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President: Mr. Indalecio LIEVANO (Colombia).

AGENDA ITEM 108

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

1. The PRESIDENT (*interpretation from Spanish*): Before we proceed with the agenda for this morning, I should like to draw the attention of the General Assembly to document A/33/551/Add.4, which contains a letter dated 24 May 1979 addressed to me by the Secretary-General in which he reports to the General Assembly that the Congo has made the necessary payment to reduce its arrears below the amount specified in Article 19 of the Charter.

AGENDA ITEM 3

Credentials of representatives to the thirty-third session of the General Assembly (*concluded*):**
(b) Report of the Credentials Committee

**SECOND REPORT OF THE CREDENTIALS COMMITTEE
(A/33/350/Add.1)**

2. The PRESIDENT (*interpretation from Spanish*): We shall now proceed to the consideration of the second report of the Credentials Committee [A/33/350/Add.1]. Paragraph 15 of the report states that the Credentials Committee, by 7 votes to 2, decided that the communication from the Minister for Foreign Affairs of South Africa did not constitute valid credentials for South Africa for the

thirty-third session of the General Assembly. Paragraph 16 states that the Credentials Committee further recommends that the General Assembly should approve the second report of the Credentials Committee.

3. The Assembly will now take a decision on the draft resolution recommended by the Credentials Committee in paragraph 16 of its report [A/33/350/Add.1]. I put the draft resolution to the vote. A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, China, Colombia, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Gabon, Gambia, German Democratic Republic, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nigeria, Oman, Panama, Papua New Guinea, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Samoa, Sao Tome and Principe, Senegal, Sierra Leone, Somalia, Sudan, Suriname, Thailand, Togo, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Upper Volta, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia

Against: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Iceland, Ireland, Israel, Italy, Luxembourg, Netherlands, New Zealand, Norway, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining: Chile, Costa Rica, Greece, Guatemala, Japan, Nicaragua, Portugal, Spain, Uruguay

The draft resolution was adopted by 96 votes to 19, with 9 abstentions (resolution 33/9 B).¹

4. The PRESIDENT (*interpretation from Spanish*): I should like to report to the General Assembly that, in light

¹ The delegations of Bolivia, Mauritania, Niger, Pakistan, Singapore, Uganda, the United Republic of Cameroon and Venezuela subsequently informed the Secretariat that they wished to have their votes recorded as having been in favour of the draft resolution.

* Resumed from the 97th meeting.
** Resumed from the 43rd meeting.

of the result of the vote just taken, the members of the Permanent Mission of South Africa have left this General Assembly meeting.

5. I wish also to make the following statement. The General Assembly has just approved the report of the Credentials Committee in which the Committee decided that the communications before it did not constitute valid credentials for South Africa for the thirty-third session of the General Assembly. Taking into account the decision just taken by the General Assembly as well as the action taken by the Assembly at its twenty-ninth session under similar circumstances, it would appear that this constitutes an indication that the majority of Members do not wish to permit the delegation of South Africa to participate in the work of this session, but that the General Assembly has not taken a decision concerning the status of South Africa as a State Member of the United Nations.

6. I shall now call on those representatives who wish to explain their votes.

7. Mr. FOLI (Ghana): The import of the vote just taken is very clear, and I should like to make a very short statement on behalf of the African group of States, but I am not about to thank anyone for the vote. I only wish to avail myself of this opportunity to reaffirm our faith in the United Nations. What we have seen this morning has not been democracy at work so much as good sense which has prevailed. For we all know that under many circumstances democracy can be used to convert illegality into legality. This the African group rejects in the name of Africa and of black men everywhere.

8. The choice before us is clear. It is between good and evil. Africa's identification with good is equally clear. It is our hope, nay our belief, that our commitment to the triumph of good over evil demonstrated in the vote just taken will be carried forth with renewed vigour towards achieving our objectives and goals, not only in Namibia, not only in southern Africa, but throughout the world.

9. Mr. YOUNG (United States): My Government deeply regrets what has happened here today. Our intense opposition to *apartheid* needs no restating, and our position on the illegal nature of South Africa's occupation of Namibia is likewise a matter of record. However, no interest we can support has been served by denying South Africa the right to sit and be heard. In fact the experience of my Government has been tragically the opposite—that the times we have been against the principles of universality upon which this Organization is based, specifically in the years which we were not able to recognize the People's Republic of China, we found ourselves constantly shedding the blood of our people because of our inability to communicate with people with whom we disagreed. It is in the interest of ending bloodshed, and in the interest of having in this forum people with whom we profoundly disagree, that we have voted against the report of the Credentials Committee.

10. We need have no fear that South Africa's representatives would convince us of the acceptability of *apartheid* or the legitimacy of South African occupation of Namibia. We may justly hope and pray that by having its

representatives sit among us we may gradually help the Government of South Africa to come to its senses. This great and global Organization is not for the purpose of hearing only those with whom we agree or those with whom we have diplomatic relations. World peace is not likely to be endangered by those with whom we all agree. Those who share our commitment to human rights for all, irrespective of race, creed, colour, or political opinion, may not need to discuss these matters with us to any great extent. The strength of the United Nations, now that it is a nearly universal Organization, is in no small way its diversity. In the exposure of us all to differing views, we must agree to talk with those with whom we disagree and even with those whose representatives are appointed by Governments of States Members which may not be selected by the free and independent choice of all of their citizens.

11. It is for these reasons that the Organization is founded on the sovereign equality of its Members, and for these reasons that the Charter and the rules of procedure make it very difficult indeed to deprive a Member of its rights. They limit the cases in which this can be done and the manner in which it can be done. It is all the sadder that the Assembly has not seen fit to follow these rules. However unwise and unfortunate what has been done here today is, it must not be the end of the efforts to find a peaceful and just solution to the question of Namibia. My Government will continue to seek a solution to that problem and does not accept that anything that has happened here today can constitute any excuse on the part of anyone for failing to co-operate to that end.

12. Mr. LEPRETTE (France) (*interpretation from French*): It is in my capacity as representative of the country which is at present occupying the presidency of the European Community that I wish to explain the vote cast by the nine States composing that organization on the report of the Credentials Committee.

13. The attitude we adopted is in keeping with judicial considerations. We note that in the absence of any other provision the powers of the Committee entrusted with the verification of the credentials of representatives of Member States are limited by the rules of procedure of the General Assembly to checking facts which have nothing to do with the policies of the Governments concerned. The Committee having rejected the credentials of a delegation for reasons which are not those provided for in the rules of our Assembly, we had no choice but to vote against the report. Indeed we consider that an organization which does not respect its own constitution becomes thereby a vulnerable organization. Any of its members may one day themselves fall victim to this weakness, even though universality is the very foundation of the United Nations.

14. We understand and respect the feelings which at previous sessions, and now again in the course of the work of the Credentials Committee and during this meeting, have prompted a number of representatives when they denounced the policy of *apartheid* of the Government of South Africa. We have repeatedly and in the clearest of terms stated our disapproval of the policy known as "*apartheid*". We reaffirm how contrary it appears to us to the respect for universal human rights and fundamental freedoms for all, without distinctions as to race, sex,

language or religion imposed by the Charter on Member States, a policy which, on the pretext of separate development, actually amounts to establishing a distinction between men on the basis of ethnic considerations.

15. Do we have to denounce once again not only the absurdity of this system but also the tensions and injustices it causes? Do we have to deplore here once again the denial to millions of Africans of the exercise of their civil rights? All this is too contrary to our concept of relations among men and our democratic traditions for it to be necessary for us to insist on this. We are convinced that no one in this Assembly is in any doubt about the meaning of our vote.

16. With regard to your statement, Mr. President, on the non-participation in our work of the South African delegation, we must, as we did several years ago, challenge the argument. The Legal Counsel of the Organization, on 11 November 1970, set forth very clearly his views on the applicability of rule 27 of the rules of procedure of the General Assembly. He said:

“Should the General Assembly, where there is no question of rival claimants, reject credentials satisfying the requirements of rule 27 for the purpose of excluding a Member State from participation in its meetings, this would have the effect of suspending a Member State from the exercise of rights and privileges of membership in a manner not foreseen by the Charter.”²

17. We share the concern that prompted your decision, Sir, but we must remain faithful to our respect for the Charter and its universal principles. We think our Organization runs a grave risk if, even exceptionally, it ceases to observe its own rules.

18. Mr. THUNBORG (Sweden): On behalf of the Nordic countries I wish to state that the reason we voted against the report of the Credentials Committee is based on purely legal principles. We wish to see all Members of the United Nations participating and co-operating with the United Nations.

19. The Nordic Governments have repeatedly expressed their condemnation of the policy of *apartheid* and of South Africa's illegal occupation of Namibia. However, the question before the Committee was whether the credentials under consideration fulfilled the requirements of the rules of procedure of the General Assembly. In the view of our delegations this was the case, and to decide otherwise would be tantamount to suspension of membership which, under Articles 5 and 6 of the Charter, requires a recommendation of the Security Council and a decision of the Assembly.

20. Our delegations strongly support the principles of universality in the United Nations, and since the requirements of Articles 5 and 6 of the Charter have not been met the credentials should therefore be accepted.

21. Mr. KLESTIL (Austria): The negative vote Austria has just cast on the report of the Credentials Committee is

based on the legal provisions of the Charter of the United Nations concerning the participation of Member States in the work of the General Assembly. It does not reflect the position my Government has always taken and will continue to take on the policy of *apartheid* practised by the South African Government. The Austrian Government has repeatedly expressed its condemnation of the policy of *apartheid* and of South Africa's illegal occupation of Namibia. My Government has always upheld the basic principle of universality in the United Nations and it is for that reason, Mr. President, that my delegation has voted for an acceptance of the credentials.

22. Mr. ANDERSON (Australia): I have asked to be allowed to speak to explain the position of the Australian Government on the question of the credentials of the South African delegation. For many years my Government has made quite clear its condemnation of the *apartheid* policies of South Africa and of South Africa's illegal occupation of Namibia. At the same time, we have consistently taken the view that the function of the Credentials Committee is limited to verification of the identity of the official Government signatory of a delegation's credentials and does not extend to questioning the right of a particular Government of a Member State to issue credentials. We thus accept the credentials of the South African delegation so long as South Africa remains legally a Member of the United Nations. In short, Mr. President, it is on purely constitutional grounds that we oppose the Credentials Committee report and not with the slightest intention of condoning the policies and actions of the South African Government.

23. Mr. VON WECHMAR (Federal Republic of Germany): I should like fully to associate myself with what was said by the Permanent Representative of France, when he spoke on behalf of the nine State members of the European Community. In the view of my delegation, the credentials of the Government of South Africa meet the requirements of rule 27 of the rules of procedure. My delegation, therefore, voted against the adoption of the report of the Credentials Committee.

24. As to our reasons, I should like to simply refer to the statement which I made on 12 November 1974³ regarding this matter. It follows from our vote today that my delegation is unable to support the statement which you, Mr. President, have just made with regard to the further participation of the delegation of South Africa in our proceedings.

25. Mr. CUEVAS CANCINO (Mexico) (*interpretation from Spanish*): The delegation of Mexico, which voted in favour of approval of the second report of the Credentials Committee, wishes to clarify the reasons why we did so. We consider in effect that the copy of the communication submitted by the Government of South Africa and dated 7 March 1977 does not constitute credentials for the thirty-third session of the General Assembly. Nevertheless, we wish to place on record our objection to using what might be called devious means to destroy the delegation of a Member State.

² See *Official Records of the General Assembly, Twenty-fifth Session, Annexes*, agenda item 3, document A/8160, para. 6.

³ *Ibid.*, *Twenty-ninth Session, Plenary Meetings*, 2281st meeting.

26. My delegation, for more than 10 years, has been in favour of expelling South Africa from our Organization, but we consider that to attain that goal it is essential that we follow the procedures established in Articles 5 and 6 of the Charter. The requirements set out there have been fulfilled and our Organization would gain in moral stature by taking the legitimate action envisaged by its founders.

27. Mr. MANSFIELD (United Kingdom): My delegation wishes to associate itself with the statement of the Permanent Representative of France made on behalf of the nine members of the European Economic Community. The consideration of credentials is a legal issue. It is our understanding that the South African credentials are technically in order. It is clear that the decision of the majority of the Credentials Committee was one which was motivated by considerations other than those appropriate to the consideration of credentials. My delegation, therefore, voted against approval of the report of that Committee.

28. My delegation has also noted, with regret, that it was considered appropriate to make a statement from the Chair on that vote this morning. Successive Governments of the United Kingdom have made very clear their objection to the policies of *apartheid* of the Government of South Africa, but they have also made clear the importance which they attach to the universality of membership of this Organization. We do not believe that it is in the interests of the Organization to exclude Members from participation, nor indeed will such action help to solve problems.

29. Mr. FRANCIS (New Zealand): New Zealand is completely and utterly opposed to the racist policy of *apartheid* and to South Africa's illegal occupation of Namibia. The issue on which we have just voted, however, relates to a question of credentials. We do not believe that it is the function of the Credentials Committee to pronounce on the legality of Governments. Its function is simply to consider whether credentials are or are not in order. Moreover, New Zealand has always upheld the principle of universality and the right of Member States to be heard. We continue to do so. We were, therefore, unable to accept the report of the Credentials Committee, which in our view did not take these considerations into account.

30. Mr. LAPOINTE (Canada) (*interpretation from French*): I would simply like to explain the negative vote of my delegation on the resolution just adopted. The Charter of the United Nations distributes powers very clearly among its principal organs. Certain questions, including questions affecting peace and security and, particularly, those regarding the composition of the Organization, fall within the powers of the Security Council. I am referring in particular to Articles 5 and 6 of the Charter. I should also like to repeat our devotion to the principle of universality, a principle we have always supported in every body of our Organization. This, of course, does not affect our policy of opposition to the *apartheid* régime, which continues to prevail in South Africa. A decision has just been taken which has the effect of suspending a Member State from the exercise of the fundamental rights and privileges which belong to every Member State, namely the right to participate in the debate and the right to participate in votes. That decision is not, in our view, in keeping with the

powers of the General Assembly and is not in keeping with the provisions of the Charter.

31. Mr. KATAPODIS (Greece): My Government's position as regards the question of Namibia is clear and unequivocal. We support fully the inalienable right of the people of Namibia to accede to independence through free elections under due international supervision with the participation of all political forces of the Territory, among which the South West Africa People's Organization [*SWAPO*] plays a leading role. Greece is also strongly opposed to the policies of *apartheid*, which constitute not only flagrant violation of the United Nations Charter but equally an inhuman practice which contravenes the most elementary principles of civilized human behaviour. However, the Greek delegation saw itself forced to abstain when the second report of the Credentials Committee was put to the vote. This was due to two reasons. In the first place, in the view of the Greek delegation, the issue in front of the General Assembly was not whether South Africa's policies are justified but whether there is legal ground to contest the credentials of the South African delegation. In the view of the Greek delegation it has not been proved that such grounds exist; and, in the second place, it is essential that we preserve the principle of the universality of this Organization. If this principle were questioned, a dangerous precedent with far-reaching consequences might be created.

32. Mr. ERALP (Turkey): The Turkish delegation has always upheld and continues to uphold the principle of universality and the right of all sides to any international dispute to be heard in the various bodies of the United Nations. Nevertheless, in view of the cogent legal arguments adduced in the report of the Credentials Committee, my delegation has seen fit to vote in favour of the approval of the report of the Credentials Committee.

33. Miss LOPEZ (Venezuela) (*interpretation from Spanish*): For our delegation, the question which we are now considering is a political and a humanitarian one. My delegation wishes to avail itself of yet another opportunity to express its rejection of a situation which apparently does not change despite all the efforts made by our Organization.

34. I wish to assure the Assembly that our approval of the report of the Credentials Committee is a confirmation of our repudiation of the policy of *apartheid* practised by South Africa, a country which has violated all the principles of the Charter of our Organization.

35. Mr. VARELA-QUIROS (Costa Rica) (*interpretation from Spanish*): My delegation clearly condemns the illegal occupation of Namibia by South Africa. We have condemned and will always condemn the policy of *apartheid* of that country. Nevertheless, even though we maintain this firm position, we felt compelled to abstain in the vote on the report of the Credentials Committee.

36. My delegation considers that the principle of universality of the United Nations, a principle which we uphold, is seriously endangered when this Assembly refuses to hear a Member which has not been expelled in accordance with the procedures laid down in Articles 5 and 6 of the Charter.

37. Furthermore, my delegation believes that any Member State has the right to be heard, no matter how mistaken its position may be.

38. Mr. GARBA (Niger) (*interpretation from French*): For reasons beyond its control, my delegation was not present in this room when the vote was taken. Yesterday we associated ourselves with the African group in challenging the representativeness of the South African delegation. We would have voted in favour, therefore, of the report of the Credentials Committee had we been present.

39. We are very pleased that the Assembly has once again rejected the credentials of a delegation which only represents a minority which, in the view of Africa, is acting illegally.

AGENDA ITEM 27

Question of Namibia (*continued*):

(a) Report of the Special 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

40. Mr. TUBMAN (Liberia): The purpose of the session of the General Assembly resumed this week is, in the language of resolution 33/182 A of 21 December 1978:

"... to consider fully the question of Namibia and the implications of South Africa's continued defiance of the resolutions of the Assembly and the Security Council".

Thus, our solemn deliberations during this International Year of Solidarity with the People of Namibia are as significant as any ever before undertaken within this Organization.

41. That this debate, so crucial for Africa, is taking place under the gavel of an illustrious son of Colombia and of Latin America, a continent with which Africa has many strong bonds of brotherhood and solidarity, gives comfort to my delegation.

42. All over southern Africa today the lights are growing dim; voices of compromise and reason are being silenced; dark days of escalating violence, race war and grave threats to global peace, long foreseen by many for that unhappy region, seem dangerously imminent. Yet it was only a year ago that Namibia appeared ready to illumine the path to independence and majority rule in the region without further bloodshed. How fitting such an achievement would have been after three decades of intense preoccupation with the question of Namibia by the United Nations. This has not happened, and where hopes, however faint, existed yesterday there is only despair today.

43. If I am emphasizing mainly the pervading sense of frustration, which to some extent we have seen this morning, it is because the misery and oppression of black people in southern Africa, the ceaseless attacks and aggression against struggling African nations and the arrogant racist insults and slurs against all decent humanity

that characterize the *apartheid* régime are already exceedingly notorious and universally condemned.

44. The frustrations are not confined to Africa. In a speech before his country's lawmakers early this month Ambassador McHenry of the United States, after reviewing the question of Namibia with remarkable impartiality, had this to say concerning the implementation of the United Nations plan for Namibia:

"SWAPO is now prepared to proceed with this settlement. So are the Five, the United Nations Security Council and the international community generally. South Africa has not agreed...".

45. My delegation will not attempt to make any comment on the Ambassador's speech, but we confess that when we read the two concluding paragraphs of the remarks, coming as they did from the spokesman of an American Administration that has shown sympathy unparalleled in American foreign policy for African causes, we were left with a feeling of utter frustration. These were the Ambassador's words:

"At this stage Namibia is still a relatively small problem in southern Africa... and the one most susceptible to a negotiated solution. With time, however, it will become increasingly complex and difficult.

"Bitterness will exceed reason. Today's compromise solution will be overshadowed by non-negotiable demands. For these reasons we must continue to do our utmost not to let the opportunity of peaceful settlement pass us by."

46. Widespread frustrations do exist regarding southern Africa today, and they exist because the racists of Pretoria have mistaken the international community's reasonableness for lack of purpose, its patience for weakness, and its moderation for acquiescence.

47. But Namibia remains uniquely a United Nations problem. Of course it was right that Western countries having influence in South Africa should have spearheaded efforts in the search for a negotiated Namibian settlement; certainly it has been helpful that other countries have made similar efforts during the year since the Western-sponsored United Nations plan⁴ was accepted. Urged thus by the front-line States, the Organization of African Unity [OAU], by the other well-meaning States and by the United Nations, SWAPO has engaged in earnest negotiations aimed at the implementation of the plan. But, while SWAPO has negotiated in good faith, South Africa, for its part, has hatched scheme after scheme, stratagem after stratagem, all aimed at gaining by deceit advantages over SWAPO that it did not secure during the settlement negotiations and that it now has no chance of winning by free and fair elections in the Territory.

48. South Africa's strategy of guile reached its high-water mark last December when a bogus election was staged in

⁴ See *Official Records of the Security Council, Thirty-third Year, Supplement for July, August and September 1978*, document S/12827.

Namibia. Since then South Africa has played a game of string-pulling with its assembly of puppets in Windhoek. In this game, each time the implementation of the United Nations plan has seemed ready to get under way, the so-called internal leaders have been presented by their racist bosses as rejecting some element or other of the package. That done, South Africa quite uncharacteristically announces that it must respect the wishes of the representatives of the people, but it never fails to insist that the doors to further negotiations remain open.

49. Excuse me for inserting a personal note. When I was a law school student, one of my professors often spoke of a judge who, in his legal judgements, followed this rule: "When in doubt say 'doubtless'." The South Africans evidently adopt a similar approach. Each time they close the avenues by which implementation of the United Nations plan might get under way, they strenuously declare that the doors of negotiations remain open. Such cheap tricks, which never really fooled anyone, have gone on long enough and must no longer be tolerated.

50. Although Governments of all shades and complexions have denounced *apartheid* and South Africa's illegal occupation of Namibia, and although many of these Governments are making praiseworthy contributions, through SWAPO or through the United Nations, to ameliorate some of the negative aspects of South Africa's illegal rule of Namibia, it has become clear that in many of those countries no powerful lobby or interest groups have emerged to push for the conversion of strong rhetoric and symbolic gestures into compelling actions. On the contrary, strong pressures have grown within those countries for even the Governments' mild stands on the side of justice to be abandoned. For this reason admiration and praise for certain Western Governments that continue to show courage and a sense of justice in their African policies are in order. But the problem of Namibia will not be solved by good intentions or even by humanitarian gestures, however welcome and appreciated those may be.

51. Popular wisdom has it that the United Nations can never be more than what the States comprising it desire. This is true enough, but the Organization has its own distinct personality and has been in existence for 33 years, during which the principles of its Charter have come to represent the most authoritative statement of international law and morality. Since this is the case the United Nations today must stand for values of more permanence than the vagaries, expediencies and shifts of politics within each of its Member States.

52. Although the constituent actors are States, the actions that have to be taken by this Organization must not be circumscribed by the discordant clangs and clashes of interests which will never cease within and among sovereign entities. Solutions to problems in the United Nations should not be approached from narrow national interests or, worse still, from purely partisan considerations of domestic politics. They should, rather, be approached from a global perspective and in conformity with the principles enshrined in the Charter of the United Nations.

53. Certain principles, including the principle that all human beings, regardless of race, are entitled to equal

treatment and rights under law, cannot be compromised by this Organization. This principle of equality, essential for individuals as for sovereign States, undergirds world society today, and the United Nations would instantly become a force for divisiveness and evil, were it ever to compromise it. The seething tensions and turmoil in southern Africa exist because this fundamental principle of international morality is assailed. Herein lies the threat posed by racism in southern Africa to international peace and security.

54. But in Namibia the issue goes beyond the defence of principle. Certainly it does involve the safeguarding of basic principles; but in addition there is the fact that Namibia is the direct responsibility of this world body. Individual States, for reasons of politics, economics or sheer expediency, may brush aside questions of principle, but the United Nations cannot retain its credibility while brushing aside its principles and its responsibilities.

55. Therefore, since South Africa's bad faith and its tactics of interminable delay are clear, this Assembly must take forceful actions against it. Such actions must be taken, not because one can foresee at this stage that they will instantly solve the problems, but because there is no other choice open to this body. The time has come when the General Assembly must determine whether or not it will do everything in its power to implement its settlement plan and discharge its duties in Namibia.

56. During this solemn resumed session the Government of Liberia calls upon this Assembly to denounce forcefully South Africa's manifest design to impose an internal settlement through a puppet régime in Namibia. Reliable sources indicate that one of the first major tasks of this puppet régime would be to ban SWAPO—the sole and authentic representative of the Namibian people—all of whose remaining top leaders in the Territory have recently been placed behind bars. Because of these assaults SWAPO needs, and should be given, full and effective assistance of all Member States and specialized agencies in order that it may lead the Namibian people in freeing themselves finally and quickly from illegal racist occupation and domination.

57. The need to step up the armed struggle in Namibia can no longer be questioned, and this Assembly must find ways of rendering more effective support to SWAPO in that struggle.

58. This Assembly, while calling on the Security Council to meet at an early date to consider invoking enforcement actions against South Africa under Chapter VII of the Charter, should reaffirm its role and responsibility in Namibia. The General Assembly's continued full support of the United Nations Council for Namibia, on which my country is proud to serve, must be re-emphasized as that Council strives to lead Namibia to genuine independence.

59. Although many of us as individuals, or even as nations, are too young to have memory of it, history recalls that nearly 50 years ago, in Ethiopia, the rights and freedoms of another heroic African people were trampled underfoot by forces of fascism. When that happened, the luckless League of Nations appeased the aggressors, and by that cowardly act sowed the seeds that quickly led to its own demise. Today, South Africa's continued defiance of the resolutions

of this Assembly and the Security Council regarding Namibia, unless decisively halted now, will have similar disastrous implications for the United Nations and for the whole world.

60. Mr. JAROSZEK (Poland): Sad circumstances have brought us to this resumed session of the General Assembly. Namibia is still bleeding under the yoke of a régime that more than once has been condemned by this Organization and the entire international community for its crimes both inside and outside Namibia. The passionate statement yesterday [97th meeting] of President Sam Nujoma, whom we greet whole-heartedly in our midst, has been an extremely expressive and indeed revealing accusation of the South African oppressor. May I say at the very outset that Poland has always been and will continue to be consistently on the side of the people of Namibia and its sole and authentic representative, SWAPO. Sooner or later, Namibia must be free; Namibia will be free; on its own people's terms and not on those imposed by its present oppressor or by neo-colonialist schemes.

61. It is significant that, after a relatively short period of time, the General Assembly is meeting again to give further consideration to the question of Namibia, the only Territory placed under the direct responsibility of the United Nations. Grave developments in and around Namibia have led to the resumption of this thirty-third session. As a result of recent South African manoeuvres to consolidate its illegal occupation of the Territory, in contravention of the relevant resolutions of the General Assembly and the Security Council, the situation there is rapidly deteriorating.

62. We take no consolation at all in the fact that recent events in Namibia have only confirmed our assessment of the situation, an assessment which we presented during the Assembly's ninth special session⁵ and during the current session, last December [74th meeting]. They also confirmed the continuing validity of the decisions of the General Assembly taken last year during those two sessions.

63. The position of the Polish People's Republic on the question of Namibia has always been based on unchanging principles, on which only several days ago we had the pleasure and honour of sharing our views with the special Mission of Consultation of the United Nations Council for Namibia during its most successful visit to Poland. They are the following.

64. First, since the Territory of Namibia has been illegally occupied by South Africa, the people of Namibia have the right to seek their self-determination and national independence by all means at their disposal, including armed struggle.

65. Secondly, Namibia is the direct responsibility of the United Nations until genuine self-determination and national independence are achieved in the Territory, while the United Nations Council for Namibia remains the legal Administering Authority for Namibia until independence.

66. Thirdly, Walvis Bay remains an integral part of Namibia and any decision by South Africa to annex it is therefore illegal, null and void and constitutes an act of aggression against the Namibian people.

67. Fourthly, the sole, authentic representative of the Namibian people is its national liberation movement, SWAPO, which is waging its resolute struggle against the illegal South African occupation.

68. Fifthly, any genuine effort on the question of Namibia cannot but serve the indivisible purpose of immediate, final and unconditional solution of the problem. The crux of the matter, therefore, is not formal independence under a *de facto* perpetuation of Namibia's colonial exploitation but complete decolonization of the Territory, in accordance with the legitimate aspirations of the Namibian people.

69. The resumed thirty-third session of the General Assembly on Namibia could not have come at a more appropriate time. The South African régime, in total disregard of the relevant resolutions of the United Nations, is proceeding with its policy of *fait accompli* in Namibia. Last December, it organized unilaterally the so-called elections, which were categorically condemned and declared illegal, null and void in General Assembly resolution 33/182 B of 21 December 1978 and Security Council resolution 439 (1978). Yet, notwithstanding those decisions, the Pretoria régime proceeded to establish the so-called Constituent Assembly and is now manoeuvring to set up what it calls "an interim government" for Namibia, designed to give a semblance of power to a handful of puppets. All this is being done to undermine the efforts for a negotiated settlement and to ensure the perpetuation of its illegal occupation and ruthless exploitation of the people and the natural resources of the Territory.

70. South Africa has at the same time intensified its repression against the Namibian people, in particular against SWAPO. It has recently arrested and detained more than 50 leaders and supporters of SWAPO throughout the Territory. The number of SWAPO leaders being arrested continues to increase. Still fresh in our memory is the Kassinga massacre, during which hundreds of Namibians were killed or wounded in cold blood by South African forces. Since then, new acts of aggression have been committed by the Pretoria régime against the independent African countries, in particular against Angola and Zambia.

71. In the light of recent developments, it must now be clear to everyone that South Africa's régime is neither ready nor willing to agree to hold free elections in Namibia under the supervision and control of the United Nations. That conclusion does not come as a surprise to my delegation. We have always had serious doubts as to the effectiveness of the plan prepared by the five Western States.⁶ By now, in the face of new signs of contempt manifested by the rulers in Pretoria, the authors of the plan themselves have probably also understood the futility of half-measures to solve the problem of Namibia. Those half-measures have in fact allowed the South African régime to gain time in preparing its own "internal solution" in

⁵ Official Records of the General Assembly, Ninth Special Session, Plenary Meetings, 7th meeting, paras. 1-19.

⁶ See Official Records of the Security Council, Thirty-third Year, Supplement for April, May and June 1978, document S/12636.

Namibia, in the interests of the white minority and international monopolies—the same monopolies which, traditionally linked with the *apartheid* régime, now hypocritically try to present themselves as a factor in the liberation effort.

72. A similar pattern of developments can also be seen in Southern Rhodesia. Thus, the racist régimes in southern Africa are resorting to every means of trickery to prevent the peoples of Namibia and Zimbabwe from achieving their true self-determination and independence. In fact, the international community is now faced in southern Africa with one and the same strategy, engineered by the same forces of racism and imperialism and aimed at imposing puppet régimes on the people of Namibia and Zimbabwe within a military alliance with South Africa directed against the independent African States.

73. Those are the facts which account for the situation in southern Africa being more explosive and dangerous for international peace and security than ever before. Namibia is not a relatively small problem in southern Africa as, surprisingly, some want to describe it. It is high time we faced the challenge there with resolute and decisive action. We hope that at the resumed thirty-third session the General Assembly will elaborate specific measures in this regard, that it will further mobilize the international community to increase its pressure on South Africa and will strengthen international support for and assistance to SWAPO in its legitimate fight for genuine self-determination and independence. In this regard, the Polish delegation will fully support concrete proposals for the strongest possible measures against the South African régime, including action by the Security Council to impose sanctions provided for in Chapter VII of the Charter of the United Nations.

74. A just solution of the Namibian problem lies in the unhesitant implementation of the relevant resolutions of the General Assembly and the Security Council. The fundamental principle they have established for Namibia's genuine independence is that of an immediate and unconditional withdrawal of all South African military forces and police from Namibia and the immediate and effective transfer of power to the sole representative of the Namibian people, SWAPO.

75. In the context of the subject under discussion, we offer our full support for and solidarity with the recommendations concerning the situation in southern Africa, contained in the final communiqué of the Extraordinary Ministerial Meeting of the Co-ordinating Bureau of Non-Aligned Countries, held at Maputo, from 26 January to 2 February of this year.⁷ The Maputo meeting has proved to be yet another manifestation of the collective wisdom of the non-aligned States in their determination to eliminate the last vestiges of the scourge of colonialism.

76. Pursuant to its steadfast position, Poland is determined to continue its all-round support and assistance to SWAPO, in particular in the area of education and training. As an active member of the Council for Namibia, we shall

play our part in its valuable efforts to defend and promote the cause of the Namibian people. Earlier this month, when we had the pleasure of receiving the Council's Mission in Warsaw, we expressed our appreciation of the Council's efforts for an early realization of the inalienable rights of the people of Namibia to self-determination and genuine national independence. As we have stated in the joint communiqué on the occasion of the Mission's visit to Poland:

“It is the expectation, therefore, both of the Polish Government and the United Nations Council for Namibia that the resumed session will devise the strategy to expedite the independence of Namibia without any further delay.” [See A/33/567, annex, para. 6.]

77. In anticipation of effective results from this session, the Polish delegation is offering the Assembly its full co-operation and unswerving support of Namibia's cause.

78. Mr. SIMBANANIYE (Burundi) (*interpretation from French*): I should like first of all to welcome the decision of the General Assembly which, on the recommendation of the Credentials Committee, has once again rejected the credentials of the delegation of the racist régime of South Africa.

79. This action by the General Assembly is one more warning to South Africa, which has constantly been violating the provisions of the United Nations Charter and the resolutions of our Organization, particularly those of the General Assembly and the Security Council. If South Africa persists in disregarding the decisions of the General Assembly and the Security Council, the two principal organs of our Organization, those bodies will have no choice but to resort to the application of the provisions of the Charter, particularly the provisions of Article 6 which states:

“A Member of the United Nations which has persistently violated the principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council.”

80. The attempt of the South African delegation to participate in the work of the resumed thirty-third session of the General Assembly had a twofold aim: first, to provoke Member States and to obstruct the proceedings of the General Assembly on the question of Namibia and also to make a claim to represent Namibia. This manoeuvre was foiled by the Member States which, thanks to your wise leadership, Mr. President, have just expressed their disapproval once again of the criminal policy pursued by the racist South African régime in South Africa and Namibia. As the General Assembly has just officially confirmed, we believe, the legitimate representatives of the South African people and of the Namibian people are in fact the national liberation movements recognized by the OAU, and the racist régime of South Africa only possesses the power that it has usurped.

81. The liberation struggle in Namibia has today entered its most critical phase. Thanks to its indomitable courage, the Namibian people under the enlightened leadership of

⁷ *Ibid.*, *Thirty-fourth Year, Supplement for January, February and March 1979*, document S/13185.

SWAPO, their sole and authentic national liberation movement, have already registered successes, which I welcome on behalf of the Government and people of Burundi.

82. At this decisive turning-point in the history of Namibia, the whole international community should demonstrate ever greater solidarity with the Namibian people, which has committed itself irreversibly to the pursuit of liberty, for a people which is taking up arms to fight is already a free people.

83. The United Nations, which bears the heavy responsibility for leading this Territory to independence, must adopt effective measures to block the manoeuvres of the racist South African régime aimed at perpetuating the colonialist exploitation of the Namibian people and its resources. The extremely grave acts which the racist régime of South Africa has just committed severely affect the legitimate aspirations of the Namibian people and constitute a flagrant violation of the resolutions of the General Assembly and of the Security Council.

84. For some time now, the South African racist régime, in its senseless policy of aggression which it is continuing to pursue against the Namibian people, has been hatching a veritable plot directed not only against the unity and territorial integrity of Namibia, but also against the authentic independence of the Namibian nation.

85. In this context, the racist South African régime in 1977 appointed in Namibia an Administrator-General, whose task was to strengthen the machinery of repression against the Namibian people in general and against the members of SWAPO in particular.

86. The decision to annex Walvis Bay, an integral part of Namibia, is one more manoeuvre on the part of South Africa aimed at strangling the economy of a truly independent Namibia since it would thereby be deprived of its only access to the sea.

87. The traitorous Turnhalle Alliance is in violation of Security Council resolution 385 (1976), which provides for the holding of free and fair elections under the control and supervision of the United Nations with a view to bringing about the true independence of Namibia.

88. The use of Namibia as a base for attacking neighbouring independent States, as well as massacres of Namibian refugees like that in Kassinga and the People's Republic of Angola, make clear the deliberate policy of aggression and expansion aimed against the States in the region by South Africa. The holding of so-called elections in Namibia from 4 to 8 December 1978, in violation and in disregard of Security Council resolutions 385 (1976) and 439 (1978) was aimed solely at attempting at any cost to prevent the Namibian people from acquiring institutions flowing from free elections supervised and controlled by the United Nations throughout Namibia with the full participation of SWAPO, the sole authentic representative of the Namibian people.

89. The recent initiatives taken by the illegal administration of South Africa and Namibia for the purpose of

conferring upon the so-called Constituent Assembly of Windhoek legislative and executive powers, and to impose on the Namibian people a puppet régime, are aimed without any doubt at the wrecking of the efforts of the international community to bring about a negotiated settlement of the Namibian question and also at continuing colonialist exploitation of the Namibian people and their resources.

90. The arrest and detention of leaders of SWAPO by the illegal South African administration in Namibia has the sole purpose of weakening the position of SWAPO in order to install by terror a puppet régime made up of tribal elements and rabid supporters of *apartheid*.

91. All these unilateral acts committed by the illegal administration in Namibia have had the effect of worsening the situation in Namibia and blocking a settlement of the Namibian question as proposed by the five Western Powers members of the Security Council in 1977 and 1978 of which the Security Council took note in resolution 431 (1978).

92. In the face of this defiance by South Africa of the United Nations and the international community, the General Assembly and the Security Council must live up to their responsibilities in this matter.

93. It will be recalled that the Security Council decided in resolution 385 (1976) to meet at the latest by 31 August 1976 with a view to re-examining the situation. In the case of refusal by South Africa to apply the provisions of that resolution, the Security Council decided to consider appropriate measures as provided by the Charter in such cases.

94. To this very day the Security Council has been unable to give effect to those measures because of the opposition of certain Member States which possess the right of veto. This attitude on the part of certain permanent members of the Security Council has been considered by the majority of Member States as incomprehensible and fraught with consequences because all the conditions call for rapid and energetic action on the part of the Security Council within the framework of Chapter VII of the United Nations Charter.

95. One of the reasons advanced to explain this procrastination on the part of the Security Council is the search for a peaceful settlement of the Namibian question. For more than two years, indeed, triangular negotiations have been going on between South Africa, the five Western Powers and SWAPO.

96. Those talks had aroused a great deal of interest within the international community, which, relying on the credibility of the five Western Powers, had supported this initiative. In the hope that SWAPO would not accept the proposal of the five Western Powers, Mr. Botha, head of the foreign service of the racist South African régime, stated in the Security Council on 27 July 1978: "South Africa, for its part, accepted the proposal in its final and definitive form as far back as 25 April 1978".⁸

97. That statement, which was designed for public relations purposes more than anything, disregarded the sense of

⁸ *Ibid.*, *Thirty-third Year*, 2082nd meeting, para. 263.

responsibility and political maturity of the leaders of SWAPO, who have declared that their movement is ready to co-operate faithfully with the United Nations in the application of the settlement of the Namibian question proposed by the five Western Powers and endorsed by the Security Council.

98. Since that time the South African racist régime has been hoist by its own petard and every day is erecting further obstacles to the implementation of the proposal of the five Western Powers. Today there can no longer be any doubt about the intention of South Africa to continue to defy the international community. The decision of the illegal administration of South Africa in Namibia to confer upon the so-called Constituent Assembly of Windhoek a vast range of legislative and executive powers, as well as its stubborn determination to impose on Namibia a puppet régime, are acts which call into question the settlement of the Namibian question authored by the five Western Powers which maintain special relations with the racist South African régime.

99. In the circumstances, the General Assembly and the Security Council have no choice but to compel South Africa to withdraw unconditionally from Namibia. These two principal organs of the United Nations have the power and the means to succeed in this, provided they work in total harmony. The United Nations Charter has indeed given them prerogatives which they can make use of to enforce their decisions in the realm of the maintenance of international peace and security.

100. Indeed, Article 39 of the Charter stipulates,

“The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.”

101. Chapter VII of the Charter, in Article 41, lays down a series of measures which the Security Council may decide upon in order to give effect to its decisions. Let us remind the Assembly right away that those measures provided for in Article 41 do not entail the use of armed force. They are the complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio and other means of communication, and the severance of diplomatic relations.

102. Is it too much to ask the Security Council to decree these measures against a Member State which is trampling underfoot its decisions and which continues to commit acts of aggression against the Namibian people and the independent States of the area such as Angola and Zambia?

103. Of course, if South Africa continues to oppose the decisions of the United Nations, and particularly those of the Security Council, Article 42, which provides for recourse to armed force, the purpose of which would be to restore international peace and security in that part of the world, should be applied.

104. The General Assembly has urged the Security Council to make use of the provisions of Chapter VII with a

view to compelling South Africa to abide by the decisions of the General Assembly and the Security Council calling upon it to withdraw from Namibia.

105. Unfortunately, the members of the Security Council have been unable to agree on the proper strategy to adopt. Some members of the Security Council believe that the time is not yet ripe for imposing upon South Africa the economic sanctions provided for in Article 41 of the Charter.

106. Let us attempt to follow the reasoning of the delegations of those States.

107. First, according to those member States, the economic embargo against South Africa would cause hardship to South African workers and to States in the region. This argument is not valid because the *apartheid* régime is not only the source of the exploitation of the majority of the population of South Africa and Namibia; it is also the cause of the insecurity in the region. Hence the relatively high expenditures which the independent States of the region have been forced to make in the defence of their countries against the aggressive régime of South Africa.

108. Secondly, other delegations are fond of saying that there could be no more effective control of the sanctions decreed against South Africa than of those decreed against the illegal régime of Ian Smith and his acolytes. Those who use this language are hiding their own complicity in the violation of General Assembly and Security Council resolutions on this question. If in fact they had co-operated faithfully with the United Nations, the deplorable situation which now prevails in Zimbabwe would never have come into being.

109. The third argument used by some Member States is that they are anxious to show moderation with regard to South Africa so as not to give South Africa a pretext for stiffening its position. I would venture to ask the following question of those who propose this argument.

110. What was the answer of South Africa to the very moderate statement made by the President of the Security Council in April 1979,⁹ almost begging South Africa to show mercy to the nationalist Solomon Mahlangu and other freedom fighters? Every word had been scrupulously weighed to avoid offending the sensitivities of South Africa. But in its blind policy of bloody repression, the racist South African régime cold-bloodedly executed those valiant sons of Africa, whose blood will nurture the seeds of the liberty and dignity of South Africa.

111. In actual fact, the gestures of solidarity and magnanimity on the part of certain Member States towards South Africa are rather motivated by their material and strategic interests in South Africa, in Namibia and Zimbabwe.

112. But how long will these interests be allowed to prevail over the political morality which should reign in international relations and over the protection of the right of men and of peoples to live in dignity and freedom? Are

⁹ *Ibid.*, *Thirty-fourth Year*, 2140th meeting.

we to sacrifice the purposes and principles of the Charter for short-sighted material advantage? My delegation therefore urges all members of the Security Council to measure up to their responsibilities to enforce the decisions of the Organization with regard to South Africa. The only course that remains after the unequivocal rejection by South Africa of resolutions of the Security Council is, inevitably, recourse to Chapter VII of the Charter.

113. We should like to take this opportunity to call on members of the Security Council not to place the General Assembly in a conflict situation vis-à-vis the Security Council. The two organs were in effect designed to work in harmony with a view to safeguarding international peace and security.

114. We particularly call on the Western States permanent members of the Security Council not to disappoint the international community, which placed its confidence in them at the time when they sought the support of the States Members of our Organization for the adoption of their proposal for a settlement of the Namibian question.

115. It would be, to say the least, surprising to choose the racist South African régime, which will inevitably collapse, instead of adopting a course of friendship and co-operation with the African members of the OAU and the African peoples which have determined to win their authentic independence.

116. During the course of this session the General Assembly, faithful to its sacred mission of decolonization, should once again call upon the Security Council to make use of the provisions of Chapter VII of the Charter with a view to enforcing its resolutions with regard to the Namibian question.

117. Furthermore, the General Assembly should reaffirm the inalienable right of the Namibian people to self-determination, freedom and national independence within the framework of a united Namibia, including Walvis Bay. Moreover, the General Assembly should support the legitimacy of the struggle of the Namibian people by all means available to them, including armed force, against the illegal occupation of the Territory by South Africa. The Assembly would thereby reaffirm that the national liberation movement of Namibia, SWAPO, is the only authentic representative of the Namibian people and would appeal to all Member States to provide it the necessary support and assistance for the triumph of its struggle for liberation of the country.

118. Still within the General Assembly, Member States should once again condemn South Africa for its continued illegal occupation of Namibia and for its policy of repression and terror and the destruction of the national unity and territorial integrity of that country.

119. As to the so-called elections held by South Africa and Namibia, my delegation believes that they are a farce which cannot possibly be accepted by the Members of our Organization, particularly not by the permanent members of the Security Council, because those elections were organized in defiance of resolutions of the Security Council and General Assembly and furthermore, because Namibia is a direct responsibility of the United Nations until it accedes to authentic independence.

120. Those elections are illegal, null and void and, therefore, all States that love peace and freedom should consider them as such.

121. The Burundi delegation flatly rejects the internal settlement which South Africa is imposing on the Namibian people and urges all States not to recognize in any way any representative or organ established as a result of these so-called elections.

122. Furthermore, all Member States should demand from South Africa the release of all Namibian political prisoners, security for Namibians in exile who wish to return home and the abandonment of its policy of aggression against independent States of the region.

123. In conclusion, my delegation would like to take this opportunity to pay tribute to the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and the United Nations Council for Namibia, which under their dynamic Chairman and President, who are devoted to African and international causes, are discharging their functions with competence.

124. Permit me also on behalf of my Government to pay a well-deserved tribute to the Secretary-General of the United Nations for his tireless efforts to assist the Namibian people in winning their genuine independence.

125. To the Namibian people and their only national liberation movement, SWAPO, my delegation wishes to extend the assurance of the unswerving support of the Government of Burundi until final victory.

The meeting rose at 1.20 p.m.