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THIRTY-THIRD YEAR

2092nd MEETING: 31 OCTOBER 1978

NEW YORK

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NOTE

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

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2092nd MEETING

Held in New York on Tuesday, 31 October 1978, at 11 a.m.

President: Mr. Jacques LEPRETTE (France).

Present: The representatives of the following States: Bolivia, Canada, China, Czechoslovakia, France, Gabon, Germany, Federal Republic of, India, Kuwait, Mauritius, Nigeria, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Provisional agenda (S/Agenda/2092/Rev.1)

1. Adoption of the agenda
2. The situation in Namibia:
 - (a) Report of the Secretary-General submitted pursuant to paragraph 7 of Security Council resolution 435 (1978) (S/12903);
 - (b) Letter dated 24 October 1978 from the Permanent Representative of Burundi to the United Nations addressed to the President of the Security Council (S/12906)

The meeting was called to order at 11.35 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Namibia:

- (a) Report of the Secretary-General submitted pursuant to paragraph 7 of Security Council resolution 435 (1978) (S/12903);
- (b) Letter dated 24 October 1978 from the Permanent Representative of Burundi to the United Nations addressed to the President of the Security Council (S/12906)

1. The PRESIDENT (*interpretation from French*): I should like to inform members of the Council that I have received letters from the representatives of Burundi, Egypt and Ghana in which they request to be invited to participate in the discussion. In accordance with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion, without the right to vote, in conformity with the provisions of the Charter and rule 37 of the provisional rules of procedure.

At the invitation of the President, Mr. Simbananiye (Burundi), Mr. Abdel Meguid (Egypt) and Mr. Boateng (Ghana) took the places reserved for them at the side of the Council chamber.

2. The PRESIDENT (*interpretation from French*): I should also like to inform members of the Council that I have received a letter dated 30 October 1978 from the President of the United Nations Council for Namibia which reads as follows:

“The Security Council is now considering the question of Namibia. I wish to convey to you the desire of the United Nations Council for Namibia to participate in this debate, without the right to vote. For this purpose, the Council for Namibia will be represented by a delegation headed by myself as President of the Council and including the three Vice-Presidents of the Council: Mr. R. Jaipal (India), Mr. F. Cuevas Cancino (Mexico) and Mr. F. K. Bouayad-Agha (Algeria).”

3. On previous occasions the Security Council has extended invitations to representatives of other United Nations bodies in connexion with the consideration of matters on its agenda. In accordance with past practice, I propose, therefore, that the Council should extend invitations, pursuant to rule 39 of its provisional rules of procedure, to the President of the United Nations Council for Namibia and the delegation of the Council.

At the invitation of the President, Miss Konie (President of the United Nations Council for Namibia) and the other members of the delegation took places at the Council table.

4. The PRESIDENT (*interpretation from French*): I wish to inform members of the Council that I have received a letter dated 31 October 1978 from the representatives of Gabon, Mauritius and Nigeria which reads as follows:

“We, the undersigned members of the Security Council, have the honour to request that the Council should extend an invitation under rule 39 of its provisional rules of procedure to Mr. Theo-Ben Gurirab, Permanent Observer of the South West Africa People's Organization to the United Nations, during the course of the Council's consideration of the situation in Namibia.” [S/12909.]

If I hear no objection, I shall take it that the Council agrees to the request.

At the invitation of the President, Mr. Gurirab (Permanent Observer of the South West Africa People's Organization) took a place at the Council table.

5. The PRESIDENT (*interpretation from French*): The Council is meeting today in accordance with the request made by the Group of African States in a letter dated 24

October 1978 addressed to the President of the Council by the representative of Burundi [S/12906].

6. Council members have before them document S/12903, which contains the report of the Secretary-General submitted pursuant to paragraph 7 of resolution 435 (1978). Council members also have before them the following documents: S/12900, which contains the text of a letter dated 19 October addressed to the Secretary-General by the Chargé d'Affaires a.i. of the Permanent Mission of South Africa, and S/12902, which contains the text of a letter dated 21 October addressed to the President of the Council by the representatives of Canada, the Federal Republic of Germany, France, the United Kingdom and the United States of America.

7. Mr. RAMPHUL (Mauritius): In order to save time, I propose to express my compliments to you, Mr. President, and to your predecessor directly and in writing. I hope I shall be forgiven for departing from Security Council tradition. I also hope that you will forgive me for addressing you in the English language.

8. We confront today a grave situation, far more grave than many of us had anticipated, for we are witnessing the beginning of permanent war in southern Africa. War is being forced upon African countries, let there be no mistake about that; it is being forced upon us by the intransigence and aggression of the minority régimes in the region.

9. However, we must also recognize that war has come partly because we failed to understand, to see clearly, the threat to peace and security that was developing in the whole of southern Africa. We failed, and the Council failed, to appreciate the fact that South Africa and the Smith régime were determined to maintain *apartheid* and colonialism intact, whatever the cost. We thought that there was yet time for negotiating a peaceful solution to the problems of southern Africa, that those régimes might actually yield power to the peoples of Namibia and Zimbabwe. Today it seems quite clear that that hope was somewhat misconceived.

10. It is particularly clear in the case of South Africa's attitude towards a solution of the Namibian problem. We are now told that the recent trip to Pretoria of the five Western Foreign Ministers resulted in a compromise; that it will be possible to go ahead and to hold elections under United Nations supervision and control in Namibia in the spring of next year. However, it is admitted that nothing will be done to prevent South Africa from holding its own so-called elections in Namibia before that, in December of this year. These, according to the recent joint statement of the South African Government and the five Western members of the Security Council, will be "an internal process to elect leaders" [S/12900, annex II, para. 4]. In other words, South Africa plans to place power in the hands of its clients and place men in Namibia. It is carrying out an internal settlement there, in defiance of the United Nations and in defiance of world opinion, indeed, let me say, of civilized opinion. It is declaring its intention to continue to occupy Namibia illegally, to continue the practice of *apartheid* there, to continue its administration

of the Territory, to continue the pursuit of its brutal war against the people of Namibia and to continue its efforts to eliminate SWAPO, the true and authentic representative of that people.

11. The South African Government then asks that we should regard the so-called elections that it will hold in those circumstances as meaningful, as "an internal process" that will elect leaders: leaders of what?

12. Then, we are told, South Africa may be able to persuade the new leaders of Namibia to hold further elections under United Nations supervision. It does not even try to provide credible reasons for believing that it might do so. It merely mentions the matter, in the apparent hope that someone will persuade the Security Council to grasp at any straw.

13. Now, in these circumstances, can the Pretoria meetings be said to have brought about a compromise? The only compromise, it would seem, is on the principles of the United Nations and on its historic obligations to the Namibian people.

14. Some sections at least of the press have shown scepticism about the Pretoria meetings. A headline in *The Guardian* on 19 October was: "West's envoys leave Namibia talks empty-handed". That certainly seems a much more accurate description of what happened than many accounts that have been heard.

15. We should be in no doubt why South Africa has taken this position. For a long time it apparently believed that it could actually get foreign support for a fraudulent election by which it might install its clients and thus maintain control of Namibia. It has always been frightened at the prospect of free elections and therefore at the prospect of the United Nations preventing fraud. On 9 September, the *Rand Daily Mail* quoted the Progressive Federal Party spokesman of foreign affairs as saying that "the real reason behind the Government's threat to withdraw from the Western plan for South West Africa was that it feared SWAPO would win an election". Just a few days ago *The Observer* of London quoted a British official at Pretoria as saying, "I do not believe that South Africa wants an agreement that would give the South West Africa People's Organization a fair chance in an election". Could anything be more clear? South Africa does not want elections that it cannot control.

16. Thus the immediate problem we confront today is that South Africa stands in defiance of Security Council resolutions on Namibia. There is no need for any confusion about this. There can be no elections in Namibia under United Nations supervision and control after an "internal settlement". The purpose of an "internal settlement"—and that is what I call it—is to entrench an administration which will allow the continuation of South Africa's occupation. It will create an interim administration placed there by South Africa that will inevitably oppose any new election, and particularly one under United Nations supervision and control. A free election would mean the end of South Africa's power. To imagine that the new "leadership" installed by South Africa in a one-party

“election” in December will invite further elections and a United Nations presence in Namibia is to believe in dreams. To suggest that such a possibility should be taken seriously here is absurd.

17. The question we must face now is what the Council will do about this situation. There is no doubt that we must take action against South Africa and that we must do so soon. Before deciding upon precisely what to do, however, we must consider the present situation in its wider context, in the context of an expanding war in southern Africa. We must know the background to present events and see that the seriousness of the present problem is partly the result of our failure previously to draw the line with regard to South Africa.

18. It would not be wrong to say that, in our patient negotiating and in our tolerance of what seemed lapses, we have encouraged South Africa to become increasingly aggressive and defiant, to the point, in fact, where we are asked to accept that its ludicrous proposals for an “internal settlement” still allow a solution according to the requirements of resolution 385 (1976). It may be that this has happened precisely because we have sometimes looked upon the ongoing negotiations with South Africa in isolation, that is, without assessing the importance of the outcome for South Africa in the context of the intensifying conflict in southern Africa.

19. The fact is that South Africa has made a choice about Namibia in a situation in which it feels increasingly threatened. The liberation struggles have over the past two years been intensified throughout southern Africa. The peoples of Namibia, Zimbabwe and South Africa itself have fought to bring forward the end of *apartheid* and colonialism, and with great sacrifice and heroism. Their successes have been many. South Africa has had to reinforce its troops and police in Namibia. The Smith régime in Zimbabwe has been hard pressed by the forces of the Patriotic Front, which now control large areas of rural Zimbabwe. South Africa has had to help the Smith régime to hold out even as long as this. It has transferred arms to Smith, and some were used in the recent raids on Zambia; and, according to various reports, it has once again sent several battalions of troops to help the racist settler army in Zimbabwe. At the same time, South Africa has found itself increasingly isolated in the world community. It has been unable to contain the developing political struggle of the liberation forces in South Africa and has been forced to resort to savage repression on an extensive scale.

20. It is this situation which has caused South Africa to reject the plan of the Secretary-General for elections in Namibia under United Nations supervision and control. Confronted with an intensifying offensive against *apartheid* on all sides, South Africa fears to surrender control of any territory on its borders which it has the remotest chance of holding. In our view, strategic considerations have been the decisive factor in South African calculations about Namibia.

21. It should be noted, furthermore, that South Africa knew its situation was becoming increasingly difficult. In view of that fact and of the decisive importance of the

strategic equation for South Africa, we should have known that it could not have seriously contemplated ceding control of Namibia at any time in the past three years. I am saying, in short, that South Africa has simply been playing for time and that it certainly never intended to accept the terms of resolution 385 (1976).

22. What is the meaning, then, of the fact that South Africa has shown a willingness to engage in negotiations on Namibia during the past 18 months? Apparently it has been hoping that someone would find a way to square the circle, to reconcile the irreconcilable. It has been hoping that it could retain control of Namibia while at the same time creating the illusion of an internationally acceptable settlement. It never contemplated real independence for Namibia. That would have been, in the gathering storm, too dangerous for its security, as the generals saw it. It was acutely conscious, however, of the need to appease international opinion. Pretoria knew that serious consequences might follow if it flouted the United Nations over the question of Namibia. South Africa therefore chose the path of cunning. It sought to promote a solution which appeared to satisfy the conditions posed in resolution 385 (1976) but which in fact ensured it a very good chance of maintaining control of Namibia after a brief transition period.

23. It must be said that South Africa received substantial assistance in its efforts to maintain its control of Namibia and to use the United Nations for its own purposes. That assistance was provided by the very Powers whose representatives claim to have achieved a “compromise solution” in Pretoria earlier this month; for it was the plan of the five Western Security Council members, the so-called Western proposals on Namibia, which opened the possibility of conducting a fraudulent election in Namibia under United Nations auspices. We can see that it was that possibility, buried in the ambiguities of language, which attracted South Africa to those proposals. I myself warned of the dangers of South Africa’s tactics in the debate on Namibia at the thirty-second session of the General Assembly last year.

24. It will be remembered that resolution 385 (1976) called for an end to South African control of Namibia. This was to be ensured by a withdrawal of South African troops and police and by the dismantling of the South African administration. The United Nations was to provide a transitional administration, backed up by an international military presence. Free elections were to be held once the United Nations was established in Namibia. It was expected that they would be free, that they would allow a true test of popular opinion, because they would be held under United Nations supervision and control. Those who voted for resolution 385 (1976)—and it was adopted unanimously—were aware that elections could not be free if South Africa was in a position to exercise any influence in the Territory during the transition period.

25. Against that background, the Western proposals on Namibia came as something of a surprise. They did propose a United Nations presence in Namibia, and they did call for elections. However, the elections were to be held before South Africa withdrew from the Territory altogether. It was not expected that South Africa would withdraw its

administration at all. The South African police, for instance, were to be responsible for the maintenance of "law and order". South African troops, furthermore, would be present in significant numbers during much of the period before elections. A small residual of troops was to remain in the Territory.

26. These proposals created a dilemma for many of us. Clearly, it was good to move towards establishing a significant United Nations presence in Namibia. At the same time, it was clear that the proposals were not in conformity with resolution 385 (1976), that they failed to conform to the terms of that resolution both in letter and in spirit. The combination of continuing South African control and a weak United Nations presence opened the way for a subversion of our efforts to ensure true independence for the Namibian people.

27. I feel bound to point out that those of us who raised questions about these matters at the time were never accorded a proper answer. In fact, we were condemned for raising questions which are now the common currency of discussion in Africa. In retrospect, I feel particularly unhappy about this evasiveness. If the flaws in the Western proposals had been debated openly much earlier, we should not have been in the difficult situation we are in today.

28. At the same time, however, many African delegations agreed to these proposals, although with trepidation, as a basis for a Security Council decision to send a United Nations Transition Assistance Group (UNTAG) to Namibia. The Secretary-General's Special Representative went to Namibia in early August to conduct a fact-finding mission. He returned to make his report before the end of the month. In the period of intense consultations which took place during and after his trip, many African delegations asked for assurances that South Africa would be prevented from exerting a controlling influence over the electoral process.

29. In fact, the report of the Secretary-General issued at the end of August [S/12827] reflected general agreement on the need to take precautions. The Western proposals were strengthened. The Secretary-General insisted on an appropriate number of months in which to prepare elections under United Nations authority. He indicated that it would be necessary to send 7,500 troops rather than 5,000 to Namibia, including, of course, logistical support, as the military component of UNTAG. He indicated that it would be necessary to send United Nations police as well.

30. The Secretary-General's report caused considerable alarm in South Africa. Speaking at the Free State National Party Congress in early September, the present South African Prime Minister, Mr. P. W. Botha, suggested that the United Nations plan was part of a Marxist plot to establish a hostile State on the banks of the Orange River. I quote what he said: "One cannot come to any other conclusion if one beholds the antics of the United Nations".

31. There has been, in fact, a good deal of ranting in South Africa about the report. Clearly, however, the real problem was that the report foreclosed the possibility of any easy manipulation of the electoral process and of a

United Nations stamp of approval for the results of a "fixed" election. If the United Nations presence was to be as strong as that indicated in the report, then South Africa had little chance of carrying its plan to a successful conclusion. At least, that is what the South African Government believed. Elections which it could not control completely raised the spectre of a SWAPO electoral victory, and of a truly independent Namibian government. Thus, to Pretoria, a strong United Nations presence meant that it might lose control of Namibia.

32. It was without a doubt this increased risk of losing control which caused the *apartheid* régime, in an apparent reversal of policy, to reject the idea of co-operation with the United Nations and to decide upon an "internal settlement".

33. We are now back where we started from in January 1976, when the demands for South Africa's withdrawal were formulated by the Council. We are perhaps somewhat wiser, the people of Namibia have had to endure nearly three more years of colonial rule, and South Africa is much stronger.

34. There are those who now suggest that we should carry on with the implementation of the Western proposals and the Secretary-General's report. They ask, "What is the alternative?". I will take the question not just as an expression of lamentable and unwarranted confusion, but as an invitation to clarify the issues.

35. When South Africa rejected the proposals for elections under United Nations supervision and control, the five Western representatives in the Council indicated that they would go to Pretoria and attempt to get the South African Government to change its mind. They have failed, utterly. No matter what is said, no matter how fine a picture is painted, there can be no doubt that South Africa is intent on an "internal settlement" and that it has made this decision in order to perpetuate its colonial rule in Namibia. The Western representatives have failed to deliver their client.

36. I am impressed by the fact that it is these representatives who now talk about being confused, about the lack of alternatives. It would seem that their confusion about what to do hides something much more serious. It is well known that the Western Powers have been seeking to arrange what they call "peaceful solutions" in Namibia and Zimbabwe. It is no secret that it is part of their strategy to "stabilize" the area, to ensure some kind of majority rule, perhaps, but majority rule with "economic stability". These Powers have in fact shown a certain desperation about the intensification of the liberation struggles in southern Africa. They have felt threatened by them.

37. In a speech made on 21 September, the British Foreign and Commonwealth Secretary, Mr. David Owen, said:

"If the chances of peaceful negotiations do go out of the window, this country and the West generally will face its gravest crisis yet in Africa."

That is a most important and revealing statement. A recent analysis in *The Washington Post* of 2 October carried a similar comment on developments in southern Africa. It described the Carter Administration—I am using the general term here, there is no disrespect intended to President Carter—as “perilously close to disaster in its carefully laid policy toward southern Africa”.

38. What is the nature of this “disaster”? Why is Mr. Owen anticipating the “gravest crisis yet in Africa”? What does the Foreign and Commonwealth Secretary mean by that phrase? We need to discuss the answers to these questions now. The answers may be found in many places and in many documents. One citation will suffice to show what is at issue. Again, *The Washington Post* analysis stated that:

“In both Rhodesia and Namibia, the time is fast approaching when the Carter Administration may have to choose between being on the ‘white’ or ‘black’ side—or simply sit out the conflicts on the sidelines and thereby risk default to the Soviet Union.”

39. Let us for the moment ignore the propagandistic character of this analysis, and particularly the fact that the notion of defaulting to the Soviet Union is rather an irrelevant distortion. We all know that *The Washington Post* puts its finger on the nub of the question. The situation in southern Africa now presents the West with its “gravest crisis” because it is no longer possible to avoid choosing between Western interests in a “stable” southern Africa and respect for human rights and democracy.

40. The Western Powers have been trying to avoid this choice for nearly two decades. It is no longer possible to do so. The South African racist State threatens to carry the whole of Africa into war, if that is what is necessary to preserve *apartheid* and colonialism. There is no doubt that it can spread war to the whole of central, and perhaps even eastern, Africa. Something must be done. By describing the present situation as a “disaster”, as a “grave crisis”, the Western Powers are stating that they have great difficulty in contemplating what they are obliged to do, which is to support United Nations resolutions on Namibia, on *apartheid* and on colonialism.

41. Does this mean that in the final analysis they will opt for the support of *apartheid*? Does it mean that they will not now support United Nations action against South Africa because of its refusal to withdraw from Namibia? Have they forgotten that they voted for resolution 385 (1976)? Have they forgotten that they presented their plan for Namibia as a way of ensuring its independence and that South Africa has rejected that plan?

42. It is no longer possible to delay action against South Africa. We have waited long enough. Our tolerance towards South Africa, a tolerance which has been urged upon us by the Western Powers, has not helped to resolve anything. The solutions which were promised have not materialized. They have vanished. And we can be sure that our appeasement of South Africa has done nothing but encourage it to build up its military power and become more aggressive. Our delays have contributed to a

worsening of the situation. We have waited so long to act against South Africa that the struggle from here on is going to be much harder and much more costly.

43. The answer to the question “What is the alternative?” is that the question itself misconstrues the situation. Whatever each one of us may feel, however difficult the situation and the decisions that we face may seem, there are certain immutable facts that we must face.

44. The first is that South Africa, which is increasingly pressed on all sides, is not going to surrender its control over Namibia now. Nor is it going to organize reforms that will end *apartheid*. Nor will it withhold support from the Smith régime. South Africa and the illegal régime are determined to maintain *apartheid* and colonialism in southern Africa. They are expending lives to prove their determination. Thus the question “What is the alternative?” is raised in a context in which South Africa has shown that it will use force to ensure its solution. And South Africa has the power and the external assistance to use force effectively for a long time to come. The questioners today ignore the fact that it is South Africa that has set the terms of confrontation in southern Africa.

45. The second immutable fact that we must consider in our deliberations today is that South Africa cannot carry out its policy of stabilization by force of arms by standing still. Nor does it plan to. In order to protect the inner ring of white supremacy in Africa, the Afrikaner State has determined upon an aggressive forward-defence strategy. We have already seen the war carried to Angola, Mozambique, Zambia and Botswana by the aggressive forces of South African and Rhodesian settler militarism. We shall see much more of that in the future, let there be no doubt about it. South Africa will not rest in its efforts to destroy the liberation forces of southern Africa. There will be more Kassingas, more Nyazonias, more Mkushis.

46. Western military observers are saying that the raids against Zambia signify “the beginning of permanent war in southern Africa”. The beginning of permanent war in southern Africa means inevitably that war will be carried to other parts of Africa, that no one will be safe from the depredations of the South African racists. Can the Western Powers say in these circumstances that United Nations efforts to isolate and weaken South Africa will bring disaster? Or is it the policy of tolerating South African aggression that does that?

47. We are on the verge of general war in much of Africa. That is what will take place if certain Powers succumb to the temptation to allow South Africa to defy the Organization and the Council. We can avoid that prospect only by taking action against the State that presents an imminent threat to the peace and security of southern Africa. We must do so now. If we fail we shall have to answer to history for our lack of understanding, for our weakness and for our betrayal.

48. The PRESIDENT (*interpretation from French*): The next speaker is the representative of Burundi, who would like to make a statement as Chairman of the African Group for the month of October. I invite him to take a seat at the Council table and to make his statement.

49. Mr. SIMBANANIYE (Burundi) (*interpretation from French*): Mr. President, as Chairman of the Group of African States for the month of October, allow me to congratulate you most warmly on your accession to the presidency of this eminent Council. Allow me too to pay a tribute to you for the remarkable work you have already accomplished in the course of this month.

50. I should also like to avail myself of this special occasion to express on behalf of the Group of African States my sincere gratitude to Ambassador Hulinský of Czechoslovakia, President of the Council last month, for having so competently and successfully guided the work of the Council.

51. In the opinion of the African States, the debate that has just begun is important. It is a happy coincidence, Mr. President, that it is guided by a personality such as you. You are a person with eminent moral and intellectual qualities and outstanding diplomatic skill and so you will, we are sure, successfully guide these important debates. Since you have special reasons for being attached to Africa, you will realize the anguish of the peoples of that beautiful and rich continent, who are now the subject of scandalous exploitation by racist and colonialist régimes and are even threatened in their very existence by systems of intolerable and anachronistic domination.

52. We are certain that, coming as you do from a people that respond positively to the appeal from London and North Africa by one of the great statesmen of our time, General de Gaulle, to take up the armed struggle against the Hitler régime, you will also respond positively to the cry for help of the Namibian people, the victims of a repression as bloody and barbarous as that practised in the past by the Nazi régime and which has lasted for more than 60 years.

53. As the worthy representative of a State that maintains firm and wide-ranging ties of co-operation with States with different political ideologies and socio-economic régimes, such as the United States of America, the Soviet Union, China and the non-aligned countries, you will realize the soundness of the policy of the African States and the will of our peoples to maintain relations of co-operation and solidarity with the North and the South, the East and the West.

54. This means that the African peoples and Governments have the right to embark on the course of their own free choice in the conduct of their affairs, however much it may displease Mr. Botha, who wishes to impose his political system, which is a disgrace to mankind, on the African peoples.

55. As Chairman of the African Group for the month of October, I addressed to the President of the Security Council a letter which reads as follows:

"On behalf of the Group of African States at the United Nations, I have the honour to request you to convene an urgent meeting of the Security Council to consider South Africa's defiance of Security Council resolution 435 (1978)."¹ [S/12906.]

56. I would indicate at the outset that, anxious to save time and to be clear and effective, the African States represented at the United Nations referred to the terms of resolution 435 (1978) to demonstrate the defiance of the United Nations by the racist South African Government in its persistent refusal to implement the numerous Council resolutions and in particular the latest one, on the question of Namibia.

57. In so doing, the African States have no intention of renouncing their right to draw the attention of members of the Council to other cases of flagrant violation by the racist Government of South Africa of Council resolutions, in particular resolutions 385 (1976) and 431 (1978), which, furthermore, are taken up in the operative part of resolution 435 (1978). The request of the Group of African States therefore falls within a more general context, namely, the persistent refusal of South Africa to comply with resolutions and decisions of the General Assembly, the International Court of Justice and the Security Council, in particular, resolutions 435 (1978), 431 (1978) and 385 (1976).

58. Resolution 435 (1978) would not have been in the Council's documentation and therefore would not have been the subject of the present debates had the racist South African Government complied with General Assembly resolution 2145 (XXI) of 27 October 1966, terminating the Mandate of South Africa over the Territory of Namibia. The massive repression to which the people of Namibia is subjected by the racist Government of South Africa would have ceased a long time ago had that Government respected the advisory opinion of the International Court of Justice of 21 June 1971,¹ whereby South Africa was placed under the obligation to withdraw its administration from the Territory.

59. Since 1968, the Council has already adopted more than 15 resolutions on the question of Namibia which have never been applied because of South Africa's inadmissible scorn for decisions of the Council and other main bodies of the Organization directly concerned with the problem.

60. In order to lead Namibia democratically to independence, the Council adopted a very important resolution, resolution 385 (1976). Under its terms, the Council condemned the illegal occupation of Namibia by South Africa, the repressive laws and practices, stained with racial discrimination, the strengthening of the South African military apparatus in Namibia and all use of the Territory as a base for attacks on neighbouring countries. Above all, that resolution provided for the organization of free and fair elections under United Nations control and supervision, with the purpose of securing genuine independence for Namibia. While awaiting the transfer of powers to the people of Namibia, South Africa was to comply with the provisions of the Universal Declaration of Human Rights, to release all Namibian political prisoners and unconditionally to grant to all Namibians now exiled for political reasons all facilities to return to their country without risk of arrest, detention, intimidation or imprisonment.

¹ *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970), Advisory Opinion, I.C.J. Reports 1971, p. 16.*

61. In flagrant violation of that resolution, the South African régime adopted the following measures: the appointment in Namibia of an Administrator-General in August 1977, the strengthening of the machinery of repression against the Namibian people in general and against SWAPO's leaders, members and sympathizers, the organization of so-called internal elections. In the military field, South African intransigence exceeded all limits. Indeed, in defiance of the Council and of the international community, the racist South African régime set up a military force of 60,000 heavily armed men. What is even worse is its policy of acquiring nuclear weapons.

62. As regards acts of aggression against independent neighbouring States, the documentation service of the Council is well supplied. Indeed, the Council has adopted many resolutions condemning armed attacks against neighbouring countries, particularly Angola, Zambia and Botswana. This sad fact of life was recognized by the Council when it adopted resolution 418 (1977). That historic decision recognized that the military build-up by South Africa and its persistent acts of aggression against the neighbouring States seriously disturbed the security of those States. Furthermore, the resolution condemned the policies and acts of the South African Government as fraught with danger to international peace and security. The Council, consistent with itself and acting in accordance with Chapter VII of the Charter, decided on a series of measures capable of responding in part to the gravity of the situation. I am referring in particular to the mandatory embargo on arms originating from or destined for South Africa and the decision to refrain from any co-operation with South Africa in the manufacture of nuclear weapons. Regrettably, those measures had only limited or even symbolic scope because precautions had already been taken before the Council's deliberations on the problems.

63. However, the Council could have extended those measures to other fields. Resolution 385 (1976), by its final paragraph, would have enabled members of the Council to decide on the necessary sanctions. Guided by its habitual wisdom, the Council decided thereby to remain seized of the matter and to meet on or before 31 August 1976 for the purpose of reviewing South Africa's compliance with the terms of the resolution and, in the event of non-compliance, for the purpose of considering the appropriate measures to be taken under the Charter. That, clearly, meant recourse to the provisions of Chapter VII. As has been clearly proved by what I have said, one is bound to note that the South African Government has not complied with any of the provisions of resolution 385 (1976). Accordingly, Chapter VII of the Charter ought to have been applied against South Africa since 31 August 1976.

64. But what has happened, then, since the Security Council showed itself to be lenient—even magnanimous—towards that régime which contains the seeds of the destruction of the Organization? The reply to that question is no doubt contained in the statement made by the Secretary of State for External Affairs of Canada to the General Assembly on 25 April 1978 when, speaking on behalf of France, the Federal Republic of Germany, the United Kingdom, the United States and Canada, he said:

"In the spring of 1977, it became apparent to all of us that the installation of the Turnhalle Constitution, as it was called, was imminent. The adoption of legislation to bring it into effect, forecast for June of 1977, would have resulted in the unilateral establishment of a government based on ethnic groups and excluding participation by any political party, and most importantly by one of the major political movements in the Territory, SWAPO. Such an action, it was clear, would not result in an internationally acceptable solution to the Namibian question and would, furthermore, by dividing the population of Namibia among itself on an ethnic basis and by ignoring the aspirations of its people for true independence and unity lead to increased violence. . . . In the face of this dismal prospect, our five countries decided to make a concerted effort to investigate whether, by means of the existing relations between themselves and South Africa, it might not be possible to find a practical way of implementing . . . resolution 385 (1976), which was adopted unanimously."²

65. On 7 April 1977, an aide-mémoire on the need for a Namibia settlement in keeping with resolution 385 (1976) was presented to Mr. Vorster by the five Governments of the Western countries members of the Security Council. After many ups and downs, the South African Government finally agreed to turn the page regarding the Turnhalle Conference. That agreement was not obtained without difficulties, as is clear from the following excerpt from the statement of the Canadian Secretary of State for External Affairs, whom I take the liberty of quoting again:

". . . To this end a contact group, comprising senior officials of our Governments and including senior representatives of our New York missions, went to South Africa during the period 27-29 April for discussions of most of the issues associated with the Namibian question and of the elements embodied in resolution 385 (1976). At the conclusion of those discussions, in an important development, South Africa indicated its intention to forgo the implementation of the Turnhalle Constitution through the proposed legislation; to establish, instead, a central administrative authority in Namibia; and to hold territory-wide elections with direct United Nations involvement for a Constituent Assembly, whose task it would be to decide upon a constitution for Namibia."³

66. At the end of 18 months of intensive negotiations between SWAPO and South Africa, the five Western countries members of the Security Council welcomed the agreement arrived at between the parties. They then officially presented their proposal for a settlement of the Namibian situation in document S/12636 of 10 April 1978. It was on that basis that the Council approved the proposal in adopting resolution 431 (1978).

67. Pursuant to the provisions of that resolution, the Secretary-General prepared a report, which he submitted to the members of the Council on 29 August 1978 [S/12827].

² *Official Records of the General Assembly, Ninth Special Session, Plenary Meetings*, 3rd meeting, para. 79.

³ *Ibid.*, para. 84.

The stages for the implementation of the proposal for a settlement were as follows:

“(a) Cessation of all hostile acts by all parties and the withdrawal, restriction or demobilization of the various armed forces;

“(b) Conduct of free and fair elections to the Constituent Assembly, for which the pre-conditions include the repeal of discriminatory or restrictive laws, regulations or administrative measures, the release of political prisoners and detainees and the voluntary return of exiles, the establishment of effective monitoring by the United Nations and an adequate period for electoral campaigning;

“(c) The formulation and adoption of a Constitution for Namibia by the Constituent Assembly;

“(d) The entry into force of the Constitution and the consequent achievement of independence of Namibia.”
[*Ibid.*, para. 14.]

68. For all the other elements, it is useful to refer to the Secretary-General's report quoted above on the implementation of the proposal for a settlement as well as to his explanatory statement [2087th meeting, paras. 11-22]. This report as well as the explanatory statement were approved by the Security Council in its resolution 435 (1978).

69. SWAPO officially indicated its acceptance of this resolution with its implications. In a spirit of co-operation, which does honour to its liberation movement, it proposed a cease-fire agreement with South Africa so as to create conditions of security for the elections to be held under United Nations supervision and control. This agreement was to be submitted to the United Nations Secretariat. Some maintain that this attitude is the most appropriate response to Mr. Botha's witticism before the Council on 27 July 1978, when he addressed the following to the sympathizers and fighters of SWAPO:

“if, as you claim, you have the support of the majority in South West Africa, then prove your claim by participating in elections; abandon the bullet and accept the verdict of the ballot” [2082nd meeting, para. 253].

I should like to know whether right now Mr. Botha would dare to use the same language.

70. The question that now arises is whether South Africa is prepared to implement the proposal of the five Western countries in its final form laid down on 25 April 1978, in accordance with Mr. Botha's own words in the Council: “South Africa, for its part, accepted the proposal in its final and definitive form as far back as 25 April 1978.” [*ibid.*, para. 263.] Be it said in passing that in its final and definitive form this proposal nowhere referred to the principle of internal elections.

71. At that stage in our thinking, the joint statement of 19 October 1978 by the South African Government and the Ministers of the five Western countries [S/12900, annex II]

introduced a new element, namely, internal elections. Therefore, that was a step backwards, since this problem, according to the statement of the Canadian Secretary of State for External Affairs has been settled in the course of the talks held from 27 to 29 April at Pretoria.

72. However, before drawing any hasty conclusion, let us try to reply to the question of whether South Africa rejected resolutions 435 (1978) and 431 (1978). I propose to analyse this in two phases, one before and one after the date of 19 October 1978.

73. Prior to 19 October 1978, before the Pretoria meeting held from 16 to 18 October, everyone agreed in blaming South Africa for its intransigence, and the authors of the proposal for a settlement threatened to take coercive measures against the South African Government.

74. I should like to quote what some heads of Western diplomacy said on the subject. On 29 September 1978, before the Council, the Canadian Secretary of State for External Affairs declared the following in regard to South Africa's intentions to organize unilateral elections:

“South Africa also indicated that it would unilaterally organize elections in the Territory for the alleged purpose of ascertaining the views of the local inhabitants. . . . to follow such a course of action would be extremely short-sighted, and the consequences of such disregard of the views of the international community could be very serious.” [2087th meeting, para. 86.]

After having appealed to South Africa and the Namibians to reconsider their decision, the Secretary of State continued:

“What would be sheer folly would be to put aside the positive results of a long negotiating process and proceed blindly into a renewed period of confrontation.” [*Ibid.*, para. 87.]

75. The same day the Secretary of State of the United States of America, having recalled the hopes aroused by the visit of the fact-finding mission of the Secretary-General, indicated that those hopes were thwarted by:

“. . . the decision of the Government of South Africa itself to sponsor elections in Namibia. In so deciding, it reversed its earlier willingness to co-operate with the international community in bringing Namibia to independence on the basis of Security Council resolution 385 (1976).” [*Ibid.*, para. 59.]

76. But in my opinion the most significant statement was the one made by the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom, who said before the Council:

“There may be those who over the last 18 months have negotiated in the belief that we would never reach agreement, that the Western Five and the African countries would never persuade SWAPO to forgo the armed struggle and submit its case to the electors of Namibia. It is to its credit that it has accepted this. Some

in South Africa may have voiced support for the principle of free and fair elections and independence in the belief that negotiations would break down and that they would never have to carry out the undertakings they have given." [Ibid., para. 80.]

In addressing himself to the South African Government, the United Kingdom Secretary of State said:

"We are issuing no threats, but they should not underestimate the gravity of the situation that could arise if there were no solution in sight and we met here in the Council again." [Ibid., para. 81.]

77. Those statements clearly prove that the South African Government had not honoured its commitments as regards the application of the plan of the five Western countries. In these conditions, every ray of hope for a peaceful settlement of the Namibian problem vanished. Doubt prevailed in all diplomatic circles. What could they do in these circumstances? Decide on the necessary sanctions or resume the difficult road of negotiations?

78. The second alternative was chosen. The Ministers for Foreign Affairs of the five Western countries met at Pretoria to inquire into the true intentions of the South African Government. From 16 to 18 October 1978, they conferred with the head of the racist South African Government. The result is known to all members of the Council. Until 19 October, the international community nourished the hope that a way out of the stalemate would be found. How great was our consternation, therefore, when we read the joint statement of 19 October by the South African Government and the Foreign Ministers of the five Western countries in paragraph 4 of which we read the following:

"The South African Government stated that the planned December elections must be seen as an internal process to elect leaders."

Further it is stated:

"The South African Government will thereafter use its best efforts to persuade them seriously to consider ways and means of achieving international recognition through the good offices of the Special Representative and the Administrator-General.

"In implementation of this goal, the Special Representative would consult the Administrator-General on all aspects of the Secretary-General's report (including the fixing of a further election date)."

79. It is surprising that that statement includes something that had been the stumbling-block for months and for which fortunately a solution had been found on the basis of which everything was built. The organization of those elections, called for present purposes internal, represents a challenge to resolutions 385 (1976), 431 (1978) and 435 (1978). The formula adopted by the authors of paragraph 4 of the joint statement is but a variant on the objectives of the Turnhalle Conference. Instead of adopting a Constitution, setting up a government and, finally,

holding elections without the participation of SWAPO, the racist South African Government begins at the other end, namely, with the internal elections. The next stage is already clearly stated in paragraph 4 of the joint statement. It is negotiations by newly elected leaders to achieve international recognition. The authors of the statement are even so bold as to say that those leaders should seriously consider ways and means of achieving international recognition through the good offices of the Special Representative and the Administrator-General.

80. It is not necessary to be a specialist or an expert on the cynicism of the racist South African Government to arrive at the conclusion that this request for recognition presupposes the prior constitution of a government. Otherwise, what would be the meaning of that recognition: recognition as deputies, recognition as having been elected by the people? That would be meaningless. To arrive at this end, the Special Representative would consult the Administrator-General on all aspects of the Secretary-General's report, including, as stated in paragraph 4, the fixing of a further election date. That paragraph is the most ambiguous part of the statement for those who did not participate in the negotiations.

81. Be that as it may, the intention of the South African Government is to exploit to the utmost the presence of the Special Representative of the Secretary-General at this crucial stage of organizing the so-called elections. This is why the Group of African States feels that, in these conditions, the presence of the Secretary-General's Special Representative and even that of United Nations officials would be inappropriate and harmful to the Organization.

82. We are told that the mission of the Special Representative is clearly defined in paragraph 3 of that same statement, namely, to make arrangements with the South African Administrator-General for the proposed elections under United Nations supervision and to fix the date. As for the reason it would not be more suitable to send Mr. Ahtisaari after those notorious internal elections, we are told that South Africa might interpret that delay as a refusal on our part to create the necessary conditions for the speedy implementation of resolution 435 (1978).

83. As we see it, the insistence of South Africa on the presence of Mr. Ahtisaari at this time is intended solely to give sanction to those elections. The South African Government ardently hopes that he will be present at that final phase of organizing the elections so that he can be an eyewitness of that parody. It will then be easy to say that one of the conditions laid down by the Security Council has been fulfilled, namely, supervision and even control of the elections by the United Nations, for in a political system where there is no room for democracy, those words acquire special meaning.

84. The other condition required by the plan of the five Western countries and to which the South African Government objected is participation by SWAPO in the elections. This emerges clearly from the welcoming statement to the Ministers for Foreign Affairs of the five Western countries uttered by Mr. Botha, the head of the racist South African

Government. On that occasion he said the following with respect to an internationally recognized settlement:

“We are aware of the benefits which can flow from such solutions . . .

“But, gentlemen, it would be of little avail if an internationally accepted settlement were to be reached in South West Africa at the cost of internal stability.”
[S/12900, annex I.]

That statement, which constitutes a true declaration of war for African countries and all peace-loving and freedom-loving peoples, enlightens us on the true intentions of the racist South African Government.

85. After the setting up of a puppet government composed of the leaders who will have emerged from those internal elections, the next stage will be the call for recognition by the international community. And whatever the position of States Members or non-members of the Organization, the unilateral declaration of independence promised for 31 December 1978 will, in our opinion, be carried out under the pressure or diktat of the racist South African Government.

86. That being so, I would ask the representatives of the Western countries members of the Security Council: What measures will you take to halt that process? Will you adopt sanctions against South Africa when it is elected Namibians who have taken the decision?

87. To illustrate my thinking, I should like to quote a passage from the statement made by Mr. Botha to the Security Council on 27 July 1978:

“The leaders in the Territory told us nearly two years ago that they were ready for independence and wanted it by the end of 1978. It is something we cannot deny them; it is something which cannot be delayed any longer; we have no right to thwart the will of the people.”
[2082nd meeting, para. 256.]

88. If the South African Government bows to the will of non-elected leaders, *a fortiori* it cannot but applaud the decisions of elected representatives of the people. And if you have the time to refer to the two statements of the South African Government contained in document S/12900, you will agree with me that we are facing a special situation. Resolution 435 (1978) has become very weak because of that joint statement. Because of the organization of the so-called internal elections, that resolution runs the risk of suffering the same fate as those that preceded it unless the Council takes appropriate urgent measures.

89. The South African Government has once again defied the Council by its deliberate refusal to implement resolutions 435 (1978), 431 (1978) and 385 (1976). In these circumstances, the African Group requests the Council to consider taking appropriate measures under the Charter so as to halt this process of internal elections, which runs counter to resolutions of the Council. The Council also has the power to have its resolutions 385 (1976), 431 (1978) and 435 (1978) implemented.

90. In order to have South Africa implement General Assembly resolution 2145 (XXI), which terminated the Mandate of South Africa over Namibia and in order to preserve international peace and security, which are seriously threatened in that region by the acts of aggression against the Namibian people and independent neighbouring States, the African Group considers that the time has come for the Security Council to take appropriate measures within the framework of Chapter VII of the Charter.

91. The South African Government cannot be allowed to defy the international community. It cannot continue to trample underfoot the resolutions of the Security Council and the General Assembly. That is why appropriate measures must be taken under Chapter VII of the Charter to ensure implementation of Council resolutions, and in particular its resolutions 435 (1978).

92. No one can accuse us of a lack of flexibility or realism in calling for the sanctions provided for in Article 41 of the Charter which do not imply the use of armed force against any Member of the Organization which persistently fails to comply with the Charter, and especially Article 25, which provides that “the Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter”. No one can accuse us of intransigence in requesting the Council to take appropriate measures to ensure implementation of its resolutions by a Member State which uses its armed forces to commit acts of aggression against sovereign States Members of the Organization and which pursues a criminal policy against the peoples of Namibia and South Africa.

93. The African Group is aware of the gravity of the situation. That is why we make an urgent appeal to the international community to bring about the true decolonization of Namibia. We address ourselves in particular to the Western countries members of the Security Council, which are the authors of the proposal for the settlement of the Namibian situation contained in document S/12636.

94. As I said at a meeting between the African contact group and the five Western countries, throughout our common efforts to meet the aspirations of the Namibian people, confidence has always prevailed. Indeed, after a period of reflection and hesitation, SWAPO, the front-line States, the African States and other Members of the United Nations accepted the grave responsibility of placing their confidence in the Council in a matter so important and delicate as that of the genuine decolonization of Namibia. Never would SWAPO, the only genuine Namibian liberation movement, which is suffering the most odious repression on the part of the illegal South African authorities in Namibia, have accepted the compromise you proposed unless it had had your formal assurances concerning your proposal's chances for success. Never would that settlement plan have obtained the approval of the front-line States, which are constantly subjected to unprovoked armed aggression by the South African régime, had they not felt they could rely on your formal assurances regarding the proper conduct of the operation. Your settlement proposal would never have been endorsed by all the other African States and all the members of the Security Council had they not counted on

your credibility and on your irrevocable commitment to the process of the genuine decolonization of Namibia.

95. This credibility and confidence were not merely sentimental; they were based, in our opinion, on your ability to exert decisive pressure on the South African Government. The fact is that your respective countries maintain intense trade relations with South Africa, as is borne out by the United Nations reports on the subject. You therefore have objective reasons to make your voices heard by taking advantage of these privileged relations which exist between South Africa and your respective countries. In accepting your proposal, SWAPO and the African Group, just like other Member States, were not placing their confidence in the racist South African Government, which constantly violates Security Council and General Assembly resolutions calling on it to withdraw from Namibia and to put an end to the odious *apartheid* system.

96. The credit which your countries enjoy was based not only on your ability to review your economic and other relations with that régime, but also on the fact that three of your group of States are permanent members of the Security Council and that, in the implementation of the relevant provisions of the Charter, measures provided for under Chapter VII, particularly under Article 41, could be taken without fear of a veto on the part of other permanent members of the Council in the event that South Africa did not agree to your proposal, which has now become a decision of the Council.

97. Furthermore, when SWAPO, the African Group and the other Member States agreed to follow the course you indicated, it was because we were given assurances that South Africa had abandoned its Turnhalle internal settlement and, in particular, the internal elections that were part of the Turnhalle plot against the Namibian nation, against the unity and territorial integrity of Namibia.

98. It was on the basis of those facts and assurances that SWAPO, the front-line States, all the African States and all the other Members of the Organization took the risk of committing themselves to the course set by you. Without those prior conditions, that consensus would never have been obtained. It would not have been possible to get SWAPO to co-operate on such important questions as the maintenance of the South African military and administrative presence in Namibia during the transition period or that of Walvis Bay. Without confidence in your Governments, SWAPO and its friends would never have shown such co-operation, particularly after the Kassinga massacre perpetrated by Mr. Botha's forces of repression. Thus you have a special responsibility to the international community and this Council. The fulfilment of your commitments has been thwarted by the racist South African Government. We must accept the consequences which are clearly before us by deciding on sanctions against that régime which has abused your confidence. Recourse to the use of the veto could only indicate complicity with that Government that has been condemned by the entire international community.

99. With respect to the African States, they are determined to meet the challenge of South Africa because they

cannot betray the Namibian people and thereby all the peoples of our planet that love peace and freedom.

100. The PRESIDENT (*interpretation from French*): The next speaker is the President of the United Nations Council for Namibia, on whom I now call.

101. Miss KONIE (President, United Nations Council for Namibia): I would first of all express the sincere appreciation of the delegation of the United Nations Council for Namibia of this opportunity to address the Security Council during its deliberations on the question of Namibia. I should like, Mr. President, to congratulate you on your presidency on the occasion of this meeting of the Council, the consequences of which are so directly related to the future of the Namibian people. Your great experience and skill, reflecting one of the richest diplomatic traditions in the world, will be of assistance in arriving at the decision which corresponds to the deep aspirations of the Namibian people to self-determination and genuine independence in a united Namibia.

102. The question of Namibia has remained before the United Nations since 1966 because of the refusal of South Africa to withdraw its illegal administration from Namibia in spite of all the efforts of the United Nations in support of the legitimate aspirations of the Namibian people to genuine independence in a united Namibia. South Africa has refused to withdraw from Namibia because it has been plundering the resources of the Territory and barbarously exploiting the Namibian people for the benefit of the racist Afrikaners who control South Africa. South Africa has refused to withdraw from Namibia because it intends to preserve a ruthless system of racial discrimination that serves the illegitimate ambitions for power of the racist minority régime at Pretoria.

103. The Namibian people have had to suffer for over 50 years while the international community has feebly attempted to persuade the ruthless aggressor and exploiter to mend his ways.

104. In their struggle to achieve national integrity, the Namibian people have been led by their sole and authentic liberation movement, SWAPO. The armed struggle which began in 1966 was the result of the utter contempt with which the illegitimate occupation régime treated the aspirations of Namibian patriots to exercise their inalienable right to self-determination, freedom and national independence. The Namibian people have paid a heavy price in their struggle. Many Namibian patriots have been exiled, detained, tortured or murdered.

105. In its repressive fury South Africa has militarized the Territory and organized tribal armies to do the infamous work of the racists of Pretoria. It has also used Namibia as a base to carry out its acts of aggression against peaceful neighbouring States.

106. The United Nations Council for Namibia, created in 1967 by the General Assembly to administer Namibia until independence, has been fully engaged for more than a decade in international political mobilization to press for the withdrawal of the illegal occupation régime from

Namibia. The details of the efforts of the Council are by now a well-known story. Working in close co-operation with SWAPO, the Council has endeavoured to promote the cause of Namibia and to render assistance to Namibia in its struggle against the illegal occupation régime.

107. The efforts of certain countries to achieve an internationally negotiated settlement of the question of Namibia gave rise to many expectations regarding a successful solution of the problem of Namibia through elections under the supervision and control of the United Nations and the withdrawal of the illegal South African administration from the Territory. The talks, which lasted for a prolonged period of time, were based on the implementation of resolution 385 (1976) and all other pertinent resolutions of the General Assembly and the Security Council. The twists and turns of international negotiations have led the United Nations in many directions, and it is doubtful if the results that we face today have much in common with the stand defined in resolution 385 (1976) or for that matter with the formal proposals contained in document S/12636 of 10 April 1978.

108. The impressive efforts of the Secretary-General and his Special Representative have met with the fanatical intransigence of the Pretoria régime. This intransigence, masked behind extremes of devious manoeuvring, has led to one of the most extraordinary statements of political mystification in our time. The South African Government announces its acceptance of the proposals of the Western Five for an internationally acceptable settlement of the Namibian problem and at the same time declares that it will proceed with internal elections as planned in order to elect its own chosen puppets as Namibian leaders. This flagrant contradiction is one more example of the bad faith that underlies the manoeuvring of the South African Government.

109. The Pretoria régime, on the one hand, declares that it is willing to negotiate an internationally acceptable settlement, and, on the other hand, repeats constantly for all those who wish to hear that it will never allow SWAPO to be brought into power by general elections in Namibia. The irony of this statement is that South Africa, at the same time that it denies SWAPO, recognizes the strength of its representativeness of the legitimate aspirations of the Namibian people.

110. We are now at a dangerous crossroads. Which path will lead to peace in southern Africa, the path of firmness of the United Nations in abiding by its own principled stand as expressed in resolution 385 (1976) and other resolutions of the General Assembly and the Security Council, or the path of accommodation and surrender to the schemes imposed by the Pretoria régime? The intransigence of Pretoria leaves no choice for the United Nations but to maintain a firm stand now or be forced later to meet the disastrous consequences of its own weakness. To accept elections under the control of the illegal South African administration is to legitimize the creation of false leaders who will be used, under the protection of the South African racist régime, to entrench the neo-colonial control of Namibia and to create even greater danger to international peace and security in southern Africa.

111. All authentic forces of Namibia have already denounced and rejected the South African manoeuvre. Mr. Sam Nujoma, President of SWAPO, has declared that the communiqué contained in document S/12902 is a betrayal of the struggle of the Namibian people for genuine freedom and independence. The Vice-President of SWAPO has elaborated at Windhoek on the position of SWAPO by stating that the December election is meant to be a face-saving device for South Africa and is aimed at South Africa's withdrawal from the whole settlement plan, by giving the impression that it will then be an issue between the United Nations and the puppets put in Power through rigged elections in Namibia.

112. The views expressed by SWAPO have also been stated by a conference of 30 representatives of six major churches in Namibia. In their open letter to the Prime Minister of South Africa they stated:

"It is clear to us that if elections are held in Namibia this year they will take place without the participation of the United Nations and the majority of the political parties. Many exiles and political prisoners will also be excluded. We do not see how this can in any way reduce the growing frustration and resentment which already plagues human reactions inside and outside Namibia."

113. The Security Council in its deliberations must bear in mind the words of the most genuine political and religious forces in Namibia.

114. The Council for Namibia, in conformity with all resolutions of the United Nations and in response to the appeals of the most authentic forces of Namibia, will continue its efforts in support of self-determination and genuine independence for a united Namibia.

115. The PRESIDENT (*interpretation from French*): The next speaker is Mr. Theo-Ben Gurirab, Permanent Observer of SWAPO to the United Nations. I invite him to make his statement.

116. Mr. GURIRAB: We are most grateful to you, Mr. President, and to the other members for this opportunity to address you once again on the perennial question of Namibia. It will be recalled that Comrade Sam Nujoma, President of SWAPO, Commander-in-Chief of the People's Liberation Army of Namibia and national leader of the Namibian masses, addressed this august Council twice this year—on 27 July and 29 September [*2082nd and 2087th meetings*]—on the same question.

117. This time, perhaps more than ever before, the Security Council is faced with a momentous challenge concerning the present critical situation in Namibia. At the same time, the Council bears a collective historic responsibility to ensure that that challenge is confronted decisively and overcome completely. And you, Mr. President, are called upon to carry out your heavy responsibility of leadership with sensitivity and courage. We wish you well and hope and trust that history will record the accomplishments of this debate as a success. We believe you will rise to the occasion, for what is at stake is nothing less than a fundamental challenge of the authority, the credibility

and the viability of the United Nations itself, in particular the competence of the Security Council as the ultimate instrument for peace, security, and the rule of law in this troubled world.

118. This fundamental challenge is manifested in the continued intransigence, persistent defiance and obdurate refusal of the Pretoria Fascists to accept and comply with the resolutions and demands of the United Nations on Namibia. The bone of contention in this ever-worsening confrontation is Namibia and its colonized people, for whom the United Nations has assumed a direct and special responsibility until freedom and independence are achieved.

119. Needless to plead in the Council, at this stage, after all the resolutions and decisions already adopted, that the central question involved is the total suppression of the inalienable rights and legitimate interests of the oppressed Namibians who have been suffering for far too long at the hands of the successive racist régimes in our country. Today it is the Fascist clique of the all-white Nationalist Party of South Africa which defiantly maintains a brutal tyranny of illegal military occupation in Namibia. It is now universally agreed, even among a group of usually recalcitrant States, that this régime has absolutely no legal, political or moral justification to be in Namibia in any form or shape whatsoever.

120. The question of Namibia has preoccupied the imagination and efforts of the United Nations for the greater part of this year. The number of meetings held so far this year in the Security Council, in the General Assembly and in the United Nations Council for Namibia, as well as the concerns expressed by the Organization of African Unity, the non-aligned movement and other national and international organizations are living testimonies of the anger and despair felt by the international community about South Africa's continued intransigence, defiance and belligerent attitude towards the United Nations and the people of Namibia.

121. Throughout the general debate at the thirty-third session of the General Assembly, one speaker after another reflected the anxiety and anguish felt by the United Nations over the gravity of the situation in Namibia. Everyone was deeply concerned. Everyone called for some action by the competent political organs of the Organization. Now, as the saying goes, the hour of reckoning is here.

122. The Security Council is now at a stage when, in discharge of its duties under the Charter concerning the maintenance of peace and security, it should consider measures provided for therein to meet effectively the requirements of the present dangerous situation in Namibia. It is our considered view that what is called for now is action, firm and decisive action; not dilly-dallying on account of narrow selfish interests or on account of efforts to evade the clear and repeated demands of the United Nations.

123. To refresh the memories of members, we wish to cite a number of the decisions already taken by the Council, to show how South Africa has time and again defied the

Organization and refused to implement its resolutions. It will show why action, not hollow promises, is warranted now. In this connexion, we will merely paraphrase and summarize what the Minister for Foreign Affairs of Guyana, Comrade Jackson, said on the question of Namibia on 18 October 1976, when he was the Permanent Representative of his country to the United Nations:

[The speaker quoted paragraphs 9-15 of the 1962nd meeting.]

124. During that period and since then changes of a far-reaching nature have indeed taken place in southern Africa. The revolutionary forces of national liberation defeated Portuguese colonialism and heralded a new era of freedom in Guinea-Bissau, Mozambique, Cape Verde, Sao Tome and Principe and Angola. The military and psychological buffer protecting the racists has thus been removed once and for all. This new situation has created excellent conditions favourable to the national liberation movements of Zimbabwe, Namibia and South Africa.

125. In June 1975, when the question of Namibia was debated in the Security Council, some representatives sought to convey the true dimensions of the Namibian tragedy. In view of that tragedy, they endeavoured to persuade and urge the Council to take action under Chapter VII of the Charter. Their efforts, however, attracted a triple veto—that of France, of the United Kingdom and of the United States. The arguments put forward then were as follows. The representative of France, now the Minister for Foreign Affairs, said 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]*. Later, in explaining his negative vote, he said that his delegation did not think that the concept of international peace and security “is now jeopardized or involved in the circumstances prevailing in Namibia” *[1829th meeting]*. 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.]

He went on the point out that “it would not be appropriate to invoke mandatory sanctions which are specifically reserved for threats to peace” *[ibid.]*. Ambassador Ivor Richard of the United Kingdom said quite categorically that his Government did not regard the situation in Namibia “as a threat to international peace and security” *[1829th meeting]*.

126. There was another meeting of the Council on Namibia in October 1976. That debate also ended with a triple veto by the same Powers. The arguments remained the same and SWAPO and our friends were urged to be patient and reasonable because the situation then was not a threat to peace and security.

127. When the Security Council met at its 2082nd meeting, on 27 July 1978, the situation of Namibia had

been examined intensely under the diplomatic microscope for more than 18 months. The news media dubbed the situation earlier "a breakthrough in Namibia". Generally, there was euphoria and optimism. We and others cautioned against it and pointed to South Africa's negative and repressive actions inside Namibia. Throughout this entire period, South Africa consistently acted in bad faith and with insincerity in relation both to free and fair elections under United Nations supervision and control and to the fundamental question of Namibia's unfettered independence. The Foreign Ministers of the five Western members of the Council took time out from their heavy schedule to participate in the Council's meeting. The meeting ended on a hopeful, albeit not a unanimous note, with the adoption of two resolutions. In resolution 432 (1978), the Council upheld the principles of the territorial integrity and unity of our country by reaffirming that Walvis Bay was an integral part of Namibia. In resolution 431 (1978), the Council, *inter alia*, requested the Secretary-General "to submit at the earliest possible date a report containing his recommendations" with regard to the implementation of the independence plan for Namibia, in accordance with resolution 385 (1976).

128. Between 27 July and 29 September, efforts were made which included a survey mission to Namibia undertaken by the United Nations Special Representative, Mr. Martti Ahtisaari, and his colleagues. The Secretary-General's report was submitted on 29 August [S/12827].

129. It would be a futile exercise to try here to chronicle the events in any detailed way. Suffice it to say that when the Council met on 29 September, all the unfounded euphoria and optimism had been dissipated. South Africa, true to type, had rejected the final and definitive report of the Secretary-General and opted for unilaterally organized and illegal elections in Namibia; and all the preparations to this end have been intensified. Thus the stage had already been set then by South Africa for the subsequent confrontation with the United Nations and with the people of Namibia under the leadership of SWAPO, their vanguard movement.

130. We wish now to focus on what is important, in our view, at this stage. In doing so, we begin with a reference to the statements made in the Council by the Foreign Ministers of the five Western members of the Council. Again, all those Ministers were present when the Council met on 29 September. The world was aware that the so-called leaders and spokesmen of racist South Africa had decided to "go it alone".

131. There were common threads which ran through all the statements of the Ministers. On the one hand, they sought to reaffirm the continued commitment of the five Governments to ensuring the early and successful implementation of the independence proposal, which was essentially their creature. They reassured all involved that they would make available their good offices to expedite the process. It was believed that a negotiated settlement in Namibia could become a model of peace for southern Africa as a whole. On the other hand, the Ministers were emphatic in striking a note of warning, if not an implicit threat, to South Africa's rulers, should they persist on a "go it alone" course.

132. The Minister of the Federal Republic of Germany stated:

"We cannot believe that the Government of South Africa will now leave a road on which it has gone a long way with us and thus decide against a peaceful settlement under international control that is within easy reach." [2087th meeting, para. 32.]

He warned:

"No one in the Republic of South Africa should overlook the consequences such a step would be bound to have." [Ibid.]

133. Likewise, the Minister of France stated:

"the Republic of South Africa, short of seeking shelter behind a fallacious pretext, can no longer turn its back on an internationally acceptable solution" [Ibid., para. 54].

He continued:

"I formally appeal to the South African Government not to impose an internal settlement that is doomed in advance and to decide to co-operate with the United Nations in order to enable Namibia to take its place in the community of independent nations. I ask it most formally to refrain from a choice that would disastrously isolate it from the rest of the international community." [Ibid., para. 57.]

134. The United States Secretary of State, Mr. Vance, further stated:

"Unilateral action by South Africa, such as its decision to conduct elections in Namibia, cannot be recognized and will not result in a political process which has any international legitimacy." [Ibid., para. 68.]

He then declared:

"It is therefore time for persistence and vigorous effort in persuading South Africa that its best interests and the best interests of the Namibian people lie in co-operating with the United Nations in the implementation of the resolution we have adopted, and not in permitting a return to the past spiral of violence and isolation. . . . We call on South Africa to re-think its position." [Ibid., para. 71.]

135. The statement of Mr. Owen of the United Kingdom was apt:

"My Government's approach, if the Security Council needs to meet at the end of October, will be governed by the attitude displayed by the new South African Government over the next few weeks. We are issuing no threats, but they should not underestimate the gravity of the situation that could arise if there were no solution in sight and we met here in the Council again. No one in South Africa should mistake the determination that underlies the reasonable and constructive attitude that we have shown for the last 18 months and will show over the next

few weeks. The choice is now for South Africa. The rest of Africa and the world, in adopting this resolution, have shown which way they wish to go." [*Ibid.*, para. 81.]

136. The last of the five Ministers, Mr. Jamieson, Secretary of State for External Affairs of Canada, concluded on a similar note:

"Therefore I renew my call upon both the Government of South Africa and those in Namibia who are inclined to support this mistaken course of action to reconsider their decision. My Western colleagues and I have every intention of doing our best to sort out the difficulties which must be overcome. What would be sheer folly would be to put aside the positive results of a long negotiating process and proceed blindly into a renewed period of confrontation. I am confident that there still exists sufficient goodwill on all sides to attain our objectives." [*Ibid.*, para. 87.]

137. In summary, we have so far pointed out the following.

138. First, we have characterized the present impasse arising from South Africa's continued intransigence, defiance and non-compliance as a fundamental challenge to the authority and viability of the United Nations and specifically to the competence of the Security Council.

139. Secondly, we have noted the overwhelming and universal condemnation of the racist usurpers and the resolute rejection by the overwhelming majority of the Members of the Organization of their repressive measures and actions in Namibia through an entrenched illegal régime of military occupation.

140. Thirdly, we have cited some pertinent examples which clearly show the extent of efforts by the United Nations to reason with and persuade South Africa to co-operate—all in vain.

141. Fourthly, we have also lauded the encouraging and uplifting victories and successes of the revolutionary forces of liberation in the ex-colonies of Fascist Portugal in Africa and the favourable conditions they created for our own struggle in Namibia.

142. Fifthly, we have furthermore recalled the two triple vetoes cast against the demands of the majority by the Western permanent members of the Security Council, which actions rendered the Council incapable of discharging its Charter responsibilities and duties.

143. Sixthly, we have moreover conscientiously glossed the familiar and well-publicized Western diplomatic initiative, the discontent and the consequences it aroused.

144. Seventhly, and finally, we have tried to echo the words spoken and repeated by the officials of the Western Powers, especially by their Foreign Ministers during the Council's debate of 29 September 1978.

145. During the 10-year period under review here the Western Powers have always sat on the fence, without any

involvement, on decolonization questions. When they did become involved it was to obstruct a proposed course of action or, worse, to cast negative votes. They remained closely and unmistakably identified with the minority régimes in southern Africa. Last year, for the first time, they took an initiative—perhaps less as a gesture of goodwill or in support of Namibia's liberation than as a measure of well-calculated enlightened self-interest. Be that as it may, we all become involved in exploratory talks, proximity talks and, finally, negotiations in New York and in Africa.

146. With the adoption of resolution 435 (1978), which endorsed the Secretary-General's report, that painstaking initiative entered a new phase, that of implementation. We understood that the Secretary-General and his Special Representative had envisaged that that phase would commence within three weeks of the Council decision. Once again, true to type, South Africa rejected the plan as outlined in the Secretary-General's report and opted for an internal settlement through bogus elections intended to install quislings and puppets of the so-called Democratic Turnhalle Alliance as an entity or authority in Namibia. The Secretary-General and his Special Representative could not proceed.

147. The Pretoria summit meeting that followed on 16-18 October was in our view meant, *inter alia*, to dissuade the racists from that course—the course of internal settlement, the course of the unilateral declaration of the independence of Namibia. Instead, the Ministers of the five Western members of the Council ended by acquiescing in this, in our view, illegal and unilateral act—although, to quote resolution 435 (1978), it would be null and void. But the fact of the matter is that by December a political situation with serious consequences will have been created in Namibia, and the United Nations and the overwhelming majority of the people of Namibia are being asked to embrace and co-operate in such a farce and such an act of criminality as will compromise the position of the United Nations and undermine the struggle for liberation in Namibia. All the spokesmen and leaders of the Namibian people, from SWAPO to the Church leaders, and all the patriotic forces, even some politically redundant groups, have condemned and rejected the go-it-alone course that South Africa has embarked upon in regard to Namibia. Therefore SWAPO says "No".

148. South Africa cannot have it both ways. The Boers have chosen a course of confrontation, by rejecting the resolution of the Security Council and the report of the Secretary-General, notwithstanding spurious claims that they have not done so, on the implementation of the United Nations plan. Supposedly, then, they would at the same time be prepared to co-operate with the United Nations after they had installed so-called internal leaders from the Democratic Turnhalle Alliance. We know it will be the Democratic Turnhalle Alliance. That group is a creature of the illegal régime. It does not have separate interests from or an existence independent of its mentors at Pretoria. Dirk Mudge, the slick racist leader of the Democratic Turnhalle Alliance (DTA) and indisputably the overseer-to-be of the "internal leaders", said only a week ago:

"The DTA believes the people of the Territory should be allowed to elect their own leaders without any

interference or intimidation from whatever quarter"—that clearly refers to the United Nations—"and we feel this is not possible in terms of the Waldheim proposals."

149. South Africa has said the same. Steyn, the local colonial official, has said the same. Where is the good faith or the recommitment that we have been told about? The chances of elections supervised and controlled by the United Nations taking place in Namibia in these circumstances are nil. The whole strategy is to prevent SWAPO from coming to power, even though winning free, fair, and democratic elections.

150. It is for those reasons that we find the Pretoria joint statement irrelevant and a deviation and a retrogression from the agreed basis for implementation. Consequently it is unacceptable to us and we reject it *in toto*. There is nothing new in it. We are being asked to be patient and reasonable while South Africa is being given the advantage of going ahead with its neo-colonialist schemes in Namibia. The international community, and particularly the Security Council, as well as the people of Namibia must face up to the reality of the situation created by South Africa's defiance of the authority of the United Nations and non-compliance with its resolutions concerning Namibia.

151. Quite seriously, can anyone today really justly and honestly defend the position that the present situation in Namibia does not constitute a threat to international peace and security? SWAPO is convinced that the continued illegal occupation of Namibia by South Africa, the oppression and repression being conducted by that régime, the criminal utilization of Namibia for the commission of repeated acts of aggression against our peaceful neighbours, the development of nuclear weapons, which would create havoc in the area, and the latest defiance of Security Council directives clearly constitute a threat to international peace and security in Namibia in terms of Chapter VII of the Charter. We urge the invocation of Chapter VII, namely, the imposition of comprehensive mandatory sanc-

tions. In this connexion we whole-heartedly support the working paper submitted by the African Group and referred to by the Chairman of that Group, the representative of Burundi, and commend it to the Council and the United Nations as a whole for consideration. Only such sanctions, coupled with the intensified armed struggle, will eventually create the necessary favourable conditions and compel the ruling clique at Pretoria to recognize the collective power of the international community. Then we can talk about implementation.

152. SWAPO believes that resolution 435 (1978) and the Secretary-General's report provide the only basis for a negotiated transfer of power to the people of Namibia. We shall continue to co-operate with the Secretary-General and his Special Representative, and with others concerned, to find a basis for speedy implementation at the appropriate time. In the meantime we believe that the United Nations Council for Namibia must continue to carry out its responsibilities. The General Assembly must take up the question of Namibia, and the struggle of the Namibian people must continue. All the projects and programmes of the United Nations and the specialized agencies must be expanded and intensified in order to strengthen the efforts of the Namibian people in their struggle for liberation.

153. Those are our views and beliefs; those are our commitments and our determination. Ultimately, the responsibility to act will be that of the members of the Security Council. The Council's collective conscience, in view of the present situation posed by South Africa's defiance and of the cries of Namibian children, mothers and the aged and their demand for justice and liberation, enjoins the Council to make the one and only correct decision: to invoke Chapter VII of the Charter against South Africa.

154. The struggle continues.

The meeting rose at 2.05 p.m.