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FIFTEEN HUNDRED AND NINETY-FIFTH MEETING

Held in New York on Friday, 15 October 1971, at 3.30 p.m.

President: Mr. Guillermo SEVILLA SACASA (Nicaragua).

Present: The representatives of the following States: Argentina, Belgium, Burundi, China, France, Italy, Japan, Nicaragua, Poland, Sierra Leone, Somalia, Syrian Arab Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland and United States of America.

Provisional agenda (S/Agenda/1595)

1. Adoption of the agenda.

2. The situation in Namibia:

(a) Letter dated 17 September 1971 addressed to the President of the Security Council from the representatives of Algeria, Botswana, Burundi, Cameroon, the Central African Republic, Chad, the Congo (Democratic Republic of), Dahomey, Egypt, Equatorial Guinea, Ethiopia, Gabon, Ghana, Guinea, Kenya, Liberia, the Libyan Arab Republic, Madagascar, Mali, Mauritania, Mauritius, Morocco, the Niger, Nigeria, the People's Republic of the Congo, Rwanda, Senegal, Sierra Leone, Somalia, the Sudan, Swaziland, Togo, Tunisia, Uganda, the United Republic of Tanzania, the Upper Volta and Zambia (S/10326);

(b) Report of the *Ad Hoc* Sub-Committee on Namibia (S/10330 and Corr.1).

Adoption of the agenda

The agenda was adopted.

The situation in Namibia:

(a) Letter dated 17 September 1971 addressed to the President of the Security Council from the representatives of Algeria, Botswana, Burundi, Cameroon, the Central African Republic, Chad, the Congo (Democratic Republic of), Dahomey, Egypt, Equatorial Guinea, Ethiopia, Gabon, Ghana, Guinea, Kenya, Liberia, the Libyan Arab Republic, Madagascar, Mali, Mauritania, Mauritius, Morocco, the Niger, Nigeria, the People's Republic of the Congo, Rwanda, Senegal, Sierra Leone, Somalia, the Sudan, Swaziland, Togo, Tunisia, Uganda, the United Republic of Tanzania, the Upper Volta and Zambia (S/10326);

(b) Report of the *Ad Hoc* Sub-Committee on Namibia (S/10330 and Corr.1)

1. The PRESIDENT (*interpretation from Spanish*): In accordance with previous decisions taken by the Council I

shall invite the representatives participating in this debate to take their places in the Council chamber.

2. As there is no objection, I invite the representatives of Sudan, Ethiopia, South Africa, Liberia, Guyana, Chad, Nigeria, Mauritius and Saudi Arabia to take the places reserved for them in the Council chamber, it being understood that they will be seated at the Council table when they make their respective statements.

3. I likewise invite the President of the United Nations Council for Namibia to be seated at the Council table.

At the invitation of the President, Mr. E. O. Ogbu, President of the United Nations Council for Namibia, took a place at the table; and Mr. Y. Tseghe (Ethiopia); Mr. C. F. G. von Hirschberg (South Africa); Mr. J. R. Grimes (Liberia); Mr. P. Moussa (Chad); Mr. R. Ramphul (Mauritius); and Mr. J. Baroudy (Saudi Arabia) took the places reserved for them.

4. The PRESIDENT (*interpretation from Spanish*): I have received letters from the representatives of Uganda [S/10374] and India [S/10373] in which they request to be allowed to participate in this debate. In accordance with the provisional rules of procedure of the Council and with the consent of the representatives, I intend to invite the representatives of Uganda and India to participate in our debate, without the right to vote.

5. Since there is no objection, I invite the representatives of Uganda and India to take the places reserved for them in this chamber, it being understood that they will be seated at the Council table when they make their statements.

At the invitation of the President, Mr. G. S. K. Ibingira (Uganda) and Mr. S. Sen (India) took the places reserved for them.

6. The PRESIDENT (*interpretation from Spanish*): The Council will now continue its discussion of the agenda item. The first speaker on the list is the representative of Burundi, on whom I now call.

7. Mr. TERENCE (Burundi) (*interpretation from French*): Mr. President, for some time it has been the custom in the Security Council not to congratulate the President, but in this case, and in regard to yourself, I am strongly tempted to do so. I therefore wish to express the gratitude which Africa owes you.

8. More than a year ago, under your Presidency, this Council decided to refer the problem of Namibia to the

International Court of Justice, and the happy outcome of the deliberations in that Court must in large measure be attributed to you. In that regard I must also congratulate you, because the Council is called upon to endorse the Advisory Opinion of the Court¹ under your Presidency. I should like to add that, while you represent a small country, Nicaragua, your contribution to the Security Council and to the interests of Africa and therefore of the United Nations in general, since Africa is an integral part of this Organization, is of the highest calibre, and we are most grateful to you.

9. This statement may be followed by others which my delegation contemplates making, depending on the attitude of the Government of South Africa on the subject. The contradictory activities of the South African Governments in the Namibian affair, from the establishment of the League of Nations until the historic date of 21 June 1971, reveal Pretoria has become a fertile breeding-ground of contradictions. A wealth of facts corroborates that strange reality. Let us highlight some of the most outstanding characteristics in that land of sophistries.

10. First, the Government of South Africa was a fervent advocate of the Mandates system instituted in 1919. At the Versailles Conference, General Smuts was an ardent champion of the theory of advocating international administration for all colonial possessions taken from Germany. Now the League of Nations Covenant imposed on the mandatory Power the obligation to respect the territorial integrity of the territory under mandate. In other words, it prohibited any annexation by the mandatory Power and prohibited it from yielding any territory to third States. In a singular about-face, after having been the zealous promoter of that institution, the Pretoria Government has not ceased to claim for itself the annexation of the former Territory of South West Africa.

11. Second, on 11 July 1950 an Advisory Opinion of the International Court of Justice stipulated that "the General Assembly of the United Nations is legally qualified to exercise the supervisory functions previously exercised by the League of Nations with regard to the administration of the Territory, and that the Union of South Africa is under an obligation to submit to supervision and control of the General Assembly supervision and to render annual reports to it".² That decision of the Court was challenged and rejected by Pretoria.

12. Third, on 18 July 1966 the Court, by an infinitesimal majority, pronounced itself in favour of South Africa,³ which won its case only because of the casting vote of the President. At that time, all the information media controlled by the racist régime vied with one another in highlighting the event. Newspapers announced in large headlines the victory of South Africa. Governmental bodies

and officials were delirious in acclaiming the decision. In brief, at that time the value and authority of the Court were, so far as South Africa was concerned, beyond dispute.

13. Almost exactly five years later, on 21 June 1971, the same supreme legal organ of our Organization defeated Pretoria—not by so close a margin as in 1966 but by the quasi-unanimous vote of the jurists. This time South Africa's reaction was the very opposite of the jubilation and general acclaim which had welcomed the outcome, which it considered to be just, of the previous deliberations at The Hague. Violent diatribes against the Court replaced the earlier paeans of praise for that same body. South Africa's virulent criticisms went so far that Mr. Vorster accused the jurists of engaging in "an international political vendetta" against his régime. Yet those honourable jurists were vested with the same powers and the same authority as in 1966, when South Africa enthusiastically welcomed their decision.

14. Fourth, South Africa has until now vehemently objected to all United Nations organs whenever they took decisions or adopted resolutions running counter to the point of view or interests of Pretoria. This attitude, negative as it is militant, has been demonstrated towards all the principal organs of the United Nations: the General Assembly, the Security Council and, incidentally, the Secretary-General. The Court, which had previously been spared South African insolence, in turn suffers the same fate as the other bodies I have mentioned.

15. The humanism of the Western world, like the other cultures and civilizations of Africa, Eastern Europe and Asia, offer undeniable values which have largely contributed to the initiation of many countries into modern life. These continents are indeed the cradles of today's conception of universal humanism and modern civilization.

16. The apostles of *apartheid* are once again cornered in a strange paradox. It is astonishing to hear them profess their mission of preserving Western civilization and to note that the champions of such an ideal have for centuries tried to isolate the civilization in question in watertight compartments. The most varied witnesses agree in affirming that education in several is restricted to the whites and reaches the other races only in trickles.

17. The policy of Pretoria in Namibia being a servile replica of *apartheid* in South Africa, it would suffice to point out that \$333 million are spent on education for whites against \$20 million on education for Africans. The taxes paid by the latter must cover the additional expenses for the education of the blacks.

18. In 1969 there were 68,549 white university students in South Africa, as against 3,911 Africans, of whom 2,144 were registered only for correspondence courses. From 1960 to 1971 the number of African students at separate colleges increased from less than 500 to 1,586. The number of students pursuing graduate studies rose from less than 50 to approximately 150. Two thirds of the 1,586 students specialized in purely artistic professions or in teaching. The ratio of white teachers to Africans was more than 10 to one for professors and 12 to one for lecturers.

¹ *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council resolution 276 (1970), Advisory Opinion, I.C.J. Reports 1971, p. 16.*

² *International Status of South West Africa, Advisory Opinion, I.C.J. Reports 1950, p. 128.*

³ *See South West Africa, Second Phase, Judgment, I.C.J. Reports 1966, p. 6.*

19. These figures are eloquent in themselves, and the difference in schooling for the two races is shocking. I invite members to read the articles appearing in the Johannesburg *Star* of 15 and 17 December 1969. The disproportion in the schooling of Namibians is by far the most flagrant. Despite the contiguity of Namibia to South Africa, Pretoria has been unable to achieve any progress in teaching or in social conditions. You will realize to what degree the civilizing crusade of the white South Africans has borne its fruit in scope and in depth.

20. In his statement before this Council on 27 September last [1584th meeting], Mr. Muller predicted administrative scourges and social ills which would invade Namibia if Pretoria were to withdraw from it, attributing these predictions to George Kennan.

21. Without seeking to authenticate the author or the source of such a pessimistic prophecy, I believe it imperative to re-emphasize the philosophy of the Organization of African Unity. First, it seems strange that Pretoria should fear the consequences of independence. During a period of more than half a century, how is it that the South African genius did not succeed in training political, administrative, technical and other personnel which could take over, as was the case with other colonial Powers such as France, Belgium and the United Kingdom, which, after their departure, left skilled personnel who could replace them, or who could work in collaboration with citizens of the former colonial Powers?

22. According to the thesis developed by Mr. Muller, Namibia can only be a tempting paradise on earth, where schools, roads, industries, resources and so on, bear witness to a flourishing economy and to a people who have reached a level of advanced training in every field. If that were the case, then the concern felt by Mr. Muller is groundless, since the white South Africans have so generously dispensed academic training and developed the economy so that the conduct of public affairs by Namibians at the command levers could not fail to proceed with the smoothness of well-oiled machinery.

23. Certainly the inhuman fate imposed on the Africans by the white leaders inspired in the latter an obsessional phobia with regard to the blacks. Obviously in these conditions the oppressors picture the independence of Namibia as an event that would leave them no choice but to flee for their lives, and believe that sovereignty would sound the knell of the present masters. It is this same sick panic which instills in white South Africans the exaggerated propensity towards fragmentation of the territory of Namibia.

24. Africa will be ready to offer the hopes and the guarantees. It is on record on an international level that the law of revenge is repugnant to the African. Examples abound in many of the newly independent countries to prove the diligence with which Africans form ties of friendship with their former colonizers and excellent relations with citizens of the former metropolises.

25. Perhaps it may be well to remove once again the misunderstanding concerning the increased military assist-

ance to the liberation movements decided upon by the Assembly of Heads of State and Government in June of this year.⁴ The assistance given to the decolonization groups can in no way be imputed either to military dilettantism or to any horror of the white man as such. It is a question of the participation of Africa in efforts directed against racial and colonial fanaticism in southern Africa. This contribution of the States members of the Organization of African Unity, far from being irreconcilable with South Africa, is intended rather to restore the most sacred human rights of Africans. If the leaders in Pretoria were to renounce their policy of colonial domination in Namibia and of degradation in South Africa, the African Governments would not only accept peaceful coexistence, but would apply themselves to create conditions for close co-operation in every field.

26. The supreme magnanimity of our African Governments can find no better illustration than in the Lusaka Manifesto on Southern Africa⁵ and in the peace pilgrimage undertaken last year by President Kenneth Kaunda, which is now being continued by President Ould Daddah. Such initiatives, both on the diplomatic and on the political level, give striking proof that Africa will not resolve to take up arms except as a last resort, if all paths to independence, all other alternatives, prove impossible.

27. For the bellicose régimes which dominate South Africa, the mission entrusted to the current President of the Organization of African Unity might be construed as being equivalent to the impotence, or indeed the capitulation, of the Africans. On the contrary, it is proof of the sagacity and the political and diplomatic skill, the greatness and the moral force of the African leaders. Accordingly, Pretoria should not misjudge the situation. Because the Organization of African Unity has urged concerted plans with the European and American States which exercise some influence on the Government of South Africa in order to try by every means to bend the arrogant intransigence of the latter.

28. The mediating role of the Western Powers would succeed both in safeguarding Afro-European co-operation and ensuring the peaceful coexistence of the African States themselves. This co-operation, governed by historical requisites and reciprocal needs, must be a matter of priority for the former Metropolitan countries, including Portugal and South Africa, and for the new States. Otherwise, the privileged links which should unite the two partners will be threatened if independence has to be won by force against the colonial or racist Power.

29. The harm caused by the Siamese twins of segregation and colonial subjection is not limited only to those directly affected, who are the Africans. They represent a serious blow and an immovable obstacle to the final reconciliation which should take place between Africa and Europe. The determination of the European leaders to eliminate the mechanisms of *apartheid* and colonization from our con-

⁴ Eighth Ordinary Session of the Assembly of Heads of State and Government of the Organization of African Unity, held at Addis Ababa, 21-23 June 1971.

⁵ See *Official Records of the General Assembly, Twenty-fourth Session, Annexes*, agenda item 106, document A/7754.

continent would therefore contribute to the restoration of harmonious relations between the two great partners, namely Africa and Europe. Apart from the moral and political obligation incumbent upon them, the Europeans even out of simple foresight—if not indeed out of self-interest—should revise and change their system of alliance with South Africa. The safeguarding of future relations between Europeans and Africans commands that the former rally to the quest for total independence. A totally liberated and independent Africa, far from falling back upon itself, would devote itself to universal co-operation and solidarity. This co-operation and solidarity would be extended both to socialist Europe and to capitalist Europe, to the Union of Soviet Socialist Republics and to the United States of America, to Latin America and to Asia.

30. This African offensive for co-operation and solidarity is not intended to except, far less exclude, South Africa. If the white South Africans, instead of barring the way to political and racial emancipation, were to resolve to promote that emancipation, the vocation for co-operation and solidarity which Africa has embraced would give priority to close relations with South Africa because of political proximity and an affinity steeped in history with the Namibians, thus ensuring the relations which should be established between the new independent States and the former metropolitan countries. The African continent is but on the eve of an economic affluence which it is prepared to share with the rest of the world. That is why, in the final analysis, the elimination of racialism and colonialism in southern Africa comes within the framework of the strengthening of international security and economic interdependence.

31. The representatives of Pretoria, in their frequent exculpations to United Nations organs or other bodies, invariably plead a stereotyped and feeble argument. According to their eternal plea, our Organization has no authority to revoke the mandate over Namibia. By means of this argument the Pretoria régime has since 1934 sought every occasion to annex that country and to incorporate it into South Africa. The attempts made to this end have multiplied and the process to achieve it is being accelerated from year to year.

32. Let us assume that Article 22 of the Covenant of the League of Nations constitutes the legal weapon on which the Government of South Africa bases its refusal to withdraw from the Territory; nevertheless, no clause in the Treaty of Versailles authorized the partitioning nor *a fortiori* the absorption of the Territory under Mandate, and for a good reason: even the members of the Supreme Council who had mandates under their aegis had to renounce this under conditions which are different from those to which South Africa obstinately clings.

33. The South African authorities have succeeded in throwing dust in the eyes of some circles by combining a legal infatuation with ingenuity in the choice of words.

34. The arguments advanced by Pretoria are full of references to obsolete texts. Far from affirming the right of the International Court of Justice to decide on the obligation of South Africa to withdraw from the Territory

on grounds of illegality, and far from affirming the right of the General Assembly to revoke the Mandate, Pretoria's arguments have sought to distort the nature of the problem. In certain versions they have sought to vindicate the humane character of the administration of Namibia so as not to face the legal responsibilities.

35. Examining the question as it really is, it is clear that, quite independently of the Mandate and the Trusteeship system which succeeded one another, the people of Namibia claim the right to self-determination and total independence.

36. Accession to independence is an innate, fundamental and inalienable right. By virtue of this alone the Security Council is bound to resist the flood of often contradictory arguments advanced by South Africa. In its vast campaign of counter-truths, Pretoria does not hesitate to spend astronomical sums of money throughout the world. For three weeks now it has endeavoured before the Security Council to sugar-coat the pill of a situation which is nevertheless indefensible.

37. I should like to quote from the work of John Laurence in his work entitled *Seeds of Disaster*:

"This year South Africa is devoting approximately £4 million or \$9.6 million just to carry out throughout the world a persuasive and attractive propaganda campaign on the following themes: human races are so different that they must be kept separate; specifically, the method used by South Africa is at the same time just, honest, generous and Christian. These £4 million only represent expenditures directly committed—business groups, trade organizations and tourist associations will spend more millions to organize their public relations and their pressure groups and lobbies, to give lectures and conferences on this subject; and even certain British and American groups like banks and transport companies will devote large sums of money to make known among their friends and customers, perhaps at times without even being really aware of it, the official propaganda on *apartheid*.

"To speak about propaganda is perhaps a euphemism. The facts, the figures, the arguments and the affirmations in regard to races which white South Africa pours out over the entire world are much more than the expression of a simple point of view. This is a whole tissue of enormous and deliberate counter-truths, subtle half-truths, exaggerations and fundamental omissions comparable in their scope to the anti-semitic propaganda waged by Nazi Germany."

38. That is the situation as it exists. I am grateful to the Council for having listened to me patiently and attentively, until, as I have already said, I may speak again, on another occasion, depending on the way the statements made by the representatives of South Africa evolve.

39. The PRESIDENT (*interpretation from Spanish*): I thank the representative of Burundi for his kind words in

6 J. Lawrence, *Seeds of Disaster*, (London, Victor Gollancz Ltd., 1968).

regard to me and in regard to my Presidency of the Council. I am honoured and pleased.

40. I invite the representative of Uganda to take a seat at the Council table and to make his statement.

41. Mr. IBINGIRA (Uganda): Mr. President, first I thank you for having given me this opportunity of addressing you and the other members of the Council on one of the most critical issues of our time, although I do not have the right to vote. Also allow me, Sir, to extend to you my sincere congratulations on your assumption of the Presidency. My delegation is confident that, with your experienced leadership, the Council will transact its business purposefully and fruitfully.

42. We have followed closely the debate on the issue of Namibia in the Council and in other forums. A lot of facts—sufficient for any unprejudiced, uncommitted person to pass a reasonable judgement—have been put before the Council year after year; but it is astonishing that because of vested interests some Powers backing South Africa have refused to accept that Namibia must be free as all the Territories under the old League of Nations Mandates system came to be free, as the former French Empire in Africa came to be free, and as the Belgian and the British Empires in Africa came to be free.

43. It is almost unbelievable that the British authorities, which for generations have claimed—and I should say not without some justification—that Britain stood for self-determination of subject peoples, should now turn around towards the end of the twentieth century and reject the Advisory Opinion on Namibia of the highest international tribunal, the International Court of Justice. My Government welcomes the Opinion of that Court on Namibia. We further welcome the stand which the Union of Soviet Socialist Republics, the United States and some other States have taken in accepting and recognizing the legality of the Advisory Opinion on this question. We hold that, beyond any reasonable doubt, it removes every legal impediment in the way of the liberation of Namibia. We shall have no option but to hold that those who reject it are moved not by humanitarian or democratic commitments, but rather are motivated by the colossal economic investments that have been, are being, and perhaps may continue to be poured into Namibia.

44. It is the view of the Government of the Second Republic of Uganda that the racist minority régime of South Africa has neither a legal nor a moral duty in Namibia, and it is therefore a commitment on our part to support all means directed at liberating Namibia.

45. But when I speak of “all means” let me not give the impression of a commitment to dialogue with South Africa. The Government of the Second Republic of Uganda in its foreign policy statement of 15 March 1971 made it clear that the liberation of Namibia and, indeed, of the whole of the southern African Territories may, in the ultimate analysis, have to depend on the use of military force. The impression has been mischievously created by those who have so much to protect that it is not the intention of the

Government of the Second Republic of Uganda to join those who wish to liberate Namibia, but rather to engage in a dialogue with the South African régime. That impression has been consistently maintained in leading newspapers of various capitals in the world. We have no doubt that this is a campaign desperately conducted to win support for the South African régime among foreign nations—a campaign which is bound ultimately to fail.

46. When the President of the Second Republic of Uganda offered a challenge to Prime Minister Vorster to accept a fact-finding mission of Ugandans to have unfettered access in examining the conditions of our African brothers in South Africa, it was most significant that Mr. Vorster openly refused to accept such a mission because, he alleged, it would constitute interference in the internal affairs of South Africa. The very refusal by Vorster to permit such an inquiry from an African State into the conditions of our brothers in South Africa and Namibia is outstanding testimony that he has something to hide; indeed, not just something, but a lot to hide. He has to hide *apartheid* not only in South Africa but also in Namibia.

47. In this connexion I wish to quote from an editorial of *The Guardian*, a London newspaper, of 12 October 1970:

“*Apartheid* is not some little local difficulty, a bit of petty discrimination, or the ludicrous public notices which white British visitors of whatever political persuasion see and deplore in South Africa. It is far more than that. It is the systematic denial of trade union rights, of voting rights, a deliberate disparity in wage rates, the forced separation of families, the mass removal of over 2 million people from arable to barren land, the toleration of an infant mortality rate in which in some communities every other child never becomes an adult and the terrorizing or imprisonment of opposition. No other country in the world practises so deliberate a policy of suppression of the majority as South Africa does.”

48. And, of course, we all know that this situation obtains in substance in Namibia because, to quote from a speech by a stalwart of *apartheid*, former Prime Minister of South Africa, Hendrik Verwoerd: “We want to make South Africa white”—and this goes for Namibia. “Keeping it white can mean only one thing, namely, white domination not leadership, not guidance, but control and superiority.” The policies that obtain in South Africa, I cannot over-emphasize, obtain in Namibia.

49. How then, given these facts, can we speak of dialogue with the racist régime in regard to Namibia, a dialogue in which we must accept *apartheid* as a basis of government, in which we must accept the plundering of the resources of Namibia by foreigners without due regard to the masters of the country, who are the Africans; in which we must, above all, endorse the denial of the right to self-determination to the people of Namibia? This indeed would not be dialogue. This is a requirement on the part of the South African régime that the African States must be prepared to make a pilgrimage to the oracle in Pretoria where they would be briefed as to how the sons of Africa in Namibia, and indeed in other parts, should best be governed, probably with the aid of external forces.

50. We reject completely the only premises on which South Africa wants to talk to the world about its policies. Our honour demands it of us. Our conscience dictates it, and we owe it to posterity that our generation as of today must harness its resources on every front for the liberation of the people of Namibia. We cannot walk through the streets of London, New York or Paris and walk erect and straight and happy as a free people so long as somewhere in our household, in our family—which is Namibia, Mozambique and Angola—there is serfdom and exploitation.

51. We reject the theory, which is in any case based on false statistics, that all is rosy in Namibia because the South African Government is effecting a lot of economic and social development there. We say with the great aphorism of the greatest Man that ever trod the earth: "Man does not live by bread alone". The freedom of the human soul, the dignity of the human person cannot be determined in terms of how much money a person is paid. We would rather be poor in freedom than materially wealthy in bondage.

52. We therefore call upon this Council, as the highest authority of the United Nations, to take immediate steps to terminate South Africa's hold on Namibia; and I should like to assure the Council and you, Mr. President, that my Government is willing, in so far as it lies within its authority and capacity, to contribute whatever may be necessary towards the achievement of this goal.

53. The PRESIDENT (*interpretation from Spanish*): I thank the representative of Uganda for his courteous congratulations.

54. The next speaker on my list is the representative of India. I invite him to take a place at the Council table and to make his statement.

55. Mr. SEN (India): Mr. President, I have already paid you my compliments and congratulations. I do not think they will increase or decrease by repetition, therefore I shall get straight down to the subject before us.

56. The Council is discussing a most important matter and we are grateful for this opportunity to express our views. There is no scope for levity or even humour.

57. After many years of detailed discussions and various arguments at the United Nations, an advisory opinion of the International Court of Justice on the legal aspects of the problem was requested. That opinion is now available and was arrived at by the Court by 13 votes to 2. All the legal problems which have now been raised in the debate in the Council were thoroughly discussed by the Court and there is not a single point—I repeat, not a single point—on which the Court did not come to a definite conclusion. The main feature of the Court's decision is that whatever might be the rules, regulations and procedures: "the mandatory Powers, which in so far as they may be appointed trustees by the League of Nations will derive no benefit from such trusteeship".⁷ This is not only a most vital concept of any

trust, but has been written into all mandates and trusteeship agreements.

58. South Africa having accepted the transfer of supervision and accountability to the United Nations, and having recognized its obligation under the Mandate after the dissolution of the League of Nations, and having also recognized the competence of the General Assembly, then decided that the mandate was no longer valid. It stated before the Court various arguments for continuing to occupy the Territory of Namibia. The Court rejected these arguments and said:

"These claims of title, which apart from other considerations are inadmissible in regard to a mandated territory, lead by South Africa's own admission to a situation which vitiates the object and purpose of the Mandate. Their significance in the context of the sacred trust has best been revealed by a statement made by the representative of South Africa in the present proceedings on 15 March 1971: 'it is the view of the South African Government that no legal provision prevents its annexing South West Africa'. "⁸

We fully accept the Court's opinion in this respect.

59. Some comments have been made in the Council on whether the League of Nations had the power to terminate the Mandate unilaterally. This is hardly relevant in this context of today, and we cannot accept the static concept of law which would ignore the well-established doctrine of *Cessante ratione legis cessat ipsa lex*. Even in the days of conquests, imperial domination and distribution of spoils of war, it was clearly recognized that no advantage should accrue to a mandatory Power as a consequence of the mandate. And it would follow therefore that it would be totally illegal to allow South Africa to annex this Territory on any grounds whatever.

60. Apart from these legal considerations which, as I said, had been thoroughly discussed and decided upon by the International Court of Justice, there are political considerations of great importance. The Ambassador of France has already indicated [*1594th meeting*] that self-determination of nations should be in the national context and that this cannot be changed by equating nations with tribes, with South Africa denying the people of Namibia an inherent right to self-determination. While we all agree that economic and social developments are necessary, indeed essential, for the progress of any nation, these considerations should not be allowed to stand in the way of any nation expressing its right of self-determination. I wonder, for instance, if we take the situation a few years ago, how many of the countries that are now Members of the United Nations and were then dependent could have justified their viability on grounds of economic and social advancement? The basic issue is that politically all nations should have the right of self-determination and that this right should be exercised as soon as possible. If a nation is held in bondage by another State without any legal justification, the presumption will be that its oppressor would not allow it to express its views through the process of self-determination.

⁷ *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council resolution 276 (1970), Advisory Opinion, I.C.J. Reports 1971, para. 51.*

⁸ *Ibid.*, para. 83.

Hence, we entirely agree with the representative of France and many others, that we can determine what Namibia wants only after we have consulted the Namibians. Such consultation obviously cannot take place until South Africa has totally terminated its illegal occupation of Namibia.

61. I do not think it necessary for the Indian delegation to express once again its repugnance and total rejection of *apartheid* and all that it stands for. I would, however, add that no law or legal argument which would perpetuate any system or situation contrary to human civilization could be acceptable to the United Nations. Although the concept of civilization may have changed between the time Article 22 of the Mandate was written and today, it has always been accepted that the principal purpose of any legal system must be to serve the human values, and not to put them in distress or destroy them. Some 4,000 years ago, before Christ, this prime consideration of humanism behind all laws was emphasized in a scriptural text of my country which reads as follows:

"The object of law and life is not merely the enjoyment of the pleasures of this world and those of the heavens beyond, but it is to relieve humanity in dire distress by removing human suffering, wherever it exists."

62. We consider that the occupation of Namibia by South Africa is not only totally illegal but immoral. We consider also that the white régime of South Africa is wholly uncivilized, un-Christian and unfit to carry out its obligations under the Charter. After having disposed of these legal, political and moral considerations—very briefly, no doubt—the question arises: what should the Council or the United Nations as a whole do now? In our view, the Council should first accept and endorse the Advisory Opinion of the Court and as a consequence call upon South Africa to terminate its illegal occupation of Namibia forthwith. Secondly, again as a consequence of the Court's decision, all States, be they Members of the United Nations or not, should recognize the illegality of South Africa's presence in Namibia and the invalidity of its acts on behalf of and concerning Namibia, and take all actions which follow from such recognition and invalidation. The question has been raised whether Chapter VII of the United Nations Charter can apply in the circumstances of the illegal occupation by South Africa. The heading of that Chapter reads: "Action with respect to threats to the peace, breaches of the peace, and acts of aggression". Recent events—I have in mind the complaint the Council received a few days ago from Zambia [S/10352]—have proved that there is a constant threat to the peace, following South Africa's illegal occupation of Namibia. Thirdly, let us recall what the South African delegation said before the General Assembly on 5 October 1966: "South Africa's right to administer the territory is not derived from Mandate but from military conquest."⁹ Not only has the United Nations, including the General Assembly and the Security Council, time and again declared South Africa's occupation as illegal; this assertion of military conquest and continued occupation of Namibia places South Africa, in our view, in the status of a perpetual aggressor. Therefore we believe

that as regards Namibia the provisions of Chapter VII of the Charter can and should be applied, and that such application is mandatory for all States, including the permanent members of the Security Council, and also including States which are not Members of the United Nations.

63. We think it would be wrong to take political decisions first and then try to find legal justifications for them. It should be the other way round. We should take our political decisions in the light of law and morality and in the interests of peace and security. We further believe that the arguments which have been given by the South African delegation for economic advancement are irrelevant and misleading. If we had the time to discuss these details, we could prove conclusively that most of the money that South Africa claims it has spent in improving the economic conditions of Namibia has been spent in order, first, to benefit the white settlers, secondly, to encourage further white immigration and, thirdly, for military purposes. To give just one example, commenting on some figures for education, Mr. Muller claims that "the system in South West Africa is directly in line with the modern approach to schooling in Africa" [1584th meeting, para. 159]. The World Council of Churches, however, says in a report this month:

"These figures, moreover, conceal the fact that only two out of every ten African children of school-going age attend school, and very seldom for more than five years. . . . When South Africa states that there are 472 schools for non-Whites in Namibia, it must be understood that about half of these 'schools' meet under a tree without the most rudimentary tools of instruction like books, pencils and writing paper."

64. We consider these claims irrelevant, because the Namibians are not in a zoo in their own country, where the zoo-keeper would simply take credit for having fed them and looked after them well. They are human beings with a right to live in their own way, and this is what South Africa, by its inhuman policies of *apartheid* and by its illegal occupation of Namibia, is preventing, with the sole object of increasing its political power and its tribal privileges on behalf of the whites. I do not think that any country in the United Nations can tolerate this. Namibia is neither a zoo nor a personal property of the South African Government or of the white tribes in that area.

65. In concrete terms, apart from the legal measures which we have suggested can be taken, the Security Council, by a formal declaration, should put the administration of Namibia under the Trusteeship Council, to be administered through the United Nations Council for Namibia. If South Africa refuses to withdraw and hand over the administration, the provisions of Chapter VII of the Charter will be adduced, and the Council can then take all necessary action to ensure that South African withdrawal does take place, and effectively. This will not solve the problem of *apartheid* and other repressions in South Africa itself, but at least South Africa will know that it cannot continue intolerable acts of injustice not only to the people of Namibia but to the total membership of the United Nations, the principles and purposes of which it is determined to violate and continues to violate with impunity and a measure of

⁹ Official Records of the General Assembly, Twenty-sixth Session, Plenary Meetings, 1431st meeting, para. 264.

sneering sarcasm. Expulsion of South Africa from the United Nations may become inevitable, but civilizing its white tribes may prove much more difficult.

66. How pleasant and comforting it must have been for elderly gentlemen in 1919, brought up in the Victorian tradition of imperial charm, arrogance and ignorance, to think of civilizing the natives and the heathens. Today it is bad taste to speak of civilizing anyone, even the whites of South Africa; but I would rather be guilty of bad taste than of inhuman injustice, and I would not write anything like Article 22 of the Mandate in any United Nations document. This is how the times have changed, and so must our laws and our attitudes.

67. The PRESIDENT (*interpretation from Spanish*): I thank the representative of India for his kind words concerning me, which I greatly appreciate.

68. Mr. ISSRAELYAN (Union of Soviet Socialist Republics) (*translated from Russian*): In a statement made on 5 October [1588th meeting] the Soviet delegation explained its position of principle on the question of the situation in Namibia under discussion in the Security Council. In our statement today we should like to dwell briefly on certain questions touched on by various delegations during the present discussion.

69. First of all I should like to stress the importance of the question submitted to the Security Council for consideration by nearly 40 African States. I think that never before in the proceedings of the Security Council, throughout the 26 years of the existence of our Organization, has such an impressive number of such high-ranking representatives of States Members of the United Nations—a Head of State, Ministers of Foreign Affairs of a number of States, and many other leading figures—participated in the discussion of any specific question. All this points to one thing, namely the exceptional urgency of the question of the situation in Namibia. We can agree whole-heartedly with those representatives of African States who have linked the question of Namibia with the strengthening of international security and with the advancement of Africa as a whole. The Soviet delegation fully understands the position of the African States. It is no accident, therefore, that draft resolution A/C.1/L.566¹⁰ on the implementation of the Declaration on the Strengthening of International Security submitted in the First Committee by eight States, including the Soviet Union, contains a separate provision having a direct bearing on the question we are now discussing.

70. I should like to remind my colleagues on the Council that in operative paragraph 2 of the draft resolution, the General Assembly condemns acts of those States which, in contravention of the provisions of the United Nations Charter and of the Declaration on the Strengthening of International Security, continue to resort to coercive acts which deprive the peoples of their inalienable right to self-determination, freedom and independence, obstruct the full implementation of the United Nations decisions on the elimination of colonialism and racism, and threaten the sovereignty of newly independent States.

71. The Soviet delegation, which at all times consistently and firmly advocates the adoption of all measures likely to strengthen international security, has supported and still supports the decisions of the United Nations concerning Namibia.

72. Many questions have been touched on at recent meetings at the Security Council and in statements made by its members and by representatives of States participating in the work of the Council, and the delegation of the Union of Soviet Socialist Republics has formed the impression that in the heat of the debate people have somehow lost sight of the fundamental question and of the fundamental purpose for which this special meeting of the Security Council was convened.

73. It is apparent from the letter from the group of African States that the Council was convened at the request of the Organization of African Unity “to discuss ways and means of enforcing the past decisions of the United Nations”—I emphasize the word “past”—“in the light of the legal obligation imposed on the world community by the decision of the International Court of Justice [S/10326].

74. What decisions are referred to here? Primarily the decisions of the General Assembly of the United Nations and of the Security Council terminating South Africa's Mandate over Namibia, recognizing that the presence of South Africa in Namibia is unlawful and invalid, and calling upon South Africa to withdraw from Namibia. I do not think there is any need to enumerate the many resolutions, which are well known to those sitting around this table. I shall mention only Security Council resolution 269 (1969), which even set a time-limit for the withdrawal of South Africa's administration from Namibia. That time-limit has, however, long since expired as a result of South Africa's defiant disregard for the Council's decisions. Very practical and very specific ways and means of implementing the United Nations decisions on Namibia have been proposed in the statement of Mr. Ould Daddah [1583rd meeting], President of Mauritania and Chairman of the Organization of African Unity, in the statements of members of the delegation headed by him and in the statements of many members of the Security Council representing African countries. It was, as we all know, on the basis of these proposals that the group of members of the Security Council representing African and Asian States prepared the draft resolution [S/10372] on which the consultations with which all of us are familiar have taken place.

75. The Soviet delegation has already announced that it agrees with the representatives of the African countries that the time has come for the Security Council, in dealing with the question of Namibia, to go beyond declarations, not to mention hypothetical discussions, and to take effective measures as provided in the United Nations Charter, in order to make the racists of Pretoria respect and implement the decisions of the United Nations.

76. It is, of course, perfectly natural that some delegations should wish to express their views on the proposals submitted by the African delegations, proposals which are contained in the report of the *Ad Hoc* Sub-Committee on Namibia. In so doing, however, they should not lose sight

¹⁰ *Ibid.*, Twenty-sixth Session, Annexes, agenda item 34, document A/8626, para. 7.

of the essence of the question, the reason for which the Security Council was convened. It does seem to our delegation that at some of its recent meetings the Council has departed somewhat from its agenda and that at times the discussion has tended to acquire a rather academic character. We can become involved in a dense tangle of contradictory views and concepts from which it will be fairly difficult to extricate ourselves.

77. For many years I myself was engaged in research in the field of political sciences, and I must admit that I should be delighted to take part in a discussion on the meaning of the principle of self-determination, especially as the experience of the October Revolution in my country and the manner in which the very complex question of nationalities in Russia has been solved on the basis of the granting to all peoples of the right to self-determination would provide me with excellent material for participation in such a discussion.

78. At the 1594th meeting of the Security Council, Ambassador Baroody mentioned my native country, Armenia, and the Caucasus, and I should like to add the following to what he said. In the Caucasus alone, which is a small part of the Soviet Union, dozens of different nationalities, with different languages, different ways of writing and a different history, many of them Moslem, many of them Christian and many of them Orthodox, all live together. In this region, as in other regions of the Soviet Union, the question of nationalities has been settled, and settled once and for all, on the basis of the consistent implementation of the principle of self-determination.

79. But I ask you, Mr. President, if this is the time and place for a conversation of this nature. Here in the Security Council it seems that nobody has openly opposed the idea that the people of Namibia have an inalienable right to self-determination and independence in accordance with the United Nations Charter and the Declaration on the Granting of Independence to Colonial Countries and Peoples. The overwhelming majority of the Members of the United Nations have no doubts about this. In fact, only South Africa denies this right, not only in word, but also in deed and in practice.

80. The concept of self-determination implies above all the unconditional right of every people to decide its own destiny, including the right to constitute a sovereign State and to choose a social and political structure in accordance with its freely expressed will and desire. It was precisely by following this principle and by implementing it in the past two or three decades that many nations, which had previously been under colonial rule, won their independence after a stubborn, and in many cases bloody, struggle, constituted their own national States and are now Members of the United Nations. Ambassador Sen of India has just spoken brilliantly of this. The question is, why should we deny this right to the people of Namibia?

81. If we recall the history of the conquest of independence by former colonial countries we see that, as a rule, the administering Powers always tried to justify their colonial policy by putting forward the standard arguments that these countries were "unprepared" for self-determina-

tion and self-government, that they were "economically backward", and so on. As we now see, history is repeating itself. The rulers of South Africa have completely failed to think up anything new. They are advancing the same unfounded arguments in an attempt to delay the granting of independence to the people of Namibia. Practice has shown, however, that those peoples which received their independence in the post-war period have not only successfully dealt with the task of constituting their own independent national States and thus proving their ability to govern themselves, but are also playing a very active and increasingly important role in international affairs and are making a constructive contribution to the solution of urgent international problems. In this way historical experience and practice fully refute the arguments we have heard here concerning the unpreparedness of the people of Namibia for self-government. Sitting around this table are representatives of many nations which, until comparatively recently, were deprived of the right to self-determination on the pretext that they were still unprepared to exercise that right. It is interesting to see how many brilliant diplomatic representatives from countries which were also regarded until recently as unprepared to exercise the right to self-determination are present in this room.

82. The Soviet delegation has not the slightest doubt that the day is near when diplomats from Namibia, too, will be present as representatives in this room and perhaps even take their lawful place at this table.

83. But how can anyone talk seriously of the people of Namibia being able freely to express their will and desires when that country finds itself, according to our own definition, the definition of the United Nations, under foreign occupation and in a state of forcible annexation, and when the régime of racism and *apartheid*, which has been repeatedly condemned and stigmatized by the United Nations, is rampant in its territory?

84. In order to give the people of Namibia an opportunity to exercise this right, this inalienable right to self-determination, it is essential to create the necessary conditions in Namibia to throw out the South African administration and armed forces from that Territory, in other words to implement the decisions of the United Nations on Namibia. There lies the essence of the question; there lies the key to its solution. Only then will the Namibians be able to solve all the problems relating to their ultimate destiny.

85. Consequently, the Soviet delegation believes that the Security Council should not shrink from the problem it was convened to solve, namely the problem of finding practical ways and means of enforcing the past decisions of the United Nations and, in particular, of the Security Council relating to Namibia, a question on which there is also an unequivocal and authoritative advisory opinion of the International Court of Justice.

86. Mr. ORTIZ DE ROZAS (Argentina) (*interpretation from Spanish*): I should like, if I may, to make a few preliminary comments in regard to the statement made yesterday [1594th meeting] before the Council by the representative of South Africa, in which he defined what his Government conceives to be the principle of self-determination for the nation of Namibia.

87. Ambassador von Hirschberg referred to self-determination of peoples, linking it closely with the concept of nationhood. His words certainly deserve the greatest respect, as do all the opinions of others. However, we cannot agree with them. Apart from the fundamental fact that not all cases are identical, we believe that in absolute terms it is not possible indissolubly to link the factor of the will of the people freely expressed with the idea of nationhood in the case of territories that are still in the colonial state, and this precisely because peoples who have not yet fully attained the state of independence do not constitute real nations as such within the meaning usually given that term by the jurists who, in numerous works, have considered the matter.

88. Peoples which are still subject to foreign domination have a unique characteristic, which is that, because of that very circumstance, they have not been able to develop the spirit which leads to national unity, in many cases because they were not allowed to do so. As a rule the dominating Power itself has absolutely no interest in the emergence and consolidation of this spirit. On the contrary it is an accepted fact as old as time itself that anyone who exercises colonial or hegemonic domination strives to the utmost to prevent its emergence. The maxim of "divide and rule" means, in its colonial application, accentuating and even encouraging local differences for the purpose of maintaining domination.

89. Although we do not like the intentions which inspired this, obviously with that purpose efforts are made to keep human conglomerates in a tribal state. But if what is really desired and sought is to constitute a true nation, one which will be politically and economically viable to meet the requirements of the modern world, other methods would have to be used. There would have to be a multiplicity of contacts between the various populations. Education and persuasion must bear witness to the advantages of every kind which unity will bring and the desirability of overcoming very relative and superficial differences. Homogeneity of language would have to be achieved. Finally, any artificial or natural barrier that might exist would have to be eliminated so as to prepare a territory adequately for independence.

90. It is quite likely that if the people of Namibia were to be consulted today regarding their wishes they might choose to preserve their local entities. But we wonder whether the same thing would not have occurred had the French people been consulted before the time of Louis XI, or the Italian states before Cavour. And yet those peoples, setting aside circumstantial reasons, preferred unity, and constituted those two powerful nations which are today France and Italy.

91. History abounds with similar examples on all continents, including the American continent. American peoples, whether from the North, the Centre or the South, were the first to reject colonial domination. At that time there was no United Nations to assist us in the process; no one guided us—only the irresistible desire for independence. At the beginning we all encountered our difficulties. We all had to rise above the same localisms which the representative of South Africa believes he perceives in Namibia. It was

not easy; in many cases a high price was paid for national unity; but ultimately common sense prevailed and the American peoples became wholly integrated, setting aside sectarian or any other division so as to form States which were definitely independent. *E pluribus unum*, symbolically enshrined in the seal of the United States of America, is proof that union can be formed from diversity.

92. The idea of territorial integrity cannot be ignored either. Raymond Aron said: "Every international order so far as been essentially a territorial order." That affirmation is to be strictly applied to Namibia. Indeed, what would Namibia represent if it were to be arbitrarily partitioned into various countries under the pretext that the peoples which comprise it have little in common or that, as we were told, they might at present wish to separate?

93. That is why in the statement I made on the 13th of this month [1593rd meeting] I emphasized that, at all costs and at all times, the territorial unity of Namibia must be maintained. That is also why in my statement I suggested the desirability of placing Namibia under the régime of a Trusteeship administration. Because in a Trusteeship agreement there can be contractual bases and conditions under United Nations control which will make it possible to lead Namibia to future independence, while safeguarding its geographical entity.

94. South Africa's responsibility in that respect is great and unavoidable. It must see to it that the Territory is preserved as it received it under Mandate from the League of Nations.

95. I believe that no one can validly dispute the fact that the trend in the world today is towards conglomerations, not only of peoples of the same nation, but even among independent nations. To support division and separation is to go against history; and, in so far as Namibia is concerned, that would be to attempt solutions which would be rejected by the international community. Particularly after the well-known evolution which has taken place in Namibia, the interpretations which attribute some very special designs to South Africa in regard to the future of the Territory would not be excessively captious or groundless.

96. It is for the Government of South Africa more than anyone else to show that its intentions are pure. For our part, we consider that the best way for it to do so is to contribute from the abundant resources available to it to promoting unity among the Namibians and to making sure that, in a common brotherhood of destiny and common wishes, they will be able to inhabit a common Territory as a free people. If that undertaking is carried out, there can be no doubt as to what will be the result of the self-determination of the people of Namibia.

97. Mr. FARAH (Somalia): This has been an important and interesting debate so far.

98. When the Council began this series of meetings on 27 September, my delegation called attention to the fact that several resolutions had been adopted by this Council, all reaffirming the illegality of South Africa's continued presence in Namibia, and pointed out that those resolutions

called upon South Africa either to comply with their terms or to respond in a manner which would enable the United Nations to fulfil its responsibility.

99. The Council, in its resolution 283 (1970), decided to go a step further than previous resolutions when it called upon all States to take specific action that would emphasize the illegality of South Africa's position and assert the authority of the United Nations. Of course, in an Organization of this size and nature, with a membership of diverse and competing interests, it became apparent that there were some States which were not clear about the exact nature of their obligations towards the people and Territory of Namibia, despite General Assembly resolution 2145 (XXI), the various Security Council resolutions on the subject and the provisions of Article 25 of the United Nations Charter.

100. Therefore, to clarify the minds of all concerned on this matter, the Security Council asked for and received a legal opinion from the International Court of Justice. Of necessity that opinion became the point of departure of this debate on the question of the legal consequences for States of the continued presence of South Africa in Namibia.

101. It has on various occasions been emphasized in this Council and in other forums of the United Nations that the southern African problems of Namibia, Southern Rhodesia, Angola and Mozambique and those problems presented by the application of *apartheid* are not the responsibility of the Afro-Asian Group alone but the collective responsibility of all States Members of the United Nations. That is a fact which I think should be given due recognition by the Council. Every United Nations resolution on Namibia so far has affirmed the inalienable right of the people of Namibia to self-determination and independence. The main responsibility of the United Nations is to help the Namibians to achieve those goals.

102. The United Nations has a central role to play in creating conditions that would make those objectives realizable. This debate has made it abundantly clear what this Council means by self-determination and how it conceives of its exercise and application in the Territory of Namibia. This Council has rejected in the course of this debate the idea of fragmenting the Territory into tribal reserves and denying the people of Namibia the right to unite and to form a single political unit within the national framework. Recognition has been given to the importance of the arms embargo against South Africa within the context of the situation in Namibia. A few days ago, as the representative of India has pointed out, this Council was seized with a complaint by the Government of Zambia [S/10352] against violations of its territorial integrity by South African paramilitary units operating from Namibian territory. South Africa already stands condemned before the international community for its brutal policy of *apartheid*, for its refusal to comply with Security Council resolutions on Southern Rhodesia and, now, for its continued illegal occupation of Namibia.

103. Its defiance on all scores is leading to a confrontation between this Organization, on the one hand, and South Africa, on the other. Why is it that those States that

continue to enrich themselves by the sale of arms to South Africa will not recognize their responsibilities to the oppressed peoples of southern Africa, their responsibilities under the Charter and, perhaps, their own national conscience and dignity? If those States could only be concerned enough and sincere enough in their quest and support for justice and humanity, and would act according to their conscience and not wait until a mandatory resolution of the Security Council was passed to implement an arms embargo, much could be done.

104. During the course of consultations within the membership of this Council it had been hoped that the draft resolution before the Council would contain a paragraph calling upon all States to honour the arms embargo in its entirety, particularly in view of the confrontation building up between the United Nations and South Africa. Unfortunately it has not been possible to find a formula that would satisfy all members.

105. In considering the question of Namibia the Council must not overlook the fact that if General Assembly resolution 2145 (XXI) and the relevant resolutions of the Security Council are to be respected, the United Nations today constitutes the sole legal authority for the welfare and administration of the people and Territory of Namibia until that people assumes its responsibilities within the framework of the United Nations Charter, the Universal Declaration of Human Rights and the pertinent resolutions of the General Assembly and the Security Council.

106. Having made those brief remarks, I have the privilege to present the draft resolution contained in document S/10372 of 15 October 1971. It is sponsored by the delegations of Burundi, Sierra Leone, Somalia and the Syrian Arab Republic. The text of the resolution is quite straightforward and requires little elaboration. In its preambular paragraphs it reaffirms the inalienable right of the people of Namibia: it recognizes the fact that the United Nations has direct responsibility for the Territory; it notes the fact that South Africa has refused to comply with resolutions of the Security Council on this question and it recognizes the legitimacy of the movement of the people in Namibia against the illegal occupation of their territory.

107. In its operative paragraphs it spells out in detail the position of this Organization on Namibia: it emphasizes the necessity of preserving the national unity and territorial integrity of the Territory; it opposes energetically South African moves to destroy that unity through devious means, including the establishment of Bantustans; it declares that South Africa's continued presence in Namibia is an internationally wrongful act and a breach of international obligations.

108. Paragraph 5 takes note of the Advisory Opinion of the International Court of Justice, in particular the paragraphs declaring that the presence of South Africa in Namibia is illegal and that South Africa is under obligation to withdraw from the Territory, that

"... States Members of the United Nations are under obligation to recognize the illegality of South Africa's presence in Namibia and the invalidity of its acts on

behalf of or concerning Namibia, and to refrain from any acts and in particular any dealings with the Government of South Africa implying recognition of the legality of, or lending support or assistance to, such presence and administration;”

and that

“... it is incumbent upon States which are not Members of the United Nations to give assistance, within the scope of subparagraph (2) above, in the action which has been taken by the United Nations with regard to Namibia”.

109. Paragraph 7

“Calls once again upon South Africa to withdraw from the Territory of Namibia;”.

In this respect I should like to make known the fact that the co-sponsors envisage an additional paragraph which could well be introduced at the next meeting of the Security Council, on Tuesday, and which would follow up the action suggested in operative paragraph 7.

110. Paragraph 8

“Declares that any further refusal of the South African Government to withdraw from Namibia could create conditions detrimental to the maintenance of peace and security in the region;”.

111. Paragraph 9

“Reaffirms the provisions of resolution 283 (1970) and in particular paragraphs 1-8 and 11;”.

Resolution 283 (1970) sets out in great detail a number of measures which the international community could and should take to bring pressure to bear upon South Africa to comply with the resolutions of the Security Council.

112. Paragraph 10 tends to elaborate upon those measures, and in doing so takes into account the wording of the Advisory Opinion of the International Court of Justice. The measures are broad in character, and if Member States are honest and sincere enough with respect to their obligations under the Charter, their implementation could have some impact upon the situation.

113. Paragraph 11

“Declares that franchises, rights, titles or contracts relating to Namibia granted to individuals or companies by South Africa after the adoption of General Assembly resolution 2145 (XXI) are not subject to protection or espousal by their States against claims of a future lawful Government of Namibia;”.

It is important that the contents of this particular paragraph should be brought to the attention of the international trading community, because we know that its members rely to a great extent upon their Governments to protect their financial interests abroad. It is hoped that

wide publicity given to the contents of this particular paragraph will meet with a measure of success.

114. Paragraph 12 is important in that it relates in particular to the need to provide for the effective protection of Namibian interests at the international level and to study appropriate measures for the fulfilment of the responsibility of the United Nations towards Namibia. We know that all too often matters which directly affect the interests of Namibia, whether they relate to its mineral resources, or to its fishing resources, or to its sea limits, and so forth, are discussed in forms at which they are represented by South Africa. The interests of South Africa are not necessarily the interests of the Namibian people. It is important that the international community should devise ways and means by which Namibian interests are fully protected.

115. Paragraph 13

“Requests that the Ad Hoc Sub-Committees on Namibia review multilateral treaties in order to ensure that States do not enter into agreements which recognize South Africa’s authority over Namibia;”.

116. Paragraph 14

“Calls upon all States to support and promote the rights of the people of Namibia and to this end to implement fully the provisions of this resolution;”.

117. Paragraph 15, which is the last paragraph,

“Requests the Secretary-General to report periodically on the implementation of the provisions of paragraph 10 above”.

118. Considerable consultations have taken place in the formulation of this draft resolution. We trust that the Council will adopt it unanimously.

119. The PRESIDENT (*interpretation from Spanish*): The Council now has before it the joint draft resolution to which the representative of Somalia has just referred. We shall consider it in due course, together with the additional paragraph which he mentioned.

120. Mr. TOMEH (Syrian Arab Republic): One of the difficult tasks of any speaker is to follow a colleague in presenting a draft resolution, especially when the draft is so ably presented as in the present case. Here I must pay a tribute to the hard work done by the Ambassador of Somalia in elaborating the draft.

121. My contribution will be first to add to the voice of Africa a voice from Asia. As an Asian representative I am one of the co-sponsors of this draft resolution which has just been presented by Ambassador Farah of Somalia. In fact, my voice is not the only voice from Asia to add its support. Today we heard a very brilliant, a very moving and touching statement by the Ambassador of India. At previous meetings other spokesmen from Asia also added their voices. This shows that this matter is of great concern not only to the continent directly concerned, which is the

continent of Africa, but also to Asia and, to judge by other statements which we heard today and at previous meetings, to the continents of Europe and Latin America. This is so because, to repeat what I said yesterday [1594th meeting], the cause of human rights is not an individual, a separate cause that can be divorced from the whole cause of humanity. It is a cause to which all of us are committed; and we are committed with all our humanity, with all our being, because the future of humanity is one.

122. However, in presenting the draft resolution today we have come back after long discussions, necessary sometimes and very useful at other times, to the starting-point from which these meetings began, namely, the letter submitted by the African Heads of State, urging

“the immediate summoning of a special session of the Security Council to discuss ways and means of enforcing the past decisions of the United Nations in the light of the legal obligation imposed on the world community by the decision of the International Court of Justice” [S/10326].

So in presenting the draft resolution today we have really responded to this call for a discussion of the practical ways and means of enforcing, putting into effect and implementing the Security Council resolutions concerning Namibia.

123. I should like to say that this draft resolution, thorough as it is, does not represent all the elements, all the factors and all the practical steps that we would have liked to include in it. But in a spirit of compromise and with the collective will that the Council should take a unanimous decision, we have agreed to have this draft presented.

124. Nevertheless, there are certain factors which my delegation feels we should emphasize in our presentation of the draft. In particular I wish to refer to operative paragraph 3, which reads:

“Condemns all moves by the Government of South Africa designed to destroy that unity and territorial integrity such as through the establishment of Bantustans;”.

I need not dwell at length on the importance of that paragraph, because it is a bone of contention. To us the territorial integrity and unity of Namibia is a matter of paramount importance and therefore we condemn all moves towards destroying the unity of the people and the territorial integrity of the country.

125. I do not want to go into all the paragraphs to which my colleague Ambassador Farah has referred. But with your indulgence, Mr. President, and that of the Council, I should like to mention paragraph 4 which reads:

“Declares that South Africa’s continued illegal presence in Namibia constitutes an internationally wrongful act and a breach of international obligations and that South Africa remains accountable to the international community for any violations of its international obligations or rights of the people of the Territory of Namibia;”.

126. The demand that South Africa should remain accountable to the international community is certainly a step forward in dealing with this problem, because the principle of collective security is involved in this matter. And why is that so? Because if we look around the world we cannot deny the fact that the problem of Namibia and the problem of *apartheid* have been declared, in resolutions adopted at the twenty-fifth session of the General Assembly, the commemorative session, to be among the hotbeds of international insecurity and trouble.

127. Ambassador Farah has referred, and I also wish to do so, to paragraph 7, which reads:

“Calls once again upon South Africa to withdraw from the Territory of Namibia;”.

That is in implementation of all the previous relevant resolutions adopted by the Security Council and the General Assembly. But the matter does not remain in the context of wishful thinking, because if we go on to paragraph 14 we read:

“Calls upon all States to support and promote the rights of the people of Namibia and to this end to implement fully the provisions of this resolution;”.

128. I realize that selecting a few operative paragraphs does not do justice to the whole draft resolution. I was preceded by my colleague, Ambassador Farah of Somalia, and I think I shall merely conclude by joining him in expressing the hope that the draft resolution will meet with the unanimous approval of the Security Council.

129. Mr. ORTIZ DE ROZAS (Argentina) (*interpretation from Spanish*): First and foremost, I should like to express my most profound gratitude to the delegations of Burundi, Sierra Leone, Somalia and the Syrian Arab Republic which have just submitted the draft resolution contained in document S/10372. Those four delegations, to be strictly fair, were the most active in the *Ad Hoc* Sub-Committee on Namibia in promoting and submitting different alternatives which could be considered so as to be submitted to the Security Council. It was in large measure because those delegations were so active that the report of the *Ad Hoc* Sub-Committee on Namibia was submitted in the form we know. Already during the specific study of the question Ambassador Farah of Somalia, as we all know, was—among the 15 members of the Council—probably the most active in trying to reconcile views in connexion with the document which has now taken concrete form in this draft resolution.

130. Hence my delegation would like to be the first to congratulate Ambassador Farah and Ambassador Tomeh who have just respectively introduced and supported the draft resolution as well as the representatives of Burundi and Sierra Leone, who contributed so much to the text.

131. I have only the English text of the draft, but nevertheless, since prior consultations were quite intensive, I wish to make a few brief and perhaps preliminary remarks with regard to the draft. Firstly, I shall refer to the first

paragraph of the preamble. This is perhaps a minor remark with regard to its form. It reads:

*"Reaffirming the inalienable right of the people of Namibia to freedom and independence recognized in General Assembly resolution 1514 (XV) of 14 December 1960,"*¹¹

132. Resolution 1514 (XV) on the ending of colonialism is well known. It does not refer to a specific case but to all existing colonial situations. Therefore I would suggest that, since that resolution is not directed specifically to Namibia, we add in the draft resolution the word "as" between "independence" and "recognized": "independence as recognized". We would thereby, in my opinion, refer to Namibia within the general context of the resolution on the ending of colonialism.

133. Then, the fourth paragraph of the preamble recalls resolution 284 (1970) of the Security Council, which requested the International Court of Justice for an advisory opinion. In my statement two days ago [1593rd meeting] I said that, at any rate so far as the delegation of Argentina is concerned, it seemed to me that we had contracted a debt of gratitude towards the Court, not only because of the sound work it submitted, but also because of the alacrity with which it did so. I said that that gratitude should be expressed both to those jurists who subscribed to the advisory opinion and to those who dissented. I repeat what I said then, that is, I think the Council should introduce a paragraph in its draft resolution taking note with appreciation of the Advisory Opinion. This could be done by introducing a new fifth paragraph of the preamble or else making an addition to operative paragraph 5 as follows: *"Takes note with appreciation of the advisory opinion..."*

134. I think the first duty of a diplomat is to observe the formalities and that in this chamber what we have to express is our appreciation to the judges at The Hague for their work, whatever views States here represented may have on its content.

135. The sixth paragraph of the preamble begins *"Taking note of its resolution..."* I wonder whether it is appropriate for the Security Council to take note of a resolution of its own? I think it should read *"Recalling its resolution..."*, not *"Taking note of its resolution..."* If we adopted this resolution, naturally we took note of it. In that case, so as not to alter the meaning of the paragraph, what should be done is to emphasize the significance of the resolution. It would therefore read as follows:

*"Recalling its resolution 282 (1970) of 23 July 1970 on the arms embargo against the Government of South Africa and stressing the significance of that resolution with regard to the Territory of Namibia..."*¹¹

136. If you do not wish to use the word "stressing" in English you can use any other word. As you know, Mr. President, my own language is Spanish not English, as is yours, and we are the only ones who use it in the Council.

But the English-speaking representatives will perhaps find a better term to emphasize the significance of the resolution without using the word "stressing".

137. I believe that the statements of fact in no way affect the substance of a resolution and that in the preamble of this draft resolution we should somehow mention the fact that we have heard the statement of the Foreign Minister of South Africa. This is a factual statement which in no way alters either the contents or the purpose of the draft resolution and, in my opinion, would make it more complete because it means that we have listened to the Minister for Foreign Affairs of South Africa and, having listened to him, we still take the measures which are detailed here.

138. I now proceed to two points in the operative part. The first is a question not of form but of substance. In the initial drafts which we have been studying these last few days we have seen that during consultations which were held it was thought to include after operative paragraph 7 a paragraph whereby South Africa would be invited immediately to enter into discussions with the Secretary-General, or with an appropriate United Nations organ, with a view to establishing a new international régime and to make sure that the people of the Territory would be able to exercise its right to self-determination, as defined in General Assembly resolution 2625 (XXV), and in particular the prescription in regard to the principle of equality of rights and the self-determination of peoples.

139. My delegation was not in complete agreement with that wording, which appeared in the initial drafts, because we thought it necessary to define more specifically what was meant by the term "international régime". An international régime may be one which is voluntarily established between two or more States. When two or three States participate then it becomes an international régime, but that international régime might not necessarily be satisfactory to the United Nations. At any rate, my delegation would have been much more satisfied if the international régime had been under the United Nations and, to be consistent with my own statement, I would have wished the international régime to be established under the United Nations and in accordance with Chapter XII of the Charter. In any event, we believe that this invitation to South Africa should appear in the operative part. Because the Security Council without in any way abandoning its objective which, I repeat, is to lead Namibia to independence, as with so many colonial and Trust Territories, may perhaps for the last time leave the door open for negotiations. If South Africa lets slip this opportunity which is now offered to it, it will then assume the burden of responsibility before the entire international community. But if South Africa, after its experience of the last 25 years in the United Nations, changes its mind and decides to enter into negotiations so as to lead Namibia to independence under a contractual régime, it should not be deprived of that opportunity.

140. We could adopt resolutions which would create headlines in the newspapers and represent great dialectical successes, but which would in fact continue to maintain Namibia under colonial dependence, under foreign dependence. What I think we all wish—at least it is what my

¹¹ Quoted in English by the speaker.

delegation wishes—is that Namibia should accede to independence; that it should do so by the quickest and most efficient means, and that it should obtain the international control of the United Nations. If we offer this invitation to South Africa the Security Council loses no authority. On the contrary, it stands to gain authority. If we believe that a resolution, however radical, means a triumph, then I wonder where we are going if the road leads to a resolution which it will be impossible to implement. How is it possible to force South Africa to grant independence to Namibia? Are States prepared to form armies, to provide battleships, to carry out military expeditions to compel South Africa to do this?

141. Is the time ripe to form such an expedition? Is not this a verbal escalation which in any case will have no consequence for the people of Namibia? And I insist once more that what really matters here is the fate of the Namibian people. That is why I think that the paragraph which "invites" South Africa and which appeared in one of the initial drafts should be inserted.

142. Therefore, paragraph 8 could remain as now worded as follows:

"Declares that any further refusal of the South African Government to enter into these negotiations or to withdraw from Namibia could create conditions . . ."

and so on. That is to say that, having firmly stressed the point of view of the Council, we would for the last time leave open that course for negotiation and understanding. If the South African Government does not wish to heed that invitation, then the Security Council would have all the facts before it to formulate a conclusion as to what it wants and how it wants to get it. We consider this paragraph to be fundamental and, for the reasons I have stated, it should appear in the draft resolution.

143. Lastly, in order not to dwell on the subject at greater length, I should like to make a remark with regard to paragraph 13, which reads as follows:

"Requests that the Ad Hoc Sub-Committee on Namibia review multilateral treaties in order to ensure that States do not enter into agreements which recognize South Africa's authority over Namibia;"

I believe that the *Ad Hoc* Sub-Committee will not have an opportunity to review the treaties in order to ensure that States do not enter into agreements which recognize the authority of South Africa over Namibia. States may enter into agreements and these become known to the Sub-Committee only after they have been concluded. That being so, the most the Sub-Committee can do is to report to the Security Council that such States have entered into agreements in contravention of the provisions of this paragraph. Therefore I think the paragraph should be worded in such a way that the terms of reference of the *Ad Hoc* Sub-Committee would be to review those treaties which have been signed in violation of the resolution and report thereon to the Security Council—or something along those lines. It goes without saying that States which intend to contravene the resolution will not previously consult the

Sub-Committee on Namibia, and therefore the *Ad Hoc* Sub-Committee will not be in a position to ascertain whether or not the agreements in question are contrary to what is laid down in the resolution. This is simply a matter of drafting which can easily be settled by changing a few words.

144. In concluding my statement in regard to the draft resolution, I come back to my point of departure. I congratulate the delegations of Burundi, Sierra Leone, Somalia and the Syrian Arab Republic for having prepared this document. In general, my delegation considers that it represents a very positive contribution and that it can win unanimous support in the Security Council, as we hope it will.

145. The PRESIDENT (*interpretation from Spanish*): As President I should like to join in the congratulations addressed by the representative of Argentina to the representatives of Burundi, Sierra Leone and Somalia and the Syrian Arab Republic. The text they have submitted to us bears witness to the efforts they have made during the past few days in order to present this important document.

146. Mr. FARAH (Somalia): I should like to thank the representative of Argentina for his generous remarks addressed to my delegation and to the delegations of Burundi, Sierra Leone and the Syrian Arab Republic. We know that for a time the representative of Argentina was himself Acting Chairman of the *Ad Hoc* Sub-Committee on Namibia in the absence of the Chairman, and we certainly benefited by his guidance.

147. The representative of Argentina has proposed several constructive amendments to the draft resolution. Those he suggested in connexion with the paragraphs of the preamble would raise no objection on the part of the co-sponsors of the draft resolution. His proposal relating to paragraph 7 requires some further consideration. He will no doubt have noted from my statement that it was the intention of the co-sponsors to give further thought to this particular paragraph in order to see whether we could arrive at a formula which would perhaps keep the door open for some progress in solving this question. However, it would be of help to the co-sponsors to know whether any delegation other than that of Argentina and those of the co-sponsors, has any comments to make on the substance of the amendments proposed by the representative of Argentina. For instance, we should like to know whether there is any objection to his proposed amendment to paragraph 5: *"Takes note with appreciation"* and so on. I wonder whether any delegation would disagree with such a formula. I do not see any indication of objection, and that helps.

148. However, concerning paragraph 7, it would help the co-sponsors to have the proposed formula, which could serve perhaps as a starting-point for consideration.

149. Mr. TOMEH (Syrian Arab Republic): During the course of this debate the representative of Argentina has twice paid a compliment to my delegation. There is an Arab tradition that we cannot leave a good deed unrewarded. Unfortunately, so far in the debate no occasion has arisen in which I could reciprocate the sentiment with which he

made his very kind and courteous remarks, but I wish to assure him that we are very grateful for those remarks and for his constructive approach to the draft resolution which we have presented today.

150. If I may resort to another aspect of Arabic culture, I would say that we have in Arabic jurisprudence a basic rule which says that if the faithful exerts his mind and makes an error, he deserves one reward, but if he reaches the truth, he deserves two rewards.

151. Perhaps we have deserved only one reward. But with the suggestions and the constructive approach made by the representative of Argentina—which, I am sure, when we study them very carefully, will contribute to the improvement of the draft resolution—perhaps we deserve the two rewards.

152. I would not end, Mr. President, without thanking you for your very kind and courteous remarks in connexion with our delegation.

153. Mr. TERENCE (Burundi) (*interpretation from French*): It is with a sense of deep satisfaction and a feeling of relief that I speak at this juncture, following the statement which we have just heard from the representative of Argentina, Ambassador de Rozas.

154. I had the honour to be the Chairman of the *Ad Hoc* Sub-Committee on Namibia, and I have all the more reason now to believe that the responsibilities assigned to the representative of Argentina as Vice-Chairman of that Sub-Committee are fully warranted and justified; for he is a man who represents a country that has shown its solidarity with the African countries.

155. We welcome the fact that the representative of Argentina has made various constructive proposals which I am sure will assist us in advancing our work, taking into account the principle that we have defended here many times that though the territory of Namibia is a territory that the Africans are the first to be interested in, we did stress in the past that this question was the collective responsibility of the United Nations and that in this particular connexion all the members of the Security Council should share in this responsibility on an equal basis.

156. Guided and moved by these principles, I would wish to propose that it might be possible for Ambassador de Rozas to join us, perhaps, before the vote and assist us to present a text based certainly upon the suggestion that he has made about paragraph 7, a suggestion we have already noted, and which meets with the full support of my delegation.

157. This proposal deserves the support of all the members of the Council. The Council will have undoubtedly noted the importance attached by the Africans to co-operation even with a colonial Power, if the colonial Power recognizes its errors and accepts as irrevocable the trend to decolonization. We have had occasion to refer to this matter in the past, in the General Assembly, and to repeat it here this afternoon; and we believe that the question of Namibia for us Africans is linked to this over-all process of

co-operation and also is a preliminary condition for the security of the area in question. It is not only the interests of the Africans which are at stake; it is the question of interdependence and co-operation which we want to stamp on all our relations and all our policies towards other continents and, of course, towards all the members of the Security Council and all the Members of the United Nations.

158. Mr. TAYLOR-KAMARA (Sierra Leone): I would be remiss in my duty if I did not address a few words of thanks, particularly to the representative of Argentina who has voiced his appreciation of the humble efforts which Burundi, Sierra Leone, Somalia and the Syrian Arab Republic have put forth in trying to produce this draft resolution. I say this in all sincerity; but there have been other representatives who have contributed no mean share towards producing the draft resolution. We failed, but it is a duty incumbent upon us to serve in this particular manner. As we do not monopolize all the intelligence and knowledge, we appreciate all that the representative of Argentina, by way of suggestions, has passed on to us. We know that since his suggestions are very sincere and genuine, when we leave here, we shall meet again and see to what extent we can possibly incorporate those ideas in the draft resolution.

159. So far as paragraph 7 is concerned, that has been made abundantly clear by the representative of Somalia. But as time goes on with the discussion, an amendment will be made which we hope will fit in and meet with the amicable consensus of all representatives.

160. I thank you, Mr. President, for allowing me to say these few words. I am very grateful to the representative of Argentina who has so sincerely and honestly advanced all these suggestions.

161. Mr. ISSRAELIAN (Union of Soviet Socialist Republics) (*interpretation from Russian*): The Soviet delegation has listened with great attention to the statement of the Ambassador of Argentina, and would like to say that he has made a substantial contribution to the work of the *Ad Hoc* Sub-Committee on Namibia, a contribution which we duly appreciate. We have only just received the draft resolution on the question under discussion submitted by the delegations of four members of the Security Council. We would be prepared to study it and to vote on it at the next meeting of the Security Council, but I now understand that certain additions and amendments to this draft resolution are being introduced. We must point out that the Ambassador of Argentina was not the only one in a difficult position, when he made these amendments without the Spanish text. When he spoke we had no Russian text. Thus he spoke in Spanish, making amendments to the English text, and we had no Russian text. This made it particularly difficult to grasp all the nuances of his comments and proposals, particularly with regard to paragraph 7 of the draft resolution. As far as I could understand—what he had in mind—and I beg your indulgence in advance if I have misunderstood in any way—we have before us a very important proposal to which we shall doubtless give our full attention when you, Mr. President, direct that the text of this formal amendment be distributed in the proper

manner. It is, of course, only then that we shall be able to determine our position with regard to this proposal.

162. Mr. KOSCIUSKO-MORIZET (France) (*interpretation from French*): I just wish to say that I shall make known my opinion of this important document when I have been able to examine the text in French; the same applies to the amendments submitted by our colleague from Argentina.

163. Mr. ORTIZ DE ROZAS (Argentina) (*interpretation from Spanish*): I have asked for the floor on a point of clarification, in regard to what the representative of the Soviet Union has just said. I have not submitted amendments, I have made suggestions, as the representative of Sierra Leone has just recognized correctly. I have not submitted amendments for the simple reason that, in the spirit of co-operation which has characterized the four co-sponsors, I feel sure that they will be receptive to considering not only my suggestions but also any other suggestions that may be made here. I think that it is in this way that we should also consider the thoughts expressed and the request made by Mr. Farah of Somalia, so that other members of the Council can pronounce themselves. Thus, I want to make it clear that these are not amendments but suggestions, and I shall be very happy in private consultations to give the co-sponsors of this important draft resolution any further clarification.

164. Now, lastly, if I may abuse your patience and kindness, Mr. President, I should like to thank the representatives of those four friendly delegations for their very generous words in regard to the delegation of Argentina. Our co-operation is not surprising because our interests, as the representative of Burundi has said, although they are in Latin America, are wholly in accord with those of the African delegations. That is to say, what we wish above all is to lead the people of Namibia to independence, and to that effort we commit ourselves and in that effort we shall give our complete co-operation to the four delegations.

165. Mr. VINCI (Italy): Mr. President, I take the floor, first of all, to associate myself with the expressions of sincere appreciation which the representative of Argentina and you yourself have conveyed to the four co-sponsors of the draft resolution. Since Italy has one of the two vice-chairmanships of the *Ad Hoc* Sub-Committee on Namibia, I can bear witness to the fact that all that has been said by Mr. Ortiz de Rozas is perfectly correct. Suffice it to say that the appreciation that has been expressed by you, Sir, and others is highly deserved by the Ambassadors of Burundi, Sierra Leone, Somalia and the Syrian Arab Republic. Having said that, I should like to add that I am confident that the two rewards to which Mr. Tomeh has referred will be granted, because the truth will be reached—and, rather than the moment of truth, I hope it will be the truth itself. Having heard also the statements made by the co-sponsors, especially by the representative of Burundi, I hope that the hand that has been so generously outstretched by the African countries to South Africa will not be scorned.

166. Now I come to amendments proposed by the representative of Argentina. I think that some of the amendments do not change substantially the draft resolution

as it now stands. So far as my delegation is concerned, I would say that with regard to the first and sixth preambular paragraphs we are ready to accept those amendments.

167. Where operative paragraph 5 is concerned, beginning "*Takes note of the Advisory Opinion of the International Court of Justice, in particular the following conclusions...*", as I understand it, Mr. Ortiz de Rozas has proposed either to keep this paragraph in the operative part, inserting the words "with appreciation", or to transfer this paragraph to the preamble. So far as my delegation is concerned, we should prefer to have the paragraph inserted in the preamble, but we do not feel strongly about it. However, having heard the reservations made here on the Advisory Opinion by some delegations, including my own, I think that if we insert the words "*with appreciation*" we should also insert after the words "International Court of Justice" the words "concerning the specific question of Namibia". It should be quite clear that it is restricted to that part of the Advisory Opinion, so that we do not raise difficulties for any delegation.

168. With regard to paragraph 7, we heard the suggestion made by the representative of Argentina, and we have been gratified by the response that has been received by the co-sponsors. We too are ready to co-operate in that last effort which will make it possible for the Council to come to a unanimous decision in favour of the final text. I would add only one last comment. If, as we are confident, an addition is made to the present wording of paragraph 7, paragraph 8 may have to be brought into harmony with paragraph 7, but I think that could be done very quickly and without any difficulty once we agree on paragraph 7.

169. Mr. ORTIZ DE ROZAS (Argentina) (*interpretation from Spanish*): I apologize for speaking again. I just wish to make it clear to the representative of Italy that, in regard to paragraph 5: "*Takes note of the Advisory Opinion of the International Court of Justice*", I suggested two possibilities: either to introduce a preambular paragraph which would take note with appreciation of the Advisory Opinion or, if there were no desire to introduce the paragraph in the preamble, to insert this in paragraph 5. I think it should be in the operative and not in the preambular part; the second possibility would be to say in paragraph 5 "*Takes note with appreciation*". For my part, I have no objection to the clarification requested by the representative of Italy.

170. As for paragraph 8, I myself said that it should be adjusted along the following lines. If the paragraph which I suggested is introduced and South Africa is invited to negotiate, paragraph 8 would read: "*Declares that any further refusal of the South African Government to enter into these negotiations or to withdraw*", and so on. That wording would justify the introduction of the new paragraph.

171. Mr. VINCI (Italy): I would point out to Ambassador Ortiz de Rozas that I did not mean that the whole of paragraph 5 should be transferred to the preamble, but only the preliminary words. I think that we are in full agreement on that point.

172. Mr. FARAH (Somalia): It has been brought to my attention that three paragraphs of the preamble were inadvertently omitted when the draft resolution was being processed. They relate to the presence of the delegation of the Organization of African Unity led by the President of Mauritania, take note of the statement of the President of the United Nations Council for Namibia, and take note of the report of the *Ad Hoc* Sub-Committee on Namibia. Therefore, a revised draft¹² will be issued on Monday containing those paragraphs.

¹² Subsequently circulated as document S/10372/Rev.1.

173. The PRESIDENT (*interpretation from Spanish*): The next meeting of the Security Council will be held on Tuesday, 19 October, at 3.30 p.m., to continue our examination of the situation in Namibia and the joint draft resolution submitted by the representatives of Burundi, Sierra Leone, Somalia and the Syrian Arab Republic. At the next meeting we shall consider the revised draft resolution together with the amendments and comments that have been made, and any further suggestions and ideas.

The meeting rose at 6.45 p.m.