

- (v) Complaint by Senegal:
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- (ii) Situation in Southern Rhodesia*
Decision of 18 March 1970 (**res. 277 (1970)**), para. 23.
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- (i) Situation in Namibia:
Decision of 20 March 1969 (**res. 264 (1969)**), para. 10.
Decision of 12 August 1969 (**res. 269 (1969)**), para. 10.
Decision of 30 January 1970 (**res. 276 (1970)**), para. 9.
Decision of 29 July 1970 (**res. 283 (1970)**), para. 17.
- (ii) Complaint by Zambia:
Decision of 28 July 1969 (**res. 268 (1969)**), para. 6.
- (iii) Complaint by Senegal:
Decision of 9 December 1969 (**res. 273 (1969)**), para. 4.
Decision of 24 November 1971 (**res. 302 (1971)**), para. 10.
- (iv) Situation in Southern Rhodesia:
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- Decision of 17 November 1970 (**res. 288 (1970)**), para. 6.
- (v) Complaint by Guinea:
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Decision of 8 December 1970 (**res. 290 (1970)**), para. 12.
Decision of 3 August 1971 (**res. 295 (1971)**), para. 4.
- (vi) Situation in the India/Pakistan subcontinent:
Decision of 21 December 1971 (**res. 307 (1971)**), para. 7.
- C. Deferment of consideration for other efforts to materialize Question concerning the islands of Abu Musa, the Greater Tunb and the Lesser Tunb:
Decision: President's statement of 9 December 1971.
- X. Measures in connexion with the inability of the Security Council to reach an agreement**
- A. Referring question to the General Assembly under General Assembly resolution 377 A (V)
Situation in the India/Pakistan subcontinent:
Decision of 6 December 1971 (**res. 303 (1971)**), last para.
- XI. Measures to promote international peace and security**
- A. Periodic meeting⁸ of the Security Council in accordance with Article 28 (2) of the Charter
Initiation of a periodic meeting⁸
Decision: President's statement of 12 June 1970.

⁸ Pursuant to the decision taken on 12 June 1970, a periodic meeting of the Council (1555th meeting) was held in private on 2 J October 1970. At the close of the meeting a **communiqué** was issued by the Secretary-General in accordance with rule 55 of the provisional rules of procedure of the Council.

Part II

SITUATION IN NAMIBIA

INITIAL PROCEEDINGS

By letter⁹ dated 14 March 1969 addressed to the President of the Security Council, the representatives of Afghanistan, Algeria, Burundi, Cameroon, Ceylon, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Equatorial Guinea, Gabon, Ghana, Guinea, India, Indonesia, Ivory Coast, Madagascar, Mali, Mauritania, Mauritius, Morocco, Nepal, Niger, Nigeria, Pakistan, Philippines, Rwanda, Senegal, Sierra Leone, Singapore, Somalia, Southern Yemen, Sudan, Syria, Togo, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania, Yugoslavia and Zambia requested an urgent meeting of the Security Council to examine the deteriorating situation in Namibia. In the letter, it was recalled that the General Assembly, by its resolution 2145 (XXI), had terminated the mandate of the South African Government to administer Namibia (South West Africa), and had decided that "henceforth South West Africa comes under the direct responsibility of the United Nations". That resolution had also reaffirmed the inalienable rights of the people of the Territory to self-determination, freedom and independence in accordance with the relevant provisions of the Charter of the United Nations and General Assembly resolution

⁹ S/9090.

1514 (XV). It was further recalled in the letter that the Security Council, in its resolution 246 (1968), had recognized its special responsibilities towards the people and Territory of Namibia. In spite of the decisions of the General Assembly and the Security Council, the Government of South Africa continued to maintain its occupation of the Territory of Namibia, constituting "a grave threat to international peace and security". Having regard to General Assembly resolutions 2372 (XXII) and 2403 (XXIII), it was thus incumbent upon the Security Council to examine urgently the grave situation and to take, in accordance with the relevant provisions of the Charter, appropriate measures to enable the people of Namibia to exercise their right to self-determination and independence. The representatives of Cyprus, Ethiopia, Liberia, Libya, Mongolia and Turkey subsequently associated themselves with that request.¹⁰

At the 1464th meeting on 20 March 1969, following the adoption of the agenda,¹¹ the representative of the United Arab Republic, who had requested participation in the discussion in his capacity as President of the United Nations Council for Namibia for that month, was invited to participate in the discussion.¹² The

¹⁰ S/9090 and Add.I-3, **OR, 24th yr., Suppl. for Jan.-March 1969**, pp. 126-127.

¹¹ 1463th meeting, preceding para. 8.

¹² *Ibid.*, para. 9.

Council considered the question at its 1464th and 1465th meetings, both held on 20 March 1969.

Decision of 20 March 1969: Resolution 264 (1969)

At the 1464th meeting, the President (Hungary) stated that a change had been made in the title of the item from "The Question of South West Africa" to "The situation in Namibia" in view of General Assembly resolution 2372 (XXII) of 12 June 1968 which had proclaimed that, henceforth, South West Africa should be known as Namibia. He added that the agenda for the meeting had been drawn up in accordance with that decision of the General Assembly.

At the same meeting, the representative of Algeria, referring to the fact that the General Assembly had terminated the mandate exercised by South Africa over Namibia and that the Security Council had recognized its special responsibility towards its people and the Territory, stated that the Council must now determine the means of imposing the collective will of the Members of the United Nations in order to achieve the right of self-determination for the Namibians. The United Nations, he added, must assume direct responsibility for the administration of Namibia until its accession to full sovereignty. In so doing, the United Nations would be simply performing its cardinal task of decolonization under General Assembly resolution 1514 (XV). The continued occupation of Namibia by South Africa was not only a case of "direct armed aggression" and a serious violation of the fundamental principles of the Charter, but that Government was also engaged in the systematic destruction of the unity of the Namibian people and of the integrity of its territory, which must be recognized as "the gravest threat to international peace and security". The Council should, therefore, consider **practical** measures to secure the withdrawal of the South African authorities from Namibia, even if it had to be accomplished through enforcement **measures**.¹³

Decision of 20 March 1969 (1465th meeting) : resolution 264 (1969)

At the 1464th meeting, the representative of Zambia introduced a draft resolution, jointly submitted by Colombia, Nepal, Pakistan, Paraguay, Senegal and Zambia.¹⁵ Referring to its paragraph 2,¹⁶ he stated that the sponsors of the draft resolution would have **liked** it to state that South Africa's continued presence in Namibia was an act of aggression and, therefore, a threat to international peace and security. However, they had had to **accommodate** the feelings of certain members who were averse to the idea of an inevitable confrontation with South Africa. He pointed out that, in the view of the sponsors of the draft resolution, paragraph 8¹⁷ did not entirely exclude the application of Chapter VII of the **Charter**.¹⁸

¹³ 1464th meeting, paras. 17-29.

¹⁴ *Ibid.*, para. 33.

¹⁵ S/9100, *ibid.*

¹⁶ According to paragraph 2, the Security Council would consider that the continued presence of South Africa in Namibia was illegal and contrary to the principles of the Charter and the previous decisions of the United Nations and was detrimental to the interests of the population of the territory and those of the international community.

¹⁷ Paragraph 8 provided that, in the event of failure on the part of the Government of South Africa to comply with the provisions of the present resolution, the Security Council would meet immediately to determine upon necessary steps in **accordance** with the relevant provisions of the Charter of the United Nations.

¹⁸ 1464th meeting, paras. 38, 43.

At the 1465th meeting on 20 March 1969, the representative of the United Arab Republic* speaking as the President of the United Nations Council for Namibia, stated that the Council which had been charged with the administration of the Territory of Namibia on behalf of the United Nations until the attainment of independence, had not been able to discharge its responsibility due to the policy of defiance and obstruction pursued by the South African authorities. The continued and illegal presence of South Africa in Namibia constituted an act of aggression which the United Nations had the responsibility to suppress by all the means provided to it by the Charter. It was only if all necessary measures were taken for the removal of South Africa's presence from the Territory that the Council for Namibia could be expected to discharge its responsibility and the people of Namibia achieve their freedom and independence.¹⁹

At the same meeting, the Council adopted²⁰ the draft resolution by 13 votes to none with 2 abstentions.

The resolution²¹ read as follows:

"The Security Council,

"Taking note of General Assembly resolutions 2248 (S-V) of 19 May 1967, 2324 (XXII) and 2325 (XXII) of 16 December 1967, 2372 (XXII) of 12 June 1968 and 2403 (XXIII) of 16 December 1968,

"Taking into account General Assembly resolution 2145 (XXI) of 27 October 1966 by which the General Assembly of the United Nations terminated the Mandate of South West Africa and assumed direct responsibility for the territory until its independence,

"Recalling its resolutions 245 (1968) of 25 January 1968 and 246 (1968) of 14 March 1968,

"Reaffirming the inalienable right of the people of Namibia to freedom and independence in accordance with the provisions of General Assembly resolution 1514 (XV) of 14 December 1960,

"Mindful of the grave consequences of South Africa's continued occupation of Namibia,

"Reaffirming its special responsibility toward the people and the territory of Namibia,

"1. **Recognizes** that the United Nations General Assembly terminated the Mandate of South Africa over Namibia and assumed direct responsibility for the territory until its independence;

"2. **Considers** that the continued presence of South Africa in Namibia is illegal and contrary to the principles of the Charter and the previous decisions of the United Nations and is detrimental to the interests of the population of the Territory and those of the international community;

"3. **Calls** upon the Government of South Africa to withdraw immediately its administration from the Territory;

"4. Declares that the actions of the Government of South Africa designed to destroy the national unity and territorial integrity of Namibia through the establishment of Bantustans are contrary to the provisions of the Charter of the United Nations;

¹⁹ 1465th meeting, paras. 99-102.

²⁰ *Ibid.*, para. 165.

²¹ Resolution 264 (1969).

"5. Declares that the Government of South Africa has no right to enact the 'South West Africa Affairs Bill', as such an enactment would be a violation of the relevant resolutions of the General Assembly;

"6. **Condemns** the refusal of South Africa to comply with General Assembly resolutions 2145 (XXI), (S-V), 2324 (XXII), 2325 (XXII), 2372 (XXII) and 2403 (XXIII) and Security Council resolutions 245 (1968) and 246 (1968);

"7. **Invites** all States to exert their influence in order to obtain compliance by the Government of South Africa with the provisions of the present resolution;

"8. **Decides** that in the event of failure on the part of the Government of South Africa to comply with the provisions of the present resolution, the Security Council will meet immediately to determine upon necessary steps or measures in accordance with the relevant provisions of the Charter of the United Nations;

"9. **Requests** the Secretary-General to follow closely the implementation of the present resolution and to report to the Security Council as soon as possible;

"10. **Decides** to remain actively seized of the matter."

Decision of 12 August 1969 (1497th meeting): resolution 269 (1969)

By letter** dated 24 July 1969 addressed to the President of the Security Council, the representatives of Chile, Colombia, Guyana, India, Indonesia, Nigeria, Pakistan, Turkey, United Arab Republic, Yugoslavia and Zambia, members of the United Nations Council for Namibia, requested an urgent meeting of the Security Council to consider the situation resulting from the wholly negative reaction of South Africa to Security Council resolution 264 (1969) and from the measures which it was continuing to take in defiance of the authority of the Security Council and the General Assembly. It was recalled in the letter that the above-mentioned resolution had called upon the Government of South Africa immediately to withdraw its administration from the Territory of Namibia and had decided that in the event of failure on the part of South Africa to comply, the Security Council would meet immediately to determine upon necessary steps in accordance with the relevant provisions of the Charter of the United Nations.

By letter²³ dated 1 August 1969, the representatives of Afghanistan, Algeria, Burma, Burundi, Cameroon, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Cyprus, Dahomey, Equatorial Guinea, Ethiopia, Gabon, Ghana, Guinea, Iran, Iraq, Ivory Coast, Jordan, Kenya, Kuwait, Laos, Liberia, Libya, Madagascar, Mali, Mauritania, Mauritius, Mongolia, Morocco, Nepal, Niger, Philippines, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Southern Yemen, Sudan, Syria, Thailand, Togo, Tunisia, Uganda, United Republic of Tanzania, Upper Volta and Yemen associated themselves with the above-mentioned request for an urgent Council action to deal with the dangerous situation in Namibia. The letter stated that the situation arising out of South Africa's refusal to comply with the decisions

of the United Nations, in particular with Council resolutions 245 (1968), 246 (1968) and 264 (1969), was urgent and serious, whose continuance would aggravate the already serious threat to international peace and security in the area, and that only resolute action by the Security Council under the provisions of Chapter VII of the United Nations Charter could achieve the objective of securing the immediate withdrawal of South Africa from Namibia,

At the 1492nd meeting on 30 July 1969, the Security Council included the question in its agenda,²⁴ and considered it at the 1492nd to 1497th meetings, held between 30 July and 12 August 1969. At the 1492nd meeting, the representative of Chile was invited to participate in the discussion.²⁵ Subsequently, at the 1493rd meeting, an invitation was also extended to the representative of India.²⁶

At the 1492nd meeting, the representative of Colombia called the Council's attention to a letter²⁷ dated 23 July 1969 which he had addressed in his capacity as President of the United Nations Council for Namibia for that month to the President of the Security Council, and in which he had pointed out that the Council for Namibia had been unable to discharge its responsibility under the terms of General Assembly resolutions 2145 (XXI) and 2248 (S-V) owing to the South African Government's defiance of these resolutions and of the United Nations authority in continuing the illegal occupation of the Territory. He had also expressed concern in that letter at the policy pursued by South Africa of dismembering the Territory of Namibia by the establishment of "homelands" and prosecuting Namibians in an arbitrary trial. The Security Council had reached the point when it could not allow South Africa to continue its illegal occupation of Namibia and thus challenge the authority of the Council and of the United Nations. Pursuant to operative paragraph 8 of its resolution 264 (1969), the Security Council had now to decide upon the necessary measures in accordance with the relevant provisions of the Charter of the United Nations.²⁸

The representative of Zambia emphasized that, in view of South Africa's defiance of Security Council resolution 264 (1969) and other decisions of the United Nations there was no other way of dealing with this problem but to apply Chapter VII of the Charter of the United Nations.²⁹

Subsequently, at the 1497th meeting on 12 August 1969, the representative of Zambia introduced³⁰ a draft resolution,³¹ jointly submitted by Algeria, Colombia, Pakistan, Paraguay, Senegal and Zambia and requested that a vote be taken on the draft resolution on that day.

At the same meeting, the draft resolution was adopted³² by 11 votes to none with 4 abstentions. The resolution³³ read as follows:

"The Security Council,

"Recalling its resolution 264 (1969) of 20 March 1969,

²⁴ 1492nd meeting, preceding para. 1.

²⁵ *Ibid.*, para. 1.

²⁶ 1493rd meeting, para. 64.

²⁷ S/9352, OR, 24th yr., Suppl. for July-Sept. 1969, p. 136.

²⁸ 1492nd meeting, paras. 6-25.

²⁹ *Ibid.* paras. 28-44.

³⁰ 1497th meeting, paras. 10-13.

³¹ S/9384; same text as resolution 269 (1969).

³² 1497th meeting, para. 22.

³³ Resolution 269 (1969).

²² S/9359, OR, 24th yr., Suppl. for July-Sept. 1969, p. 138.

²³ S/9372 and Add.1-3, OR, 24th yr., Suppl. for July-Sept. 1969, p. 147.

"Taking note of the report of the Secretary-General contained in document S/9204,

"Mindful of its responsibility to take necessary action to secure strict compliance with the obligations entered into by States Members of the United Nations under the provisions of Article 25 of the Charter of the United Nations,

"Mindful also of its responsibilities under Article 6 of the Charter of the United Nations,

"1. *Reaffirms* its resolution 264 (1969) ;

"2. *Condemns* the Government of South Africa for its refusal to comply with resolution 264 (1969) and for its persistent defiance of the authority of the United Nations;

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

"4. *Recognizes* the legitimacy of the struggle of the people of Namibia against the illegal presence of the South African authorities in the Territory;

"5. *Calls* upon the Government of South Africa to withdraw its administration from the Territory immediately and in any case before 4 October 1969;

"6. *Decides* that in the event of failure on the part of the Government of South Africa to comply with the provisions of the preceding paragraph of the present resolution, the Security Council will meet immediately to determine upon effective measures in accordance with the appropriate provisions of the relevant Chapters of the Charter of the United Nations;

"7. *Calls upon* all States to refrain from all dealings with the Government of South Africa purporting to act on behalf of the Territory of Namibia;

"8. *Requests* all States to increase their moral and material assistance to the people of Namibia in their struggle against foreign occupation;

"9. *Requests* the Secretary-General to follow closely the implementation of the present resolution and to report to the Security Council as soon as possible;

"10. *Decides* to remain actively seized of the matter."

Decision of 30 January 1970 (1529th meeting) : resolution 276 (1970)

By letter³⁴ dated 26 January 1970 addressed to the President of the Security Council, the representatives of Afghanistan, Algeria, Burundi, Cambodia, Ceylon, Chad, Congo (Democratic Republic of), Congo (People's Republic of), Dahomey, Ethiopia, Gabon, India, Indonesia, Iran, Iraq, Jordan, Kuwait, Laos, Lebanon, Liberia, Libya, Madagascar, Malaysia, Mali, Mauritania, Mauritius, Morocco, Nepal, Niger, Nigeria, Pakistan, Rwanda, Senegal, Sierra Leone, Singapore, Somalia, Southern Yemen, Sudan, Syria, Togo, Tunisia, Turkey, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta, Yugoslavia and Zam-

³⁴ S/9616.

bia referred to paragraph 6 of Security Council resolution 269 (1969) and requested an urgent meeting of the Security Council to examine the situation resulting from the failure of the Government of South Africa to comply with the letter and spirit of that resolution, in particular its paragraph 4.³⁵ The representatives of Cameroon, Cyprus, Ghana, Guinea, Japan, Kenya, Philippines, Thailand and Yemen subsequently associated themselves with this request.³⁶

At the 1527th meeting on 28 January 1970, following the adoption of the agenda,³⁷ the representative of Turkey, who had requested to participate in the Council discussion in his capacity as President of the United Nations Council for Namibia for that month, was invited to participate in the discussion.³⁸ Subsequently, at the 1529th meeting, the Council also decided to invite the representatives of India and Pakistan.³⁹ The Council considered the question at the 1527th to 1529th meetings held between 28 and 30 January 1970.

At the 1527th meeting, the representative of Finland introduced⁴⁰ a draft resolution,⁴¹ jointly submitted by Burundi, Finland, Nepal, Sierra Leone and Zambia.

In introducing the draft resolution, the representative of Finland observed that its purpose was to make it possible, in the absence of the possibility of action under Chapter VII of the Charter, on which the division of opinion in the Council seemed irreconcilable, for the Security Council to explore the possibilities of practical action by which it could advance the cause of the people of Namibia. It sought to define the area of agreement between the great majority of Members and purposely avoided those issues which tended to divide the Council.⁴²

At the 1528th meeting on 29 January 1970, the representative of Finland, on behalf of the sponsors of the five-Power draft resolution, submitted a number of revisions⁴³ to the draft resolution which had been arrived at as a result of consultations both within the Council and with delegations from outside the Council.

At the same meeting, the representative of Turkey,* as the President of the United Nations Council for Namibia, stated that the Council, at its recent meetings, had examined new ways and means, practical and effective steps, which would not necessarily stand in the way of the stern solutions set out in Chapter VII of the Charter and which only the Security Council could invoke. It had considered an interim report from a sub-committee entrusted with examining the ways and means of assisting the Security Council to promote the implementation of the previous resolutions adopted, and particularly resolution 269 (1969). In the light of the foregoing, he expressed the hope that the *ad hoc* sub-committee envisaged in the draft resolution would work as quickly as possible and submit to the Security Council recommendations in keeping with the views of

³⁵ Paragraph 4 of resolution 260 (1969) provided that the Security Council "recognizes the legitimacy of the struggle of the people of Namibia against the illegal presence of the South African authorities in the Territory".

³⁶ S/9616/Add.1-3, OR, 25th yr., Suppl. for Jan.-March 1970, p. 112.

³⁷ 1527th meeting, preceding para. 24.

³⁸ *Ibid.*, para. 26.

³⁹ 1529th meeting, paras. 2, 70.

⁴⁰ 1527th meeting, paras. 30, 31.

⁴¹ S/9620, OR, 25th yr., Suppl. for Jan.-March 1970, p. 114.

⁴² 1527th meeting, paras. 35-38.

⁴³ S/9620/Rev.1, 1528th meeting, paras. 4-9.

the United Nations Council for Namibia regarding the need for effective action.”

The representative of the USSR held that the position of South Africa in disregarding the decisions of the United Nations, including those of the Security Council which were binding on all States Members of the United Nations under Article 25 of the Charter, represented a threat to peace and international security. He recalled that Security Council resolution 269 (1969) had warned the Government of South Africa that, if by 4 October 1969 it had not withdrawn its administration from Namibia, the Council would determine upon “effective measures in accordance with the appropriate provisions of the relevant Chapters of the Charter of the United Nations”. In order to exert effective pressure on South Africa and bring about an end to the occupation of Namibia, the Security Council must call upon all States to discontinue completely all economic, trade, transport and other relationships with the Republic of South Africa in accordance with Article 41 of the Charter.⁴⁵

At the 1529th meeting, on 30 January 1970, the revised draft resolution was put to the vote and adopted⁴⁶ by 13 votes to none, with 2 abstentions. It read as follows:”

“The Security Council,

“Reaffirming the inalienable right of the people of Namibia to freedom and independence recognized in General Assembly resolution 1514 (XV) of 14 December 1960,

“Reaffirming General Assembly resolution 2 145 (XXI) of 27 October 1966, by which the United Nations decided that the Mandate for South West Africa was terminated and assumed direct responsibility for the Territory until its independence,

“Reaffirming Security Council resolution 264 (1969) of 20 March 1969 in which the Council recognized the termination of the Mandate and called upon the Government of South Africa to withdraw immediately its administration from the Territory,

“Reaffirming that the extension and enforcement of South African laws in the Territory together with the continued detentions, trials and subsequent sentencing of Namibians by the Government of South Africa constitute illegal acts and flagrant violations of the rights of the Namibians concerned, the Universal Declaration of Human Rights and the international status of the Territory, now under direct United Nations responsibility,

“Recalling Security Council resolution 269 (1969) of 12 August 1969,

“1. **Strongly** condemns the refusal of the Government of South Africa to comply with the resolutions of the General Assembly and Security Council pertaining to Namibia:

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

“3. Declares further that the defiant attitude of the Government of South Africa towards the Council’s decisions undermines the authority of the United Nations;

“4. Considers that the continued occupation of Namibia by the Government of South Africa in defiance of the relevant United Nations resolutions and of the Charter of the United Nations has grave consequences for the rights and interests of the people of Namibia;

“5. Calls upon all States, particularly those which have economic and other interests in Namibia, to refrain from any dealings with the Government of South Africa which are inconsistent with paragraph 2 of the present resolution;

“6. Decides to establish, in accordance with rule 28 of its provisional rules of procedure, an **Ad Hoc** Sub-Committee of the Council to study, in consultation with the Secretary-General, ways and means by which the relevant resolutions of the Council, including the present resolution, can be effectively implemented in accordance with the appropriate provisions of the Charter, in the light of the flagrant refusal of South Africa to withdraw from Namibia, and to submit its recommendations by 30 April 1970;

“7. Requests all States, as well as the specialized agencies and other relevant organs of the United Nations, to give the Sub-Committee all the information and other assistance it may require in pursuance of the present resolution;

“8. Further requests the Secretary-General to give every assistance to the Sub-Committee in the performance of its task;

“9. Decides to resume consideration of the question of Namibia as soon as the recommendations of the Sub-Committee have been made available.”

Decision of 29 July 1970 (1550th meeting) : resolutions 283 (1970) and 284 (1970)

By letter⁴⁸ dated 23 July 1970 addressed to the President of the Security Council, the representatives of Burundi, Finland, Nepal, Sierra Leone and Zambia, referring to paragraph 9 of Security Council resolution 276 (1970) whereby the Council had decided to resume consideration of the question of Namibia as soon as the recommendations of the **Ad Hoc** Sub-Committee, established in pursuance of that resolution, were made available and noting that the Sub-Committee had submitted its report⁴⁹ to the Council, requested an early meeting of the Security Council to resume consideration of the question of Namibia.

At the 1550th meeting on 29 July 1970, the Council included in its agenda the report of the **Ad Hoc** Sub-Committee as well as the letter from the representatives of the five countries and considered the question at that meeting.

After the adoption of the agenda,⁵⁰ the President called the Council’s attention⁵¹ to two draft resolutions which had been submitted to the Council for consideration, one sponsored jointly by Burundi, Finland, Nepal, Sierra Leone and Zambia⁵² and the other sponsored by Finland.⁵³

⁴⁸ S/9886, OR, 25th yr., Suppl. for July-Sept. 1970, p. 117.

⁴⁹ S/9863, *ibid.*, p. 81.

⁵⁰ 1550th meeting, preceding para. 1.

⁵¹ *Ibid.*, para 1.

⁵² S/9891.

⁵³ S/9892.

⁴⁴ 1528th meeting, paras. 27-29.

⁴⁵ *Ibid.*, paras. 102, 103, 118, 119.

⁴⁶ 1529th meeting, para. 184.

⁴⁷ Resolution 276 (1970).

In introducing the five-Power draft resolution, the representative of Burundi stated that the rapid expansion of the armed forces of South Africa in recent years was not only the chief cause of its refusal to withdraw from Namibia but also the certain source of a future world conflagration, a danger that the Security Council, in its capacity of guarantor of international peace, could not minimize. He observed that the draft resolution was inspired by the main conclusions of the report of the *Ad Hoc* Sub-Committee on Namibia.⁵⁴

The representative of Finland introduced the second draft resolution, whereby the Council would request an advisory opinion of the International Court of Justice, and stated that his proposal was also intended to reactivate the International Court of Justice itself. It was one of the principal organs of the United Nations and the highest international authority on law whose role was essential for the development of a peaceful international order.⁵⁵

At the same meeting, the five-Power draft resolution was put to the vote and was adopted⁵⁶ by 13 votes to none with 2 abstentions. It read as follows:⁵⁷

"The Security Council,

"Reaffirming once more the inalienable right of the people of Namibia to freedom and independence recognized in General Assembly resolution 1514 (XV) of 14 December 1960,

"Reaffirming Security Council resolutions 264 (1969) of 20 March 1969 and 276 (1970) of 30 January 1970 in which the Council recognized the decision of the General Assembly to terminate the Mandate for South West Africa and assume direct responsibility for the Territory until its independence and in which the continued presence of the South African authorities in Namibia, as well as all acts taken by that Government on behalf of or concerning Namibia after the termination of the Mandate, were declared illegal and invalid,

"Recalling its resolution 269 (1969) of 12 August 1969,

"Noting with great concern the continued flagrant refusal of the Government of South Africa to comply with the decisions of the Security Council demanding the immediate withdrawal of South Africa from the Territory,

"Deeply concerned that the enforcement of South African laws and juridical procedures in the Territory have continued in violation of the international status of the Territory,

"Reaffirming its resolution 282 (1970) of 23 July 1970 on the arms embargo against the Government of South Africa and the significance of that resolution with regard to the Territory and people of Namibia,

"Recalling the decision taken by the Security Council on 30 January 1970 to establish, in accordance with rule 28 of its provisional rules of procedure, an *Ad Hoc* Sub-Committee of the Council to study, in consultation with the Secretary-General, ways and means by which the relevant resolutions of the Council, including resolution 276 (1970),

could be effectively implemented in accordance with the appropriate provisions of the Charter of the United Nations, in the light of the flagrant refusal of South Africa to withdraw from Namibia, and to submit its recommendations to the Council,

"Having examined the report submitted by the *Ad Hoc* Sub-Committee and the recommendations contained in that report,

"Bearing in mind the special responsibility of the United Nations with regard to the Territory of Namibia and its people,

"1. Requests all States to refrain from any relations-diplomatic, consular or otherwise-with South Africa implying recognition of the authority of the Government of South Africa over the Territory of Namibia;

"2. Culls upon all States maintaining diplomatic or consular relations with South Africa to issue a formal declaration to the Government of South Africa to the effect that they do not recognize any authority of South Africa with regard to Namibia and that they consider South Africa's continued presence in Namibia illegal;

"3. Calls upon all States maintaining such relations to terminate existing diplomatic and consular representation as far as they extend to Namibia, and to withdraw any diplomatic or consular mission or representative residing in the Territory;

"4. Culls upon all States to ensure that companies and other commercial and industrial enterprises owned by, or under direct control of, the State cease all dealings with respect to commercial or industrial enterprises or concessions in Namibia;

"5. Culls upon all States to withhold from their nationals or companies of their nationality not under direct governmental control, government loans, credit guarantees and other forms of financial support that would be used to facilitate trade or commerce with Namibia;

"6. Culls upon all States to ensure that companies and other commercial enterprises owned by, or under direct control of, the State cease all further investment activities, including concessions in Namibia;

"7. Culls upon all States to discourage their nationals or companies of their nationality not under direct governmental control from investing or obtaining concessions in Namibia, and to this end to withhold protection of such investment against claims of a future lawful government of Namibia;

"8. Requests all States to undertake without delay a detailed study and review of all bilateral treaties between themselves and South Africa in so far as these treaties contain provisions by which they apply to the Territory of Namibia;

"9. Requests the Secretary-General to undertake without delay a detailed study and review of all multilateral treaties to which South Africa is a party and which, either by direct reference or on the basis of relevant provisions of international law, might be considered to apply to the Territory of Namibia;

"10. Requests the United Nations Council for Namibia to make available to the Security Council the results of its study and proposals with regard to the issuance of passports and visas for Namibians,

⁵⁴ 1550th meeting, paras. 3, 12, 13, 31, 32.

⁵⁵ *Ibid.*, paras. 38-42.

⁵⁶ *Ibid.*, para. 155.

⁵⁷ Resolution 283 (1970).

and to undertake a study and make proposals with regard to special passport and visa regulations to be adopted by States concerning travel of their citizens to Namibia;

"11. Culls upon all States to discourage the promotion of tourism and emigration to Namibia;

"12. Requests the General Assembly, at its twenty-fifth session, to set up a United Nations fund for Namibia to provide assistance to Namibians who have suffered from persecution and to finance a comprehensive educational and training programme for Namibians, with particular regard to their future administrative responsibilities in the Territory;

"13. **Requests** all States to report to the Secretary-General on measures they have taken in order to give effect to the provisions set forth in the present resolution;

"14. **Decides** to reestablish, in accordance with rule 28 of its provisional rules of procedure, the Sub-Committee on Namibia and to request the Sub-Committee to study further effective recommendations on ways and means by which the relevant resolutions of the Council can be effectively implemented in accordance with the appropriate provisions of the Charter of the United Nations, in the light of the flagrant refusal of South Africa to withdraw from Namibia;

"15. **Requests** the Sub-Committee to study the replies submitted by Governments to the Secretary-General in pursuance of paragraph 13 of the present resolution and to report to the Council as appropriate;

"16. **Requests the** Secretary-General to give every assistance to the Sub-Committee in the performance of its tasks;

"17. **Decides** to remain actively seized of this matter."

The Council then proceeded to the vote on the draft resolution submitted by Finland. The representative of France requested⁵⁸ in accordance with rule 32 of the provisional rules of procedure, a separate vote on the last passage of paragraph 1 of this draft resolution, reading as follows: "... notwithstanding Security Council resolution 296 (1970)". The phrase was retained⁵⁹ by 11 votes to none with 4 abstentions. The Council then adopted⁶⁰ the Finnish draft resolution as a whole by 12 votes to none with 3 abstentions. It read as follows :⁶¹

"The Security Council,

"Reaffirming the special responsibility of the United Nations with regard to the Territory and the people of Namibia,

"Recalling its resolution 276 (1970) of 30 January 1970 on the question of Namibia,

"Taking note of the report and recommendations submitted by the **Ad Hoc** Sub-Committee established in pursuance of Security Council resolution 276 (1970),

"Taking further note of the recommendation of the **Ad Hoc** Sub-Committee on the possibility of

requesting an advisory opinion from the tional Court of Justice,

"Considering that an advisory opinion from the International Court of Justice would be useful, the Security Council in its further consideration the question of Namibia and in furtherance of the objectives the Council is seeking,

"1. Decides to submit, in accordance with Article 96, paragraph 1, of the Charter of the United Nations, the following question to the International Court of Justice, with the request for an advisory opinion which shall be transmitted to the Security Council at an early date;

"What are the legal consequences for States of the continued presence of South Africa in Namibia, notwithstanding Security Council resolution 276 (1970)?"

"2. Requests the Secretary-General to transmit the present resolution to the International Court of Justice, in accordance with Article 65 of the Statute of the Court, accompanied by all documents likely to throw light upon the question."

Decision of 20 October 1971 (1598th meeting) : resolution 301 (1971)

By letter⁶² dated 17 September 1971 addressed to the President of the Security Council, the representatives of Algeria, Botswana, Burundi, Cameroon, Central African Republic, Chad, Congo (Democratic Republic of), Egypt, Equatorial Guinea, Ethiopia, Gabon, Ghana, Guinea, Kenya, Liberia, Libyan Arab Republic, Madagascar, Mali, Mauritania, Mauritius, Morocco, Niger, Nigeria, People's Republic of the Congo, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Togo, Tunisia, Uganda., United Republic of Tanzania, Upper Volta and **Zambia** referred to resolution **AHG/Res. 65** (VIII) adopted on 23 June 1971 at the eighth session of the Assembly of Heads of State and Government of the Organization of African Unity, held at Addis Ababa, which had urged the immediate summoning of a special session of the Security Council to discuss ways and means of enforcing the past decisions of the United Nations in the light of the legal obligation imposed on the world community by the decision of the International Court of Justice.⁶³ In pursuance of that resolution, the Member States submitting the letter requested that the Security Council be convened on 27 September 1971, in order to enable His Excellency Moktar Ould Daddah, Chairman of the Organization of African Unity at that time, to participate personally in the debates of the Security Council. The representatives of Swaziland and Dahomey subsequently became co-signatories of this letter.⁶⁴

At the 1583rd meeting on 27 September 1971, the Council included in its agenda the above-mentioned letter as well as the report of the **Ad Hoc** Sub-Committee on **Namibia**⁶⁵ and considered the question at the 1583rd to 1585th, 1587th to 1589th, 1593rd to 1595th, 1597th and 1598th meetings between 27 September and 20 October 1971. At the 1583rd meeting,

⁶² S/10326, OR, 26th yr., Suppl. for July-Sept. 1971, p. 64.

⁶³ *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council resolution 276 (1970), Advisory Opinion, I.C.J. Reports. 1971, p. 16.*

⁶⁴ 1583rd meeting, para. 1; 1588th meeting, para. 9.

⁶⁵ S/10330 and Corr.1 and Add.1, OR, 26th yr., *Special Supplement No. 5.*

⁵⁸ 1550th meeting, para. 157.

⁵⁹ Ibid., para. 159.

⁶⁰ Ibid., para. 160.

⁶¹ Resolution 284 (1970). For discussion in relation to Article 96, see chapter VI, Case 6.

the Chairman of the Assembly of Heads of State and Government of the Organization of African Unity was invited to address the Council.⁶⁶ Subsequently, invitations were also extended to the representatives of Ethiopia, Guyana, Liberia, South Africa, and Sudan⁶⁷ Chad,⁶⁸ Nigeria, Mauritius,⁶⁹ Saudi Arabia,⁷⁰ India and Uganda.⁷¹ The Council also decided to invite, in accordance with rule 39 of the provisional rules of procedure, the President of the United Nations Council for Namibia⁷² and the representative of the South West Africa People's Organization.⁷³

At the 1583rd meeting on 27 September 1971, the President of Mauritania and Chairman of the Organization of African Unity at that time, called the Council's attention to the fact that since 1960 the South African Government had constantly violated all the pertinent resolutions of both the General Assembly and the Security Council and observed that, in the light of the advisory opinion of the International Court of Justice which categorically stated that the continued presence of South Africa in Namibia was illegal and that it must immediately withdraw its administration and end its occupation of that Territory, the Organization of African Unity had asked that the Security Council apply the pertinent provisions of Chapter VII of the United Nations Charter against the Government of South Africa. When the Security Council had decided to apply the necessary measures against the Government of South Africa, then the United Nations, in consultation with the Namibian people and the Organization of African Unity, should undertake consultations in order to create the necessary conditions for the implementation of the declaration of independence of Namibia as a sovereign State. The Organization of African Unity was now urging the Security Council to go beyond mere declarations of principle by taking concrete action to put an end to the occupation of the international Territory of Namibia by a foreign Power. The Organization was fully aware of the difficulties in implementing the terms of Chapter VII, but the challenge by South Africa to the international community might well shatter the very basis of the Charter and be a real threat to international peace and security. The international community should be called upon scrupulously and rigorously to apply political, economic and military sanctions that might be called for by the circumstances. In that respect, the great Powers, particularly the permanent members of the Security Council, bore special responsibility. He therefore appealed to the Security Council to apply all the means necessary to ensure that the principles, the objectives and the decisions of the United Nations were fully respected.⁷⁴

At the 1584th meeting on 27 September 1971, a point of order was raised by the representative of Somalia regarding the request of South Africa for participation in the Council's discussion and the terminology contained in this request. Following a proce-

dural discussion, the Council decided,⁷⁵ without vote, to invite the representative of South Africa.

At the same meeting, the representative of Nigeria speaking in his capacity as President of the United Nations Council for Namibia, declared that the advisory opinion of the International Court of Justice meant that the Court had recognized the United Nations Council for Namibia as the *de jure* Government of Namibia. The Council's identity and travel documents for Namibians were recognized by more than 70 Governments. However, if the Council had the legal powers of a sovereign entity vis-à-vis Namibia, it lacked the resources and was unable to exercise those powers, particularly inside the Territory. To enable the Council for Namibia to carry out its responsibilities, the Security Council would have to put an end to the illegal occupation of Namibia by South Africa by the application of the strongest possible measures against that country, including those provided in Chapter VII of the Charter if necessary.⁷⁶

The representative of South Africa* said that the advisory opinion of the International Court of Justice was completely unacceptable to his Government. The Court had not answered the fundamental question in dispute, namely, under which provision of the Charter could the General Assembly, which had the power to discuss and to recommend but not to make binding decisions or to take direct action, have terminated South Africa's right of administration. Nor had the Court met the issues involved concerning the powers of the Security Council. Article 24⁷⁷ conferred upon the Security Council the primary responsibility for the maintenance of international peace and security, but, contrary to the Court's opinion, it granted no general powers which the Council could exercise whenever it deemed that a situation "might lead to a breach of the peace". The Court had further stated that, should the Security Council so intend, any decision which it might take would be binding in terms of Article 25.⁷⁸ The powers that the Charter conferred upon the Council to discharge its responsibilities, however, were specifically provided for and carefully circumscribed in Chapters VI, VII, VIII and XII in order to deal with "a threat to the peace" or situations "likely to endanger" the peace. Furthermore, while the Court had recognized that the Council could validly have acted only for the purpose of maintaining international peace and security, the Court had failed to deal with the clear evidence that the Council had in fact acted for a completely different purpose, namely, to secure as an end in itself the removal of South Africa from South West Africa. As for the question of the factual justification for the purported revocation of South Africa's administration of the Territory, the Court had censured South Africa while refusing to hear detailed evidence or to cooperate with South Africa in holding a plebiscite. The purpose of the Court's censure was thus clearly political rather than legal and emphasized the basically political nature of the Opinion. Acceptance of the Opinion, which sought to confer upon the General Assembly and the Security Council powers far surpassing anything agreed upon by the framers of the Charter, would mean

⁶⁶ 1583rd meeting, para. 2.

⁶⁷ 1584th meeting, paras. 46, 48.

⁶⁸ *Ibid.*, para. 94.

⁶⁹ 1587th meeting, para. 4.

⁷⁰ 1589th meeting, para. 128.

⁷¹ 1595th meeting, para. 5.

⁷² 1584th meeting, para. 49.

⁷³ 1588th meeting, para. 88. For discussion on rule 39, see chapter III, Case 5, p. 41.

⁷⁴ 1583rd meeting, paras. 17-25.

⁷⁵ 1584th meeting, para. 48. For consideration of the application of rule 37, see chapter III, Case 4.

⁷⁶ 1584th meeting, paras. 78-82.

⁷⁷ For the consideration of the provisions of Article 24, see in chapter XII, part 111.

⁷⁸ For the consideration of the provisions of Article 25, see in chapter XII, part IV.

that, in almost any situation in which two thirds of the Members of the Organization wished to impose their will upon a particular State or group of States, they could now do so without regard to the provisions of the Charter as these had hitherto been understood. There was peace, prosperity and progress in South West Africa and no threat to international peace and security as a result of conditions there; there was thus no possible role for the Security Council to play in the affairs of the Territory.”

At the 1585th meeting on 28 September 1971, the representative of Liberia⁷⁹ maintained that South Africa's determination to continue its illegal presence in Namibia constituted an act of aggression and must be regarded as satisfying one of the requirements of Article 39 of the Charter, by virtue of which the Security Council could take action to restore international peace and security, including those measures listed under Article 41 of the Charter. He called upon the permanent members of the Security Council to respect their obligations under the Charter, which were concomitant with their special positions under the terms of Articles 23 and 27, for the protection of the international community against arbitrary violations of the principles of the Charter and the decisions of the Organization.⁸⁰

The representative of Sierra Leone stated that, contrary to what the representative of South Africa had said, the majority opinion of the Court had examined the question of the competence of the General Assembly and had concluded that, in respect of Mandates, it was not limited to the form of recommendations. The majority opinion had also stated that the Security Council, when it had adopted its resolutions on the situation in Namibia, had been acting in the exercise of what it deemed to be its primary responsibility, the maintenance of peace and security, which, under the Charter, embraced situations that might lead to a breach of the peace. With respect to the South African complaint that the Court had issued its opinion without having heard factual evidence of progress in the Territory, the Court had found that no factual evidence was needed for the purpose of determining that the policy of *apartheid* as applied by South Africa in Namibia, which was a matter of public record, constituted a denial of fundamental human rights and was a flagrant violation of the purposes and principles of the Charter.⁸¹

At the 1589th meeting on 6 October 1971, the representative of the United Kingdom stated that the part of the Advisory Opinion which asserted that certain resolutions of the Security Council in connexion with the item on Namibia were legally binding was open to the most serious legal objection. His Government considered that the Security Council could take decisions generally binding on Member States only when it had made a determination under Article 39 that a threat to the peace, breach of the peace or act of aggression existed. It had been the understanding, well founded on the Charter, that only in these circumstances were the decisions binding under Article 25.⁸² No such determination existed in relation to the item on the agenda.⁸³

At the 1593rd meeting on 13 October 1971, the representative of Syria stated that four Afro-Asian

members of the Ad Hoc Sub-Committee on Namibia, namely, Burundi, Sierra Leone, Somalia and Syria, had come to the conclusion., presented in Part B of paragraph 19 of the Committee's report (S/10330), that the national liberation movement in Namibia was entitled to wage its struggle by all available means and that any further refusal of South Africa to withdraw from Namibia would constitute an act of aggression and a threat to international peace and security within the context of Chapter VII of the Charter. He added that he fully endorsed the conclusion of the International Court of Justice that Article 25 of the Charter applied not only to enforcement measures adopted under Chapter VII but also to existing resolutions of the Security Council in connexion with the situation in Namibia.⁸⁴

At the 1595th meeting on 15 October 1971, the representative of Somalia introduced⁸⁵ a draft resolution,⁸⁶ submitted jointly with Burundi, Sierra Leone and Syrian Arab Republic.

At the 1597th meeting on 19 October 1971, the representative of Somalia introduced⁸⁷ the revised text⁸⁸ of the four-Power draft resolution which, he said, had been arrived at as a result of consultations and by incorporating a number of suggestions made on the original text of the draft resolution.

At the 1598th meeting on 20 October 1971, the revised draft resolution, which had been further amended⁸⁹ by its sponsors as a result of consultations with members of the Council, was put to the vote and adopted⁹⁰ by 13 votes in favour, none against with 2 abstentions. It read as follows:⁹¹

“The Security Council,

“Reaffirming the inalienable right of the people of Namibia to freedom and independence, as recognized in General Assembly resolution 1514 (XV) of 14 December 1960,

“Recognizing that the United Nations has direct responsibility for Namibia, following the adoption of General Assembly resolution 2145 (XXI) of 27 October 1966, and that States should conduct any relations with or involving Namibia in a manner consistent with that responsibility,

“Reaffirming its resolutions 264 (1969) of 20 March 1969, 276 (1970) of 30 January 1970 and 283 (1970) of 29 July 1970,

“Recalling its resolution 284 (1970) of 29 July 1970, in which it requested the International Court of Justice for an advisory opinion on the question:

“What are the legal consequences for States of the continued presence of South Africa in Namibia, notwithstanding Security Council resolution 276 (1970)?”;

“Gravely concerned at the refusal of the Government of South Africa to comply with the resolutions of the Security Council pertaining to Namibia,

⁸⁴ 1593rd meeting, paras. 71-76, 81-82.

⁸⁵ 1595th meeting, para. 106.

⁸⁶ S/10372, OH, 26th yr., Suppl. for Oct.-Dec. 1971, pp. 25-26.

⁸⁷ 1597th meeting, para. 5.

⁸⁸ S/10372/Rev.1. Same text as resolution 301 (1971).

⁸⁹ In the amended text the word “endorses” in operative paragraph 6 was replaced by the words “agrees with”. 1598th meeting, para. 4.

⁹⁰ 1598th meeting, para. 31.

⁹¹ Resolution 301 (1971).

⁷⁹ 1584th meeting, paras. 96-131.

⁸⁰ 1585th meeting, paras. 48-50.

⁸¹ *Ibid.*, paras. 65-67, 71, 72, 106, 107.

⁸² For the consideration of the provisions of Article 25, see in chapter XII, part IV.

⁸³ 1589th meeting, paras. 50-51.

“Recalling its resolution 282 (1970) of 23 July 1970 on the arms embargo against the Government of South Africa and stressing the significance of that resolution with regard to the Territory of Namibia,

“**Recognizing** the legitimacy of the movement of the people of Namibia against the illegal occupation of their Territory by the South African authorities and their right to self-determination and independence,

“Taking *note* of the statements of the delegation of the Organization of African Unity, led by the President of Mauritania in his capacity as current Chairman of the **Assembly** of Heads of State and Government of that organization,

“Noting *further* the statement of the President of the United Nations Council for Namibia,

“Having **heard** the statements of the delegation of the Government of South Africa,

“**Having considered** the report of the **Ad Hoc** Sub-Committee on Namibia,

“1. **Reaffirms** that the Territory of Namibia is the direct responsibility of the United Nations and that this responsibility includes the obligation to support and promote the rights of the people of Namibia in accordance with General Assembly resolution 1514 (XV);

“2. **Reaffirms** the national unity and territorial integrity of Namibia;

“3. **Condemns** all moves by the Government of South Africa designed to destroy that unity and territorial integrity, such as the establishment of Bantustans;

“4. **Declares** that South Africa’s continued illegal presence in Namibia constitutes an internationally wrongful act and a breach of international obligations and that South Africa remains accountable to the international community for any violations of its international obligations or the rights of the people of the Territory of Namibia;

“5. **Takes note with appreciation** of the advisory opinion of the International Court of Justice of 21 June 1971;

“6. **Agrees** with the Court’s opinion, as expressed in paragraph 133 of its advisory opinion:

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

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

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

“7. **Declares** that all matters affecting the rights of the people of Namibia are of immediate concern to all Members of the United Nations and, as a result, the latter should take this into account in their dealings with the Government of South Africa, in particular in any dealings implying recognition of the legality of, or lending support or assistance to, such illegal presence and administration;

“8. **Calls once again** upon South Africa to withdraw from the Territory of Namibia;

“9. **Declares** that any further refusal of the South African Government to withdraw from Namibia could create conditions detrimental to the maintenance of peace and security in the region;

“10. **Reaffirms** the provisions of resolution 283 (1970), in particular paragraphs 1 to 8 and 11;

“11. Culls **upon** all States, in the discharge of their responsibilities towards the people of Namibia and subject to the exceptions set forth in paragraphs 122 and 125 of the advisory opinion of 21 June 1971:

“(a) To abstain from **entering** into treaty relations with South Africa in all cases in which the Government of South Africa purports to act on behalf of or concerning Namibia;

“(b) To abstain from invoking or applying those treaties or provisions of treaties concluded by South Africa on behalf of or concerning Namibia which involve active intergovernmental co-operation;

“(c) To review their bilateral treaties with South Africa in order to ensure that they are not inconsistent with paragraphs 5 and 6 above;

“(d) To abstain from sending diplomatic or special missions to South Africa that include the Territory of Namibia in their jurisdiction;

“(e) To abstain from sending consular agents to Namibia and to withdraw any such agents already there; ;

“(f) To abstain from entering into economic and other forms of relationship or dealings with South Africa on behalf of or concerning Namibia which may entrench its authority over the Territory;

“12. **Declares** that franchises, rights, titles or contracts relating to Namibia granted to individuals or companies by South Africa after the adoption of General Assembly resolution 2145 (XXI) are not subject to protection or espousal by their States against claims of a future lawful Government of Namibia; ;

“13. **Requests** the **Ad Hoc** Sub-Committee on Namibia to continue to carry out the tasks entrusted to it under paragraphs 14 and 15 of Security Council resolution 283 (1970) and, in particular, taking into account the need to provide for the effective protection of **Namibian** interests at the international level, to study appropriate measures for the fulfilment of the responsibility of the United Nations towards Namibia;

“14. **Requests** the **Ad Hoc** Sub-Committee on Namibia to review all treaties and agreements which

are contrary to the provisions of the present resolution in order to ascertain whether States have entered into agreements which recognize South Africa's authority over Namibia, and to report periodically thereon;

"15. *Calls upon* all States to support and promote the rights of the people of Namibia and to this end to implement fully the provisions of the present resolution;

"16. *Requests* the Secretary-General to report periodically on the implementation of the provisions of the present resolution."

Decision of 20 October 1971 (1598th meeting):

Adjournment of the meeting

At the 1598th meeting on 20 October 1971, the representative of Argentina introduced⁹² a draft resolution⁹³ under which the Security Council would: (1) invite the Secretary-General, acting on behalf of the United Nations, to take all necessary steps as soon as possible, including making contact with all parties concerned, with a view to establishing the necessary conditions so as to enable the people of the Territory of Namibia, freely and with strict regard to the principles of human equality, to exercise their right to self-determination and independence, in accordance with the Charter of the United Nations; and (2) request the Secretary-General to report to the Security Council on the implementation of the resolution. He then stated that the course of action outlined in the proposed draft resolution, which was the result of extensive consultations, was not in any way incompatible with that envisaged in the resolution that the Council had then adopted. It was based on the belief that every possible alternative had to be explored to ensure the future of Namibia in accordance with the basic principles which had been established regarding the Territory by previous resolutions of the United Nations.⁹⁴

In the course of the discussion that followed, a number of suggestions for the revision of the draft resolution were made and a number of representatives expressed the wish that the draft resolution be voted upon at a later meeting so that members of the Council could consider further the text and to engage in consultations.

The President (Nicaragua) then suggested⁹⁵ that the meeting be adjourned and that the consideration of the Argentine draft resolution continue at a subsequent meeting on a date to be set by the President. Consultations would continue among the members and the President would be at their disposal. There being no objection, it was so decided.⁹⁶

On 22 October 1971, the representative of Argentina submitted the revised text⁹⁷ of his delegation's draft resolution, in which, *in fine*: (1) the words "and without prejudice to other resolutions adopted by the Security Council on this matter" were added to the first preambular paragraph; and (2) a new operative paragraph 2 was added which read: "*Calls upon* the Government of South Africa to co-operate fully with

the Secretary-General in the implementation of this resolution."

The question remained on the list of matters of which the Security Council is seized.

SITUATION IN THE MIDDLE EAST

Decision of 1 April 1969 (1473rd meeting): resolution 265 (1969)

By letter⁹⁸ dated 26 March 1969 addressed to the President of the Security Council, the representative of Jordan, having referred to his earlier letters of 16 and 17 March 1969⁹⁹ concerning active Israeli aggression against civilian centres in Jordan, complained that earlier that day Israeli jet fighters had attacked, using heavy bombs and rockets, Jordanian villages and civilian centres in the area of Es Salt, causing heavy loss of life and damage to property. In view of this grave attack, an urgent meeting of the Security Council was requested to consider these continuous and grave violations by Israel and to adopt more adequate and effective measures to check Israeli acts of aggression and restore international peace and security.

By letter¹⁰⁰ dated 27 March 1969 addressed to the President of the Security Council, the representative of Israel, having referred to his letter of 17 March 1969¹⁰¹ regarding persistent armed attacks against Israel by regular and irregular forces from Jordan necessitating measures of self-defence by Israel, requested an urgent meeting of the Security Council to consider the complaint of grave and continual violations by Jordan of the cease-fire, the provisions of the United Nations Charter, and of international law, including: (a) armed attacks, armed infiltration and acts of murder and violence by terrorist groups operating from Jordan territory with the official support, aid and encouragement of the Jordanian Government and armed forces; (b) firing across the cease-fire lines by Jordanian forces, and in particular the wanton shelling of Israeli villages.

At the 1466th meeting on 27 March 1969, after a procedural discussion on the adoption of the agenda,¹⁰² the Council decided¹⁰³ without vote to include the two letters in its agenda and invited¹⁰⁴ the representatives of Jordan and Israel to participate in the discussion of the question without the right to vote. Invitation¹⁰⁵ was also extended to the representative of Saudi Arabia at the 1467th meeting. The Council considered the question at the 1466th to 1473rd meetings, held between 27 March and 1 April 1969.

At the 1466th meeting on 27 March 1969, the representative of Jordan+ stated that during the last three months acts of aggression committed by Israel from the air and the land against civilian centres and means of communication deep inside Jordan territory had not only been continuing, as reported¹⁰⁶ by the

⁹⁸ S/9113, OR, 24th yr., Suppl. for Jan.-March 1969, pp. 142-143.

⁹⁹ S/9083 and S/9085, *Ibid.*, p. 124.

¹⁰⁰ S/9114, *Ibid.*, p. 143.

¹⁰¹ S/9089, *Ibid.*, p. 126.

¹⁰² For the discussion and the decision on the agenda, see in chapter II, Case 3.

¹⁰³ 1466th meeting, para. 24.

¹⁰⁴ *Ibid.*, para. 25.

¹⁰⁵ 1467th meeting, para. 1.

¹⁰⁶ Reference was made to the following communications: S/8911 and S/8916. OR, 23rd yr., Suppl. for Oct.-Dec. 1968, pp. 133-134 and 158 respectively; S/9039, S/9083 and S/9085, OR, 24th yr., Suppl. for Jan.-March 1969, pp. 97-100 and 124 respectively.

⁹² 1598th meeting, para. 45.

⁹³ S/10376, OR, 26th yr., Suppl. for Oct.-Dec. 1971, p. 27.

⁹⁴ 1598th meeting, paras. 44-45.

⁹⁵ *Ibid.*, paras. 94-95.

⁹⁶ *Ibid.*, para. 100.

⁹⁷ S/10376/Rev.1, OR, 26th yr., Suppl. for Oct.-Dec. 1971, p. 27.