

- (iv) Question concerning the Falkland Islands (Islas Malvinas):
Decision of 26 May 1982 (res. 505 (1982)), para. 5
 - (v) Situation between Iran and Iraq:
Decision of 12 July 1982 (res. 514 (1982)), para. 6
Decision of 4 October 1982 (res. 522 (1982)), para. 7
Decision of 31 October 1983 (res. 540 (1983)), para. 4
 - (vi) Complaint by Lesotho against South Africa:
Decision of 15 December 1982 (res. 527 (1982)), para. 8
Decision of 29 June 1983 (res. 535 (1983)), para. 5
 - (vii) Letter dated 5 May 1983 from the representative of Nicaragua:
Decision of 19 May 1983 (res. 530 (1983)), para. 5
 - (viii) Situation in Namibia:
Decision of 31 May 1983 (res. 532 (1983)), para. 5
Decision of 28 October 1983 (res. 539 (1983)), para. 9
 - (ix) Complaint by Angola against South Africa:
Decision of 20 December 1983 (res. 545 (1983)), para. 6
Decision of 6 January 1984 (res. 546 (1984)), para. 9
 - (x) Question of South Africa:
Decision of 17 August 1984 (res. 554 (1984)), para. 6
Decision of 23 October 1984 (res. 556 (1984)), para. 7
Decision of 13 December 1984 (res. 558 (1984)), para. 4
 - (xi) Letter dated 21 May 1984 from the representatives of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates:
Decision of 1 June 1984 (res. 552 (1984)), para. 7
- B. Provision by express decision to consider the matter further:
- (i) Situation in the Middle East:
Decision of 18 December 1981 (res. 498 (1981)), para. 10
Decision of 17 August 1982 (res. 519 (1982)), para. 5
 - (ii) Letter dated 1 April 1982 from the representative of the United Kingdom:
Decision of 5 May 1982. President's statement. para. 3
 - (iii) Situation between Iran and Iraq:
Decision of 30 March 1984, President's statement, para. 11
- C. Decision to meet following submission of a report by the Secretary-General:
- (i) Situation in the Middle East:
Decision of 4 August 1982 (res. 517 (1982)), para. 8
Decision of 12 August 1982 (res. 518 (1982)), para. 6
 - (ii) Situation in Namibia:
Decision of 28 October 1983 (res. 539 (1983)), para. 10
- D. Decision to meet in the event of noncompliance with Security Council resolutions:
- (i) Situation in the Middle East:
Decision of 19 June 1981 (res. 488 (1981)), para. 7
Decision of 17 December 1981 (res. 497 (1981)), para. 4
 - (ii) Complaint by Angola against South Africa:
Decision of 6 January 1984 (res. 546 (1984)), para. 8
 - (iii) Situation in Cyprus:
Decision of 11 May 1984 (res. 550 (1984)), para. 10
 - (iv) Letter dated 21 May 1984 from the representatives of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates:
Decision of 1 June 1984 (res. 552 (1984)), para. 6
- E. Decision to remain seized of the question:
- (i) Situation in the Middle East:
Decision of 19 June 1981 (res. 488 (1981)), para. 7
Decision of 18 December 1981 (res. 498 (1981)), para. 10
Decision of 25 February 1982 (res. 501 (1982)), para. 6
Decision of 6 June 1982 (res. 509 (1982)), para. 4
Decision of 17 September 1982 (res. 520 (1982)), para. 7
Decision of 23 November 1983 (res. 542 (1983)), para. 7
 - (ii) Situation in Cyprus:
Decision of 11 May 1984 (res. 550 (1984)), para. 10
 - (iii) Question of South Africa:
Decision of 17 August 1984 (res. 554 (1984)), para. 7
Decision of 23 October 1984 (res. 556 (1984)), para. 8
 - (iv) Situation in Namibia:
Decision of 31 May 1983 (res. 532 (1983)), para. 6
Decision of 28 October 1983 (res. 539 (1983)), para. 10
 - (v) Complaint by Seychelles:
Decision of 15 December 1981 (res. 496 (1981)), para. 6
Decision of 28 May 1982 (res. 507 (1982)), para. 14
 - (vi) Situation between Iran and Iraq:
Decision of 21 February 1983, President's statement, para. 6
 - (vii) Complaint by Lesotho against South Africa:
Decision of 15 December 1982 (res. 527 (1982)), para. 9
Decision of 29 June 1983 (res. 535 (1983)), para. 6
 - (viii) Complaint by Angola against South Africa:
Decision of 20 December 1983 (res. 545 (1983)), para. 7
Decision of 6 January 1984 (res. 546 (1984)), para. 10
 - (ix) Letter dated 21 May 1984 from the representatives of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates:
Decision of 1 June 1984 (res. 552 (1984)), para. 8
- X. Measures in connection with the inability of the Security Council to reach an agreement
- Decision to call an emergency special session of the General Assembly:
Situation in the Middle East:
Decision of 28 January 1982 (res. 500 (1982)), operative para.

Part II

1. THE SITUATION IN NAMIBIA

On 19 January 1981, the Secretary-General submitted to the Security Council a further report concerning the implementation of Council resolutions 435 (1978) and 439 (1978) concerning the question of Namibia. The report covered an account of the pre-implementation meeting held at Geneva from 7 to 14 January 1981 under the auspices and chairmanship of the United Nations.² After observing that the meeting had failed to achieve its main objective of setting a firm date for a cease-fire and the commencement of implementation of resolution

435 (1978), the Secretary-General appealed to South Africa to review the implications of the meeting and to reconsider its position with regard to the implementation of resolution 435 (1978) at the earliest possible time.'

By letter dated 29 January 1981 addressed to the President of the Council, the representative of Tunisia, on behalf of the Group of African States at the United Nations, requested a meeting of the Council as soon as possible to examine the further report of the Secretary-General on the implementation of resolutions 435 (1978) and 439 (1978).

At its 2263rd meeting, on 30 January 1981, the Council included the further report of the **Secretary-General** and the letter by Tunisia in the agenda. Following the adoption of the agenda, the President also drew the attention of the **Council** members to the text of a letter⁶ dated 28 January 1981 from South Africa addressed to the Secretary-General.”

At the outset of the meeting, the Secretary-General briefly introduced his report, which he said dealt with the Geneva meeting, in the course of which it had become clear that South Africa was not yet prepared to sign a cease-fire agreement and to proceed with the implementation of resolution 435 (1978). He stated that he had addressed a letter to the Minister of Foreign Affairs of South Africa on 22 January 1981, in which he had drawn attention to his report to the Council and had expressed, *in alia*, that he was deeply concerned over the effect of the present stalemate not only on the situation in Namibia itself, but also on the prospects of a peaceful and prosperous future for the region as a whole.⁷

The **representative** of Tunisia stated that independence for Namibia in accordance with resolution 435 (1978) appeared unlikely in 1981. Since the matter was of great importance to the Security Council, he said, it should be given the necessary time for an in-depth analysis of the situation, taking into account all the new local, regional and international developments. After such an analysis, he stressed, the Council could then take decisions commensurate with the seriousness of the situation.*

The representative of Panama deplored that the Geneva meeting had failed despite the **Secretary-General's** good offices and high-level representation of the parties, and declared that the longer South Africa took to comply with resolutions 435 (1978) and 439 (1978), the more the relations between southern Africa and South Africa would **deteriorate**.⁹

The representative of the Soviet Union stated that he understood the desire of the African States to study the developments in order to determine the most effective specific steps that should be taken, and that the actions of South Africa, which were **designed** to maintain its occupation of the Territory, represented a serious threat to international peace and security. He reviewed the efforts aimed at a settlement of the Namibian problem through peaceful means since 1972 and said that the General Assembly should express itself on the most recent developments, whereas the Council should adopt decisive measures under Chapter VII of the Charter to ensure the achievement of genuine independence by the Namibian **people**.¹⁰

The representative of Japan stated that the Council's meeting was not devoted to a substantive discussion” of the item on its agenda and commended the Secretary-General's efforts and thanked him for his objective report on the pre-implementation meeting held at Geneva. He deplored South Africa's **intransigence**, which accounted for the failure of the Geneva meeting, and expressed concern over the outcome of the meeting, as a result of which a serious international situation had **arisen**.¹²

Decision of 30 April 1981 (2277th meeting): rejection of four draft resolutions

By **letter**¹³ dated 10 April 1981, the representative of Uganda, on behalf of the Group of African States at the **United Nations**, requested an urgent meeting

of the Council to consider the question of Namibia in the light of the **refusal** of South Africa to implement Council resolutions on Namibia.

At its 2267th meeting, on 21 April 1981, the Council included the letter in the agenda. Following the adoption of the agenda, the following were invited, at their **request**, to participate, without vote, in the discussion of the item: at the 2267th meeting, the representatives of Algeria, Angola, Benin, Cuba, Ethiopia, Guinea, India, Indonesia, Jamaica, **Mozambique**, **Nigeria**, Senegal, Sierra Leone, South Africa, Sri Lanka, Togo, the United Republic of Tanzania, Yugoslavia, Zaire, Zambia and **Zimbabwe**; at the 2268th meeting, the representatives of Canada, the Federal Republic of Germany and Kenya; at the 2269th meeting, the **representative** of Romania; at the 2270th meeting, the representative of Brazil; at the 2271st meeting, the **representatives** of Bangladesh and **Democratic Yemen**; at the 2272nd meeting, the representatives of Burundi and the Libyan Arab Jamahiriya; at the 2274th meeting, the representative of Guyana; and at the 2275th meeting, the representative of **Singapore**.¹⁴

At its 2267th meeting, the Council also decided to extend an invitation to the President and the five Vice-Presidents of the United Nations Council for Namibia. At the same meeting, the President drew the attention of the members of the Council to a letter dated 20 April 1981 from France, the United Kingdom and the United States, containing a request that an invitation under rule 39 of the provisional rules of procedure be extended to Mr. Peter **Kalangula** and the others associated with the request.

In regard to that proposal, one group of representatives” said that the request was objectionable as it related to the so-called Democratic Turnhalle Alliance (DTA) of Namibia, a political entity that had resulted from the elections organized by the illegally occupying Power. The request was therefore considered not in accord with the provisions of rule 39 of the provisional rules of procedure of the Council and contrary to resolution 439 (1978), by which the **Council** had declared those elections and their results null and void.

A second group of **representatives**¹⁶ said that the request that Mr. Kalangula be allowed to address the Council had been made on the ground that he was competent, as an individual and on behalf of his political party, to supply the Council with relevant **information** on the **situation** in Namibia, under rule 39 of the provisional rules of procedure. Since resolution 435 (1978) called for free and fair elections under United Nations supervision and control in Namibia, they thought that the Council should hear the **opinions** of those who would be participating in those elections.

Resolution 439 (1978) was not applicable to the case, since Mr. Kalangula's request was to speak as a representative of a political party and not of an organ established by a process that had been declared null and void by that resolution of the Council. The United Nations itself was based on the principles of reason, discussion and representation and those principles, including the peace-making capacity of the Council, would be damaged if the Council denied DTA the right to be heard.

The Council then proceeded to vote on the **three-Power** proposal contained in the letter dated 20 April 1981. The result of the vote was six votes in favour to

none against and the proposal was not adopted, having failed to obtain the required majority." At the same meeting, the Council further decided to extend an invitation to participate in the discussion of the item on the Council's agenda under rule 39 of the provisional rules of procedure to Mr. Peter Mueshange of the South West Africa People's Organization (SWAPO) and, subsequently, at its 2268th meeting, to Mr. Clovis Maksoud, of the League of Arab States (LAS), at its 2272nd meeting, to Mr. Johnstone F. Makatini of the African National Congress of South Africa (ANC), and at its 2275th meeting to the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.¹⁸ The item was considered at the 2267th to 2277th meetings, from 21 to 30 April 1981.

At the 2267th meeting, the President drew the attention of the Council members to the text of a note¹⁹ dated 1 April 1981 by the Secretary-General transmitting General Assembly resolutions 35/227 A to J, entitled "Question of Namibia", to the Council; and to the further report²⁰ of the Secretary-General concerning the implementation of resolutions 435 (1978) and 439 (1978) concerning the question of Namibia.⁷

At the same meeting, the Minister of State for Foreign Affairs of Uganda stated that, after the United Nations had celebrated the twentieth anniversary of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the people of Namibia were missing from the list of a large number of colonial peoples who had achieved independence since the adoption of General Assembly resolution 1514 (XV) in 1960. That situation was all the more disturbing and ironic since Namibia was the unique responsibility of the United Nations. He reviewed the history of Namibia since the original colonization of the Territory by Germany in 1884 and depicted it as the "history of a continual betrayal of trust". He described the response of the Council thus far to South Africa's act of illegality as "tentative and indecisive"⁸ and said that it had broadly been in the following three phases: (a) the period that had been un with the Council's adoption of resolution 264 (1969) and consisted of repeated calls upon South Africa to withdraw from Namibia and appeals to all States to refrain from any contacts that might imply recognition of South Africa's authority over Namibia; (b) the period of dialogue beginning with the 1972 meeting of the Council in Addis Ababa whereby resolution 309 (1972) was adopted inviting the Secretary-General to initiate contacts with all the parties concerned in order to expedite the process of Independence for Namibia; and (c) the resumed dialogue beginning in April 1978 with the proposal by the Contact Group of the Western Five that had eventually led to the adoption of resolution 435 (1978), by which the Council had provided for a cease-fire, United Nations-supervised elections and the establishment of a United Nations Transition Assistance Group (UNTAG) in Namibia. The resumed dialogue ended with the failure of the Geneva pre-implementation meeting, which had been the subject of the Secretary-General's report.²⁰

He stated that South Africa's continued occupation of Namibia was an illegality which had given rise to consequences "characterized by a serious threat to international peace and constant acts of aggression"

within the meaning of Article 39 of the Charter, and enumerated the following "specific elements" of breach of international peace and security: (a) the massive military presence of South Africa in Namibia; (h) South Africa's continued use of the Territory of Namibia as a springboard for constant armed attacks against the neighbouring States and the escalation of those attacks over the last few months, which had amounted to a "systematic and comprehensive programme of violent destabilization of the entire region of southern Africa"; (c) the elaborate machinery of repression organized by South Africa against the Namibian patriots, whose resistance had been recognized by the Council since its adoption of resolution 269 (1969), and the resulting dangerous conflict that could be ended only with the complete withdrawal of South Africa from Namibia; and (d) South Africa's persistent scheme to dismember the Territory of Namibia through the annexation of Walvis Bay. He urged the Council to invoke Articles 39 and 41 of the Charter and to impose comprehensive mandatory sanctions against South Africa. Such a decision, as in the case of Southern Rhodesia in 1966,²² would be in conformity with the demand of the vast majority of the international community. He concluded that the Group of African States at the United Nations would submit, at a later stage, draft resolutions to that effect.²³

At the same meeting, the Minister for Foreign Affairs of Sierra Leone stated that the situation in southern Africa had become more menacing with the prospects of a racial war of "unforeseeable magnitude" unfolding as a direct consequence of the illegal occupation of Namibia by South Africa. He added that the Council had to implement the appropriate provisions of Chapter VII of the Charter against South Africa since all peaceful efforts aimed at the withdrawal of South Africa from the Territory had failed owing to South Africa's outright resistance and intransigence.²⁴

The Minister for External Relations of Cuba, speaking on behalf of the Movement of Non-Aligned Countries, charged that the lawlessness of South Africa was encouraged by the support of certain Western Powers, which had permitted the continued illegal occupation of Namibia by South Africa and its expansionist and aggressive policy against the independent neighbouring States. He declared that the Ministers for Foreign Affairs of the non-aligned countries, at their meeting at Algiers, had condemned the "systematic policy of destabilization, provocation and aggression by the Pretoria racist regime", and had reiterated their full support for SWAPO. He stated that the Geneva pre-implementation meeting had failed owing to South Africa's persistent defiance of the international community and to the unwillingness of the Contact Group to exert on South Africa the pressure necessary for a negotiated settlement. He recalled that the Coordinating Bureau of the Movement of Non-Aligned Countries had expressed concern over the announcement that the United States Congress would repeal the Clark Amendment, and had reaffirmed its commitment to support the defensive capability of the front-line States against South African aggression. In conclusion, he repeated that the ministerial session of the Coordinating Bureau of the Movement of Non-Aligned Countries had mandated him to request that the Council apply comprehensive mandatory sanc-

tions, including an oil embargo, under Chapter VII of the Charter.²⁵

The Minister for Foreign Affairs and Co-operation of Niger said that any further delay in the liberation of Namibia could greatly endanger the stability of Africa and world peace. South Africa sought to discredit the United Nations by alleging a lack of impartiality on the part of the Organization and would not change its position unless comprehensive mandatory sanctions were imposed on it in accordance with the relevant provisions of Chapter VII of the Charter.²⁶

The Minister for Foreign Affairs of Ethiopia said that, during the four years since SWAPO and Africa had accepted the proposal of the Contact Group to end South Africa's illegal occupation of Namibia, South Africa had used treachery and deception and had dashed all hopes for a peaceful transition of Namibia to independence by its outright rejection of the United Nations plan for the independence of Namibia. He pointed to the fact that certain permanent members that were involved in the elaboration of the settlement plan that had culminated in resolution 435 (1978) co-operated closely and extensively in economic and military matters with South Africa and had to choose between their ties with racist South Africa and long-term fruitful co-operation with free and independent Africa. He declared that the only remaining course of action, apart from supporting the continuing armed struggle, was the adoption of enforcement measures under Chapter VII of the Charter.²⁷

The Deputy Prime Minister and Minister for Foreign Affairs of Jamaica stated that the Council had, on several occasions during the past 15 years, reaffirmed the special responsibility of the United Nations towards Namibia and that whenever the Council had sought to impose sanctions against a recalcitrant and intransigent South Africa, such actions had been blocked either by those States that continued to maintain significant political and economic interests in South Africa or by South Africa's "spurious promises to co-operate". He said that Pretoria's "deliberate sabotage" of the Geneva pre-implementation meeting had made them doubt South Africa's interest in a peaceful settlement of the Namibian question and that the Council was required to ensure the full implementation of resolution 435 (1978) by applying comprehensive economic sanctions against South Africa under Chapter VII of the Charter. He concluded by calling upon the Council to consider South Africa's acts of aggression against neighbouring States, thereby threatening international peace and security within the meaning of Article 39 of the Charter, and by reminding the Council members that Article 42 provided for additional measures that could be taken by the Council to enforce South Africa's compliance in the event that sanctions were considered inadequate.²⁸

At the 2268th meeting, the Minister for Foreign Affairs of Indonesia said that South Africa, instead of complying with the United Nations resolutions and withdrawing from Namibia, had strengthened its colonial grip over the Territory and had instituted a "brutal reign of terror" through the imposition of a "puppet régime" and the stationing in the Territory of 100,000 troops, which it had also used for launching indiscriminate attacks on neighbouring States. He declared that behind all those transgressions that had destroyed the region's stability lay

South Africa's nuclear capability, which was clandestinely developed with the co-operation of its friends in contravention of the Treaty on the Non-Proliferation of Nuclear Weapons and which had resulted in the rapid depletion of Namibia's natural resources, thereby endangering the Territory's future economic viability. He called upon the Council to ensure the implementation of resolution 435 (1978) without further delay or modification and, in view of South Africa's persistent defiance and the mounting threat to International peace and security, to impose the necessary mandatory sanctions against South Africa under Chapter VII of the Charter.²⁹

The Minister for Foreign Affairs of Algeria said that the lessons of the Geneva pre-implementation meeting had prompted the African States to request the urgent meeting of the Council with a view to imposing comprehensive mandatory sanctions against South Africa and that the Movement of Non-Aligned Countries, at a special meeting of its Coordinating Bureau held at Algiers the preceding week, had endorsed the African initiative. He characterized the situation in Namibia as a state of "permanent aggression" and recalled previous resolutions of the Council imposing partial and selective sanctions, including the arms embargo adopted in 1977, which had proved inadequate, and the advisory opinion of the International Court of Justice of 30 June 1971³⁰ regarding the legal status of Namibia.³¹

The Minister of State for Foreign Affairs of Senegal stated that South Africa had persistently blocked all efforts of the United Nations aimed at a negotiated settlement of the Namibian question and that it had continually undertaken blatant acts of aggression against the front-line States of Angola, Mozambique, Zambia, Zimbabwe and Botswana. He recalled that the Movement of Non-Aligned Countries, the Organization of African Unity (OAU) and, particularly, the front-line States had all underlined the significance of resolution 435 (1978) and the responsibility of the Group of Five in the implementation of that resolution and urged the Council to support the initiative of the non-aligned and African countries.³²

The representative of South Africa highlighted three reasons for South Africa's request to participate in the discussion of the item on the Council's agenda: (a) that South Africa was "directly concerned with the future of South Africa/Namibia"; (b) that the people of the Territory urgently desired an internationally recognized independence, that South Africa supported their wish and shared their anxieties about certain aspects of the procedure that had been followed in the past and that it was South Africa's right and duty to state its views to the Council; and (c) that South Africa had to emphasize that the "democratic parties" of the Territory had never been allowed to state their views in the Council, while one group had been given "preferential treatment" through "one-sided" action of the Council.

He referred to the Council's decision at its 2267th meeting denying an invitation³³ to DTA and charged that the Council was biased in favour of SWAPO. He said that South Africa had maintained that the people of the Territory should determine its own future in a "manifestly free and fair procedure" and that it was on the basis of that approach that South Africa accepted the Western proposal on 25 April 1978. The prevalence of "visible peace" throughout the Territory was one of the basic assumptions of the Western proposal, which the democratic political

parties did not believe the United Nations could and would bring about. He added that the degree to which the United Nations had assisted and identified itself with SWAPO was a matter of record, as was the manner in which it had designated the status of the other parties, and that the Geneva meeting had failed to reassure the latter in regard to their anxieties. Sanctions against South Africa would amount to sanctions against the countries of southern Africa since their economies were closely interlinked, a view also confirmed by the Economic Commission for Africa (ECA).

He declared that the approach of the General Assembly, as reflected in its resolutions 35/227 A to J of 6 March 1981, was wrong if genuine independence for the Territory was sincerely sought, and that co-operation between South Africa and the neighbouring States was essential for the peaceful transition of the Territory to independence. He concluded by emphasizing that a settlement would not be achieved unless: (a) equal treatment of all parties was assured; (b) the rights of minority groups were protected and guaranteed; and (c) fundamental principles of democracy were ensured for the future.¹⁴

At the 2269th meeting, the Minister for External Relations of Panama stated that 25 Foreign Ministers from Africa, Asia and Latin America had been designated by OAU and by the Co-ordinating Bureau of the Movement of Non-Aligned Countries at its special ministerial meeting held at Algiers with the mandate to participate in the discussion on the Council's agenda and to request it to impose urgently on South Africa comprehensive mandatory sanctions under Chapter VII of the Charter. He said that, in view of South Africa's "lawless behaviour", which consisted of utter contempt for the resolutions of the General Assembly, the Council and the International Court of Justice, the Council would be justified to adopt the "measures of coercion", which were demanded by the seriousness of the situation in Namibia. He said that, as long as South Africa persisted in ignoring the decision of the Council, comprehensive mandatory sanctions, including an oil embargo, should be imposed under Chapter VII of the Charter as requested by the special ministerial meeting of the Co-ordinating Bureau of the Movement of Non-Aligned Countries. Since South Africa's economy was intimately linked with those of the neighbouring countries, as was stated in the ECA report, special measures should be devised for the extension of material and financial support to those countries to enable them to withstand the effects of the sanctions. He appealed to the Contact Group to ensure South Africa's co-operation with the Secretary-General's efforts to implement resolution 435 (1978).¹⁵

At the same meeting, the Minister for Foreign Affairs of Zambia said that the Geneva conference had failed solely because of South Africa's unreasonable stance and that the situation in and around Namibia had become dangerously explosive. The United Nations plan remained the only valid basis for the peaceful settlement of the Namibian problem and, therefore, the Council had been convened again in order to find a peaceful solution despite South Africa's attempts to wreck the negotiation process. He stated that Namibia was besieged by a calculated South African reign of terror, with members of SWAPO its daily victims of detention, imprisonment and torture, just as the independent neighbouring States of Angola, Botswana, Mozambique and Zam-

bia were the victims of its constant aggression launched from Namibian territory. He stressed that his Government supported solutions to the problems of southern Africa through the United Nations and on the basis of resolution 435 (1978), the implementation of which was urgently needed, and that the Contact Group had particular responsibility to support the adoption of enforcement measures against South Africa in order to achieve those objectives.¹⁶

At the same meeting, the Minister for Foreign Affairs and Co-operation of Togo¹⁷ condemned the racist system of apartheid, which he said was at the root of South Africa's persistent defiance of the will of the international community as well as its continued illegal occupation of Namibia and the acts of aggression against the independent neighbouring States. He appealed to the Contact Group to exert pressure on South Africa and called on the Council to take the decisions that were necessary to meet the challenge posed by South Africa.¹⁸

The Minister for External Affairs of India stated that it was imperative for the Council to take the following actions: (a) declare that South Africa had committed a breach of the peace and had threatened international peace and security; (b) call for an immediate end to South Africa's illegal occupation of Namibia and the withdrawal of its forces from the Territory; (c) demand the cessation by South Africa of all acts of genocide against the people of Namibia and of aggression against the front-line States; (d) reaffirm the validity of the United Nations plan as contained in resolutions 385 (1976), 435 (1978) and 439 (1978) for achieving Namibia's independence and fix a time frame for its implementation; and (e) impose comprehensive mandatory sanctions against South Africa with a view to securing the implementation of the plan.¹⁹

At the 2270th meeting, the Minister of State for External Affairs of Nigeria said that the contention that "constructive dialogue" with the racist regime of South Africa was desirable or even feasible was "naïve and unrealistic". He declared that, in view of South Africa's persistent violation of international law for decades and its record of aggression against neighbouring States, the unavoidable conclusion was that South Africa's behaviour amounted to a serious breach of international peace and security and that effective measures under Chapter VII of the Charter should be speedily invoked.²⁰

At the same meeting, the President of the United Nations Council for Namibia stated that since the adoption of resolution 385 (1976), the Secretary-General had counted on the full support of OAU, the front-line States, Nigeria and SWAPO, as well as other countries that were concerned with the precarious situation in southern Africa, while it was "widely felt" that the group of Western Powers were "half-hearted" in their attempts to exert pressure on South Africa, thus promoting its intransigence. He recalled that since the collapse of the Geneva pre-implementation meeting, the Movement of the Non-Aligned Countries, OAU, the front-line States and the General Assembly at its thirty-fifth session had called upon the Security Council urgently to impose mandatory economic sanctions against South Africa under Chapter VII of the Charter, in order to compel it to terminate its illegal occupation of Namibia. Enforcement measures had become imperative as a peaceful solution for Namibia remained elusive. The United Nations Council for Namibia had given careful

consideration to the formulation of draft resolutions on sanctions against South Africa and had concluded that a detailed review of South Africa's acts of aggression in violation of Article 39 of the Charter was not necessary but that it was **sufficient** to recall, as in resolution 428 (1978), that it had repeatedly used the Territory of Namibia for launching acts of aggression against independent neighbouring States.⁴¹

At the same meeting, Mr. Peter Mueshihange, Secretary for Foreign Relations of SWAPO, said that the Security Council was debating the problem of Namibia for the **first** time since 1978 and that it had been "immobilized" in the intervening period, thereby encouraging South Africa to proceed with political repression and other illegal acts of intimidation and **neo-colonialism** in occupied Namibia. During that **period, beginning** with the "Western initiative", that was to lead to free and fair elections under United Nations supervision, the trust had been betrayed and the unique responsibility of the United Nations over Namibia and its people had been seriously eroded. He referred to the participation of several Ministers in the Council's meetings, following the summit meeting of the front-line States at Luanda on 15 March 1981, and, more recently, the extraordinary ministerial meeting of the Coordinating Bureau of the Movement of Non-Aligned Countries, and cited their call for increased assistance to SWAPO to enable it to "intensify the armed struggle in the face of South Africa's persistent rejection of a negotiated settlement of the Namibia problem".

In using Namibia repeatedly as a springboard for acts of aggression against the front-line States, South Africa had enlisted mercenaries from the United States, France, the United Kingdom, the Federal Republic of Germany and Australia. Counter-revolutionary bandits of the National Union for the Total Independence of Angola (UNITA), who were housed on military bases inside Namibia, together with the so-called South African Defence Forces, were also used for subversion and destabilization. He referred to the request for the participation of DTA³³ in the Council's debate as a political act presented as a procedural matter and added that allowing them to address the Security Council would have violated the provisions of resolution 439 (1978).

In the final analysis, the historic and special responsibility of the United Nations was flouted and rejected and the Council had to **rectify** the situation in Namibia. He concluded by calling for the **imposition** of comprehensive mandatory sanctions, including an oil embargo, against South Africa under Chapter VII of the Charter and stated that SWAPO would support the call for an emergency special session of the General Assembly in the event that the Council failed to adopt the measures that were being proposed.⁴²

At the 2271st meeting, the Minister for External Relations of Angola stated that the brutal repression of the majority in South Africa within the framework of **apartheid** was an expression of the colonial nature of the South African **régime** that violated the principle of the right of peoples to self-determination, and that the armed resistance by SWAPO and ANC against the illegal South African authority could not be equated in law with the terrorism invoked by South Africa and, more recently, by the United States

He recalled the Council's resolutions on the many premeditated, persistent, prolonged acts of armed invasion by South Africa against Angola, which, *inter alia*, had warned South Africa that the Council would meet again, in the event of further attacks, to consider the adoption of effective measures, including those under Chapter VII of the Charter, and stated that despite all those resolutions the people of Angola had had to make enormous sacrifices in order to comply with the relevant resolutions on Namibia so that the Namibian people too could become independent. He said that, over the past three years, South Africa's armed forces had carried out 1,400 reconnaissance flights, 290 air raids, 56 debarkations of helicopter-borne troops and 72 land attacks, which had caused the death of more than 1,800 persons, the **wounding** of about 1,000 and **material** damage estimated at \$7 billion.

He asked how many new acts of violation of the sovereignty and the territorial integrity of Angola were necessary for the Council to shoulder its responsibility and to impose comprehensive mandatory economic sanctions on South Africa, and stressed that any negotiated settlement of the Namibian question should be strictly within the framework of resolution 435 (1978).⁴³

The representative of the Soviet Union stated that the "Pretoria racists" had elevated **apartheid** to the status of State policy and extended it to the Territory of Namibia, which it occupied illegally and used as a military springboard for acts of aggression and provocation against neighbouring independent States. He said that the situation relating to the Namibian question was really critical after many years, during which the African States and the United Nations had shown patience and restraint and agreed to negotiations, an approach stressed by certain Western Powers.

He pointed out that those Powers had initially opposed the adoption of effective measures as they asserted that they could persuade South Africa to cooperate and recalled that in February 1972, when the Council had held a series of **meetings** in Africa, those countries had given assurances that they **needed** six months to resolve the Namibian problem by means of negotiations. He declared that the Soviet Union adhered to a consistent position of principle with regard to Namibia and did not seek for **itself** any "particular rights or privileges" in Africa or in any continent. The Soviet delegation believed that the Council must support the proposals of OAU and the Movement of Non-Aligned Countries and adopt comprehensive mandatory sanctions against South Africa under Chapter VII of the Charter and would vote in favour of such **measures**.⁴⁵

The representative of the United Kingdom said that the Contact Group had just held a meeting in London and that a **communiqué**⁴⁶ had been issued at the conclusion of that meeting. On behalf of the Five, he read out the **communiqué**. Its text was as follows:

Senior officials of the five Western Governments (Canada, France, Federal Republic of Germany, United Kingdom and United States) met in London on 22 and 23 April 1981, to review the situation concerning Namibia. They received a complete report from Mr. Chester Crocker, United States Assistant Secretary-Designate for African Affairs, on his visit to 12 African States, including the African front-line capitals, South Africa, Nigeria, Zaire, Kenya, Swaziland and the Congo.

The Five agreed that it was of the utmost importance to bring Namibia to independence at the earliest possible date and reiterated their commitment to an internationally acceptable

settlement. In that context, they also agreed that Security Council resolution 435 (1978) continues to provide a solid basis for transition to independence in Namibia. They considered possibilities for strengthening the existing plan, and agreed that expeditious progress towards a settlement would be enhanced by measures aimed at giving greater confidence to all of the parties on the future of an independent Namibia.

The representatives agreed that it was necessary to develop more specific proposals for discussion with the concerned parties. It was decided that intensive consultations among contact group representatives would continue and it is intended that the five Foreign Ministers will consider the issue further when they meet at Rome.

The representative of the United Kingdom informed the Council that the meeting in Rome was scheduled to take place in 10 days' time, on 4 and 5 May 1981. He noted that most of those participating in the Council's debate were advocating the adoption of mandatory measures against South Africa under Chapter VII and appealed to all concerned not to abandon the possibility of negotiation as his delegation was convinced that sanctions would not promote Namibian independence on an internationally acceptable basis. Referring to the case of Zimbabwe, he pointed out that it was in the long-term interest of all the parties in Zimbabwe as well as in Namibia that independence could be attained by negotiated settlement rather than through armed struggle.⁴⁷

At the same meeting, the representative of the United States said that the current series of Council meetings was to produce an independent, stable, self-governing Namibia and that there was no disagreement on that goal. She referred to some charges that had been made against the Western States of the Contact Group in the discussions, and said that she had repeatedly asked herself how those charges related to the goal of an independent, stable and democratic Namibia. She noted the repeated suggestion that, because peaceful negotiations had not yet been successful, some other course such as comprehensive compulsory sanctions should be tried. She viewed that approach as unrealistic. Her Government's objective was authentic independence for Namibia, as none of the members of the Contact Group had any territorial ambitions in Africa. She declared that the Namibian problem would be resolved eventually only by the force of arms or by the exercise of reason and that her Government was pledged to the unflinching search for an internationally acceptable, authentically independent, stable, democratic Namibia.⁴⁸

At the 2273rd meeting, the representative of Japan stated that Japan had consistently supported the five Western countries in their efforts aimed at an early and peaceful resolution of the Namibian problem and that those efforts included their settlement proposal which led to the adoption of resolution 435 (1978), and their initiatives for conciliation and mediation. He added that the commitment of the Five to search for an internationally acceptable settlement of the Namibian problem underlined his delegation's belief that any constructive means towards a peaceful solution should be thoroughly explored.⁴⁹

At the same meeting, the Minister for Foreign Affairs of the United Republic of Tanzania recalled the statement by the representative of the United Kingdom, on behalf of the Contact Group, in which he referred to the successful Lancaster House conference on Zimbabwe, and pointed out that Africa had always preferred negotiated solutions to armed resist-

ance, as the Lusaka Manifesto of 1969 on southern Africa had made clear. He further observed that the Lusaka Manifesto had indicated that the alternative to a negotiated solution was not the *status quo* but a struggle for freedom. The Lancaster House conference had been successful owing to at least two crucial factors: (a) the armed resistance waged by the Patriotic Front of Zimbabwe; and (b) the pressure of the international community, including the pressure of sanctions notwithstanding its limitation.

He declared that, as long as the road to negotiations continued to be blocked, a combination of internal and external pressures was an essential prerequisite for a just and lasting solution and that Africa believed that the Council could act decisively by invoking enforcement measures provided for in Chapter VII of the Charter, thereby exerting maximum pressure on the South African regime in order to ensure the implementation of United Nations decisions, particularly resolution 435 (1978).

He said that the London communiqué had, on the one hand, asserted that resolution 435 (1978) provided a solid basis for transition to independence in Namibia, while, on the other hand, it had expressed the view that the plan needed to be strengthened, and that one wondered whether the word "strengthened" was not a euphemism for revision of the plan. He stated that, if the latter were the case, the fears and apprehension of SWAPO, of the African States and of the overwhelming majority of the international community were more than justified, and that the front-line States, at their summit at Luanda on 15 March 1981, had declared that what was urgently needed was the implementation of resolution 435 (1978) without any "further delay, prevarication, qualification or modification".⁵⁰

At the 2274th meeting, the representative of Canada expressed his delegation's concern over the Council's decision not to allow all parties concerned in the Namibian question to participate in its consideration of the problem under rule 39 of its provisional rules of procedure. He stated that Canada remained fully committed to a negotiated settlement on the basis of the principles of resolution 435 (1978), but that, since it had become apparent that progress towards a settlement would be made only if the transitional process was fair and the result satisfactory, Canada and the other members of the Western Five would examine possibilities for strengthening the existing plan in order to give greater confidence to parties in the future of an independent Namibia. Canada believed that the path to an internationally acceptable settlement must be left open and contemplated the call for sanctions with the deepest concern, as such a course would probably put an end to United Nations efforts and delay progress towards Namibian Independence indefinitely.⁵¹

At the same meeting, the representative of the Federal Republic of Germany stated that his Government was convinced that there was no sound alternative to a negotiated settlement of the Namibian question, and appealed to South Africa and SWAPO not to aggravate the situation through acts of aggression and border violation. He said that the success of future endeavours towards a peaceful settlement would depend on whether a climate of confidence could be established among all parties concerned and that, in his Government's view, the imposition of sanctions against South Africa under Chapter VII of

the Charter would lead to a deterioration in the negotiating climate without bringing Namibia closer to **independence**.⁵²

At the 2275th meeting, on 28 April 1981, the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples stated that it had been the Special Committee's consistent position that full and effective application of measures under Chapter VII of the Charter would be the key to the speedy restoration of peace, justice and freedom to the Namibian people, given South Africa's intransigence and repeated acts of aggression against the neighbouring States, and that all the attempts to resolve the Namibian problem by means of negotiation had failed.⁵³

At the same meeting, the representative of France stated that his Government did not believe that the appeal in the Council for comprehensive mandatory sanctions could lead to Namibian independence in 1981, but was convinced that the time for negotiations had not passed and that there was still hope as the positions of the parties were not so far apart. Fears expressed in connection with "equal treatment" of the parties as well as the "democratic future" of Namibia could be allayed by providing the assurances necessary to restore a climate of trust, which was indispensable to make progress. France was determined to work, within the Contact Group, for a peaceful resolution of the Namibian question.⁵⁴

The President, speaking in his capacity as the representative of Ireland, reviewed the history of the United Nations involvement in the Namibian question and said that a major turning-point had been reached by the end of 1978, when South Africa and SWAPO had accepted in principle the terms of resolution 435 (1978) for an internationally acceptable settlement of the Namibian question. South Africa's publicly expressed reasons for its refusal to implement the terms of the resolution were: (a) its claim that the United Nations would not be impartial; and (b) its professed fear that the implementation of the plan might lead to "one man, one vote, one".

He pointed out that the United Nations would not organize the elections but supervise and control those elections while the South African administration would remain in the Territory until independence. He added that the **recognition** by the General Assembly of the role of SWAPO in the liberation struggle was not incompatible with the Council's decision that the future Government of Namibia must be determined by free and fair elections. The people of Namibia must have the right to determine their own destiny as a people, including the political structures they wanted for themselves.

Therefore, the following three points should guide the Council: (a) a reaffirmation of resolution 435 (1978); (6) a further effort within that framework to resolve any remaining obstacles; and (c) strong and steady pressure on South Africa to implement in practice what it had accepted in principle over two years ago. He further said that, in the event South Africa remained wholly intransigent, Ireland would be ready to support certain graduated and carefully chosen measures in order to oblige that country to carry out its obligations in international law as

defined by the Council and by the International Court of Justice."

At the 2276th meeting, on 29 April 1981, the representative of Uganda introduced⁵⁶ five draft resolutions,⁵⁷ the first jointly sponsored by Mexico, Niger, Panama, the Philippines, Tunisia and Uganda; and the remaining four jointly sponsored by Niger, Tunisia and Uganda.

Under the first draft resolution (S/14459) the Council would: (a) determine, in the context of Article 39 of the Charter: (i) that South Africa's persistent refusal to comply with Council and General Assembly resolutions on Namibia constituted a serious threat to international peace and security; (ii) that the continued illegal occupation of Namibia by South Africa constituted a breach of international peace and an act of aggression; and (iii) that the repeated armed attacks perpetrated by South Africa against independent and sovereign States in southern Africa constituted grave acts of aggression; (6) condemn South Africa for its acts as specified in (a) above; (c) decide, under Chapter VII of the Charter and in conformity with its responsibilities for the maintenance of international peace and security, to impose comprehensive and mandatory sanctions against South Africa; (d) decide as an urgent measure, under Article 41 of the Charter, to adopt effective measures, including economic and political sanctions, an oil embargo and an arms embargo; (e) call upon all Member States, in conformity with Article 25 of the Charter, to assist effectively in the implementation of the measures called for by the resolution and as elaborated in the appropriate resolutions before the Council; (f) call upon the specialized agencies to take all necessary measures to implement the resolutions; (g) urge, having regard to the principles stated in Article 2 of the Charter, States not members of the United Nations to act in accordance with the provisions of the present resolution; (h) decide to establish, in accordance with rule 28 of the provisional rules of procedure, a committee of the Council to monitor the implementation of the present resolution; (i) call upon States Members of the United Nations or members of specialized agencies to report to the Secretary-General and to the Council committee on measures taken to implement the resolution; (j) invite the Secretary-General to report to the Council on the progress of the implementation of the resolution and to submit his first report by . . . at the latest; and (k) decide to keep the item on its agenda for further actions, as appropriate, in the light of developments in the situation.

Under the second draft resolution (S/14460), the Council would (a) reaffirm the inalienable rights of the people of Namibia to self-determination and independence in a united Namibia, including Walvis Bay and the Penguin and other offshore islands; (6) reiterate that Namibia was the legal responsibility of the United Nations until genuine self-determination and national independence were achieved in the Territory; (c) determine that South Africa's illegal occupation of Namibia, its persistent defiance of the United Nations, its war of repression being waged against Namibia, its repeated acts of aggression launched from Namibian territory against independent African States, its colonialist expansion and its policy of **apartheid** constituted a breach of international peace and security; (d) decide that all States should sever all diplomatic, consular and trade relations with South Africa; (e) decide that, in

accordance with United Nations resolutions and decisions, all States should prevent the import into their territories of all commodities and products originating in South Africa and in illegally occupied Namibia and exported therefrom after the date of the resolution; (f) decide that all States should not make available, or permit their nationals and any persons within their territories to make available, to the illegal regime in South Africa and occupied Namibia or to any commercial, industrial or public utility **undertaking**, including tourist enterprises in those territories, any funds for investment or any other financial or economic resources, except payments for pensions or for medical, **humanitarian** or educational purposes, or for the provision of new material and, in special humanitarian circumstances, foodstuffs; (g) decide that all States should prevent the entry into their territories, save on exceptional humanitarian grounds, of any person **travelling** on a South African passport or on a passport issued by or on behalf of the illegal administration of South Africa in Namibia; (h) call upon all States to prohibit all travel including tourism, sports, scientific and cultural exchanges of their nationals to South Africa and occupied Namibia; (i) decide that all States should prevent airline companies constituted in their territories and aircraft of their registration or under charter to their nationals from operating to or from South Africa and occupied Namibia and from linking up with any airline or aircraft registered in those territories; (j) call upon all States to take all possible further action under Article 41 of the Charter; (k) call upon all States to ensure that their national legislation included penalties for violations of provisions of the present resolution; (l) call upon all States to carry out, in accordance with Article 25 and Article 2, paragraph 6, of the Charter, the provisions of the resolution, and remind them that failure or refusal to do so would constitute a violation of the Charter; (m) call upon States Members of the United Nations or members of specialized agencies to report to the Secretary-General and to the Council committee on measures taken to implement the resolution; (n) request the Secretary-General to report to the Council on the implementation of the resolution not later than . . . ; and (o) decide to remain actively seized of the matter.

Under the third draft resolution (S/14461), the Council would: (a) decide to impose a mandatory embargo on the direct and indirect supply of petroleum and petroleum **products** to South Africa and occupied Namibia; (b) decide that all States should prohibit: (i) the sale or supply of petroleum and petroleum products to any **person** or body in South Africa and occupied **Namibia**; (ii) any **activities** that promoted the sale or supply of petroleum or petroleum products to South Africa and occupied Namibia; (iii) the shipment in vessels, aircraft or any other means of transportation of their registration or under charter to their nationals of any petroleum or petroleum products to South Africa and **occupied** Namibia; (iv) any investments in or provision of technical and other assistance, including technical advice and spare parts, to the petroleum industry in South Africa and occupied Namibia; (v) the provision of transit facilities, including the use of ports, airports, roads or railway network by vessels, aircraft or any other means of transportation for carrying petroleum products; and (vi) any activities which promoted or were calculated to promote the prospecting for petroleum

in South Africa and occupied Namibia; (c) call upon all States to take all possible further action under Article 41 of the Charter in order to put an end to the illegal occupation of Namibia and bring about its independence in accordance with the relevant resolution of the Council; (d) call upon all States to ensure that their national legislation included penalties for violations of the provisions of the resolution; (e) call upon all States to carry out, in accordance with Article 25 and Article 2, paragraph 6, of the Charter, the provisions of the **resolution**, and remind them that failure or refusal to do so would constitute a violation of the Charter; (f) call upon the specialized agencies to take all necessary measures to implement the resolution; (g) call upon States Members of the United Nations or members of specialized **agencies** to report to the Secretary-General and to the **Council** committee on measures taken to implement the resolution; (h) request the Secretary-General to report to the Council on the implementation of the resolution not later than . . . ; and (i) decide to remain actively seized of the matter.

Under the fourth draft resolution (S/14462), the Council would: (a) determine, having regard to the critical situation created by South Africa in and around Namibia, that the supply to South Africa and the collaboration in the manufacture of arms and related material constitute a breach of international peace and security; (b) decide that all States should cease forthwith any provision to South Africa of arms and related material of all types, including the provision of all types of equipment and supplies, and grants of licensing arrangements for their manufacture or maintenance; (c) decide that all States should ensure that arms-export agreements provide for guarantees that would **prevent** embargoed items or any components **thereof** from reaching South Africa through third countries under any circumstances; (d) decide that all States should prohibit the export of spare parts of embargoed aircraft and other military equipment belonging to South Africa and the maintenance and servicing of such equipment; (e) decide that all States should seize any embargoed items destined for South Africa that might be found on their territories, including items in transit; (f) decide that all States should prohibit government agencies and corporations and individuals under their jurisdiction from transferring technology for the manufacture of arms and related material of all types to, as well as from investing in their manufacture **in**, South Africa; (g) decide that all States should prohibit all imports of arms and related material of any type from South Africa and should seize any such items that might be found in their territories, including items in transit; (h) decide that all States that had not yet done so should put an end to exchange with South Africa of military personnel, as well as **experts** in weapons technology and employees of arms **factories** under their **jurisdiction**; (i) decide that all States should take effective measures to prevent the recruitment, financing, training and transit of mercenaries for service in South Africa and occupied Namibia; (j) call upon all States to cease and prevent any direct or indirect cooperation on activities by public or private corporations, individuals or groups of individuals in **conjunction** with South Africa in the development of a nuclear-weapons capability **by** the racist regime of South Africa; (k) call upon all **States** to take all possible further action under Article 41 of the Charter; (l) call upon all States to ensure that

their national legislation include penalties for violations of the provisions of the resolutions; **(m)** call upon all States to carry out, in accordance with Article 25 and Article 2, paragraph 6, of the Charter, the provisions of the **resolution**, and remind them that failure or refusal to do so would constitute a violation of the Charter; **(n)** call upon the specialized agencies to take all necessary measures to implement the resolution; **(o)** call upon all States Members of the United Nations or members of specialized agencies to report to the Secretary-General and to the Council committee on measures taken to implement the resolution; **(p)** request the Secretary-General to report to the Council on the implementation of the resolution not later than . . . ; and **(q)** decide to remain actively seized of the matter.

Under the fifth and last draft resolution **(S/14463)**, the Council would: (a) decide to establish, in accordance with rule 28 of its provisional rules of procedure, a committee of the Council, provided with powers and means commensurate with its responsibilities, to undertake the following tasks and to report to it with its observations: (i) seek from any State information relevant to the strict implementation of resolutions . . . (1981), including any activities by any nationals of that State or in its territories that might constitute an evasion of the provisions of the resolution; and (ii) examine such reports on the implementation of the above-mentioned resolutions as might be submitted by the Secretary-General; **(b)** call upon all States to co-operate fully with the committee in regard to the fulfilment of its tasks concerning the effective implementation of the provisions of resolutions . . . (1981) and to supply to that committee such information as might be sought by it in pursuance of the resolution; and **(c)** request the Secretary-General to provide every assistance to the committee in the implementation of its mandate.

At the 2277th meeting, on 30 April 1981, the President (Ireland) drew⁵⁸ the attention of the Council members to the revised text of the second draft **resolution**⁵⁹ whereby the words "Decides that all States shall" in operative paragraph 8 were replaced with the words "Calls upon all States to". The President also announced that, at the request of the sponsors, the blank spaces contained in the first four draft resolutions would be replaced by the date "15 July 1981".⁶⁰

He then put the draft resolutions to the vote. The six-Power draft resolution **(S/14459)** received 9 votes in favour, 3 against, and 3 abstentions, and failed of adoption owing to the negative votes of three permanent members of the **Council**.⁶¹

The second draft resolution, as revised **(S/14460/Rev. I)**, received 9 votes in favour, 3 against, and 3 abstentions, and failed of adoption owing to the negative votes of three permanent members of the **Council**.⁶²

The third draft resolution **(S/14461)** received 11 votes in favour, 3 against, and 1 abstention, and failed of adoption owing to the negative votes of three permanent members of the **Council**.⁶³

The fourth draft resolution **(S/14462)** received 12 votes in favour, 3 against, and no abstention, and failed of adoption owing to the negative votes of three permanent members of the **Council**.⁶⁴

The fifth draft resolution **(S/14463)**, which would have established a committee of the Council, was not

put to the vote in the light of the results of voting on the preceding four draft **resolutions**.⁶⁵

Speaking after the vote, the representative of the United Kingdom stated that his delegation had voted against the draft resolutions because it wanted to keep open the prospects for a negotiated settlement and considered sanctions to be economically harmful to many African and Western countries, including his own. A continued denial of independence to the people of Namibia would perpetuate instability and bloodshed in a region where only a settlement offered hope for peace and for stability. The United Kingdom would continue actively, with the other partners in the Western Five, to develop ways to enhance the possibilities of the implementation of resolution 435 (1978).⁶⁶

The representative of France stated that his delegation had voted against the draft resolutions because it did not believe that recourse to comprehensive mandatory sanctions against South Africa would promote progress in the desired direction and that the adoption of such measures would run counter to the goal of the resumption and intensification of negotiations aimed at the peaceful transition of Namibia to independence. Resolution 418 (1977) of 4 November 1977 relating to the arms embargo on South Africa remained in force and France would continue to abide by the obligations flowing from it.⁶⁷

The representative of the United States stated that her Government had participated in a joint **statement**⁶⁸ that resolution 435 (1978) continued to provide a solid basis for Namibia's transition to independence, that it was firmly **committed** to **making** every effort to achieve an internationally accepted, independent, lasting settlement in Namibia, and that, for that reason, it could not support the draft resolutions. Each of the draft resolutions related to sanctions, thereby representing what the United States believed was the wrong course for the achievement of Namibian **independence**.⁶⁹

The representative of Uganda stated that the Group of African States at the United Nations had come before the Council to present a "clear, unequivocal, global consensus*" and that the majority of the Council members had concurred with the verdict of the international community that "peaceful pressure" should be applied against South Africa because of its oppression of the people of Namibia and its continued illegal occupation of that Territory. The impact of the negative vote by three permanent members was not to strengthen international peace and security nor to speak for independence, freedom and self-determination, but rather to strengthen the occupying Power and to comfort the forces that had been intransigent and that had flouted every decision of the **Council**. The negative votes had rebuffed the possibility of collective action, thereby shattering the unity of the Council as well. He concluded by stating that the commitment to resolution 435 (1978) had arisen from a commitment to free and fair elections and that the African Group would continue to employ every possible method to ensure South Africa's compliance with that **resolution**.⁷⁰

The President, speaking in his capacity as the representative of Ireland, stated that his delegation believed that South Africa must be obliged to respect the Council's decisions and to carry out its clear obligations under the Charter and generally under international law. His delegation had nevertheless

thought it right to make a sustained effort to avoid division in the Council. Since that was not possible, Ireland had voted for the two draft resolutions that, respectively, would have imposed an oil embargo (S/14461) and would have strengthened the arms embargo already in existence (S/14462). Ireland believed that the Council could have indicated in advance its intention to honour its obligations under Article 50 of the Charter to States that might be confronted with special economic problems arising from the carrying out of those measures. Ireland had abstained on draft resolution S/14460/Rev. 1, which would have imposed comprehensive economic sanctions as well as sanctions of a political nature. As a result of its decision to abstain on the aforementioned text, Ireland had felt obliged also to abstain on draft resolution S/14459, which had involved a decision to adopt comprehensive economic and political sanctions."

Decision of 31 May 1983 (2449th meeting): resolution 532 (1983)

By letter⁷² dated 12 May 1983 addressed to the President of the Council, the representative of Mauritius, on behalf of the Group of African States at the United Nations, requested a meeting of the Council to consider the situation in Namibia.

By letter⁷³ dated 13 May 1983 addressed to the President of the Council, the representative of India, on behalf of the non-aligned countries, requested a meeting of the Council in order to consider further action in the implementation of the Council's plan for the independence of Namibia.

On 19 May 1983, the Secretary-General issued a further report⁷⁴ concerning the implementation of resolutions 435 (1978) and 439 (1978) concerning the question of Namibia. The report contained a summary of developments since the conclusion of the pre-implementation meeting held at Geneva in January 1981 and outlined the extensive consultations between the Secretary-General and the parties concerned aimed at resolving outstanding issues to facilitate the early implementation of resolution 435 (1978). The Secretary-General reported that a large measure of agreement had been secured on the modalities to be employed in implementing resolution 435 (1978) and that, as far as the United Nations was concerned, the only outstanding issues were the choice of the electoral system and the settlement of some problems relating to UNTAG and its composition. The Secretary-General noted that other issues, which were outside the scope of resolution 435 (1978), were becoming a factor in the negotiations on Namibia, and expressed his concern that those factors should hamper the implementation of the Council's resolution.

At the 2439th meeting, on 23 May 1983, the Council included the letters by Mauritius and India in the agenda. Following the adoption of the agenda, the following were invited, at their request, to participate, without vote, in the discussion of the item on the agenda: at the 2439th meeting, the representatives of Algeria, Angola, Australia, Bangladesh, Benin, Cuba, Egypt, Ethiopia, Gambia, Guinea, India, Indonesia, Jamaica, Kuwait, Mali, Mauritius, Nigeria, Panama, Romania, Senegal, the Seychelles, Sierra Leone, South Africa, Sri Lanka, the Syrian Arab Republic, Tunisia, Turkey, Yugoslavia and Zambia; at the 2440th meeting, the representatives of Afghanistan, Botswana, Canada, the Federal

Republic of Germany, Kenya, Morocco, Mozambique, Uganda, Upper Volta and the United Republic of Tanzania; at the 2441st meeting, the representatives of Democratic Yemen, Japan, the Libyan Arab Jamahiriya and Somalia; at the 2442nd meeting, the representatives of Bulgaria, Chile and Venezuela; at the 2443rd meeting, the representatives of Barbados, Cyprus, Gabon, Liberia, Mexico, Mongolia, the Niger, Qatar and Viet Nam; at the 2444th meeting, the representatives of Argentina, the German Democratic Republic and Hungary; at the 2446th meeting, the representative of Czechoslovakia; at the 2447th meeting, the representative of Malaysia; at the 2448th meeting, the representative of Grenada; and at the 2449th meeting, the representatives of Ghana and the Islamic Republic of Iran.¹⁴

The Security Council also decided to extend invitations as follows: at the 2439th meeting, to a delegation of the United Nations Council for Namibia led by the President of that body, to the representative of the Chairman of the Special Committee against Apartheid, and to Mr. Sam Nujoma; at the 2440th meeting, to the Acting Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples; at the 2443rd meeting, to Mr. Clovis Maksoud; and at the 2447th meeting, to Mr. Johnstone F. Makatini and Mr. Lesaoana S. Makhanda.¹⁴

The item was considered at the 2439th to 2444th and 2446th to 2451st meetings, from 23 May to 1 June 1983.

At the 2439th meeting, the Minister for Foreign Affairs of India, speaking in his capacity as representative of the Chairman of the Movement of Non-Aligned Countries, stated that he had come before the Council along with a large number of foreign ministers of non-aligned countries, on the basis of a mandate from the Seventh Conference of the Heads of State or Government of Non-Aligned Countries, which had taken place in New Delhi from 7 to 12 March 1983, and which had called upon the Council to meet as soon as possible in order to consider further action on the implementation of its plan for Namibia's independence under resolution 435 (1978).

He enumerated eight principles, also endorsed by the United Nations: (a) that the right of the Namibian people to self-determination, freedom and national independence in a united Namibia, including Walvis Bay, the Penguin and other offshore islands, was inalienable; (b) that Namibia was the direct responsibility of the United Nations; (c) that SWAPO was the sole and authentic representative of the Namibian people; (d) that South Africa's continued illegal occupation of Namibia and its refusal to comply with United Nations resolutions, as well as its attempts to devise and impose fraudulent constitutional and political schemes to perpetuate its hold on that Territory, should be condemned vigorously and unequivocally by the international community; (e) that South Africa's exploitation of the natural resources of Namibia, directly as well as through foreign interests under the protection of the occupying administration, was illegal and constituted a serious violation of the Charter and an obstacle to the political independence of Namibia; (f) that the activities of SWAPO, in particular the People's Liberation Army of Namibia (PLAN), including armed struggle, against the illegal administration and

the forces of occupation were fully justified as a legitimate means to achieve freedom and national independence; (g) that the countries of the non-aligned movement pledged to render all possible material, financial, military, political, humanitarian, diplomatic and moral assistance to SWAPO in its struggle to secure the total liberation of Namibia; and (h) that resolution 435 (1978) containing the United Nations plan for the independence of Namibia constituted the only basis for the peaceful settlement of the Namibian question, and that any linkage or parallelism between the independence of Namibia and the withdrawal of Cuban troops from Angola must be categorically rejected.

He said that South Africa had also used the Territory of Namibia to launch acts of aggression against independent States in the region, in particular the front-line States, the latest act being the air raid against Mozambique. During the four years since the Council had adopted resolution 435 (1978), South Africa had aimed at delaying its implementation. The latest pretext had been the attempt to link the question of Namibian independence to an entirely irrelevant and extraneous issue. He said that it was time for the Council to agree on a definite time frame for the implementation of resolution 435 (1978) and to remain actively seized of the question until the process was completed and that, if South Africa continued to defy its decisions, the Council should be prepared to take appropriate action under Chapter VII of the Charter.

At the same meeting, the representative of the United Kingdom referred to recent acts of violence and the toll in civilian casualties from the Pretoria car bomb and the violation of Mozambican sovereignty, and stated that his Government had always deplored the use of violence from any quarters in the search for solutions to the problems of southern Africa. He pointed out that the Contact Group had held a series of meetings in Africa with the front-line States and SWAPO while conducting parallel consultations with the South African Government. Broad agreement had been secured on a constitutional framework which had led to the refinement and acceptance of the principles⁷⁶ concerning the constituent assembly and the constitution for an independent Namibia. He referred to paragraph 18 of the Secretary-General's report and confirmed that as far as the United Nations was concerned the only outstanding issues were the choice of the electoral system and the settlement of some final problems relating to UNTAG and its composition.

He said that substantial progress had been made towards the implementation of resolution 435 (1978) and that the Contact Group shared the concern that factors relating to the regional situation, which were outside the scope of the Contact Group's mandate, had not yet permitted implementation of the United Nations plan. A Namibian settlement had to ensure the security of all States in the region including Angola. The United Nations plan for Namibia could not be implemented without the withdrawal of South African forces from Angolan territory. He expressed hope that the direct talks between the parties about those problems would yield a satisfactory conclusion so that attention could be focused on the implementation of resolution 435 (1978). The debate in the Council offered an opportunity to assist in that direction by making constructive contributions and

by formulating a resolution that would reinforce, not undermine, the negotiating process.⁷⁵

At the same meeting, the President of the United Nations Council for Namibia stated that the lack of progress towards implementation of resolutions 385 (1976) and 435 (1978) caused the United Nations Council for Namibia great concern. At every stage of the talks with South Africa during the five years since the adoption of resolution 435 (1978), South Africa and some of its partners had introduced new elements aimed at delaying the implementation of the United Nations plan, most recently the attempt to link the implementation of the settlement plan to the withdrawal of Cuban troops from Angola. Such extraneous issues had been introduced because the talks were held outside the United Nations framework. The Security Council meeting had been requested with the specific goal of bringing the talks on Namibia back into the United Nations framework, established by resolution 435 (1978), under which the Secretary-General could be called upon to use his good offices and which did not recognize any linkage or extraneous factors.

At the same meeting, Mr. Sam Nujoma, President of SWAPO, gave a detailed account of the sufferings, abductions, massacres and other acts of intimidation to which Namibians were subjected by the South African colonial army of about 100,000 troops, which had turned the Territory into a garrison State. He recalled the statement which he had made eleven and a half years ago, when he had been given the privilege as the first freedom fighter to address the Council. The situation in and around Namibia which he had described before the Council in 1971 remained the same except that the human suffering and destruction of property had increased to alarming proportions due to South Africa's continued colonial and racist oppression throughout the region.

Over the past two years, the United States had been advocating a greater acceptance of South Africa within the global framework of Western security and the net result of that policy was that Namibia's independence had been further delayed and the suffering of the people prolonged. He lauded the report of the Secretary-General, especially the concluding observations, which accurately reflected the prevailing state of affairs and showed who was responsible for the impasse. SWAPO had reviewed the history of the negotiations and the role of the Contact Group and had concluded that the five Western Powers had ceased to be an honest broker in implementing resolution 435 (1978).

He called upon the Council urgently to shoulder its responsibility in the implementation of the United Nations plan and, for that purpose, to strengthen the role of the Secretary-General, who was charged with that responsibility under the terms of resolution 435 (1978). He referred to the members of the Contact Group as self-appointed and rejected the statement by the representative of the United Kingdom that the Contact Group should continue the negotiations on the Namibian question.⁷⁵

At the 2440th meeting, on 24 May 1983, the representative of Cuba stated that in 1975, after the colonialist forces had withdrawn from Angola, South Africa had invaded the territory of independent Angola and that the Cuban internationalist fighters had come to Angola at that time to contribute to the defence of its independence and territorial integrity.

Since then, South Africa had committed many acts of aggression against Angola and occupied part of its territory for nearly two years. Cuba had always rejected the linkage of Namibian independence to the presence of the Cuban forces in Angola, and quoted the **first** and ninth points of the Cuban-Angolan **joint** statement of 4 February 1982, according to which: (a) the presence and withdrawal of the Cuban forces stationed in Angola constituted a bilateral question between the two sovereign States, in accordance with Article 51 of the Charter; and (b) the **Angolan** and Cuban Governments would consider the withdrawal of the Cuban forces, if the struggle of SWAPO and the demands of the international community succeeded in achieving genuine independence for Namibia on the basis of resolution 435 (1978) and the total **withdrawal** of South African troops.⁷⁷

At the same meeting, the representative of South Africa charged that the main objective of the Council's meeting was to undermine the delicate negotiations that were under way, and not to promote a peaceful settlement of the question of South West Africa. He said that South Africa continued to administer the Territory legally, in conformity with the spirit of the lapsed mandate from the League of Nations, and that South Africa had first accepted the Western proposal and had informed the **Secretary-General**, on 22 December 1978, that it would cooperate in the expeditious implementation of resolution 435 (1978).

On 6 February 1979, South Africa had advised the Secretary-General that early implementation was imperative and had urged that UNTAG be in place before the end of that month, even if it only involved certain advance units. Since February 1979, however, SWAPO and the United Nations had created the obstacles which had frustrated agreement on a peaceful settlement. He quoted from a recent statement by his Minister of Foreign Affairs who had said in the South African Parliament that there was an unquestionable *de facto* linkage between the withdrawal of Cuban forces from Angola and the settlement of the **Namibian/South West African** question. He said that the problem had not been of South Africa's making. South Africa had tried to remove that last major obstacle to the realization of a peaceful settlement and had held two meetings at the ministerial level with Angola in the Cape Verde islands in December 1982 and February 1983. South Africa was prepared to hold further talks with Angola to resolve that issue. He added that South Africa preferred peaceful coexistence with all its neighbours, and had repeatedly invited its neighbours to enter into non-aggression pacts.

In that context, he mentioned the bilateral ministerial talks between the Governments of South Africa and Mozambique. He stressed that South Africa was seeking firm and concrete signs that the United Nations was prepared to give serious attention to the justifiable concerns of the people of South West Africa and to the legitimate interests of South Africa in a stable and peaceful southern Africa. He denounced what he called recent terrorist outrages and pointed to South Africa's retaliation against ANC targets in Mozambique, which illustrated the urgency of the choice between an escalation of the confrontation and peace and cooperation. He expressed the hope that the Council would not consider any action or impose any deadlines which might force the region in the direction of a worsening of the **conflict**.⁷⁷

At the 2443rd meeting, on 25 May 1983, the representative of the United States stated that her Government deplored cross-border violence in southern Africa and had been seeking to assist the Governments of the region to resolve mutual problems by peaceful means. The United States had been encouraged by the purposeful high-level dialogue between Mozambique and South Africa. The principles of non-violence and of the settlement of **disputes** by peaceful means were especially pertinent to the issue under consideration by the Council. She said that it would be a mistake to discount the progress that had been achieved towards the implementation of resolution 435 (1978) since the Council had last reviewed the situation in Namibia. The United States shared the concern that the factors relating to the regional situation in southern Africa had not yet permitted implementation of the United Nations plan, and believed that those issues should be resolved rapidly in order to allow the Namibian people to exercise their right to self-determination. She stated that her Government had neither the intention nor the power to impose its own views on those whose interests were most directly involved and that its sole objective had been to assist the parties in tackling the obstacles that had thus far prevented the implementation of resolution 435 (1978) and the attainment of **Namibia's independence**.⁷⁸

At the 2447th meeting, on 27 May 1983, the representative of France stated that France's position **regardin** the current situation was that resolutions 385 (1986) and 435 (1978) were complete in themselves and that Namibia's accession to independence and the unconditional implementation of those resolutions could not be impeded by external considerations. France, therefore, saw only advantages in having the Council give the Secretary-General a mandate to resume contact with the **parties** concerned to ensure the implementation of the United Nations plan. The problems that would remain after the implementation of the settlement plan, namely, the security and development of the southern African region, should be reflected on.

He **referred, in** that connection, to two suggestions made the **previous** month by the Minister for Foreign Affairs of France at the International Conference in Support of the Struggle of the Namibian People for Independence: (a) that each sovereign State, especially Namibia in the future, had the **right to decide** on the best way to strengthen its security, which France was prepared to support on its own and through the Council; and (b) that the United Nations should **provide, in support of the Namibian settlement plan, for assistance to the countries most severely affected by the continuing occupation of Namibia, particularly Angola, which had been the object of destruction and partial occupation because of its solidarity with the people of Namibia**.⁷⁹

At the 2449th meeting, on 31 May 1983, draft resolution S/I 5803 was **adopted**⁸⁰ unanimously as resolution 532 (1983). The resolution reads as follows:

The Security Council,

Having considered the report of the Secretary-General,

Recalling General Assembly resolutions 1514 (XV) of 14 December 1960 and 2145 (XXI) of 27 October 1966,

Recalling and reaffirming its resolutions 301 (1971), 385 (1976), 431 (1978), 432 (1978), 435 (1978) and 439 (1978).

Reaffirming the legal responsibility of the United Nations over Namibia and the primary responsibility of the Security Council for ensuring the implementation of its resolutions 385 (1976) and 435 (1978), including the holding of free and fair elections in Namibia under the supervision and control of the United Nations,

Taking note of the results of the International Conference in Support of the Struggle of the Namibian People for Independence, held at UNESCO House in Paris from 25 to 29 April 1983,

Taking note of the protracted and exhaustive consultations which have taken place since the adoption of resolution 435 (1978),

Further noting with regret that those consultations have not yet brought about the implementation of resolution 435 (1978).

1. **Condemns** South Africa's continued illegal occupation of Namibia in flagrant defiance of resolutions of the General Assembly and decisions of the Security Council;

2. **Calls** upon South Africa to make a firm commitment as to its readiness to comply with Council resolution 435 (1978) for the independence of Namibia;

3. **Further calls upon** South Africa to co-operate forthwith and fully with the Secretary-General in order to expedite the implementation of resolution 435 (1978) for the early independence of Namibia;

4. **Decides** to mandate the Secretary-General to undertake consultations with the parties to the proposed cease-fire, with a view to securing the speedy implementation of resolution 435 (1978);

5. **Requests** the Secretary-General to report to the Council on the results of these consultations as soon as possible and not later than 31 August 1983;

6. **Decides** to remain actively seized of the matter.

Decision of 28 October 1983 (2492nd meeting): resolution 539 (1983)

In pursuance of resolution 532 (1983), the Secretary-General, on 29 August 1983, submitted a report⁸¹ concerning the implementation of resolutions 435 (1978) and 439 (1978). In his report, the Secretary-General gave a detailed account of his consultations with the parties concerned and of his visit to South Africa and Namibia from 22 to 25 August 1983. He had undertaken those efforts to carry out the mandate given to him by the Council in resolution 532 (1983), namely, to consult with the parties to the proposed cease-fire with a view to securing the speedy implementation of resolution 435 (1978). He stated that his prolonged consultations had resulted, as far as UNTAG was concerned, in resolving virtually all the outstanding issues and that never before had he been so close to finality on the modalities of implementing resolution 435 (1978).

The Secretary-General pointed out, however, that the position of South Africa regarding the issue of the withdrawal of Cuban troops from Angola as a pre-condition for the implementation of resolution 435 (1978) still made it impossible to launch the United Nations plan. He indicated that he had repeatedly made it clear that he did not accept the linkage and that the question of Cuban troops was not envisaged in resolution 435 (1978) and was not part of his mandate under resolution 532 (1983).

The Secretary-General pointed out that his visit to Namibia had brought home to him the human tragedy of the current situation and the necessity for urgent progress towards implementation of the self-determination and independence of the people of Namibia. He also stressed the significance of a peaceful solution of the Namibian problem for a peaceful and cooperative future for all countries of the region. He warned that disastrous consequences would result if no substantial progress could be

achieved with regard to the cessation of hostilities and the implementation of resolution 435 (1978). He called upon all concerned to make another major effort to reach the independence of Namibia at the earliest possible date and expressed his own determination to continue his endeavours to that end and to assist the people of Namibia in any way he could.

By letter⁸² dated 17 October 1983 addressed to the President of the Council, the representative of Senegal, on behalf of the Group of African States at the United Nations, requested an urgent meeting of the Council to consider the situation in Namibia.

By letter⁸³ dated 18 October 1983 addressed to the President of the Council, the representative of India, on behalf of the Movement of Non-Aligned Countries, requested a meeting of the Council to consider further the question of Namibia.

At the 2481st meeting, on 20 October 1983, the Council included the letters by Senegal and India as well as the report of the Secretary-General in its agenda. Following the adoption of the agenda, the following were invited, at their request, to participate, without vote, in the discussion of the item on the agenda: at the 2481st meeting, the representatives of Angola, Canada, Cuba, Ethiopia, India, the Libyan Arab Jamahiriya, Nigeria, Senegal, Sierra Leone, South Africa, the United Republic of Tanzania, Yugoslavia and Zambia; at the 2482nd meeting, the representatives of Botswana, the Federal Republic of Germany, Mozambique and Venezuela; at the 2483rd meeting, the representatives of Algeria, the German Democratic Republic, Kenya, Kuwait, Mexico, Sri Lanka and Tunisia; at the 2485th meeting, the representative of Czechoslovakia; at the 2486th meeting, the representatives of Argentina, Bulgaria and the Syrian Arab Republic; at the 2488th meeting, the representatives of Hungary, the Islamic Republic of Iran, Peru and the Sudan; and at the 2490th meeting, the representatives of Turkey and Uganda."

The Council also decided to extend invitations to participate in the discussion of the item on the Council's agenda under rule 39 of the provisional rules of procedure to the following: at the 2481st meeting, to a delegation of the United Nations Council for Namibia led by the President of that body, to the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and to Mr. Peter Mueshahange; at the 2483rd meeting, to the Acting Chairman of the Special Committee against Apartheid; and at the 2485th meeting, to Mr. Johnstone F. Makatini.¹⁴

The Council considered the item at its 2481st to 2486th, 2488th, 2490th and 2492nd meetings, from 20 to 28 October 1983.

At the 2481st meeting, the Minister for Foreign Affairs of Ethiopia, speaking in his capacity as representative of the current Chairman of OAU, stated that the withdrawal of Cuban forces from Angola was an irrelevant and unjustified pre-condition blocking the independence of Namibia. The Cuban forces had been requested by the Government of Angola for the purpose of repelling the invasion by South Africa. South Africa's aggression and its occupation of parts of southern Angola necessitated the continued assistance of Cuban forces in full conformity with the provisions of Article 51 of the Charter.

The presence of Cuban forces in Angola, which had posed no threat to the security and stability of the other States in the region, was thus not only legitimate and legal but a positive element in the continuing struggle for the maintenance of the sovereignty and territorial integrity of Angola. To speak of South Africa's security concern over troops in a country with which it shared no common border could only be construed as tacit acceptance of its occupation of the international Territory of Namibia as legal. Linking that matter with the question of Namibia's independence could only be an interference in the domestic affairs of Angola in clear contravention of international law.

He recalled recent resolutions or decisions adopted by OAU, the Movement of Non-Aligned Countries, the International Conference in Support of the Struggle of the Namibian People for Independence and the General Assembly, which showed the emergence of an international consensus rejecting the so-called linkage or parallelism in relation to Namibia's independence. He regretted that the Council had yet to pronounce itself on the matter and that such silence would amount to acquiescence in the delay of the implementation of the United Nations plan. He strongly urged the Council to reject all attempts to link Namibia's independence with any extraneous and irrelevant issues and to establish a time frame for the implementation of resolution 435 (1978). The Council should also seriously consider measures against South Africa under Chapter VII of the Charter, if Pretoria persisted in its dilatory tactics.⁸⁴

At the same meeting, Mr. Peter Mueshihange, Secretary for Foreign Relations of SWAPO, denounced the linkage precondition insisted upon by South Africa and the current United States Administration. He said that the issue of linkage had become the only obstacle in the negotiations on Namibia's transition to independence.

He referred to the Secretary-General's report and stated that it had led them to the following conclusions: (a) that the Secretary-General had successfully carried out his mandate, under resolution 532 (1983), to undertake consultations with SWAPO and South Africa on the speedy implementation of resolution 435 (1978); (b) that all the outstanding issues had been resolved; (c) that those matters that were technical in nature as well as the related financial implications were to be resolved quickly within the framework of resolution 435 (1978) and on the basis of the understandings that had been reached among the negotiating parties in New York in August 1982; (d) that the Secretary-General had confirmed that South Africa would communicate its choice of the electoral system-between the proportional representation and a single constituency system-prior to the adoption of the enabling resolution by the Council; and (P) that SWAPO had reiterated its readiness to sign a cease-fire agreement and to cooperate with the Secretary-General and his Special Representative in the judicious implementation of the United Nations plan.

He declared the political will and determination of SWAPO to move forward but added that the current meetings of the Council were not engaged in the formulation and adoption of an enabling resolution because of the unilateral and unwarranted imposition of the issue of linkage by the United States on the Namibian negotiations. That was a very serious development for them as it was also a direct chal-

lenge to the authority of the United Nations, which had assumed a unique responsibility over Namibia until its independence. He pointed out that SWAPO sources confirmed that the Pretoria leadership was not contemplating the implementation of resolution 435 (1978) for the next two to five years, if at all. Meanwhile, South Africa would continue to rely on military repression inside Namibia and acts of aggression against the front-line States and ANC. He urged the Council to impose comprehensive mandatory sanctions under Chapter VII of the Charter, which would compel the Pretoria regime to cooperate fully in the speedy implementation of resolution 435 (1978).⁸⁴

At the same meeting, the representative of South Africa referred to the report of the Secretary-General, which reflected accurately the position of the South African Government. The discussions with the Secretary-General had been held to advance peaceful settlement of the South West Africa question on the basis of resolution 435 (1978) and, as a result, the remaining outstanding issues relating to the choice of the electoral system and the composition and status of UNTAG had been resolved.

There was only one major issue left, the withdrawal of the Cubans from Angola on the understanding that they would not be replaced by any other hostile forces. He declared that his Government insisted on the Cuban withdrawal. He noted that while the Secretary-General did not accept the linkage between a settlement in South West Africa/Namibia and the withdrawal of Cuban troops from Angola, he had acknowledged in his report⁸⁵ on the work of the Organization to the thirty-eighth session of the General Assembly that the destructive nature of regional disputes was likely to be aggravated by the superimposition of East-West tension on such conflicts. Since SWAPO operated from Angola with the active support of the Popular Armed Forces for the Liberation of Angola (FAPLA) and Cuba, the presence of the Cuban forces in Angola was indivisible from the efforts to end conflict and to establish peace in the region.

He restated South Africa's rejection of General Assembly resolutions that had declared SWAPO to be the sole and authentic representative of the people of South West Africa and stressed that it would be futile for the Council to set any time frame for the implementation of resolution 435 (1978) until the issue of the Cuban presence in Angola had been resolved.⁸⁶

At the 2482nd meeting, the representative of Angola stated that one of the most serious problems threatening international peace and security was the illegal occupation of Namibia by South Africa, which was also one of the oldest before the United Nations. He said that, each time outstanding issues had been settled, Pretoria had invented new ones and would not end its illegal occupation of Namibia unless it was forced. If resolution 435 (1978) was not implemented, the international community would be left with only two options: comprehensive sanctions or a prolonged armed struggle by SWAPO and the people of Namibia with the support of their friends. Angola rejected artificial linkages and charged that "constructive engagement" had allowed South Africa to engage in a "destructive engagement" against Angola and to extend its illegal occupation of Namibia to the southern parts of his country.

He renewed his Government's demands for: (a) the immediate and unconditional withdrawal of South African forces **occupying Angolan** territory; (b) the cessation of South Africa's attacks on Angola; (c) the cessation of all **logistic** and military support given to **UNITA**; and (d) the speedy implementation of resolution 435 (1978). He pointed out that Angola had invited its Cuban friends, among others, to assist them in the **defence** of their sovereignty and territorial integrity following the South African invasion.

He referred to South Africa's brutal attacks on all front-line States and said that the real reason for those acts of aggression was not the presence of Cubans but rather South Africa's pre-emptive operation against any and all that threatened its racist structure. He concluded that the Council must reject South Africa's insistence on linking Namibian independence to extraneous and irrelevant issues and that it should also consider the application of appropriate measures under Chapter VII of the Charter in the event of Pretoria's continued noncompliance with the Council's resolutions.*'

At the same **meeting**, the Deputy Minister for External Relations of **Cuba** said that South Africa had consistently defied the international community and flouted the resolutions of the Council and the General Assembly in open violation of the fundamental principles of the Charter. Namibia's long history of colonial occupation and oppression was explained by its natural resources, including uranium, and its strategic geographical location. The Secretary-General's recent visit to South Africa had made it clear that South Africa insisted on making the implementation of the settlement plan dependent on the presence of Cuban troops in **Angola**. Pretoria should be asked what prevented its **withdrawal** from Namibia in 1974 and before, when there were no Cubans in Angola and when that country was controlled by the Portuguese colonial **army**. Cuba vigorously rejected the attempt at **linking** the presence of its troops in Angola with Namibia's **independence** and emphasized that their presence was not a subject for negotiation with third parties.

He said that, on 4 February 1982, the Ministers for Foreign Affairs of Cuba and Angola had signed a declaration defending the principle of sovereignty as reflected in agreements between the two countries on the basis of Article 51 of the Charter. He quoted article 9 of that declaration, which stated that the **Angolan** and Cuban Governments would consider **commencing** the implementation of a programme to withdraw Cuban forces as soon as Namibia was genuinely independent and South Africa's occupation troops were completely withdrawn. Numerous atrocities committed by South Africa in the 10 months of 1983 had been carried out from the occupied **Angolan** territory. He concluded that the United Nations must assume its full responsibility in preventing the outbreak of a catastrophe in southern Africa and that the only course of action that remained, in order to compel South Africa to abide by international law, was the application of mandatory sanctions under Chapter VII of the Charter.*'

At the 2484th meeting, the representative of the United States said that the Secretary-General had resolved the outstanding issues, except for one that stood in the way of implementing resolution 435 (1978), namely, South Africa's position on the **withdrawal** of Cuban forces from Angola. She said it was frustrating that an issue outside the scope of **resolu-**

tion 435 (1978) was delaying the common objective, but that the United States remained convinced that that obstacle could and should be removed with perseverance and good will. She said that her Government had devoted its energy to search for a solution on the basis of reciprocity, respect for security and sovereignty on all sides and that it would continue with that effort as long as it appeared that there was a chance for a peaceful solution. The United States neither sought nor desired any special advantage or position for itself, and its sole objective had been to assist the parties most directly concerned in overcoming the **difficulties** that had so far **prevented** implementation of resolution 435 (1978). She concluded that the future of Namibia depended on the unity of the members of the Council in keeping the negotiating process **firmly on track**.⁸⁸

At the 2485th meeting, the representative of France commended the Secretary-General for having carried out courageously a difficult mission and noted three points in his report: (a) the moderate policy, goodwill and spirit of compromise maintained by SWAPO and its leaders despite the frustrations of endless negotiations and the aggravation of the fighting; (b) the positive gestures by the Pretoria Government relating to the composition and status of UNTAG and the question of impartiality; and (c) the reaffirmation from Pretoria regarding the unacceptable linkage between Namibian independence and the withdrawal of Cuban forces from Angola.

Namibia's accession to independence and the implementation of resolutions 385 (1976) and 435 (1978) could not be impeded by external considerations or by preconditions; France had upheld that position within the Contact Group. The question arose whether South Africa's continued insistence on linkage precluded a peaceful settlement. He deplored the protracted suffering of the people of Namibia and of the front-line States, particularly Angola, which had been the victim of raids, destruction and partial occupation, and said that the French delegation understood and shared the feelings of bitterness and frustration expressed in the Council's **meetings by** many African delegations. He appealed to **South Africa** to make the gestures that would permit the implementation of the United Nations plan for **Namibia**.⁸⁹

At the 2490th **meeting**, the President stated that members of the **Council** had before them a draft **resolution**⁹⁰ sponsored by Guyana, Jordan, Malta, Nicaragua, Pakistan, Togo, Zaire and **Zimbabwe**.⁹¹

At the 2492nd meeting, on 28 October 1983, the President drew the attention of the members of the Council to the revised text of the eight-Power draft **resolution**.⁹²

At the same meeting, the representative of Zimbabwe, on behalf of the sponsors, introduced revised draft resolution **S/16085/Rev.1** and, in the course of his statement, orally amended the text whereby the date "1 December 1983" at the end of operative paragraph 9 was replaced by "31 December 1983"; and the words "not later than 31 December 1983" in operative paragraph 10 were replaced by the phrase "**as soon as possible following the Secretary-General's report**".⁹³

At the same meeting, the revised eight-Power draft resolution (S/16085/Rev.2) as orally amended was voted upon and **adopted**⁹³ by 14 votes in favour,

none against, with 1 abstention, as resolution 539 (1983). The resolution reads as follows:

The Security Council,

Having considered the report of the Secretary-General of 29 August 1983,

Recalling General Assembly resolutions 1514 (XV) of 14 December 1960 and 2145 (XXI) of 27 October 1966.

Recalling and reaffirming its resolutions 301 (I 97 I), 385 (I 976), 431 (1978), 432 (1978), 435 (1978), 439 (1978) and 532 (1983),

Gravely concerned at South Africa's continued illegal occupation of Namibia,

Gravely concerned also at the tension and instability prevailing in southern Africa and the mounting threat to the security of the region and its wider implications for international peace and security resulting from continued utilization of Namibia as a springboard for attacks against and destabilization of African States in the region,

Reaffirming the legal responsibility of the United Nations over Namibia and the primary responsibility of the Security Council for ensuring the implementation of its resolutions, in particular, resolutions 385 (1976) and 435 (1978), which call for the holding of free and fair elections in the Territory under the supervision and control of the United Nations.

Indignant that South Africa's insistence on an irrelevant and extraneous issue of "linkage" has obstructed the implementation of resolution 435 (1978).

1. *Condemns* South Africa for its continued illegal occupation of Namibia in flagrant defiance of resolutions of the General Assembly and decisions of the Security Council;

2. *Further condemns* South Africa for its obstruction of the implementation of Security Council resolution 435 (1978) by insisting on conditions contrary to the provisions of the United Nations plan for the independence of Namibia;

3. *Rejects* South Africa's insistence on linking the independence of Namibia to irrelevant and extraneous issues as incompatible with resolution 435 (1978), other decisions of the Security Council and the resolutions of the General Assembly on Namibia, including General Assembly resolution 1514 (XV);

4. *Declares* that the independence of Namibia cannot be held hostage to the resolution of issues that are alien to resolution 435 (1978);

5. *Reiterates* that resolution 435 (I 978), embodying the United Nations plan for the independence of Namibia, is the only basis for a peaceful settlement of the Namibian problem;

6. *Takes note* that the consultations undertaken by the Secretary-General pursuant to paragraph 5 of resolution 532 (1983) have confirmed that all the outstanding issues relevant to resolution 435 (1978) have been resolved;

7. *Affirms* that the electoral system to be used for the elections of the Constituent Assembly should be determined prior to the adoption by the Council of the enabling resolution for the implementation of the United Nations plan;

8. *Calls upon* South Africa to co-operate with the Secretary-General forthwith and to communicate to him its choice of the electoral system in order to facilitate the immediate and unconditional implementation of the United Nations plan embodied in resolution 435 (1978);

9. *Requests* the Secretary-General to report to the Council on the implementation of this resolution as soon as possible and not later than 31 December 1983;

10. *Decides* to remain actively seized of the matter and to meet as soon as possible following the Secretary-General's report for the purpose of reviewing progress in the implementation of resolution 435 (1978) and, in the event of continued obstruction by South Africa, to consider the adoption of appropriate measures under the Charter of the United Nations.

Following the vote, the representative of the Soviet Union said that while the resolution strengthened the role of the United Nations in the settlement of the Namibian question, the original draft had been weakened during the process of consultation. The omission of a direct reference to sanctions under Chapter VII of the Charter to be imposed against South Africa in the event of its continued refusal to implement the Namibian settlement plan had been

brought about by the resistance by the United States and certain other Western friends of South Africa. Those States had once again confirmed that they continued to protect the racist regime against international sanctions, thereby helping Pretoria to buy time and to obstruct Namibia's transition to independence.⁹³

The representative of the United States stated that his Government fully supported the spirit of the resolution that had just been adopted. The United States had worked hard and would continue doing so to overcome obstacles that stood in the way of Namibian independence. He said that there were certain elements in the resolution that caused his Government concern: (a) that the resolution contained a number of references to previous resolutions that had not been supported by the United States; (b) that the United States had some reservations relating to the language of the resolution; and (c) that the United States regarded implicit allusion to possible future action under Chapter VII of the Charter as premature since substantial progress had been made in the negotiations aimed at the implementation of resolution 435 (1978).⁹³

NOTES

¹ S/14333, OR, 36th yr., Suppl. for Jan.-March 1981.

² For the purposes and background of the pre-implementation meeting, see S/14266, OR, 35th yr., Suppl. for Oct.-Dec. 1980.

³ S/14333, paras. 19 and 21, OR, 36th yr., Suppl. for Jan.-March 1981.

⁴ S/14347, *ibid.*

⁵ S/14346, *ibid.*

⁶ 2263rd mtg., para. 4.

⁷ *Ibid.*, paras. 8-12.

⁸ *Ibid.*, paras. 20-32.

⁹ *Ibid.*, paras. 50-53.

¹⁰ *Ibid.*, paras. 60-68.

¹¹ Similar views were expressed by the representatives of the Philippines, the Niger, Uganda, Ireland, Spain, France, the United Kingdom and the United States (2263rd mtg., paras. 84-182).

¹² 2263rd mtg., paras. 72-79.

¹³ S/14434, OR, 36th yr., Suppl. for April-June 1981.

¹⁴ For details, see chap. III in the present Supplement.

¹⁵ Panama, Uganda and the Soviet Union, see 2267th mtg., paras. 11 and 12, paras. 19-24 and paras. 41-43.

¹⁶ France, the United Kingdom and the United States, see 2267th mtg., paras. 15 and 16, paras. 27-29 and paras. 32-37.

¹⁷ 2267th mtg., para. 44.

¹⁸ For further details, see chap. III in the present Supplement.

¹⁹ S/14423. For the text of the resolutions, see GAOR, 35th sess., Suppl. No. 48.

²⁰ S/14333, OR, 36th yr., Suppl. for Jan.-March 1981.

²¹ 2267th mtg., para. 63.

²² For the consideration of the question of Southern Rhodesia and the adoption of resolution 232 (1966), see *Repertoire of the Practice of the Security Council, Supplement 1966-1968*, chap. VIII, part II.

²³ 2267th mtg., paras. 67-93.

²⁴ *Ibid.*, paras. 97-131.

²⁵ *Ibid.*, paras. 133-149.

²⁶ *Ibid.*, paras. 187-202.

²⁷ *Ibid.*, paras. 205-220.

²⁸ *Ibid.*, paras. 223-242.

²⁹ 2268th mtg., paras. 9-19.

³⁰ *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)*, Advisory Questions, I.C.J. Reports 1971, p. 16.

- ³¹ 2268th mtg., paras. 21-55.
³² *Ibid.*, paras. 57-78.
³³ For the consideration of the invitation to Mr. Peter Kalangula and the others associated with his request, see chap. 111, case I.
³⁴ 2268th mtg., paras. 81-110.
³⁵ 2269th mtg., paras. 5-33.
³⁶ *Ibid.*, paras. 36-52.
³⁷ For similar viewpoints, see also statements by the representatives of Zaire and Zimbabwe, 2269th mtg., paras. 95-137 and 140-148.
³⁸ 2269th mtg., paras. 56-79.
³⁹ *Ibid.*, paras. 82-90.
⁴⁰ 2270th mtg., paras. 7-26.
⁴¹ *Ibid.*, paras. 46-67.
⁴² *Ibid.*, paras. 70-122.
⁴³ 2271st mtg., paras. 6-22.
⁴⁴ For the consideration of the Namibian question by the Security Council during its meetings at Addis Ababa in 1972, see *Repertoire of the Practice of the Security Council. Supplement 1972-1974*, pp. 92-101.
⁴⁵ 2271st mtg., paras. 44-66.
⁴⁶ S/14457, OR, 36th yr., *Suppl. for April-June 1981*.
⁴⁷ 2271st mtg., paras. 87-94.
⁴⁸ *Ibid.*, paras. 124-131.
⁴⁹ 2273rd mtg., paras. 93-103.
⁵⁰ *Ibid.*, paras. 116-142.
⁵¹ 2274th mtg., paras. 9-16.
⁵² *Ibid.*, paras. 71-80.
⁵³ 2275th mtg., paras. 31-37.
⁵⁴ *Ibid.*, paras. 39-52.
⁵⁵ 2275th mtg., paras. 66-112.
⁵⁶ 2276th mtg., paras. 6-26.
⁵⁷ S/14459, S/14460, S/14461, S/14462 and S/14463, OR, 36th yr., *Suppl. for April-June 1981*.
⁵⁸ 2277th mtg., para. 5.
⁵⁹ S/14460/Rev. 1, OR, 36th yr., *Suppl. for April-June 1981*.
⁶⁰ 2277th mtg., para. 6.
⁶¹ *Ibid.*, para. 24.
⁶² *Ibid.*, para. 25.
⁶³ *Ibid.*, para. 26.
⁶⁴ *Ibid.*, para. 27.
⁶⁵ *Ibid.*, para. 28.
⁶⁶ *Ibid.*, paras. 32-38.
⁶⁷ *Ibid.*, paras. 39-45.
⁶⁸ S/14457, OR, 36th yr., *Suppl. for April-June 1981*.
⁶⁹ 2277th mtg., paras. 53-59.
⁷⁰ *Ibid.*, paras. 66-92.
⁷¹ *Ibid.*, paras. 94-104.
⁷² S/15760, OR, 38th yr., *Suppl. for April-June 1983*.
⁷³ S/15761, *ibid.*
⁷⁴ S/15776, *ibid.*
⁷⁵ 2439th mtg.
⁷⁶ S/15287, OR, 37th yr., *Suppl. for July-Sept. 1982*.
⁷⁷ 2440th mtg.
⁷⁸ 2443rd mtg.
⁷⁹ 2447th mtg.
⁸⁰ 2449th mtg.
⁸¹ S/15943, OR, 38th yr., *Suppl. for July-Sept. 1983*.
⁸² S/16048, *ibid.*, *Suppl. for Oct.-Dec. 1983*.
⁸³ S/16051, *ibid.*
⁸⁴ 2481st mtg.
⁸⁵ GAOR, 38th sess., *Suppl. No. 1 (A/38/1)*, p. 1.
⁸⁶ 2481st mtg.
⁸⁷ 2482nd mtg.
⁸⁸ 2484th mtg.
⁸⁹ 2485th mtg.
⁹⁰ S/16085, adopted as amended in writing (S/16085/Rev. 1) and orally at the 2492nd meeting by the representative of Zimbabwe. See resolution 539 (1983). The changes involved minor textual changes as well as the deletion of an explicit reference to Chapter VII of the Charter from operative paragraph 10 of the draft resolution.

⁹¹ 2490th mtg.

⁹² 2492nd mtg. Revised draft resolution S/16085/Rev.1 was adopted as amended orally (subsequently issued as S/16085/Rev.2) at the same meeting. See resolution 539 (1983).

⁹³ 2492nd mtg.

2. THE QUESTION OF SOUTH AFRICA

Decision of 5 February 1981 (2264th meeting): statement of the President

In a letter dated 28 November 1980,¹ the representative of Senegal, in his capacity as Chairman of the Group of African States at the United Nations for the month of November, forwarded for necessary action the copy of a letter of the same date addressed to him from the representative of the African National Congress of South Africa (ANC) in respect of death sentences passed by the South African Supreme Court on three members of ANC. The representative of ANC had specifically requested that the Council, as in a similar case on an earlier occasion, hold consultations and mandate the President to use his good offices to alert world opinion and to save the lives of the three ANC members.²

At its 2264th meeting, on 5 February 1981, the Council included the letter dated 28 November 1980 from the representative of Senegal in its agenda.

As a result of consultations among members of the Council, the President then made the following statement on behalf of the Council:

The members of the Security Council have entrusted me to express, on their behalf, their grave concern over the death sentences recently passed by the Transvaal Division of the Supreme Court at Pretoria on Ncimbithi Johnson Lubisi (28), Petrus Tsepo Mashigo (20) and Naphtali Manana (24), and which may be considered shortly by the Appellate Division of the Supreme Court at Bloemfontein.

Having this in mind, I strongly urge that the Government of South Africa, in order to avert further aggravating the situation in South Africa, should take into account the concerns expressed for the lives of these three young men.

Decision of 27 August 1981 (2295th meeting): invitation extended to Mr. Johnstone Makatini

By letter dated 27 August 1981,⁴ the representative of Niger, on behalf of the countries members of the Council belonging to the Movement of Non-Aligned Countries, requested a meeting of the Council at the earliest possible opportunity to consider the wish expressed by Mr. Johnstone Makatini, representative of ANC at the United Nations, in his letter dated 24 August addressed to the President of the Council, that, in accordance with the position taken by the Council in previous similar cases, the President issue a statement on behalf of the Council in connection with the death sentences passed by the Pretoria Supreme Court on three members of ANC—Anthony Tsotsobe, 25, Johannes Shabangu, 26, and David Moise, 25—on 19 August 1981, in order to save their lives.

At its 2295th meeting, on 27 August 1981, the Council included the letter from the representative of Niger on its agenda. Following the adoption of the agenda, the Council decided to extend an invitation to Mr. Makatini under rule 39 of the provisional rules of procedure.⁵

The representative of Niger pointed out that the South African regime was ready to murder in the space of a few months another three ANC militants