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President: Mr. Rüdiger von WECHMAR
(Federal Republic of Germany).

Organization of work

1. The PRESIDENT: Members will recall that the Assembly decided, at its 100th plenary meeting, on 15 January 1981, that it would take up agenda item 27, on the question of Namibia, at a later date after appropriate consultations. As a result of those consultations, the General Assembly is resumed today.
2. When the list of speakers in the debate is complete, it will be possible to take a final decision on the duration of the resumed session. I very much hope that we can conclude the debate on item 27 by Thursday, 5 March, and proceed to the vote on Friday, 6 March. I should like to propose that the list of speakers be closed tomorrow, Tuesday, 3 March, at 6 p.m. May I take it that there is no objection to this proposal?

It was so decided.

AGENDA ITEM 97

Scale of assessments for the apportionment of the expenses of the United Nations: report of the Committee on Contributions (*continued*)*

3. The PRESIDENT: I should like to remind members that on 15 January 1981 the Secretary-General, in document A/35/792, informed the General Assembly that eight Member States were in arrears in the payment of their financial contributions to the United Nations within the terms of Article 19 of the Charter.
4. As indicated in documents A/35/792/Add.1 and 2, six Member States have made the necessary pay-

ments to reduce their arrears below the amount specified in Article 19 of the Charter.

AGENDA ITEM 27

Question of Namibia (*continued*):*

- (a) Report of the Social Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples;
- (b) Report of the United Nations Council for Namibia

5. The PRESIDENT: I call on the President of the United Nations Council for Namibia, Mr. Paul J. F. Lusaka, of Zambia, who wishes to introduce the report of the Council which appears in document A/35/24 and Corr.1.

6. Mr. LUSAKA President of the United Nations Council for Namibia: This session marks 35 years of the life of the Organization and during those 35 years many countries have gained independence and have taken their rightful place among the community of nations as Members of the Organization. But for Namibia, which has remained on the agenda of the Assembly for 35 years, nothing has changed. Namibia remains dominated and illegally occupied by a foreign Power, South Africa.

7. Today, as 35 years ago, when a sacred trust was bestowed upon South Africa to take steps to ensure that the Namibian people attained their independence, Namibia is still a non-independent Territory, a Non-Self-Governing Territory, an illegally occupied Territory and, worst of all, it is dominated by that most vicious régime, the régime of South Africa. Not only has the South African régime betrayed the trust bestowed upon it by the United Nations with regard to the fulfilment of the well-being of the people of Namibia and the guidance of that Territory towards independence, but South Africa, by its continued vilification and oppression of the people of Namibia, has also poured scorn upon numerous resolutions of the Organization regarding the question of Namibia. Because of gross violation of the human rights of the Namibian people through the denial and impeding of the people's right to self-determination, the General Assembly during its twenty-first regular session and its fifth special session, decided to terminate the Mandate of South Africa over Namibia and demanded the complete and unconditional withdrawal of South Africa from the Territory. Namibia was subsequently placed under the direct responsibility of the United Nations through the United Nations Council for Namibia, which was established by the General Assembly in 1967 as the sole legal Administering Authority for Namibia until independence.

* Resumed from the 100th meeting.

* Resumed from the 98th meeting.

8. The Council, in exercise of its *de jure* authority over Namibia, enacted Decree No. 1 for the Protection of the Natural Resources of Namibia, providing, *inter alia*, that any licence or concession granted by the South African régime is null and void; that any natural resources taken from Namibia without the Council's consent are liable to be seized and forfeited in favour of the Namibian people; that any person or corporation contravening the Decree may be held liable for damages by the future Government of an independent Namibia.

9. At the thirty-fourth session, the General Assembly, in resolution 34/92 B of 12 December 1979, declared that the exploitation of the natural resources of Namibia by foreign economic interests in violation of the Charter of the United Nations and also of the pertinent resolutions of the General Assembly and the Security Council and Decree No. 1 for the Protection of the Natural Resources of Namibia, was illegal. By that resolution, the Assembly requested the Council for Namibia to look into the question of the exploitation of Namibian uranium and to report on its findings.

10. Many resolutions of the General Assembly and the Security Council have been adopted with similar pronouncements, as well as the advisory opinion of the International Court of Justice of 1971¹ that the presence of South Africa in Namibia having been declared illegal, all acts of South Africa in Namibia are illegal.

11. Requested to give its interpretation of the legal consequences for Member States of the continued presence of South Africa in Namibia notwithstanding Security Council resolution 276 (1970), the International Court of Justice, in the advisory opinion of 21 June 1971, stated that South Africa's continued presence in Namibia was illegal and that it was under obligation to withdraw its administration from Namibia immediately. The Court further declared that

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.

States Members of the United Nations were under obligation to refrain from entering into economic forms of relations or dealings with South Africa in connexion with and on behalf of Namibia.

12. The PRESIDENT: I call on the representative of the United Republic of Cameroon on a point of order.

13. Mr. AYAFOR (United Republic of Cameroon): I am sorry to interrupt the proceedings of this Assembly.

14. On behalf of the group of African States of which the United Republic of Cameroon has the honour to be chairman this month, and in accordance with the position taken by the group, I wish to draw attention to the illegal presence in the Assembly of a delegation. I refer to the delegation of the racist régime of South Africa, which is present in the Assembly and whose participation in the deliberations of this body raises serious concern.

15. May we therefore request that the said delegation be advised by you, Mr. President, to leave the Hall immediately, before the General Assembly continues its business on agenda item 27 on the question of Namibia. We would further request that the Credentials Committee meet immediately to look into this matter and report to the General Assembly as soon as possible.

16. The PRESIDENT: In view of the statement of the representative of the United Republic of Cameroon and with regard to past practice, I request the Credentials Committee to convene immediately to consider the credentials of South Africa and to report to the Assembly, if possible not later than 3 o'clock this afternoon. Nine Member States belong to the Credentials Committee. They are Angola, China, Costa Rica, Haiti, Kenya, Singapore, Spain, the Soviet Union and the United States.

17. I shall not recognize requests for participation in this debate until the Assembly receives a report from the Credentials Committee.

The meeting rose at 11.10 a.m.