

UNITED NATIONS



SECURITY COUNCIL OFFICIAL RECORDS

TWENTY-SIXTH YEAR

1588th MEETING: 5 OCTOBER 1971

NEW YORK

DEPT. OF POLITICAL AND
SECURITY COUNCIL AFFAIRS
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FIFTEEN HUNDRED AND EIGHTY-EIGHTH MEETING

Held in New York on Tuesday, 5 October 1971, at 4.30 p.m.

President: Mr. Guillermo SEVILLA SACASA (Nicaragua).

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

Provisional agenda (S/Agenda/1588)

1. Adoption of the agenda.
2. The situation in Namibia:
 - (a) Letter dated 17 September 1971 addressed to the President of the Security Council from the representatives of Algeria, Botswana, Burundi, Cameroon, the Central African Republic, Chad, the Congo (Democratic Republic of), Egypt, Equatorial Guinea, Ethiopia, Gabon, Ghana, Guinea, Kenya, Liberia, the Libyan Arab Republic, Madagascar, Mali, Mauritania, Mauritius, Morocco, the Niger, Nigeria, the People's Republic of the Congo, Rwanda, Senegal, Sierra Leone, Somalia, the Sudan, Swaziland, Togo, Tunisia, Uganda, the United Republic of Tanzania, the Upper Volta and Zambia (S/10326);
 - (b) Report of the *Ad Hoc* Sub-Committee on Namibia (S/10330).

Statement by the President

1. The PRESIDENT (*interpretation from Spanish*): Nicaragua feels honoured today to be assuming once again the Presidency of the Security Council. The Council may remember that we were gratified to preside over this same body last July.
2. Since this is the first meeting we are holding in the month of October, I am happy to extend a greeting to you all, distinguished members of the Council, while at the same time reiterating my feelings of highest regard and cordial friendship. I hope that I can rely on the same generous and able co-operation and assistance that you so kindly rendered to me last July in order that we may make fruitful progress in our work.
3. I am happy to convey to Ambassador Nakagawa of Japan, our most distinguished colleague, the sincere thanks and congratulations that he deserves from us all for the especially intelligent skilful and tactful manner in which he exercised his presidential duties during the month of

September. The manner in which the Ambassador of Japan, of whose outstanding capacity and international experience we have ample proof, discharged his duties fully met our expectations.

4. It being my intention to move forward as far as possible in our consideration of the problem before the Council this afternoon, and desiring to co-ordinate our activities with those of the General Assembly, we have convened this meeting this afternoon.

5. I thank you all for your attendance, and once again reiterate my full confidence that a solution will be found to all the problems that are of concern to the international community, a solution which, naturally, calls for good faith and a lofty conscience.

6. I wish to apologize to members for opening this meeting one hour later than the scheduled time. I was negotiating on certain matters connected with my duties and am convinced that members will understand the reasons for this involuntary delay. Thank you very much.

Adoption of the agenda

The agenda was adopted.

The situation in Namibia:

- (a) Letter dated 17 September 1971 addressed to the President of the Security Council from the representatives of Algeria, Botswana, Burundi, Cameroon, the Central African Republic, Chad, the Congo (Democratic Republic of), Egypt, Equatorial Guinea, Ethiopia, Gabon, Ghana, Guinea, Kenya, Liberia, the Libyan Arab Republic, Madagascar, Mali, Mauritania, Mauritius, Morocco, the Niger, Nigeria, the People's Republic of the Congo, Rwanda, Senegal, Sierra Leone, Somalia, the Sudan, Swaziland, Togo, Tunisia, Uganda, the United Republic of Tanzania, the Upper Volta and Zambia (S/10326);
- (b) Report of the *Ad Hoc* Sub-Committee on Namibia (S/10330)

7. The PRESIDENT (*interpretation from Spanish*): In accordance with previous decisions taken by the Council during its consideration of this question, I shall proceed to invite those delegations participating in this debate to take the places reserved for them in the Chamber, on the understanding that they will be invited to the Council table when they wish to speak.

8. I invite the representatives of Ethiopia, South Africa, Liberia, Guyana, Chad, Nigeria and Mauritius to take the places reserved for them in the Council Chamber. I also wish to invite the representative of the Sudan and the President of the United Nations Council for Namibia to take a seat at the Council table.

At the invitation of the President, Mr. M. Khalid (Sudan) and Mr. E. O. Ogbu, President of the United Nations Council for Namibia, took places at the Security Council table; and Mr. T. Makonnen (Ethiopia), Mr. H. Muller (South Africa), Mr. J. R. Grimes (Liberia), Mr. S. S. Ramphal (Guyana), Mr. B. Hassane (Chad), Mr. O. Arikpo (Nigeria) and Mr. R. Ramphul (Mauritius) took the places reserved for them in the Council Chamber.

9. The PRESIDENT (*interpretation from Spanish*): Before calling on the first speaker, I wish to inform the Council that the delegation of Dahomey has added its name to the list of signatories of the letter addressed to the President of the Security Council by a considerable number of representatives of African States [S/10326].

10. Mr. KOSCIUSKO-MORIZET (France) (*interpretation from French*): Mr. President, in keeping with established tradition, we shall refrain from expressing to you publicly our high regard for you as well as for your predecessor, but we wish to assure you that our silence is not inadvertent.

11. The issue before us is unusual in every respect. This is brought out by the very presence in our midst of President Moktar Ould Daddah, whose great moral dignity and vision we have long admired, as well as by the attendance of an impressive delegation of eminent African ministers.

12. This question is exceptional first of all because of the extent of the debates to which it has given rise in the United Nations since the very beginning of the Organization. I remember participating myself in these debates almost 11 years ago in the Fourth Committee on the item that was then called "The question of South-West Africa". It is exceptional also by reason of the number of resolutions which have been adopted on it and the variety of bodies that have been called upon to give their views on this question. But it is also exceptional by reason of the very nature of the Territory under discussion, the only Territory in respect of which a Mandate of the League of Nations was not changed into a United Nations Trusteeship. It is a well-known fact that even though the architects of the Charter in San Francisco did not write into this document a strict obligation making it incumbent upon the mandatory Powers to transform their Mandate into a Trusteeship, there is not the slightest doubt that they intended that such a change would be requested by the countries concerned.

13. As was expected, all the mandatory Powers, including ourselves, negotiated Trusteeship Agreements—all except one, South Africa, which remained deaf to all entreaties. That is how this anomaly arose—a source of endless and sterile legal debate: a Mandate of the League of Nations has continued to exist outside the United Nations Trusteeship System and, due to the erroneous interpretation of this Mandate by South Africa, it has continued to exist outside the Organization as a whole.

14. In the view of my delegation, in respect of a situation such as this—a truly unique situation—there can in any event be but one specific solution, a solution that would be out of the question in other cases inasmuch as by definition no other analogous case exists, for this is the last of the League of Nations Mandates.

15. However, despite the exceptional nature of this problem, on which my Government expressed its views in detail in a report it addressed to the International Court of Justice, the Court set forth a number of general considerations on the jurisdiction of the General Assembly and the Security Council which go far beyond the question of Namibia and we refuse categorically to endorse them.

16. We shall merely exercise our normal prerogatives vis-à-vis what is but a consultative opinion and not a judgement, although some delegations have shown a tendency in the course of this debate to regard it as such. This opinion comes to us not only in the form of a set of conclusions but it is also accompanied by a detailed account of the reasoning which led the judges to that decision. Moreover, alongside the majority opinion, which contains a number of important qualifications, we find an account of the dissident opinions, which obviously did not prevail but which are no less worthy of our attention.

17. Having thus carefully considered the advisory opinion¹ as a whole, we feel duty bound to voice our criticism of its analysis of the powers of the General Assembly. Thus, we read in paragraph 105 of the opinion:

"... it would not be correct to assume that, because the General Assembly is in principle vested with recommendatory powers, it is debarred from adopting, in specific cases within the framework of its competence, resolutions which make determinations or have operative design."

In other words, according to the Court, in the cases mentioned in paragraph 105 of its advisory opinion, the General Assembly might not only make recommendations but also take decisions binding on States on the sole condition that it keeps within the very vast framework of questions which it is empowered to discuss. We categorically reject such a view, which would make the General Assembly the parliament of a world super-State. In fact, save for the very special instances of which a complete list is given, such as the admission or the expulsion of a Member State (Articles 4 and 6), the vote on the budget (Article 17) and the drawing up of the rules of procedure (Article 21)—cases that are irrelevant to this debate—the Charter contains no provision, and certainly not in Article 10, investing the General Assembly with the slightest power of decision.

18. Similarly, we wish once again to emphasize that the Security Council is empowered to take decisions binding on all States. But such decisions are limited to cases of a threat

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.*

to the peace, breaches of the peace or aggression. Moreover, they deal with measures, such as sanctions, which are necessary to maintain or restore international peace and security. They do not relate to permanent transfers of territorial jurisdiction. May I add, finally, that in their very text they must show clearly—and this was not the case with the decisions taken by the Council in this matter—that they fall within the framework of Chapter VII of the Charter and have been adopted as a result of the establishment of threats to the peace, as required by Article 39.

19. Having mentioned both the exceptional nature of what is called the question of Namibia, and certain erroneous interpretations of our Charter as contained in the advisory opinion of the Court, my delegation wishes to stress that the impatience of the whole of the international community, though, of course, above all that of our African Friends—is perfectly legitimate in respect of this problem whose legal vicissitudes continue without the least progress being made.

20. We must strive to be concrete and constructive. In any event, that is the position to which my Government intends to adhere.

21. That leads us to an observation and a proposal. The observation is that, above and beyond legal controversy about whether the Mandate is still in force or has been revoked by the General Assembly, the concept of a Mandate is repudiated in practice by both parties. South Africa—which has violated the obligations thereof in a constant and reprehensible manner, not only through the enactment of its annexationist legislation and racist regulations but also by attacking the unity of the Territory—has announced that the Mandate is null and void. As for the General Assembly, it claims to have revoked it.

22. Inasmuch as the two opposing parties are in agreement that the Mandate does not exist, one would be tempted to say that the question dealing with the continuance of this Mandate would no longer have any meaning if there did not flow from the concept of a Mandate a capital obligation for South Africa. It is the obligation to negotiate in good faith with the United Nations for the establishment of an international régime enabling the people concerned freely to choose their destiny.

23. This is an obligation which we do not intend to allow South Africa to shirk. We are prepared, for our part, to make this known to South Africa. It goes without saying, however, that a collective effort by the international community and, above all, by the countries whose vast means entail special responsibilities, is highly desirable.

24. In truth, this appears to us to be not only the reasonable course but the only possible course. Whatever the impatience and the weariness that the obstinacy and—to speak frankly—the ill-will of South Africa may arouse in us, we must be no less determined to call upon South Africa to fulfil its obligation to negotiate.

25. In the present state of affairs, this is undoubtedly the only means of safeguarding the prestige of the United Nations and of preserving the interest of the people whose fate must remain our principal concern.

26. President Moktar Ould Daddah stated:

“With the assistance of the Secretary-General, U Thant . . . the Security Council should immediately take the necessary steps to create conditions allowing the Namibian people freely to exercise their right to self-determination.” [1583rd meeting, para. 20.]

We shall add nothing to that since that is what is essential. We, for our part, are ready to comply with this earnest appeal by the President of the Islamic Republic of Mauritania.

27. If South Africa were to fail to abide by its strict obligation to negotiate with the United Nations for a new international régime for South West Africa, France would draw its own conclusions about the illegality of an administration maintained under such conditions.

28. Based on the above considerations, my delegation will state its position at the time the vote is taken on the proposals placed before us.

29. The PRESIDENT (*interpretation from Spanish*): The next speaker is the Minister for Foreign Affairs of Chad. I invite him to take a place at the Council table.

30. Mr. HASSANE (Chad) (*interpretation from French*): At the outset, in this modest contribution which I plan to make to the debates of this Council on the problem of Namibia, I should like to express to this important body of our Organization my feeling of gratitude for being given the opportunity of speaking on behalf of Africa, thus discharging the mandate entrusted to us by the Organization of African Unity, under the high leadership of its present President, President Moktar Ould Daddah of the Islamic Republic of Mauritania, and for the high sense of responsibility evinced by this Council, enabling us to make heard the voice of the African victims of the greatest injustice of our time.

31. The Pretoria authorities claim that it is in the name of Western civilization and the moral principles which underlie that civilization—that is to say, in the name of the principles of generous Christianity—that they subject the black populations of Southern Africa to the *apartheid* system.

32. Among the voices raised in the world and in the United Nations against this abject system, which is a true denial of the quality of a human being, we find those of representatives of countries which, for the principles of Christianity and those underlying other religions, have the most worthy and most absolute respect.

33. As far as we know, none of the respectable religions of this world makes man responsible for the colour of his skin, and it has never been scientifically proved that the colour of the skin has anything at all to do with the degree of intelligence of a human being. On the contrary, everything seems to point to the fact that, given similar conditions, all men are the same. Do the white men of Pretoria have a sense which other human beings do not have? Do they realize that, through their obstinacy, they are about to

alienate the last and scarce friends remaining to them in Africa and in the world?

34. The representative of South Africa has said in this Council:

"The South African Government is committed to the principle of self-determination no less than any other Member of this Organization; and it is our conviction that the peoples of South West Africa wish us to continue to administer the Territory until they have achieved full self-determination under our guidance." [1584th meeting, para. 137.]

35. Is he trying to tell us that the populations of Namibia willingly accept to be treated as they are treated at present by the advocates of the *apartheid* régime, are ready to decide that they wish to be kept within a community of States governed by this system and, therefore, to abandon any idea of true independence?

36. If this is so, why does South Africa not agree to withdraw from the international territory of Namibia to enable the population of that Territory to prove this desire by freely choosing its own representatives who would then, in all sovereignty, decide to join South Africa?

37. How is it that the Pretoria authorities and the United Nations cannot agree on the meaning of the expression "self-determination of peoples"? If this comes from the difference between the content which the United Nations gives to this principle and the one given to it by South Africa, we sincerely believe that it is up to South Africa to accept the interpretation of this principle given by the General Assembly and the Security Council.

38. When the United Nations agreed that the Mandate exercised under the control of the League of Nations should continue to be exercised by the Union of South Africa in the name of His Britannic Majesty and under its control, it never had the idea of entrusting the fate of the population of this Territory forever to the South African authorities for them to do with it what they saw fit.

39. The Mandate was created "in the interest of the inhabitants of the territory, and of humanity in general, as an international institution with an international objective: a sacred trust of civilization."² Refusal by South Africa to discharge the obligations pursuant to the terms of the Mandate made necessary, and even compulsory, the adoption of General Assembly resolution 2145 (XXI), deciding that the Mandate had come to an end and that South Africa did not have the right to administer the territory.

40. In addition to numerous resolutions of the General Assembly and the Security Council declaring illegal the practice of the *apartheid* system in that mandated Territory, in particular resolution 2145 (XXI) of the General Assembly, putting an end to the Mandate exercised by South Africa, the advisory opinion of the International Court of Justice of 21 June 1971—made necessary by the

refusal of the Republic of South Africa to heed the injunction of the Security Council to withdraw from the international Territory of Namibia at the latest by 4 October 1969—confirms the international status of Namibia and the responsibility of the United Nations for this Territory and its population. Things could not have been otherwise. Indeed, it is inconceivable that serious statesmen could, after 25 years of sterile efforts at persuasion, take such a serious decision without having first thought about the consequences which would result therefrom.

41. We have such respect for the decisions of our Organization that we think no politician responsible for the fate of a people could have the idea of adhering to the principles of the Charter or of any treaty without having thought twice. Those responsible for international relations in our respective countries are not so irresponsible that they accept to sanction an important decision with so many legal implications without having thought of the legal and political consequences of the decision which they would have our Organization take. Our Governments carefully studied the situation then existing in South-West Africa. They carefully studied the way in which the Government of South Africa was discharging the mandate entrusted to it by the United Nations. And it was because they fully understood the annexationist designs of the Pretoria authorities regarding the mandated Territory in violation of the right of self-determination of the people of that Territory that they decided to ask that an end be put to the exercise of that Mandate over South-West Africa by the Republic of South Africa. Thus, resolution 2145 (XXI) of the General Assembly of our Organization, no matter what our critics say, was a result of careful and objective reflection on the part of delegations fully aware of their responsibilities under the spirit of the Charter and their obligation for the maintenance of international peace and security.

42. If the Republic of South Africa had the slightest respect for our Organization and the principles of the Charter—and this respect flows from its position as a Member State—if it had the slightest respect for the principles governing the political Organization of which we are members; Member States among which there are some which have the same civilization as that because of which it claims to defend its *apartheid* system, it would have respected the spirit of the first resolution stating that it had failed in its duty imposed by the Charter in discharging the Mandate for which it was responsible and which it had to discharge honourably, having in mind the fundamental objective of ensuring the well-being of the populations of the mandated Territory. It would have spared us the need to adopt so many resolutions and the need to resort to the International Court of Justice after the adoption of General Assembly resolution 2145 (XXI).

43. The attitude of flagrant defiance^a always shown by that Member State towards the resolutions of the General Assembly and Security Council and the arrogance always shown towards the Advisory Opinions and decisions of the highest judicial organ of our Organization are such that we could have not the slightest illusion about the way in which it was to react to a just and courageous decision of the Court.

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

44. We must remind the Council that the resolution (284 (1970)) asking for an advisory opinion of the Court was adopted without opposition, showing that there was a consensus under which this opinion was deemed necessary to enable the Council to discharge its responsibilities.

45. We must also remind the Council that it was two years after having recognized the validity of General Assembly resolution 2145 (XXI), and having asked in vain that South Africa withdraw from Namibia and having set as a deadline 4 October 1969 for that withdrawal, that the Security Council decided to ask for the advisory opinion of the Court.

46. Is it necessary to remind members of the Council that the Security Council by resolution 269 (1969) decided:

"that the continued occupation of the Territory of Namibia by the South African authorities constitutes an aggressive encroachment on the authority of the United Nations, a violation of the territorial integrity and a denial of the political sovereignty of the people of Namibia"?

Is it necessary to remind members of the Council that the same Council in resolution 276 (1970) declared

"that the continued presence of the South African authorities in Namibia is illegal and that consequently all acts taken by the Government of South Africa on behalf of or concerning Namibia after the termination of the Mandate are illegal . . .".

47. Thus, members of the Council, your important body is today concretely confronted with the heavy responsibilities entrusted to it by the Charter of the United Nations in the name of mankind.

48. According to us, one of the Council's main objectives should be at the end of these debates to ensure the strict application by all States of its resolutions on this matter, as well as complete respect for the Opinion which, pursuant to your unanimous request, the highest international judicial organ has rendered about the legal consequences for States of the continuing presence of South Africa in Namibia despite resolution 276 (1970) of your Council.

49. Pursuant to that request, the Court said the following in paragraphs 122 to 125 of its advisory opinion:

"... member States are under obligation to abstain from entering into treaty relations with South Africa in all cases in which the Government of South Africa purports to act on behalf of or concerning Namibia. With respect to existing bilateral treaties, member States must abstain from invoking or applying those treaties or provisions of treaties concluded by South Africa on behalf of or concerning Namibia which involve active intergovernmental co-operation. With respect to multi-lateral treaties, however, the same rule cannot be applied to certain general conventions such as those of a humanitarian character, the non-performance of which may adversely affect the people of Namibia. It will be for the competent international organs to take specific measures in this respect.

"Member States . . . are under obligation to abstain from sending diplomatic or special missions to South Africa including in their jurisdiction the Territory of Namibia, to abstain from sending consular agents to Namibia, and to withdraw any such agents already there. They should also make it clear to the South African authorities that the maintenance of diplomatic or consular relations with South Africa does not imply any recognition of its authority with regard to Namibia.

"... member States" have "the obligation to abstain from entering into economic and other forms of relationships or dealings with South Africa on behalf of or concerning Namibia which may entrench its authority over the Territory.

"In general, the non-recognition of South Africa's administration of the Territory should not result in depriving the people of Namibia of any advantages derived from international co-operation. In particular, while official acts performed by the Government of South Africa on behalf of or concerning Namibia after the termination of the Mandate are illegal and invalid, this invalidity cannot be extended to those acts, such as, for instance, the registration of births, deaths and marriages, the effects of which can be ignored only to the detriment of the inhabitants of the Territory."

50. In reply to the question of the Security Council, the Court rendered the following opinion in paragraph 133:

"(1) that, the continued presence of South Africa in Namibia being illegal, South Africa is under obligation to withdraw its administration from Namibia immediately and thus put an end to its occupation of the Territory;

"(2) that States Members of the United Nations are under obligation to recognize the illegality of South Africa's presence in Namibia and the invalidity of its acts on behalf of or concerning Namibia, and to refrain from any acts and in particular any dealings with the Government of South Africa implying recognition of the legality of, or lending support or assistance to, such presence and administration;

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

51. Namibia is not the first nor the only Territory under mandate which the United Nations has had to help to accede to national independence, but it is the only one which has given rise to so much concern in our Organization.

52. It is no secret for anyone that this is due to various foreign influences of a political, economic or other character which encouraged the South African Government in maintaining its defiant and contemptuous attitude towards the world Organization. What is even more disappointing, is the fact that this encouragement comes from Powers which, by dint of their importance, are primarily responsible for the maintenance of international peace and security.

53. However, in our view it is important that the Court should have specifically mentioned in its Opinion the obligations of States non-Members of the United Nations and should have confirmed that non-Member States must act in conformity with the relevant decisions of the General Assembly and the Security Council and to lend their assistance to measures taken by the United Nations concerning Namibia. Thus, non-Member States of our Organization which, until now, felt free to act as they wished towards resolutions of the United Nations concerning Namibia, according to a policy which was not in keeping with decisions of this Organization, shall abstain from doing so in the future and recognize themselves that they have obligations similar to those incumbent upon Member States.
54. Many times we have had to criticize the activities of non-Member States running counter to resolutions of our Organizations. It is therefore necessary to say that this compliance or non-compliance of non-Member States with their obligations towards Namibia shall be considered as relevant factors when we have to determine their qualifications as possible Members of this Organization.
55. By accepting fully Security Council resolution 283 (1970) and the legal opinion of the Court, pursuant to resolution 284 (1970) of the Security Council, I declare that we agree with all proposals in parts A and B of the report of the *Ad Hoc* Sub-Committee on Namibia [S/10330].
56. We have therefore come to ask the Security Council, on behalf of the whole of Africa, to assume the full share of its responsibilities as a guarantor of international peace and security by effectively putting an end to the presence of South African administration in the international territory of Namibia, by adopting measures in conformity with the Charter.
57. In the search for a solution to the problem confronting the Security Council, its first duty is towards the population of Namibia. This Council must be constantly mindful of the fact that this problem has to do with the fate of this population and that it is the way in which it discharges its obligations toward that population will determine the confidence and the hopes for peace that the international community—and especially defenceless peoples—places in the Security Council and, through it, in the United Nations.
58. I should like most respectfully to appeal to the conscience of the permanent members of the Security Council and to state that the special position and the privileges which they enjoy in the adoption of the most important international decisions are in keeping with the heavy responsibilities entrusted to them by the international community. Therefore, there can be no serious pretext to justify the refusal to exercise these responsibilities and in these circumstances to take the specific measures which are mandatory, especially after the statement heard by the Council from the representative of South Africa [1584th meeting] after the legal opinion rendered by the International Court of Justice which I have just mentioned.
59. The PRESIDENT (*interpretation from Spanish*): I call on the Foreign Minister of the Sudan.
60. Mr. KHALID (Sudan): Allow me, Mr. President, at the outset to thank you for affording me this opportunity to address the Security Council on behalf of Africa, together with my eminent brothers, Mr. Arikpo of Nigeria, Mr. Grimes of Liberia, Mr. Hassane of Chad and Mr. Makonnen of Ethiopia.
61. The agenda item dealing with the question of Namibia represents to us in Africa not only a burning political issue but also a political reality that shames the dignity of every man and woman in our Continent. It is the reality of *apartheid* that extirpates from the hearts of its practitioners all human virtue. It is the reality of tyranny that knows no discipline or constraint. It is the reality of our brothers and sisters being dragged into bloody servitude by the most dangerous engines of arbitrary government in our times. But it is also the reality of a coalescing crisis that threatens to incinerate the whole of southern Africa and, with the imponderable arithmetic of violence, perhaps the rest of the Continent.
62. And if we come here, five African Foreign Ministers led by a prominent African Head of State, we do this to awaken the world to the reality of African concern and consensus on this question, the question of Namibia. It is not my intention to elaborate on a case, nor is it my intention to adduce arguments in support of a cause. The case of Africa was very ably expounded by President Moktar Ould Daddah and its arguments very skilfully marshalled by my learned friends Makonnen, Grimes, Arikpo, Pratt and Ghalib.
63. But is it really necessary for us to go through this painful exercise? The Council knows only too well that in no other issue before the United Nations have the minds of all the representatives in this Organization been at one. The record of 88 General Assembly resolutions and 7 Security Council resolutions speaks for itself.
64. This impressive record was crowned by the recent advisory opinion handed down by the International Court of Justice. The Court's opinion, though it does not add new findings or indictments, represents an important legal enunciation that completes the estrangement of the South African régime by all United Nations organs: the legislative, the administrative and the legal. South Africa now stands condemned in the eyes of the civilized world: condemned for its transgression of the law of nations; condemned for its disdain of the principles of the Charter; and, indeed, condemned for its callous disregard of the imperatives of universal wisdom. All the right-thinking elements of international society have since associated themselves with the findings of the Court, including some of the major Powers. And we are confident that others will follow suit, for it is the cause of justice that stands to gain by such a rally. I am sorry to say that the statement we just heard from the representative of France does not help us a great deal in this particular direction. We too do not want to engage in a sterile juridical discussion. We can produce a forest of legal opinions and interpretations regarding the competence of the Council and the Assembly; that would not help. The

problem is not a juridical one: it is a political and moral one.

65. Africa is suffering, both physically and morally, the impact of South African lawlessness; it also deplores the complete helplessness of the law-enforcing organs of the United Nations in the face of South Africa's supreme insult to this Organization. And it is a helplessness made possible only through the reticence of some of the great Western Powers.

66. Today Africa looks to this Council for decisive action. It looks to this Council to put into operation the whole mechanism of redress against an unlawful aggressor. It looks, in particular, to the big Powers of the West to end all continuing activities and relations, be they political, military, diplomatic or economic, that would enable South Africa to continue its unlawful trespass in Namibia or clothe its presence in that Territory with a semblance of legality.

67. And in this connexion we give credit to those countries that have so far respected the edicts of the United Nations on the arms embargo, on economic sanctions, on the discouragement of investment and on the cessation of a consular presence.

68. We do not want to believe that the great Powers which continue to aid and trade with South Africa can go on sacrificing moral responsibility for the sake of material gain or strategic interests. But even if we have to be cynical and say that, to some, gold is God, still those people would be better advised to think in terms of their interests elsewhere. There is also more at stake north of the Limpopo.

69. We know that considerations of national interests are major factors in policy formulation. But we also know that the role of any Power is to weigh national interest against international responsibility and to weigh material gain against moral commitment. After all the whole process of government is, in the last analysis, a weighing of relative social and moral values.

70. Of late we have been told that a ferment within South African society might soon result in a change of heart in that country. I am sure that in listening to Mr. Muller, the Minister for Foreign Affairs of South Africa, the other day [1584th meeting], many people were hopefully awaiting evidence of that change. But here he came, not to plead but to accuse, not to explain but to confuse, not to submit to judgement but to challenge authority, not to heed the wise counsel of the world but to defend a repugnant policy that has justifiably earned the inexhaustible contempt of mankind.

71. Mr. Muller, with unparalleled audacity, has also come here not only to challenge the legality of the Court's ruling, but also to question the integrity of that great international legal oracle. To him, the Court's verdict was a result of political manoeuvres rather than objective jurisprudence.

72. And as for facts, what did Mr. Muller have to tell us, armed with his home-made statistics? That his Government is making determined efforts to bring the people of

Namibia towards self-government, that the economic life in the Territory continues to prosper thanks to his Government and that education and health services are far more advanced than those enjoyed by citizens of other African countries. The whole world knows the facts. His falsehood can be stripped nude right here. Falsehood is a scorpion that stings itself to death.

73. Mr. Muller talks of self-government for the peoples of Namibia. What peoples of Namibia does he refer to? Should we look for the answer in his constantly revealing references to white and non-white population? White and non-white—that is the sort of adjective that does not exist in the United Nations lexicon; it does not exist in the United Nations Trust Territories. The United Nations, if Mr. Muller needs to be reminded, is simply colour blind.

74. South Africa, in its vain endeavour, seems to be inspired by the overblown maxim of ancient empire builders: divide and rule. The reason behind these divisive methods is to make easy South Africa's repressive control of the people of Namibia. We would be taking leave of our senses if we believed that this policy was one that would guide Namibia towards self-government.

75. With regard to Namibia's economy, Mr. Muller has tried to tabulate an impressive record of achievements in economic development—thanks to God and South Africa, or perhaps the reverse. But Mr. Muller did not choose to relate this impressive development to the realities of life in Namibia. He did not relate it to the so-called police zones, comprising the southern developed region and two-thirds of the Territory—occupied, need I say, by whites. He did not relate it to the underdeveloped, so-called outside, zones that fit so well the description by Gladstone: "... this waterless waste in South Africa". He did not relate his *per capita* incomes to the slave-labour contract system of the South West African Native Labour Association (SWANLA), under which a Namibian worker earns a wage of seven rands a month, compared with a minimum wage of 150 rands earned by a white worker.

76. Mr. Muller continues to produce evidence of his country's efforts to promote the general welfare of the people of Namibia. The name of Ovamboland occurs many times in his statement. And since Mr. Muller has a lot of faith in news reports and features about South Africa, let me refer him to one. Let me refer him to what *The New York Times* had to say of Ovamboland in its issue of 23 June 1971:

"Clearly aiming at making it into a showcase, South Africa has over the last few years appropriated sizable funds... to give favoured Ovambo groups water, roads, hospitals and the beginning of small industries."

Thus, what South Africa intends to hold out a typical economically advanced area of the Territory of Namibia is revealed to be nothing but a window-dressing designed to conceal the real economic situation in the whole Territory. We are not therefore to be hoodwinked into accepting South Africa's propaganda by the sweet reasonableness with which it attempts to sell these half-truths.

77. Mr. Muller also chose to speak on education—a field in which the Government of South Africa has displayed and

still displays a deliberate and callous disregard for the welfare of the people of Namibia. It is an open secret that the educational policy of Pretoria aims at excluding non-whites from executive and skilled positions in the administrative services, as well as the economic and social organization of the Territory. As far as is known, there were in 1967 only five non-white doctors and there is now one African lawyer—but not a single African engineer, dentist or surveyor.

78. The South African Foreign Minister has sought to impress us with numbers of pupils and schools, maintaining silence on the gross inequity in the treatment accorded to white and African children as regards educational facilities, the number and ratio of school enrolment and completion of studies, the quality of education dispensed and the amount of money allotted. In 1970, for example, the average *per capita* expenditure for white children was eleven times the amount spent *per capita* for African children. In 1969, only 47,000 out of an estimated 102,000 school-age African children were attending school. Even grimmer statistics may be noted. Of those attending school, 91 per cent were enrolled in lower primary classes, 9 per cent at the higher primary level, and only 0.3 per cent in secondary classes. This “wastage” is not only a feature of African education in Namibia, but it is also the result of a deliberate policy. The system itself is structured to perpetuate such wastage.

79. As far as health services are concerned, Mr. Muller again produced statistics from his Government's books. Checked against the evidence of those who have lived and continue to live in the misery of the reserves, those statistics seem to speak of a paradise long lost. This is what Katuutire Kaura, a Namibian witness, told the *Ad Hoc* Working Group of Experts of the United Nations Commission on Human Rights:

“It is my turn to take you to the outskirts of the Kalahari Desert, where young men are relegated to early graves because they happen to have caught a common cold and there is no medical clinic around”.³

80. Mr. Muller sought to use statistics for hospital beds to persuade this Council that his country is dispensing proper medical services. We should have been more impressed if we had been given the ratio of doctors to patients among Africans.

81. The wind of change that some of the members of this Council were awaiting and are still awaiting in great expectation is not yet blowing from the direction of Pretoria. What we were subjected to in this Chamber by the South African Foreign Minister was indeed, as my friend Mr. Makonnen said, “the incredible spectacle of the arch law-breaker of our time posing as the ardent advocate of international rule of law. [1587th meeting, para. 10.] So let us not be diverted by dilatory tactics; let us approach the problem with resolve.

82. I wish to tell this Council that, in coming here, we were not driven by an impulse of instinctive solidarity but

by a sense of responsibility. And, in meeting here and discussing matters with you, we are not urging impetuosity but are advocating the establishment of the rule of law. We refuse to accept the notion that this Council can remain helpless in the face of defiance by a Member State. We believe that all it takes is the will to act.

83. In the face of South African intransigence the Council can no longer continue to be an irresolute author of decisions. Let us move to endorse the Court's ruling *in toto*. Let us reaffirm our past decisions and resolutions. Let us take measures that will compel States—all States—to carry out the resolutions of the United Nations, discharge their responsibility towards the people of Namibia and deny to South Africa all the help and opportunities that enable it to continue its aggression. Let us take a further step: let us, as is indeed our duty, take the necessary action envisaged under Chapter VII of the Charter.

84. At its 1583rd meeting the Council heard the solemn voice of the whole of Africa in the speech of one of our great Presidents—President Moktar Ould Daddah. Today the Council may wish to hear the voice of Namibia, through the words of a simple African, Toivo, a teacher and regional secretary of SWAPO, defending himself at one of the historic trials in Pretoria. His voice has since been muzzled by the repressive machine of South Africa. Toivo is now serving a 20-year sentence in the fascist gaols of South Africa. He had this to say to his judge, or rather to his inquisitor:

“... 1963 for us was to be the year of our freedom. From 1960 it looked as if South Africa could not oppose the world for ever. The world is important to us. In the same way as all laughed in Court when they heard that an old man tried to bring down a helicopter with a bow and arrow, we laughed when South Africa said that it would oppose the world. We knew that the world was divided, but as time went on it at least agreed that South Africa had no right to rule us.

“... we feel that the world as a whole has a special responsibility towards us. This is because the land of our fathers was handed over to South Africa by a world body. It is a divided world, but it is a matter of hope to us that it at least agrees about one thing—that we are entitled to freedom and justice”.

Many people like Toivo—millions of people—are awaiting us back home; and all of them, like him, are clamouring for freedom and justice.

85. Listening to President Ould Daddah the other day, I could not resist the temptation of being carried away to a distant past and far-away place—to 30 June 1936 and to the Assembly of the League of Nations meeting in Geneva. The resonance of the firm and dignified speech of Emperor Haile Selassie of Ethiopia claiming justice for his people was perhaps too strong to resist. What was most resounding in that speech was the Emperor's closing appeal:

“Representatives of the world, I have come to Geneva to discharge in your midst the most painful of the duties of the Head of a State. What answer am I to take back to my people?”

³ *A Principle in Torment: III—The United Nations and Namibia* (United Nations publication, Sales No.: E.71.1.4), p. 11.

That answer was given. You all know it: inaction and abdication of international responsibility. It was not the Ethiopians alone who suffered from the results of that inaction. Freedom and justice are what we ask for, a freedom that has long been cloistered and a justice that has long been unexercised.

86. Let us not once again prove to the world the decay of international virtue.

87. The PRESIDENT (*interpretation from Spanish*): I wish to remind the Council that at its last meeting, held on 30 September, it agreed that in due time it would accede to the request contained in the letter from the representatives of Burundi, Sierra Leone and Somalia [S/10346] and would extend an invitation to Mr. Nujoma under rule 39 of the Council's provisional rules of procedure. I believe that it is appropriate to hear Mr. Nujoma's statement, in keeping with the decision taken on 30 September by the Council.

88. If I hear no objection, I shall now call on Mr. Nujoma.

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

89. Mr. NUJOMA: There are privileges in life that should be accompanied by particular solemnity. The privilege that this august body has bestowed upon me as the first freedom fighter to be accorded this opportunity, is indeed one such privilege. Aware of the stupendous task that rests upon my shoulders today, Mr. President, allow me to express my most sincere debt of gratitude to you, and through you, to the distinguished members of the Security Council.

90. This session of the Council has been convened to discuss ways and means of enforcing previous decisions of the General Assembly, as well as those of the Security Council, in the light of the advisory opinion of the International Court of Justice rendered on 21 June 1971. The International Court gave an unequivocal ruling when it stated in paragraph 133 of the opinion:

"... the continued presence of South Africa in Namibia being illegal, South Africa is under obligation to withdraw its administration from Namibia immediately and thus put an end to its occupation of the Territory".

91. Discussing this opinion, *The New York Times* stated:

"With this historic 13 to 2 verdict, the Court has cleared away the legal and political fog that for years obscured the status of the former German colony."

Thus the Namibian people and the peace-loving people of the world have won the legal contest. Now it is up to the Security Council to live up to its responsibility.

92. The United Nations is confronting the most determined and most serious onslaught on its principles since the Organization was set up. Therefore the Security Council, as an organ which has been assigned the primary responsibility for the maintenance of international peace and security, should and must not fail to take authoritative and decisive action.

93. This time we are not asking for declaratory statements which have no effect on the illegal occupation forces. On the contrary, we are imploring this august body to take concrete and immediate action under Chapter VII of the United Nations Charter. In that Chapter, Article 39 enjoins on the Security Council the duty of determining the existence of any threat to peace, breach of peace or act of aggression, and to take appropriate action.

94. Who can doubt that these conditions are now prevalent? Who can doubt that a case has arisen for the Security Council to take action as provided in Articles 40 and 41? The only people who doubt this are the major Western Powers. They do so, not because the situation in Namibia does not threaten international peace and security, but because they want their agents in South Africa to continue providing them with cheap labour, which results in enormous profits for their investors. How long will these people who profess to be the champions of equality, democracy and free speech pursue their insatiable greed for material things and ignore the value of human life? How can the situation in Namibia be described as peaceful when South Africa is arming itself to the teeth with the most advanced weapons of destruction? How does one explain the fact that the South African army is today fighting in Angola, Mozambique, Namibia and Zimbabwe? How does one explain the constant threats made against independent African States? For instance, Vorster threatened President Kaunda of Zambia in the following terms: "We will hit you so hard so that you will not forget it". Lastly, what is to become of international law if the countries represented here can ignore with impunity any interpretation of law that is not in their favour? Where are the advocates of "law and order"?

95. We welcome the stand taken by the Government of the United States in accepting the advisory opinion of the International Court of Justice as stated by the Secretary of State, Mr. William Rogers, in the General Assembly. [1950th plenary meeting]. We hope the United States will follow up this responsibility with appropriate measures to end South Africa's illegal occupation of Namibia.

96. The South African Foreign Minister gave "facts and figures" on the economic development of Namibia which, if one does not read between the lines, imply that South African presence in Namibia confers rewarding economic and other benefits on the black majority and the white minority alike. Lest the members of this Council and the world at large be bamboozled, we should like to point out two very important factors which must be borne in mind with respect to the situation in Namibia.

97. First, we wish to make it perfectly clear to the world that the African majority does not manifestly benefit either financially or materially from the economic development of Namibia. If there is indeed any benefit at all, it is only marginal or latent and certainly not on a level with that enjoyed by the whites. Hence all those impressive "facts and figures" so dramatically revealed by the Foreign Minister have no bearing on the economic conditions of the African population.

98. Secondly, everything in Namibia, as well as in South Africa, is geared towards benefiting the white section of the

population. Hence any economic planning is carried out in the interest of the white minority at the expense of Africans. We want this fact to be appreciated for what it is.

99. Thirdly, the South African Foreign Minister again gave figures meant to prove to the world how much the South African Government is doing for the Africans: the number of hospitals, schools, radio stations, tarred roads, nurses, clerks, bookkeepers, truck drivers and so forth. These are meant to show how much Pretoria has done for us. We want it to be perfectly clear to the world that we want independence—and I underline that fact: we want independence. We want South Africa to relinquish its illegal occupation of Namibia. We shall never be wooed by roads, hospitals, schools and so forth, as long as South Africa remains on Namibian soil. Again, we want the world to appreciate this fact for what it is.

100. The South African Foreign Minister stated that his Government "is making determined efforts to bring the peoples of South West Africa toward self-government." [1584th meeting, para. 134.] This is a gross abuse of the noble concept of self-determination and a euphemism for *apartheid* or Bantustan or Homeland. I think it is appropriate for me to quote what our people at home had to say about Bantustans. Bishop L. Auala and Pastor P. Gowaseb in their statement to their congregations made the following points:

"The Government, by the application of the Homelands Policy, constitutes the creation and continuation forever of the division between the races. It is stated that this policy is intended to lead the races to self-government and independence. But our small race groups cannot really be aided by separation. They will be isolated and denied the chance to take a proper part in the development of the country."

101. In another incident, a group of students of Ondangua stated that: "... Ovambos would rather suggest to Vorster and his company to create 'Whitestans' for Germans, Afrikaners and English elsewhere, but not in Namibia."

102. There are factors militating against and, indeed, precluding the successful implementation of Bantustans. The economic realities of our time require large expanses of land and massive populations to provide the base for markets. Thus, a five-year development plan for Ovambo-land, in isolation, is an illusion of hope. It is economically unfeasible, and therefore politically unrewarding. The social and economic expectations of the people of this region will most certainly override the fantasies of *apartheid*.

103. The spokesman for the white people of South Africa further stated that "*per capita* income is amongst the highest in Africa" [*ibid.*, para. 143]. Economists have long admitted that this jumbling of figures in order to arrive at a so-called *per capita* income is the most inaccurate way of measuring the real income of a person. It may only approximate reality in a country where there is an equal distribution of national wealth. It is completely inapplicable in the case of Namibia, where there is such a disparity in incomes. Namibians are among the poorest Africans I have seen. I wish to inform Mr. Muller that he

does not know Africa, and therefore he should refrain from making unrealistic and highly misleading comparisons with other African States. When economists talk about the poverty of a given people, they talk in terms of relative deprivation. Mr. Muller should therefore compare Namibian African disposable income with that of the white Namibians or white South Africans. He will realize immediately that the African income is at the subsistence level.

104. The Foreign Minister of the all-white Government of South Africa further stated:

"The system [of education] in South West Africa is directly in line with the modern approach to schooling in Africa, the emphasis being on the importance of African cultures in the education of African youth." [*Ibid.*, para. 159.]

105. There is absolutely no truth whatsoever in this assertion. Indeed, the philosophy of education which governs the education of Africans in Namibia is based on the notorious policy statement of the late Dr. Verwoerd, when he was Minister of Bantu Administration and Education, that the

"black child's education must be geared towards preparing him for a subservient position in society... not to give false hopes to want to aspire to the position of the white man, who must remain his master".

Nothing has happened in the past twenty years or more to prove that this policy has been scrapped. On the contrary, there is all the evidence to prove that education of the African in Namibia has deteriorated.

106. The Foreign Minister stated, *inter alia*, that "The standard is the same as that of the whites in South and South West Africa." [*Ibid.*]

107. In Namibia society in all its spheres—the sphere of education included—is organized on the basis of race discrimination. This is the very basis of *apartheid*. It is therefore shocking to hear the representative of the white section of the society contending—contrary to the very philosophy of *apartheid*—that whites and blacks receive the same education in Namibia. In fact, the assertion implies that whites and blacks receive the same educational opportunities in Namibia. What then is Bantu education? Mr. Muller conveniently omitted to mention the system of Bantu education. It was conveniently avoided for very obvious reasons. The fact is that education for whites is free and compulsory, whereas the same cannot be said of the education of the Africans.

108. In the more than 40 years of its maladministration of Namibia the white Government of South Africa has dismally failed to prepare our people by providing them with a meaningful education which would enable them to run a modern government when Namibia becomes independent. Bantu education certainly cannot prepare us to handle the complexities of modern establishments.

109. That does not mean that we ourselves have been idle. I am pleased to state here that SWAPO of Namibia, in its

short existence, has educated more Namibians than South Africa has done over the past 50 years. I am proud and happy to announce that in the past 10 years, through our initiative, we have educated 25 engineers, 4 medical doctors—including the first African woman doctor—7 lawyers and more than 35 holders of university degrees in various fields. To some, those figures may appear modest and insignificant. To us, who have been denied so much for so long, it is a record of which we are justly proud and which we are determined to improve upon. Our sincere thanks must go to all those countries—both Members and non-Members of this Organization—which generously gave scholarships for our people to undertake further studies. It is our hope that they will continue doing so in the future.

110. Mr. Muller further stated that "it is our conviction that the peoples of South West Africa wish us to continue to administer the Territory until they have achieved full self-determination under our guidance." [*Ibid.*, para. 137.]

111. The truth is that the people of Namibia have never accepted and will never accept the administration of South Africa. In this respect we can do no better than cite some of the recent developments inside Namibia which categorically prove our people's outright rejection of the South African Government. Again, for obvious reasons, Mr. Muller did not mention these developments.

112. As we stated earlier, the people of Namibia enthusiastically welcomed and approved of the advisory opinion of the International Court of Justice of 21 June 1971. Perhaps the most significant development following the Court's advisory opinion has been the position and the stand taken by the African Church leaders in Namibia. The Church occupies an esteemed position among our people, and its leaders are no less esteemed than the political leaders of our country, most of whom are either in gaol or detention or in exile today.

113. Two very influential leaders of the Ovambokavango Lutheran Church and the Evangelical Lutheran Church, following the Court's advisory opinion, addressed an open letter to the Prime Minister of white South Africa on 30 June 1971. That letter is a historic document of far-reaching consequences in our struggle for freedom and independence in Namibia. Copies are being circulated in the United Nations and, therefore, I am not going to quote it in full. However, I shall quote some relevant parts of it for the information of the Security Council.

"We believe that South Africa in its attempts to develop South West Africa has failed to take cognizance of human rights as declared by the United Nations in the year 1948 with respect to the non-white population."

Furthermore, the letter goes on to state:

"The Church Boards' urgent wish is that in terms of the declarations of the International Court and in co-operation with the United Nations of which South Africa is a Member, your Government will seek a peaceful solution to the problems of our land and will see to it that the Human Rights Declaration be put into operation and that South West Africa may become a self-sufficient and independent State."

114. The letter was signed by Bishop Auala and Moderator Gowaseb of the Evangelical Ovambokavango Church and the Evangelical Lutheran Church of South West Africa, respectively.

115. The impact that open letter had on the white population of Namibia was as traumatic as it was hysterical. The same impact was felt in South Africa. The Prime Minister of white South Africa, John Vorster, flew to Windhoek and had a four-hour confrontation with a delegation of eight led by the two courageous spiritual leaders. They were threatened and intimidated but they firmly stood by the open letter they had sent to the Prime Minister. They also reiterated their stand in rejecting the condemnation of the local whites, who could not understand their Government's failure to silence these spiritual leaders once and for all.

116. Again, let me cite another example of the country-wide protests against South Africa's illegal presence in Namibia. This time, I refer to the anti-Government demonstrations by secondary as well as high school students in many parts of the country.

117. When the Foreign Minister of the all-white South African Government addressed the Security Council the other day, he mentioned the Ongwediva training institute in Ovamboland, which he described as "an impressive complex comprising three institutions in one—a high school, a teachers' training centre and a trades centre" [*ibid.*, para. 160].

118. What the Foreign Minister failed to mention was that the Ongwediva training institute, since its establishment, had been nothing but a perennial source of trouble for the South African occupation authorities. There have been so many anti-Government demonstrations at this training institute. The biggest of these occurred after the advisory opinion of the International Court of Justice when the South African Government was forced to close down the institution. Hundreds of students were expelled because of this political demonstration in favour of the Court's opinion. It was therefore perplexing to hear the South African Minister talk in such laudatory terms of the institute, which is indeed the centre of protest for the young generation of our country.

119. Not only is Ongwediva a symbol of new nationalism in Namibia, but it was also from there that many students were expelled because they refused to accept the Afrikaans language as a medium of instruction. This came as a profound shock to the South African authorities. Similar demonstrations have taken place at the Augustineum High School at Windhoek, where 70 students were expelled only last week.

120. We have cited these important examples to demonstrate to the world that, contrary to South Africa's claim that our people wish to remain under its administration, the people want an immediate end to South African rule. It is because our people want an immediate end to South African rule that the Court's opinion was accepted with such enthusiasm by our people.

121. We are aware of the claims by the South African Government that chaos and disorder will inevitably follow in the wake of its withdrawal. This contention is based on sheer imagination and has been repeatedly used to cast doubts on the integrity and ability of the Namibian people.
122. For centuries the people of Namibia of all ethnic groups have lived side by side in peace and harmony. Warfare and strife were unknown to them. It was only with the advent of German colonialism, with its usurpation of our land and property, that we began to taste the bitter fruit of discord and conflict. SWAPO of Namibia therefore wishes to reiterate that we recognize the contribution that all people in Namibia, including those who came as settlers from Europe, must make to the general well-being and prosperity of our country. The white people have nothing to fear as long as they play a constructive role in the reconstruction of the country.
123. Another fallacy often proclaimed by South Africa is that the economic structure of Namibia will collapse once its administration is replaced. Nothing could be further from the truth; for the interests of Namibians dictate that the economy must be strengthened and expanded in order to ensure the well-being of its citizens. The only possible source of disruption is the South African Government, which could sabotage the economy of Namibia; there is no prospect of this happening in any other quarter.
124. I wish to declare, in the name of the people of Namibia, that unless this august body acts decisively to secure the withdrawal of South Africa from the international Territory of Namibia, we shall have no alternative but to continue the armed struggle with greater intensity. We do not love bloodshed, but when we are dealing with a Government like that of South Africa, which believes in violence and bloodshed, we must be prepared to meet it on its own terms. Our struggle may be long and protracted; our struggle may be bloody and costly in terms of human life; it is a price we are prepared to pay for our independence.
125. In conclusion, I should be failing in my duty if I did not express our gratitude to that illustrious son of Africa, the President of the Islamic Republic of Mauritania, for the moving address which he delivered on behalf of the Organization of African Unity [1583rd meeting]. May I also avail myself of this opportunity to extend our sincere thanks to the five Foreign Ministers who accompanied him and, through them, to the entire OAU membership.
126. I should like to inform the Council that we have in our possession a documentary film called "South West Africa" which shows conclusively whom the people of Namibia will choose—South Africa or the United Nations—if and when they are given a choice. We should like the Council to see this film at a convenient time as material evidence.
127. The PRESIDENT (*interpretation from Spanish*): The next speaker is the representative of the Soviet Union. The representative of Sierra Leone wishes to speak on a point of order.
128. Mr. PRATT (Sierra Leone): I beg the indulgence of the representative of the Soviet Union.
129. We have just been given information by the SWAPO representative concerning a documentary film which, he said, if I understood him correctly, will prove whom the people of Namibia will choose—the United Nations or South Africa. It is in the interest of all delegations that we should have an opportunity of seeing this documentary film and what it expresses. I suggest, therefore, that, as a matter of procedure, we agree to see this film tomorrow before the meeting of the Council. This will enable us to decide for ourselves its admissibility as documentary evidence in the subject which we are discussing.
130. The PRESIDENT (*interpretation from Spanish*): The representative of the Soviet Union was kind enough to allow the representative of Sierra Leone to put forward his proposal. As I understand it, his proposal that the film be shown before tomorrow's meeting is acceptable.
131. Mr. MALIK (Union of Soviet Socialist Republics) (*translated from Russian*): I am prepared to defer my statement until tomorrow, and perhaps we could see the film today. That is an alternative proposal I should like to make.
132. Mr. PRATT (Sierra Leone): I understand that this film is not long; but considering the hour I would suggest that we see it tomorrow when we are quite refreshed, before the Council's meeting begins.
133. The PRESIDENT (*interpretation from Spanish*): It is quite possible that the representative of the Soviet Union will not insist, and he may be willing to speak today. First the representative of the United Kingdom has asked for the floor, and I now recognize him.
134. Sir Colin CROWE (United Kingdom): Although Mr. Nujoma is quite free to offer to show to any member of the Council any film that he wishes, I wonder whether the showing of the film is quite appropriate at a formal meeting of the Security Council, or whether it should be made available to be seen elsewhere. I wonder whether a showing of a film in the Security Council falls quite within the understanding on which we heard him.
135. Mr. PHILLIPS (United States of America): On the same question, perhaps a clarification might be in order. If I understood you correctly, Mr. President, you suggested that the film might be available for those who would be interested in seeing it prior to the meeting of the Security Council tomorrow. On that understanding I think we would have no objection.
136. The PRESIDENT (*interpretation from Spanish*): This matter is quite simple and I shall try to sum it up. I was about to call on the representative of the Soviet Union, the first speaker on my list, when the representative of Sierra Leone asked for the floor on a point of order. He requested that the film mentioned by Mr. Nujoma be shown before the first speaker takes the floor tomorrow.
137. It seems to me that this is a matter of courtesy; whoever wishes to see the film may do so. That is what we have been invited to do. This is not a matter relating to the meeting itself. The representative of France has asked for the floor.

138. Mr. KOSCIUSKO-MORIZET (France) (*interpretation from French*): As I understand it, this is a film which we are invited to see. Any delegation in the United Nations has the possibility of inviting other delegations, including those on the Security Council, to watch a film. Such a film may be of interest. But it goes without saying that this has nothing to do with the meeting of the Security Council. I suppose this is clearly understood.

139. The PRESIDENT (*interpretation from Spanish*): The representative of Sierra Leone has asked the Chair whether before tomorrow's meeting begins whoever wishes to see the film may be given an opportunity to do so. Is that correct?

140. Mr. PRATT (Sierra Leone): Yes, Sir.

141. The PRESIDENT (*interpretation from Spanish*): The matter has now been resolved satisfactorily.

142. Mr. MALIK (Union of Soviet Socialist Republics) (*translated from Russian*): I do not quite understand the concern of some members of the Security Council. Those who do not wish to see the film will not be dragged in to see it, and those who wish it will go ahead and see it. I see no grounds for discussion.

143. As far as my statement is concerned, I have no objection to deferring it until tomorrow, in view of the feelings of members of the Security Council about the lateness of the hour.

144. The PRESIDENT (*interpretation from Spanish*): The film will be shown tomorrow before the Council's meeting; those who wish to see it may do so, accepting the invitation of the representative of Sierra Leone. I now invite the representative of the Soviet Union to speak this afternoon. He is the last speaker on my list.

145. Mr. MALIK (Union of Soviet Socialist Republics) (*translated from Russian*): If that is the President's wish, I accept his ruling.

146. Before making a statement on the substance of the question under consideration, I should like, Mr. President, on behalf of the Soviet delegation, to congratulate you personally on your assumption of the high office of President of the Security Council, and to express the hope that you will be successful in your work and that positive decisions will be adopted on the matters discussed. I should also like to convey our appreciation and sincere congratulations to your predecessor, the representative of Japan, who had a very strenuous period of activity, especially after the beginning of the General Assembly session, when we had to combine work at the plenary meetings simultaneously with work in the Security Council. In this connexion, we departed somewhat from previous practice. In the past, the practice was that when the Security Council met, there was no meeting of the General Assembly, and vice versa. But now, in view of the urgency of the matter and because of the request made by the whole of Africa, the Security Council has acted quite correctly in finding time, despite the plenary meetings of the General Assembly, to discuss this very vital question which is of immense significance both for all Africans and for the entire world.

147. The Security Council has been convened at the request of the Eighth Assembly of Heads of State and Government of the Organization of African Unity. Its purpose is to discuss ways and means of enforcing the past decisions of the United Nations, the General Assembly and the Security Council, on the question of the liberation of Namibia in the light of the advisory opinion of the International Court of Justice of 21 June of this year.

148. The fact that the Organization of African Unity as a body—that is to say, in effect, the whole of Africa, practically all the countries of the African continent—has approached the Security Council with a request for immediate consideration of this important matter, as well as the participation in these meetings of a representative delegation of the OAU, headed by the Chairman of the Eighth Assembly, Mr. Moktar Ould Daddah, President of Mauritania, and the personal participation in the debates of the Foreign Ministers of a large number of African countries, are all indicative of the great significance which Africa attaches to the question of the liberation of Namibia and of the hopes placed by the African peoples in the Security Council and in the United Nations in general.

149. The debate in the Security Council on this issue has developed into a kind of international trial of the racist criminals. In the dock are the South African racists, and their friends and protectors, while the role of the stern prosecutor is played by the whole of Africa, its States, its Government and its peoples!

150. The statement by the head of the delegation at the plenary meeting of the General Assembly [*1938th meeting*] and here in the Security Council [*1583rd meeting*], and the statements by other representatives of African States, confirm once again the danger to peace resulting from the situation created in southern Africa by the South African racists' brutal and high-handed disregard and non-implementation of United Nations resolutions calling for an immediate end to the occupation of Namibia.

151. For the United Nations, the essence of the question of Namibia is clear and incontrovertible. The United Nations has long since recognized that the South African racists' seizure of that country is illegal. The General Assembly and the Security Council have repeatedly called for South Africa's unconditional withdrawal from Namibia. The resolutions adopted by the United Nations with a view to putting an end to South Africa's occupation of Namibia are well-known. The Security Council, in resolution 269 (1969), actually set a deadline for the withdrawal of South Africa's administration from Namibia—a deadline which has long since expired.

152. The advisory opinion of the International Court, which upholds the United Nations decisions, also states that South Africa's continued occupation of Namibia is illegal and that South Africa is under obligation to withdraw its administration from Namibia and to put an end to its occupation of that country. Notwithstanding all these United Nations decisions, the South African racist régime is still doing its utmost to maintain its illegal presence in Namibia, and to exercise dominion over that Territory and entrench itself there. It is applying methods of mass terror

and savage repression to stifle the just and natural aspiration of the people of Namibia for freedom and independence, and is extending to Namibia its racist laws, Governmental Acts and administrative regulations and applying the policy and practices of *apartheid* which have been condemned by the United Nations and by the international community as a whole.

153. Mr. Makonnen, who spoke in the Security Council as a member of the OAU delegation and as the representative of Ethiopia [1587th meeting], referred to the racists' prosecution of the Dean of the Anglican Church in Johannesburg on the pretext that he had violated the so-called Suppression of Communism Act. Thus, to the South African racists, even the servants of the Church rank as communists if they speak out against the odious theory of racism and the practice of *apartheid*.

154. We communists glory in the fact that all who fight against racism and *apartheid* and for the freedom and independence of peoples are regarded by the racists as communists. This means that even the enemies of communism are forced to admit that communists are genuine fighters for the equality of all peoples, for their freedom and national independence without distinction as to nationality, race, sex, language or religion. However, the racists, in their fascist blindness and their hatred for the Africans forget that the demands for the equal rights of men and women for the equal rights of nations large and small, and for respect for human rights without distinction as to race, sex, language or religion, are key provisions of the United Nations Charter. Consequently the communists fighting for the equality of all peoples and against racial discrimination are not only pursuing their lofty humanitarian communist ideals but are also carrying out the provisions of the United Nations Charter. It follows therefore, that if the racists call the fighters against racism "communists", they could with equal justification call them "UN-ists"—in other words, respecters of the United Nations Charter.

155. In cynically rejecting the decisions of the United Nations on Namibia, the South African racists are hurling the same sort of challenge at the Organization as the Zionist racists of Israel who are frustrating a peaceful settlement in the Middle East. In this situation, the Security Council and all States Members of the United Nations are in duty bound to take the necessary effective measures to curb the racists, restore justice and grant them independence to the people of Namibia.

156. In order to determine the main ways and means of enforcing the past resolutions of the Security Council—and this is precisely what Africa demands and expects of the Council—it is essential, of course, to analyse the basic reasons which impede the implementation of these resolutions and which paralyse the United Nations when it comes to settling this vital international problem, as well as many other problems.

157. The USSR delegation has already had an opportunity to touch on the reasons for the South African racists' defiant attitude, but we must repeat them again and again. This will help us to understand the situation more clearly

and also to find a way out of the impasse we have reached in trying to solve the problem of Namibia's liberation.

158. It is an indisputable fact that South Africa, with the help of its friends—the racists and its military allies from the imperialist camp—has developed and now has at its command a rather impressive economic capacity and military force of its own on which it leans for support in conducting its racist and colonialist policy in southern Africa. At the same time, it is quite obvious that South Africa would not have dared to oppose the whole of Africa and the United Nations and to defy the Security Council if it had stood alone and truly isolated and if it were acting without assistance from outside. The crux of the matter is that South Africa, in pursuing its colonial and racist policy in Namibia, is relying on the economic, political and military support of a number of Western countries belonging to the NATO military bloc especially the United Kingdom and the United States of America. It is also actively supported by influential circles in those countries which have links with the international imperialist monopolies operating in South Africa and Namibia. This is the crux of the matter and the root of the trouble. The head of the OAU delegation, Mr. Ould Daddah, the esteemed President of Mauritania, was therefore quite right when he referred to his important and closely-argued address to the General Assembly to the help given to the South African racists by the fuzzily-defined Western bloc.

159. When questions of decolonization including the question of the liberation of Namibia are discussed, some members of the Security Council try to evade this point, to gloss over it, to divert the attention of the members of the Security Council from the essence of the problem. But if we wish to make progress in solving the problem of Namibia, it is impossible to refrain from drawing attention to South Africa's trading, financial and economic partners, to those who invest foreign capital in its economy and those who supply arms to the South African racists.

160. Relying on the economic and military co-operation of the imperialist forces and enjoying the moral and political support of the most reactionary Western circles, the South African racists are steadily increasing their military and economic potential and the size of their armed forces, which are used not only to maintain the racist régime inside the country by force of arms but also to suppress the national liberation movements of the enslaved African peoples in Namibia by fire and sword and to assist the Portuguese colonialists in their war of extermination against the African freedom fighters in the countries still suffering under the Portuguese colonial yoke. The militarization of racist South Africa is also a serious and real threat to the freedom and independence of all the African countries which have liberated themselves from colonial rule.

161. It is the political, military and economic assistance and support of the Western countries, and especially of the United Kingdom, which inspire the South African racists to continue their policy of *apartheid* and tyrannical enslavement of the African population, which arouse the disgust and condemnation of the entire world and the resentment and indignation of the whole of Africa. The continuous

heavy flow of aid and protection from outside also determine the insolent position taken by the South African racists towards the United Nations and the Security Council.

162. International monopolies have invested thousands of millions in the economy of South Africa and Namibia and are reaping huge profits amounting to millions and millions of pounds and dollars, as was reported to the Council by the Namibian political leader, Mr. Nujoma, the President of SWAPO, that selfless fighter for Namibia's liberation whose statement preceded mine. He has provided the Security Council with authentic and convincing facts and information of a kind which he alone could have. These profits come from the plundering of Namibia's natural resources and the merciless exploitation of the labour of its people. It is sufficient to recall that investments by United Kingdom monopolies in the economy of South Africa, including Namibia, exceed \$3,500 million, while United States investments amount to more than \$1,000 million.

163. It is easy to see that the international imperialist monopolies are clinging tenaciously to the resources of Namibia and employing every means in concert with the racists, to prevent its liberation.

164. Such co-operation with the racists and assistance to them are a direct violation of the General Assembly and Security Council resolutions condemning co-operation of any kind with the racist régime of South Africa. The well-known United Nations resolutions aimed at putting an end to and prohibiting deliveries of arms, military equipment and military vehicles to South Africa are also being violated. The very important Security Council resolution 283 (1970) of 29 July 1970 on Namibia is also not being implemented. That resolution contains an appeal to all States not to recognize any authority of South Africa with regard to Namibia, to discourage their companies and nationals from investing or obtaining concessions in Namibia, and to review all bilateral treaties between themselves and South Africa.

165. We often hear about the ineffectiveness of the United Nations, about its incapacity and impotence in the matter of resolving important international problems. Those who pose such questions do not always produce the answers to other questions such as: Who is responsible? What is the reason? Who and what is paralysing the work of the United Nations? The discussions that have taken place in the United Nations bodies on problems relating to decolonization give a very clear and precise answer to these questions. The main culprit responsible for the ineffectiveness of the United Nations, for its paralysis in carrying out decisions on the most important questions concerning the strengthening of peace and security, as well as on the problems of decolonization, is imperialism and its repulsive progeny, neo-colonialism and racism with its anti-human policy of *apartheid*. That is the straight answer to a straight question.

166. A partnership to exploit and plunder the indigenous African population of South Africa and Namibia, the joint extraction of super-profits, racist philosophy and hatred of the Africans—these are what unite the South African racists

to the imperialist monopolies and their owners and make them allies.

167. It is quite obvious that as long as the Western Powers and their monopolies support the racist régime in South Africa, the United Nations will find it difficult to discharge its duty to the people of Namibia, to achieve a radical change in Namibia's condition of colonial slavery, and to open Namibia's way to freedom and national independence.

168. There should thus be no ambiguity or disagreement about precisely who is responsible for violating United Nations decisions on Namibia, and for frustrating their implementation by the South African racists.

169. The responsibility of those States and international imperialist monopolies which help to frustrate the United Nations decisions on Namibia has become far heavier since the United Nations declared the presence of the South African administration and its troops in Namibia to be illegal, and since the International Court, for its part, confirmed the illegality of South Africa's occupation of that Territory. Those who support the South African racist régime share in full measure the responsibility for its criminal activities against the Namibian people.

170. The Security Council should condemn in the strongest terms the support given to South Africa and should demand that co-operation of any kind with its racist régime should cease.

171. Yesterday's announcement by the United States Secretary of State, Mr. Rogers, in his statement in the General Assembly [1950th plenary meeting] that the United States accepted the International Court's findings on Namibia must obviously be understood as meaning that the United States will now be prepared to co-operate and participate in the implementation of the United Nations decisions on Namibia. Mr. Rogers also told the Assembly that assurances had recently been given in Washington by the Government of the United States to the OAU delegation headed by President Ould Daddah, that the United States supported "practical and peaceful means to achieve self-determination and end racial discrimination" [*ibid.*, para. 24]. The Council is entitled to expect that practical steps will be taken by the United States of America, following that official statement made from the august rostrum of the General Assembly at its twenty-sixth session, to implement the United Nations decisions on the liberation of Namibia from the tyranny of the South African racists.

172. The South African racists have recently been engaging in all manner of stratagems and political manoeuvres in order to maintain and consolidate their rule in Namibia and to mislead Africa, the United Nations and world public opinion. One means to that end is the idea peddled by Pretoria of holding a "plebiscite" in Namibia. The representative of Ethiopia, speaking in the Security Council, very rightly described that plebiscite, which was to be organized and conducted by the repressive machinery of the South African racist régime, as a "mockery of the democratic process of self-determination" [1587th meeting, para. 37]. Another piece of demagoguery perpetrated by the racists to

that same end is the call for a so-called "peaceful dialogue". Its object is to split the anti-imperialists and anti-colonial front of the independent countries of Africa and make it easier for South Africa to find a way out of the impasse of international isolation into which its racist rulers have led it.

173. But these stratagems and manoeuvres will not yield the results expected by their racist authors. The Organization of African Unity and all anti-colonial forces have had no difficulty in seeing through the manoeuvre in respect of both "plebiscite" and "dialogue" alike, and they decisively reject and condemn it.

174. The delegation of the Soviet Union expresses its full solidarity with the delegations of the African States which call for the immediate liquidation of the colonial racist régime in Namibia. There can be no possible argument in favour of or justification for maintaining and continuing that régime.

175. We vigorously support Africa's demand for the immediate granting of independence to the people of Namibia, for the expulsion from its territory of the South African troops, police forces and administration, and for the immediate termination of the South African racists' illegal presence in Namibia.

176. The imperialists, colonialists and racists, who have joined forces in southern Africa in order to maintain and consolidate the rule of racism and the imperialist monopolies in Namibia, are the worst enemies of the national liberation movements of the African peoples. Neither the peoples of Africa nor their friends throughout the world will ever reconcile themselves to the prospect of the perpetuation of colonialism and racism on the African continent. The total elimination of the remaining centres of colonialism and the eradication of the scourge of racism in Africa are in the interests of the maintenance and strengthening of world peace and security for all peoples.

177. The basic interests of the peoples of Africa, as of all freedom-loving peoples throughout the world, require the further strengthening of solidarity and co-ordination of action of those who cherish freedom and national independence, peace and social progress. A great contribution is being made to that noble task by the Organization of African Unity; the enemies of Africa would like to split and undermine that Organization and force it to adopt a conciliatory attitude towards the maintenance of colonialism and racism in the southern part of that sorely-tried continent. The stronger that unity becomes, the greater will be the rebuff suffered by the imperialists and racists, and the sooner the day of the liberation will come for the peoples still languishing under the yoke of colonialist and racist régimes.

178. As far as the Soviet Union is concerned, its consistent policy in favour of the liberation of all peoples from colonial rule and the total elimination of colonialism and racism is common knowledge. It flows from the very nature of socialist society, from Marxist-Leninist ideology, which is incompatible with the exploitation of man by man and discrimination by one nation against another, and com-

pletely excludes from human society any manifestation of racial difference, hatred, enmity, and inequality. The Constitution of the USSR declares any form of racial discrimination to be not only evil but also a crime subject to strict penalties.

179. The General Secretary of the Central Committee of the Communist Party of the Soviet Union, Mr. Leonid Ilyich Brezhnev, in his statement at the recent Twenty-Fourth Congress of the Communist Party of the Soviet Union on the Party's and country's programme for the struggle for peace and international co-operation and for the freedom and independence of the peoples, declared on behalf of the entire Soviet people that the Soviet Union stood for the full implementation of United Nations decisions concerning the elimination of the remaining colonial régimes, and that manifestations of racism and *apartheid* called for universal condemnation and boycott.

180. The Soviet Union wholeheartedly supports the resolutions adopted by the General Assembly and the Security Council concerning the problems of southern Africa and is implementing them to the letter. What is required is that these resolutions should be implemented by all States, that they should be put into effect and become a reality.

181. We agree with the view expressed by the esteemed President of Mauritania, Mr. Moktar Ould Daddah, that the time has come for the Security Council to go beyond declarations and resolutions on the question of Namibia and to adopt the effective measures envisaged in the Charter of the United Nations in order to make the racists of Pretoria respect and implement the decisions of the United Nations.

182. The Soviet Union proclaims its full solidarity with all the African countries and peoples of southern Africa in their just struggle for freedom and independence, and is actively participating in the United Nations in the discussion of problems relating to the struggle against colonialism and *apartheid*.

183. The USSR unwaveringly supports the legitimate desire of the people of Namibia for independence, and upholds all the basic decisions of the United Nations on the question of Namibia, in particular the General Assembly and the Security Council resolutions recognizing the termination of South Africa's Mandate over Namibia and demanding that the South African Government withdraw its administration from that country.

184. As has already been stated during the discussion of the question in the Security Council, the Soviet Union maintains no diplomatic, consular, economic, military or other relations of any kind with South Africa and has no economic or other interests in Namibia; no bilateral agreements have been concluded between the Soviet Union and South Africa.

185. The USSR is prepared, in concert with other countries, to bend its efforts towards seeking effective ways and means of promoting the speedy achievement of freedom and independence by the Namibian people.

186. The Soviet delegation wants to see the Security Council adopt effective measures for the practical implementation of United Nations decisions to ensure Namibia's independence.

187. The PRESIDENT (*interpretation from Spanish*): I wish to express my thanks to the Ambassadors of France and the Soviet Union for their very kind references to me in connexion with my assuming once again the Presidency of this international body. They know that I am at their and your disposal, and that I am most happy and honoured to serve the lofty interests of our Organization.

188. Mr. FARAH (Somalia): The Afro-Asian members of this Council have drawn up a draft of a resolution which could perhaps serve as a working paper. The Afro-Asian members would like to consult with other delegations upon it so that we might, in the next two days or so, submit a text that would command as wide support as possible. Also, I would certainly wish, through you, Mr. President, to invite delegations to consult with us on the draft and see whether we can either strengthen it or modify it, or at least be enabled so to tailor it as to make it commensurate with the situation which we are facing.

189. While on this subject, I should like to say that my delegation was particularly interested in the statement made by the representative of France. I hope that in the course of this debate he will expand on what I consider to be a very important facet, when he said that there was "a

capital obligation for South Africa . . . to negotiate in good faith with the United Nations for the establishment of an international régime enabling the people concerned freely to choose their destiny". [See para. 22 above.]

190. I trust that the representative of France will expand on this proposal because, while self-determination for the peoples of Namibia certainly goes right to the heart of the matter, I should like to have his views on how he proposes to persuade South Africa to enable the United Nations to create conditions in Namibia such that the people there can not only exercise their right of self-determination but can also exercise it in accordance with the provisions of General Assembly resolution 1514 (XV).

191. The PRESIDENT (*interpretation from Spanish*): The representative of Somalia has referred to a draft which is being prepared and which is to be circulated shortly to the members of the Council. In my capacity as President of the Security Council I am at the disposal of members. I assume that members will wish to exchange views on this particular question.

192. I have been informed that the film mentioned by Mr. Nujoma and referred to later by the Foreign Minister of Sierra Leone will be shown tomorrow in the Dag Hammarskjöld Auditorium at 3 p.m., when we are invited to be present.

The meeting rose at 7.55 p.m.