheid* we must denounce this sad situation in a country like Panama, which has internationally always been against racial discrimination and which has never applied discriminatory rules to its nationals, yet which is a victim of the discrimination imposed by a foreign Government within our own territory.

33. In its resolution 366 (1974), the Security Council condemned the continued illegal occupation of the Territory of Namibia by South Africa and demanded that South Africa take the necessary steps to withdraw its illegal administration in Namibia. Furthermore, in 1975 the Council endeavoured to adopt a draft resolution which was vetoed by three permanent members of the Security Council, a draft resolution which requested refusal to supply South Africa with weapons, in accordance with Chapter VII of the Charter.

34. South Africa's endeavours to create small communities called bantustans in order to divide the people of Namibia and its intention to organize constitutional conferences without the representation of the most important sectors of the Namibian population cannot but cause us concern, because all of this contributes increasingly to converting that Territory into a source of tension which threatens the peace and security of Africa and which might acquire even more alarming proportions through its repercussions on the neighbouring countries.

35. To all that I have said we must add our concern because of the attempt made by South Africa to militarize Namibia so as to perpetuate its presence, to maintain an oppressive régime and openly to use the Territory of Namibia to carry out military incursions that might threaten the security and sovereignty of other African countries.

36. We were greatly alarmed at the statement made two days ago here in the Council by Mr. Garoeb [1880th meeting], the Administrative Secretary of SWAPO, who denounced South Africa's intention to become a nuclear Power, for we all know the danger which this represents to countries friendly to us on the subcontinent of southern Africa.

37. For the international community it is a matter of permanent disquiet that we cannot compel South Africa to comply with the decisions we have already adopted and those we shall shortly approve, since the very authority of this institution is at stake as well as the credibility of Member State before the entire world which, stupefied, sees how South Africa can continue to make a mockery of the precepts of the Charter of the United Nations and of the basic resolutions of the United Nations in respect of human rights, the dignity of the human being and equality of rights between men and women.

38. Panama hopes in this debate of the Council to contribute to finding measures which will assist in the solution of the question of Namibia by decisively condemning South Africa's illegal occupation of Namibia and emphatically requesting that South Africa abide by the relevant resolutions of the various United Nations bodies. It is our hope that the forthcoming draft resolution—which will come at the end to this debate—will not remain a dead letter in respect of the most emphatic condemnation by Panama of the practice of racial discrimination and the acts perpetrated by South Africa in Namibia as well as its new policy of creating what are called homelands, which tend to violate the territorial integrity and national unity of Namibia.

39. The attempt to militarize Namibia and to transform South Africa into a nuclear Power, as well as the convening of the constitutional conference of the Territory, must be condemned by us. We must exercise pressure on South Africa by every means at our

disposal so that it will accept the holding of free elections in Namibia under United Nations control in order that the people of Namibia may freely decide its own future.

40. We shall always be in favour of South Africa complying with the Universal Declaration of Human Rights in that Territory, and we are in favour of proceeding as soon as possible to releasing the political prisoners both in South Africa and in Namibia. But, above all, we must make it perfectly clear in this debate that South Africa must abolish all forms of racial discrimination and political repression and desist from the segregation policy it pursues in the so-called Bantustans and homelands. South Africa must recognize the unity and integrity of Namibia as a nation and undertake to comply with United Nations decisions as well as with the advisory opinion of the International Court of Justice of 21 June 1971; before free elections are held in Namibia under United Nations supervision and control, it must grant to all those who have been exiled for political reasons the guarantee that upon returning to the country they will not run the risk of being detained again.

41. As a Latin American country which has always been in solidarity with the freedom of Africa, we shall not rest—while a member of the Security Council—in complying with the sacred mission of reaffirming the anti-colonialist principles of the Charter and of the basic resolutions of the United Nations.

42. Mr. VINCI (Italy): I believe that all members of the Council and, truly, all the Members of the United Nations except one, namely, South Africa, hold a basically common and perfectly clear view of the question of Namibia in all its aspects—legal, political, economic and social. Equally simple and clear to our minds is the solution required. And, speaking for my own delegation, I can say that we have been holding these views for a long, long time, as the official records of the United Nations, to which I shall refer later on, show in crystal-clear terms.

43. The deliberate, stubborn refusal of the South African Government to understand and accept some plain truths shared by the whole international community is indeed most disappointing. And a cursory look at the long letter of the representative of South Africa [S/11948 and Add.1] does not, unfortunately, diminish the strong feeling of disappointment and frustration we share with previous speakers. On the contrary, it increases it. But, since we know that truth and the future are on our side, we should not give up our last hopes—at least for some time. To paraphrase a century-old saying, there is something more powerful than guns, tanks and bombs: it is public opinion. And if this was and is true for mighty empires, it is the more so for South Africa. That is why the Italian delegation believes that this debate is both timely and useful, as the Council can speak with a stronger voice on behalf of the world public and the conscience of mankind.

44. The persistent, unyielding attention and pressure by the Security Council on the Government of Pretoria must therefore continue. We are of course far from believing that we can make quick, spectacular steps forward to the restoration of the rights of the Namibian people. Nevertheless, we do not want to close our eyes and ears to some moves in the Territory made by the South African Government. Though of course basically unacceptable and totally insufficient, we detect in these moves a sign, however weak, of some kind of awareness by South Africa that things cannot simply go on the way they have been going on so far. Pressure must be maintained, pressure must be increased for things really to change. As we see it, this is the reason for our meeting once again in the Council on this topic.

45. As stated by the Italian representative in this chamber on 4 June 1975 [see 1826th meeting], we do not think that the illegal occupation of Namibia by South Africa is exclusively an African problem; on the contrary, it is the concern of the entire membership of the Organisation. May I be allowed to recall that the position of Italy as regards Namibia has been consistent with the principles and the purposes of the Charter, which we staunchly uphold. The many statements my delegation has made here in the Council and elsewhere bear witness to that. Our action has been equally consistent. Italy, in fact, voted in favour of resolution 2145 (XXI), by which the General Assembly decided to put an end to the Mandate exercised by South Africa over South West Africa. In 1971 Italy, at that time a member of the Security Council, voted in favour of resolution 301 (1971), by which the Council reaffirmed the inalienable right of the people of Namibia to liberty and independence.

46. We voted as well in favour of Security Council resolution 311 (1972), which called upon States to observe an arms embargo towards South Africa, taking into consideration the situation prevailing then in that country and in southern Africa as a whole. Italy has strictly adhered to that appeal, disregarding any advantage it might have derived from an expansion of its trade at a moment when economic difficulties made it all the more attractive. This is a decision for which we deserve, we feel, some merit since it indicates that my country is also prepared to sacrifice some of its own interests when basic principles or issues are at stake. May I also recall our support of the various United Nations funds for southern Africa which are meant to provide assistance to, among others, refugees and exiles from Namibia. As has been stated here in the past, Italy has no commercial, industrial or financial interests in Namibia, and our policy is to refrain from any initiative in the Territory.

47. The Italian representative in the Security Council made reference on 4 June 1975 to the *démarches* made at Pretoria by the Italian Government with regard to the situation in Namibia. He then informed

the Council that we had constantly urged the Government of Pretoria to hasten the process of ensuring self-determination in Namibia on the basis of principles contained in the Charter and the resolutions adopted by the United Nations.

48. I would now like to refer here, as the representatives of the United Kingdom and of France have already done before me, to the recent and very significant position taken by the nine members of the European Economic Community. In this connexion, may I say that during the six months in which we held the chairmanship of the Community, the Italian Government, being particularly aware of the unfortunate situation existing in Namibia, urged its eight partners to lend it their special consideration, and the response was most positive.

49. The Foreign Minister of Italy, in his capacity as President of the European Community, addressed a message to the Secretary-General on the occasion of Namibia Day on 26 August 1975.⁶ The letter outlined the common stand of the nine members of the Community on this issue, namely, that South Africa should withdraw from Namibia as soon as possible, that the inhabitants of Namibia should be given the opportunity to exercise their right of self-determination, that they should be enabled to do so by expressing their views on the political and constitutional future of the Territory as a whole through a fully democratic process under the supervision of the United Nations and finally that such a process should be stated without further delay. The Community also underlined its belief that all political groups should be allowed to enjoy total freedom in carrying out peaceful activities throughout the Territory in the course of the process of self-determination.

50. Following the expression of these firm common views of the Community by Minister Rumor to the Secretary-General, the Italian presidency, in the course of the consultations the nine members hold to strengthen their political co-operation, kept up the inspiration and momentum leading the Community to further pressure on the South African Government. The idea of a joint *démarche* at Pretoria thus arose in that context.

51. The timing of the *démarche*, which took place a few days ago and which has been reported to the Secretary-General by the letter of 26 January 1976 [S/11945], was chosen to coincide with the convening of the present session of the Security Council.

52. We have heard the statement made by the representative of South Africa on the instructions of his Government. Although we did not expect him to, I must say that, sadly enough, he has failed once again to answer our basic question: When is South Africa going to withdraw from Namibia? For this is what we are waiting for, in the first instance.

53. His suggestion that we may consider what was decided upon during the constitutional conference at Windhoek has little merit indeed. We have no reason to believe in the representative character of that conference or in the legality of its convening, nor for that matter, in the contents of the letter that followed his statement and which are wide of the point, legally and politically speaking. I will not take up the time of my colleagues around the table in dwelling upon the statement and the letter.

54. I should simply like to clarify one main point, which, despite the efforts of my Government and the Governments of the nine States members of the Community, the South African Government seems incapable of understanding. It insists on telling us—and it has done this once again here and in the various capitals—that it believes that the process of emancipation should be carried out without the interference of the United Nations.

55. We believe that this contention is absolutely untenable for the simple reason that any authority which South Africa may have held in the past over Namibia has been long since terminated. It has no reason whatsoever to be there. On the contrary, it is the responsibility of the United Nations to preside over the decolonization process of that Territory. My delegation has refuted the specious arguments put forward by the South African Government. I had the opportunity to do so myself at the 1584th meeting of the Council on 27 September 1971, and I have not heard since then any valid comments or reply to all the points, political and legal, that my delegation made more than four years ago.

56. Speaking as I am of my personal experience, I should like, with the Council's permission, to share with my colleagues some other recollections. In 1966, when the Assembly took its historic decision to terminate the Mandate and declared that South West Africa was henceforth to be under the direct responsibility of the United Nations, the *Ad Hoc* Committee for South West Africa, composed of 14 members,⁴ has been working for nearly one year. Italy was a member of that Committee from its creation.

57. I may say that, even though the Committee did not reach a consensus on what would be the most appropriate action in order to bring the Namibian people to self-government and independence within a reasonable time, many interesting ideas were launched which came in part to fruition. What, in a sense, is more important—and I will never forget it—is the spirit of understanding, of solidarity, of dedication to a good, human cause which existed between all the members of the Committee. We all shared the same purpose, whichever part of the world we belonged to—Africa, Europe, North America, South America, Asia. It is worth remembering that the United States was represented on that Committee by a former Attorney-General, William Rogers, who was afterwards appointed Secretary of State.

58. In those long past years, we had in mind the same purpose we have today. If I am speaking of the common purpose and spirit of solidarity which inspired us in those years, it is because I am convinced now, even more than before, in the light of events from last year on, that it is of paramount importance to keep the Security Council united. The more we are united in the Council the greater are the chances of making an impact on the Government and people of South Africa.

59. Mr. JACKSON (Guyana): Mr. President, as the Security Council once again addresses its attention to the question of Namibia, allow me to express my confidence and that of my delegation in the wisdom and guidance which you, in your capacity as President, will undoubtedly bring to bear in ensuring a productive conclusion of our consideration of this matter. Your close, personal involvement with questions of decolonization has endowed you, Mr. President, with an especial insight into the issue which the Security Council is at present considering.

60. The long and tragic history of South Africa's illegal occupation of the international Territory of Namibia is well known to the international community. Accordingly, my delegation will not recite that history, but would prefer to focus its attention on the situation facing the Security Council as we strive to reach conclusions which will assist in prizing the Territory of Namibia from the oppressor's grip.

61. The absolute defiance of the authority of the United Nations by the racist régime installed at Pretoria has been as consistent as it has been persistent. In the face of pronouncements by the United Nations Council for Namibia and resolutions of the General Assembly and the Security Council itself, the Vorster régime has at no time taken any meaningful steps towards relinquishing its illegal occupation of the Territory of Namibia. It has sought instead to confound the international community by a series of gimmicks and sham proposals, designed to deceive the world public and further to frustrate the attainment of the legitimate aspirations of the Namibian people. The flagrant defiance of the authority of the United Nations and its organs by the Vorster régime constitutes a serious threat to the authority which so many peoples of the world have vested in this international body. That régime has repeatedly flouted every attempt by the international community to enable the Namibian people to recover their freedom.

62. As far as the Security Council's own recent consideration of this question is concerned, something of a watershed was reached in December 1974, with the adoption of resolution 366 (1974). On that occasion this organ of the United Nations charged with the maintenance of international peace and security unanimously expressed itself in unequivocal terms on the illegality of the South African occupation of Namibia and on the steps to be taken by that

régime. South Africa failed to respond to the provisions of that resolution, thus making it necessary for the Council to take up the matter again in June last year. Regrettably, the opportunity for advancing United Nations action in the interest of the people of Namibia was vitiated by the concurrent exercise of the veto by three permanent members: France, the United Kingdom and the United States. Since then, those three countries and more recently the European Economic Community have made *démarches* to the authorities at Pretoria in a effort to test a thesis that reason might yet visit those authorities.

63. In the view of my delegation, the answer to that thesis has now been given in part in the speech made by the witness for the racist régime who appeared before this body on Tuesday. His "Alice in Wonderland" description of the situation in Namibia and his defiant hurling of verbal thunderbolts at all those who have called into question his régime's conduct attest eloquently to the intransigence of those he represents. But, most importantly, the recent activities of the South African régime in Namibia and beyond its borders, more particularly since June 1975, have served to confirm its capacity for duplicity and to reinforce my delegations' assessment that the situation in Namibia is a threat to peace and security in southern Africa. Indeed, if the South African régime is not prevailed upon to desist from its aggressive designs and if the situation in Namibia is allowed to continue to deteriorate, a serious threat to international peace and security would result.

64. This is not the time to indulge in rhetoric. In various forums, inside and outside of the Organization, the illegal acts of the Vorster régime have been roundly condemned. Time and again the racists in South Africa have chosen to ignore such condemnations and the demands of the international community to withdraw from the Territory of Namibia. The people of Namibia have for too long been subjected to the injustices and discriminatory practices wrought upon them by the illegal régime.

65. The cause of self-determination for the people of Namibia is of universal concern; for the suppression of the right of the Namibian people to self-determination and the negation of their fundamental legal and political rights, no less than their social, cultural and economic rights, creates conditions which threaten the fabric of human society. Therefore it is the unavoidable responsibility of the Council to take a correct stand on this issue, a stand which is not made subordinate to short-term transient gains.

66. The action the Security Council is required to take on Namibia is of necessity guided by a set of principles which members of the Council should hold dear and should regard as the fundamentals for the maintenance of peace and security in the world at large. The foremost principle is the inalienable right of the people of Namibia to self-determination and

independence. The second, echoed in the 1971 advisory opinion of the International Court of Justice, is that South Africa has no legal jurisdiction whatsoever over the Territory of Namibia. The third is that the United Nations, through the United Nations Council for Namibia, has a direct responsibility for the administration of the Territory of Namibia. Fourthly, the Security Council itself has acknowledged its own responsibility to take such initiatives as might be of assistance in finding a solution to the issue of South Africa's illegal occupation of Namibia. These are principles which have long been espoused by non-aligned and other progressive countries and have been affirmed by the overwhelming majority of States. Yet their application has been denied. The reason, quite simply, is the perceived pre-eminence of strategic and economic interests of some States over the interests and rights of the people of Namibia.

67. Let us not be under any illusions. In the final analysis, it is the people of Namibia, with the support of African and other friends, who will wrest their freedom and independence from the racist occupiers. Yet the international community in general and the Security Council in particular, pursuant to its responsibilities under the Charter, have a role to play which would be supportive of the efforts of the Namibian people, led by their authentic representative, SWAPO.

68. On the basis of the principles I have enumerated, a number of delegations in the Council have sought to fashion a draft resolution which could command general support. As usual, the process of consultation has been a protracted one. As usual, too, the final result is not one that is entirely satisfactory to all the parties concerned, which include those both within and without the membership structure of the Council.

69. Draft resolution S/11950, which I now have the honour to introduce on behalf of the delegations of Benin, the Libyan Arab Republic, Pakistan, Panama, Romania, Sweden, the United Republic of Tanzania and my own delegation, represents, in our view, a sincere attempt not simply to reiterate decisions previously taken by the Council, but to build on them by seeking to intensify the pressure on the Pretoria régime. It, at the same time, indicates with greater precision the demands of the Council and the responses required in return of the South African régime.

70. The preambular paragraphs of the draft resolution are, as is natural, essentially reiteratory in character. We take note of the statements made by Comrade Garoeb, Administrative Secretary of SWAPO, and the President of the United Nations Council for Namibia, which is the only legally constituted administering authority of the international Territory of Namibia. We recall the pertinent General Assembly and Security Council resolutions on this question, as well as the authoritative advisory opinion of the International Court of Justice. The draft resolution then

proceeds to reaffirm United Nations responsibility over the Territory and to express the Council's concern over South Africa's acts of commission as well as its acts of omission.

71. Turning to the operative paragraphs, we quite naturally begin with the clear condemnation of the continued illegal occupation of Namibia by South Africa, as well as the attempts by the racist régime to introduce and reinforce its brutal *apartheid* and bantustan systems there. The draft resolution also makes a point of condemning the South African military build-up in Namibia and its utilization as a fortress from which to launch attacks on neighbouring countries. We then make reference to resolution 366 (1974) and draw attention to and condemn South Africa's failure to comply with its terms. But the main burden of the draft resolution is the need for the holding of free elections in Namibia under United Nations supervision and control in order that the people of Namibia will be able freely to express their opinions about their own future. For a meaningful expression by the Namibians on their future—as distinct from the sham constitutional conference choreographed by the racist régime in 1975—it is evident that such elections must be supervised and controlled by the United Nations. And the elections must be arranged in such a way that the people of Namibia as a whole would be given sufficient time to organize politically. South Africa must accept these conditions for it must surely have realized by now that the international community is fully alive to its prevarications and will not be deceived by the constitutional play acting which it has put on. The approach reflected in the draft resolution is the minimum position the Council can responsibly take in the present circumstances.

72. Given the experience of the past, it is difficult to hold a sanguine view of what will emerge from Pretoria. But the effort is required and is worth making. For when the Security Council reconvenes on or before 31 August, in accordance with the final paragraph of the draft resolution, it will be against the background of the action that the Council takes now. The Council will have before it such responses as the South African régime may care to give, and it would then be able, in the eyes of the sponsors, to take without equivocation such action as is provided for in the Charter, including the provisions of Chapter VII, as may be necessary to bring to heel the racists in Pretoria. On behalf of the sponsors I commend to the members of the Council draft resolution S/11950.

73. Mr. KIKHIA (Libyan Arab Republic): I should like to begin my intervention by repeating what I said during the thirtieth session of the General Assembly on 6 October 1975.⁷ I said then:

"The United Nations is now approaching its fourth decade in an atmosphere mixed with anxiety

and hope for the future. Despite the continuity of the Organization and its development amid difficulties, obstacles, conspiracies and the fatal crises which have hung over it for 30 years, and despite the Organisation's struggle to preserve a minimum of effectiveness and independence, it has not fulfilled all our hopes.

"Colonialism, exploitation and oppression have not disappeared from our earth. Poverty, hunger and illiteracy are still prevailing characteristics for the majority of the human race. The cries of those oppressed, tortured and evicted from their homes continue to curse the colonialists, the racists, the exploiters, the Fascists and the warmongers. For an example of these unjust conditions we can look at the banners here of the two racist régimes in South Africa and Palestine, demonstrating a striking contempt for the lofty principles of the Charter of the United Nations. Those two régimes will remain as a symbol of hatred and animosity passed from one generation to another until our lands are liberated from racism, zionism, *apartheid* and colonialism."

"... experience and history teach us that progress cannot be achieved for humanity as a whole without the attainment of peace, and that there is no peace unless justice prevails. The talk about lasting peace and comprehensive progress will remain repetitive speeches without the elimination of exploitation, colonialism [and] oppression.

"... There is no progress without freedom; there is no peace without justice."

I also said:

"... as we [celebrate] the fifteenth anniversary of the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in résolution 1514 (XV) of 14 December 1960, we are distressed that there are still peoples which are not yet able to exercise their right to self-determination. It distresses us also that the white minority régime in South Africa stubbornly maintains its unjust control, that the white minority racist régime in Zimbabwe is still perpetrating injustice against the African majority, that Namibia is still under a fascist and racist régime..."

"We call upon the United Nations to take effective measures to liquidate colonialism and its traces, for this is a crucial prerequisite for bringing about international peace and security and to building the better world for tomorrow to which we all aspire."

74. In 1966, at its twenty-first session, the General Assembly decided in resolution 2145 (XXI) to terminate South Africa's Mandate over Namibia, and placed the Territory under direct responsibility of the

United Nations. Consequently the continuation of the South African administration in Namibia became illegal.

75. The General Assembly also adopted several resolutions reaffirming the inalienable rights of the Namibian people to self-determination and independence. Those resolutions strongly condemn South Africa for its persistent refusals to withdraw from Namibia.

76. In resolution 3399 (XXX), the Assembly sharply condemns the military build-up by South Africa in Namibia, and demands the immediate withdrawal by South Africa of all its forces, and its administration from Namibia, and it urges the Security Council to enforce its resolution 366 (1974).

77. Namibia has been the subject of important activities of the Security Council. The Council has attempted to implement United Nations resolutions through a dialogue between the Secretary-General and the Government of South Africa, but that dialogue was unproductive.

78. The Security Council adopted its resolution 264 (1969) on 20 March 1969, in which it reaffirmed General Assembly resolution 2145 (XXI) terminating South Africa's Mandate over the Territory of Namibia and considering illegal any future South African presence in Namibia. The Security Council also decided to remain actively involved in that question and continued to adopt resolutions condemning the South African Policy. It strongly urged all States Members of the United Nations to exert their influence on the Government of South Africa in order to obtain South African compliance with the provisions of General Assembly and Security Council resolutions.

79. On 12 August 1969 the Security Council adopted its resolution 269 (1969) recognizing the legitimate struggle of the Namibian people against the illegal presence of South Africa. That resolution called upon that racist Government immediately to withdraw its administration from the Namibian Territory and to complete that process by 4 October 1969. The following resolutions were subsequently adopted by the Security Council on this question: 276 (1970), 283 (1970), 301 (1971), 309 (1972), 310 (1972), 319 (1972), 323 (1972) and 342 (1973).

80. Resolution 366 (1974) of 17 December 1974, the latest resolution adopted by the Security Council on the question of Namibia, demanded that South Africa take the necessary steps to effect the withdrawal of its illegal administration maintained in Namibia and to transfer power to the Namibian people with the assistance of the United Nations. The Council also demanded that South Africa, pending the transfer of power to the Namibians, comply in spirit and in practice with the provisions of the Universal Declaration of Human Rights by abolishing the application of all

racially discriminatory laws, releasing all Namibian political prisoners, and allowing repatriation of exiled Namibians. The Council also decided to meet on or before 30 May 1975 to review South Africa's compliance with the terms of the aforementioned resolution and, in the event of non-compliance, to consider the appropriate measures to be taken under the Charter.

81. The Security Council met on 30 May 1975 [1823rd meeting], as decided, but regrettably failed to reach an agreement on the measures provided for in its resolution 366 (1974). The Security Council's failure to take a decision to deter the racist Government of South Africa resulted from the collusion between the imperialist Powers and the racist Pretoria régime. The draft resolution [S/11713], vetoed by three member States—the United States, the United Kingdom and France [see 1829th meeting],—demanded of all States the imposition of a compulsory ban on the sale of all kinds of arms to the Government of South Africa. The draft resolution stipulated that that ban should remain in force until South Africa's withdrawal from Namibia. It also reaffirmed the legal responsibility of the United Nations over Namibia and declared the necessity of organizing free elections under the supervision of the United Nations not later than 1 July 1976, so that the people of Namibia might freely express their opinion on self-determination and independence.

82. The collusion between the Western Powers and South Africa encouraged that racist régime to continue defying United Nations resolutions, including resolution 2145 (XXI). The South African Minister of Foreign Affairs, in a letter to the Secretary-General dated 26 September 1969, stated his Government's refusal to recognize the legality of resolution 2145 (XXI), along with all subsequent United Nations resolutions, including those of the Security Council.

83. The Government of South Africa continues its defiance of the United Nations and of world public opinion. In addition, the Government of South Africa maintains its occupation of the Namibian territory and continues the imperialist and racist policy of "homelands", aimed at the destruction of Namibian unity. The South African Government has formally instituted its policy of establishing "homelands", as recommended by the Odendaal Commission.⁸

84. As envisaged by that Commission an aggregate of 40 per cent of the land, the least desirable and least developed part, would be divided into separate "homelands" for each of the non-white ethnic groups. A total of 43 per cent of the land, including areas rich in chromium resources, along with all cities and seaports, would constitute the white sector. All unsurveyed land and two large diamond areas on the south-western coast, constituting 17 per cent, would be incorporated into South Africa proper.

85. Namibia has been split into an arid useless zone of "reserves"—homelands—where the great majority of the black population is confined to a third of the Territory. In dramatic contrast, the whites reside in a "police" zone, comprising the major part of the plateau reserved exclusively for them. That zone is suitable for agriculture and rich in mineral resources, including uranium. The blacks are excluded from the "Territorial Government", which actually has very limited authority in itself. They are deprived of freedom of movement and cannot leave their reservation without a pass. They do not have the right to choose either their employment or their employer. When forced to work in the white zone, they have to leave their wives and children and live separated from their families.

86. The imperialist Powers defy the United Nations resolutions and world public opinion by supporting the racist régimes of South Africa and Southern Rhodesia. That imperialist support contributes to the continuation of the suffering and deprivation experienced by the indigenous Namibian population. The intention of those Powers appears clearly to be the protection of their imperialist and colonialist interests in the territories, along with the interests of the companies involved in the exploitation of the natural resources and of the African manpower in the area.

87. The time has come for the United Nations to take measures to guarantee to the Namibian people their legitimate right to self-determination and independence, in accordance with General Assembly resolution 1514 (XV). The Security Council must fulfil the responsibilities entrusted to it by compelling South Africa to withdraw from the Namibian Territory where the deteriorating situation threatens international peace and security. In particular, the permanent members of the Council should bear in mind these responsibilities and should not misuse their absurd privilege of veto in an act directed against the wishes and ambitions of the indigenous people of Namibia.

88. I should like also to draw the attention of the Council to the fact that the Council of Ministers of the Organization of African Unity (OAU), at its ninth extraordinary session in April 1975, denounced the political manoeuvres of the racist minority régime of Vorster, which continues to impose the wicked policy of bantustans in the Namibian Territory. Following that session, the Dar es Salaam Declaration reaffirmed that the only possible solution to the Namibian question was implementation of Security Council resolution 366 (1974). In the same Declaration, the Council Ministers of OUA also declared its recognition of SWAPO as the sole legitimate representative of the Namibian people.

89. The Council of Ministers of OUA met again in July 1975 at Kampala for the twenty-fifth ordinary session⁹ and condemned the so-called constitutional

conference through which Vosrster's Government seeks to mislead the international public. The Council demanded that the South African Government: first, withdraw its illegal administration from the Territory of Namibia; secondly, respect the rights of the Namibian people to self-determination and national independence; thirdly, respect Namibia's territorial integrity; fourthly, recognize SWAPO as the sole representative of the Namibian people; and, fifthly, release all Namibian political prisoners imprisoned both in Namibia and South Africa.

90. The Conference of Ministers for Foreign Affairs of Non-Aligned Countries, held at Lima in August 1975, also demanded in its Lima Programme for Mutual Assistance and Solidarity¹⁰ that the South African racist minority régime implement the United Nations resolutions with respect to Namibia and end the policy of bantustanization.

91. The question is clear and requires no further discussion. A solution to the problem necessitates the implementation of effective measures to enforce the many resolutions adopted by the General Assembly and the Security Council relating to this question.

92. There is only one alternative before the Council: to support the rights of the people who have suffered and continue to suffer daily from injustice and subjugation under the yoke of a Fascist, racist minority régime. The Security Council must issue a resolution adopting adequate measures to guarantee the expulsion of the racist régime of South Africa. Only through this action can the Council successfully exercise its responsibilities.

93. I should like to bring to the attention of the Council the Declaration of Dakar, adopted by the Dakar International Conference on Namibia and Human Rights, held from 5 to 8 January 1976 [S/11939, annex]. My delegation supports this successful Conference and endorses its declaration and programme of action and would especially like to stress the following points.

94. First, the exercise of the right to self-determination by the people of Namibia is a prerequisite for its enjoyment of human rights. It involves the liberation of this people from the yoke of South Africa's colonialism and the restoration of its fundamental national rights, which are independence, sovereignty, the right to dispose of its natural resources and the unity and integrity of its territory.

95. Secondly, any attempt to destroy the national unity and territorial integrity of Namibia by imposing the policy of bantustanization is inconsistent with the purposes and principles of the Charter of the United Nations.

96. Thirdly, it is necessary to denounce and condemn the so-called constitutional conference con-

vened by South Africa, the composition and purpose of which have been illegally determined by the South African Government.

97. Fourthly, South Africa has deliberately violated the obligations deriving from its Mandate over the Territory by refusing to place Namibia under the Trusteeship System, in spite of a number of resolutions of the General Assembly requesting it to do so. The termination of its Mandate by the General Assembly makes its presence in Namibia illegal.

98. Fifthly, the subjugation of the people of Namibia to the detestable system of *apartheid* is a deliberate negation of the most elementary human rights which has been universally condemned. Such a system, which reduces a whole people to slavery, constitutes a crime against humanity.

99. Sixthly, maintenance of the occupation of Namibia by South Africa and of the system of *apartheid* is a continuing threat to peace and security in southern Africa, the whole of Africa and the world. Consequently, South Africa and its colonialist, racist and aggressive policies must be strongly denounced and vigorously combated by the international community as a whole.

100. Seventhly, the South African build-up in Namibia, consolidating the illegal occupation of that country and repressing the legitimate resistance of the people, has been used as a base for attacks on neighbouring countries. It is a flagrant violation of international law and aggravates the threat to international peace and security of the African continent.

101. Eighthly, it is regrettable that the triple veto of the United States, the United Kingdom and France paralysed the Security Council and prevented it from applying the sanctions provided for by the Charter. This attitude has caused and is still causing indignation among all the peoples of the world.

102. The military and economic assistance furnished to South Africa by certain States must also be openly denounced by all the progressive forces of the world. Arms sales, nuclear co-operation agreements and economic activities by multinational companies in South Africa or Namibia constitute acts of sheer complicity with the policies of *apartheid*. And it is high time for Africans to make it clear to countries supporting South Africa that they cannot continue to do so while hypocritically claiming the friendship of the African peoples.

103. Ninthly, all efforts have been incapable of modifying the policies of South Africa on Namibia. On the contrary, a large-scale diplomatic offensive has lately been launched by South Africa in the form of an alleged policy of "overture" and "dialogue" towards the African States, an offensive which has been strongly supported by the pro-imperialist mass media attempting to give it great play.

104. However, this policy is a snare because it is alien to the true interests of the people of Namibia and is part of a global imperialist, military and politico-economic strategy. South Africa has neither in principle nor in practice abandoned its policies of annexation and domination of Namibia. The policy of concertation and the so-called *détente* as regards the African States, advocated by South Africa, must be rejected because it is aimed at causing confusion in international public opinion, undermining African unity and sabotaging the struggle for the elimination of *apartheid*.

105. Tenthly, South Africa will never willingly end its illegal occupation of Namibia and will never of its own accord abandon its policies of oppression and enslavement of the peoples of southern Africa. It must be compelled to do so by all means available to the international community. All possible measures of compulsion should be taken to oblige South Africa to comply with the decisions of the United Nations. However, so long as the international community does not use the appropriate means to put an end to the illegal occupation of Namibia by South Africa, all means, including armed struggle, are justified to liberate the country. Consequently, it is necessary to give SWAPO all the political, moral and materiel support it needs. And, finally it is the obligation of those Governments which have not yet done so to recognize SWAPO as the only authentic representative of the people of Namibia.

106. Eleventhly, the United Nations must condemn attempts by South Africa, including the convening of the so-called constitutional conference, calculated to evade the clear demand of the United Nations for the holding of free elections under United Nations supervision and control in Namibia.

107. In order that the people of Namibia will be enabled to freely determine its own future, it is imperative that free elections under the supervision and control of the United Nations be held for the whole of Namibia as one political entity. In determining the date, timetable and modalities, there shall be adequate time provided for the establishment of the necessary machinery to supervise and control such an election, and to enable the Namibian people to organize politically for the elections.

108. South Africa must urgently make a solemn declaration accepting the holding of free elections in Namibia under United Nations supervision and control, and South Africa must comply with the resolutions and decisions of the United Nations. Finally, it must recognize the territorial integrity and national unity of Namibia.

109. Twelfthly, pending the transfer of power, South Africa must comply fully, in spirit and in practice, with the provisions of the Charter of the United Nations and of the Universal Declaration of Human

Rights. It must release all Namibian political prisoners, including all those imprisoned or detained in connexion with offences under the so-called internal security laws, whether such prisoners have been charged or tried or are held without charge in either Namibia or South Africa.

110. South African authorities must abolish the application of all racially discriminatory and politically repressive laws and practices in Namibia. Namibians who are currently in exile for political reasons must be unconditionally accorded full facilities for return to Namibia without risk of arrest, detention, intimidation or imprisonment.

111. The Libyan Arab Republic strongly condemns the defiant attitude of the South African racist régime. We also condemn the inhuman and hypocritical policy pursued by those Powers defending the South African attitudes. This defence prevents the implementation of deterrent measures against the racist Government in South Africa. My country regrets the policy of those Powers which still maintain political and economic relations with the Vorster régime.

112. My delegation appeals to all States to commit themselves to uphold United Nations resolutions regarding Namibia. I would like to stress that my country, the Libyan Arab Republic, implemented those resolutions and imposes a comprehensive ban on the racist régimes in South Africa and Southern Rhodesia, and we will spare no efforts to ensure for our brothers in Namibia all the needed assistance to help them in their struggle to achieve their inalienable rights and to liberate their country.

113. Before I conclude, it gives me great pleasure to extend the warmest congratulations and appreciation in the name of my country and delegation to the United Nations Council for Namibia for the sincere efforts deployed by it in the discharge of its responsibilities. My appreciation goes also to the United Nations Commissioner for Namibia, Sean MacBride, an eminent and devoted fighter for human rights and freedom.

114. Mr. RYDBECK (Sweden): The United Nations has a very specific and full responsibility for Namibia. The Security Council and its members are again facing the duty to measure up to this responsibility. This means, in our view, that the members of the Council must reach agreement on the steps that are best designed to further the realization of the rights of the Namibian people to self-determination, national independence and the preservation of Namibia's unity and territorial integrity. South Africa's presence in Namibia is illegal and must be terminated as soon as possible. No arguments can alter the fact that the South African presence in Namibia lacks all legal basis. South Africa, however, persists in its course of defiance.

115. Thus, it has not responded to the demand of the Security Council for a solemn declaration as set out in the unanimously adopted resolution 366 (1974). It has not declared that it will comply with the resolutions and decisions of the United Nations or the advisory opinion of the International Court of Justice of 21 June 1971. It has not recognized the territorial integrity and unity of Namibia as a nation. It has not complied with the provisions of the Universal Declaration of Human Rights. It has not released Namibian political prisoners. It has not abolished the application in Namibia of all racially discriminatory and politically repressive laws and practices, particularly Bantustans and the so-called homelands. It has not allowed the return to their country of those currently in exile for political reasons without risk of arrest, detention, intimidation or imprisonment.

116. In defiance of the resolutions of the Organization and of world opinion, South Africa has instead stepped up its repression of the population of Namibia. It has intensified persecution, and simple human decency is constantly violated. Everything possible has been done to try to destroy the national unity of Namibia and to fragmentize it by holding constitutional conferences, which, in fact, only represent a distortion of what should be a genuine process of self-determination.

117. These conferences have been designed to put the policy of creating bantustans and so-called homelands into a pretended framework of legality. How can there be any legality, however, when the leading political movement in the country, SWAPO, which is mobilizing and articulating the demand of the Namibian people for the departure of the illegal régime and for the freedom to decide its own future and which strongly protests the holding of these conferences, is barred from the possibilities of taking part in the political process? South Africa attempts to crush organized political opposition, and only representatives of the so-called population groups, that is, leaders from the white community, tribal chiefs and homelands officials, are invited to participate in the conference.

118. Instead of giving any sign of a wish to conform to the decisions of the United Nations, the Vorster régime digs its heels firmer into the ground by creating new military strongholds and by further militarizing the country. My Government stated on 5 June last year that "several circumstances would warrant the conclusion that Article 39 [of the Charter] is applicable, that is, that the situation in Namibia constitutes a threat to international peace and security" [1828th meeting, para. 100]. We maintain this view all the more so since South Africa has since then increased the militarization of the country. The South African policies create a situation of dangerous tension in Africa. It is therefore imperative to keep up and increase international pressure on the South African Government.

119. My delegation appeals to all countries to observe and to extend the arms embargo on South Africa. Such armaments are now used not only to tighten the policy of *apartheid* in South Africa itself, but also to force that policy, as well as the policy of bantustans and homelands and other similar measures, on Namibia. The homeland system is, in reality, *apartheid* pushed to its ultimate extreme: *apartheid* not only between white and non-white, but also between different groups within the African population.

120. My Government joins with other members of the Security Council in constructive efforts to reach decisions that will make it absolutely clear to the white minority régime in South Africa that the world community at large as represented by the Council stands united in support of the rights of the people of Namibia to self-determination, national independence and the preservation of Namibia's unity and territorial integrity.

121. It is a matter of urgency that the Security Council explore all possibilities to find a peaceful solution. *Status quo* is not acceptable. Failure to seize the opportunity before us and to act decisively will have serious consequences. Even the credibility of the United Nations is at stake, in view of its unique responsibility for Namibia.

122. In the search for a solution there are, however, certain basic principles on which there can be no compromise: the illegality of South Africa's presence in Namibia and the authority of the United Nations over the Territory; the obligation of South Africa to withdraw; the right of the people of Namibia to exercise freely their inalienable right to self-determination within a national framework and to accede to independence as a unitary State. The process leading up to this independence must be supervised and controlled by the United Nations. This is essential.

123. The national conferences which are based on the homelands system represent the very opposite of a free choice. The people of Namibia must instead finally be given the opportunity to organize politically and to determine their own future in free elections. Only under the supervision and control of the United Nations, which has the full responsibility for Namibia, can this be achieved.

124. Without an active United Nations presence South Africa would otherwise be able to exert pressure on the people of Namibia in order to distort the election process to suit its own purposes. United Nations supervision and control of elections is, therefore, vital if we are to make it possible for the people of Namibia in its entirety to express itself freely, in the true sense of the word, on the type of constitution and what leaders it wants.

125. Before I conclude, let me express the sincere hope of my delegation that draft resolution S/11950,

introduced this afternoon by the representative of Guyana and sponsored by, *inter alia*, Sweden, will meet with the unanimous support of the Security Council.

126. The PRESIDENT: The next speaker is the representative of Kenya, whom I invite to take a place at the Council table and to make a statement.

127. Mr. MAINA (Kenya): Mr. President, I wish first of all to thank you and the other members of the Security Council for inviting Kenya to participate in this debate. I would also express to you the sincere pleasure and satisfaction of my delegation at seeing you preside over the Council as this body once more takes up the question of Namibia. It is indeed a happy coincidence that the United Republic of Tanzania should be presiding over the Council when we discuss this burning issue of our continent. The commitment of the United Republic of Tanzania to the cause of the liberation of Africa and your personal skill and leadership have been and will continue to be extremely valuable in the current debate on the question of Namibia.

128. Once again the Security Council is considering the question of Namibia. It is indeed regrettable that the Pretoria régime has constantly chosen not to comply with the resolutions of the General Assembly and Security Council on the question of Namibia.

129. As is well known to all of us, the United Nations has dealt with the question of Namibia since its inauguration. The problem of Namibia is as old as the United Nations itself, and the facts have been well recorded. Therefore it is unnecessary to recall in detail all the relevant facts, even if we had the time to do so in the course of this debate. In 1946, by a resolution of the General Assembly, South Africa was requested to bring Namibia within the United Nations Trusteeship System. South Africa refused to comply with this request. Instead South Africa continued to colonize the Territory under the "spirit of Mandate".

130. In the years that have passed, South Africa has consistently refused to recognize the United Nations responsibility over Namibia. It has brutally continued to colonize and exploit the Territory. It has extended criminal policies of *apartheid* to the Territory. The régime is now busy introducing the policy of bantustans, or the so-called homelands, in Namibia. These policies are clearly aimed at violating the unity and territorial integrity of Namibia.

131. In 1966 the General Assembly terminated the Mandate of South Africa over Namibia and placed the country under the direct responsibility of the United Nations. The responsibility of administering that country until it becomes independent was entrusted to the United Nations Council for Namibia. Resolution 2145 (XXI) of 27 October 1966 and the subsequent decisions of the United Nations, together

with the advisory opinion of the International Court of Justice of 1971, have declared that South Africa's presence in Namibia constitutes a flagrant violation of international law. Therefore South Africa is occupying Namibia illegally and against the wishes of the people of Namibia.

132. On 17 December 1974 the Security Council unanimously adopted resolution 366 (1974), in which it demanded that South Africa make a solemn declaration that it would comply with the decisions and resolutions of the United Nations and the advisory opinion of the International Court of Justice in regard to Namibia and that it recognize the territorial integrity and unity of Namibia as a nation. The resolution also demanded that South Africa withdraw from Namibia. That was a significant resolution, in that it was adopted unanimously by all members of the Council, including those States which associate with and sustain South Africa in the Organization. It was a loud and clear call on South Africa to withdraw from Namibia.

133. The contemptuous refusal by South Africa to comply with resolution 366 (1974) is on record and known to all members of the Council. The Pretoria régime not only rejected both demands, which the Security Council unanimously considered moderate, but continued its policy of defiance and pushed even more vigorously its odious policies in Namibia.

134. The President of the United Nations Council for Namibia, Mr. Kamana, told the Security Council [*see 1880th meeting*] that South Africa had decided to set aside about 40 per cent of the least desirable land for the separate so-called homelands for each of the non-white groups. This is a serious adventure by South Africa to extend the policy of "divide and rule" in Namibia.

135. The General Assembly has repeatedly condemned the policy of bantustans inside South Africa itself. It is even more deplorable for South Africa to extend such policies in Namibia, a Territory which it illegally occupies. Since the Security Council considered the question of Namibia last year there is no evidence that South Africa has changed its policies. The people of Namibia continue to suffer under the oppressive rule of the illegal régime. The occupying régime continues to escalate its police brutalities against Namibians through killing, arrests, detentions of political leaders and all manner of repressive police brutalities.

136. The report of the United Nations Council for Namibia covering the period of October 1974 to September 1975¹¹ clearly reports the intensified repression of the Namibian people by South African forces. This repression is particularly directed against SWAPO, one of the most effective liberation movements in Namibia. Several SWAPO leaders and Youth League members have been arrested, de-

tained or gaoled for such alleged offences as being in possession of what South Africa describes as "banned literature". SWAPO, a leading political force which is struggling to liberate Namibia, has become the most wanted target of South African forces. The statement by the representative of SWAPO in the Council during the current debate went a long way towards exposing South Africa's brutal occupation of Namibia.

137. Having refused to comply with the United Nations resolution calling on it to withdraw from Namibia, South Africa tried to deceive the world and the people of Namibia by organizing the so-called constitutional conference. This so-called constitutional conference is no more than an open trick to deceive the people of Namibia and the United Nations. The so-called talks seek to divide the country, and encourage the evils of racism and tribalism rather than national unity. South Africa's interest is merely to have a lion's share of the Territory for the minority in Namibia and thus further its policies of *apartheid*. The African leaders attending these talks are hired individuals who have to obey and represent the interests of South Africa. In short, they are puppets and stooges of South Africa. They represent no one else but the Pretoria régime. The representatives of SWAPO were excluded from that conference. These tricks of South Africa under the cloak of a constitutional conference should be exposed and rejected by the Council, while it reaffirms once again the inalienable right of the Namibian people to self-determination and independence.

138. The manner in which the Pretoria régime is conducting these so-called constitutional talks has alarmed not only the people of Namibia, but the whole international community. The nine countries of the European Economic Community, in their letter addressed to the Secretary-General on 26 January 1976, expressed their concern that the constitutional arrangements being made by South Africa for Namibia are far from adequate. They asked South Africa to free all political prisoners and allow them to participate in the process of self-determination. They called on South Africa to withdraw from Namibia as soon as possible. This is a reasonable request which comes from genuine friends of South Africa. South Africa would be very foolish to ignore this call from its only friends.

139. I should like to make very few remarks arising from the statement that was made by the representative of Pretoria two days ago. That representative made a long statement which not only lacked substance, but was irrelevant to the issue before the Council. The statement did not in any way tell the Council what South Africa was doing to implement the resolutions of the General Assembly and the Council on the question of Namibia. After a lengthy review of South Africa's disagreement with the United Nations, the Pretoria representative called on

the Council to accept what he called realities of the situation. In short, he was calling on the Council to accept what South African dictates and holds by force. This is of course neither reasonable nor acceptable to the United Nations. He constantly referred to misunderstanding between the United Nations and South Africa. This is normal because South Africa and the United Nations do not speak the same language on the crucial issues of the evil of colonialism and human rights. South Africa is a delinquent Member of the Organization and until it brings itself back to the normal human stream there is no reason to believe that its language and actions will be either understood or accepted by the United Nations. He asserted without any sense of shame that South Africa does not claim an inch of Namibia. The whole disagreement and debate over Namibia has been about nothing else. It has been on South Africa's pretensions in Namibia for more than half a century now. The claim that South Africa stays in Namibia at the wish of the people of Namibia is too contemptible to call for comment.

140. The representative made repeated assertions that South Africa was not a colonial Power. It is hard for anyone not engaged in self-delusion to view South Africa as anything but the worst colonial Power of this century. Indeed a suitable description of South Africa's form of colonialism is "slavery". It is the worst type because it is described in deceptive terminology which conceals it from recognition. South Africa will be an acceptable African nation when it rehabilitates itself and joins the normal human stream to become an acceptable Member of the United Nations.

141. We also heard the statement of the representative of South Africa on the proposed constitutional talks. He told us that South Africa is engaged in working out a constitution for Namibia which will promote and show "respect for human rights and fundamental freedoms for all without discrimination merely on the basis of race, colour or creed" [1881st meeting, para. 98].

142. Is it possible for the Security Council or anyone other than South Africa to believe that the régime would offer the people of Namibia what it has denied the people inside South Africa? How can we believe that a régime which continues to apply policies of *apartheid* and practises the worst racial discrimination through legislation can now be trusted to offer Namibia a constitution that guarantees fundamental human rights and freedom from racial discrimination?

143. We have no illusions about his statement, as we know too well that South Africa is only trying to deceive the people of Namibia. How is it that these fundamental freedoms for all without discrimination on the basis of race have never been given to the people of South Africa itself, contrary to the undertakings of that country to abide by the principles of

the Charter of the United Nations and countless resolutions by the General Assembly each year? Sugar-coated statements like these cannot deceive the members of the Council.

144. As I said earlier, the whole statement made by the representative of Pretoria contradicts every fact we know about South Africa. It offered nothing new as far as Namibia is concerned. I shall therefore not waste the time of the Council by making any further comments on it, but I must mention the irrelevant introduction of South Africa's aggression in Angola and other irrelevant matters into this debate.

145. We all know why South Africa intervened in Angola. South Africa was caught almost napping by the collapse of the Portuguese colonial empire. Its dreams of a safe buffer colonial zone disappeared overnight and it has been frantically clinging to a past gone for ever while trying to erect new defensive structures. We all know why South Africa would like to be in Angola. This we knew long before the collapse of the Portuguese colonial empire in Africa. South African presence in Namibia has always been a threat to the neighbouring countries. Indeed that is what is happening now. The cry from South Africa about foreign intervention in Angola is a cover to conceal its own massive military build-up in northern Namibia. South Africa feels that Namibia offers a security zone for it in order to proceed to Angola.

146. It is absurd to listen to the representative of that régime trying to put this the other way round. Free Africa knows its enemies and does not need South Africa to lecture it on the subject. Indeed, South Africa is free Africa's enemy No. 1. As my President, Mr. Mzee Jomo Kenyatta has said on many occasions, Kenya will never feel free as long as one square inch of Africa remains under colonial yoke.

147. I should like to urge the Security Council not to stand idly by while South Africa's racist régime ruthlessly suppresses the Namibian people by undertaking to destroy the national unity and territorial integrity of Namibia. I appeal to the Council to show unanimity in taking a strong stand against South Africa for its refusal to comply with Security Council resolutions, in particular resolution 366 (1974).

148. My delegation appeals to the three permanent members of the Security Council which exercised their triple veto in October 1974 [1808th meeting] and in June 1975 [1829th meeting] to protect South Africa and their national economic interests, to reconsider their position now and facilitate the adoption by the Security Council of effective measures to ensure the withdrawal of South Africa from Namibia.

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

150. Mr. SHARAF (Jordan): Mr. President, during the discussion which immediately preceded the present one, I had the pleasure of extending to you my respects and compliments together with sincere assurances of confidence in your leadership. You will bring, I am certain, to this debate the same qualities of wise guidance that you brought to the previous one on the Middle East and the Palestine question. There is a strong link between these two questions: they both involve the national rights of peoples, the right of self-determination, a history of betrayed mandatory trust, an act of illegal occupation by a foreign Power, the racist policies of the occupying Power, the need for the application of minimal standards of human rights in the occupied territory, the responsibility of the United Nations and the decisive crossroads between the peaceful and violent alternatives. They are one more instance of the historic bonds between the African experience and the Arab experience.

151. The history of the problem of Namibia is too well known to be repeated. The United Nations has had an early and agonizing relationship with it. What is now important is the present and the future. What is important now is to arrest a deteriorating situation and open the way to a constructive future to the people of Namibia. What is the present situation?

152. First, South Africa now occupies Namibia illegally. In 1966 the General Assembly decided to terminate South Africa's Mandate and to place the Territory under the direct responsibility of the United Nations. At the special session of May 1967, the General Assembly established the United Nations Council for Namibia to carry the responsibilities on behalf of the United Nations until independence.⁵ As South Africa persisted in its illegal occupation, the International Court of Justice gave its categorical opinion in the summer of 1971 that the presence of South Africa in Namibia was illegal. Both the General Assembly and the Security Council have since then demanded the termination of the illegal occupation of Namibia by South Africa and the transfer of power to the people of Namibia with the assistance of the United Nations. This has not yet been realized.

153. Secondly, the South African occupation authorities have been actively and systematically dismembering the territorial unity and integrity of the land and people under occupation. Since 1968 it has been implementing a policy of bantustanization in the Territory. A massive dislocation of population has taken place in the creation of separate so-called homelands. The plan envisages the fragmentation of the Territory, the alteration of its demographic composition and the retention by South Africa of a large so-called "white area" which is rich in mineral resources and is of special strategic and economic significance. The largest part of the population is subject to exploitation and lives in conditions of suppression and subservience.

154. Thirdly, the occupying Power has extended to the Territory the most repressive and inhuman practices. Racially discriminatory and repressive laws are ruthlessly applied, mass arrests and detentions are practised and the old colonial political games and gimmicks are employed with a view to breaking any national political cohesion and perpetuating the division and fragmentation of the people.

155. Fourthly, a united national liberation movement has emerged and acquired broad recognition and support. It is a national movement which, while dedicated to the liberation of its homeland through continued struggle, including armed struggle, has shown maturity and responsibility and readiness to co-operate with the United Nations in all peaceful efforts to bring about peaceful transfer of power and independence to Namibia. This movement has been recognized not only by OAU but also by the United Nations as the authentic representative of the people of Namibia.

156. Those facts constitute the present situation in Namibia. As I said earlier, what we should do as an international community is both to arrest any deterioration in the situation and to chart the way to a constructive future for the Namibian people. There is need, therefore, in the Council for firm and unanimous action. Security Council resolution 366 (1974), adopted unanimously, demanded that South Africa take the necessary steps to withdraw its illegal administration from Namibia and transfer power to the people of Namibia. It demanded that South Africa make a solemn declaration that it would abide by these principles and goals and that it would recognize the territorial integrity and unity of Namibia. As South Africa reacted negatively to that unanimous resolution, the Security Council, which had the responsibility of following up its decision, was thwarted in its action by the triple veto of June 1975.

157. It is, incidentally, ironic though familiar that the States with special relationships with South Africa have all pronounced themselves for, or at least paid lip service to, the right principles in the question, but have shown no consistency between their words and their actions. But the Security Council must act this time. The requirements of future peace in Africa demand it; the imperatives of world peace demand it. It must act on two levels: the first is that of arresting the deteriorating situation in Namibia under the illegal occupation; the second is the level of action to end the occupation.

158. On the first level, and pending the organization of democratic processes, under United Nations supervision, for the transfer of power and independence, the Council must ensure the minimal conditions of normal life and elemental welfare for the population of Namibia under occupation. The human rights of the population under occupation must be protected, racially discriminatory and repressive

laws and practices must be abolished, the destructive policy of Bantustans and homelands must be stopped and political life must be normalized.

159. Only in such an atmosphere can Namibia proceed towards a peaceful and democratic evolution to independence. In such an atmosphere, and under the supervision of the United Nations, free elections must be held for the whole of Namibia in order to effect this evolution to independence. The Security Council has the responsibility to strive for this goal employing all the resources at its disposal. In pressing towards these aims, the Council would be fulfilling an earlier and irrevocable commitment by the Council and by the United Nations as a whole to the freedom, welfare, integrity and independence of Namibia and its brave and struggling people.

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

161. Mr. DRISS (Tunisia) (*interpretation from French*): Mr. President, allow me first of all to express to you and the other members of the Council the gratitude of my delegation at being allowed to participate in your work on the question of Namibia. This question which has been considered in the United Nations since its establishment, is of vital importance for us because of the geographic position of Namibia, which is in a sensitive area of Africa, and because of the principles involved.

162. On this question the authority of the United Nations, the principles of international law and the decisions of the International Court of Justice, as well as the fundamental and inalienable rights of peoples to self-determination and even simply to be treated as human beings—all these principles, rules and rights are being trampled underfoot, refuted and ignored by the minority racist authorities of South Africa, whose actions have been repeatedly condemned and whose policy has made it deserving of being outlawed by the international community.

163. Yet time and time again the United Nations has endeavoured to find a peaceful solution of the problem by way of negotiation. Without recalling all the missions sent by the United Nations in the past, I should simply like to mention those of the Secretary-General and his Special Representative in 1972, undertaken at the request of the Security Council. In all the efforts made to arrive at a compromise which would be acceptable both to the United Nations and South Africa, the South African authorities responded by manoeuvres and tried to take advantage of the honesty and integrity of the Secretary-General to such an extent that the Security Council finally decided to break off contacts with South Africa.

164. Even the day before yesterday the representative of the South African racist régime launched a

new challenge to the authority of the Organization when he stated that "the South African Government does not recognize and has never recognized any right on the part of the United Nations to supervise the affairs of the Territory" [1881st meeting, para. 92].

165. This attitude proves the obstinate determination of the régime to follow a senseless policy based on inequality and repression against the Namibian people. When in 1974 and after the peoples of Mozambique, Guinea-Bissau, Angola and other former Portuguese Territories had forced the Portuguese régime to change its policy, we in the United Nations had hoped that South Africa would learn from these events and settle the problem of Namibia. In this spirit, the Security Council adopted resolution 366 (1974), which was of the utmost importance because it was unanimously adopted by the members of the Council. Although the resolution was conciliatory in tone and provided an opportunity for South Africa to become reconciled with the United Nations, the South African authorities once again multiplied their manoeuvres so as to perpetuate their domination over the Territory. After negotiations with representatives of three major European Powers, the South African Minister of Foreign Affairs addressed a letter to the Secretary-General in which he stated, *inter alia*, that "if the African President of the United Nations Council for South West Africa and the Special Committee of the Organization of African Unity are interested in discussing the progress and developments in the Territory with my Prime Minister, they are welcome to do so" [S/11701].

166. This was far from the solemn declaration on the Territory requested by the Security Council. The Government, instead of complying with United Nations decisions, has increased arrests and rendered more severe its repression against the Namibian people. Furthermore, in order to pacify the United Nations and mislead the world public, South Africa gave great publicity to a so-called constitutional conference, which was supposed to provide the people with an opportunity to state its views on the future of the Territory and also announced reforms of its racial legislation. But the policy of South Africa in Namibia has deceived no one; it is still inspired by the plan to divide up the Territory on a tribal basis. Thus the so-called constitutional conference gathered the so-called representatives of the tribes whose representative nature is relative and was boycotted by the real representatives of the people, in particular by SWAPO and the Namibian National Convention.

167. The efforts of South Africa to legitimize that conference, especially by sending a delegation of 33 persons to the United States and Europe, failed lamentably. As for the so-called reforms of the racial legislation, they were merely deceptive and without any real significance. The statement made by the representative of the South African régime the day

before yesterday is irrefutable proof of this. We see nothing but contradictions and delaying manoeuvres. There is no concrete proposal in accordance with the principles of the Charter and the recommendations and decisions of the General Assembly and the Security Council.

168. I must pay a tribute to my friend and brother, Mr. Sam Nujoma, President of SWAPO, and his collaborators for having evinced political maturity and a great sense of responsibility. In the face of all attempts to divide the country and of the manoeuvres of fragmentation by South Africa, they maintained unity and cohesion in their movement. They have furthermore displayed great moderation in favouring the holding of free elections to be controlled by the United Nations. They prefer this peaceful process because they have confidence in the soundness and representative nature of their movement. The challenge of the representative of SWAPO at the beginning of this debate to South Africa is significant.

169. We are happy to note that the formula of free elections under United Nations auspices is supported by the members of the European Economic Community, as we see in the letter sent to the Secretary-General by Mr. Kaufmann, representative of the Netherlands, on behalf of the Community. But for these elections to have real significance, favourable conditions must be created for them to proceed normally, and this implies the release of political prisoners, the return of the exiles, and the guarantee of freedom of movement, meetings and expression. These conditions are essential. How can one be sure of them if the Government of South Africa refuses the United Nations any control over Namibia or any participation in the emancipation of the Namibian people and its national independence?

170. Thus, we are all faced with a real problem to be solved: how to bring the Government of South Africa to some conception of its obligations and its role in the African and international concert. That will only be possible if the major Powers adopt a firm attitude towards South Africa. Therefore, no one should be surprised if, as a result of the likely impossibility of holding free elections under United Nations auspices owing to the obstinacy of South Africa and the hesitation and weakness of the major Powers, Namibia becomes a hotbed of tension threatening international peace and security.

171. The leaders of the national liberation movement of Namibia have taught their people, the peoples of Africa and all peoples who prize peace and justice the duty of fighting to the finish in the struggle for freedom which their brothers have waged before them. It is therefore up to the Security Council to act in such a way that this fight succeeds with a minimum of bloodshed and massacres by democratic, peaceful means and by all means provided for under the Charter was written with the blood of those who died on

the battlefields of Europe and Asia for the triumph of peace and justice, and not for the triumph of *apartheid* and its South African advocates who are getting ready to perform new feats in defiance of the United Nations and international morality.

172. Who can doubt that Namibia will be free? Rather we doubt the future of the South African régime if it persists in its policy of *apartheid* and refuses to co-operate with the United Nations for the liberation of Namibia and if it continues to consider force to be its only guarantee, its sole protection.

173. Mr. President, I would not wish to conclude my brief statement without referring to your constant activity, in the Security Council and in the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, for the emancipation of peoples. I also wish to express our satisfaction because of the efforts being made by the United Nations Council for Namibia under the effective presidency of Mr. Kamana for the liberation of Namibia. Finally, I would like to pay a tribute to the work of the United Nations Commissioner for Namibia, Mr. Sean MacBride, and to his admirable dynamism. The concerted action of the United Nations Council for Namibia, the Commissioner and SWAPO has effected spectacular achievements, such as the creation of the United Nations Institute for Namibia at Lusaka¹² which trains personnel who will soon lead a free Namibia.

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

175. Mr. KARIM (Bangladesh): Mr. President, allow me to express my deep appreciation, first of all, of this opportunity to address the Security Council, meeting here today to discuss the question of the future of Namibia, and secondly, of the fact that I am doing so at a time when the Council's deliberations are being presided over by you, a distinguished representative of a developing country of the continent of Africa which has been in the vanguard of the struggle for the liberation of peoples of Africa from colonial domination.

176. As a member of the United Nations Council for Namibia, Bangladesh has been following with keen interest and fraternal concern the fate of the people of Namibia in their travail under the illegal occupation of the racist South African régime. As a member of the United Nations Council for Namibia, Bangladesh participated in the Council's debate on Namibia in June 1975. At that time the Council met to consider and to take appropriate action on South Africa's compliance with the terms and conditions set out in resolution 366 (1974), which was adopted by the Council in December 1974.

177. In that resolution, adopted unanimously, the Security Council called upon South Africa to withdraw its administration from Namibia and to transfer power to the people of the Territory under the supervision of the United Nations, and, pending the transfer of power, to comply with the provisions of the Universal Declaration of Human Rights.

178. What was South Africa's response to it? It was inadequate, deliberately vague and totally unsatisfactory. There was no doubt in the minds of our delegation, and indeed in the minds of many other delegations, that this was yet another attempt to prolong its illegal occupation of Namibia through a policy of divide and rule.

179. There was an apparent consensus of opinion in the Security Council at that time that South Africa's response to resolution 366 (1974) was not satisfactory. But the Security Council, at its June 1975 meeting, failed to adopt a draft resolution calling for a mandatory arms embargo against South Africa under Chapter VII of the Charter of the United Nations on account of the negative votes cast by three permanent members of the Security Council. Now we are gathered here, in pursuance of General Assembly resolution 3399 (XXX) adopted last year, to consider anew the implementation of Security Council resolution 366 (1974).

180. We are meeting against a background of insidious developments. While South Africa continues to follow its policy of *apartheid* and political repression in the Territory, it is simultaneously promoting divisiveness among the inhabitants of the Territory behind the smoke screen of a constitutional conference from which the authentic representatives of the people of Namibia are excluded. South Africa's position and attitude since June last year has remained basically unchanged. If it has changed at all, it has changed for the worse.

181. We have heard, recently, the statement of the representative of South Africa in this Council chamber. Instead of addressing himself to the issue under consideration, that is, the future of the people of Namibia, he vainly tried to divert attention to Angola. Even when he talked about Namibia, he made it amply clear that South Africa does not recognize United Nations competence in Namibia, that South Africa does not recognize the territorial integrity and unity of Namibia, and that South Africa does not accept the advisory opinion of the International Court of Justice. By talking about the peoples and the territories of Namibia he only made clear the obnoxious intention of South Africa to bantustanize Namibia. He talked of ethnic groups and races, possibly because racialism is the only system the South Africa white minority knows and recognizes and believes in.

182. In their statements in the Council both the Rapporteur of the Special Committee against *Apart-*

heid and the representative of SWAPO have described at some length the rapid expansion of South Africa's military presence and establishment of new military bases in Namibia. Instead of removing its racially discriminatory laws, the South African régime has escalated repression in Namibia and has been making desperate efforts to rush the creation of bantustans in Namibia.

183. The Special Committee against *Apartheid* issued a statement on 23 June drawing attention to the military operations launched by the Pretoria régime against the people of Namibia both in Namibia itself and beyond its borders. The Territory of Namibia is now being used as the spring-board for South African intervention in the affairs of another African country. The militarization of Namibia is going ahead, while South Africa prepares to become a nuclear Power by exploiting uranium in Namibia. These are dangerous developments and have serious implications for international peace and security.

184. Under the circumstances we are compelled to ask ourselves: what should we do now? Should we sit back with folded arms, as Namibia is progressively dismembered and exploited to serve the perverted designs of South Africa? Should we not take action to fulfil the moral obligation that rests on us to ensure that the people of Namibia enjoy their full political and human rights? In June last year the three permanent members of the Security Council, while casting their triple veto, talked of hopeful signs that they saw both in Namibia and in South Africa and advised us to be patient. We have been patient, but what has been the result? Has it not encouraged the racist régime in South Africa to continue to flout the wishes of the Organization?

185. We are, therefore, required to consider what course of action the Council should follow to implement its own decisions on the question of Namibia contained in Security Council resolution 366 (1974). I mentioned earlier that Bangladesh, as a member of the United Nations Council for Namibia, has been closely associated with the affairs of Namibia. We entirely agree with and support the proposals made by the President of the United Nations Council for Namibia, which form the basis for draft resolution S/11950 introduced this afternoon. The course of action indicated in the draft resolution represents, to our minds, the least that the Council can do to ensure that free elections take place for the whole of Namibia as one political entity under the supervision and control of the United Nations.

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

187. Mr. MIKANAGU (Burundi) (*interpretation from French*): Mr. President, Burundi is especially

happy that you, an outstanding son of the United Republic of Tanzania, are presiding over this debate in the Security Council. My delegation's esteem for the Tanzanian delegation is equalled only by the fraternal feelings that have united our two neighbouring and friendly countries from time immemorial. We are proud of the firm and competent manner in which the United Republic of Tanzania has always vigorously fought for the cause of the colonized and oppressed peoples of southern Africa who are struggling for their liberation.

188. Allow me also to express to the Council as a whole and to each of its members our gratitude at being allowed to participate in its work on the important question of Namibia, which is unique in that it represents the last remaining vestige of colonialism on the continent of Africa. But now the time has come. The colonialists no longer hold sway. There is no longer any distinction between white man and coloured man. We are all free and equal brothers.

189. Now Africa has victoriously freed itself from colonialism, but its feet are still in fetters. Hence free Africa, the truly democratic countries and, above all, the concerned peoples of southern Africa, will no longer tolerate the inhuman and unjust system of racism, *apartheid*, colonialism and shameless exploitation. We are convinced that all means should be used in order to put an end to this humiliating system condemned by the Charter of the United Nations. However, the minority racist régime of South Africa, like a sleeping man awakened by a gadfly, continues to be obstinate and to struggle desperately so that it may continue to doze in the dark night of racial domination, economic exploitation and *apartheid*.

190. We must also deplore the attitude of Western members of the Security Council and, above all, of the three permanent members with their triple veto. They always come to the rescue of the racist Republic of South Africa, thus encouraging it in its defiance and disdain for the international community. Although the hour of the end of the colonial era struck long ago, Western companies, supported by the white racist régime of South Africa, are stepping up their plundering activities in order to exhaust the natural resources of Namibia. These imperialist States are deliberately disregarding the evolution of history. Thanks to this Western encouragement, South Africa is strengthening its military forces in Namibia and is using this international Territory as a base for attack against neighbouring countries. The racist régime of Pretoria persists in its oppression and in vain foreign colonial wars, turning its back on the realities of today's world.

191. In its desperate struggle against the tide of history, thanks to the complicity of some Western countries, the racist régime of Pretoria is now becoming a nuclear Power, thereby threatening the security of all African countries. The representative

of SWAPO, Mr. Garoeb, spoke to us yesterday of the militarization of Namibia and he said that this involved the creation as well at strategic points throughout Namibia of new bases for the army and the air force and that one of the largest air and land bases in the entire African continent would be completed next month in Grootfontein.

192. In the light of what I have just said, the delegation of Burundi asks that the Western members of the Security Council and all the Powers supporting the absurd situation prevailing in Namibia should not continue to disregard the emergence of a new era in international relations which is witnessing the end of oppression and exploitation. At any rate, whether those Powers like it or not, history is irreversible and its course inevitable.

193. The position of Burundi is clear. We believe that the valiant Namibian people will free itself from the yoke of the South African régime by using all means possible, including the intensification of the armed struggle. We are convinced that Namibia will gain a resounding victory over the minority racist régime of South Africa.

194. My delegation recalls that several resolutions of the General Assembly and of the Security Council have been adopted and that all of them demanded the withdrawal of the illegal administration of South Africa from Namibia. But all those resolutions have remained ineffectual because certain members of the Council are giving their unconditional support to the racist régime of South Africa. How long will we have to tolerate this complete contempt for General Assembly and Security Council resolutions, as well as for the advisory opinion of the International Court of Justice?

195. South Africa has refused to comply with Security Council resolution 366 (1974), although it was adopted unanimously. We all recall that last June three permanent members of the Security Council, by casting their veto, prevented the Council from taking concrete measures for the implementation of the provisions of resolution 366 (1974).

196. Now, in order not to embarrass those who support the white racist and minority régime of South Africa, and in order to spare ourselves a repetition of the humiliating triple veto which took place last year, Burundi simply requests that the Council demand free national elections under the supervision and control of the United Nations for all of Namibia as one political entity. This simple request will put the sacred principles of democracy, freedom and self-determination to the test. We venture to hope that the Security Council will finally be able to play a rightful role by taking concrete measures to end the shameful and humiliating racist-colonialist policy of South Africa in Namibia.

197. Before concluding, I should like once again to say that we firmly believe that the time of wanton power, racist domination and exploitation has passed. That is why we remain confident of the final victory of the nationalist forces of Namibia over the racists of South Africa, who stubbornly keep other human beings like themselves in slavery, and in the twentieth century no less.

198. I have not been able to find a better conclusion than the one drawn by you, Mr. President, in the speech you made with such brilliance following the statement of the representative of South Africa. You said that

"we believe that it is in the interests of the Namibian people, in the interests of the African people, in the interests of international harmony, in the interests of race relations, in the interests of international understanding, that the international community must try once again to avoid the holocaust of a full-fledged conflagration in Namibia. I believe that the Security Council has the opportunity to try to do that." [1881st meeting, para. 154.]

199. The PRESIDENT: The next speaker is the representative of India. Accordingly, I invite the representative of India to take a place at the Council table and to make his statement.

200. Mr. BUDHIRAJA (India): I should like first of all to thank the members of the Council for giving an opportunity to my delegation to participate in the Council's debate on the question of Namibia. India's views on the question of Namibia have been aired on many occasions in the United Nations. We have taken an interest in this question since the very origin of the Mandates System. When the International Court of Justice was asked for its advisory opinion relating to the legal consequences of the failure of the Government of South Africa to vacate Namibia, India submitted a written statement and also made an oral statement before the Court.¹³ We have thus shown a continuing interest in this question and our views are well known and, consequently, I do not have to reiterate them in any great detail during the present debate. However, I must make it clear that India regards South Africa to be in illegal occupation of Namibia and we believe that South Africa must withdraw from this Territory which has been recognized by the General Assembly and by the Security Council as a responsibility of the United Nations.

201. There were some grounds for optimism in December 1974 when the Security Council adopted its resolution 366 (1974). In that resolution the Security Council had reiterated its condemnation of the continued illegal occupation of the Territory of Namibia by South Africa. Further, the resolution, *inter alia*, demanded that South Africa should make a solemn declaration that it would comply with the resolutions and decisions of the United Nations and

the advisory opinion of the International Court of Justice of 21 June 1971 in regard to Namibia. In that declaration South Africa was further required to recognize the territorial integrity and unity of Namibia as a nation.

202. The response of South Africa to resolution 366 (1974) can be described as being one of total cynicism. The South African Foreign Minister in his letter dated 27 May 1975 [S/11701] to the Secretary-General had made it clear that South Africa would not allow the United Nations to have any role in the political and constitutional future of Namibia. Further, it became evident that South Africa did not contemplate the maintenance of the territorial integrity of Namibia, though this was stated in an ambiguous manner. In short, South Africa had clearly indicated then that it would not comply with the provisions of resolution 366 (1974). The statement made by the representative of South Africa in the Security Council during the current debate [see 1881st meeting] and his letter to the Secretary-General [S/11948 and Add.1] have only confirmed that South Africa will continue to follow its misguided and provocative policies in Namibia.

203. The objectives of South Africa were clearly before the Security Council when it met in May 1975 to consider what appropriate measures should be taken in terms of the Charter of the United Nations against South Africa so that it would comply with the relevant decisions of the United Nations. We all know what happened at that time. The Security Council was paralysed from taking any action because of the negative votes which were cast by three permanent members of the Council.

204. However, that development does not have a bearing on the validity of resolution 366 (1974). In fact, the General Assembly in its resolution 3399 (XXX) has urged the Security Council urgently to take up the question of Namibia and to act to give effect to its resolution 366 (1974). It is in this context that the Council is now holding its deliberations, and it is the earnest hope of my delegation that the Council will be able to act this time so that South Africa withdraws from the illegally occupied Territory of Namibia. The responsibility of the Council is thus a very heavy one. It must act in order to ensure that South Africa complies with its decisions; otherwise the credibility of the United Nations, indeed that of the provisions of the Charter itself, is at stake.

205. Events in Namibia during the last few months have taken a particularly disquieting turn. In August 1975 a new wave of repression, arrests and detention of Namibians was unleashed by the South African régime. Undoubtedly, they were connected with the convening of the so-called constitutional conference which opened on 1 September 1975. Obviously, the real purpose behind those renewed acts of terror and brutality against the Namibian people was to arrest

and imprison all the real and suspected political opponents of the régime in Namibia, before the so-called constitutional conference, which was really designed to divide the Namibian people and thus perpetuate South African domination in the Territory.

206. It is well known that the elements collected by the South African authorities to participate in the so-called constitutional conference were people who supported the idea of forming bantustans. The so-called constitutional conference excluded SWAPO, which has been recognized by OAU and by the United Nations as the sole and true representative of the people of Namibia. The umbrella organization of various groups of Africans in Namibia, the Namibian National Convention, also did not participate in that Conference. The holding of that so-called constitutional conference deserves to be condemned in unequivocal terms. My delegation believes that that was nothing else but an exercise in trying to implement the so-called Odendaal plan, which had initially proposed the division of Namibia on tribal lines into 12 so-called homelands. It is nothing but annexation hidden under the cloak of association and racial discrimination under the pretext of constitutionalism.

207. That so-called conference has adopted a "Declaration of Intent" [*ibid.*] according to which Namibia is to obtain some sort of "independence" by 1978 as a loose confederation of ethnic states in which the white settlers will retain that part of the land of that Territory which has the maximum wealth. That "Declaration of Intent" seems to be in keeping with the policy which was enunciated by the Foreign Minister of South Africa in his letter of 27 May 1975 to the Secretary-General.

208. That policy was reaffirmed by the representative of South Africa the other day in his statement before the Council. Listening to his statement one might have thought that under the illegal administration Namibia has now become a land in which milk and honey flowed freely and that the inhabitants there are now living almost in paradise. In addition, there was a tone of injured innocence throughout the statement because the world community had not given recognition to the "great role" which South Africa has played in Namibia. That tone does not befit the representative of a country which practises the heinous, indeed criminal, policy of *apartheid* at home and which is in illegal occupation of a mandated Territory.

209. Instead of having fulfilled its responsibility to promote the well-being of the inhabitants of Namibia, which was its sacred trust, that country has exported its inhuman and degrading system of *apartheid*, has ruthlessly exploited the wealth of the Territory, has unleashed terror, repression and oppression and is now seeking to destroy its territorial integrity. Did the representative of South Africa believe that he was speaking before some uninformed and naive

persons? He should have remembered that he was addressing the Security Council, and no one in this chamber can be misled by such words.

210. Alarming reports have also been received about South Africa's military build-up in the illegally occupied Territory of Namibia. South African troops are not only being utilized for suppressing the legitimate aspirations of the Namibian people; there have been also reports that South Africa has also forcibly removed families along a broad stretch on the border between Namibia and Angola. This has caused further suffering and misery for the Namibians who have lived in that area for centuries. The forcible removal of the population along the border has a sinister purpose behind it. Even before Angola became independent, South African troops had occupied the Calueque Dam in the southern part of Angola. Since the independence of Angola—which has been welcomed by my Government—South Africa has sent troops into the interior of that newly independent State. All that shows the nature of the South African racist régime. It not only believes that it can with impunity illegally occupy Namibia but also that its forces can go into the territory of a newly independent State. Yet, the Security Council heard from the representative of South Africa that South Africa is not a colonial Power and that it wishes to live in peace with its neighbours. A fine sense of "living in peace" this is.

211. Those actions on the part of South Africa deserve to be condemned by the international community. Those actions clearly show that South African policies are a threat to international peace and security, especially in the southern part of Africa. It is therefore all the more necessary to ensure that appropriate measures are taken in order to compel South Africa to change its present course, which will otherwise result in a catastrophe.

212. An opportunity has presented itself for changing this course and it is for the Security Council to seize it. The General Assembly in its resolution 3399 (XXX) decided that free national elections should be held in Namibia as a matter of urgency under the direct supervision and control of the United Nations. I might add that that particular General Assembly resolution was adopted by an overwhelming majority; there were no negative votes, though there were seven abstentions.

213. If South Africa is really serious in giving an opportunity to the people of Namibia to exercise their right to self-determination and independence, then this is an opportunity which that régime can avail itself of. Elections under United Nations supervision and control are bound to be free and fair. The

results of the elections will clearly show what the people of Namibia want. If, as South Africa asserts, the people of Namibia want it to stay in that Territory, then the people of Namibia will no doubt indicate what their desire is. If, however, the people of Namibia give a different verdict, then obviously South Africa must withdraw from that Territory in accordance with the wishes and aspirations of the Namibian people and with its obligations as a Member of the United Nations. The holding of such elections will clearly demonstrate to all concerned the freely expressed desire of the people of that Territory. These elections should be held under United Nations supervision and control, not only to guarantee that they are free and fair elections, but also because the United Nations is the legal authority in Namibia.

214. The President of the United Nations Council for Namibia had conveyed the views of that Council regarding what the Security Council must do as the very minimum. India is a member of the United Nations Council for Namibia and my delegation associates itself with the five points which were raised by him. The peaceful options available to the Namibian people to exercise their right to self-determination and independence are slowly being diminished. Increasingly, they will be forced to resort to violence to secure their aims and aspirations. The opportunity still exists for finding a peaceful solution to this problem. It is up to the Council now to take an appropriate decision at this historic moment. We hope that the wisdom of the Council will find the right formula for achieving a peaceful solution.

The meeting rose at 7 p.m.

Notes

¹ *South West Africa, Second Phase, Judgment, I.C.J. Reports 1966, p. 6.*

² *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.*

³ *Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 24A, para. 84.*

⁴ See General Assembly resolution 2145 (XXI).

⁵ See General Assembly resolution 2248 (S-V) of 19 May 1967.

⁶ See A/AC.131/SR.223.

⁷ See *Official Records of the General Assembly, Thirtieth Session, Plenary Meetings, 2375th meeting.*

⁸ Commission of Enquiry into South West Africa Affairs, established in 1962 by the Republic of South Africa under the chairmanship of Mr. F.H. Odendaal.

⁹ See A/10297, annex I.

¹⁰ See A/10217 and Corr. 1.

¹¹ See *Official Records of the General Assembly, Thirtieth Session, Supplement No. 24.*

¹² *Ibid.*, Twenty-ninth Session, Supplement No. 24A, sect. IV.

¹³ See *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, pp. 18 and 20.*

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