

*Requests for hearings*

61. The CHAIRMAN announced that she had received a request for a hearing concerning Namibia. She suggested that, in accordance with established practice, the request should be circulated as a Committee document and considered at a later meeting.

62. If there was no objection, she would take it that the Committee agreed to that suggestion.

*It was so decided.*<sup>4</sup>

*The meeting rose at 12.55 p.m.*

<sup>4</sup> The request was subsequently circulated as document A/C.4/784/Add.2.

## 2151st meeting

Tuesday, 21 October 1975, at 3.20 p.m.

*Chairman:* Mrs. Famah JOKA-BANGURA (Sierra Leone).

A/C.4/SR.2151

*In the absence of the Chairman, Mr. Araim (Iraq), Vice-Chairman, took the Chair.*

### AGENDA ITEM 87

**Question of Namibia (continued) (A/9998-S/11598, A/10023/Add.3, A/10024 (vols. I and II), A/10050-S/11638, A/10229, A/C.4/784/Add.1)**

#### GENERAL DEBATE (continued)

1. The CHAIRMAN called upon the representative of the South West Africa People's Organization (SWAPO) to address the Committee.

2. Mr. MUYONGO (Observer, South West Africa People's Organization), said that the struggle of the people of Namibia was a hard and vexatious one, for the racist régime had abundant material resources on which to draw and was receiving explicit or implicit support from certain major Powers. After 30 years of words, the options were clear: either the South African régime would stop being obstinate and would fully implement the resolutions of the United Nations and the wishes of the international community and the majority of Namibians, thus facilitating a peaceful solution, or it would invite intensification of the armed struggle and continued confrontation with the international community.

3. South Africa had always resorted to some trick or other to placate world opinion. Its latest manoeuvres involved bringing about a so-called détente and holding illegal constitutional talks with puppet leaders and opportunists.

4. Namibia's vast natural resources made it potentially one of the richest countries in Africa, but the majority of the population had almost no share in the conduct of economic life except as cheap manpower. Black workers were paid one twelfth of what white workers received; they could not own land, nor could they trade in the white zone; commerce in the "bantustans" was in the hands of a state monopoly, and men were being forced to leave their families in the unproductive "bantustans" and go to work in the white areas, where they lived under inhuman conditions.

5. The most productive sector of the economy was mining; capital investment from South Africa and Western countries was estimated at £25 million per year. There were entrenched foreign interests that would try to maintain the *status quo*, which enabled them to obtain concessions.

6. All permits granted since 1966 were illegal and constituted criminal exploitation of irreplaceable natural resources, which belonged to the people of Namibia. He commended the Decree on the Natural Resources of Namibia,<sup>1</sup> which had been promulgated by the United Nations Council for Namibia.

7. Namibia's second major industry was fishing. It was controlled by South African companies, but other foreign companies were also involved in the exploitation, which was exhausting the wealth of Namibia's territorial waters.

8. The livestock industry was less important, but constituted a symbolic example: while the foreign settlers raised livestock on rich land from which the African population had been displaced, that population had to subsist crammed into poor areas where there was almost no water.

9. He presented data reflecting the scope of foreign investment and the evils it caused among the African population. In that connexion he mentioned a number of enterprises based in the United Kingdom, the United States, France, Canada and the Federal Republic of Germany.

10. He gave a brief historical survey, beginning with the Conference of Berlin, held from November 1884 to February 1885, which had allocated Namibia, or South West Africa, as it then was, to the German Empire, and he pointed out that the relevant decisions had always been made without any participation by the Namibian people. In 1920 the League of Nations had granted the Mandate for the Territory to South Africa. In 1946, in its resolution 65 (I), the General Assembly had recommended that the Territory should be placed under the International Trusteeship System, but although that recommendation had been repeated many times, it had always been ignored, and that

<sup>1</sup> See *Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 24A*, para. 84.

had been the beginning of the 30-year dispute between South Africa and the international community represented by the United Nations. In 1949 South Africa had informed the United Nations that it would no longer transmit information on its administration of the Territory, on the ground that *inter alia* the Mandate had lapsed with the demise of the League of Nations. In its advisory opinion of 1950,<sup>2</sup> the International Court of Justice had found that South Africa still had obligations under the Mandate. It had further declared that the supervisory functions of the League of Nations were to be exercised by the United Nations through the General Assembly and that South Africa was bound to submit to supervision and control by the General Assembly. For 15 years the General Assembly had sought to reach agreement with South Africa on the implementation of the 1950 advisory opinion. In 1964, the Odendaal Commission, appointed by the South African Government, had drawn up a report recommending the establishment of non-white homelands and a separate white area;<sup>3</sup> with the implementation of that plan, the rigid application of the *apartheid* system had begun.

11. In 1965, in its resolution 2074 (XX), the General Assembly had declared that any attempt to partition the Territory constituted a violation of the Mandate for South West Africa and of the Declaration on the Granting of Independence to Colonial Countries and Peoples and that any attempt to annex the Territory constituted an act of aggression. In 1966, in its resolution 2145 (XXI), it had terminated the Mandate and placed Namibia under the direct responsibility of the United Nations. In 1967, in its resolution 2248 (S-V), it had established what was now known as the United Nations Council for Namibia, which was to administer the Territory until independence and to entrust the necessary executive and administrative tasks to the United Nations Commissioner for Namibia.

12. In its resolutions 264 (1969), 269 (1969), 276 (1970) and 283 (1970), the Security Council had recognized the termination of South Africa's Mandate and called on all States to increase their assistance to the people of Namibia, to refrain from all dealings with the Government of South Africa when the latter claimed to be acting on behalf of Namibia, and to take measures to end any trade dealings by their nationals or companies in Namibia. Finally, the International Court of Justice had been asked for an advisory opinion on the legal consequences of the presence of South Africa in Namibia. In its advisory opinion of 21 June 1971,<sup>4</sup> the Court had ruled that South Africa was in law obligated to withdraw from Namibia immediately and that States were obliged to recognize the illegality of South Africa's presence in Namibia and to refrain from any acts which might imply recognition of the legality of South Africa's administration. That opinion had been widely accepted by States.

<sup>2</sup> *International Status of South West Africa, Advisory Opinion: I.C.J. Reports 1950*, p. 128.

<sup>3</sup> For a summary of the recommendations of the Commission of Enquiry into South West Africa Affairs (the Odendaal Commission), see *Official Records of the General Assembly, Nineteenth Session, Annexes*, annex No. 8 (Part I), document A/5800/Rev.1, chap. IV, paras. 18-65.

<sup>4</sup> *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.

13. In its resolution 309 (1972), the Security Council had invited the Secretary-General to contact all parties concerned and attempt to negotiate a solution which would allow the Namibian people to exercise its right to self-determination and independence. South Africa had used the period of the talks to push ahead with its plan to divide Namibia into 10 "native nations" and a white area closely linked to South Africa that would include two thirds of the country and its most important resources, infrastructure, urban areas and ports. The contacts had been terminated in December 1973, and SWAPO had been recognized by the General Assembly in its resolution 3111 (XXVIII) as the authentic representative of the Namibian people.

14. In its resolution 366 (1974) the Security Council had demanded that South Africa should make a solemn declaration that it would comply with the resolutions and decisions of the United Nations and the advisory opinion of 21 June 1971 handed down by the International Court of Justice and that it would recognize the territorial integrity and unity of Namibia as a nation; it had further demanded that South Africa should take the necessary steps to put the resolutions and decisions and the advisory opinion into effect.

15. It was a well-known fact that the United Kingdom, France and the United States had vetoed the proposal of the non-aligned States to impose a mandatory arms embargo in a situation which the Security Council had already recognized as detrimental to the maintenance of peace and security in the region; that proposal would have made possible the application of the provisions of Chapter VII of the Charter and would have called for free elections in Namibia to be held under United Nations supervision before 1 June 1976.

16. Mr. Vorster had said that he was ready to talk with the leaders of the people of the Territory in order to reach agreement freely and voluntarily, but the facts belied his words. The intensification of repressive measures made any free decision by the people absolutely impossible. Moreover, Mr. Vorster had declared that he would not accept United Nations supervision. It was clear that his only real response to Security Council resolution 366 (1974) had been his campaign to organize the group of puppet tribal chiefs, who represented nobody, and the campaign of repression against all representative political groups, particularly SWAPO.

17. In the meantime, the situation that the Security Council had considered a potential threat to international peace and security had only grown worse with the increase in the South African régime's military strength, the intensification of its inhuman policy and the dramatic events taking place on the African continent. Matters had reached such a point that the situation in Namibia was a time bomb.

18. The struggle, including the armed struggle, was currently continuing on all fronts. In 1975 SWAPO had intensified its military activity in Namibia and had caused a number of casualties among the South Africans. In the meantime, a systematic campaign of terror designed to hunt down SWAPO members was being conducted in the Territory. That brutal repression had forced more than

3,000 persons to leave Namibia for Angola, Botswana and Zambia.

19. Under the Terrorism Act, 1967, at least 70 persons had been arrested recently in South Africa and Namibia. According to that Act, detained persons had no recourse to courts and no right to receive visits, nor did their families have the right to be informed about their detention. The powers with which the security police were invested and the secrecy maintained in the application of the Act made it impossible to give an accurate assessment of the situation. He submitted for consideration by the members of the Committee a long list of Namibians, mostly members of SWAPO, who had been arrested and detained since 17 August 1975.

20. As a prelude to the so-called constitutional talks and with the aim of institutionalizing the system of "bantustans", sham elections had been organized in Ovamboland from 15 to 20 January 1975. In order to prevent SWAPO from organizing a boycott of the election, South Africa had prohibited all public meetings and initiated a systematic campaign of intimidation. The tactics used to compel the Ovambos to vote had prompted the International Commission of Jurists to issue a statement condemning them. The intimidation campaign forced the Ovambos to "vote or starve".

21. The illegal racist régime had absolutely no respect for fundamental human rights. Torture was a standard practice, as in the case of the National Chairman of SWAPO, David Meroro, who had since been exiled. Moreover, any Namibian brought to trial stood little chance of obtaining justice, since judges were the sole authorities, there were no juries and the cost of a lawyer was beyond the reach of the majority. Mass arrests had also become more and more frequent.

22. Virtually every meeting planned by SWAPO for peaceful purposes had been prohibited or broken up by force of arms. He emphasized that his organization's efforts were directed towards a peaceful solution, but if that was impossible, as present circumstances seemed to indicate, the question of the independence of Namibia would be decided on the battlefield.

23. The South African laws being applied in Namibia constituted one of the most insidious forms of repression. At strategic moments, South Africa had made announcements of the repeal of the pass laws in Namibia. In reality, that was a stratagem to make the international community forget the fact that South Africa's occupation was illegal and to make more palatable the gradual institutionalization of "separate development", the "bantustans" and a band of puppet tribal chiefs who would continue the repression of the various ethnic groups. Such announcements had proved to be false. Moreover, since February 1972 a state of emergency affecting more than one third of the population had existed in Ovamboland.

24. Church leaders had also been persecuted for supporting the fundamental human rights enshrined in the United Nations Charter and in the Universal Declaration of Human Rights. Some of them, whose only crime had been to stand up for the basic rights of the majority of Namibians, had been expelled from the Territory.

25. In Namibia there were no organized trade unions for African workers. They were not prohibited from forming trade unions, but it was illegal for either employers or the authorities to recognize any African trade union; it was also illegal for Africans to strike.

26. Elementary education was being systematically denied to Namibians. The educational system was designed to make Namibians recognize the white man as their natural and legal master. Terror had been introduced into the class-rooms as well, and young people were being forcibly trained to fight against the freedom fighters. Education continued to be a particularly effective tool of repression. *Apartheid* was being applied in education as well. The level of education was lower for Namibians, so that they were unable to compete with the better-trained whites. The rule of instruction in the mother tongue was being imposed in order to keep Africans from receiving information on what was going on in the outside world. The rate of school enrolment among the African population was much lower than the rate among the white population, and the drop-out rate was enormous. There were no higher educational institutions in Namibia, and higher education was therefore practically inaccessible to the African population.

27. The so-called constitutional talks were in reality a gathering of masters and servants and refuted Vorster's declarations that South Africa had no designs on the Territory. SWAPO rejected the paternalistic and racist attitudes implicit in those talks. They constituted simply one more trick to gain time and obtain the support of the international community. The majority of the Namibian people had systematically boycotted those talks, being convinced that Namibia must become an independent nation, without "bantustans", without South Africa, without the South African police and army, without *apartheid*, without separate development and with free national elections organized and supervised by the United Nations. SWAPO had always been prepared to hold meaningful discussions with South Africa, but only if certain conditions were met: South Africa must recognize and state publicly the right of the Namibian people to independence and national sovereignty; Namibian territorial integrity was absolute and inviolable; South Africa must accept the historical fact that SWAPO was the sole authentic representative of the Namibian people. More practical steps must also be taken: all political prisoners in Namibia and South Africa must be released; the banning order against the acting President of SWAPO must be set aside; the so-called Emergency Proclamation No. R.17, of 1972, must be recalled; all exiled Namibians must be allowed to return freely to their country; and South Africa must commit itself to the withdrawal of all its troops and police from the Territory. For its part, SWAPO was prepared to talk to anyone, irrespective of race. SWAPO was not racist; it was anti-colonialist, anti-imperialist and democratic. If there were no talks, then obviously the struggle would continue and grow.

28. To counteract its growing isolation and to avert stronger international measures against it, the South African régime had assumed an outward attitude of détente in its relations with African States and had begun a desperate diplomatic and propaganda offensive to develop international contacts. It was trying to convince public opinion

that important changes were taking place in the country and that the policies of *apartheid* were entering a positive phase thanks to the initiative of the Government. However, Vorster himself had made statements which contradicted the suggestion that South Africa was going to make any fundamental change in its attitude. In that connexion, SWAPO was confident that the great majority of African States, members of OAU, would be faithful to their own decisions and resolutions and continue to act in close co-operation with SWAPO. The issue as stated in the Dar es Salaam Declaration, adopted by the Council of Ministers of OAU at its ninth extraordinary session, held from 7 to 10 April 1975, was liberation, not dialogue. SWAPO also hoped that friendly States outside of Africa would not be deceived by Vorster's tactics.

29. SWAPO urged all States to declare openly what their real commitments were. If they were in favour of South Africa, let them say so. SWAPO was not begging anyone to support it but was only reminding people that the population of Namibia was being deprived of its inalienable rights in its own land. It was grateful for the solidarity shown by many States Members of the United Nations and urged them to exert pressure of every kind to force South Africa to implement the resolutions of the General Assembly and the Security Council. It also urged the members of the Security Council to use every available means, including those provided for in Chapter VII of the Charter, to implement Council resolution 366 (1974). It urged all Member States in all seriousness to refrain from military co-operation with the racist régime, since the military bases established in Namibia also posed a threat to neighbouring African States.

30. The situation was clear: South Africa had sent large numbers of armed forces into the international Territory of Namibia. Recent reports showed that those same forces had also entered Angola. Those facts, combined with the illegal occupation of Namibia, the contravention of numerous General Assembly and Security Council resolutions and the militarization of the Territory constituted an act of aggression and a threat to international peace and security.

31. He asked whose side the Western Powers were on and whether it was possible that they still believed in the good will of South Africa. Repression and flagrant violation of human rights in Namibia had intensified since 1972. The issue was not one of merely ending some discriminatory policies but one of ending white minority domination of the black majority. To that end, SWAPO supported the rapid application of the Decree on the Natural Resources of Namibia, since those resources were being exhausted by the white minority. The United Nations Fund for Namibia continued to be the main channel through which SWAPO was receiving assistance from the United Nations Council for Namibia. SWAPO also wished to thank the Council and the United Nations Commissioner for Namibia for the establishment of the Institute for Namibia, which would make an important contribution to educating Namibians and decolonizing them mentally. SWAPO urged all United Nations organs concerned with information to intensify their efforts aimed at countering South Africa's recent propaganda campaign. It was grateful for the material and moral support rendered by Member States and asked them, as well as the United Nations Council for Namibia, the

churches, non-governmental organizations, member organizations of the United Nations family and individuals, to continue their efforts to increase the isolation of the racist régime in every sphere. If South Africa wanted peace, the Namibian people wanted it too, but it was not prepared to sacrifice its existence and its rights for a false peace. Unless the conditions demanded by SWAPO for a peaceful solution of the question were met, there would be no option but to intensify the armed struggle.

32. Mr. KAMARA (Senegal) observed that all States Members of the United Nations agreed on the fundamental facts involved in the problem of Namibia, that is to say, that Namibia was not part of South Africa, that the United Nations had withdrawn the Mandate from the Pretoria Government, that South Africa could claim no rights over Namibia and must comply with the resolutions of the General Assembly and the Security Council and put an end to its illegal occupation of the Territory. South Africa had been manoeuvring since 1946 to avoid complying with United Nations resolutions, and its policies of *apartheid* and "bantustanization" had run up against the resistance of the African people.

33. In 1960, Mr. Sam Nujoma had founded SWAPO in order to lead the struggle against the racist régime. South Africa had reacted by promulgating the well-known laws extending the South African repression to Namibia; that had resulted in assassinations, mass detentions and public floggings, carried out in order to guarantee the savage economic exploitation of Namibia. The working conditions of the Namibians were unbelievable.

34. One of the major mass manifestations of opposition to those barbaric conditions had been the strike by 13,500 workers in December 1971. The régime had sent the strikers to Ovamboland, from where most of them had come originally, but it had been unable to re-employ them and had been obliged to bring them back. The new labour "agreements" had not improved the workers' situation. The repression was tending to fragment the Territory and a so-called Ovamboland Legislative Council had held elections in the Territory, which had been designated a "self-governing area". SWAPO had boycotted those elections and only 2.5 per cent of the registered voters had participated.

35. In addition, measures of a military and political nature had been taken to strengthen the northern region and in September 1974 Mr. Vorster had announced the holding of a multiracial constitutional conference, which had revealed the manoeuvres designed to fragment the Territory and which had been rejected at the outset by SWAPO and by the United Nations Council for Namibia.

36. The positions of OAU and the United Nations regarding the solution of the problem of Namibia were identical, since both organizations had tried over the years to find a way of making South Africa cease its occupation of Namibia. But so far no progress had been made towards solving the problem, since the Pretoria Government had systematically refused to co-operate.

37. As for the legal aspect, the International Court of Justice had given its advisory opinion on the matter in 1971. For its part, the United Nations, although its

principal resolutions had not been implemented, had acted on behalf of the Namibians by establishing the Institute for Namibia in 1974. The Institute was duly training Namibians to assume the responsibilities of governing their country in due course, and was also arranging the dissemination of information on Namibia in order to keep world public opinion informed. It was to be hoped that the United Nations, through the United Nations Council for Namibia, would participate in the International Conference on Namibia and Human Rights, to be held at Dakar in January 1976.

38. At its current thirtieth session, the General Assembly should resolutely face its responsibilities towards Namibia and urge South Africa to accede to the request made in Security Council resolution 366 (1974). In response to that resolution, the Pretoria régime had done nothing but reaffirm its position, since it denied SWAPO the right of representation; it stated that it was in favour of the territorial integrity of Namibia, but only as one of the options open to the "peoples" of the Territory, and it considered that it would be irresponsible on the part of the South African Government to withdraw from Namibia without taking into account the wishes of the peoples concerned (see A/10024 (vol. I), para. 39).

39. The triple veto by the United States, France and the United Kingdom in the Security Council at its 1829th meeting, on 6 June 1975, on the occasion of the consideration of South Africa's reaction to resolution 366 (1974), had diverted the Security Council from its rightful course. For all those reasons, the United Nations practically had its back to the wall; the small countries wanted a fair solution and the major Western Powers were rejecting such a solution and compromising the Organization. The major Powers concerned currently had an opportunity to save their image, since their morality, their capacity to oppose evil and injustice and their support for the cause of the freedom of peoples could determine the world situation.

40. His delegation considered that the Security Council should meet to reconsider the question of Namibia and the implementation of resolution 366 (1974). The absence of the Pretoria régime from the thirtieth session of the General Assembly was an evasion that should have no effect whatsoever on the action of the international community.

41. His delegation also supported all the other recommendations of the United Nations Council for Namibia, particularly those relating to the immediate withdrawal of South Africa, the implementation by all States of the Decree on the Natural Resources of Namibia and financial contributions to the United Nations Fund for Namibia and to the Institute for Namibia. It agreed with the President of the Council that moral support for the cause of the people of Namibia was not enough.

*Mr. Vargas-Saborio (Costa Rica), Vice-Chairman, took the Chair.*

42. Mr. WALTER (New Zealand) said that, despite the efforts of the Security Council, the United Nations Council for Namibia and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and

Peoples, the problem of Namibia varied very little from that which had existed at the preceding session; South Africa was persisting in its illegal occupation of the Territory, disregarding the resolutions and decisions of the United Nations and the advisory opinion of the International Court of Justice of 21 June 1971.

43. Despite certain positive developments, South Africa's position and policies were far from acceptable to the United Nations and the people of Namibia. South Africa did not agree to withdraw its forces from the Territory, was still exploiting the resources of Namibia and practising its policies of *apartheid* there, and was declining to guarantee Namibia's territorial integrity. Indeed, its policies seemed to be designed to fragment the Territory and to perpetuate its political and economic dependence on South Africa. In that connexion, the New Zealand Government had misgivings about the purposes and utility of the constitutional conference convened at Windhoek on 1 September, since political activity and other basic freedoms were virtually non-existent in the Territory.

44. One might wonder whether South Africa's offer to enter into discussions about the future of the Territory could be taken seriously, since South Africa had proved itself unworthy of what Article 73 of the Charter termed the "sacred trust" given to Members for the administration of Non-Self-Governing Territories. Since reports had been received of mass arrests, torture, etc., the New Zealand delegation saw considerable merit in the suggestion put forward by the Norwegian representative at the 2148th meeting, to the effect that the Commission on Human Rights should try to conduct an investigation, including if possible an on-the-spot assessment of violations of the human rights of the Namibian people.

45. New Zealand had supported General Assembly resolution 2145 (XXI), which had brought Namibia under direct United Nations responsibility, and in 1974 it had made an initial contribution of \$NZ 2,000 to the United Nations Fund for Namibia. That contribution would be doubled in 1975. It also contributed to the United Nations Educational and Training Programme for Southern Africa, to the United Nations Trust Fund for South Africa and to the Commonwealth Fund for Technical Co-operation. In addition, the New Zealand Government had announced in 1974 its intention of contributing \$NZ 150,000 to a humanitarian assistance project organized in Zambia for displaced persons from Namibia and Southern Rhodesia, but UNICEF and the liberation movements concerned had not yet produced detailed proposals for the project's implementation.

46. South Africa must withdraw from the Territory and accept United Nations involvement in the process of self-determination; it must accept the principle of territorial integrity, and end immediately the repugnant practice of *apartheid*. For its part, the United Nations must assist the people of Namibia in their just struggle, continue to apply pressure on South Africa to end its occupation of the Territory and, above all, ensure that Namibia's territorial integrity was preserved until such time as its people could exercise their right to self-determination.

47. Mr. CONTEH (Sierra Leone) said it was clear from the statement by the Secretary-General in the introduction to

his report on the work of the organization (A/1001/Add.1), as well as the statement made on behalf of the President of the United Nations Council for Namibia at the 2146th meeting, that there had been no improvement in the situation in Namibia. Nevertheless, the members of the Council had done an excellent job.

48. The situation in Namibia constituted a challenge to the United Nations because, in spite of all the decisions and subsequent actions by the United Nations, South Africa was continuing its policy of dismembering the territory into "homelands" in preparation for the wholesale importation of *apartheid*.

49. The Namibian issue had remained the oldest and yet one of the thorniest of all the issues that had plagued the United Nations. His delegation believed that South Africa's disregard for world opinion was due to the fact that it received huge economic benefits from the Territory. His delegation could not understand why Powers which claimed to be advocates of the principles of freedom, justice and dignity for mankind had vetoed the draft resolution on Namibia submitted at the 1829th meeting of the Security Council (see A/10024 (vol. I), para. 319) and could not now apply or even help to apply those principles in the case of Namibia. He wished to plead with those Powers to co-operate so that South Africa could respect the verdict of the international community.

50. His delegation reiterated his Government's commitment to the cause of Namibia and endorsed the recommendations of the United Nations Council for Namibia concerning the measures to be taken by the General Assembly and the Security Council on that question.

51. His Government's view was that SWAPO was the only body now able to represent the people of Namibia and it therefore called for the immediate transfer to SWAPO of the functions of government of Namibia.

52. Mr. BURGERS (Netherlands) said that the dramatic developments in 1974 and 1975 with regard to southern Africa had raised expectations that a solution to the question of Namibia might be near; so far those expectations had not materialized.

53. The Netherlands had voted in favour of General Assembly resolution 2145 (XXI), since it considered that the General Assembly was legally entitled to terminate the Mandate for South West Africa because of South Africa's non-compliance with the obligations ensuing from the League of Nations Mandate of 1920. Also, the Netherlands had accepted the conclusions of the advisory opinion of the International Court of Justice of 21 June 1971.

54. His Government deplored the failure of South Africa to comply with the terms of Security Council resolution 366 (1974) and had noted with interest certain positive elements in the official statements made by the South African Government; for example, that it recognized the international status of the Territory and was prepared to discuss the question with representatives of the United Nations Council for Namibia and with OAU. Nevertheless, his Government deemed South Africa's response to the demands of the Security Council to be ambiguous and unsatisfactory.

55. In one respect the South African response could not be considered ambiguous, namely, its blunt refusal to accept United Nations supervision in respect of Namibia. It was essential for a solution to that question that South Africa should clearly recognize the responsibility of the United Nations for Namibia, should end all measures of political oppression at once, should abandon its so-called "homelands" policy and should take appropriate steps to enable the United Nations Council for Namibia to establish its presence in the Territory with a view to facilitating the transfer of power to the people of Namibia on the basis of free elections under United Nations supervision. With regard to the so-called constitutional conference, being held at Windhoek, he would like to remind the Committee that the Netherlands Minister for Foreign Affairs had stated at the 2362nd plenary meeting that such consultations, organized on the basis of ethnic and tribal groupings, were no substitute for the necessary negotiations with the representatives of all political movements within the population of Namibia.

56. Pending the accession of Namibia to independence, his Government would continue to give liberal financial support to the United Nations Fund for Namibia and to the Institute for Namibia. In 1975 it had doubled its contribution to the Fund. It was also prepared to provide humanitarian and development assistance to the people of Namibia.

57. In 1967 the Netherlands had abstained on General Assembly resolution 2248 (S-V), under which the Council had been established. It had done so because it had doubts of a practical nature as to whether it was realistic to create an administering body that, under the prevailing circumstances, would hardly have the opportunity to exercise actual administration over the Territory. However, his Government had no doubts of a legal nature concerning the competence of the General Assembly to create the Council and to revoke the Mandate conferred by the League of Nations.

58. According to Article 81 of the Charter, the administration of a Trust Territory could be exercised not only by one or more States but also by the United Nations itself as Administering Authority. Further, Article 85 provided that the functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic should be exercised by the General Assembly. Consequently, the General Assembly possessed the powers necessary for the exercise of the administration. Those powers were entirely different from the general powers of the General Assembly concerning questions dealt with by the United Nations. They were therefore by no means limited to the making of recommendations, as provided for in Article 10 of the Charter. In the case of Namibia, the Assembly had properly delegated the exercise of those executive powers to the United Nations Council for Namibia.

59. In that context, he would like to make a brief comment on the Council's Decree on the Natural Resources of Namibia, relating to the protection of those resources. In the view of his delegation, the Council was legally entitled to decree that the exploitation of natural resources in Namibia would henceforth require the consent and permis-

sion of the United Nations Council for Namibia. It would be for the judicial authorities concerned to decide whether the Council was acting entirely within its legal competence, for instance, where it provided for the seizure and forfeiture not only of the resources taken from the Territory without the Council's consent but also of the vessels carrying such resources.

60. In the opinion of his Government, the Council had the right and the duty to represent Namibia in international forums. In cases where the constitutions of international agencies provided for an associate membership for Non-Self-Governing Territories, it would be proper to accord such associate membership to Namibia. It would not be proper to give a full membership to Namibia in cases where such membership was restricted to sovereign States.

61. There could be no doubt that it was the Council and no other body which was entitled to represent Namibia in international agencies and conferences and his Government regretted that the wording of General Assembly resolution 3295 (XXIX) was not wholly unambiguous in that respect. His delegation preferred the formulation of General Assembly resolution 3111 (XXVIII), according to which there could be no question of double representation of the same Territory.

62. His delegation would like to compliment the Council on its lucid and highly informative report (A/10024, vols. I and II) and was happy to learn from it that the differences which had existed for some time within the National Convention had been overcome and that SWAPO and the other four Namibian political parties were working together in a reorganized Namibia National Convention. The harmonious co-operation between the liberation movements and the abandonment of leadership rivalries was of the utmost importance if the goal of freedom and self-determination was to be achieved. The Netherlands looked forward to the day when Namibia would enter the community of nations as an independent and sovereign State.

63. Mr. SAITO (Japan) said that hopes for improvements in the situation in Namibia in the past year had not been realized. In May, in its response to Security Council resolution 366 (1974), South Africa had again failed to comply with United Nations resolutions and had refused to make any firm commitment to withdraw from Namibia and transfer powers to the people of the Territory. Nine years previously, the General Assembly, by an overwhelming majority, had adopted resolution 2145 (XXI), in which it had declared that the presence of South Africa in Namibia was illegal and that South Africa was under an obligation to withdraw from the Territory. None of the Members of the United Nations, except South Africa, differed on those cardinal points. Although there were some differences of opinion with regard to ways and means of putting an end to the illegal occupation, all countries were prepared to support concerted international action towards that end.

64. His delegation had no illusions about the possibility of solving the problem easily or quickly, but a solution should not be delayed a day longer than necessary. His delegation also believed that the settlement should be achieved peacefully and through negotiations. As long as there was

any credible indication on the part of South Africa that it would be possible to hold meaningful negotiations, it was essential to continue to seek a peaceful solution. It was to be hoped that South Africa would not ignore the warnings addressed to it to the effect that, if it persisted in its obstinate refusal to comply with United Nations resolutions, the people of Namibia might become convinced of the need to resort to any available means in order to achieve their legitimate demands. Such a development should be avoided and, to that end, the international community must increase its pressure on South Africa and its support of the just struggle for the complete freedom and full independence of the Namibian people.

65. His delegation was seriously concerned about the information received about the constitutional conference, which had begun in September at Windhoek and had been preceded by repressive measures, mass arrests and the detention of political leaders. His delegation was obliged to express its continued concern at the possibility that South Africa might, in fact, confront the United Nations with a fait accompli, which would confirm the fragmentation and partition of Namibia along racial lines, in accordance with its unilateral interpretation of self-determination and independence. His country was of the opinion that the national unity and territorial integrity of Namibia must be preserved and it was therefore strongly opposed to the policy of "bantustanization". It nevertheless continued to hope that South Africa would make a genuine and unequivocal declaration affirming that it would take no action to disrupt the unity of Namibia and that it would respect the objectives of the people of Namibia.

66. His delegation could not accept local elections held on the basis of ethnic groupings or any constitutional conference from which SWAPO was excluded. The United Nations must play its proper role in the elections, so that the people of Namibia might decide on their future, or in other action that concerned their interests.

67. His Government's policy with regard to the question of Namibia had been guided by the following principles: the continued presence of South Africa in Namibia was illegal and South Africa was under an obligation to withdraw from the Territory; the people of Namibia should as soon as possible be given an opportunity freely to exercise their inalienable right to self-determination and independence; the United Nations had direct responsibility for Namibia and must play the primary role during the period of transition to independence; the problem of Namibia should be solved peacefully through realistic and effective means in the interests of the people of the Territory. In accordance with those principles, his Government had supported the legitimate right of the people of Namibia to self-determination and independence and had provided it with material and moral assistance through the United Nations system. It would continue to contribute to the United Nations Educational and Training Programme for Southern Africa and to the United Nations Fund for Namibia.

68. Japan had no official representation in Namibia and had not concluded any bilateral treaties with South Africa which might imply recognition of its authority over Namibia. Similarly, Japan prohibited direct investment in

the Territory. In view of the adoption in 1974 of the Decree on the Natural Resources of Namibia, his Government had published the text of the Decree in an official bulletin and had brought it to the attention of all the companies concerned. His Government would study the matter seriously, with a view to diversifying its sources of imported raw materials. It was imperative to increase international pressure on South Africa to make it comply with United Nations resolutions relating to Namibia. Japan had adopted a series of measures against South Africa, including an arms embargo, the prohibition of direct investments, and a refusal to extend any special measures to promote economic relations with South Africa in compliance with the relevant resolutions. It would also continue to do its best to implement the provisions of the resolutions which it considered practical and with which it was able to comply.

69. Mr. NKUATSANA (Lesotho) said that there were still millions of people in the world who were being subjected to colonialism, racism, alien domination and *apartheid*. Despite United Nations resolutions and the advisory opinion of the International Court of Justice of 21 June 1971, South Africa continued to refuse to withdraw from Namibia and had instead intensified its racist policies.

70. It was unfortunate that, at a time when nearly all the Trust Territories had achieved independence, Namibia was still being subjected to colonialism and *apartheid*. It should be noted that the Prime Minister of South Africa had stated in May 1975 that his country did not claim for itself one single inch of South West Africa's soil; if that was true, why did the régime refuse to withdraw from Namibia and why did it torture, arrest and imprison Namibians?

71. He reiterated his Government's condemnation of the activities of multinational corporations in Namibia, particularly in view of the adoption of the Decree on the Natural Resources of Namibia, which provided that any person, entity or corporation which contravened the Decree would

be held responsible for damage by the Government and people of Namibia. His delegation expressed its appreciation to those Member States which had contributed to the United Nations Fund for Namibia because it considered that the Fund played a vital role in the preparation of the Namibians for independence.

72. Information had recently been received about the so-called constitutional conference on South West Africa and about the fact that discriminatory signs were being removed from hotels and other public buildings. Those constitutional talks had, however, been held between the so-called authentic leaders of the tribes and the white settlers. The exclusion of SWAPO, which was opposed to the creation of the so-called self-governing areas, that was to say mini-States patterned on the South African "bantustans", gave rise to doubts about Mr. Vorster's honesty in stating that it was for the peoples of South West Africa themselves to decide on their political future. Indeed, OAU and the General Assembly recognized SWAPO as the legitimate and authentic representative of the people of Namibia and it was not possible to reach a settlement regarding Namibia's future without the participation of SWAPO. His delegation was glad that SWAPO had rejected those puppet meetings and noted that, on 29 September 1975, at the 2366th plenary meeting, the Minister for Foreign Affairs of Lesotho had stated that the people of Namibia should not allow themselves to be hoodwinked through bogus constitutional talks designed to entrench *apartheid*.

73. He urged all those Powers which could influence South Africa to do all they could to persuade that country to withdraw from Namibia and let the heroic people of the Territory take their rightful place in the community of nations. Any attempt by South Africa to delay developments would lead to unnecessary suffering and loss of life, because, in the end, the people would triumph.

*The meeting rose at 6 p.m.*

## 2152nd meeting

Wednesday, 22 October 1975, at 3.20 p.m.

*Chairman:* Mrs. Famah JOKA-BANGURA (Sierra Leone).

A/C.4/SR.2152

### AGENDA ITEM 87

**Question of Namibia (continued) (A/9998-S/11598, A/10023/Add.3, A/10024, (vols. I and II), A/10050-S/11638, A/10229, A/C.4/784/Add.1)**

#### GENERAL DEBATE (continued)

1. Mr. YUSSUF (Afghanistan) said that, despite all the efforts being made by the United Nations and other international organizations, the question of Namibia remained unsolved and South Africa continued to deny the

people of Namibia their basic human rights and to prolong its repression and illegal occupation of that Territory. With complete disregard for the international community's appeals and resolutions, the racist régime was intensifying its unjust policy of "bantustanization", in an attempt to fragment Namibia into "homelands".

2. His delegation believed that the oppression and exploitation of the people of Namibia and the illegal occupation of their Territory by South African constituted a threat to peace and security in that part of the world and a most serious violation of the dignity of man. The constitutional