

## 5. THE SITUATION IN NAMIBIA

### Decision of 3 May 1985: Statement by the President.

On 3 May 1985, after consultations among the members of the Council, the President issued a statement<sup>1</sup> on behalf of the Security Council. The statement reads as follows:

Members of the Security Council have learned with indignation and grave concern of the decision taken in Pretoria to establish a so-called interim government in illegally occupied Namibia.

This manoeuvre is contrary to the expressed will of the international community and in defiance of United Nations resolutions and decisions, in particular Security Council resolutions 435 (1978) and 439 (1978), which declare that any unilateral measures taken by the illegal administration in Namibia in contravention of relevant Council resolutions are null and void.

The latest action by the illegal occupation regime in Namibia is in disregard of the demands of the Namibian people for self-determination and genuine independence and of the will of the international community. It further complicates the efforts to proceed expeditiously with implementation of resolution 435 (1978), which remains the only acceptable basis for a peaceful and internationally recognized settlement of the Namibian question. This once again calls into question South Africa's commitment to the implementation of resolution 435 (1978).

Members of the Council condemn and reject any unilateral action by South Africa leading towards an internal settlement outside resolution 435 (1978) as unacceptable and declare the establishment of the so-called interim government in Namibia to be null and void. They also declare that any further measures taken in pursuance of this action will be without effect. They call upon all States Members of the United Nations and the international community at large to repudiate this action and to refrain from according any recognition to it.

Members of the Council call upon South Africa to rescind the action taken by it and to cooperate in and facilitate the implementation of the United Nations plan contained in resolution 435 (1978), as called for in Council resolution 539 (1983).

Members of the Council reaffirm that the United Nations has primary and direct responsibility over Namibia. It is the intention of the Security Council, in fulfilment of that responsibility, to remain seized of the situation in and relating to Namibia, with a view to ensuring full compliance by South Africa in the expeditious and unconditional implementation of Council resolution 435 (1978).

### Decision of 19 June 1985 (2595th meeting): resolution 566 (1985)

By a letter<sup>2</sup> dated 23 May 1985 addressed to the President of the Security Council, the representative of India, on behalf of the Movement of Non-Aligned Countries, requested the convening of an urgent meeting of the Council to consider further the situation in Namibia, in accordance with the call by the Extraordinary Ministerial Meeting on the same question of the Coordinating Bureau of Non-Aligned Countries, held at New Delhi from 19 to 21 April 1985.

By a letter<sup>3</sup> dated 23 May 1985 addressed to the President of the Council, the representative of Mozambique, in his capacity as current Chairman of the Group of African States, requested the convening of an urgent meeting of the Council to consider the situation in Namibia.

On 6 June 1985, pursuant to Security Council resolution 539 (1983), the Secretary-General submitted a report<sup>4</sup> informing the Council of developments since his previous report<sup>5</sup> of 29 December 1983 concerning the implementation of its resolutions 435 (1978) and 439 (1978). In the

concluding remarks to his present report, the Secretary-General recalled that he had made clear, in his report<sup>6</sup> to the Council on 29 August 1983, that the position of South Africa regarding the issue of the withdrawal of Cuban troops as a pre-condition for the implementation of resolution 435 (1978) had made it impossible to launch the United Nations plan. He informed the Council that there had been no change in the position of South Africa in regard to that particular issue and that he regretted that he must report that it had not yet proven possible to finalize arrangements for the implementation of the United Nations plan for Namibia. The Secretary-General further informed the Council that South Africa had thus far not given him a definitive response in regard to its choice of the electoral system, as called for in paragraph 8 of resolution 539 (1983), by which the Council had also rejected South Africa's insistence on linking the independence of Namibia to irrelevant and extraneous issues as incompatible with resolution 435 (1978), and other decisions of the Council and the General Assembly on Namibia. He stated that the prevailing difficulties had been compounded and given a new dimension by the recent decision of South Africa to establish an interim government in Namibia; that he considered it most important that the Government of South Africa, in the interest of the people of Namibia as a whole, as well as in the wider interests of the region, should reconsider carefully the implications of its decision, and desist from any actions that would contravene the relevant provisions of Council resolutions 435 (1978) and 439 (1978); and that it was imperative that all concerned respected the provisions of the United Nations plan, which was binding on the parties, and remained the only agreed basis for the independence of Namibia. He regretted that, nearly seven years since its adoption by the Security Council, the implementation of resolution 435 (1978) continued to be elusive; and urged the Government of South Africa in particular, and all others in a position to help, to make a renewed and determined effort to expedite its implementation so that the people of Namibia could exercise their inalienable right to self-determination and independence without further delay.

At the 2583rd meeting, on 10 June 1985, the Council included the letters dated 23 May 1985 from India and Mozambique, respectively, and the Secretary-General's report in its agenda, and considered the item at the 2583rd to 2590th and 2592nd and 2595th meetings, between 10 and 19 June 1985.

In the course of its deliberations, the Council invited the representatives of Afghanistan, Algeria, Angola, Argentina, Bangladesh, Barbados, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Cameroon, Canada, Congo, Cuba, Cyprus, Czechoslovakia, the Democratic Yemen, Ethiopia, the German Democratic Republic, the Federal Republic of Germany, Ghana, Guatemala, Guyana, Haiti, Hungary, Indonesia, the Islamic Republic of Iran, Jamaica, Japan, Kenya, Kuwait, the Lao People's Democratic Republic, Lesotho, Liberia, the Libyan Arab Jamahiriya, Malaysia, Malta, Mexico, Mongolia, Morocco, Mozambique, Nicaragua, Nigeria, Pakistan, Panama, Poland, Seychelles, South

<sup>1</sup>S/17151.

<sup>2</sup>S/17213.

<sup>3</sup>S/17222.

<sup>4</sup>S/17242.

<sup>5</sup>S/16237.

<sup>6</sup>S/15943.

Africa, Sri Lanka, Sudan, the Syrian Arab Republic, Turkey, Uganda, the United Arab Emirates, the United Republic of Tanzania, Viet Nam, Yugoslavia, Zambia and Zimbabwe, at their request, to participate, without vote, in the discussion of the item.<sup>7</sup>

The Council also extended invitations, as requested under rule 39 of the provisional rules of procedure, to the Acting President and four Vice-Presidents of the United Nations Council for Namibia, the Chairman of the Special Committee against Apartheid, and 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. The Council further extended invitations, also under rule 39 of the provisional rules of procedure, to Mr. Sam Nujoma, President of the South West Africa People's Organization (SWAPO), to Mr. Clovis Maksoud, Permanent Observer of the League of Arab States at the United Nations, to Messrs. Mfanafuthi J. Makatini and Neo Mnumzana of the African National Congress of South Africa (ANC), and to Mr. Gora Ebrahim of the Pan Africanist Congress of Azania (PAC).<sup>8</sup>

At the 2583rd meeting, on 10 June 1985, the Minister of State for External Affairs of India said that he was participating in the Council's discussion of the situation in Namibia in pursuance of the mandate that was given to him by the recent Extraordinary Ministerial Meeting of the Coordinating Bureau of the Non-Aligned Movement held at New Delhi; and that the presence in the Council Chamber of several Ministers from non-aligned countries, including the President of the Council of Ministers of Peru, was a reflection of the importance and urgency they attached to the cause of Namibia's independence. He recalled that Security Council resolution 539 (1983) had, *inter alia*, declared that the independence of Namibia could not be held hostage to the resolution of issues extraneous to the United Nations plan for Namibia's independence as embodied in resolution 435 (1978); and that by the same resolution, the Council had expressed its intention to meet as soon as possible, following the Secretary-General's report, to review the progress in the implementation of resolution 435 (1978) and to consider the adoption of appropriate measures under the Charter, in the event of continued obstruction by South Africa. The immediate response of South Africa to the adoption of resolution 539 (1983), he said, was that the settlement plan could not be implemented without a firm agreement on the withdrawal of Cuban troops from Angola. He said that the Coordinating Bureau had called upon the Council to act in a decisive manner, in fulfilment of the direct responsibility of the United Nations with regard to Namibia, and to take urgent measures to ensure the immediate implementation of the United Nations plan as contained in resolution 435 (1978), without modification or preconditions.<sup>9</sup> He further stated that the Bureau had strongly condemned the decision to establish a so-called interim government in Windhoek; that the Bureau had ob-

served that that development had made it all the more imperative that the Council meet forthwith and assumed its responsibility fully to ensure the speedy and unconditional implementation of the settlement plan for Namibia; and that the Security Council, through the statement<sup>1</sup> issued on its behalf by the President on 3 May 1985, had also condemned and rejected any unilateral action by South Africa leading towards an internal settlement outside resolution 435 (1978) as unacceptable and had declared the establishment of the so-called interim government in Namibia null and void. He quoted from the communiqué<sup>10</sup> of 4 June 1985 issued by the Council for Namibia, in the course of its extraordinary plenary meetings in Vienna, which had called upon the Security Council to take appropriate measures to pre-empt the installation of the "interim government" and to ensure the immediate implementation of resolution 435 (1978); and said that they fully endorsed that call by the legal administering authority for Namibia until independence. He stated that, since there was universal agreement both on the objective of Namibia's independence and the means for its achievement, the time had come for the Security Council to compel South Africa's compliance and that, if Pretoria persisted in its intransigence, there could be no option but to impose comprehensive mandatory sanctions under Chapter VII of the Charter.<sup>11</sup>

At the same meeting, the Acting President of the United Nations Council for Namibia quoted seven paragraphs from Security Council resolution 264 (1969) of 20 March 1969, by which the Council had, *inter alia*, given the warning that, in the event of failure on the part of the Government of South Africa to comply with the terms of that resolution, the Council would meet immediately to determine necessary steps or measures in accordance with the relevant provisions of the United Nations Charter. He then traced the history of subsequent decisions taken by the Security Council and the developments in southern Africa, including "a few elements which characterized the new international context" in which the current debate was taking place, and concluded that the Council's inability in the past to take decisive action against South Africa had contributed to the increase of tension in the region and that it was time for the Security Council, a body entrusted with primary responsibility for the maintenance of international peace and security, to take firm action and not merely to reiterate its determination to take such action sometime in the future, as it had been doing since 1969.<sup>12</sup>

At the same meeting, the Minister for Foreign Affairs of the United Republic of Tanzania, speaking as representative of the current Chairman of the Organization of African Unity (OAU) and also on behalf of his Government, said that the policies of linkage and "constructive engagement" had been rejected and condemned by the entire international community as conducive to the reinforcement of apartheid, to the sustenance of aggression against the neighbouring independent African States, in particular, the continued occupation of Angola, and to the denial to the Namibian people of their right to self-determination and independence. He stated that the Twentieth Summit Meeting of OAU, held at Addis Ababa in November 1984,

<sup>7</sup>For details, see chap. III of the present *Supplement*.

<sup>8</sup>For details regarding the invitations under rule 39 of the provisional rules of procedure, see chap. III of the present *Supplement*.

<sup>9</sup>For the Final Document adopted by the Extraordinary Ministerial Meeting of the Coordinating Bureau of the Movement of Non-Aligned Countries on the Question of Namibia, held at New Delhi from 19 to 21 April 1985, see S/17184 and Corr.1, annex, letter dated 8 May 1985, circulated under the double symbol A/40/307-S/17184 and Corr.1.

<sup>10</sup>For the text of the communiqué (circulated under the double symbol A/40/360-S/17243), see *OR, General Assembly, 40th session, Suppl. No. 24*, para. 1062.

<sup>11</sup>S/PV.2583, pp. 8-16.

<sup>12</sup>S/PV.2583, pp. 21-23 and 26-30.

had reiterated the rejection of linkage and parallelism between Namibia's independence and the withdrawal of Cuban troops from Angola as incompatible with Security Council resolution 435 (1978) and as reprehensible and gross interference in the internal affairs of Angola. He further emphasized that Angola's decision regarding those troops was its sovereign prerogative consistent with the Charter of the United Nations and with international law; that the State of Angola, like any sovereign State Member of the United Nations, had an inherent right to determine the form and closeness of its bilateral relations with any other State; and that resolution 435 (1978), which had been negotiated and adopted by the Council as a framework for Namibia's independence, had certainly not been intended to serve as a vehicle for the attainment of national foreign-policy objectives that were otherwise unattainable. He asserted that "constructive engagement" with the apartheid regime was the sustenance of an evil system and that it was not only inimical to the independence of Namibia, but also undermined the chances for peace and security in the region. He stated that, 18 years after the United Nations had decided to assume direct responsibility for Namibia, the persistent aggression by South Africa against the Namibian people had not only prevented the realization of their inalienable right to self-determination in flagrant violation of the Charter of the United Nations, but also had serious implications for international peace and security. Moreover, he stated, the Pretoria regime had continuously used the territory of Namibia as a staging ground for its acts of aggression and subversion against neighbouring States; South Africa had shown no regard for the numerous resolutions of the General Assembly and the Security Council; and, as a result, conflict was bound to escalate. He urged the Council, as the guarantor of international peace and security and the sponsor of the United Nations plan for Namibia's independence, to institute effective measures against South Africa under Chapter VII of the Charter, since that represented the last non-violent option to bring about the independence of the Territory.<sup>13</sup>

At the same meeting, the representative of South Africa said that any consideration of the question of South West Africa/Namibia outside the regional context, to which it inextricably belonged, would be unrealistic, and that South Africa, together with other States, insisted that countries in the region should abide by certain "ground rules", which he outlined as follows: (a) that no State should allow the use of its territory by individuals or organizations for the promotion or preparation for violence against other States and that the importance of that "ground rule" should be seen in the light of the fact that all the countries of the region had disaffected groups and dissident movements, thereby suggesting that, unless it was observed, there would be no limit to the potential escalation of cross-border violence in the subcontinent; (b) that no foreign forces should be permitted to intervene in the region; (c) that the problems of conflict in the region should be resolved by peaceful means; and (d) that the problems of southern Africa should be solved on a regional basis as typified by the Nkomati Accord, which showed that States with different socio-economic and political systems could coexist in peace and harmony cooperating in the pursuit of common interests, and that, while each country had the right to order

its affairs as it deemed fit, inter-State relations, particularly between neighbours, should not be disturbed by differing internal policies. He stated that, although his Government did not agree with the references by the participants in the Council's discussion to developments in Angola in conjunction with the question of South West Africa/Namibia, the debate nevertheless underlined the fact that the problems of Angola and South West Africa were inextricably linked. He elaborated that they were linked in that: (a) the peoples of Angola and South West Africa both wished to exercise their right to self-determination; (b) the presence in Angola of a large number of surrogate troops of a super-Power had made it impossible for both peoples to determine their own future free from intimidation; and (c) political objectives, in both cases, were pursued by violence rather than by peaceful means and national reconciliation. He then declared that the position of the Republic of South Africa with regard to those issues was that it supported the right of the peoples of both countries to self-determination and independence; that it insisted on the withdrawal of foreign forces from the region; and that it believed that the problems of both countries should be solved by peaceful means, through national reconciliation rather than through violence. He traced the origins of the conflict in Angola to the Alvor Agreement of 1975, under which Portugal and three liberation movements were supposed to form a transitional Government for the purpose of holding nationwide elections for a constituent assembly before the end of that year, and said that the elections had not been held because one of the movements, the Popular Movement for the Liberation of Angola (MPLA), had "imported" foreign troops and imposed its rule over the country, thereby denying the Angolan people its right to self-determination. He further said that, while in 1976 a large number of the member States of OAU had refused to recognize MPLA and had called for the withdrawal of all foreign troops from Angola, the current position of the United Nations, however, seemed to be that it was concerned about self-determination, human rights and responsible Government only on the southern side of the Cunene River. With regard to his Government's decision to establish an interim government in Namibia, he said that its purpose was to transfer, as an interim mechanism, important powers for the internal administration of the Territory into the hands of the local leaders. He recalled, in that connection, the Council's rejection of the outcome of the 1978 nationwide election in South West Africa/Namibia that had been observed by over 300 journalists and international experts and judged as free and fair; and again in 1980 when the Council had rejected the second-tier elections for most of the communities; and said that the members of the Council had appeared to prefer that total power reside in the hands of the South African Administrator-General, even though they had repeatedly called upon his Government to withdraw its presence and its administration from the Territory. He emphasized that South Africa would continue to search for a reasonable formula for Cuban withdrawal from Angola in order to carry out its undertaking to implement the United Nations plan for Namibia's independence; that the proposed arrangement in the Territory should be seen as an interim mechanism for its internal administration, pending agreement on internationally acceptable independence for South West Africa/Namibia; and that in that process, all the South West African parties should be treated equally and impartially. He further stated that, in addition to the

<sup>13</sup>*Ibid.*, pp. 43-49 and 51.

terrorist attacks launched by SWAPO from Angolan territory against the people of South West Africa, ANC had its main base for the training of terrorists in northern Angola, and that South Africa had the right, under international law, to take appropriate steps in the protection of its own security and territorial integrity. He added that it was under such circumstances that South Africa had sent a small reconnaissance team to gather intelligence on the activities of ANC and SWAPO terrorists in Angola, which had led to the Cabinda incident in which two South Africans had been killed and one captured. He stressed that the root cause of the Cabinda incident had been the blatant disregard of international law by the Angolan Government in permitting ANC to train and prepare for acts of violence against South Africa and that the United Nations, including many members of the Security Council, must share the responsibility for having actively encouraged and supported the terrorist activities of ANC and SWAPO. He concluded by asserting that there was a new awareness throughout the subcontinent of the dangers of cross-border violence, of the importance of reconciliation, of the threat of foreign intervention and that the ground rules—in the context in which South West Africa/Namibia could move toward internationally recognized independence—were slowly gaining acceptance.<sup>14</sup>

At the 2584th meeting, on 11 June 1985, the representative of China stated that the past two years had further proved that South Africa was solely responsible for the failure to implement the relevant Security Council resolutions and that its authorities had not only insisted on the pretext of linking the unrelated issues of Namibian independence and Cuban troop withdrawal from Angola, but had also intensified the efforts to set up an “interim government” and planned the inauguration of the puppet regime in Windhoek on 17 June 1985, thereby once again revealing its intention to bypass the United Nations and to exclude SWAPO. He outlined the actions which the Council should promptly take as follows: (a) demand that South Africa immediately rescind its decision to install an “interim government”, unconditionally carry out resolution 435 (1978) and, in the event of further delay by South Africa, consider the imposition of comprehensive mandatory sanctions against it, in accordance with the Charter of the United Nations; (b) demand that all members of the Council, the permanent members in particular, discharge their responsibilities and make genuine efforts to achieve implementation of the Council resolutions, without linking Namibian independence with irrelevant issues or advocating “constructive engagement” with South Africa; (c) entrust the Secretary-General with urging South Africa promptly to enter into negotiations with SWAPO on the implementation of resolution 435 (1978) and request him to report to the Council; (d) call upon all States to exert greater political and economic pressure on South Africa through strict arms and oil embargoes and (e) appeal to all countries to provide greater support and assistance to SWAPO and to the front-line African States.<sup>15</sup>

At the same meeting, the Minister for External Relations of Cuba stated that the recent “commando operation”, under the leadership of South African officers, to destroy the petroleum installations in the northern Angolan prov-

ince of Cabinda, was a violation of the most fundamental norms of international law, and that that act of aggression against the sovereignty of Angola had occurred at a time when the United States had been attempting to mediate between Angola and South Africa in negotiations that had been designed to speed up the implementation of resolution 435 (1978). He referred to what he described as the attempt in recent years to link the initiation of the process leading to Namibia’s independence with the withdrawal of Cuban combatants which had gone to Angola, at the request of the people and Government of Angola, to fight, together with MPLA, against the invasion of the South African Army and other acts of aggression that had been aimed at the newborn People’s Republic of Angola. He further said that, while the attempts at linking those issues had been categorically rejected by the international community, the Cuban presence in Angola was a matter within the sovereignty of Angola and Cuba and that it had no connection with Namibia. He said that he was participating in the Council’s meetings to demand urgent measures, such as the imposition of mandatory sanctions against South Africa, under Chapter VII of the Charter, in order to permit the implementation of resolution 435 (1978), and that that was the only basis for the peaceful resolution of the question of Namibia. He added that the Council must also reject the establishment in Namibia of a puppet Government imposed by South Africa for the purpose of delaying or impeding the independence of the Territory and denying its people their legitimate rights. He stressed that the essential conditions for a climate of peace and security in South West Africa, and for the consideration by Angola and Cuba of the possibility of reducing the number of internationalist Cuban forces in Angola were: (a) the independence of Namibia; (b) the complete and unconditional withdrawal of South African troops from Angola; (c) the cessation of aid for the counter-revolutionary National Union for the Total Independence of Angola (UNITA); and (d) an international guarantee that agreements would be respected. He stated that, if Pretoria and Washington persisted in impeding a just and peaceful solution to the conflict through the mechanisms that had been established over the years, there would be no alternative to providing massive moral and material support to SWAPO to enable it to intensify the struggle against its oppressors because, as the Cuban national hero, José Martí, had said: “A war for the independence of a people and the honour of humiliated men is a sacred war, and the creation of a free people that wins the war is a service to mankind as a whole”.<sup>16</sup>

At the 2585th meeting, on 11 June 1985, the Minister for Foreign Affairs of Zambia stated that South Africa was in Namibia illegally, and that its plan to establish a so-called interim administration in the Territory was not only illegal, null and void, but also illustrative of the bad faith of South Africa in relation to its obligations assumed in respect of resolution 435 (1978).

He declared that Zambia could not and would not recognize such an administration and called upon the entire international community to reject it. He stressed that peace and security in southern Africa would remain threatened for as long as the Pretoria regime was allowed to persist in its illegal occupation of Namibia, to commit acts of destabilization against independent African States in the region

<sup>14</sup>Ibid., pp. 87-103.

<sup>15</sup>S/PV.2584, pp. 5-8.

<sup>16</sup>Ibid., pp. 19-22.

and to maintain and practice its system of apartheid and minority rule in South Africa; and that those three problems were at the core of the ever-growing conflict in the region.<sup>17</sup>

At the same meeting, the Minister for Foreign Affairs of Cameroon stated that the current series of the Council's meetings should be put in the broadest possible context and that the Security Council, whose mandate was to preserve succeeding generations from the scourge of war, and indeed the United Nations as a whole, had its credibility at stake with regard to the problem of Namibia. As a Trust Territory, Namibia fell within the purview of international responsibility, in accordance with decisions taken by the Organization, particularly by the Security Council, and thus the consideration of the question within the framework of the United Nations could not be interpreted as interference in the internal affairs of any State. South Africa's arrogance and intransigence were a serious challenge, not only to the authority and credibility, but also to the very *raison d'être* of the United Nations and, hence, the mission entrusted to the Council was both urgent and especially important in the nuclear era, in which the world was under the constant threat of total destruction. He further said that the Trust Territory of Namibia, which was a shared and universal challenge, should be confused neither with strategic issues nor with an ideological battle between the East and West and, still less, with a North-South confrontation and that the United Nations, particularly the Security Council, must exercise the primary role of averting threats to peace and security, as had been laid down by the Charter. Moreover, he stated, the inability of the Council to act resolutely and effectively could allow, and even passively exacerbate, some of the crises confronting the Organization and that his Government, which attached the greatest importance to the Security Council's role in the settlement of global conflicts such as the Namibian conflict, urgently appealed to the permanent members, the founding fathers of the United Nations, to demonstrate the same collective foresight and sense of leadership and thus enable the Organization to act effectively in the interests of peace and security, as they had originally conceived it. He asserted that the question of Namibia, aside from the issues of freedom, self-determination and independence, had also given rise to new perceptions and concerns regarding security, development and priorities in the sub-region and throughout Africa and the world. The result of the Security Council's inability to respond appropriately to the requests of countries that were victims of South African aggression, he stressed, had been that other countries of the region had to sacrifice for military and security needs the meagre resources desperately needed for economic development and the well-being of their peoples.<sup>18</sup>

At the 2586th meeting, on 12 June 1985, the Minister for External Relations of Angola said that, in conformity with one of the principles of the Charter, members of the United Nations were obliged to discharge their obligations under the Charter in good faith and that the full implementation of Council resolution 435 (1978), which had been adopted unanimously, was part of the responsibility of all States. He recalled resolution 539 (1983) by which the Council had rejected all attempts by South Africa to link the inde-

pendence of Namibia with extraneous matters such as the withdrawal of Cuban forces from the People's Republic of Angola, and said that the presence of those internationalist forces in his country was fully in keeping with Article 51 of the Charter of the United Nations and that the matter fell within the exclusive sovereign competence of Angola. He stated that, despite South Africa's persistent use and threat of force in its undeclared war against Angola for more than 10 years, his Government had forwarded a platform for comprehensive negotiations to break the deadlock on the Namibian problem, including a programme for reducing the number of Cuban troops on its territory, the main elements of which were: (a) completion of the withdrawal of South African forces from Angola; (b) a declaration of commitment by South Africa to ensure implementation of resolution 435 (1978) on the independence of Namibia; (c) a ceasefire agreement between South Africa and SWAPO, defining the obligations of each party to assure the independence of Namibia and guaranteeing the security and territorial integrity of the People's Republic of Angola. He then charged that, while his Government had been showing its goodwill and negotiating with South Africa on the holding of a ministerial-level meeting, Pretoria had been planning operation Argon to destroy the Malongo oil complex in Cabinda province and that, more recently, the South African Air Force had increased its violations of Angolan airspace, penetrating more than 200 kilometres inside his country's territory. He referred to South Africa's intention to install, on 17 June, a "puppet government" in Namibia, which his Government strongly condemned, and called upon the Council to demand the immediate implementation of the United Nations plan for Namibian independence and, if South Africa persisted in its obstruction, to envisage the adoption of appropriate measures in accordance with Chapter VII of the Charter, which provided abundant means of isolating and eliminating the apartheid system. With regard to the statement by the representative of South Africa at an earlier meeting of the Council,<sup>14</sup> he said that it constituted a further act of defiance of the authority of the United Nations, where respect for the sovereignty of States and non-interference in the internal affairs of States were fundamental principles; by rejecting and condemning any attempt by South Africa to interfere in the internal affairs of the People's Republic of Angola.<sup>19</sup>

At the 2587th meeting, on 12 June 1985, the representative of the United States of America stated that the Security Council had a unique responsibility for Namibia and that his Government remained dedicated to its independence in accordance with resolution 435 (1978). He said that, while there had been substantial progress towards a settlement since the Council's consideration of the question 19 months ago, they had also seen developments which seemed to bring into question the commitment of some to proceed with implementation of resolution 435 (1978); and that South Africa's announced intention to establish an "interim government" had been one of those developments. He reaffirmed the position of his Government, including that of their contact group partners, that any purported transfer of power to bodies established in Namibia by South Africa was null and void and that the international community was fully justified in rejecting the creation of institutions which had no standing and could serve

<sup>17</sup>S/PV.2585, pp. 21 and 23.

<sup>18</sup>Ibid., pp. 43-48.

<sup>19</sup>S/PV.2586, pp. 42-50.

no purpose if the intention was an early implementation of the United Nations plan for Namibian independence. He stated that a major goal of his Government in southern Africa had been the reduction of tension and the level of violence, especially cross-border violence, and that that goal had led over a year ago to the negotiations that had resulted in the Lusaka Accord, which had been intended to encourage the negotiations to stop the violence between Angolan and South African forces, as well as to end the presence of external forces in southern Angola. He said that that agreement, despite the recent incident at Cabinda, which had been condemned by his Government, had achieved continued cooperation between the military forces of South Africa and Angola along the Namibian border and South Africa's announced withdrawal of its troops from the dams of Ruacana and Calueque. He stressed that respect for the national sovereignty of all States and the inviolability of international borders was a key principle in international relations; that the United States could not condone violations of that principle by anyone under any justification; and that, accordingly, his Government deplored South African violations of Angolan territorial integrity. With regard to issues of "linkage" between Cuban troop withdrawal and Namibian independence, he said that there had been substantial movement towards the resolution of that final key issue and that the subject was being discussed with the support of all concerned and in the context of the implementation of resolution 435 (1978). He noted that the major step forward by the Angolan Government, in submitting for the first time in November a detailed negotiation proposal, had been followed by a South African proposal and that, while the proposals had shown agreement between the two Governments on a number of broad principles, his Government had been involved in intensive discussions with the two parties in order to narrow the remaining gap between their positions. He referred to the Secretary-General's latest report<sup>4</sup> in which he had urged all parties to make a new and determined effort to expedite implementation, and said that the United States would take that call seriously and that it would continue the efforts to bring the parties together and to encourage them to abandon violence and to pursue the path of peace.<sup>20</sup>

During the deliberations, the Minister of State for Foreign Affairs of Egypt,<sup>21</sup> Mr. Sam Nujoma of SWAPO,<sup>22</sup> the Minister for Postal Services and Telecommunications of Algeria,<sup>23</sup> the Minister for External Affairs of Nigeria,<sup>24</sup> the Secretary for Foreign Affairs of Ghana,<sup>25</sup> the Minister for Foreign Affairs of Zambia,<sup>26</sup> the Minister for Foreign Affairs of Indonesia,<sup>27</sup> the Advisor for Foreign Affairs of Bangladesh,<sup>28</sup> the Foreign Minister of Nicaragua,<sup>29</sup> and many other representatives either urged that the Security Council impose appropriate measures under Chapter VII of the Charter, in particular mandatory economic sanc-

tions, or demanded that the Council should warn South Africa that such measures would be adopted against it if it persisted in its failure to cooperate with the Council and the Secretary-General in the implementation of the United Nations plan for Namibian independence.<sup>30</sup>

At the 2595th meeting, on 19 June 1985, the Council had before it a revised text of the draft resolution<sup>31</sup> submitted by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago. The President, on behalf of the sponsors, orally introduced further textual changes relating to operative paragraphs 13 and 14 of the revised draft resolution.<sup>32</sup>

At the same meeting, the Acting President of the United Nations Council for Namibia said that he had been mandated by that body to inform the Security Council that the Council for Namibia had held a special meeting on 17 June 1985 in order to focus the attention of the international community on the installation by South Africa on the same date, of a so-called interim government in Windhoek in violation of the resolutions of the General Assembly and the Security Council on Namibia. He further said that the participants at that meeting had unanimously condemned the unilateral action by South Africa, and that they had declared it null and void and an affront to the efforts of the Security Council for the early implementation of the United Nations plan for the independence of Namibia, as contained in resolution 435 (1978). He stressed that the participants, while expressing concern about the tense situation in the region, and particularly about South Africa's recent acts of aggression against Angola and Botswana, had urged the Security Council to impose comprehensive mandatory sanctions against South Africa under Chapter VII of the Charter, with the aim of ensuring the implementation of the plan for Namibia's independence; and that they had further urged those members of the Security Council which had in the past protected South Africa to exert maximum pressure on South Africa to ensure its compliance with the terms of resolution 435 (1978).<sup>33</sup>

The representative of the United Kingdom, speaking in explanation of vote before the vote, said that his delegation could not support any suggestion that armed struggle was

<sup>20</sup>S/PV.2587, pp. 31-36.

<sup>21</sup>S/PV.2583, pp. 58 and 59-60.

<sup>22</sup>Ibid., pp. 77 and 78.

<sup>23</sup>Ibid., p. 86.

<sup>24</sup>Ibid., p. 112.

<sup>25</sup>S/PV.2584, pp. 40 and 41.

<sup>26</sup>S/PV.2585, p. 23.

<sup>27</sup>S/PV.2586, p. 16.

<sup>28</sup>Ibid., p. 23.

<sup>29</sup>Ibid., p. 36.

<sup>30</sup>S/PV.2587, pp. 7 and 10 (Libyan Arab Jamahiriya); *ibid.*, p. 16 (Mongolia); *ibid.*, pp. 18-20 and 23-26 (Mexico); *ibid.*, p. 51 (Poland); *ibid.*, p. 63 (Lao People's Democratic Republic); S/PV.2588, p. 18 (Malaysia); *ibid.*, p. 31 (Soviet Union); *ibid.*, pp. 51 and 54-55 (Syrian Arab Republic); *ibid.*, p. 61 (Bulgaria); *ibid.*, p. 66 (Mr. Maksud, Permanent Observer of the League of Arab States); S/PV.2589, p. 12 (Viet Nam); *ibid.*, p. 33 (Mozambique); *ibid.*, p. 41 (Ethiopia); *ibid.*, p. 52 (Kenya); S/PV.2590, p. 16 (Jamaica); *ibid.*, pp. 22 and 23 (Madagascar); *ibid.*, p. 29-30 (Ukrainian SSR); *ibid.*, p. 27 (Czechoslovakia); *ibid.*, p. 41 (Yugoslavia); S/PV.2593, pp. 44-45 (Hungary); *ibid.*, p. 53 (Congo); S/PV.2594, p. 33 (Argentina); *ibid.*, pp. 36 and 39-40 (United Arab Emirates); and S/PV.2595, p. 11 (Acting President, United Nations Council for Namibia).

<sup>31</sup>S/17284/Rev.1, which was identical to the draft resolution contained in S/17284, except for the revision relating to operative paras. 10, 11 and 15 involving changes of a textual nature and the time frame for the submission of the Secretary-General's report to the Council. Draft resolution S/17284 had replaced an earlier version (S/17270), which was the same text, with the exception of textual changes to the last preambular para. and nine operative paras. See *ibid.*, pp. 138 and 139; and S/PV.2590, the President, pp. 4-5.

<sup>32</sup>S/PV.2595, President, p. 5. Subsequently reproduced as S/17284/Rev. 2, and adopted as resolution 566 (1985).

<sup>33</sup>*Ibid.*, pp. 8-11.

to be preferred to negotiations; and that requesting the Secretary-General to undertake unrealistic steps, in nature or time frame, was not helpful. He emphasized that the Council should not seek to prejudice the outcome of future meetings and that his delegation's vote on the draft resolution did not therefore imply acceptance that, in future circumstances which were as yet unknown, the Council would embark on a predetermined course of action. He stated that each Member State should act in the way it considered most appropriate to assist the Council in the implementation of resolution 435 (1978); that the Council had a responsibility to protect and advance the settlement plan; and that his delegation, in accordance with its perception of that responsibility, was obliged to abstain in the vote.<sup>34</sup>

At the same meeting, the draft resolution, as orally revised by the President,<sup>32</sup> was voted upon and adopted by 13 votes to none, with 2 abstentions, as resolution 566 (1985).<sup>35</sup> The resolution reads as follows:

*The Security Council,*

*Having considered* the reports of the Secretary-General,

*Having heard* the statement by the Acting President of the United Nations Council for Namibia,

*Having considered* the statement by Mr. Sam Nujoma, President of the South West Africa People's Organization,

*Commending* the South West Africa People's Organization for its preparedness to cooperate fully with the Secretary-General of the United Nations and his Special Representative, including its expressed readiness to sign and observe a cease-fire agreement with South Africa, in the implementation of the United Nations plan for independence of Namibia as embodied in Security Council resolution 435 (1978),

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

*Recalling and reaffirming* its resolutions 269 (1969), 276 (1970), 301 (1971), 385 (1976), 431 (1978), 432 (1978), 435 (1978), 439 (1978), 532 (1983) and 539 (1983),

*Recalling* the statement by the President of the Security Council of 3 May 1985, on behalf of the Council, which, *inter alia*, declared the establishment of the so-called interim government in Namibia to be null and void.

*Gravely concerned* at the tension and instability created by the hostile policies of the apartheid regime throughout southern Africa and the mounting threat to the security of the region and its wider implications for international peace and security resulting from that regime's continued utilization of Namibia as a spring-board for military 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 contain the United Nations plan for the independence of Namibia,

*Noting* that 1985 marks the fortieth anniversary of the founding of the United Nations, as well as the twenty-fifth anniversary of the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples, and expressing grave concern that the question of Namibia has been with the Organization since its inception and still remains unresolved,

*Welcoming* the emerging and intensified world-wide campaign of people from all spheres of life against the racist regime of South Africa in a concerted effort to bring about an end to the illegal occupation of Namibia and to apartheid,

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. *Reaffirms* the legitimacy of the struggle of the Namibian people against the illegal occupation of the racist regime of South Africa and calls upon all States to increase their moral and material assistance to the Namibian people;

3. *Further condemns* the racist regime of South Africa for its installation of a so-called interim government in Windhoek and declares that this action, taken even while the Security Council has been in session, constitutes a direct affront to the Council and a clear defiance of its resolutions, particularly resolutions 435 (1978) and 439 (1978);

4. *Declares* that action to be illegal and null and void and states that no recognition will be accorded to it either by the United Nations or any Member State or to any representative or organ established in pursuance thereof;

5. *Demands* that the racist regime of South Africa immediately rescind the aforementioned illegal and unilateral action;

6. *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;

7. *Rejects once again* 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 resolution 1514 (XV);

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

9. *Reiterates* that resolution 435 (1978), embodying the United Nations plan for the independence of Namibia, is the only internationally accepted basis for a peaceful settlement of the Namibian problem and demands its immediate and unconditional implementation;

10. *Affirms* 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, except for the choice of the electoral system;

11. *Decides* to mandate the Secretary-General to resume immediate contact with South Africa with a view to obtaining its choice of the electoral system to be used for the election, under United Nations supervision and control, for the Constituent Assembly, in terms of resolution 435 (1978) in order to pave the way for the adoption by the Security Council of the enabling resolution for the implementation of the United Nations plan for the independence of Namibia;

12. *Demands* that South Africa cooperate fully with the Security Council and the Secretary-General in the implementation of the present resolution;

13. *Strongly warns* South Africa that failure to do so would compel the Security Council to meet forthwith to consider the adoption of appropriate measures under the Charter, including Chapter VII, as additional pressure to ensure South Africa's compliance with the above-mentioned resolutions;

14. *Urges* States Members of the United Nations that have not done so to consider in the meantime taking appropriate voluntary measures against South Africa, which could include the following:

(a) Suspension of new investments and application of disincentives to that end;

(b) Re-examination of maritime and aerial relations with South Africa;

(c) Prohibition of the sale of krugerrands and all other coins minted in South Africa;

(d) Restrictions on sports and cultural relations;

15. *Requests* the Secretary-General to report on the implementation of the present resolution not later than the first week of September 1985;

16. *Decides* to remain seized of the matter and to meet immediately upon receipt of the Secretary-General's report for the purpose of reviewing progress in the implementation of resolution 435 (1978)

<sup>34</sup>*Ibid.*, pp. 12 and 13.

<sup>35</sup>For the vote on the revised draft resolution (S/17284/Rev. 2), see S/PV.2595, p. 13; see also chap. IV of the present *Supplement*.

and, in the event of continued obstruction by South Africa, to invoke paragraph 13 of the present resolution.

**Decision of 15 November 1985 (2629th meeting):** rejection of a six-Power draft resolution.

In pursuance of Security Council resolution 566 (1985) concerning the implementation of Council resolutions 435 (1978) and 439 (1978) concerning the question of Namibia, the Secretary-General, on 6 September 1985, submitted a further report<sup>36</sup> to the Security Council informing it that there had been no progress in his recent discussions with the Government of South Africa regarding the implementation of resolution 435 (1978). He further stated that, while the international community had an inescapable responsibility to advance the process of implementing resolution 435 (1978), the failure to proceed on Namibia was affecting the reactions of the international community to other grave developments in the region and that it was time for the Government of South Africa to display the statesmanship and wisdom that the situation required and to provide the opportunity for the people of Namibia to exercise their inalienable right to self-determination and independence in accordance with the relevant decisions of the Security Council.

By a letter<sup>37</sup> dated 11 November 1985 addressed to the President of the Council, the representative of India requested an urgent meeting of the Security Council to resume its consideration of the situation in Namibia, pursuant to a decision taken at the Conference of Foreign Ministers of Non-Aligned Countries, held at Luanda from 4 to 7 September 1985.<sup>38</sup>

By a letter<sup>39</sup> dated 11 November 1985 addressed to the President of the Council, the representative of Mauritius, on behalf of the Group of African States, requested an urgent meeting of the Council to consider the question of Namibia.

At the 2624th meeting, on 13 November 1985, the Council included in its agenda<sup>40</sup> the letters dated 11 November 1985 from India and Mauritius, respectively, and considered the item at the 2624th, 2625th, 2628th and 2629th meetings, between 13 and 15 November 1985.

In the course of its deliberations, the Council invited the representatives of Cameroon, Canada, Cuba, Czechoslovakia, the German Democratic Republic, the Federal Republic of Germany, Ghana, the Islamic Republic of Iran, the Libyan Arab Jamahiriya, Mauritius, Senegal, South Africa, the Syrian Arab Republic, Tunisia and Zambia, at their request, to participate, without vote, in the discussion of the item.<sup>41</sup>

The Council also extended invitations as requested, under rule 39 of the provisional rules of procedure, to the delegation consisting of the Acting President and Vice-Presidents of the United Nations Council for Namibia, 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, to the Chairman of the Special Committee against Apartheid, and to Mr. Andimba Toivo ja Toivo of the South West Africa People's Organization (SWAPO).<sup>42</sup>

At the outset of the consideration of the agenda item at the 2624th meeting, on 13 November 1985, the President drew the attention of the members of the Council to a letter<sup>43</sup> dated 12 November 1985 from South Africa addressed to the Secretary-General, informing him that the South African Government had complied with the decision, at a cabinet meeting on 6 November 1985, of the Transitional Government of National Unity at Windhoek, requesting the South African Government to select a system of proportional representation as the framework for elections leading to the independence of South West Africa/Namibia; and that agreement would have to be reached on how the system of proportional representation would be implemented in practice.

At the 2624th meeting, on 13 November 1985, the Minister of State for External Affairs of India said that, despite the solemn resolutions of the General Assembly and the Security Council and the tide of decolonization that had swept across Asia and Africa in the past four decades, Namibia had remained an occupied and militarized territory and a victim of racism. The Namibian problem, he emphasized, was strictly one of decolonization, notwithstanding the attempts to superimpose on it artificially an aspect of East-West conflict. He recalled the Conference of the Non-Aligned Movement,<sup>38</sup> held at Luanda from 4 to 8 September 1985, and said that the Non-Aligned countries had, at that meeting, condemned South Africa for the installation in Namibia of an "interim government" in violation of resolution 435 (1978) and that they had renewed the call for the imposition of comprehensive mandatory sanctions under Chapter VII of the Charter of the United Nations. He stressed, moreover, that they had called for the present series of the Council's meetings in pursuance of resolution 566 (1985), which had warned South Africa that failure on its part to cooperate in the implementation of the terms of that resolution would compel the Security Council to meet forthwith to consider the adoption of appropriate measures under the Charter, including Chapter VII, to ensure South Africa's compliance with United Nations resolutions. He further emphasized that the Non-Aligned Movement had long believed that only comprehensive mandatory sanctions would make the Government of South Africa heed the resolutions of the Council as well as the demands of world public opinion; and reasserted that such measures, far from hurting the people of South Africa, would in fact help them in finding a way out of an intolerable impasse and in avoiding a social, economic and political explosion in that country.<sup>44</sup>

At the same meeting, the representative of Mauritius, in his capacity as the current Chairman of the Group of African States, stated that, for 25 years since the adoption of General Assembly resolution 1514 (XV) on decolonization and nearly 20 years after the termination by the United Nations of South Africa's mandate over Namibia, South Africa had persistently defied the United Nations, the opinion of the International Court of Justice (ICJ) and international law.

<sup>36</sup>S/17442.

<sup>37</sup>S/17618.

<sup>38</sup>See S/17610 and Corr.1, Final Political Declaration, Conference of Ministers for Foreign Affairs of Non-Aligned Countries held at Luanda from 4 to 7 September 1985, circulated under the double symbol A/40/854-S/17610 and Corr.1.

<sup>39</sup>S/17619.

<sup>40</sup>For the adoption of the agenda, see S/PV.2624, p. 6.

<sup>41</sup>For details, see chap. III of the present *Supplement*.

<sup>42</sup>For details regarding the invitations under rule 39 of the provisional rules of procedure, see chap. III of the present *Supplement*.

<sup>43</sup>S/17627, annex.

<sup>44</sup>S/PV.2624, pp. 11-16.



The advisory opinion given by ICJ on 21 June 1971, at the request of the Security Council, had declared that South Africa's continued presence in Namibia was illegal; that it was under the obligation to withdraw its administration from the Territory; and that States Members of the United Nations had the obligation to refrain from any acts implying recognition of or lending support or assistance to such presence and administration. He stressed that, while the Security Council had endorsed that opinion of the ICJ in its resolution 301 (1971),<sup>45</sup> the termination of the mandate by the General Assembly had been a recognition of the principle that a party to a treaty the provisions of which it ignored could no longer claim any benefits which might have flowed from that treaty and that it had in fact renounced the treaty of its own accord. He regretted that South Africa had so far been able to resist the intense international pressure owing to the support of certain Western Powers through collaboration in the economic and military fields and the use of the veto in the Security Council to block most forceful proposals for pressure. He said that certain multilateral sanctions that had already been considered by the Council and a few that had been enforced were clearly inadequate to bring about fundamental changes in the internal and regional policies of the Pretoria regime. He further stated that, while there was increasing pressure in the major Western countries and in the international community for more decisive action, the Council of Ministers of the Organization of African Unity (OAU), at its Addis Ababa meeting in July 1985, and the Foreign Ministers of the Non-Aligned Movement, at their Luanda meeting in September 1985, had reiterated the call for mandatory sanctions under Chapter VII of the Charter. He then stressed that it was the responsibility and the duty of the Security Council to recommend sanctions beyond those contemplated by certain States and to ensure South Africa's compliance with the decisions of the United Nations.<sup>46</sup>

At the same meeting, the representative of South Africa regretted that the Council's meetings were once again devoted to a discussion of the relatively peaceful South West Africa/Namibia where the violence that existed had been initiated by SWAPO with the support and encouragement of the United Nations, which had been established for promoting the peaceful resolution of disputes. He said that South Africa, for its part, had consistently tried to solve the problems of the region peacefully and that during the previous year it had twice offered to enter into a cessation of hostilities with SWAPO in order to enable the members of that organization to return freely to the Territory and to participate peacefully in the domestic political process. He referred to his Government's decision relating to the selection of a system of proportional representation for the election that would lead to the independence of Namibia,<sup>43</sup> and said that that decision would help in achieving progress towards the resolution of the last outstanding problems which affected the international settlement plan. He then asserted that, while some progress had been made and some momentum restored to the negotiations between the United States and South Africa, a great deal of work remained to be accomplished in order to achieve agreement on the question of the withdrawal of Cuban troops from

Angola. He further stated that, if a firm agreement could be reached on genuine Cuban withdrawal from Angola, South Africa would not only carry out its undertaking to implement the international settlement plan, but would also strive for stability and peace in the region by encouraging all the parties, including SWAPO and Angola, to resolve their differences by peaceful means. He stressed that his Government, while continuing to encourage reconciliation between all the South West African/Namibian parties, would also insist that the United Nations demonstrate the ability to carry out its functions impartially.<sup>47</sup>

At the 2629th meeting, on 15 November 1985, the representative of Trinidad and Tobago said that the Council must demonstrate to South Africa that Pretoria had seriously miscalculated the determination and commitment of the Council to ensure the implementation of its resolutions and its resolve to carry out its duties and responsibilities under the Charter. He stated that the Council should affirm, in the context of Articles 39, 41 and 42 of the Charter of the United Nations, that South Africa's aggressive acts against the people of Namibia and its non-compliance with the Security Council resolutions on Namibia constituted a threat to international peace and security; and that the deliberations of the Council on the question must always take account of the fact that the occupied Territory of Namibia was used as a springboard by South Africa for acts of aggression against other countries in the region in contravention of the Charter. He then referred to a draft resolution<sup>48</sup> submitted by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago, and said that the text provided a framework for action by which the Council should impose mandatory sanctions against South Africa under Chapter VII of the Charter and in conformity with the Council's responsibilities for the maintenance of international peace and security. He further stated that the Council should also adopt enforcement measures, including those outlined in operative paragraph 8 of the draft resolution. He concluded by asserting that the imposition of mandatory sanctions under Chapter VII would be one of the most effective ways to obtain South Africa's compliance with the relevant Council resolutions, and urged the Council to act unanimously in support of the draft resolution.<sup>49</sup>

At the same meeting, the Council proceeded to vote on the draft resolution, which received 12 votes in favour to 2 against, with 1 abstention, and which was not adopted owing to the negative votes of two permanent members.<sup>50</sup> Under the draft text, the Council would have, *inter alia*, determined that South Africa's refusal to comply with Security Council and General Assembly resolutions on Namibia constituted a serious threat to international peace and security and that the repeated armed attacks perpetrated from Namibia by South Africa against the neighbouring sovereign States constituted grave acts of aggression; declared that South Africa's refusal to cooperate fully with the Security Council and the Secretary-General in

<sup>47</sup>S/PV.2624, pp. 42-47.

<sup>48</sup>S/17633, which had replaced an identical earlier draft resolution (S/17631), with the exception of textual changes to the ninth preambular para. and paras. 1 (b) and 8 (i).

<sup>49</sup>S/PV.2629, pp. 17 and 18.

<sup>50</sup>For the vote on the draft resolution (S/17633), see S/PV.2629, pp. 27 and 28. For the text of the draft resolution, see note 48. For voting procedures under Article 27 of the Charter, see chap. IV of the present *Supplement*.

<sup>45</sup>See *Suppl. 1969-1971*, under the same title, pp. 105-109.

<sup>46</sup>S/PV.2624, pp. 18-26.

terms of resolution 566 (1985) constituted a direct challenge to the authority of the United Nations and violated the principles of its Charter; and decided under Chapter VII, in particular Article 41, of the Charter to impose mandatory selective sanctions against South Africa, and to adopt enforcement measures, including oil embargo; arms embargo; the prohibition of all new investments, government and bank loans and credit guarantees, importation or enrichment of uranium, supply of technology, equipment and licenses for nuclear plants, visits to and from South Africa and Namibia by military, security, intelligence and other defence personnel, the sale and export of computers capable of being used by the racist army, police and security forces, and the sale of krugerrands and all other coins minted in South Africa and Namibia.

**Decision of 9 April 1987 (2747th meeting):** rejection of a five-Power draft resolution.

By a letter<sup>51</sup> dated 25 March 1987 addressed to the President of the Council, the representative of Gabon requested, on behalf of the Group of African States, an urgent meeting of the Security Council to consider the situation in Namibia.

The Secretary-General, on 31 March 1987, submitted to the Council a further report<sup>52</sup> concerning the implementation of resolutions 435 (1978) and 439 (1978) concerning the question of Namibia. In that report, the Secretary-General recalled that, in November 1985, agreement had been reached with the parties concerned on the system of proportional representation for the elections envisaged in resolution 435 (1978) and that, with that agreement, the last outstanding issue relevant to the United Nations plan for Namibia's independence had been resolved. He stated that he had subsequently proposed to the Government of South Africa on 26 November 1986 that it should join him in establishing the earliest possible date for a ceasefire and the implementation of Council resolution 435 (1978). He regretted that South Africa's response that 1 August 1986 be set as the date for the implementation of the settlement plan had run counter to relevant Council decisions, since it had reaffirmed the precondition that prior agreement had to be reached on the total withdrawal of Cuban troops from Angola before implementation. He said that the linkage precondition, which dated back to 1982 and which he could not accept as a pretext to delay any further the independence of Namibia, thus constituted the only obstacle to the implementation of the United Nations plan for Namibia. He emphasized that, while the presence of Cuban troops in Angola was a separate matter that should be dealt with by those directly concerned acting within their sovereign competence, it was his view that the South African Government should urgently reconsider its position on the linkage precondition; and called for a determined effort on the part of all directly concerned, as well as by the international community as a whole, to place the United Nations Transition Assistance Group (UNTAG) in Namibia in 1987.

By a letter<sup>53</sup> dated 31 March 1987 addressed to the President of the Council, the representative of Zimbabwe and Chairman of the Coordinating Bureau of the Movement of

Non-Aligned Countries requested an urgent meeting of the Security Council to consider the question of Namibia.

At the 2740th meeting, on 6 April 1987, the Council included in its agenda the letters dated 25 and 31 March 1987 from Gabon and Zimbabwe, respectively, and considered the item at the 2740th to 2747th meetings, between 6 and 9 April 1987.

In the course of its deliberations, the Council invited the representatives of Afghanistan, Algeria, Angola, Bangladesh, Barbados, Burkina Faso, the Byelorussian SSR, Canada, Cuba, Czechoslovakia, Egypt, Ethiopia, Gabon, the German Democratic Republic, Guyana, India, Jamaica, Kuwait, the Libyan Arab Jamahiriya, Mexico, Mongolia, Morocco, Mozambique, Nicaragua, Nigeria, Pakistan, Peru, Qatar, Senegal, South Africa, Sri Lanka, Sudan, the Syrian Arab Republic, Togo, Tunisia, Turkey, Uganda, the Ukrainian SSR, Viet Nam, Yugoslavia and Zimbabwe, at their request, to participate, without vote, in the discussion of the item.<sup>54</sup>

The Council also extended invitations as requested, under rule 39 of the provisional rules of procedure, 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, to Mr. Theo-Ben Gurirab of the South West Africa People's Organization, to Mr. Ahmet Engin Ansay, Permanent Observer of the Organization of the Islamic Conference to the United Nations, to the Chairman of the Special Committee against Apartheid, and to Mr. Francis Meli of the African National Congress (ANC).<sup>55</sup>

At the 2740th meeting, on 6 April 1987, the representative of Ghana, in his capacity as current Chairman of the Group of African States, referred to the Secretary-General's report,<sup>52</sup> and said that the members of the African Group were justifiably disappointed that Namibians continued to live under repression, torture and political domination with no respect for their right to self-determination. He pointed that the concern for the Territory's future was also shared by the non-aligned countries, which at that meeting of Heads of State or Government at Harare in 1986 had further supported the position of OAU as articulated at its summit meeting also in 1986, and which had called upon the international community to increase its efforts to bring Namibia to immediate independence. He added that it was the same concern that had led to the meeting of the Foreign Ministers of the front-line States and the States members of the European Community at Lusaka on 3 and 4 February 1986, at the end of which a joint communiqué had been issued condemning South Africa's continued illegal occupation of Namibia and reaffirming the centrality and relevance of Council resolution 435 (1978) as the only valid basis for a peaceful solution of the question of Namibia. He stated that the time had thus come for the Security Council to take up the concerns of the overwhelming majority of the international community in order to reach a final and lasting solution, particularly in view of resolution 566 (1985) by which the Council had, *inter alia*, stated that the only outstanding obstacle had been the choice by

<sup>51</sup>S/18765.

<sup>52</sup>S/18767.

<sup>53</sup>S/18769.

<sup>54</sup>See chap. III of the present *Supplement*.

<sup>55</sup>For details regarding the invitations under rule 39 of the provisional rules of procedure, see chap. III of the present *Supplement*.

South Africa of an electoral system, and by which the Council had also warned South Africa that, in the event of its failure to cooperate with the Council and the Secretary-General, the Council would meet forthwith to consider action against it under Chapter VII of the Charter. He said that the African Group of States and the colleagues in the non-aligned movement had requested the convening of the current series of Council meetings to emphasize that the main obstacle to Namibian independence had been South Africa's refusal to implement resolution 435 (1978); that Namibia remained the moral and political responsibility of the Security Council; that the presence of Cuban forces in sovereign Angola had already been ruled by the Council as irrelevant to the issue at hand; that the Council should assert its responsibility and authority by increasing pressure on South Africa not only to isolate it but also force it to cooperate in the implementation of resolution 435 (1978); and that such pressure could be effected only in the form of comprehensive and mandatory sanctions under Chapter VII of the Charter.<sup>56</sup>

At the same meeting, the representative of South Africa said that it was ironic that the Council was meeting to consider not a possible contribution by the international community to the well-being of the inhabitants of South West Africa/Namibia, but rather the imposition of further punitive measures which, if applied, would certainly harm the economy of the Territory and the well-being of its people, thereby ignoring the spirit of the United Nations Charter and failing to address the real issues that obstruct resolution of the long-standing dispute. He stated that his Government had repeatedly made clear that it stood ready to implement resolution 435 (1978) and that the only remaining obstacle to the independence of Namibia was the lack of commitment on the withdrawal from Angola of the extra-continental force of over 40,000 Cubans. He reminded the members of the Council that the holding of free and fair elections in Namibia under conditions free of intimidation as required by resolution 435 (1978) was inconceivable in the shadow of the "menacing presence of such a major Soviet surrogate force" in the region; and that South Africa would not abandon its obligations to the inhabitants of the Territory. He stated that the principle of the withdrawal of Cuban forces that had been conceded by the Angolan Government on 18 March 1986 had led to the proposal by South Africa's State President that 1 August 1986 be set as the date for commencement of implementation of resolution 435 (1978), but that South Africa's attempt to demonstrate good faith and commitment to settle the Namibian question had slipped away owing to the military and weapon supplies and systems of Soviet origin that had continued to pour into Angola. He stressed that South Africa was assisting South West Africa/Namibia to protect itself against armed attacks from Angolan territory by elements that wished to impose their will on the inhabitants of the Territory by force of arms; that SWAPO was given active support by the armed forces of Angola and the Cuban forces in that country in the perpetration of acts of terror against the inhabitants of Namibia; and that South Africa was making a substantial contribution towards the material well-being of the people of Namibia. He asserted that sanctions, while retarding the eventual independence of the Territory, were also false, dangerous and callous because

they did not address the real issues at stake both for Namibia and the region as a whole, because they would increase tension in the region, and because they would affect most the very people which were supposed to be assisted by such measures. He further asserted that the consequences of a decision by the Council to impose sanctions on South West Africa/Namibia would neither be limited to the frontiers of that Territory or South Africa, nor would the effects be merely economic, but that they would also be debilitating the resistance capacity of all the southern African States against foreign intervention by elements which did not respect the interests of the peoples of the region. He then concluded that, if the negotiation process continued to be deadlocked by a lack of progress on Cuban troop withdrawal, the South African Government and other parties would have to consider alternative means of achieving internationally recognized independence for the Territory.<sup>57</sup>

At the 2741st meeting, on 6 April 1987, the representative of Angola said that the issue of Namibian independence was one regarding which only a few Articles of the United Nations Charter had not been violated by South Africa, a founding Member of the Organization; and that it was also a question in connection with which the Security Council was in default of its own obligations and mandates under the terms of its constitution, the Charter. He stated that the apartheid regime was allowed to get away with flagrant violations of the Charter through a variety of tactics, including the introduction since 1978 of extraneous issues such as the presence in Angola, with the official invitation of the Government, of Cuban internationalist forces, which had nothing to do with Namibian independence. He stressed that South African troops had first launched a full-scale armed invasion of Angola in 1975, months before a single internationalist comrade had arrived in Angola. He stated that Article 51 of the Charter gave each and every country the right to appeal for assistance in the face of vicious and massive external assault and aggression; and that the presence as a sort of peace brigade of the Cuban internationalist forces in Angola was in some ways a deterrent to even more intensive aggression by racist troops in all of southern Africa. He further said that, while the record of negotiations clearly showed that South Africa was responsible for the non-implementation of the settlement plan, in 1978, when resolution 435 (1978) had been freely negotiated and considered ready for implementation, the Cuban internationalist friends had already been in Angola for two and one half years, at his Government's specific request, to assist in the task of national reconstruction and to help stave off racist aggression against the newly independent State. He added that Cuban presence in Angola had not been an issue from late 1976 to 1978 and subsequently until Pretoria, desperately looking for pretexts, had decided to make it one. He referred to the statement by the representative of South Africa at the previous meeting of the Council on the same date, and said that the real menace, under which free elections were inconceivable, was the huge armed machinery of the racist regime which was in military occupation of Namibia, of parts of southern Angola and of South Africa itself. He then said that the tragedies of senseless killing of Namibian freedom fighters, the denial of fundamental human rights and the denial

<sup>56</sup>S/PV.2740, pp. 7-16.

<sup>57</sup>Ibid., pp. 47-53.

of basic civil, economic, political and social rights, as well as the daily humiliation of being a prisoner in one's own land were matched by the other tragedies of virtual inaction by the international community on the issue of Namibian independence and the virtual failure of the Security Council, in the face of Pretoria's intransigence, either to adopt or enforce resolutions which could force the withdrawal of South Africa from Namibia. He reaffirmed that his Government had, in November 1984, offered a platform containing proposals aimed at addressing the major issues in southern Africa; and that, while the international community had categorically rejected any linkage, the Angolan Government had since been prepared to agree to a phased withdrawal of all Cuban forces from the south of the parallel and the complete withdrawal of South African troops from Namibia. He contended that the Pretoria regime had not only neglected, together with its main supporter in Washington, D.C., to undertake negotiations on the basis of that platform, but that it had also proceeded to establish the so-called interim government; and that it had in fact shown its disregard for solutions to the problems facing the region by supporting the renegade groups of UNITA in Angola and Resistência Nacional Moçambicana (RENAMO) in Mozambique. He then stressed that it was time for all, in particular the permanent members of the Council, to note that the only real solution that would precipitate Namibian independence was mandatory comprehensive sanctions under Chapter VII of the Charter and that the States of southern Africa were willing and ready to bear the consequences of such measures, notwithstanding the warning by the representative of South Africa that sanctions would not end at the frontiers of Namibia or South Africa.<sup>58</sup>

At the 2743rd meeting, on 7 April 1987, the President of the Council drew attention to the text of a draft resolution<sup>59</sup> submitted by Argentina, Congo, Ghana, the United Arab Emirates and Zambia. Under the draft text, the Council would have, *inter alia*, strongly condemned South Africa for its continued illegal occupation of Namibia and its persistent refusal to comply, in particular, with resolutions 385 (1976) and 435 (1978); reiterated that, in accordance with its resolutions 539 (1983) and 566 (1985), the independence of Namibia could not be made conditional upon issues totally alien to resolution 435 (1978) and called upon those countries insisting on extraneous and irrelevant issues to desist from doing so; determined that the refusal by South Africa to comply with Security Council and General Assembly resolutions and decisions on Namibia, and its violation thereof, constituted a serious threat to international peace and security; decided, under Chapter VII of the Charter and in conformity with its primary responsibility for the maintenance of international peace and security, to impose comprehensive mandatory sanctions against South Africa; and called upon all States, in conformity with Article 25 of the Charter, to implement the terms of the text and all other relevant Council resolutions relating to Namibia.

At the 2746th meeting, on 9 April 1987, the representative of the United Kingdom said that his Government would have been prepared to support a resolution that included a considerable list of non-mandatory economic measures aimed at exerting pressure on South Africa to with-

draw immediately from Namibia, but that it could not vote for mandatory sanctions under Chapter VII of the Charter. He further said that mandatory sanctions would be counter-productive, giving South Africa the excuse to remain intransigent; and that the sponsors of the draft resolution before the Council had sadly missed an opportunity to arm the Secretary-General with the weight of the Council's unanimous concern in continuing his mission of good offices.<sup>60</sup>

At the same meeting, the representative of the United States of America regretted that, as yet, Angola had not responded to the critical opportunity to achieve Namibian independence that had been offered by the South African announcement of 1 August 1986 as a date to commence implementation of resolution 435 (1978), provided prior agreement could be reached on Cuban troop withdrawal. He welcomed the readiness, after a 15-month hiatus, that the Angolan Government had shown to resume talks on how to achieve a settlement; and said that the Angolans themselves had accepted, in their letter of 17 November 1984 addressed to the Secretary-General,<sup>61</sup> the reality that Namibian independence could be achieved only in the context of Cuban troop withdrawal from Angola. He stressed that the protracted debate over the "inadmissibility" of relating events in Namibia and Angola should be recognized as fruitless; that many General Assembly and Security Council resolutions, which had condemned linkage despite the Angolan proposal and which had declared SWAPO the "sole and authentic" representative of the Namibian people, had proved unhelpful to achieving the peaceful implementation of resolution 435 (1978). He said that his Government rejected, as a dangerous call to arms in a volatile region, any efforts to legitimize the armed struggle by means of United Nations resolutions or by appeals for support to so-called armed struggle. He further stated that, while mandatory sanctions would complicate and frustrate the achievement of Namibia's independence, his Government, which had fully applied the sanctions, enacted by the Congress the previous year, not only to South Africa but to Namibia as well, believed that each Member State should be free to enact or to alter the policies it deemed most appropriate; and that the Secretary-General's good offices remained a key factor in the search for bringing Namibia to independence in a rapid and peaceful manner.<sup>62</sup>

During the Council deliberations many speakers expressed support for or urged the application of comprehensive mandatory sanctions against South Africa under Chapter VII of the Charter.<sup>63</sup>

<sup>60</sup>S/PV.2746, p. 16.

<sup>61</sup>S/16838.

<sup>62</sup>S/PV.2746, pp. 24-29.

<sup>63</sup>S/PV.2740, pp. 23 and 24-25 (President of the United Nations Council for Namibia); *ibid.*, pp. 42 and 47 (Mr. Gurirab of SWAPO); S/PV.2741, p. 17 (Mr. Mudenge, Chairman of the Coordinating Bureau of the Movement of Non-Aligned Countries); *ibid.*, p. 27 (Venezuela); *ibid.*, p. 33 (Peru); *ibid.*, pp. 38 and 39 (Egypt); *ibid.*, pp. 54-56 (Mr. Ansay, Permanent Observer for the Organization of the Islamic Conference); S/PV.2742, p. 8 (Nicaragua); *ibid.*, p. 14 (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); *ibid.*, p. 26 (Zambia); *ibid.*, pp. 33-36 (Togo); p. 41 (Tunisia); *ibid.*, p. 49 and 50 (Mozambique); *ibid.*, pp. 54 and 55 (German Democratic Republic); S/PV.2743, p. 21 (Argentina); *ibid.*, p. 31 (China); *ibid.*, p. 36 (Yugoslavia); *ibid.*, pp. 44-45 (Senegal); *ibid.*, pp. 53, 54 and 58-60 (Chairman of the Special Committee against

<sup>58</sup>S/PV.2741, pp. 58-66.

<sup>59</sup>S/18785.

At the 2747th meeting, on 9 April 1987, the President put to the vote the five-Power draft resolution<sup>62</sup>, which received 9 votes in favour to 3 against, with 3 abstentions, and was not adopted owing to the negative votes of two permanent members.<sup>64</sup>

Following the vote, the representative of Ghana, on behalf of the African Group of States, said that the "veto mechanism" with which the founding fathers of the Organization had endowed the Security Council had been intended, *inter alia*, to ensure the strongest consensus for decisions on substantive questions; and that the present "veto" in the Council was a negation of the lofty hopes that had given birth to the unique decision-making mechanism. He recalled paragraphs 1 and 5 of the General Assembly Declaration<sup>65</sup> on the Granting of Independence to Colonial Countries and Peoples, according to which the subjection of peoples to alien subjugation, domination and exploitation constituted a denial of fundamental human rights, which was contrary to the Charter of the United Nations and an impediment to the promotion of world peace and cooperation; and that immediate steps should be taken to transfer all powers to such peoples, without any conditions or reservations, in accordance with their freely expressed will and desire. He then said that it was those principles, together with the principles of the Charter and the Universal Declaration of Human Rights, and the attainment of the inalienable rights of Namibians that the present negative votes of permanent members had thus frustrated.<sup>66</sup>

#### Decision of 21 August 1987: Statement by the President.

On 21 August 1987, after consultations among the members of the Council, the President issued a statement<sup>67</sup> on behalf of the members. The statement reads:

The members of the Security Council express their grave concern over the continuing deterioration of the situation in Namibia resulting from the increasing repression of the Namibian people by South African occupation forces throughout the Territory, including the so-called operational zone in northern Namibia, which has led to the loss of innocent lives, particularly in the last few weeks.

They condemn all acts of repression of, and brutalities against, the Namibian people, the violation of their human rights and the disregard for their inalienable rights to self-determination and genuine independence. They further condemn South Africa's attempts to undermine the national unity and territorial integrity of Namibia.

They condemn particularly the arrest of five leaders of the South West Africa People's Organization and the repressive measures against student and labour organizations since 18 and 19 August 1987. They demand the immediate release of the detainees.

They call upon South Africa to put an immediate end to the repression of the Namibian people and to all illegal acts against neighbouring States.

Apartheid; *ibid.*, pp. 6-65 (Sudan); *ibid.*, p. 71 (Pakistan); S/PV.2744, p. 12 (Turkey); *ibid.*, pp. 17-20 (Ukrainian SSR); *ibid.*, pp. 28-30 (Nigeria); *ibid.*, pp. 34 and 35 (Cuba); *ibid.*, pp. 42 and 43 (Kuwait); *ibid.*, pp. 47 and 48 (Bangladesh); S/PV.2745, pp. 8-10 (Viet Nam); p. 16 (Afghanistan); *ibid.*, pp. 19 and 20 (Sri Lanka); *ibid.*, p. 23 (Morocco); *ibid.*, p. 28 (United Arab Emirates); *ibid.*, pp. 38-40 (Ghana); *ibid.*, pp. 57 and 58 (Syrian Arab Republic); *ibid.*, p. 62 (Mongolia); S/PV.2746, p. 33 (Libyan Arab Jamahiriya); *ibid.*, p. 42 (Soviet Union); *ibid.*, p. 46 (Czechoslovakia); *ibid.*, p. 52 (Byelorussian SSR); and S/PV.2747, pp. 4-5 and 8 (the President, Bulgaria).

<sup>64</sup>For the vote on the draft resolution (S/18785), see S/PV.2747, p. 21; see also chap. IV of the present *Supplement*.

<sup>65</sup>General Assembly resolution 1514 (XV) of 14 December 1960.

<sup>66</sup>S/PV.2747, pp. 22-27.

<sup>67</sup>S/19068.

They recall previous resolutions in which the Council affirmed the primary and direct responsibility of the United Nations over Namibia.

They call once again upon South Africa to comply fully with Security Council resolutions 385 (1976) and 435 (1978) and to put an end to its illegal occupation and administration of Namibia.

#### Decision of 30 October 1987 (2759th meeting): resolution 601 (1987)

By a letter<sup>68</sup> dated 23 October 1987 addressed to the President of the Security Council, the representative of Madagascar, in his capacity as current Chairman of the Group of African States, requested the convening of an urgent meeting of the Council to consider the situation in Namibia.

On 27 October 1987, the Secretary-General submitted a further report<sup>69</sup> with which he provided the Council an account of developments since his previous report<sup>52</sup> of 31 March 1987 concerning the implementation of Council resolutions 435 (1978) and 439 (1978). In the present report, the Secretary-General said that, following consultations and in-depth discussions he had held with the concerned parties in New York and at Addis Ababa during the summit meeting of OAU in July 1987, his Special Representative for Namibia had visited South Africa and the front-line States for further consultations; and that he had been assured that the Republic of South Africa would not accept constitutional steps by the "interim government", which might impair South Africa's international interests and obligations. The Secretary-General regretted that successive attempts to finalize arrangements for the emplacement of the United Nations Transition Assistance Group (UNTAG) in Namibia, in order to commence the implementation of the settlement plan, which had been blocked in recent years by South Africa's insistence on the linkage precondition, a question that had been rejected by the Security Council. He concluded, however, that he remained convinced that concerted action by the international community was needed to achieve the implementation of the United Nations plan and to permit the people of Namibia to enjoy the freedom and independence that was their right.

By a letter<sup>70</sup> dated 27 October 1987 addressed to the President of the Council, the representative of Zimbabwe, in his capacity as Chairman of the Coordinating Bureau of the Movement of Non-Aligned Countries, requested the convening of an urgent meeting of the Council to consider the question of Namibia.

At the 2755th meeting, on 28 October 1987, the Council included in its agenda the letters dated 23 and 27 October 1987 from Madagascar and Zimbabwe, respectively, and considered the item at the 2755th to 2759th meetings, between 28 and 30 October 1987.

In the course of its deliberations the Council invited the representatives of Algeria, Angola, Bangladesh, Botswana, Burkina Faso, Cameroon, Canada, Cuba, Cyprus, Egypt, Ethiopia, the German Democratic Republic, Guyana, India, Jamaica, Kenya, Kuwait, the Libyan Arab Jamahiriya, Madagascar, Mozambique, Nicaragua, Nigeria, Pakistan, Panama, Peru, Senegal, South Africa, Tunisia, Turkey, the Ukrainian SSR, the United Republic of Tanzania, Yugoslavia and Zimbabwe, at their request, to participate, without vote, in the discussion of the item.<sup>71</sup>

<sup>68</sup>S/19230.

<sup>69</sup>S/19234.

<sup>70</sup>S/19235.

<sup>71</sup>See chap. III of the present *Supplement*.

The Council also extended invitations as requested, under rule 39 of the provisional rules of procedure, to a delegation of the United Nations Council for Namibia led by the President of that body, to Mr. Theo-Ben Gurirab of the South West Africa People's Organization, 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, to Mr. Solly Simelane of the African National Congress of South Africa, and to the Acting Chairman of the Special Committee against Apartheid.<sup>72</sup>

At the 2755th meeting, on 28 October 1987, the representative of Madagascar, speaking in his capacity as Chairman of the Group of African States for the month of October, said that the African States deeply regretted the fact that the Security Council had been unable to compel South Africa to implement United Nations resolutions on Namibia; but that, despite the disappointment and because of the real threat that South Africa posed to regional and international peace and security, the African Heads of State or Government had pledged themselves to step up diplomatic efforts to break the impasse constituted by the policy of linking Namibia's attainment of independence to the withdrawal of Cuban troops from Angola. He then quoted paragraph 16 of the final communiqué<sup>73</sup> of 2 October 1987 by the Ministerial meeting, held in New York, of the United Nations Council for Namibia, which stated:

The Ministers urgently requested the Security Council to set an early date for the commencement of the implementation of resolution 435 (1978), no later than 31 December 1987, bearing in mind that all the necessary conditions had already been fulfilled, and to commit itself to applying the relevant provisions of the Charter, including comprehensive and mandatory sanctions under Chapter VII, in the event that South Africa continued to defy the Security Council in that regard. In that connection, they urged the Security Council to undertake forthwith consultations for the position and emplacement of the United Nations Transition Assistance Group (UNTAG) in Namibia.

He concluded by emphasizing that the attainment of self-determination in a united Namibia was vital to Africa; and by expressing the hope that the Council would affirm its authority to force South Africa to withdraw from Namibia, to abandon its policy of apartheid and to put an end to its acts of aggression and destabilization against the independent States of the region.<sup>74</sup>

At the same meeting, the President of the United Nations Council for Namibia said that, throughout the 21 years of its existence, the Council for Namibia had striven vigorously towards the fulfilment of the Declaration on the Granting of Independence to Colonial Countries and Peoples<sup>65</sup> so that the people of Namibia could exercise their inalienable right to self-determination and independence. He appealed to the United States to abandon the linkage policy; and said that the time was long overdue for the Security Council to begin the implementation of the United Nations plan for Namibia. He further emphasized that the outcome of the present series of meetings should be a firm agreement mandating the Secretary-General to proceed with the arrangements for a ceasefire between the parties to the conflict as well as the emplacement of UNTAG, to

ensure free and fair elections under the supervision and control of the United Nations.<sup>75</sup>

At the same meeting, Mr. Gurirab of the South West Africa People's Organization said that the Secretary-General's reconfirmation<sup>55</sup> that agreement had been reached between South Africa and SWAPO on the system of proportional representation for the elections envisaged in resolution 435 (1978) had opened the way for the Security Council to fix a date for the ceasefire. He reaffirmed SWAPO's readiness to sign an immediate ceasefire, and reiterated that, if the obstruction of the will of the majority in the Security Council continued to prevail, the General Assembly should assume full responsibility for the decolonization of Namibia, in accordance with the Charter of the United Nations.<sup>76</sup>

At the 2757th meeting, on 29 October 1987, the representative of South Africa said that the Council was meeting to consider the situation in South West Africa/Namibia against the background of a serious deterioration in conditions in Angola, which continued to be used as a springboard for terrorism by elements of SWAPO against the population of Namibia. He reaffirmed, as had been stated in the Secretary-General's further report,<sup>55</sup> that South Africa remained committed to resolution 435 (1978) and to an internationally recognized independence in Namibia, and said that it was because of his Government's endeavours to find a peaceful solution to the problems of southern Africa in general, and Namibia in particular, that it had repeatedly called for the withdrawal from Angola of the more than 40,000 Cubans. He urged the Secretary-General to direct his concern to the plight of the people of Angola and called upon the Security Council to concern itself with the political, social and economic crisis in that country, which had attracted the attention of the super-Powers, portending tragic consequences for the Angolan people and threatening regional security and stability. He further said that, while his Government's role was protective in nature, the need for South African forces to operate against SWAPO would end as soon as SWAPO ceased its acts of terrorism and cross-border raids against Namibia and that that was the context in which his Government viewed the consideration that was being given to authorize the Secretary-General to arrange a ceasefire between the parties to the conflict.<sup>72</sup>

At the 2759th meeting, on 30 October 1987, the representative of the United Arab Emirates stated that the question of Namibia posed two interrelated issues that confronted the international community: (a) the independence of the Namibian people; and (b) the struggle against apartheid.

He said that neither of those goals could be achieved unless the South African regime was forced to submit to international will; and that it was the international community's duty to ensure that its will was not flouted. He further said that, as was clear from the Articles of Chapter VII, the Charter of the United Nations had given that responsibility to the Security Council; and that it was in the interest of all to safeguard international peace and security, since the underlying philosophy of Chapter VII was that regional problems were no longer confined to a region and

<sup>72</sup>For details regarding the invitations under rule 39 of the provisional rules of procedure, see chap. III of the present *Supplement*.

<sup>73</sup>S/19187.

<sup>74</sup>S/PV.2755, pp. 12-15.

<sup>75</sup>*Ibid.*, pp. 17-20.

<sup>76</sup>*Ibid.*, pp. 27-30.

<sup>77</sup>S/PV.2757, pp. 19-24.

that, unlike previous times, they affected the international community as a whole. He stated that Chapter VII should, therefore, be applied to serve both as a lesson to those Governments that flouted the resolutions of the Organization and as a deterrent to other States which might find it expedient and feasible to defy international will. He then referred to the draft resolution before the Council as a practical text, and said that it was based on the two reports<sup>78</sup> of the Secretary-General to the Council.<sup>79</sup>

At the same meeting, the representative of the United States of America said that his Government was currently actively involved in negotiations to achieve the independence of Namibia and that great progress had been made in clarifying the procedural technicalities of implementing resolution 435 (1978); that election timetables had been established while political freedoms for all Namibians were guaranteed; that a constitutional and security framework for a future independent Government had been outlined; and that United Nations supervision to ensure an orderly transition had been agreed upon. He stated that the international preconditions for an agreement, however, remained to be achieved and that, without a settlement that addressed the security concerns of both Angola and South Africa, the implementation of resolution 435 (1978) would not be achieved. He stressed that previous resolutions of the Security Council ignored the fact that the parties to the conflict in Namibia had recognized the hard political realities of the region and the possibility of further prolonged stalemate, and that they were therefore willing to work towards the implementation of resolution 435 (1978) in the context of the withdrawal of Cuban troops from Angola and of South African troops from Namibia. He declared that it was in the context of its negotiations with the Governments of Angola and South Africa, aimed at securing the withdrawal of foreign troops from the region so that resolution 435 (1978) could be implemented, that the United States viewed the draft resolution before the Council; and that his Government, while it shared the goals and concerns expressed in the text, would abstain in the vote because it was unrealistic and inappropriate for the Council to ask the Secretary-General to proceed to the final procedural steps prior to the establishment of an agreed political settlement.<sup>80</sup>

At the same meeting, the draft resolution (S/19242) submitted by Argentina, Congo, Ghana, the United Arab Emirates and Zambia was voted upon and adopted by 14 votes to none, with 1 abstention, as resolution 601 (1987).<sup>81</sup> The resolution reads as follows:

*The Security Council,*

*Having considered* the reports of the Secretary-General of 31 March and 27 October 1987,

*Having heard* the statement by the President of the United Nations Council for Namibia,

*Having also considered* the statement by Mr. Theo-Ben Gurirab, Secretary for Foreign Affairs of the South West Africa People's Organization,

<sup>78</sup>See notes 52 and 69.

<sup>79</sup>S/PV.2759, pp. 11-13.

<sup>80</sup>*Ibid.*, pp. 39-42.

<sup>81</sup>For the vote on the draft resolution (S/19242), see *ibid.*, pp. 78 and 79. For voting requirements under Article 27, see chap. IV of the present *Supplement*.

*Recalling* General Assembly resolutions 1514 (XV) of 14 December 1960 and 2145 (XXI) of 27 October 1966 as well as resolution S-14/1 of 20 September 1986,

*Recalling and reaffirming* its resolutions 269 (1969), 276 (1970), 301 (1971), 385 (1976), 431 (1978), 432 (1978), 435 (1978), 439 (1978), 532 (1983), 539 (1983) and 566 (1985),

1. *Strongly condemns* racist South Africa for its continued illegal occupation of Namibia and its stubborn refusal to comply with the resolutions and decisions of the Security Council, in particular resolutions 385 (1976) and 435 (1978);

2. *Reaffirms* the legal and direct responsibility of the United Nations over Namibia;

3. *Affirms* that all outstanding issues relevant to the implementation of its resolution 435 (1978) have now been resolved as stated in the Secretary-General's reports of 31 March and 27 October 1987;

4. *Welcomes* the expressed readiness of the South West Africa People's Organization to sign and observe a ceasefire agreement with South Africa, in order to pave the way for the implementation of resolution 435 (1978);

5. *Decides* to authorize the Secretary-General to proceed to arrange a ceasefire between South Africa and the South West Africa People's Organization in order to undertake the administrative and other practical steps necessary for the emplacement of the United Nations Transition Assistance Group;

6. *Urges* States Members of the United Nations to render all the necessary practical assistance to the Secretary-General and his staff in the implementation of the present resolution;

7. *Requests* the Secretary-General to report to the Security Council on the progress in the implementation of the present resolution and to submit his report as soon as possible;

8. *Decides* to remain seized of the matter.

By a note verbale<sup>82</sup> dated 10 August 1988 addressed to the Secretary-General, the Permanent Mission of the United States transmitted the text of the joint statement issued on 8 August 1988 by the Governments of Angola, Cuba, South Africa and the United States of America. It was declared, in the joint statement, that Angola, Cuba, and South Africa had agreed on a sequence of steps necessary to prepare the way for the independence of Namibia in accordance with Council resolution 435 (1978) and to recommend to the Secretary-General of the United Nations the date of 1 November 1988 for the commencement of the implementation of that resolution. It was further stated that the parties had approved a comprehensive series of practical steps, including the staged and total withdrawal of Cuban troops from Angola, that would enhance mutual confidence, reduce the risk of military confrontation and create the conditions in the region necessary to conclude the negotiations; and that a de facto cessation of hostilities was already in effect.

By a letter<sup>83</sup> dated 17 August 1988 addressed to the Secretary-General, the representatives of Tunisia and Zambia transmitted the text of a letter dated 12 August 1988 from the President of the South West Africa People's Organization addressed to the Secretary-General expressing SWAPO's compliance with the cessation of all hostile acts and its readiness to sign a ceasefire agreement with South Africa.

**Decision of 29 September 1988 (2827th meeting): President's statement.**

By a letter<sup>84</sup> dated 27 September 1988 addressed to the President of the Security Council, the representative of

<sup>82</sup>S/20109, annex.

<sup>83</sup>S/20129, annex.

<sup>84</sup>S/20203.

Zambia requested the convening of a Council meeting to consider the situation in Namibia.

At the 2827th meeting, on 29 September 1988, the Council included in its agenda the letter dated 27 September from Zambia, and considered the item at the same meeting.

Following the adoption of the agenda, as a result of consultations held among members of the Council, the President made a statement<sup>85</sup> on behalf of the members of the Council. The statement reads as follows:

Ten years ago, on 29 September 1978, the Security Council adopted resolution 435 (1978) in order to ensure an early independence of Namibia through free elections under the supervision and control of the United Nations.

The members of the Council express grave concern that such a long time after the adoption of resolution 435 (1978) the Namibian people have not yet attained their self-determination and independence.

Reaffirming the pertinent resolutions of the Security Council and the legal responsibility of the United Nations with regard to Namibia, the members of the Council once again call upon South Africa to comply at last with these resolutions and to cease its illegal occupation of Namibia. In this respect, they stress the Council's continuing commitment to discharge its particular responsibility for furthering the interests of the people of Namibia and their aspirations for peace, justice and independence through a full and definitive implementation of resolution 435 (1978).

They support the resolute action led by the Secretary-General with a view to the implementation of resolution 435 (1978) and encourage him to continue his efforts to that end.

The Council notes developments in recent weeks in efforts by a number of parties to find a peaceful solution to the conflict in southwestern Africa that are reflected in the joint statement of 8 August 1988 by the Governments of Angola, Cuba, South Africa and the United States, which has been circulated as a Security Council document.

The Council also notes the expressed readiness of the South West Africa People's Organization to sign and observe a ceasefire agreement with South Africa, as stated in documents S/20129 of 17 August 1988, in order to pave the way for the implementation of resolution 435 (1978), its early implementation is the common aspiration of the international community. The members of the Council urge the parties to display the necessary political will to translate the commitments they have made into reality in order to bring about a peaceful settlement of the Namibian question and peace and stability in the region.

In particular, they strongly urge South Africa to comply forthwith with the Security Council's resolutions and decisions, particularly resolution 435 (1978), and to cooperate with the Secretary-General in its immediate, full and definitive implementation. To this end, the

<sup>85</sup>S/PV.2827, the President (France), pp. 3 and 4; see also S/20208.

Council urges States Members of the United Nations to render all necessary assistance to the Secretary-General and his staff in the administrative and other practical steps necessary for the emplacement of the United Nations Transition Assistance Group.

By a note verbale<sup>86</sup> dated 14 December 1988 addressed to the Secretary-General, the representative of the United States transmitted the text of the Protocol of Brazzaville reached with the mediation of the Government of the United States of America. The parties agreed, *inter alia*, to recommend to the Secretary-General that the date of 1 April 1989 be established for the implementation of Security Council resolution 435 (1978). Angola and Cuba further undertook to have concluded by 22 December 1988, when they would meet in New York together with South Africa, an agreement with the Secretary-General on verification arrangements to be approved by the Security Council.

By a note verbale<sup>87</sup> dated 22 December 1988 addressed to the Secretary-General, the representative of the United States transmitted the text of the agreement signed by Angola, Cuba and South Africa on the same date at United Nations Headquarters. The parties agreed, *inter alia*, immediately to request the Secretary-General to seek authorization from the Security Council to commence implementation of resolution 435 (1978) on 1 April 1989; and to cooperate with the Secretary-General to ensure the independence of Namibia through free and fair elections and to abstain from any action that could prevent the execution of resolution 435 (1978). The parties further agreed, consistent with their obligations under the Charter of the United Nations, to refrain from the threat or use of force and to respect the principle of non-interference in the internal affairs of the States of southwestern Africa. Furthermore, Angola and Cuba agreed to implement their bilateral agreement, signed on the date of the signature of the tripartite agreement, providing for the staged and total withdrawal of Cuban troops from Angola and the arrangements<sup>88</sup> made with the Security Council for the on-site verification of the withdrawal.

<sup>86</sup>S/20325, annex and appendix.

<sup>87</sup>S/20346, annex.

<sup>88</sup>See S/20338; see also, in this chap., decision of 20 December 1988 (2834th meeting): resolution 626 (1988), under the heading: "Letter dated 17 December 1988 from Angola to the United Nations addressed to the Secretary-General"; "Letter dated 17 December 1988 from Cuba to the United Nations addressed to the Secretary-General".

## 6. LETTER DATED 6 MAY 1985 FROM THE REPRESENTATIVE OF NICARAGUA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Decision of 10 May 1985 (2580th meeting): resolution 562 (1985)

By a letter<sup>1</sup> dated 6 May 1985 addressed to the President of the Security Council, the representative of Nicaragua requested that a meeting of the Security Council be urgently convened to consider the "extremely serious" situation in the Central American region.

At its 2577th meeting, on 8 May 1985, the Council included the letter by Nicaragua in its agenda. Following the adoption of the agenda, and in the course of its delibera-

tions, the representatives of Algeria, Brazil, Ecuador, Ethiopia, Mexico, Nicaragua, the United Republic of Tanzania and Yugoslavia were invited to participate in the discussions. At the 2578th meeting, the representatives of Bolivia, Colombia, Cuba, Cyprus, the Dominican Republic, Guatemala, the Islamic Republic of Iran, Mongolia, Poland and Zimbabwe; at the 2579th meeting, the representatives of Argentina, the German Democratic Republic, Guyana, the Lao People's Democratic Republic and Viet Nam. At the 2580th meeting, the representatives of Costa Rica, Honduras, Spain and the Syrian Arab Republic, were invited, at their request, to participate in the discussion.

<sup>1</sup>S/17156.