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2276th MEETING: 29 APRIL 1981

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2276th MEETING

Held in New York on Wednesday, 29 April 1981, at 11 a.m.

President: Mr. Noel DORR (Ireland).

Present: The representatives of the following States: China, France, German Democratic Republic, Ireland, Japan, Mexico, Niger, Panama, Philippines, Spain, Tunisia, Uganda, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

Provisional agenda (S/Agenda/2276)

1. Adoption of the agenda

2. The situation in Namibia:

Letter dated 10 April 1981 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council (S/14434)

The meeting was called to order at 12.10 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Namibia:

Letter dated 10 April 1981 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council (S/14434)

1. The PRESIDENT: In accordance with decisions taken at previous meetings [2267th to 2272nd, 2274th and 2275th meetings], I invite the representatives of Algeria, Angola, Bangladesh, Benin, Brazil, Burundi, Canada, Cuba, Democratic Yemen, Ethiopia, the Federal Republic of Germany, Guinea, Guyana, India, Indonesia, Jamaica, Kenya, the Libyan Arab Jamahiriya, Mozambique, Nigeria, Pakistan, Romania, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Togo, the United Republic of Tanzania, Yugoslavia, Zaire, Zambia and Zimbabwe to participate in the discussion without the right to vote.

At the invitation of the President, Mr. Benyahia (Algeria), Mr. Jorge (Angola), Mr. Kaiser (Bangladesh), Mr. Houngavou (Benin), Mr. Corrêa da Costa (Brazil), Mr. Simbananiye (Burundi), Mr. Dupuy (Canada), Mr. Malmierca (Cuba), Mr. Ashtal (Democratic Yemen), Mr. Gedle-Giorgis (Ethiopia), Mr. Jelonek (Federal Republic of Germany), Mr. Coumbassa

(Guinea), Mr. Sinclair (Guyana), Mr. Rao (India), Mr. Kusumaatmadja (Indonesia), Mr. Shearer (Jamaica), Mr. Kasina (Kenya), Mr. Burwin (Libyan Arab Jamahiriya), Mr. Monteiro (Mozambique), Mr. Baba (Nigeria), Mr. Shahi (Pakistan), Mr. Marinescu (Romania), Mr. Niasse (Senegal), Mr. Conteh (Sierra Leone), Mr. Koh (Singapore), Mr. Fourie (South Africa), Mr. Balasubramaniam (Sri Lanka), Mr. Akakpo-Ahianyo (Togo), Mr. Salim (United Republic of Tanzania), Mr. Vrhovec (Yugoslavia), Mr. Kamanda wa Kamanda (Zaire), Mr. Goma (Zambia) and Mr. Mangwende (Zimbabwe) took the places reserved for them at the side of the Council chamber.

2. The PRESIDENT: In accordance with the decision taken at the 2267th meeting, I invite the President of the United Nations Council for Namibia and the delegation of the Council to take places at the Security Council table.

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

3. The PRESIDENT: In accordance with another decision taken at the 2267th meeting, I invite Mr. Peter Mueshihange to take a place at the Council table.

At the invitation of the President, Mr. Mueshihange took a place at the Council table.

4. The PRESIDENT: In accordance with the decision taken at the 2275th meeting, I invite the Chairman 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 to take the place reserved for him at the side of the Council chamber.

At the invitation of the President, Mr. Abdulah (Chairman, Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples) took a place at the side of the Council chamber.

5. The PRESIDENT: Members of the Council have before them the following documents: S/14459, which contains the text of a draft resolution sponsored by

Mexico, the Niger, Panama, the Philippines, Tunisia and Uganda; and S/14460, S/14461, S/14462 and S/14463, which contain the texts of draft resolutions sponsored by the Niger, Tunisia and Uganda.

6. Mr. OTUNNU (Uganda): In the letter of 10 April contained in document S/14434, my delegation, acting on behalf of the Group of African States at the United Nations, requested an urgent meeting of the Security Council to consider the question of Namibia in the light of the persistent refusal of South Africa to comply with the relevant resolutions and decisions of the Council.

7. It is now more than a week since the Council began consideration of this item. It has been a most unusual week in the history of the Council. Never before has the Council witnessed such a high level of participation and such a global interest in its deliberations. No less than 19 Ministers for Foreign Affairs, with a mandate from the Organization of African Unity and the movement of non-aligned countries, and representing the overwhelming majority of humankind, assembled in New York with one purpose—and one purpose only: to demand that the Council, acting as a matter of urgency under Chapter VII of the Charter of the United Nations, should impose comprehensive and mandatory sanctions against South Africa for its continued illegal occupation of Namibia. This message has been reinforced by most of the other speakers who have participated in this debate.

8. In the course of the debate we have presented a straightforward and incontestable case. We have shown why and how all measures hitherto adopted by the Council, over a span of no less than 15 years, have failed to dislodge South Africa from Namibia.

9. We have demonstrated, by ample evidence, that South Africa's continued illegal occupation of Namibia has given rise, in the context of Article 39 of the Charter, to the following grave developments: first, a breach of international peace and security; secondly, a threat to international peace and security; and, thirdly, persistent acts of aggression.

10. In view of the grave situation created by these developments, and in the light of the dismal failure of previous measures, we demand that the Council, acting in accordance with its responsibilities under Article 41 of the Charter, impose comprehensive and mandatory sanctions against South Africa. To that end, I have the honour, on behalf of the delegations of Mexico, Niger, Panama, the Philippines and Tunisia and my own delegation, to present to the Council draft resolution S/14459, already submitted and circulated under our collective sponsorship. I also have the honour, on behalf of the delegations of the Niger and Tunisia and my own delegation, to present to the Council draft resolutions S/14460, S/14461, S/14462 and S/14463, all of which have already been submitted and circulated under our collective sponsorship.

11. The arguments for adopting the measures contained in these draft resolutions have already been set out in great detail through the statements made by many delegations during the general debate; therefore I shall not repeat them now.

12. As to the contents of the five draft resolutions, they are clear and straightforward. The first draft resolution, S/14459, is an "umbrella" resolution designed to embrace the full scope of comprehensive and mandatory sanctions, including economic and political sanctions, an oil embargo and an arms embargo.

13. The second draft resolution, S/14460, covers general economic and political sanctions, including all aspects of diplomatic, consular and trade relations. It is a well-known fact that without external economic and political patronage, which at present is bountiful, the intransigence and arrogance of the Pretoria régime would crumble and, with it, that régime's act of illegality.

14. The third draft resolution, S/14461, proposes a comprehensive oil embargo, including the direct and indirect supply of petroleum and petroleum products to South Africa and occupied Namibia. South Africa depends on imports for all its supply of oil. Without that supply of oil the wheels of oppression and occupation would surely grind to a halt.

15. The fourth draft resolution, S/14462, covers proposals for arms embargo with specific reference to the situation in and around Namibia and without prejudice to the provisions of Council resolutions 418 (1977) and 421 (1977). The arms embargo would include the sale or transfer of weapons, ammunition, military and paramilitary equipment, military and paramilitary vehicles and their spare parts.

16. Without the infusion of arms from outside, South Africa would find it impossible to sustain its massive military buildup in Namibia and the constant armed attacks launched from Namibia against the independent States in that region.

17. The final draft resolution, S/14463, provides for the establishment of a committee of the Security Council to monitor the implementation of the substantive resolutions.

18. In these draft resolutions we have proposed only measures of peaceful pressure aimed at inducing peaceful compliance with the relevant resolutions and decisions of the Security Council. As members of the Council are aware, the Charter provides, under Article 42, for other measures should the ones proposed in the present draft resolutions prove inadequate.

19. Namibia remains the unique responsibility of the United Nations. In that connection, Council resolution 435 (1978), which is non-negotiable, constitutes

the only basis for transition to Namibian independence. The purpose of the comprehensive and mandatory sanctions proposed in the draft resolutions is, therefore, to bring an end to the illegal occupation and bring about genuine independence for Namibia, by compelling South Africa to comply with resolution 435 (1978).

20. It is significant that throughout the course of the general debate no speaker contested the fact that South Africa's continued illegal occupation of Namibia has given rise to a serious breach of international peace and security and to constant acts of aggression and continues to pose a grave threat to international peace and security. Nobody has challenged the fact that all previous measures adopted by the Council have failed. Nobody has questioned the fact that the Council has therefore a definite responsibility to take measures under Article 41 of the Charter.

21. Instead, it has been said that resolutions do not solve problems. Yet a resolution is a necessary programme of action without which the Council cannot act. We are surely not the first to come to the Security Council proposing resolutions for action, and I have a feeling that we shall not be the last.

22. It has been said that declarations do not secure independence. Well, what would we say to the founding fathers who issued that famous Declaration of 4 July 1776? What shall we say to the peoples all over the world which continue to draw inspiration and strength from that monument of colonial resistance and independence? Shall we rewrite those episodes of history where men and women have been moved by powerful declarations to fight for their freedom and self-determination?

23. It has been said that we should continue to wait. We have waited for 15 years for the Council to take decisive measures. The people of Namibia have been held hostage for 100 years. The people of Angola have already lost 1,800 men and women and suffered 290 air raids and 72 land attacks with an estimated material damage to the tune of \$7 billion. There comes a time when waiting becomes an act of benign neglect. This is such a time.

24. It has been said that we should avoid confrontation. We have come to the Council seeking not confrontation but collective action. The real confrontation is between the Council, acting on behalf of the international community as a whole, and South Africa, which has flouted every resolution and decision of this organ.

25. We have come to the Council as men and women of peace. We have come to the Council because of our abiding faith in the Security Council as the ultimate guardian of international peace and security.

26. In the name of the people of Namibia, on behalf of the peoples of Africa and the countries of the non-

aligned movement, and for the sake of peace and freedom, I wish to commend draft resolutions S/14459, S/14460, S/14461, S/14462 and S/14463 to the members of the Security Council for their consideration and approval.

27. Mr. SLIM (Tunisia) (*interpretation from French*): Today we have come to the crucial stage of our work. We have come to the moment of conclusions and decisions. Since 21 April, we have witnessed a debate which has been described as historic and exceptional. Exceptional it has indeed been, if only by its richness, its frankness and the rarely equalled level which it has reached. Historic it will no doubt be because upon the decisions that the Council is now called upon to adopt will, in the final analysis, depend the fate of the ideals and principles embodied in the Charter of the United Nations, as well as the future role of the Organization. Historic it will be also because practically all of mankind has proclaimed with a strong and determined voice, its unshakable will to put an end once and for all to the anachronistic hotbeds where colonization is still perpetuated as well as the domination and exploitation of peoples. Historic it will be, lastly, because the Namibian people will have proved that the entire world stands by it in its struggle for its national liberation and for the triumph of its just cause. The Namibian people will have had confirmation that the hour of the inescapable advent of its independence is irrevocably here.

28. Since 21 April the voices of highly responsible and authoritative representatives from Africa, Asia, Europe and the Americas have been heard in this forum, recalling first of all that, in those States' capacity as Members of the Organization, they have given the members of the Council the main responsibility for maintaining international peace and security, so that, as provided for in Article 24 of the Charter, they can "ensure prompt and effective action by the United Nations". They have also come here to recall that the Security Council, in fulfilling the tasks entailed in its responsibilities, acts on their behalf.

29. Although onerous, our responsibility today is none the less clear, precisely because we know the wishes of the overwhelming majority of the Organization, on whose behalf we are called upon to act.

30. The draft resolutions which have been submitted to the Council and circulated as documents S/14459, S/14460, S/14461, S/14462 and S/14463 merely restate ideas which have been clearly expressed by the vast majority of those who have taken part in this debate.

31. Where, indeed, does the question of Namibia stand, at the end of this debate? Clearly, it is nothing other than a question of decolonization. It entails the inalienable rights of a people to self-determination, freedom and national independence. We therefore must reaffirm those inalienable rights of the people of Namibia, in keeping with resolution 1514 (XV),

adopted by the General Assembly more than 20 years ago.

32. Also, in Namibia we have a case of illegal occupation that has lasted for more than 15 years, ever since the United Nations, through General Assembly resolutions 2145 (XXI) and 2248 (S-V), put an end to all South Africa's administrative powers over the Territory. We must therefore reaffirm the legal responsibility of the Organization towards Namibia as well as its formal commitment to guide that Territory to genuine independence.

33. But we are also faced with the attitude of a State Member of the Organization which is known for its systematic and persistent refusal to implement resolutions and decisions of the Security Council and the General Assembly. South Africa refuses to abide by the relevant resolutions of the Organization; it refuses to withdraw its illegal administration from Namibia; it refuses to implement Council resolution 435 (1978), which provides for the settlement of the Namibian question through the peaceful means of negotiation and elections. In so doing it clearly, under the terms of Article 39 of the Charter, poses a serious threat to international peace and security.

34. By its illegal occupation of Namibia—the decisions of the International Court of Justice and the injunctions of the Organization notwithstanding; by its policy aimed at dismembering a country whose indivisibility and unity have been internationally recognized; by its practice of oppression and repression of innocent peoples who love freedom and justice; by its practice of *apartheid*, which is considered to be a crime against mankind; and by its base and shameless exploitation of resources which do not belong to it, South Africa clearly, under the terms of Article 39 of the Charter, is in breach of international peace.

35. By using the Territory of Namibia as a military base enabling it to commit armed attacks against neighbouring independent and sovereign States, South Africa clearly, under the terms of Article 39 of the Charter, commits serious acts of flagrant aggression.

36. In sum, those are the facts, the objective facts which have been set forth during the debate and which have served as the point of departure for preparing the draft resolutions which are now before the Council. Given those facts, implacable facts, what steps should be taken? It has been established that the Security Council must take steps; otherwise, it would be failing in its main responsibility.

37. Must we condemn South Africa again? Of course. But what effect would another moral condemnation have? What echoes would there be in Pretoria from a new resolution that would be added to the already too long list of resolutions, that would appeal merely to the sense of duty and morality of a régime such as

the *apartheid* régime? We know how Pretoria would treat our principles, the principles which govern our work here and are the basis of international relations.

38. Our objective, the objective of this entire debate, is clear and precise: we wish the Namibian people to exercise its right to self-determination, with order and peace, under the auspices of the United Nations; we wish to respect the dates which have already been accepted. How is it proposed to us that we achieve this?

39. We have heard here those who, on the basis of the commitment they made to the international community and the Security Council in 1978, have assumed a specific responsibility on the question of Namibia. We have listened carefully to the members of the contact group of Western States. They have indeed reaffirmed their devotion to the United Nations plan for Namibia; they have stated that they continue to be attached to that plan and to resolution 435 (1978); they have expressed their determination to continue with negotiations so as to enable Namibia to regain its independence and sovereignty, and the Namibian people freely to determine its future. But we have also heard them speak in vague terms of the need to re-examine that plan, to strengthen it.

40. So far, despite our appeals, the members of the contact group have not told us clearly what they understand by "strengthen".

41. If the contact group has new suggestions to make—suggestions which do not affect the principles contained in the plan so carefully worked out by the United Nations, suggestions that would allow the Namibian people to exercise its right to self-determination under the auspices of the Organization and within established time-limits; if the contact group has new suggestions to make, we should have liked to be told of them, to hear them here. Perhaps we would have been able to lend them our support.

42. For our position is quite clear: we have agreed to support the plan proposed by the five Western Powers and adopted by the United Nations. The South West Africa People's Organization (SWAPO), for its part, has not hesitated to make all possible concessions in order to promote the sincere implementation of that plan. Our preference for negotiation cannot be questioned, even though that in no way could deprive the people of Namibia and its sole authentic representative, SWAPO, of their legitimate right to have recourse to all means deemed useful to free their Territory. At the same time, we have no reason to believe that South Africa has any intention to join us on the path of sincere negotiations to settle the question of Namibia.

43. So what should be done and what measures should be taken?

44. The draft resolutions that have been submitted for the Council's consideration propose the only effective measures which, at this stage, make it possible to speed up the independence of Namibia. Their sole purpose is to exercise on South Africa real and effective pressures likely to induce it to give up its attitude of arrogance and defiance and agree truly to join in a process leading to the independence of Namibia.

45. The time for appeals and moral condemnations has passed; this is the time for specific decisions; this is the time for enforcement measures which alone are likely to deprive South Africa of the means to carry out its policy and the assurance of impunity it has enjoyed so far. The time has come for comprehensive mandatory sanctions against South Africa under Chapter VII of the Charter.

46. We venture to believe in the effectiveness of the measures we are proposing that the Council take; we venture to believe in the effectiveness of the draft resolutions we are proposing that the Council adopt; we venture to believe that, because once those draft resolutions are adopted their implementation will not be dependent upon South Africa's attitude. On the contrary, the draft resolutions we are proposing for adoption to apply sanctions against South Africa are addressed to the other Member States of the Organization, whose commitment to the principles of the Charter is not being questioned—far from it. Of these other Member States, as well as non-Member States, we ask—in draft resolution S/14460—that they put an end to their political, economic and trade relations with South Africa; of those other States we ask—in draft resolution S/14461—that they ensure that an end be put to supplies of petroleum and petroleum products which South Africa needs for the operation of its war machine; of those other States we ask—in draft resolution S/14462—that they adopt appropriate measures for a real embargo on arms destined for South Africa; of those other States we ask that they put an end to the considerable assistance they have thus far been lending South Africa, which has enabled it to commit acts of aggression against innocent peoples and sovereign States, to defy the United Nations and to violate international peace and security. Finally, of the Organization we ask—in draft resolution S/14463—that it set up the necessary machinery to follow up the implementation of our own decisions.

47. Those are the comprehensive mandatory sanctions which, with almost total unanimity, delegations that have spoken in this forum have asked us to adopt against South Africa.

48. By adopting them, the Council would unquestionably be promoting decisively the process started by the United Nations to allow the people of Namibia to exercise its recognized right to self-determination and independence.

49. Members of the Council that at one time or another may have been reticent in this connection cannot remain insensitive to the urgings and entreaties of the overwhelming majority of the Organization nor shirk the responsibilities entrusted to them by the Charter. A solemn appeal has been made to them. Mr. President, in the remarkable, masterly statement you made yesterday in the Council in your capacity as representative of Ireland [2275th meeting], you made a stirring appeal to avert division and confrontation in the Council. We for our part whole-heartedly join you in that appeal, so that the Security Council may remain unanimous in defending the principles of the Charter: ensuring scrupulous implementation of the resolutions of the Organization; and taking the strong measures called for by the seriousness of the situation and by the Charter against those that are endangering international peace and security, as is currently the case in southern Africa.

50. Mr. OUMAROU (Niger) (*interpretation from French*): The draft resolutions that have just been introduced by our brother and colleague the representative of Uganda faithfully reflect the conclusions drawn here by most speakers from Africa, Asia, Europe, the Americas and the Pacific who, one after another, came to this table to stress their mutual concerns with regard to the burning problem of Namibia; they included some 20 distinguished Ministers for Foreign Affairs with a mandate from the Organization of African Unity and the non-aligned movement.

51. Hence, those are not partisan draft resolutions. They are not meant to meet the demands of a particular side nor are they an attempt by a group or a continent seeking to drown its impatience, its frustration and its resentment in excessive proposals. They represent the outcome of a progression of a long and arduous process towards the fulfilment of a duty which law, morality and the simple observance of international rules should have made easy, but which has been jeopardized by South Africa's flagrant obstinacy.

52. Mr. President, yesterday, in your capacity as representative of Ireland you made an outstanding statement—both courageous and lucid—in which you yourself noted the many efforts of the international community and Africa's patience with regard to the question of Namibia. In particular, we noted that your concern—I was about to say your indignation—was no less than ours at hearing South Africa claim, on 29 January at Geneva, that it was premature to proceed. And that, as you pointed out so well, was 60 years after the initial Mandate over Namibia had been conferred upon South Africa; 35 years after the General Assembly had first rejected that country's attempt to annex the Territory; 30 years after the International Court of Justice had ruled that it remained subject to the supervision and control of the General Assembly with regard to its administration of Namibia; 15 years after the end of its Mandate over the Territory had been proclaimed; 10 years after the Security Council

had declared its presence in Namibia illegal and called upon it to withdraw; 3 years after specific proposals for a peaceful decolonization had been so generously made; 2 years after South Africa had assured the Secretary-General of its will to co-operate in the speedy implementation of Council resolution 435 (1978).

53. What can one do about such a partner? Forget it and encourage it to continue, for centuries perhaps, its illegal and repressive domination in Namibia? Concede to it, as a reward for its good behaviour, the right to denigrate, ignore and humiliate the international community? Or take recourse to the provisions of the Charter of the United Nations clearly to demonstrate to it the gravity of its acts and the political and economic cost of defying the rest of the world?

54. The latter path has been chosen by the sponsors of the draft resolutions that have just been submitted. We do not believe the measures proposed to be miraculous, nor do we allow ourselves the naïve belief that South Africa does not know what it is doing. It has solid supporters, to which of course it is a burden but which still believe that there is yet time to take strong measures. We do not call for a confrontation—especially because South Africa may welcome it, and it could cause even more suffering for Namibia. It is our hope that here as elsewhere the Security Council will assume its responsibilities and speedily meet the challenge that is damaging its prestige and is a source of consternation for all nations.

The meeting rose at 12.50 p.m.

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