



SECURITY COUNCIL OFFICIAL RECORDS

TWENTY-THIRD YEAR

1397th MEETING: 14 MARCH 1968

NEW YORK

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THIRTEEN HUNDRED AND NINETY-SEVENTH MEETING

Held in New York on Thursday, 14 March 1968, at 3 p.m.

President: Mr. Ousmane Socé DIOP (Senegal).

Present: The representatives of the following States: Algeria, Brazil, Canada, China, Denmark, Ethiopia, France, Hungary, India, Pakistan, Paraguay, Senegal, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland and United States of America.

Provisional agenda (S/Agenda/1397)

1. Adoption of the agenda

2. The question of South West Africa:

Letter dated 12 February 1968 addressed to the President of the Security Council by the representatives of Chile, Colombia, Guyana, India, Indonesia, Nigeria, Pakistan, Turkey, United Arab Republic, Yugoslavia and Zambia (S/8397);

Letter dated 12 February 1968 addressed to the President of the Security Council by the representatives of Afghanistan, Algeria, Cambodia, Cameroon, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Cyprus, Dahomey, Ethiopia, Ghana, Guinea, Iran, Iraq, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Libya, Madagascar, Malaysia, Mali, Mauritania, Morocco, Nepal, Niger, Philippines, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sudan, Syria, Thailand, Togo, Tunisia, Uganda, United Republic of Tanzania, Upper Volta and Yemen (S/8398 and Add.1/Rev.1 and Add.2).

Adoption of the agenda

The agenda was adopted.

The question of South West Africa:

Letter dated 12 February 1968 addressed to the President of the Security Council by the representatives of Chile, Colombia, Guyana, India, Indonesia, Nigeria, Pakistan, Turkey, United Arab Republic, Yugoslavia and Zambia (S/8397);

Letter dated 12 February 1968 addressed to the President of the Security Council by the representatives of Afghanistan, Algeria, Cambodia, Cameroon, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Cyprus, Dahomey, Ethiopia, Ghana, Guinea, Iran, Iraq, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Libya, Madagascar, Malaysia, Mali, Mauritania, Morocco, Nepal, Niger, Philippines, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia,

Sudan, Syria, Thailand, Togo, Tunisia, Uganda, United Republic of Tanzania, Upper Volta and Yemen (S/8398 and Add.1/Rev.1 and Add.2)

1. The PRESIDENT (*translated from French*): In accordance with the Security Council's previous decision, if there is no objection, I shall invite the representatives of Guyana, Turkey, Chile, Indonesia, Yugoslavia, Nigeria, the United Arab Republic, Zambia and Colombia to take the places reserved for them at the sides of the Council chamber, on the understanding that when one of these representatives wishes to speak he will be invited to take a place at the Council table.

At the invitation of the President, Mr. E. A. Braithwaite (Guyana), Mr. N. Eren (Turkey), Mr. J. Hunecus (Chile), Mr. H. R. Abdulgani (Indonesia), Mr. O. Pejić (Yugoslavia), Mr. O. Alo (Nigeria), Mr. M. R. Abdel-Wahab (United Arab Republic), Mr. I. R. B. Manda (Zambia), and Mr. A. Herrán Medina (Colombia) took the places reserved for them.

2. The PRESIDENT (*translated from French*): The Council will now proceed to the consideration of the item on the agenda, the problem of South West Africa, which is the subject of the draft resolution contained in document S/8429.

3. After the numerous meetings which I have had with the members of the Council, I shall now submit to the Council for its consideration a text which I believe it can adopt unanimously. I shall therefore ask the Under-Secretary-General if he will be good enough to read the text to the Council.

4. Mr. NESTORENKO (Under-Secretary-General, Department of Political and Security Council Affairs): The text reads as follows:

"The Security Council,

"Recalling its resolution 245 (1968) of 25 January 1968, by which it unanimously condemned the refusal of the Government of South Africa to comply with the provisions of General Assembly resolution 2324 (XXII) of 16 December 1967 and further called upon the Government of South Africa to discontinue forthwith the illegal trial and to release and repatriate the South West Africans concerned,

"Taking into account General Assembly resolution 2145 (XXI) of 27 October 1966 by which the General Assembly of the United Nations terminated the Mandate

of South Africa over South West Africa and assumed direct responsibility for the Territory until its independence,

“Reaffirming the inalienable right of the people and Territory of South West Africa to freedom and independence in accordance with the Charter of the United Nations and with the provisions of General Assembly resolution 1514 (XV) of 14 December 1960,

“Mindful that Member States shall fulfil all their obligations as set forth in the Charter,

“Distressed by the fact that the Government of South Africa has failed to comply with Security Council resolution 245 (1968),

“Taking into account the memorandum of the United Nations Council for South West Africa of 25 January 1968 on the illegal detention and trial of the South West Africans concerned and the letter of 10 February 1968 from the President of the United Nations Council for South West Africa,

“Reaffirming that the continued detention and trial and subsequent sentencing of the South West Africans constitute an illegal act and a flagrant violation of the rights of the South West Africans concerned, the Universal Declaration of Human Rights and of the international status of the Territory now under direct United Nations responsibility,

“Cognizant of its special responsibility towards the people and Territory of South West Africa,

“1. *Censures* the Government of South Africa for its flagrant defiance of Security Council resolution 245 (1968) as well as of the authority of the United Nations of which South Africa is a Member;

“2. *Demands* that the Government of South Africa release and repatriate forthwith the South West Africans concerned;

“3. *Calls upon* States Members of the United Nations to co-operate with the Security Council, in pursuance of their obligations under the Charter, in order to obtain compliance by the Government of South Africa with the provisions of the present resolution;

“4. *Urges* Member States who are in a position to contribute to the implementation of the present resolution to assist the Security Council in order to obtain compliance by the Government of South Africa with the provisions of the present resolution;

“5. *Decides* that in the event of failure on the part of the Government of South Africa to comply with the provisions of the present resolution, the Security Council will meet immediately to determine effective steps or measures in conformity with the relevant provisions of the Charter of the United Nations;

“6. *Requests* the Secretary-General to follow closely the implementation of the present resolution and to

report thereon to the Security Council not later than 31 March 1968;

“7. *Decides* to remain actively seized of the matter.”

5. The PRESIDENT (*translated from French*): I have no further speakers on my list who wish to address the Council before the vote takes place. If I hear no objection, I shall put to the vote the draft resolution which has just been read out.

A vote was taken by show of hands.

*The draft resolution was adopted unanimously.*¹

6. The PRESIDENT (*translated from French*): I shall now call upon those representatives who wish to explain their votes. The first speaker is the representative of the United Kingdom.

7. Lord CARADON (United Kingdom): In explanation of my vote, I wish to say that the position and policy of my Government in regard to South West Africa and the Pretoria trial have been made very clear in previous speeches in the Assembly and in this Council, and I confirmed our position when I spoke in the Council last month. I have no reason to vary or detract from what we have said.

8. On the whole future of South West Africa I stated before the aim my Government set and the method we proposed.

9. The aim is to enable all the people of South West Africa to proceed to free and full self-determination and independence.

10. As to method, our contention throughout has been that we should act together by considered and deliberate action within our clear capacity.

11. We are not now dealing with the whole question of the status and future of South West Africa. We are concerned with the prisoners in the Pretoria trial.

12. We supported both Assembly resolution 2324 (XXII) and Security Council resolution 245 (1968). We also recalled that we had reservations on General Assembly resolution 2145 (XXI) and wording based on it, and we maintain these reservations. But General Assembly resolution 2324 (XXII) and Security Council resolution 245 (1968), for both of which we voted, condemned the trial and called upon the Government of South Africa to stop it.

13. We have also condemned the so-called Terrorism Act² in the clearest terms.

14. We joined with the great majority of the Assembly and all members of this Council in the urgent plea to the South African authorities.

¹ See resolution 246 (1968).

² Act No. 83 of 1967 to Prohibit Terroristic Activities and to Amend the Law Relating to Criminal Procedure; and to Provide for Other Incidental Matters.

15. We acted on the call of the Council in making representations to the South African Government both about the trial and the legislation under which the prisoners were charged.

16. As to the action in this Council, as you know, Sir, I strongly urged from the beginning that there should be consultation between us. There is, I trust, no need to preach the gospel of consultation here. That is our obligation, and that is our tradition.

17. It is our tradition that our consultations should be conducted in confidence, and I shall not go back over the detailed discussions which have taken place under your patient authority. I would only say that we entered into the consultations in good faith and with a genuine desire to find common ground of agreement.

18. All along I have urged that we should act together within our capacity. I have argued that to do otherwise would give comfort and encouragement not to those whom we wish to help but only to those whose policies we reject.

19. All along I have plainly said what my Government could do and equally plainly I have said what we could not.

20. We were concerned lest we should be asked to set out on a journey without knowing our destination, and on the question of action under Chapter VII my delegation has for long past made its position absolutely clear.

21. I greatly hoped that having acted unanimously in resolution 245 (1968) and since we are all wholeheartedly agreed on the purpose, we should not divide and so weaken our capacity to act effectively and weaken the influence of our decision and weaken the authority of the Council.

22. When we appealed for consultation we were greatly encouraged by the response of the sponsors of the draft resolution and especially by what the sponsors said here at our last public meetings together. In particular we were impressed by what was said on behalf of the sponsors in the speech of Ambassador Shahi of Pakistan. It was that speech which opened the door to agreement. He said:

“It is not the intention behind operative paragraph 4 of the seven-Power draft resolution to bind the Security Council in advance to a specific course of action.”
[1395th meeting, para. 23.]

23. With regard to the proposal that a special representative of the Secretary-General might go to South Africa he said:

“The seven sponsors are conscious that constructive suggestions have been made by some representatives in the course of the present debate. The idea has been put forward that the Secretary-General should be requested to send a special representative to South Africa to secure the release and repatriation of the South West Africans. The seven-Power draft resolution does not in any way preclude such action by the Secretary-General. It would be consistent with operative paragraph 5 of the seven-Power draft resolution for the Secretary-General, on his

own initiative, to send a special representative to South Africa to bring about compliance with the Security Council's demand for the release and repatriation of the South West Africans.” [Ibid., para. 27].

24. And then he gave an all-important assurance on the main question before us:

“... in deference to the views of our other colleagues, the seven-Power draft resolution has been couched in terms which we believe do not necessarily bind any member of the Security Council in advance to action under Chapter VII of the Charter of the United Nations.”
[Ibid., para. 32.]

25. It was on the basis of that assurance that we entered into consultations which have today led to agreed and concerted action, and the consultations have succeeded on that basis.

26. I do not wish to say more now, since our primary concern must be not to pursue legal or theoretical arguments but together to serve the interests of the prisoners who have been sentenced under a law so widely and rightly condemned. We are all agreed on that purpose.

27. We have succeeded today in joining together, basing our common action on the abhorrence of the Terrorism Act and our deep concern about the trials and the sentences, and our desire above all to help the prisoners. In those purposes it has been our aim not to divide and fail but to unite and succeed. Our concern and our appeal remain as strong and as urgent as ever.

28. Mr. MOROZOV (Union of Soviet Socialist Republics) (*translated from Russian*): The debate in the Security Council, which has once again considered the fate of the group of South West African patriots fighting to free their home land from colonial and racist oppression, and against whom the Pretoria authorities have taken reprisals which have aroused the just indignation of all progressive mankind, has clearly shown that we are not merely concerned with the fate of these victims of the colonialists' reprisals or with some isolated case of an illegal act by the Pretoria authorities against the inhabitants of South West Africa. It has once again been clearly demonstrated that the racist régime in Pretoria is seeking, unlawfully and in violation of well-known decisions of the General Assembly and the Security Council, to extend its jurisdiction into the territory of South West Africa, and to establish and enforce its cruel system of colonial oppression known as *apartheid*.

29. In this way the South African racists are attempting to prolong colonial rule in that country. As was revealed in the course of the Security Council debates on this question, the Pretoria regime has no wish to heed the United Nations decisions, including the resolution unanimously adopted by the Security Council on 25 January 1968 calling for an immediate end to the reprisals against the South West African patriots and for their release and repatriation. Once again the racists have shown they fully intend to disregard the decisions of the United Nations, the demands of the African peoples and the demands of world-wide progressive public opinion.

30. Thus the Pretoria régime has once again openly defied the United Nations, those Member States which, not in words but in deeds, are struggling within the Organization to put an end to the shameful system of colonialism.

31. It is generally known, as the statements made by many members of the Council and by those States Members of the United Nations that have taken part in the discussion of this question without being members of the Council, have clearly shown, that nothing like this could have happened, and that the Pretoria racists would never have dared to act so defiantly, if they had not continued to receive wide support from certain imperialist Powers, principally the United States of America, the United Kingdom and the Federal Republic of Germany, the so-called South African Republic's political and military allies and main economic and trading partners. These countries have given, and continue to give, assistance and support in various ways to the racist régime in Pretoria, at the bidding of the international monopolies which are behind them and which are interested in exploiting the extremely rich natural resources of South West Africa. The racist régime of Pretoria is watching over the interests of these monopolies in southern Africa where, as is now quite clear, steps are being taken to reinforce more and more one of the last colonial bastions in southern Africa.

32. It is because of these political, military and economic considerations that a number of Western Powers continues to have close economic, military and political ties with the régime in Pretoria and has tried hard in this Council to hamper the efforts of the African and Asian countries to have the Security Council call vigorously for the release of the imprisoned South West African patriots and for an end to the oppression against the people of that country.

33. It had always been our view that it would be much more forceful and effective for the Council to declare outright that those responsible for the illegal treatment of the South West African patriots and the continued disregard of the Security Council decisions, are not only the racist Powers in Pretoria but their aforementioned allies. Despite this, the Soviet delegation has found it possible to vote in favour of the decision just taken at this meeting of the Council. We took into account the fact that the main features of the draft resolution are the demand for the immediate release of the South West African patriots and the censure of the racists' activities. We also considered the opinion of our Afro-Asian colleagues in the Council who thought that such a step on the part of the Security Council, despite the obvious shortcomings of the resolution, could nevertheless facilitate the release of the South West African patriots and the ending of the inhuman treatment meted out to them.

34. We voted for that resolution on the understanding that operative paragraph 4 is, in effect, to be interpreted as a demand addressed to the United States and the United Kingdom to take all necessary steps in order to put an end to the oppression of the South West African patriots as well as to halt support for the racist régime in Pretoria.

35. To conclude our explanation of vote, we declare once again that the Soviet people energetically protests against

the illegal treatment and repression carried out by the so-called South African Republic against the representatives of the South West African people who are struggling for their country's freedom and national independence; once again we confirm the Soviet Union's readiness to continue its support of the just struggle of the South West African people to free itself from the colonial and racist yoke and to achieve freedom and independence.

36. Mr. IGNATIEFF (Canada): Mr. President, in explanation of vote, I should first of all like to thank you for the unfailing courtesy, consideration and patience with which you conducted the consultations which led to the unanimous decision taken tonight. I should also like to recall the statement made by the representative of Pakistan when he explained the original seven-Power draft resolution at the meeting of the Council on 4 March on behalf of its sponsors, on which the text now adopted unanimously was based. It was helpful to have the assurance of the representative of Pakistan who, as my colleague from the United Kingdom has noted, made a notable contribution to reaching agreement in the Council that:

"It is not the intention behind operative paragraph 4 of the seven-Power draft resolution to bind the Security Council in advance to a specific course of action. Naturally the Council would wish to decide for itself, should South Africa again defy the Council, what particular course of action under the Charter it should take." (1395th meeting, para. 23.)

37. On that same understanding, therefore, that the approval of the text does not bind us in advance to a specific course of action, I have associated myself with the text which has been voted unanimously.

38. Mr. BERARD (France) (*translated from French*): My delegation is glad that all members of the Council have been able to reach agreement on the resolution we have just adopted. This text reflects the unanimity of the feelings which the Pretoria verdict has aroused in the world and the unanimous refusal of the international community to bow to injustice.

39. My delegation cannot accept the extension to South West Africa of an *apartheid* policy condemned by my country as in total contradiction to the principles of equality and fraternity which have for centuries inspired its actions. France cannot but censure the action taken by the South African authorities against nationals of a territory with international status. We warn the Government of Pretoria against making the great mistake of remaining deaf to this second appeal for the liberation of these prisoners and against pursuing a policy of repression against other South West African nationals.

40. These were my delegation's sentiments in voting for the present resolution, after the adoption of a certain number of amendments. As the spokesman for the sponsors of the draft has said, this resolution must not be regarded as prejudicing the kind of actions which remain open to our Council. We also had this in mind when we accepted a text with a preamble containing references which give rise to some well-known reservations on the part of my delegation.

We maintain these reservations, of course, and I think it is unnecessary to reiterate them.

41. Mr. GOLDBERG (United States of America): When the Security Council first became seized of the problem of the thirty-three South West Africans illegally arrested and tried in Pretoria, the United States delegation clearly stated its position, and we adhere to that position. The defendants were tried and convicted in a foreign court, under an invalid law, on charges other than those for which they had been prosecuted, and without essential safeguards which are normally available to the defence by any conception of due process of law. This action was contrary to the international obligation of the Government of South Africa with respect to South West Africa, a Territory enjoying international status. That action warrants the censure which the Council has imposed on South Africa, and the other actions taken in the resolution we have just unanimously adopted.

42. My delegation, throughout the public and private discussions which have taken place, has stressed the need, if we are to be effective, for maintaining the unity of purpose and intent that existed when resolution 2324 (XXII) was adopted by the General Assembly and again when resolution 245 (1968) was adopted by this Council. That unanimity has been achieved and maintained in this resolution which we fully support.

43. My delegation wishes to express its appreciation to the sponsors for the spirit of conciliation which they have manifested in the intensive consultations that have taken place in the interest of maintaining the unity of the Council; and my delegation particularly wishes to thank you, Mr. President, for your patience, courtesy and skill in conducting the consultations. Your actions and leadership have largely been responsible for the unanimous action we have taken.

44. In the spirit of compromise, the sponsors have agreed to changes in the text of their draft resolution to which they had been strongly committed, in order to ensure unanimous agreement. Among those changes is the omission of the reference to Article 25 of the Charter contained in their draft, which we would have regarded as inappropriate for a resolution which was to be adopted under Chapter VI.

45. Particularly helpful to our common agreement was the assurance of the sponsors given through the very fine statement made by Mr. Shahi on their behalf at the very outset, that their prior resolution, and, *a fortiori* this draft, falls within the provisions of Chapter VI and that there is neither commitment to nor exclusion of any particular Charter approach in any necessary future consideration by this Council of this matter. This resolution enjoys the unanimous support of the Security Council, and this is a fact which should be borne in mind by the Government of South Africa. It is an expression of the firm will and intent of the international community on an issue of international responsibility. It should and must be heeded.

46. We, on our part—the United States—shall continue vigorously to press the South African Government to release and repatriate the South West Africans who have

been illegally tried and imprisoned. We have already made our views forcibly known to the Government of South Africa on the law and justice of this case, and we shall persist in using our influence towards the achievement of the objectives set by the Council.

47. It is by taking actions together, as we have done today, in pursuance of our common objective, and not by unwarranted invective directed at fellow members of the Council, that we can best achieve our common goal.

48. Lij Endalkachew MAKONNEN (Ethiopia): I do not wish to prolong the Council's deliberations by making a lengthy statement at this late stage. However, in explaining my delegation's vote in favour of the draft resolution that the Council has just adopted unanimously, I wish to make it clear that the position of my Government which I had the honour to present to the Council on Monday, 19 February 1968 [1392nd meeting], remains unchanged. It has been in a spirit of co-operation and common accord, and without prejudice to the position taken on that occasion, that my delegation tonight has cast its vote in favour of the draft resolution.

49. Mr. CSATORDAY (Hungary): In voting in favour of the draft resolution before the Security Council, the Hungarian delegation took into consideration the suffering of the people of South West Africa under the oppression of the colonial yoke. It took into consideration the fight for independence in which the heroic leaders of South West Africa are engaged. It took into consideration the fact that these leaders are being imprisoned, persecuted, tortured and killed.

50. The Hungarian delegation believes that urgent action on this matter is required in order to bring human suffering to an end more quickly, in order to correct as quickly as possible the injustice committed against these heroes of the South West African people. The Hungarian delegation is of the opinion that the resolution must be effective. It must not be mere words shouted in the empty desert. It must be strong. It must generate international co-operation and solidarity. It must help to achieve the objectives set by this Council.

51. The crimes committed by the South African Government are intolerable. They are a blatant violation of the Charter of our Organization. They cynically ignore basic human rights. They constitute a reckless suppression of the fight for national independence. The régime in Pretoria has assumed a great responsibility in the eyes of the entire world and to history by committing these crimes. But some other Member States of our Organization, as well as other States, share the responsibility for these bloody crimes. Countries like the United Kingdom, the United States and the Federal Republic of Germany bear their share of responsibility because they grant political, economic and military assistance to the Pretoria régime, which is committing one crime after another. The Hungarian delegation wishes to point out that the alliance between these countries and South Africa exerts at the same time vital influence on South Africa. The existence and survival of the Pretoria régime depend on the assistance given it by these countries. They are a source of vital materials and are a market for the products of South Africa.

52. Those Powers now have an opportunity to use their influence for the benefit of mankind, for the benefit of a heroic people fighting for its independence. They can use their influence to force the Pretoria régime to respect the Charter of our Organization, to ensure that the Security Council resolutions are implemented.

53. Those States which tonight have voted in favour of the draft resolution are bound to demand and to ensure by virtue of operative paragraphs 3 and 4 of the draft that South Africa complies with it. The implementation of resolutions and the observance of and respect for the principles of the Charter are the corner-stones of our Organization. That includes, if necessary, the application of Chapter VII of the Charter. It is my delegation's understanding that operative paragraph 5 of the resolution shows this very clearly.

54. The Government of South Africa refused to carry out resolution 245 (1968) of the Security Council. By taking that attitude, it has already violated Article 25 of the Charter.

55. In operative paragraph 1 of the resolution just adopted, the Council reiterates its condemnation of the South African Government, and in operative paragraph 2 it repeats its demand for the release of the condemned prisoners.

56. In the opinion of the Hungarian delegation, the full implementation of this resolution is very important for the whole world. But we wish to stress that it treats only a symptom of the disease in the southern part of Africa. We must never forget our obligation to ensure the freedom of South West Africa. That is the basic problem. If our Organization lived up to the principles of the Charter and to its own resolutions and liberated South West Africa, we not only could solve immediately the problem which our present resolution is designed to solve, but could prevent any recurrence in the future of similar criminal acts.

57. We have voted in favour of the draft resolution because we regard it as a step in the right direction towards obtaining freedom for the people of South West Africa. We shall follow with great attention the actions of the South

African Government. We shall also closely follow the action taken by the allies of that Government, to see whether they fulfil the obligations they undertook when they signed the Charter or whether they continue to share with the South African Government responsibility for these bloody crimes.

58. The Hungarian delegation urges the South African Government and the Governments of its allies to take a stand on this matter, to support the cause of justice and freedom, to support the principles of the Charter, to support the basic human rights, to support freedom for South West Africa and to support the cause of liberating the heroes of the South West African people.

59. Mr. BORCH (Denmark): Mr. President, at this late hour I shall be very brief.

60. I just want to recall that all along in our public statements in this Council and in private consultations among the members of the Council my delegation has emphasized that if we were to achieve maximum effectiveness it was paramount that the broadest agreement, and if possible, unanimity in the Council be established and maintained in this grave matter. We therefore welcomed the opportunity for continued private consultations which was offered to the Council in the constructive speech by the representative of Pakistan and the setting he gave to those consultations. It is indeed a source of great satisfaction to us that we have now, after long and arduous negotiations, achieved the aim, that is to agree on a resolution in this matter.

61. I want to use this opportunity to pay my respect to all those who have contributed to bringing about this achievement, and to pay my respect to the spirit of conciliation that has governed all our discussions. In particular, Mr. President, I want to pay my respect to you for your patient and skilful guidance, without which our aim would not have been achieved.

62. The PRESIDENT (*translated from French*): I have no further speakers on my list. If there is no objection I shall adjourn this meeting.

The meeting rose at 9.25 p.m.