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SUMMARY STATEMENT BY THE SECRETARY-GENERAL ON MATTERS OF
WHICH THE SECURITY COUNCIL IS SEIZED AND ON THE STAGE
REACHED IN THEIR CONSIDERATION

Addendum

Pursuant to rule 11 of the provisional rules of procedure of the Security Council, the Secretary-General is submitting the following summary statement.

The complete list of items of which the Security Council is seized is contained in document S/11935 of 5 January 1976 and the pertinent addenda. During the week ending 31 January 1976, the Security Council took action on the following items:

The Middle East problem including the Palestinian question (see S/11935/Add.2 and S/11935/Add.3)

At its 1879th meeting on 26 January 1976, the Security Council continued its consideration of the question. The representative of Pakistan introduced a draft resolution (S/11940) sponsored by Benin, Guyana, Pakistan, Panama, Romania and the United Republic of Tanzania, the operative paragraphs of which read as follows:

"1. Affirms:

(a) That the Palestinian people should be enabled to exercise its inalienable national right of self-determination, including the right to establish an independent state in Palestine in accordance with the Charter of the United Nations;

(b) The right of Palestinian refugees wishing to return to their homes and live at peace with their neighbours to do so and the right of those choosing not to return to receive compensation for their property;

(c) That Israel should withdraw from all the Arab territories occupied since June 1967;

(d) That appropriate arrangements should be established to guarantee, in accordance with the Charter of the United Nations, the sovereignty, territorial integrity and political independence of all States in the area and their right to live in peace within secure and recognized boundaries;

2. Decides that the provisions contained in paragraph 1 should be taken fully into account in all international efforts and conferences organized within the framework of the United Nations for the establishment of a just and lasting peace in the Middle East;

3. Requests the Secretary-General to take all the necessary steps as soon as possible for the implementation of the provisions of this resolution and to report to the Security Council on the progress achieved;

4. Decides to convene within a period of six months to consider the report by the Secretary-General regarding the implementation of this resolution, and in order to pursue its responsibilities regarding such implementation."

At the same meeting, the representative of the United Kingdom introduced an amendment (S/11942) to the draft resolution to insert a new operative paragraph 3 reading:

"Reaffirms the principles and provisions of its resolutions 242 (1967) and 338 (1973) and declares that nothing in the foregoing provisions of this resolution supersedes them."

The Security Council voted first on the United Kingdom amendment (S/11942), which received 4 votes in favour (France, Italy, Sweden and United Kingdom), 2 against (China and Libyan Arab Republic) and 9 abstentions and was not adopted, having failed to receive the required majority of votes.

The Security Council next voted on the six-Power draft resolution (S/11940), which received 9 votes in favour, 1 against (United States) and 3 abstentions (Italy, Sweden and United Kingdom) and was not adopted owing to the negative vote of a permanent member of the Council. Two members (China and Libyan Arab Republic) did not participate in the vote.

The situation in Namibia (see S/8367, S/8424, S/8428, S/8438, S/8450, S/8468, S/9107, S/9373, S/9382, S/9395, S/9636, S/9898, S/10351, S/10369, S/10375, S/10377, S/10757, S/10770/Add.15, S/10770/Add.16, S/10855/Add.3, S/10855/Add.50, S/11185/Add.50, S/11593/Add.21 and S/11593/Add.22)

By a letter dated 16 December 1975 (S/11918), the Secretary-General transmitted to the Security Council resolution 3399 (XXX) concerning the question of Namibia, adopted by the General Assembly on 26 November 1975, which, inter alia, urged the Council urgently to take up again the question of Namibia.

The Security Council considered the question at its 1880th to 1885th meetings, held between 27 and 30 January 1976. In the course of those meetings, the representatives of the following Member States were invited, at their request, to participate in the discussion without the right to vote: Algeria, Bangladesh, Burundi, Cuba, Egypt, Guinea, India, Indonesia, Jamaica, Jordan, Kenya, Kuwait,

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Liberia, Mali, Mauritania, Mauritius, Nigeria, Poland, Saudi Arabia, Tunisia and Yugoslavia. The Council further decided at its 1880th meeting to extend an invitation under rule 39 of its rules of procedure to the President and members of the United Nations Council for Namibia. At the same meeting, the Council also acceded to the request contained in a letter dated 26 January from the representatives of Benin, the Libyan Arab Republic and the United Republic of Tanzania (S/11943) that an invitation under rule 39 be extended to Mr. Moses M. Garoeb, Administrative Secretary of the South West Africa People's Organization (SWAPO) of Namibia.

At the 1884th meeting on 29 January, the representative of Guyana introduced a draft resolution (S/11950) sponsored by Benin, Guyana, the Libyan Arab Republic, Pakistan, Panama, Romania, Sweden and the United Republic of Tanzania.

At the 1885th meeting, on 30 January, the Security Council unanimously adopted the eight-Power draft resolution as resolution 385 (1976). In its operative paragraphs, the resolution reads as follows:

1. Condemns the continued illegal occupation of the Territory of Namibia by South Africa;
2. Condemns the illegal and arbitrary application by South Africa of racially discriminatory and repressive laws and practices in Namibia;
3. Condemns the South African military build-up in Namibia and any utilization of the Territory as a base for attacks on neighbouring countries;
4. Demands that South Africa put an end forthwith to its policy of bantustans and the so-called homelands aimed at violating the national unity and the territorial integrity of Namibia;
5. Further condemns South Africa's failure to comply with the terms of Security Council resolution 366 (1974) of 17 December 1974;
6. Further condemns all attempts by South Africa calculated to evade the clear demand of the United Nations for the holding of free elections under United Nations supervision and control in Namibia;
7. Declares that in order that the people of Namibia be enabled to freely determine their own future, it is imperative that free elections under the supervision and control of the United Nations be held for the whole of Namibia as one political entity;
8. Further declares that in determining the date, time-table and modalities for the elections in accordance with paragraph 7 above, there shall be adequate time to be decided upon by the Security Council for the purposes of enabling the United Nations to establish the necessary machinery within Namibia to supervise and control such elections, as well as to enable the people of Namibia to organize politically for the purpose of such elections;

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9. Demands that South Africa urgently make a solemn declaration accepting the foregoing provisions for the holding of free elections in Namibia under United Nations supervision and control, undertaking to comply with the resolutions and decisions of the United Nations and with the advisory opinion of the International Court of Justice of 21 June 1971 in regard to Namibia, and recognizing the territorial integrity and unity of Namibia as a nation;

10. Reiterates its demand that South Africa take the necessary steps to effect the withdrawal, in accordance with resolutions 264 (1969), 269 (1969) and 366 (1974), of its illegal administration maintained in Namibia and to transfer power to the people of Namibia with the assistance of the United Nations;

11. Demands again that South Africa, pending the transfer of powers provided for in the preceding paragraph:

(a) Comply fully in spirit and in practice with the provisions of the Universal Declaration of Human Rights;

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

(c) Abolish the application in Namibia of all racially discriminatory and politically repressive laws and practices, particularly bantustans and homelands;

(d) Accord unconditionally to all Namibians currently in exile for political reasons full facilities for return to their country without risk of arrest, detention, intimidation or imprisonment;

12. Decides 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 this resolution and, in the event of non-compliance by South Africa, for the purpose of considering the appropriate measures to be taken under the Charter."
