

9. *Also requests* the Secretary-General to report to the Security Council periodically on the development of the situation and to submit to the General Assembly at its thirty-fifth session a report covering, in all their aspects, the developments in the Middle East.

92nd plenary meeting
6 December 1979

34/92. Question of Namibia³⁵

A

PROGRAMME OF WORK OF THE UNITED NATIONS COUNCIL FOR NAMIBIA

The General Assembly,

Having considered the question of Namibia,

Having examined the report of the United Nations Council for Namibia³⁶ and the relevant chapters of the report 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,³⁷

Recalling its resolution 2248 (S-V) of 19 May 1967, by which it established the United Nations Council for Namibia as the legal Administering Authority of Namibia until independence,

Reaffirming that the Territory and people of Namibia are the direct responsibility of the United Nations and that the Namibian people must be enabled to attain self-determination and independence within a united Namibia,

Convinced of the urgent need to intensify consultations with the South West Africa People's Organization in the formulation and implementation of the programme of work of the Council as well as in any matter of interest to the Namibian people,

Noting with appreciation the efforts of the United Nations Council for Namibia in the discharge of the responsibilities entrusted to it under resolution 2248 (S-V) and subsequent resolutions of the General Assembly relating to Namibia,

1. *Approves* the report of the United Nations Council for Namibia, including the recommendations contained therein, and decides to make adequate financial provisions for their implementation;

2. *Decides* that the United Nations Council for Namibia, in the discharge of its responsibilities as the legal Administering Authority for Namibia until independence and as policy-making organ of the United Nations, shall:

(a) Denounce all fraudulent constitutional or political schemes through which South Africa may attempt to perpetuate its system of colonial oppression and exploitation of the people and resources of Namibia;

(b) Endeavour to ensure non-recognition of any administration or entity installed in Windhoek not issuing from free elections in Namibia, conducted on a territory-wide basis, under the supervision and control of the United Nations, in accordance with Security Council resolution 385 (1976) of 30 January 1976 and subsequent resolutions in their entirety;

(c) Secure the territorial integrity of Namibia as a unitary State comprising, *inter alia*, the total area of Walvis Bay;

(d) Counter the policies of South Africa against the Namibian people and against the United Nations and the legal Administering Authority for Namibia, the United Nations Council for Namibia;

(e) Continue to mobilize international political support in order to press for the withdrawal of the illegal South African administration from Namibia in accordance with the resolutions of the United Nations relating to Namibia;

(f) Hold a series of plenary meetings in Africa in 1980 at the highest possible level, as required for the further proper discharge of its functions, and request the Secretary-General to defray the cost of those meetings in Africa and provide the necessary staff and services for them;

(g) Inform leading opinion makers, media leaders, political and academic institutions and other concerned non-governmental organizations of Member States about the objectives and functions of the United Nations Council for Namibia and the struggle of the Namibian people under the leadership of the South West Africa People's Organization and also hold consultations with, and seek the co-operation of, those personalities and institutions by inviting them on special occasions to participate in the deliberations of the Council, thereby ensuring the most effective mobilization of public opinion in support of the cause of the Namibian people;

(h) Represent Namibia to ensure that the rights and interests of Namibia shall be protected, as appropriate, in all intergovernmental and non-governmental organizations, bodies and conferences;

(i) Take all appropriate measures to ensure the full application of, and compliance with, the provisions of Decree No. 1 for the Protection of the Natural Resources of Namibia, enacted by the United Nations Council for Namibia on 27 September 1974,³⁸ and such other measures as may be necessary to assist in the protection of the natural resources of Namibia;

(j) Formulate policies of assistance to Namibians and co-ordinate aid for Namibia provided by the specialized agencies and other organizations and bodies within the United Nations system;

(k) Act as trustee of the United Nations Fund for Namibia and, in this capacity, administer and manage the Fund;

(l) Co-ordinate, plan and direct the Nationhood Programme for Namibia in consultation with the South West Africa People's Organization;

(m) Provide broad guidelines and formulate the principles and policies for the United Nations Institute for Namibia at Lusaka;

(n) Continue to consult with the South West Africa People's Organization, as appropriate, in the formulation and implementation of its programme of work as well as in any matter of interest to the Namibian people;

(o) Continue to entrust such executive and administrative duties as it deems necessary to the United Nations Commissioner for Namibia, who, in the performance of his tasks, shall report to the Council;

3. *Decides* to increase the financial provision in the budget of the United Nations Council for Namibia to finance the Office of the South West Africa People's

³⁵ See also sect. I, foot-note 6, and sect. X.B.6, decision 34/421.

³⁶ *Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 24 (A/34/24 and Corr.1).*

³⁷ *Ibid.*, Supplement No. 23 (A/34/23/Rev.1), chaps. I-III, V and IX.

³⁸ *Ibid.*, Twenty-ninth Session, Supplement No. 24A (A/9624/Add.1), para. 84. The Decree has been issued in final form in *Namibia Gazette No. 1*.

Organization in New York, in order to ensure appropriate representation of the people of Namibia through the South West Africa People's Organization at the United Nations;

4. *Decides* to continue to defray the expenses of representatives of the South West Africa People's Organization, whenever the United Nations Council for Namibia so requires;

5. *Declares* that the United Nations is committed to genuine self-determination and national independence for Namibia and that all United Nations programmes for the benefit of the Namibian people will be carried out in accordance with the resolutions of the General Assembly in support of the struggle of the Namibian people under the leadership of the South West Africa People's Organization, their sole and authentic liberation movement, to achieve genuine self-determination and national independence for Namibia;

6. *Requests* the Secretary-General, in consultation with the President of the United Nations Council for Namibia, to review the requirements of the units which service the Council so that they may fully discharge all additional tasks and functions arising out of the new situation concerning Namibia.

*100th plenary meeting
12 December 1979*

B

INTENSIFICATION AND CO-ORDINATION OF UNITED NATIONS ACTION IN SUPPORT OF NAMIBIA

The General Assembly,

Having considered the question of Namibia,

Having examined the report of the United Nations Council for Namibia³⁹ and the relevant chapters of the report 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,⁴⁰

Recalling its resolutions 2145 (XXI) of 27 October 1966 and 2248 (S-V) of 19 May 1967, as well as its subsequent resolutions relating to Namibia,

Recalling also the Declaration on Namibia and Programme of Action in Support of Self-Determination and National Independence for Namibia, contained in General Assembly resolution S-9/2 of 3 May 1978,

Affirming that the natural resources of Namibia are the birthright of the Namibian people and that the depletion of those resources by foreign economic interests under the protection of the repressive illegal South African administration is in violation of the principles of the Charter of the United Nations and of the relevant resolutions of the General Assembly and the Security Council,

Strongly deploring the policies of those States which, despite the relevant decisions of the United Nations and the advisory opinion of the International Court of Justice of 21 June 1971,⁴¹ continue to maintain diplomatic, economic, consular and other relations with South Africa, purporting to act on behalf of or concerning Namibia, as well as military or strategic collaboration,

all of which has the effect of supporting or encouraging South Africa in its defiance of the United Nations,

Strongly condemning the support which the illegal South African administration continues to receive from those foreign economic, financial and other interests which are collaborating with it in its exploitation of the human and natural resources of, and in the further entrenchment of its illegal and racist domination over, the international Territory of Namibia,

Conscious of the continuing need to mobilize world public opinion against the involvement of foreign economic, financial and other interests in the exploitation of the human and natural resources of Namibia, which contributes to the perpetuation of the illegal South African occupation of Namibia,

1. *Calls upon* those States which have not yet done so to comply with the relevant provisions of the resolutions of the General Assembly and the Security Council relating to Namibia and the advisory opinion of the International Court of Justice of 21 June 1971;

2. *Urges* those States which have not yet done so to break off economic relations with South Africa that concern Namibia and to take measures with a view to compelling the Government of South Africa to withdraw immediately from Namibia in accordance with General Assembly resolutions 2145 (XXI) and 2248 (S-V), as well as subsequent resolutions of the Assembly and the Security Council relating to Namibia;

3. *Declares* that the natural resources of Namibia are the birthright of the Namibian people and that the exploitation of those resources by foreign economic interests under the protection of the repressive racist colonial administration, in violation of the Charter of the United Nations, of the pertinent resolutions of the General Assembly and the Security Council and of Decree No. 1 for the Protection of the Natural Resources of Namibia enacted by the United Nations Council for Namibia on 27 September 1974,⁴² is illegal and contributes to the maintenance of the illegal occupation régime;

4. *Strongly condemns* the activities of all foreign corporations operating in Namibia under the illegal South African administration which are exploiting the human and natural resources of the Territory, and demands that such exploitation cease forthwith;

5. *Appeals* to Governments to discourage private investors from their countries from participating in business ventures in Namibia which benefit the South African régime by making available additional resources to meet the military costs of its repressive policies in Namibia;

6. *Requests* the United Nations Council for Namibia to communicate with corporations supplying arms and ammunition to South Africa and urge them to cease such activities;

7. *Requests once again* all Member States to take all appropriate measures to ensure the full application of, and compliance with, the provisions of Decree No. 1 for the Protection of the Natural Resources of Namibia, and such other measures as may be necessary to assist in the protection of the natural resources of Namibia;

8. *Requests* the United Nations Council for Namibia to continue its efforts to implement Decree No. 1 for the Protection of the Natural Resources of Namibia;

9. *Requests* the United Nations Council for Namibia to continue to examine the exploitation of and trade in Namibian uranium by foreign economic interests and to

³⁹ *Ibid.*, Thirty-fourth Session, Supplement No. 24 (A/34/24 and Corr.1).

⁴⁰ *Ibid.*, Supplement No. 23 (A/34/23/Rev.1), chaps. I-III, V and IX.

⁴¹ *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.*

⁴² *Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 24A (A/9624/Add.1), para. 84. The Decree has been issued in final form in Namibia Gazette No. 1.*

report on its findings to the General Assembly at its thirty-fifth session;

10. *Requests* the United Nations Council for Namibia to notify the Governments of States whose corporations, whether public or private, operate in Namibia of the illegality of such operations and of the position of the Council in this regard;

11. *Requests* the United Nations Council for Namibia to contact administering and managing bodies of foreign corporations operating in Namibia to warn them of the illegal basis on which they are operating in Namibia and of the position of the Council in this regard.

*100th plenary meeting
12 December 1979*

C

ACTION BY INTERGOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS WITH RESPECT TO NAMIBIA

The General Assembly,

Having examined the report of the United Nations Council for Namibia⁴³ and the relevant chapters of the report 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,⁴⁴

Recalling its resolution 2248 (S-V) of 19 May 1967, by which it established the United Nations Council for Namibia to administer the Territory until independence,

Taking into account the Maputo Declaration in Support of the Peoples of Zimbabwe and Namibia and the Programme of Action for the Liberation of Zimbabwe and Namibia,⁴⁵ adopted by the International Conference in Support of the Peoples of Zimbabwe and Namibia, held at Maputo from 16 to 21 May 1977,

Recalling the Declaration on Namibia and Programme of Action in Support of Self-Determination and National Independence for Namibia, contained in General Assembly resolution S-9/2 of 3 May 1978,

Taking into account the statement of the representative of the South West Africa People's Organization⁴⁶ and conscious of the urgent and pressing need of Namibians outside Namibia for concrete assistance from the specialized agencies and other organizations within the United Nations system,

Reaffirming the responsibility of the specialized agencies and other organizations within the United Nations system to take all effective measures, within their respective spheres of competence, to ensure the full and speedy implementation of the resolutions of the United Nations relating to Namibia, particularly in the provision of moral and material assistance, on a priority basis, to the people of Namibia and their sole and authentic liberation movement, the South West Africa People's Organization,

1. *Requests* all specialized agencies and other organizations and conferences within the United Nations system to grant full membership to the United Nations Council for Namibia so that it may participate in that ca-

⁴³ *Ibid.*, Thirty-fourth Session, Supplement No. 24 (A/34/24 and Corr.1).

⁴⁴ *Ibid.*, Supplement No. 23 (A/34/23/Rev.1), chaps. I-III, V and IX.

⁴⁵ A/32/109/Rev.1-S/12344/Rev.1, annex V. For the printed text, see *Official Records of the Security Council, Thirty-second Year, Supplement for July, August and September 1977*.

⁴⁶ *Official Records of the General Assembly, Thirty-fourth Session, Plenary Meetings*, 91st meeting, paras. 38-73.

capacity as the Administering Authority for Namibia in the work of those agencies, organizations and conferences;

2. *Requests* the specialized agencies and other organizations within the United Nations system to grant a waiver of the assessment of Namibia during the period in which Namibia is represented by the United Nations Council for Namibia;

3. *Requests* all intergovernmental and non-governmental organizations, bodies and conferences to ensure that the rights and interests of Namibia shall be protected and to invite the United Nations Council for Namibia to participate, in its capacity as the Administering Authority for Namibia, as a full member whenever such rights and interests are involved;

4. *Decides*, in accordance with section I of its resolution 1995 (XIX) of 30 December 1964, by which it established the United Nations Conference on Trade and Development as an organ of the General Assembly, to grant full membership in the Conference to Namibia, represented by the United Nations Council for Namibia as the legal Administering Authority for Namibia;

5. *Decides*, in accordance with paragraph 8 (b) of its resolution 3067 (XXVIII) of 16 November 1973, by which it convened the Third United Nations Conference on the Law of the Sea, to grant full membership in the Conference to Namibia, represented by the United Nations Council for Namibia as the legal Administering Authority for Namibia.

*100th plenary meeting
12 December 1979*

D

NATIONHOOD PROGRAMME FOR NAMIBIA

The General Assembly,

Having examined the report of the United Nations Council for Namibia on the Nationhood Programme for Namibia,⁴⁷

Recalling its resolution 2145 (XXI) of 27 October 1966, by which it decided that the United Nations would assume direct responsibility for Namibia, as well as its resolution 2248 (S-V) of 19 May 1967, by which it established the United Nations Council for Namibia to administer the Territory until independence,

Recalling also the Declaration on Namibia and Programme of Action in Support of Self-Determination and National Independence for Namibia, contained in General Assembly resolution S-9/2 of 3 May 1978,

Recalling further its resolution 31/153 of 20 December 1976, by which it decided to launch a comprehensive assistance programme within the United Nations system, covering both the period of struggle for independence and the initial years of independence of Namibia,

Aware of the decisive stage achieved in the struggle of the Namibian people for self-determination, freedom and independence under the leadership of the South West Africa People's Organization,

Recognizing that, by assuming direct responsibility for Namibia, the United Nations and its Member States have also assumed the responsibility for assisting the people of Namibia morally and materially,

Recalling its resolution 2679 (XXV) of 9 December 1970, by which it decided to establish the United Nations Fund for Namibia, as well as subsequent resolutions relating to the Fund,

⁴⁷ *Ibid.*, Thirty-fourth Session, Supplement No. 24 (A/34/24 and Corr.1), vol. I, chap. VI, sect. B; and *ibid.*, Supplement No. 24A (A/34/24/Add.1).

Commending the steps taken by various specialized agencies, in particular the Food and Agriculture Organization of the United Nations and the United Nations Educational, Scientific and Cultural Organization, to provide assistance to Namibia in the framework of the Nationhood Programme for Namibia,

Noting with appreciation the contribution of the United Nations Development Programme in the implementation of projects related to the Nationhood Programme for Namibia,

Reaffirming its determination to fulfil its responsibility towards the people and Territory of Namibia,

1. *Requests* the United Nations Council for Namibia, as the legal Administering Authority for the Territory until independence, to continue to direct and co-ordinate, in consultation with the South West Africa People's Organization, the planning and implementation of the Nationhood Programme for Namibia, with the aim of consolidating all measures of assistance to Namibians by the specialized agencies and other organizations and bodies within the United Nations system into a comprehensive assistance programme of the United Nations system;

2. *Commends* the progress made in bringing the pre-independence components of the Nationhood Programme for Namibia to the stage of implementation and requests the United Nations Council for Namibia to elaborate and consider in due course policies and contingency plans regarding the transitional and post-independence phases of the Programme;

3. *Expresses its appreciation* to those specialized agencies and other organizations and bodies within the United Nations system which have contributed to the Nationhood Programme for Namibia and calls upon them to continue their participation in the Programme by:

(a) Implementing projects approved by the United Nations Council for Namibia;

(b) Preparing new project proposals at the request of the Council;

(c) Allocating funds from their own financial resources for the implementation of the projects approved by the Council;

4. *Requests* the specialized agencies and other organizations and bodies within the United Nations system, when planning and initiating new assistance measures for Namibia, to do so to the extent feasible within the context of the Nationhood Programme for Namibia;

5. *Expresses its appreciation* to the United Nations Development Programme for its contribution to the financing and administration of the Nationhood Programme for Namibia and calls upon it to continue to allocate, at the request of the United Nations Council for Namibia, funds from the indicative planning figure for Namibia for the implementation of the projects within the Nationhood Programme;

6. *Expresses its appreciation* to the United Nations Educational, Scientific and Cultural Organization for its substantial contribution to the Nationhood Programme for Namibia, in particular for its emphasis on the cultural identity of the Namibian people and the preparation and implementation of an educational programme for the benefit of the Namibian people in close co-operation with the South West Africa People's Organization;

7. *Expresses its appreciation* to the Food and Agriculture Organization of the United Nations for its substantial contribution to the Nationhood Programme for Namibia, in particular for its emphasis on the de-

velopment of agricultural skills of Namibians in close and continuous co-operation with the South West Africa People's Organization;

8. *Expresses its appreciation* to all Governments, intergovernmental and non-governmental organizations and individuals that have made voluntary contributions to the Nationhood Programme for Namibia and appeals to them to make further financial contributions to the Programme through the United Nations Fund for Namibia;

9. *Requests* the Secretary-General and the President of the United Nations Council for Namibia to appeal to Governments, intergovernmental and non-governmental organizations and individuals for additional financial contributions to the Nationhood Programme for Namibia through the United Nations Fund for Namibia;

10. *Requests* the Secretary-General to provide the Office of the United Nations Commissioner for Namibia with the necessary resources for the performance of its responsibilities, entrusted to it by the United Nations Council for Namibia, as the co-ordinating authority in the implementation of the Nationhood Programme for Namibia.

*100th plenary meeting
12 December 1979*

E

UNITED NATIONS FUND FOR NAMIBIA

The General Assembly,

Having examined the report of the United Nations Council for Namibia on the United Nations Fund for Namibia,⁴⁸

Recalling its resolution 2145 (XXI) of 27 October 1966, by which it decided that the United Nations would terminate the Mandate of South Africa over Namibia and assume direct responsibility for the Territory until independence, and its resolution 2248 (S-V) of 19 May 1967, by which it established the United Nations Council for Namibia,

Recalling also its resolution 3112 (XXVIII) of 12 December 1973, by which it appointed the United Nations Council for Namibia trustee of the United Nations Fund for Namibia,

Reaffirming its determination to continue to discharge its responsibility with regard to the Territory in accordance with General Assembly resolution 2248 (S-V) and subsequent resolutions of the Assembly and the Security Council,

Mindful that, by assuming direct responsibility for Namibia, the United Nations accepted a solemn obligation to grant all possible support to the Namibian people in their struggle for self-determination, freedom and national independence in a united Namibia,

Convinced of the need to grant all possible material assistance to Namibians and their dependants who are victims of South Africa's repressive and discriminatory policies,

1. *Takes note* of the report of the United Nations Council for Namibia on the United Nations Fund for Namibia and approves the conclusions and recommendations contained therein;

2. *Expresses its appreciation* to all States, the specialized agencies and other organizations within the United Nations system, governmental and non-governmental organizations and individuals that have made vol-

⁴⁸ *Ibid.*, chap. VI. See also *Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 24A (A/34/24/Add.1)*.

untary contributions to the United Nations Fund for Namibia;

3. *Decides* that the utilization of the resources of the United Nations Fund for Namibia should be considered also in the context of the implementation of the Nationhood Programme for Namibia;

4. *Decides* to allocate as a temporary measure to the United Nations Fund for Namibia the sum of \$US 500,000 from the regular budget of the United Nations for 1980;

5. *Requests* the Secretary-General and the United Nations Council for Namibia to intensify appeals to Governments, intergovernmental and non-governmental organizations and individuals for generous voluntary contributions to the United Nations Fund for Namibia;

6. *Invites* Governments to appeal once more to their national organizations and institutions for voluntary contributions to the United Nations Fund for Namibia;

7. *Expresses its appreciation* to the specialized agencies and other organizations within the United Nations system for their assistance to Namibians and requests them to give priority, in consultation with the United Nations Council for Namibia, to the allocation of funds for material assistance to the Namibian people;

8. *Expresses its appreciation* of the efforts of the United Nations High Commissioner for Refugees to assist Namibian refugees;

9. *Decides* that Namibians shall continue to be eligible for assistance through the United Nations Educational and Training Programme for Southern Africa and the United Nations Trust Fund for South Africa;

10. *Requests* the United Nations Council for Namibia to report to the General Assembly at its thirty-fifth session on the implementation of the present resolution.

*100th plenary meeting
12 December 1979*

F

DISSEMINATION OF INFORMATION ON NAMIBIA

The General Assembly,

Having examined the report of the United Nations Council for Namibia⁴⁹ and the relevant chapters of the report 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,⁵⁰

Recalling its resolutions 2145 (XXI) of 27 October 1966 and 2248 (S-V) of 19 May 1967, as well as subsequent resolutions of the General Assembly and the Security Council relating to Namibia,

Recalling also the Declaration on Namibia and Programme of Action in Support of Self-Determination and National Independence for Namibia, contained in General Assembly resolution S-9/2 of 3 May 1978,

Stressing the urgent need to arouse world public opinion on a continuous basis with a view to assisting effectively the people of Namibia to achieve self-determination, freedom and independence in a united Namibia and, in particular, to intensify the widespread and continuous dissemination of information on the struggle for liberation being waged by the people of Namibia, guided by their liberation movement, the South West Africa People's Organization,

⁴⁹ *Ibid.*, Supplement No. 24 (A/34/24 and Corr.1).

⁵⁰ *Ibid.*, Supplement No. 23 (A/34/23/Rev.1), chaps. I-III, V and IX.

Reiterating the importance of publicity as an instrument for furthering the mandate given by the General Assembly to the United Nations Council for Namibia and mindful of the pressing need for the Department of Public Information of the Secretariat to intensify its efforts to acquaint world public opinion with all aspects of the question of Namibia,

1. *Requests* the Secretary-General to direct the Department of Public Information of the Secretariat, in consultation with the United Nations Council for Namibia, to continue to make every effort to generate publicity and disseminate information with a view to mobilizing public support for the independence of Namibia;

2. *Requests* all specialized agencies and other organizations within the United Nations system to intensify the dissemination of information on Namibia in consultation with the United Nations Council for Namibia;

3. *Requests* the Secretary-General to assist the United Nations Council for Namibia in the dissemination of information related to the activities undertaken by the Council;

4. *Requests* the United Nations Council for Namibia to review the most effective means for the publication of a United Nations Yearbook on Namibia as the authoritative source on the question of Namibia;

5. *Requests* the International Telecommunication Union to assign to the United Nations Council for Namibia, in its capacity as the legal Administering Authority for Namibia, an adequate number of frequencies to be used for broadcasting inside Namibia;

6. *Authorizes* the United Nations Council for Namibia, pending the establishment of its own broadcasting service, to assign to the Governments of neighbouring African countries, for use inside Namibia, frequencies allocated to the Council by the International Telecommunication Union;

7. *Requests* the United Nations Council for Namibia, in consultation with the International Telecommunication Union, to investigate the jamming by South Africa inside Namibia of radio broadcasts reaching Namibia, with a view to instituting legal proceedings against South Africa before the International Frequency Registration Board;

8. *Decides* to allocate the sum of \$US 100,000 for the activities of the United Nations Council for Namibia related to the International Year of Solidarity with the People of Namibia, which extends until 3 May 1980.

*100th plenary meeting
12 December 1979*

G

SITUATION IN NAMIBIA RESULTING FROM THE ILLEGAL OCCUPATION OF THE TERRITORY BY SOUTH AFRICA

The General Assembly,

Having examined the report of the United Nations Council for Namibia⁵¹ and the relevant chapters of the report 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,⁵²

Recalling its resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

⁵¹ *Ibid.*, Supplement No. 24 (A/34/24 and Corr.1).

⁵² *Ibid.*, Supplement No. 23 (A/34/23/Rev.1), chaps. I-III, V and IX.

Recalling, in particular, its resolutions 2145 (XXI) of 27 October 1966 and 2248 (S-V) of 19 May 1967 and subsequent resolutions of the General Assembly and the Security Council relating to Namibia, as well as the advisory opinion of the International Court of Justice of 21 June 1971,⁵³ delivered in response to the request addressed to it by the Council in its resolution 284 (1970) of 29 July 1970,

Taking into consideration the resolution on Namibia adopted by the Council of Ministers of the Organization of African Unity at its thirty-third ordinary session, held at Monrovia from 6 to 20 July 1979,⁵⁴ especially its decision that, in the event of the failure of the Security Council to adopt effective enforcement measures against the régime in South Africa and to impose comprehensive and mandatory sanctions under Chapter VII of the Charter of the United Nations, the Council of Ministers of the Organization of African Unity should meet in an extraordinary session to devise a new strategy for the liberation of Namibia,

Taking into consideration the decision on Namibia adopted by the Sixth Conference of Heads of State or Government of Non-Aligned Countries, held at Havana from 3 to 9 September 1979,⁵⁵

Reaffirming that the Territory and people of Namibia are the direct responsibility of the United Nations and that the Namibian people must be enabled to attain self-determination and independence within a united Namibia,

Stressing the grave responsibility of the international community to take all possible measures in support of the Namibian people in their liberation struggle under the leadership of their sole and authentic representative, the South West Africa People's Organization,

Indignant at the arbitrary imprisonment and detention of political leaders and followers of the South West Africa People's Organization, the killing of Namibian patriots and other acts of brutality, including the wanton beating, torture and murder of innocent Namibians, and the arbitrary inhuman measures of collective punishment and measures designed to intimidate the Namibian people and to destroy their will to fulfil their legitimate aspirations for self-determination, freedom and national independence in a united Namibia,

Strongly condemning South Africa's continued illegal occupation of Namibia, its brutal repression of the Namibian people and its ruthless exploitation of the people and resources of Namibia, as well as its efforts to destroy the national unity and territorial integrity of Namibia,

Strongly condemning South Africa for its refusal to comply with Security Council resolutions 385 (1976) of 30 January 1976, 431 (1978) of 27 July 1978, 435 (1978) of 29 September 1978 and 439 (1978) of 13 November 1978 and for its decision to promote bogus arrangements under the pretence of conducting a *bona fide* electoral process and to create a neo-colonial puppet régime in Namibia in order to maintain its policies of domination and exploitation of the people and the natural resources of the Territory,

Renewing its call upon the international community, especially all Member States, to refrain from according any recognition to or co-operating with any régime which the illegal South African administration may im-

pose upon the Namibian people in disregard of the provisions of the resolutions of the General Assembly and the Security Council relating to Namibia,

Noting with satisfaction the persistent opposition of the Namibian people to South Africa's illegal presence in the Territory and to its oppressive racist policies and, in particular, the progress of their struggle in all its forms for national liberation under the leadership of the South West Africa People's Organization,

Strongly reiterating its support for the national liberation movement of Namibia, the South West Africa People's Organization, the sole and authentic representative of the Namibian people in their struggle to achieve self-determination, freedom and national independence in a united Namibia,

Reaffirming its full support for the armed struggle of the Namibian people under the leadership of the South West Africa People's Organization,

Strongly condemning, as an act of colonial expansion, the decision of South Africa to annex Walvis Bay, thereby undermining the unity and territorial integrity of Namibia,

Strongly deploring the policies of those States which, despite the relevant decisions of the United Nations and the advisory opinion of the International Court of Justice of 21 June 1971, continue to maintain diplomatic, economic, consular and other relations with South Africa, purporting to act on behalf of or concerning Namibia, as well as military or strategic collaboration, all of which has the effect of supporting or encouraging South Africa in its defiance of the United Nations,

Strongly condemning the racist régime of South Africa for its efforts to develop a nuclear capability for military and aggressive purposes,

Deeply concerned by the increasing militarization of Namibia and by the continuing acts of aggression against neighbouring independent African countries, including the most recent acts of aggression against Angola and Zambia which resulted in extensive loss of human lives and destruction of economic infrastructures,

Reaffirming that the natural resources of Namibia are the birthright of the Namibian people and that the exploitation of those resources by foreign economic interests under the protection of the repressive racist colonial administration, in violation of the Charter of the United Nations, of the pertinent resolutions of the General Assembly and the Security Council and of Decree No. 1 for the Protection of the Natural Resources of Namibia enacted by the United Nations Council for Namibia on 27 September 1974,⁵⁶ is illegal and contributes to the maintenance of the illegal occupation régime,

Strongly supporting the efforts of the United Nations Council for Namibia in the discharge of the responsibilities entrusted to it under the relevant resolutions of the General Assembly,

1. *Approves* the report of the United Nations Council for Namibia;

2. *Reiterates* that Namibia is the direct responsibility of the United Nations until genuine self-determination and national independence are achieved in the Territory and, for this purpose, reaffirms the mandate given to the United Nations Council for Namibia as the legal Administering Authority for Namibia until independence;

⁵³ *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.*

⁵⁴ A/34/552, annex I, resolution CM/Res.720 (XXXIII).

⁵⁵ See A/34/542, annex, sect. I, paras. 61-73.

⁵⁶ *Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 24A (A/9624/Add.1), para. 84.* The Decree has been issued in final form in *Namibia Gazette No. 1.*

3. *Reaffirms* that the national liberation movement of Namibia, the South West Africa People's Organization, is the sole and authentic representative of the Namibian people;

4. *Reaffirms* the inalienable right of the people of Namibia to self-determination, freedom and national independence in a united Namibia, including Walvis Bay, in accordance with the Charter of the United Nations and as recognized in resolutions 1514 (XV) and 2145 (XXI), as well as in subsequent resolutions of the General Assembly relating to Namibia, and the legitimacy of their struggle by all means at their disposal, including armed struggle, against the illegal occupation of their Territory by South Africa;

5. *Requests* all Member States to co-operate fully with the United Nations Council for Namibia, the legal Administering Authority for the Territory until independence, in discharging the mandate entrusted to it under the provisions of General Assembly resolution 2248 (S-V) and subsequent resolutions of the Assembly;

6. *Declares* that the continued illegal occupation of Namibia by South Africa constitutes an act of aggression against the Namibian people and their national liberation movement, as well as against the United Nations, which has direct responsibility over the Territory until independence;

7. *Strongly condemns* the South African régime for its persistent refusal to comply with the resolutions of the General Assembly relating to Namibia;

8. *Strongly condemns also* the manoeuvres of South Africa to impose in Namibia a so-called internal settlement, designed to give a semblance of power to a puppet régime and a cover of legality to the racist occupation, as an alternative to the South West Africa People's Organization, which is fighting for the genuine national and social liberation of Namibia as a united political entity;

9. *Solemnly reaffirms* that a just and durable settlement of the question of Namibia is possible only with the direct and full participation of the South West Africa People's Organization, the sole and authentic representative of the Namibian people, and that the parties to the conflict in Namibia are, on the one hand, South Africa, which is illegally occupying the Territory and committing aggression against the people, and, on the other, the Namibian people, under the leadership of the South West Africa People's Organization, supported by the United Nations, which has direct responsibility for the Territory until independence;

10. *Calls upon* the international community, especially all Member States, to continue to refrain from according any recognition to or co-operating with any régime which the illegal South African administration may impose upon the Namibian people in disregard of the provisions of Security Council resolution 385 (1976) and other relevant resolutions of the General Assembly and the Council;

11. *Reiterates* that Walvis Bay is an integral part of Namibia in accordance with United Nations resolutions, in particular General Assembly resolution S-9/2 of 3 May 1978 and Security Council resolution 432 (1978) of 27 July 1978, and that any decision by South Africa to annex Walvis Bay is therefore illegal, null and void;

12. *Supports* the armed struggle of the Namibian people, led by the South West Africa People's Organization, to achieve self-determination, freedom and national independence in a united Namibia;

13. *Appeals* to all Member States to grant all necessary support and assistance to the South West Africa

People's Organization in its struggle to achieve national independence in a united Namibia;

14. *Strongly condemns* the illegal South African administration for its massive repression of the people of Namibia and their national liberation movement, the South West Africa People's Organization, with the intention of establishing, among other things, an atmosphere of intimidation and terror for the purpose of imposing upon the Namibian people a political arrangement aimed at subverting the territorial integrity and unity of Namibia as well as perpetuating the systematic plunder of the national resources of the Territory;

15. *Demands* that South Africa immediately release all Namibian political prisoners, including all those imprisoned or detained in connexion with "offences" under the so-called internal security laws, martial law or any other arbitrary measures, whether such Namibians have been charged or tried or are being held without charge in Namibia or South Africa;

16. *Strongly condemns* South Africa for its ever-increasing military build-up in Namibia, its recruitment and training of Namibians for tribal armies and the use of other agents to carry out its policy of military attacks against neighbouring States, its threats and acts of aggression against independent African countries and the forcible and wholesale displacement of Namibians from their homes for military and political purposes;

17. *Calls upon* all States to take effective legislative measures to prevent the recruitment, training and transit of mercenaries for service in Namibia;

18. *Declares* that South Africa's consistent defiance of the United Nations, its illegal occupation of the Territory of Namibia and its war of repression against the Namibian people, its persistent acts of aggression launched from bases in Namibia against independent African countries, its present policy of colonial expansion, its policy of *apartheid* and its development of nuclear weapons constitute a serious threat to international peace and security;

19. *Condemns* those Western States which have assisted South Africa in developing a nuclear capability and urges again all Member States, individually and collectively, to frustrate the attempts by South Africa to develop nuclear weapons;

20. *Strongly condemns* the activities of all foreign corporations operating in Namibia under the illegal South African administration which are exploiting illegally the human and natural resources of the Territory and demands that transnational corporations comply with all pertinent resolutions of the United Nations by immediately abstaining from any new investment in Namibia, by withdrawing from the Territory and generally by putting an end to their co-operation with the illegal South African administration;

21. *Strongly condemns* South Africa for obstructing the implementation of Security Council resolutions 385 (1976), 435 (1978) and 439 (1978) and its manoeuvres, in contravention of those resolutions, designed to consolidate its colonial and neo-colonial interests at the expense of the legitimate aspirations of the Namibian people for genuine self-determination, freedom and national independence in a united Namibia;

22. *Demands* that South Africa urgently comply fully and unconditionally with the resolutions of the Security Council, in particular resolution 385 (1976) and subsequent resolutions of the Council relating to Namibia;

23. *Calls upon* the Security Council to act decisively against any dilatory manoeuvres and fraudulent schemes

of the illegal occupation régime aimed at frustrating the legitimate aspirations of the Namibian people, under the leadership of the South West Africa People's Organization, for self-determination and national liberation as well as negating the achievements of their just struggle;

24. *Solemnly calls once again upon* the Security Council to convene urgently to impose comprehensive and mandatory sanctions against South Africa, as provided for under Chapter VII of the Charter of the United Nations, in order to ensure South Africa's immediate compliance with the resolutions and decisions of the United Nations relating to Namibia.

100th plenary meeting
12 December 1979

34/93. Policies of apartheid of the Government of South Africa⁵⁷

A

SITUATION IN SOUTH AFRICA

The General Assembly,

Having considered the report of the Special Committee against Apartheid,⁵⁸

Recalling and reaffirming the Programme of Action against Apartheid adopted by the General Assembly in its resolution 31/6 J of 9 November 1976,

Taking note of the conclusions of the United Nations Seminar on Nuclear Collaboration with South Africa, held in London on 24 and 25 February 1979,⁵⁹ and of the International Seminar on the Role of Transnational Corporations in South Africa, held in London from 2 to 4 November 1979,⁶⁰

Gravely concerned about the situation in South Africa, and in southern Africa as a whole, resulting from the policies and actions of the apartheid régime, in particular its efforts to perpetuate and consolidate racist domination in the country, its policy of "bantustanization", its brutal repression of opponents of apartheid and its constant acts of aggression against neighbouring States,

Reaffirming that apartheid is a crime against humanity,

Reaffirming further that the policies and actions of the apartheid régime constitute a threat to international peace and security,

Conscious of the responsibility of the United Nations and the international community to secure the elimination of apartheid and the liberation of the South African people,

Recalling, in particular, its resolution 3411 C (XXX) of 28 November 1975 in which it proclaimed that the United Nations and the international community had a special responsibility towards the oppressed people of South Africa and their national liberation movements,

Reaffirming that any collaboration with the racist régime of South Africa constitutes a hostile act against the oppressed people of South Africa and a contemptuous defiance of the United Nations and of the international community,

Considering that such collaboration strengthens the racist régime, encourages it to persist in its repressive

and aggressive policies and seriously aggravates the situation in South Africa, thereby constituting a threat to international peace and security,

Reiterating its firm conviction that mandatory economic sanctions under Chapter VII of the Charter of the United Nations are essential to facilitate the speedy eradication of apartheid,

Concerned that the major Western and other trading partners of South Africa continue to collaborate with the racist régime and that their collaboration constitutes the main obstacle to the liquidation of the racist régime and the elimination of the inhuman and criminal system of apartheid,

Alarmed at the continued collaboration of certain Western States and Israel with the racist régime of South Africa in the nuclear field,

Recognizing that utmost priority must be accorded to international action to secure the full implementation of the resolutions of the United Nations for the eradication of apartheid and the liberation of the South African people,

Convinced that it is incumbent on the international community to provide all necessary assistance to the national liberation movement and its legitimate struggle,

Recalling the launching by the United Nations on 21 March 1979 of the international mobilization against apartheid, with particular emphasis on the cessation of all collaboration with the apartheid régime and full support of the national liberation movement of South Africa,

1. *Strongly condemns* the illegitimate minority racist régime of South Africa for its criminal policies and actions;

2. *Again proclaims* its full support of the national liberation movement of South Africa, as the authentic representative of the South African people, in its just struggle for freedom;

3. *Reaffirms* the legitimacy of the struggle of the oppressed people of South Africa and their national liberation movement—by all available and appropriate means, including armed struggle—for the seizure of power by the people, the elimination of the apartheid régime and the exercise of the right of self-determination by the people of South Africa as a whole;

4. *Commends* all States which have provided assistance to the national liberation movement of South Africa and urges them to increase such assistance;

5. *Appeals* to all States to provide all necessary assistance to the national liberation movement of South Africa in this crucial stage of its struggle;

6. *Condemns* the plan of the apartheid régime for the creation of a "constellation of States" in southern Africa as a scheme for the establishment of its hegemony in the region and the perpetuation of racist domination and exploitation;

7. *Reaffirms* the commitment of the United Nations to the total eradication of apartheid and the destruction of the racist régime, rather than so-called reforms by the apartheid régime;

8. *Declares* that any collaboration with the racist régime and apartheid institutions is a hostile act against the purposes and principles of the United Nations and constitutes a threat to international peace and security;

9. *Condemns* the continuing political, military, nuclear, economic and other collaboration of certain States with the racist régime of South Africa in disregard of United Nations resolutions—in particular the United Kingdom of Great Britain and Northern Ireland, the

⁵⁷ See also sect. I, foot-note 7; sect. X.B.1, decision 34/404; and sect. X.B.3, decision 34/423.

⁵⁸ Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 22 (A/34/22).

⁵⁹ See Official Records of the Security Council, Thirty-fourth Year, Supplement for January, February and March 1979, document S/13157.

⁶⁰ See A/34/655, annex.