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NOTE

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

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

1962nd MEETING

Held in New York on Monday, 18 October 1976, at 3 p.m.

President: Mr. Iqbal A. AKHUND (Pakistan).

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, United States of America.

Provisional agenda (S/Agenda/1962/Rev.1)

1. Adoption of the agenda
- 2. The situation in Namibia

The meeting was called to order at 3.50 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Namibia

1. The PRESIDENT: In accordance with decisions previously taken by the Council [1954th and 1956th to 1961st meetings] I shall now invite the President and other members of the United Nations Council for Namibia, and the representatives of Algeria, Bangladesh, Botswana, Burundi, Cuba, Democratic Kampuchea, Egypt, Ethiopia, German Democratic Republic, Ghana, Guinea, Kenya, Liberia, Madagascar, Malawi, Mauritius, Morocco, Mozambique, Niger, Nigeria, Poland, Saudi Arabia, Sierra Leone, Somalia, Sri Lanka, Yemen, Yugoslavia and Zambia to participate in the Council's discussion without the right to vote.

At the invitation of the President, Mr. Kamana (President of the United Nations Council for Namibia) and the other members of the delegation took places at the Council table and Mr. Rahal (Algeria), Mr. Kaiser (Bangladesh), Mr. Mogami (Botswana), Mr. Bwakira (Burundi), Mr. Alarcón (Cuba), Mr. Keat Chhon (Democratic Kampuchea), Mr. Abdel Meguid (Egypt), Mr. Wodajo (Ethiopia), Mr. Florin (German Democratic Republic), Mr. Felli (Ghana), Mr. Cissoko (Guinea), Mr. Maina (Kenya), Mrs. Brooks-Randolph (Liberia), Mr. Rabetafika (Madagascar), Mr. Muwamba (Malawi), Mr. Ramphul (Mauritius), Mr. Bengelloun (Morocco), Mr. Chissano (Mozambique), Mr. Djermaakoye (Niger), Mr. Garba (Nigeria),

Mr. Jaroszek (Poland), Mr. Baroody (Saudi Arabia), Mr. Minah (Sierra Leone), Mr. Hussen (Somalia), Mr. Kanakaratne (Sri Lanka), Mr. Sallam (Yemen), Mr. Petrić (Yugoslavia) and Mr. Mwale (Zambia) took the places reserved for them at the side of the Council chamber.

2. The PRESIDENT: Before I call on the first speaker, I should like to call the attention of the members of the Council to the draft resolution before the Council which is sponsored by Benin, Guyana, the Libyan Arab Republic, Pakistan, Panama, Romania and the United Republic of Tanzania [S/12211].

3. Mr. JACKSON (Guyana): Since the Council met on 31 August [1954th meeting] pursuant to resolution 385 (1976), which was adopted unanimously earlier this year, we have held several meetings on the question of Namibia. No fewer than 34 representatives of Member States have participated in our deliberations. Since then, too, some heads of Government and many Foreign Ministers and other heads of delegation have spoken in the now concluded general debate in the General Assembly giving their Governments' views and positions on the situation in Namibia. We have also had the benefit of the opinion of the United Nations Council for Namibia, which is empowered by General Assembly resolution 2248 (S-V) to "administer South West Africa until independence". And the members of this Council had the privilege on 28 September [1956th meeting] of listening to the clear statement by Comrade Sam Nujoma, President of the South West Africa People's Organization (SWAPO), the authentic representative of the people of Namibia, containing modest and reasonable proposals for the fulfilment of the legitimate aspirations of all true Namibians to the freedom and independence of Namibia as a territorial unit in and of itself.

4. Outside the United Nations, efforts, which have been much publicized, have been undertaken with the declared objective of bringing about a peaceful resolution of the conflict situation existing in and in relation to Namibia. Outside the United Nations also, the non-aligned countries, at their Fifth Summit Conference, held in Colombo in August 1976, discussed this question. Their conclusions in this regard are contained in document S/12188. Additionally, the representative of Sri Lanka presented the views of the movement with clarity in his statement before us on 7 October [1960th meeting].

5. The Council, therefore, is now at a stage when, in the discharge of its primary responsibility for the maintenance of international peace and security, it can determine action—necessary and appropriate action—to meet the requirements of the present situation in Namibia properly. And the Council should make that determination free from the prism of narrow national perceptions, assigning priority to the expectations of the people of Namibia and of the international community.

6. There are certain golden threads which run through most, if not all, of the presentations made before this Council and the General Assembly. Reflected in them in a stark manner is the anxiety and anguish felt by the international community over the situation in southern Africa in general, and in Namibia in particular. Everyone is deeply concerned.

7. In more specific terms, South Africa has been condemned for its continued illegal—or, as some say, unlawful—occupation of Namibia. It is clear that the international community wants, indeed demands, the withdrawal of South Africa from Namibia right away. It is clear too that the international community is deeply concerned over the militarization of Namibia, a militarization which betrays South Africa's intentions in relation not only to that Territory but to neighbouring African States as well. Indeed, as you will recall, Mr. President, this Council has found it necessary twice this year to demand that South Africa desist forthwith from the utilization of Namibia as a base for launching armed attacks against neighbouring African countries [resolutions 387 (1976) and 393 (1976)]. Angola and Zambia were the countries involved. It is clear also from the various presentations that decisive action is expected of the Council at the conclusion of our current debate. There has been in many speeches an insistent call for action in accordance with the provisions of Chapter VII of the Charter.

8. The Council's concern with the question of Namibia is not of recent origin. Speaking in the Council nearly two years ago in my capacity then as President of the United Nations Council for Namibia, [811th meeting] I drew attention to the catalogue of South Africa's defiances of the Organization and of its refusals to implement the United Nations resolutions, and to the need for effective action to put an end to South Africa's contumacious practices.

9. In 1968, resolution 246 (1968), which was adopted unanimously, called on South Africa to take certain specific steps. The Council decided that, in the event of non-compliance by South Africa, it "will meet immediately to determine effective steps or measures in conformity with the relevant provisions of the Charter of the United Nations". As expected, South Africa refused to comply with that resolution. Thus, when resolution 264 (1969) was adopted, calling *inter alia* upon South Africa "to withdraw immediately its administration from the Territory", the Council once

again promised to meet immediately in the event of failure by South Africa to implement the resolution. Later that year, South Africa in resolution 269 (1969), the Council condemned for its refusal to comply with resolution 264 (1969). The call for withdrawal from Namibia was reiterated and a deadline of 4 October 1969 was fixed. Once again, the Council declared its intention to meet immediately if South Africa did not comply with the provisions of that resolution. But meetings in January and July 1970 found South Africa still defiant. Those meetings also found the Council still hesitating on the threshold of decisive action.

10. When in February 1972 this Council held its historic meetings in Addis Ababa it decided, by resolution 310 (1972) on Namibia, that, in the event of failure on the part of South Africa to comply with the provisions of that resolution, the Security Council

"shall meet immediately to decide upon effective steps or measures, in accordance with the relevant Chapters of the Charter, to secure"—and I stress "to secure"—"the full and speedy implementation of the present resolution."

11. That the question of Namibia was discussed by the Council in 1973, 1974, 1975 and earlier this year is adequate testimony that South Africa continues to defy the Council, to ignore the decisions of the Organization and to take no account of the opinion of the overwhelming majority of the world's States and peoples. That fact also testifies eloquently to our inability "to secure" South Africa's compliance with our resolutions.

12. That we are meeting now, pursuant to resolution 385 (1976) is the result of South Africa's intransigent attitude, for no one can seriously contend that the diatribe contained in document S/12180, relating to a so-called constitutional conference at Turnhalle, represents an adequate response to the clear prescriptions of resolution 385 (1976), if it is indeed a response at all.

13. The critical question is: where do we go from here? In this connexion, it is perhaps apposite to reiterate the truism that in the final analysis it is the people of Namibia, led by its authentic representative, SWAPO, which will wrest its freedom from the racist oppressors from Pretoria. But the Security Council, the United Nations Council for Namibia, the United Nations in general and all progressive and freedom-loving peoples have a duty to assist the people of Namibia in its legitimate struggle. There is also room for support to be given through bilateral efforts, especially by those whom the South African authorities would wish to count as their allies. All these efforts interact, but they do not depend one upon the other. The exercise of duties and responsibilities can be complementary, once all those efforts are motivated by one primary concern: the freedom and independence of Namibia.

14. It therefore becomes necessary, I suggest, for the Security Council to look at its own record in regard to decisive action on Namibia. In 1969 it considered that the continued illegal presence of South Africa in Namibia was "detrimental to the interests of the population of the Territory and those of the international community" [*resolution 264 (1969)*]. In 1970 it considered that the continued occupation of Namibia by South Africa had "grave consequences for the rights and interests of the people of Namibia" [*resolution 276 (1970)*]. In 1971, in the face of the contemptuous South African defiance, it declared that "any further refusal of the South African Government to withdraw from Namibia could create conditions detrimental to the maintenance of peace and security in the region" [*resolution 301 (1971)*]. In 1972 it went a little further. It considered that the continued occupation of Namibia by South Africa "in defiance of the relevant resolutions of the United Nations and of the Charter creates conditions detrimental to the maintenance of peace and security in the region" [*resolution 310 (1972)*].

15. In 1973 and, more particularly, in 1974 the Council, encouraged by a mood of optimism that changes of a far-reaching nature induced by the racists would be forthcoming, considered the question of Namibia with some hope. But the dialogue with South Africa during those years was essentially a dialogue with the deaf.

16. During that period and since then, changes of a far-reaching nature have indeed taken place in southern Africa. The valiant freedom fighters of Guinea-Bissau, Mozambique, Cape Verde, Sao Tome and Principe and Angola have wrought those changes. The boundaries of freedom have now reached the Cunene and the Limpopo. Zimbabwe, Azania and Namibia still, however, remain in the clutches of the racists.

17. Last year, in June, when the question of Namibia was debated by the Council, some of us sought to convey the true dimensions of the Namibian tragedy. As a consequence, we endeavoured to persuade the Council to take action under Chapter VII of the Charter. Our efforts, however, attracted a triple veto—that of France, the United Kingdom and the United States. Let us review the situation and the arguments put forward then.

18. The representative of France, now the Minister for Foreign Affairs, said that his delegation did not agree with "the opinion stated by some, according to whom the situation in Namibia comes under Chapter VII of the Charter or under one of its Articles" [*1824th meeting, para. 104*]. Later, in explaining his negative vote, Ambassador de Guiringaud, said that his delegation did not think that the concept of international peace and security was "now jeopardized or involved in the circumstances prevailing in Namibia" [*1829th meeting, para. 193*]. The representative of the

United States, then Ambassador Scali, said: "In view of the facts of the Namibian situation, it is difficult to find that a threat to international peace and security exists within the meaning of the Charter" [*1825th meeting, para. 89*]. He went on to point out that "it would not be appropriate to invoke mandatory sanctions which are specifically reserved for threats to peace" [*Ibid.*]. As to the third veto-wielder, Ambassador Ivor Richard of the United Kingdom, who is now involved in a delicate exercise as umpire or chairman—I am not sure which—said quite categorically: "my Government does not regard the situation in Namibia as a threat to international peace and security..." [*1829th meeting, para. 28*].

19. Clearly there is no significance in the fact that none of those three representatives is with us at this moment. But, quite seriously, can anyone who is aware of the situation in Namibia today really and justly uphold the argument that that situation does not constitute a threat to international peace and security? What Ambassador Richard said last year in justification of a different position is particularly relevant today. He said: "Yet, when we look back from today, it is, I think, striking to see how the pattern of events has changed." [*Ibid., para. 10*]. He said that in 1975; I reiterate it now in 1976.

20. The truth is that the situation in Namibia has for some time constituted a threat to international peace and security. That fact is perhaps more clearly perceived now. The Minister for Foreign Affairs of Sweden, speaking in the General Assembly on 13 October, reflected widely held views when she said:

"Sweden and many other States have characterized the situation in southern Africa as a threat to peace. If acceptable results cannot be attained through negotiations, the Security Council should therefore impose sanctions to eliminate the threat. In the first place, we have proposed that the recommendation already adopted by the Security Council on the cessation of all shipments of weapons to South Africa should be made mandatory. Such a measure would give effective expression to the entire international community's condemnation of South Africa's policies."¹

Further, no less a person than President Ford of the United States acknowledged on 8 September that the efforts of Secretary of State Kissinger were designed to avert an escalation of violence in southern Africa and that those efforts were "in the interest of world peace". That was no empty rhetoric.

21. Today a crisis exists in southern Africa. It is a crisis universally recognized. It is a crisis about freedom. It is a crisis about human dignity. It is a crisis which affects us all. It is a crisis that threatens international peace and security.

22. The situation in Namibia now pales by comparison with that in Rhodesia in 1965. Then—that is,

in 1965—the Security Council in an astute display of judgement determined that the continuance of the conditions then existing would constitute a threat to international peace and security. We do not have to await such a continuance in Namibia. Let us determine it now. The conflation of interests is there. We need to act upon it.

23. In this connexion the delegations of Benin, the Libyan Arab Republic, Pakistan, Panama, Romania, the United Republic of Tanzania and the delegation of my own country, Guyana, have prepared a draft resolution [S/12211] which, if adopted, will go some way towards meeting the requirements of the situation. In the first two paragraphs of its preamble, the draft resolution pays due attention to the statements delivered by the Presidents of the United Nations Council for Namibia and SWAPO—the Council being the body authorized by the United Nations to administer the territory of Namibia until independence, and SWAPO being recognized by the United Nations as the sole authentic representative of the people of Namibia. The third, fourth and fifth paragraphs of the preamble recall those elements of United Nations and international activity which are directly relevant to the total liberation of Namibia. The seventh paragraph of the preamble is self-explanatory in its terms, and the remaining paragraphs of the preamble address themselves to those activities of the South African régime which have been impediments to Namibia's attainment of independence.

24. In operative paragraph 1 the draft resolution justly condemns South Africa's failure to comply with the terms of Security Council resolution 385 (1976). Paragraphs 2, 3, 6, 7 and 9 address themselves to the evasive devices practised by the racist South African régime in its resolve to flout the authority of the United Nations in pursuit of its course of intransigence. In paragraph 4 the draft resolution reaffirms the legal responsibility of the United Nations over Namibia, and in paragraph 5 support for the just struggle of the people of Namibia for self-determination and independence is reaffirmed. In paragraph 8, the draft resolution would have the Security Council reaffirm its declaration that free elections should be held to permit the exercise of the principle of self-determination, under the supervision and control of the United Nations. Paragraph 10 is concerned with those prerequisites to which the South African régime must give full effect in order to create the climate necessary for the realization of the complete and total independence of Namibia. Paragraph 11, which lies at the core of the draft resolution, would seek to invoke certain of the provisions of Chapter VII of the Charter. Such provisions, if faithfully implemented by States Members of the United Nations, would effect the cessation of all forms of military

assistance, both overt and covert, to the South African régime. Such provisions would also contribute in no small measure to the achievement of independence by the Namibian people, their imprescriptible right. By resolution 282 (1970) the Council called on all States to strengthen the voluntary arms embargo requested earlier. But arms are still flowing into South Africa. Let us therefore now impose a mandatory embargo. Paragraph 12 indicates quite clearly the necessary actions to be taken by States which may have entered into contractual or other agreements relating to military assistance and collaboration with the South African régime. The role accorded to the Secretary-General in paragraph 13 would, in the view of the co-sponsors, adequately complement the provisions of paragraph 11. Paragraphs 14 and 15 are self-explanatory.

25. Any cursory review of Council action on Namibia will lead to the inescapable conclusion that the Council has consistently promised effective action. Its defaults are known within it and beyond. But expectations of performance have not yet been stilled in the wider international community.

26. This is not the time for forays into sophistry or intellectual calisthenics. The people of Namibia, the people of Africa demand decisive action by the Council. And there are others who do so. People all over the world who are for freedom look to the Council now. Not least among them are the people of the black diaspora.

27. The essential human commons have imposed upon the Council an extraordinary necessity. It is to reach for those high and lofty ideals of freedom and dignity which have always informed the beliefs of dedicated individuals and guided the actions of mature statesmen who choose no other course than that which pursues justice and that which requires courage. The question of Namibia today affords us all that opportunity.

28. History records the achievements of people who have fought for and who have steadfastly stood by fundamental principles no less than of those who have abandoned such principles in the interest of short-term need. It is the hope of the sponsors of the draft resolution that the vote on this issue will not so separate the members of the Council. On behalf of the sponsors and my own country I commend the draft resolution to the members of Council.

The meeting rose at 4.20 p.m.

Note

¹ *Official Records of the General Assembly, Thirty-first Session, Plenary Meetings, 29th meeting, para. 105.*