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Item 85 of the provisional agenda*
QUESTION OF NAMIBIA

Letter dated 20 August 1976 from the Acting President of the
United Nations Council for Namibia to the Secretary-General

I have the honour to transmit to you the text of the statement of the United Nations Council for Namibia of 18 August 1976 regarding the so-called proposals of South Africa on the future of Namibia (S/12180).

The Steering Committee of the United Nations Council for Namibia decided to request that this statement be circulated as a document of the General Assembly and of the Security Council.

(Signed) Roberto de ROSENZWEIG-DIAZ
Acting President
United Nations Council for Namibia

* A/31/150.

Statement of the United Nations Council for Namibia on the so-called proposals of South Africa on the future of Namibia

1. The United Nations Council for Namibia has learnt with profound concern and serious misgivings of the document which the Government of South Africa has addressed to the Secretary-General of the United Nations containing the views of the so-called Constitutional Committee of the South West African Constitutional Conference of representatives, who were hand-picked by the illegal South African administration in Windhoek. This document attempts to mislead the Namibian people and world public opinion regarding the future political status of Namibia.
2. The United Nations Council for Namibia recalls its earlier statement, issued on 29 August 1975 (A/AC.131/L.31), a/ with reference to the so-called Constitutional Conference in Namibia in which the South African-sponsored tribal elements and National Party supporters of apartheid intended to speak for the Namibian people, totally excluding the authentic representatives of those people, that is, the South West Africa People's Organization (SWAPO). The United Nations Council for Namibia condemned on that occasion the so-called constitutional talks and demanded the immediate and unconditional withdrawal of South African administration and its military personnel from Namibia, in accordance with the often repeated decisions of the United Nations.
3. The United Nations Council for Namibia further recalls its statement of 13 May 1976 (A/31/92-S/12079) by which it strongly condemned the death sentences passed by the illegal South African administration in Namibia against Namibian patriots. These actions were clearly intended to establish, among other things, an atmosphere of intimidation and terror, to impose upon the Namibian people a bogus constitutional solution aimed at subverting the territorial integrity and unity of Namibia and perpetuating a ruthless policy of racial segregation.
4. The United Nations Council for Namibia reaffirms in the strongest possible terms its condemnation of these persistent treacherous attempts to perpetuate South African colonial exploitation of the people and resources of Namibia by misrepresenting the genuine aspirations of the Namibian people. The continuous police violence and acts of intimidation by the security forces of the illegal administration bear witness to this misrepresentation.
5. The United Nations Council for Namibia reiterates its full support of the legitimate struggle of the Namibian people under the leadership of its liberation movement, SWAPO, to achieve self-determination and national independence for Namibia. The legitimacy of the struggle has been solemnly proclaimed by resolutions of the General Assembly and the Security Council. In particular, the General Assembly reaffirmed, in resolution 3399 (XXX) of 26 November 1975, the inalienable and imprescriptible rights of the Namibian people to self-determination and independence, in accordance with General Assembly resolution 1514 (XV), and

a/ Transmitted to members of the Security Council under the symbol S/11834.

urged the United Nations Council for Namibia to take all necessary measures for the implementation of its mandate under General Assembly resolution 2248 (S-V) of 19 May 1967. By its resolution 264 (1969) of 20 March 1969, the Security Council recognized that the General Assembly had terminated the mandate of South Africa over Namibia and had assumed direct responsibility for the Territory until its independence. It termed the continuing presence of South Africa in Namibia as illegal and contrary to the principles of the Charter and previous decisions of the United Nations and detrimental to the interests of the population of the Territory and those of the international community. In the same resolution, the Security Council declared, in addition, that the actions of the Government of South Africa designed to destroy the national unity and territorial integrity of Namibia through the establishment of homelands (bantustans) were contrary to the provisions of the Charter and called upon the Government of South Africa to withdraw immediately its administration from the Territory. In its resolution 385 (1976) of 30 January 1976, the Security Council condemned once again the continued illegal occupation of the Territory of Namibia by South Africa as well as the arbitrary application of racially discriminatory and repressive laws and practices in Namibia. It also demanded that South Africa urgently make a solemn declaration accepting the provisions of the resolution for the holding of free elections in Namibia under United Nations supervision and control and that South Africa undertake to comply with the resolutions and decisions of the United Nations as well as with the advisory opinion of the International Court of Justice of 21 June 1971 in regard to Namibia. b/

6. The United Nations Council for Namibia strongly condemns the latest ill-advised stratagem of the South African administration in Windhoek as totally lacking in legitimacy, ambiguous and equivocal. The proposals of the so-called Constitutional Conference do not even approach any of the requirements for genuine self-determination and independence laid down by the United Nations. These proposals make no mention of the elimination of apartheid legislation. They merely seek to perpetuate the homelands (bantustan) policies with all their deleterious effects on the integrity and unity of the Namibian people. They are also silent about free elections under United Nations supervision and control. They totally ignore SWAPO, which has been recognized by the Organization of African Unity and the United Nations as the authentic representative of the Namibian people. There is no undertaking to release political prisoners or to allow the return of political exiles. The date suggested, that is, 31 December 1978, constitutes an unjustifiable prolongation of the illegal South African occupation. The reference to "unity" is couched in ambiguous terms without specifically recognizing the territorial integrity of Namibia as a unitary State. The references to the rejection of any attempt to solve the problems of Namibia by force are, to say the least, paradoxical in the light of the institutionalized brutality under the Repression of Terrorism Act and other rules and regulations, which give a free reign to the most blatant and ruthless violation of all principles of human rights

b/ 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.

and freedoms as proclaimed by the Charter of the United Nations and the Universal Declaration of Human Rights.

7. The United Nations Council for Namibia is firmly convinced that South Africa has failed to comply with the terms of Security Council resolution 385 (1976) and therefore requests the members of the Security Council to consider appropriate measures to be taken under the Charter.
