

UNITED NATIONS

00639/69



SECURITY COUNCIL OFFICIAL RECORDS

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THIRTY-FIRST YEAR

JUN 5 1985

UN/SA OFFICE

1958th

MEETING: 1 OCTOBER 1976

NEW YORK

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NOTE

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1958th MEETING

Held in New York, on Friday, 1 October 1976, at 3 p.m.

President: Mr. Iqbal A. AKHUND (Pakistan).

Present: The representatives of the following States: Benin, China, France, Guyana, Italy, Japan, Libyan Arab Republic, Pakistan, Panama, Romania, Sweden, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America.

Provisional agenda (S/Agenda/1958)

1. Adoption of the agenda
2. The situation in Namibia

The meeting was called to order at 3.35 p.m.

Expression of thanks to the retiring President

1. The PRESIDENT: In the first place, I should like to pay a tribute—and I think in so doing I speak on behalf of all members—to my predecessor in office, the representative of Libya, Mr. Mansur Kikhia. In the month of September the Council had on its agenda two most important matters, on one of which—namely, Namibia—the Council is continuing its debate. The other was the admission of Viet Nam. Both issues are of great sensitivity, especially in the light of the current situation and developments and, hence, they required in their consideration the utmost care and diplomatic ability and skill. The Council was fortunate in having at its head Ambassador Mansur Kikhia, a man with the very qualities which the occasion called for. In the many informal consultations we held during the month of September, we all learned to admire Ambassador Kikhia's patience, his understanding and his good humour. On my own behalf, and on behalf of the Council, I place on record our appreciation of his very constructive contribution to the Council's work during the past month.

Adoption of the agenda

The agenda was adopted.

The situation in Namibia

2. The PRESIDENT: In accordance with decisions previously taken by the Council [1954th, 1956th and 1957th meetings], I shall now invite the President and other members of the United Nations Council for Namibia, and the representatives of Algeria, Cuba,

Democratic Kampuchea, Egypt, Ghana, Guinea, Kenya, Madagascar, Malawi, Mauritius, Morocco, Mozambique, Nigeria, Saudi Arabia, Sierra Leone, Yemen and Yugoslavia to participate in the Council's discussion without the right to vote.

At the invitation of the President, Mr. Kamana (President of the United Nations Council for Namibia) and the other members of the delegation took places at the Security Council table and Mr. Rahal (Algeria), Mr. Alarcón (Cuba), Mr. Keat Chhon (Democratic Kampuchea), Mr. Abdel Meguid (Egypt), Mr. Felli (Ghana), Mr. Camara (Guinea), Mr. Waiyaki (Kenya), Mr. Rabetafika (Madagascar), Mr. Muwamba (Malawi), Mr. Ramphul (Mauritius), Mr. Bengelloun (Morocco), Mr. Chissano (Mozambique), Mr. Garba (Nigeria), Mr. Baroody (Saudi Arabia), Mr. Minah (Sierra Leone), Mr. Sallam, (Yemen) and Mr. Petrić (Yugoslavia) took the places reserved for them at the side of the Council chamber.

3. The PRESIDENT: In addition, I have received a letter from the representative of Zambia who also requests to be invited to participate in the debate. I therefore propose that the Council agree, in accordance with the provisions of Article 31 of the Charter and rule 37 of the provisional rules of procedure, to invite the representative of Zambia to participate in the debate without the right to vote.

At the invitation of the President, Mr. Mwale (Zambia) took the place reserved for him at the side of the Council chamber.

4. The PRESIDENT: The first speaker is the representative of Ghana, the Commissioner for Foreign Affairs. I welcome him to the Council and invite him to take a place at the Council table and to make his statement.

5. Mr. FELLI (Ghana): Mr. President, I should like first of all to express to you, and through you to the other members of the Council, my sincere gratitude for this opportunity to address the Council this afternoon. I am particularly happy that I am doing so under the presidency of the representative of a country with which Ghana shares the same historical past and has so much in common.

6. This meeting of the Council is taking place at a time when the hitherto latent turmoil in southern Africa threatens to explode into a racial conflict with

dire global consequences. It is the hope of my delegation that it is no longer necessary to convince anyone of these consequences. The result of this meeting will determine whether the United Nations is equal to the challenge which the situation in southern Africa poses, or whether through inactivity, emanating from selfish considerations, we are prepared to reject the principles and values upon which this Organization is founded.

7. The meeting of the Council has been called in accordance with resolution 385 (1976) of 30 January of this year. The object is to ascertain whether South Africa has complied with the terms of that resolution, and if not, to consider "the appropriate measures to be taken under the Charter".

8. What were the terms of resolution 385 (1976)? In that resolution, the Council recalled its resolutions 264 (1969), 269 (1969) and 366 (1974), and called on South Africa to take the necessary steps to transfer power to the people of Namibia with the assistance of the United Nations. What was even more significant, the Council declared that in order for the people of Namibia to be able freely to determine their own future, it was imperative that free elections under United Nations supervision and control should be held for the whole of Namibia as one political entity. That resolution, my delegation would like to believe, was adopted after considerable soul-searching by some permanent members of the Council. I say this, because members will recall that an earlier meeting of the Council failed to adopt a draft resolution which would have had the Council determine, under Chapter VII of the Charter, that the illegal occupation of Namibia by South Africa constituted a threat to international peace and security [*S/11713 of 6 June 1975*]. My delegation is happy to note that events since then, not only in Namibia but within South Africa itself, have amply justified that assertion.

9. Whatever we felt about the use of the veto to block action then, and however inadequate we considered resolution 385 (1976) to be, we should like to believe that those who cautioned patience and moderation at the time believed that South Africa would, in the very near future, co-operate with the United Nations in arriving at the only viable, reasonable and justifiable solution of the Namibian problem. They believed South Africa would renounce its defiance of the United Nations and genuinely co-operate in the processes leading to the independence and sovereignty of Namibia under the supervision of the United Nations, which alone has the legal responsibility to that Trust Territory.

10. It is relevant to look at the performance of South Africa in Namibia since Council resolution 385 (1976) was adopted, first, to evaluate whether South Africa sincerely wishes to co-operate with the United Nations in implementing the decisions of the General Assembly and of the Security Council; and secondly, to determine how much longer the Council and the United

Nations as a whole should tolerate South Africa's defiance of the United Nations in the belief that its respect for our Organization shall prevail.

11. It is no secret that during the intervening period between the adoption of Council resolution 385 (1976) and now, South Africa has strengthened its military build-up in Namibia, thus increasing its hold on the Territory and posing a threat to neighbouring independent African countries. There is no one in the Council who is not aware that large sections of the African population in the northern part of Namibia, bordering on southern Angola, have been forcibly removed from their homes and herded into inhospitable areas in order to create a so-called "no-shooting land". They have been forced out of their ancestral homes and traditional farming lands on which they have depended for food and nurture for over three centuries. Perhaps it is only an African who would understand the emotional strain such an inhuman act implies.

12. Where they have complained, they have been labelled Communists, arrested and detained; where they have resisted in silence and refused to move, they have been shot on sight; and, again, to court the sympathy of the capitalist world, labelled communist insurgents. You, members of the Council, demand: "Where is your evidence?" Need I remind you of the cases of Aaron Muchimba, Henrik Shikongo and other valiant Namibians who were arrested and detained in May of this year at Swakopmund?

13. In the face of all this overwhelming evidence of bad faith, there are some who would want us to believe that South Africa has had a change of heart and that we only need to wait and see. Have we not over so many years understood what South Africa means by "good faith"?

14. Ghana is accustomed to being generous. I shall therefore briefly examine what others would want us to accept as South Africa's good faith.

15. On 18 August of this year, the representative of South Africa addressed a communication to the Secretary-General and requested him to issue it as a Security Council document. The communication was faithfully issued as a Security Council document [*S/12180*]. Whatever the cost of issuing it, it was paid for out of the United Nations budget. The document referred to was a statement issued by some organization which describes itself as the "Constitutional Committee of the South West African Constitutional Conference". I shall not go into what the document said because it is irrelevant to the issue before the Council. What is relevant is who issued that document and under whose mandate.

16. So far as my delegation is concerned, the only body which represents South West Africa is the South West Africa People's Organization (SWAPO). That is

so because it is the only body recognized by the Organization of African Unity and the United Nations as representing South West Africa or Namibia. To us, no other body has credence, and we do not think any other body should have credence within the United Nations. In any event, in the view of my delegation, if that document is South Africa's response to resolution 385 (1976), it does not meet the terms of that resolution, and we do not consider that it should meet the terms of that resolution for any member of the Council.

17. That is the Ghana Government's position. However, our desire for a peaceful solution of the Namibia situation impels us to some flexibility. In keeping with that flexibility and willingness to find a peaceful solution to the issue, we give our full support to the conditions spelt out by Mr. Nujoma, President of SWAPO, on 28 September 1976 before the Council [1956th meeting], as follows: first, that South Africa agree to talk with SWAPO regarding the modalities of transfer of administrative power to the people of Namibia under the leadership of SWAPO, without prejudice to the constitution of South Africa's delegation to the talks; secondly, that those talks must be under the auspices of the United Nations; thirdly, that before the talks all Namibian political prisoners must be released; fourthly, that all South African armed forces should be withdrawn before the talks.

18. If South Africa refuses to accept those conditions aimed at a peaceful settlement of the issue, my delegation would consider that the end of the road has been reached and that the Organization should take the appropriate action in keeping with our commitments to the Charter of the United Nations. In this regard, my delegation proposes: first, that the Council recommend that South Africa should forthwith be expelled from the United Nations and remain so expelled until it decides to comply with the decisions of the Council and the General Assembly with regard to Namibia; secondly, that the Council recommend to the General Assembly that all measures be taken to enable the United Nations Council for Namibia to discharge its responsibility; thirdly, that the General Assembly reaffirm its recognition of SWAPO as the only legitimate organization representing the whole of Namibia and give it every support to establish its control over that Territory, with the assistance of the Council for Namibia; fourthly, that the Council decide to take action against South Africa under Chapter VII of the Charter.

19. The Organization faces a serious threat to its credibility in Namibia. If we act with resolution and single-mindedness in accordance with the Charter, we shall outlive the League of Nations, if our selfish considerations deter us from resolute action, our fate cannot be any different from that of the League of Nations, which, although well conceived, lacked the courage and the political will to live up to its principles.

20. The PRESIDENT: The next speaker is the Minister for Foreign Affairs of Zambia. I welcome him and invite him to take a place at the Council table and to make his statement.

21. Mr. MWALE (Zambia): This series of meetings of the Council started under the presidency of Ambassador Kikhia, the representative of the Libyan Arab Republic. On behalf of my delegation, I should like first of all to congratulate him most sincerely for the excellent manner in which he presided over the Council and for the thorough preparatory work he carried out with skill and zeal in connexion with the meetings.

22. It gives my delegation great pleasure to note that the Council continues to meet under your able presidency, Ambassador Akhund. You have already distinguished yourself as a skilful diplomat with a unique understanding of contemporary international problems. Your country, Pakistan, is a reliable ally of the people of Namibia and, indeed, the rest of the people of southern Africa who are engaged in the struggle for self-determination and independence.

23. Let me at the outset make it quite clear that, in the view of my delegation, this meeting of the Council on what, to some, must have become the perennial question of Namibia, is of critical importance. This Council has debated the question of Namibia on numerous occasions, it has adopted many important resolutions. The most recent of these resolutions were adopted unanimously, a significant fact which shows the collective will of the Council and, indeed, of the international community to liberate Namibia from the illegal South African occupation. I need not stress that the decisions of this all-important organ of the United Nations have fallen on deaf ears. South Africa has not only refused to comply with, but has treated with contempt, the resolutions of the Council, as indeed it has done with the resolutions of the General Assembly and other relevant United Nations bodies. In short, for too long South Africa has defied and ridiculed the United Nations on the question of Namibia.

24. This meeting of the Council has been specifically convened in order to consider whether or not South Africa has complied with resolution 385 (1976). That resolution is clear and unambiguous. Its thrust was to obtain from South Africa a solemn declaration of intent to withdraw from Namibia and a commitment to co-operate in the holding of free national elections in the Territory under United Nations supervision and control. This was yet another opportunity offered to the racist régime of South Africa to vacate Namibia peacefully. The choice of South Africa is clear. As before, it has rejected and treated with contempt a meaningful United Nations initiative. It has not complied with resolution 385 (1976).

25. As if this ridicule of the United Nations was not enough, South Africa has had the arrogance and

audacity to communicate to the Council, in document S/12180 a statement of the so-called Constitutional Committee of the South West African Constitutional Conference. That statement is not even worth the paper on which it is written. Its only significance is that it confirms the fact that the puppets and stooges of South Africa who participated in the so-called constitutional talks in Windhoek were engaged in nothing but a sell-out scheme. This is what we have known all along. But to the extent that those who believed that anything reasonable and honourable could come out of the so-called Constitutional Conference convened with the exclusion of SWAPO have now learnt better and are ashamed, the statement could be considered useful.

26. What should be clear to all and sundry is the fact that the future of Namibia cannot and will not be resolved without the participation of SWAPO, the authentic representative of the Namibian people. Any serious and genuine effort to resolve the question of Namibia peacefully must involve SWAPO and be based on SWAPO's own reasonable and justified conditions. The President of SWAPO, Comrade Sam Nujoma, spelled out these conditions clearly and unequivocally in his statement before Council on Tuesday [*ibid.*].

27. South Africa is occupying Namibia illegally. It is under obligation to withdraw from the Territory. It is therefore reasonable that any talks with South Africa must be only for the purpose of agreeing on the modalities of the transfer of power to the Namibian people and for no other purpose. SWAPO is the authentic representative of the Namibian people, recognized by the Organization of African Unity, the non-aligned movement and the United Nations. Therefore, SWAPO and South Africa are the principal parties. Any worth-while talks must be between SWAPO and South Africa. The United Nations, which has been seized of the problem of Namibia for many years and which has direct responsibility for the Territory, also has a vital role to play. The United Nations Council for Namibia, in particular, which is the Administering Authority for Namibia, has a special responsibility in this regard. The essential issue involved is political and the Council for Namibia has a mandate from the General Assembly which makes its competence indisputable.

28. It is also reasonable for SWAPO to insist that before any talks begin, South Africa must unconditionally release all Namibian political prisoners, including those sentenced to death by the illegal régime. That would show the good faith of the racist régime and a serious intent on its part to negotiate an orderly termination of its illegal administration in Namibia. In any case, what would be the purpose of the continued detention of the Namibian patriots if South Africa genuinely intended to withdraw from Namibia?

29. The alternative is a holocaust in Namibia. The people of Namibia, who for many years have placed

confidence in the ability of the United Nations to resolve the question of the illegal occupation of their country by South Africa, are already, under the leadership of SWAPO, waging a gallant armed struggle. The struggle, which is bound to intensify, can only be halted by the capitulation of the enemy and the emergence of Namibia as a sovereign and independent State under a SWAPO government.

30. We in Zambia recognize and appreciate the important contribution of the United Nations to the liberation of Namibia. The United Nations Council for Namibia, the General Assembly and the Security Council, to mention a few United Nations bodies, have in various ways made important contributions. If the racists in Pretoria could be motivated by reason, the commendable efforts of the international community, through the United Nations, would have long resulted in an amicable solution to the problem of Namibia.

31. This meeting of the Council is of unique importance because the time has come for the United Nations to change its approach in the search for a solution to the problem of Namibia. Appeals to reason have been made; ultimatums have been issued. They have not had any positive effect on South Africa. They have been rejected. I submit that to continue them would be ridiculous. South Africa would have the right to conclude that the United Nations was not serious.

32. The challenge of the moment is addressed to the Council. The time is now for the Council to apply the full force of Chapter VII of the United Nations Charter against the racist régime of South Africa. The Council must now live up to its responsibilities under the Charter. There is every reason to justify invoking Chapter VII of the Charter. The statement by the President of SWAPO last Tuesday was an eloquent testimony in this regard. Apart from the very fact of the illegal occupation of Namibia in utter defiance of the decisions of the United Nations, South Africa, as the President of SWAPO made it clear, is guilty of acts of terrorism and genocide against the Namibian people. Mass arrests, detentions, imprisonment, harassment and brutal murder of the Namibian people have become the order of the day. Namibia today is a perfect example of a police State. There is a massive South African military build-up in the Territory. Military bases are flourishing.

33. In addition to all this, Namibia has become a launching pad for South African acts of aggression against independent African countries. As is well known, the People's Republic of Angola has been a victim of South African aggression committed with the use of Namibia as a base. South African acts of provocation against Angola continue to this day. My own country, Zambia, has suffered repeated acts of aggression committed by South Africa. Many lives have been lost and a great deal of property has been

destroyed. Hardly two months ago, Council considered my country's complaint against South African aggression and adopted a resolution [393 (1976)] in which it condemned the racist régime for the aggression.

34. To assure this Council that Zambia will continue to support SWAPO and the people of Namibia until final victory is to state the obvious. What my delegation considers it important to stress is the fact that time has run out for South Africa, and that an all-out war against the régime is imminent. The racists must be totally isolated until sanity dawns on them. We have called for action against South Africa under Chapter VII of the Charter. This, we hope, will be possible with the political will of all the members of the Council. In addition, we wish to appeal to all States which genuinely believe in the noble ideals of liberty and justice, and which therefore support the cause of the Namibian people, to increase material assistance to SWAPO in order that it may better execute its armed struggle against the illegal occupier. The enemy must be fought on all fronts until it is compelled to withdraw from Namibia and to scrap that evil system of *apartheid*. There is a popular uprising in South Africa which, we all know, is being suppressed with characteristic South African brutality. The people of Namibia have intensified their armed struggle. More than ever before, there is now need for greater international solidarity with the oppressed people. They need every encouragement. They need concrete and practical forms of assistance.

35. The PRESIDENT: The next speaker is the representative of Mozambique, the Minister for Foreign Affairs. I welcome him and invite him to take a place at the Council table and to make his statement.

36. Mr. CHISSANO (Mozambique): We listened with due interest and attention to the statements delivered here by various delegations at the first meetings on the item under consideration, in particular that of the President of the United Nations Council for Namibia [1956th meeting] and the President of SWAPO [*ibid.*]. They spoke without reservations and in eloquent terms. Their statements were important contributions for the Council in that they gave us a very lucid picture of how the situation has developed in southern Africa since the Security Council last met on the question of Namibia in January last. We have greatly benefited from their earnest efforts to clarify their respective positions vis-à-vis this question of Namibia, which has once again led to the Council's meeting and examining the situation.

37. My Government is deeply concerned about and interested in whatever is taking place today in Namibia, as well as in Rhodesia, South Africa and elsewhere in the area. This debate, which was decided upon last January, has been awaited with a great deal of interest by our people and leaders and throughout the world.

38. The entire world is following the debate in the Council with interest and some anxiety because of the

events that occurred as a result of the upheavals in southern Africa. That is so because the world is less and less inclined to believe that there will be a peaceful solution of the problem of Namibia. In fact, there can no longer be a peaceful solution, for the liberation war is on. What remains now is to find the necessary measures to shorten this war and spare the lives of the Namibian people.

39. There has been much talk in the world about developments in southern Africa. But what are the main components of these developments? A mere good will of the minority racist and illegal régimes to bring about change? The answer is obviously no. Is it the political and diplomatic initiative carried out by some allies of the minority régimes? The answer is also no. Neither is it any progress in the mind or understanding of Vorster with respect to the necessity of following the path of justice. The development fundamentally consists of two elements: first, there is a serious intensification and development of the armed struggle of the people of southern Africa, which cannot be restrained unless Mr. Vorster comes to a realistic idea of the situation. For instance, in Zimbabwe the people are waging guerrilla warfare and in Namibia the situation is as we have heard Mr. Nujoma, the President of SWAPO, say:

"In conclusion, I should like to reiterate SWAPO's position that we are more than ever committed, determined and resolved to carry out the armed liberation struggle with intensity, to liberate every inch of Namibia, including Walvis Bay." [*Ibid.*, para. 89.]

The people of Namibia are committed and determined to carry out this armed struggle. In South Africa, waves of constant strikes and violent demonstrations are devastating the South African *apartheid* structures and deepening the deterioration of the situation, particularly relations among the races; secondly, there is, on the other hand, increasing international support for the freedom struggle being waged by the people of Namibia, led by SWAPO.

40. These are the elements that motivated the sudden apparent change in South Africa's attitude. In Namibia, SWAPO's constant victories have obliged the illegal régime of Vorster to modify its strategy and its forms of action, though it is far from seeing reason.

41. Against this background, the minority régime's allies, who see their vested interests threatened, felt obliged to recognize reality. It is the people's national struggle that is the principal initiative for the solution. That is why we strongly feel that this struggle must be supported by the international community. Having said that, we believe that we have helped the Council to decide to whom belongs the merit of what is happening in southern Africa and, in particular, Namibia.

42. Now what our delegation would like to know is what South Africa's régime has done to implement the contents of resolution 385 (1976). We have observed and closely watched South Africa's attitude since this important resolution was adopted in January this year, and our analysis leads us to conclude that South Africa has not implemented any of it. What, then, did South Africa do with regard to the serious call contained in resolution 385 (1976)? Nothing. Nevertheless, it has not remained inactive. South Africa has been busy creating situations in Namibia, aimed at deliberately deceiving public opinion in order to perpetuate its presence in the Territory. It engineered delatory manoeuvres and skilfully created dangerous situations in order more and more to confuse the issue, without, however, paying the least regard to the demands of the United Nations.

43. The demands of the United Nations, which is the legal administrative authority of Namibia, were all defied by the South African illegal régime. The deliberate misrepresentation carried out by South Africa, its flagrant failure to comply with the pertinent General Assembly and Security Council resolutions and its utter defiance of the advisory opinion of the International Court of Justice,¹ as well as its gross violation of the rules of international law—all this, in our opinion, constitutes an insult and an open challenge to the United Nations. If all South Africa is doing is openly to challenge the power and authority of this august international body, then one cannot help feeling that we must act against this, for it is not the first time that South Africa has behaved in such a manner. Therefore, serious action has to be taken against such a calculated negative attitude on the part of a State Member of the Organization.

44. We think it is unnecessary to review the prevailing situation, which is characterized by the criminal acts of atrocity that South Africa is now flagrantly and arrogantly committing against the people of Namibia, and in particular the members of SWAPO.

45. It was not merely by accident, or for the pleasure of it, that a few days ago the President of SWAPO, speaking here, expressed his and his organization's doubts concerning the rumours that Mr. Vorster and his Government are now willing to negotiate for the independence of Namibia. In fact, the military build-up and the militarization of Namibia without the consent of the United Nations Council for Namibia, the sole legal authority, have turned an international Territory into a complete police State, with a view to brutalizing and terrorizing the Namibians. A doubt cast in such circumstances sounds positive. South Africa is confused, and now it is trying to confuse the whole world also.

46. Unfortunately for South Africa, almost the entire world is well aware of the realities today in the Territory. It will not be easy to affect world opinion by the outdated methods which were ineffectively

used in the past by notorious Fascist régimes. There is therefore no need to enumerate the type of measures the Council should take at this juncture to reinforce the authority of the United Nations over the Territory, to reiterate the recognition of SWAPO as the sole legitimate representative of the people of Namibia, recognized by the Organization of African Unity as well as by the non-aligned movement and by other international and peace-loving organizations the world over.

47. We shall not, however, hesitate to outline what we deem it necessary for the Council to do to help solve the problem peacefully, as we view it. We shall do that as our modest contribution to the efforts the United Nations has been making on this old problem since its inception. We are aware of the nature of the difficulties surrounding the question of Namibia. But we are also aware that there is nothing that can hold back indefinitely the exercise of the sacred rights of the people.

48. In our opinion, it is important:

—First, that the Council recognize that South Africa poses a serious challenge to the fundamental principles of the United Nations Charter.

—Secondly, that the Council apply Chapter VII against South Africa, in particular with regard to the mandatory arms embargo.

—Thirdly, that the Council should not limit itself to deploring, condemning or urging South Africa—although that is no less important—but, now that SWAPO has been recognized and its struggle has been legitimized, it should encourage by all means and give substantial material aid to SWAPO to enable it to cope with its enemy, who is at the same time the enemy of the United Nations.

—Fourthly, that, meanwhile, since the Council is sitting at a crucial stage of the Namibian question, concerning which Mr. Vorster is reported to have alleged a willingness to recognize the independence of Namibia, the Council should decide to give a full mandate to the Secretary-General to convene a real constitutional conference, in which the main participants would be the United Nations, the Republic of South Africa and SWAPO. In that constitutional conference SWAPO must participate as the party primarily concerned. SWAPO must be the determining party in regard to any solution to be found. In other words, SWAPO will be the decisive factor.

49. In our experience, a constitutional conference is always between the colonial Power and the legitimate representative of the colonized people. With that principle in view and recognizing that South Africa is the colonial Power in Namibia, that the United Nations is the legal authority over Namibia, and that SWAPO is the representative of the colonized people in Namibia, we think that the aforementioned three parties

are the only ones that should participate in the constitutional conference for Namibia's independence. It has been reported that SWAPO has made it clear that it will not take a seat, in any circumstances, in the conference if SWAPO's comrades who are languishing in the prisons of the Republic of South Africa are not released. Therefore, the release of SWAPO members from prison becomes a priority condition.

50. Having given that outline, we should like to reaffirm our unconditional support for the people of Namibia, led by its vanguard organization. Similarly, we should like to pay a tribute to the United Nations and express once again our resolute position with respect to the decisions contained in the relevant resolutions of the General Assembly and the Security Council, in particular resolution 385 (1976).

51. The People's Republic of Mozambique rejects any conference about Namibia which may be convened by the Government of South Africa. Our Government and people categorically repudiate and regard as illegal the so-called Windhoek Conference. We strongly reject the idea that SWAPO should participate in a constitutional conference on an equal footing with individuals or puppet groupings forged by the South African Government. In our view, SWAPO is the determining and decisive factor in the question of Namibia. If there are some nationalists within the country—or even outside it—who, for one reason or another, were unable to participate in the struggle for national independence all these years, they should now join with SWAPO.

52. Before I conclude my statement, Mr. President, allow me to express my delegation's pleasure at your accession to the presidency of the Council. We should like to transmit our salutations through you to the previous President, who conducted the beginning of this debate, the representative of the Libyan Arab Republic, brother Kikhia. My delegation is confident that your experience, combined with the wisdom of the other representatives in the Council, is a guarantee that the Council will overcome the difficulties and that its work will be crowned with complete success.

53. The PRESIDENT: The next speaker is the Minister for Foreign Affairs of Sierra Leone. I welcome him, and I invite him to take a place at the Council table and to make his statement.

54. Mr. MINAH (Sierra Leone): Mr. President, permit me at the outset to express my appreciation to you and, through you, to the members of the Council for allowing my delegation to participate in this debate, which is of the utmost importance to my Government.

55. I avail myself of this opportunity also to congratulate you on your assumption of the high office of President of the Council for the month of October. Your diplomatic experience and personal interest in

the subject will undoubtedly enable you to guide our deliberations to a successful conclusion. We also wish to pay a tribute to your predecessor, Ambassador Kikhia of the Libyan Arab Republic, under whose guidance this debate commenced a few days ago.

56. Despite the fact that the Security Council and the General Assembly have adopted a number of resolutions, culminating in resolution 385 (1976), and despite the advisory opinion of the International Court of Justice of 1971 on South Africa's continued illegal presence in Namibia,¹ the South African Government has stubbornly refused to adhere to or implement the terms of those resolutions. A close study of resolution 385 (1976) reveals that the Council meticulously outlined specific terms and conditions with which the South African Government should comply by 31 August 1976. As we expected, South Africa again deliberately ignored the demands of the Council and failed to adopt any significant measures to implement those demands. Our duty now is to determine what action should be taken by the Council under the Charter against a recalcitrant Member State which has persistently and deliberately refused to implement the Organization's decisions.

57. Since the adoption of resolution 385 (1976) every attempt to liberate the people of Namibia from the oppressive jurisdiction of South Africa has proved futile. In fact, instead of improving, the situation in Namibia has deteriorated through the calculated obduracy of South Africa. That country has reinforced its military strength in Namibia and has created a 1,000-foot-wide buffer zone along the Namibian-Angolan border in order to prevent the movements of liberation fighters. In this major offensive, known as Operation Cobra, the instructions given to the South African troops were "to shoot anyone who ran away and to arrest those who stayed". In fact, those arrested were brutally tortured during interrogation, and the entire area has been placed under the most rigid and coercive martial law since May of this year. The result of Operation Cobra has been widespread arrests and imprisonments and indiscriminate torture and murder of the Namibian people, particularly the liberation fighters of SWAPO. These inhuman acts by South African troops have reinforced the conviction of the liberation movement of SWAPO that the only road to freedom is by armed struggle. In response SWAPO has inevitably endeavoured to close its ranks and intensify the guerrilla struggle against the blood-thirsty troops of racist South Africa.

58. At the same time, however, SWAPO has made it clear that it is ready at any time to hold constitutional talks with South Africa provided certain preconditions are fulfilled. They are: first, the recognition of SWAPO by South Africa as the sole representative of the Namibian people; secondly, the release of all political prisoners and the guarantee of a safe return to Namibia of Namibians now living in exile elsewhere; thirdly, supervision of elections by the United

Nations prior to independence; fourthly, acceptance of the territorial unity and integrity of Namibia; fifthly, the invalidation of all criminal charges against freedom fighters, dead or alive; sixthly, the withdrawal of South African troops from the Territory; seventhly, the formulation of a specific and early date for independence.

59. In our view, it would be an act of wisdom if South Africa were to accept these conditions and agree to have constitutional talks with a view to reducing the human suffering and the loss of lives resulting from the present armed confrontations. But, as I stated yesterday in the General Assembly,

“Perhaps South Africa has reasons for being so stubborn and impervious to reason. Facts have revealed that South Africa has decided to delay its withdrawal from Namibia as long as possible in order to continue the exploitation not only of the mineral resources of that country but also of the services of the African population, a regular source of cheap labour.”²

60. It is common knowledge that Namibia is rich in minerals. It produces diamonds, copper, lead, uranium, zinc, tin, and iron ore, to name only a few, and all in no small quantities. South Africa now obtains from Namibia its main supplies of these minerals, which were hitherto imported from other sources at a very high cost in foreign exchange. It is an open secret that in recent years mining enterprises have considerably increased because of the mineral wealth of Namibia and the availability of cheap African labour. A recent survey has revealed that the area covered by mining concessions comprised about one third of Namibia. Consequently, Namibia's mineral wealth is becoming more and more a deterrent to its political freedom. The exploitation of uranium, for example, has increased Namibia's strategic importance not only to South Africa but also to other potential nuclear Powers. It is also evident that South Africa's main objective in Namibia is to continue to exploit the mineral resources of that Territory and, in the process, to frustrate every attempt to hand over the reins of government to the Namibians.

61. African labour is also equally exploited, with the Africans receiving miserably low wages while completely unprotected by law. They are not allowed to form trade unions, to strike or even to change jobs without permission. A comparison between the earnings of the whites and those of the blacks for doing the same jobs is, to say the least, shocking. On the average, whites receive 18 times the wages paid to Africans for doing the same jobs. This does not include other benefits, such as housing, free schooling, and hospital and recreational facilities, which only whites enjoy.

62. I have taken the trouble to dilate on the economic benefits which South Africa and other allied countries

derive from South Africa's illegal presence in Namibia to emphasize why it has not been easy for certain countries openly to condemn South Africa's attitude and pressure it into vacating the Territory.

63. South Africa's presence in Namibia has become a danger not only to the Namibians themselves but also to neighbouring States such as Angola and Zambia. It was only a few months ago that in the Council Zambia's complaint [S/12147] about South Africa's violation of its sovereignty and territorial integrity was fully discussed. South African soldiers took off by helicopter from the “prohibited area” on the Zambia-Namibia border, landed on Zambia's territory, destroyed property and killed and wounded scores of people. It is also well known that South African troops have been transforming that newly created buffer zone into a base for the invasion of Angola should the need arise.

64. From the above analysis, it is evident beyond a shadow of doubt that South Africa's presence in Namibia is a threat to international peace and security. As the Council is the only organ which is entrusted with the responsibility of maintaining international peace and security, it should, once and for all, adopt appropriate measures under the Charter to put an end to the persistent defiance of its decisions by this recalcitrant Member State.

65. On about 15 August, this year, in order to beat the deadline of resolution 385 (1976), which stipulates that the Council should meet on or before 31 August to review South Africa's compliance with the terms of that resolution, the South African Government made a statement to the effect that it was not prepared to vacate Namibia before 31 December 1978, when independence would be granted to a puppet régime which will no doubt adhere to the colonial doctrines of exploitation, suppression and repression of the indigenous Namibians.

66. SWAPO rightly rejected that proposal as unacceptable. My delegation fully associates itself with SWAPO's reaction to this surreptitious move by South Africa. My Government has on several occasions declared its commitment to Namibia's right to self-determination and independence, and it strongly supports the stand of the Organization of African Unity, which recognizes SWAPO as the sole legitimate representative of the people of Namibia devoted to the self-determination and independence of the Territory. SWAPO must therefore play a major role in any talks or dialogue affecting the future of Namibia if such talks or dialogue are to be productive.

67. The Council has been specifically summoned to meet at this time in compliance with paragraph 12 of its resolution 385 (1976), which states that the Council:

“Decides to remain seized of the matter and to meet on or before 31 August 1976 for the purpose of

reviewing South Africa's compliance with the terms of the present resolution and, in the event of non-compliance by South Africa, for the purpose of considering the appropriate measures to be taken under the Charter."

68. I have attempted to analyse the situation that has continued to exist in Namibia since the adoption of that resolution, and the result is indeed very disappointing. In our view, South Africa has not complied with the terms of that resolution. Indeed, it has attempted to divide Namibia into "homelands" governed by racially discriminatory and repressive laws aimed at maintaining the *status quo* and perpetuating the system of *apartheid* in the Territory.

69. That is why I must associate myself with my brothers of SWAPO to appeal, through the Council, to Member States and the specialized agencies to render every material and moral support which will enable them to continue relentlessly their armed struggle, which now remains the only path to the attainment of self-determination, freedom and independence.

70. In particular, it is the solemn responsibility of the members of this Council to be honest with themselves and adopt with impartiality appropriate measures, under Chapter VII of the Charter, consistent with the defiant attitude of South Africa, a Member State which has regularly and persistently ignored decisions of the Organization, and of the Council in particular.

71. Mr. President, members of Council, the decision is yours. We call upon all members—and I mean "all members"—of the Council to adopt "appropriate measures" to rectify this intolerable situation in Namibia which is fast becoming an incurable disease in the body politic of the international community.

72. The Council cannot, however, confine itself to punitive measures. There should be a corresponding move towards positive solutions which recognize and protect the rights of indigenous Namibians, and in this exercise the initiative must come from the Organization, whose responsibility the Territory is, at the moment. To this end, we would urge the Council to give a mandate to the Secretary-General to organize immediately a preliminary tripartite conference involving the United Nations, SWAPO and South Africa to work out the modalities for a full constitutional conference which will itself lead, without delay, to the full and complete transfer of power to SWAPO.

73. We, on our part, hold ourselves ready to render every possible assistance, for we remain firm in the belief that only a total, global effort can ensure the independence of Namibia and bring peace and stability to southern Africa.

74. The PRESIDENT: The next speaker is the representative of Democratic Kampuchea, whom I invite to take a place at the Council table and to make his statement.

75. Mr. KEAT CHHON (Democratic Kampuchea) (*interpretation from French*): Sir, allow me to extend to you our warmest congratulations on your accession to the presidency of the Council. The delegation of Democratic Kampuchea would also like to voice its satisfaction at seeing an eminent representative of a friendly country, Pakistan, a country devoted to the cause of the national independence, sovereignty and territorial integrity of States, as well as to the right of peoples to be masters of their own destinies and the destinies of their countries, playing an important and active role in the Council.

76. At the same time, we should like to express our appreciation to your predecessor, the representative of the Libyan Arab Republic, our friend Mansur Kikhia, the outgoing President, for the description he gave yesterday of the feelings of dignity of a small country faced with those who practise interference, *diktat*, intervention, aggression, expansionism and annexation.

77. Mr. President, we should also like to express our heartfelt thanks to you and to the other members of the Council for giving us the opportunity to speak in order to set forth our viewpoints and to reaffirm our position on the question of Namibia.

78. Although geographically distant from Namibia, the people of Democratic Kampuchea feels a fighting and fraternal solidarity with the courageous struggle of the people of Namibia under the leadership of SWAPO. It is firmly devoted to the noble cause for whose success the people of Namibia have been moved to great sacrifices. We are firmly and more than ever convinced that, regardless of the obstacles and difficulties to be overcome, the people of Namibia, as it resolutely and persistently pursues its liberation struggle, will surely regain its independence and freedom.

79. The flames of the struggle for national and popular liberation which is a fore-runner of the total liberation of all Africa from the last entrenched vestiges of colonialism, racism and *apartheid*, are currently sweeping over Namibia, Zimbabwe and Azania. Thanks to their persevering struggle, the courageous peoples of Namibia, Zimbabwe and Azania are about to sweep away the minority colonialist and racist régimes. Sensing the approach of their inevitable end, the régimes of Vorster and of Ian Smith and their supporters are feverishly striving to assure their survival for a little longer. In Namibia, Vorster, while intensifying his barbaric repression and criminal massacres and launching armed attacks to intimidate neighbouring countries, is escalating his evil manoeuvres in order to prolong his colonialist and racist domination.

80. We firmly support the position of SWAPO in denouncing the manoeuvres of Pretoria. We resolutely support the determination of the people of Namibia to pursue its armed liberation struggle to complete and final victory, so that Namibia may regain real sovereignty and independence.

81. In this decisive phase of the struggle, our duty is to stand shoulder to shoulder with the courageous people of Namibia, as with those of Zimbabwe and Azania, and to give them our firm support. For that reason, in the case of Namibia, given the continuation of the illegal and insolent occupation of Namibia by the South African régime, and bearing in mind resolution 385 (1976), vigorous measures must be taken against that régime. Those vigorous measures should be such as to contribute effectively to the prompt realization of the centuries-old sacred aspirations of the people of Namibia. All measures adopted at the current stage of the struggle of the people of Namibia must respect the Namibians' independence, sovereignty and their right to be masters of their own and their country's destiny. Furthermore, when Namibia becomes independent, the measures taken must respect the independence and the sovereignty of its people and its right to be master of its own and its country's destiny. Action under Chapter VII of the

Charter would further isolate the colonialist and racist régime of Pretoria and would encourage the Namibian people in the decisive phase of its courageous struggle.

82. The Council has been a witness of the great upheavals which have occurred in the world situation since the founding of the United Nations. National independence, the sovereignty of States and the right of every people to be master of its own and its country's destiny acquired through arduous political and armed struggle in Asia, Africa and Latin America, now constitute a powerful tide of history which nothing can hold back. The delegation of Democratic Kampuchea is convinced that in the face of these facts, the Council will shoulder its responsibilities. For our part, we are convinced that the courageous struggle of the people of Namibia will end in victory.

The meeting rose at 5 p.m.

Notes

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 *Official Records of the General Assembly, Thirty-first Session, Plenary Meetings, 12th meeting, para. 119.*