

1986, which constitutes a violation of the Charter of the United Nations and of international law;

2. *Calls upon* the Government of the United States in this regard to refrain from the threat or use of force in the settlement of disputes and differences with the Libyan Arab Jamahiriya and to resort to peaceful means in accordance with the Charter of the United Nations;

3. *Calls upon* all States to refrain from extending any assistance or facilities for perpetrating acts of aggression against the Libyan Arab Jamahiriya;

4. *Affirms* the right of the Libyan Arab Jamahiriya to receive appropriate compensation for the material and human losses inflicted upon it;

5. *Requests* the Security Council to remain seized of the matter and requests the Secretary-General to report thereon to the General Assembly at its forty-second session.

78th plenary meeting
20 November 1986

41/39. Question of Namibia⁶²

A

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

The General Assembly,

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

Recalling also its resolution 2145 (XXI) of 27 October 1966, by which it terminated the Mandate of South Africa over Namibia and placed the Territory under the direct responsibility of the United Nations,

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

Having examined the report of the United Nations Council for Namibia,⁶³

Having examined also the relevant chapter 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,⁶⁴

Recalling further other resolutions and decisions declaring the illegality of the continued occupation of Namibia by South Africa, in particular Security Council resolutions 284 (1970) of 29 July 1970 and 301 (1971) of 20 October 1971, and the advisory opinion of the International Court of Justice of 21 June 1971,⁶⁵

Bearing in mind that 1986 marks the twentieth anniversary of the termination of the Mandate of South Africa over Namibia by the General Assembly, and expressing its grave concern that, in the period of time that has elapsed, South Africa has continued its illegal occupation of Na-

mbia in defiance of resolutions and decisions of the Assembly,

Recalling also its resolutions 3111 (XXVIII) of 12 December 1973 and 31/146 and 31/152 of 20 December 1976, by which, *inter alia*, it recognized the South West Africa People's Organization as the sole and authentic representative of the Namibian people and granted observer status to it,

Recalling further its resolutions ES-8/2 of 14 September 1981 and 36/121 B of 10 December 1981, by which it called upon States to cease forthwith, individually and collectively, all dealings with South Africa in order to isolate it totally, politically, economically, militarily and culturally,

Taking note of debates held in the Security Council from 13 to 15 November 1985⁶⁶ calling for the imposition of mandatory selective sanctions against South Africa under Chapter VII of the Charter of the United Nations, as well as those held in the Council from 5 to 13 February 1986 and on 22 May 1986 on the situation in southern Africa,⁶⁷

Welcoming the special communiqué⁶⁸ and the final communiqué⁶⁹ adopted at the Meeting of Ministers and Heads of Delegation of Non-Aligned Countries to the Fortieth Session of the General Assembly, held in New York on 1 October 1985, the Final Political Declaration adopted by the Conference of Foreign Ministers of Non-Aligned Countries, held at Luanda from 4 to 7 September 1985,⁷⁰ the communiqué adopted by the Co-ordinating Bureau of the Movement of Non-Aligned Countries on 25 November 1985 regarding the situation in southern Africa following the repeal of the Clark Amendment by the United States Congress,⁷¹ the Political Declaration adopted at the Ministerial Meeting of the Co-ordinating Bureau of the Movement of Non-Aligned Countries, held at New Delhi from 16 to 19 April 1986,⁷² the final communiqué of the Meeting of Ministers and Heads of Delegation of Non-Aligned Countries to the Forty-first Session of the General Assembly, held in New York on 2 October 1986,⁷³ the final documents of the Eighth Conference of Heads of State or Government of Non-Aligned Countries, held at Harare from 1 to 6 September 1986,⁷⁴ the Final Communiqué of the Seminar on World Action for the Immediate Independence of Namibia, held at Valletta from 19 to 23 May 1986,⁷⁵ the Declaration of the International Conference for the Immediate Independence of Namibia, the Programme of Action on Namibia and the Appeal for the Immediate Independence of Namibia issued by the eminent persons participating in the Conference,⁷⁶ the resolution adopted by the Council of Ministers of the Organization of African Unity at its forty-fourth ordinary session, held at Addis Ababa from 21 to 26 July 1986, on the refusal of a Government to impose sanctions on South Africa,⁷⁶ and the Declaration adopted by the Assembly of

⁶⁶ See *Official Records of the Security Council, Forty-first Year*, 2624th-2626th, 2628th and 2629th meetings.

⁶⁷ *Ibid.*, 2652nd, 2654th, 2656th-2662nd and 2684th meetings.

⁶⁸ A/40/699-S/17518, annex. For the printed text, see *Official Records of the Security Council, Fortieth Year. Supplement for October, November and December 1985*, document S/17518, annex.

⁶⁹ A/40/704-S/17521, annex.

⁷⁰ A/40/854-S/17610 and Corr.1, annex I.

⁷¹ A/40/951-S/17656, annex. For the printed text, see *Official Records of the Security Council, Fortieth Year. Supplement for October, November and December 1985*, document S/17656, annex.

⁷² A/41/341-S/18065 and Corr.1, annex I.

⁷³ A/41/703-S/18395, annex.

⁷⁴ A/AC.131/216.

⁷⁵ See *Report of the International Conference for the Immediate Independence of Namibia, Vienna, 7-11 July 1986* (United Nations publication, Sales No. E.86.I.16 and addendum), part three.

⁷⁶ A/41/654, annex I. resolution CM/Res.1039 (XLIV)/Rev.1.

⁶² See also sect. I, note 8, and sect. X.B.6, decision 41/413.

⁶³ *Official Records of the General Assembly, Forty-first Session, Supplement No. 24* (A/41/24).

⁶⁴ *Ibid.*, Supplement No. 23 (A/41/23), chap. VIII.

⁶⁵ *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.

Heads of State and Government of the Organization of African Unity at its twenty-second ordinary session, held at Addis Ababa from 28 to 30 July 1986, on the involvement of a Government in the internal affairs of the People's Republic of Angola,⁷⁷

Recalling the debates held at its special session on the question of Namibia and resolution S-14/1 of 20 September 1986 adopted at that session,

Strongly reiterating that the continuing illegal and colonial occupation of Namibia by South Africa, in defiance of repeated resolutions of the General Assembly and the Security Council, constitutes an act of aggression against the Namibian people and a challenge to the authority of the United Nations, which has direct responsibility for Namibia until independence,

Stressing the solemn responsibility of the international community to take all effective measures in support of the Namibian people in their liberation struggle under the leadership of the South West Africa People's Organization,

Noting that 1986 marks the twenty-sixth anniversary of the creation of the South West Africa People's Organization,

Reaffirming its full support for the armed struggle of the Namibian people, under the leadership of the South West Africa People's Organization, to achieve self-determination, freedom and national independence in a united Namibia, and recognizing that 1986 marks the twentieth anniversary of the launching of the armed struggle by the South West Africa People's Organization against South Africa's colonial occupation,

Indignant at South Africa's persistent refusal to comply with resolutions of the Security Council, in particular resolutions 385 (1976) of 30 January 1976, 435 (1978) of 29 September 1978, 439 (1978) of 13 November 1978, 532 (1983) of 31 May 1983, 539 (1983) of 28 October 1983 and 566 (1985) of 19 June 1985, and at its manoeuvres aimed at perpetuating its illegal occupation of Namibia and its brutal exploitation of the Namibian people,

Deeply concerned at the decision of the European Economic Community not to extend its economic sanctions imposed against South Africa on 16 September 1986 to Namibia, which is illegally occupied by the racist régime of South Africa,

Deploring South Africa's continued intransigence and insistence on irrelevant and unacceptable pre-conditions to the independence of Namibia, its attempts to bypass the United Nations and its designs aimed at perpetuating its illegal occupation of the Territory through the establishment of puppet political institutions,

Deeply concerned at South Africa's increasing militarization of Namibia, the forced conscription of Namibians, the creation of tribal armies, including the so-called South West Africa Territorial Forces, and the use of aggression against neighbouring States,

Strongly condemning the racist régime of South Africa for developing a nuclear capability for military and aggressive purposes,

Expressing its grave concern at the continued occupation of parts of southern Angola by South African troops, which has been facilitated by the support extended to the racist régime and to bandits of União Nacional para a Independência Total de Angola to destabilize Angola,

Expressing its strong condemnation of South Africa's use of the Namibian territory as a springboard for its continuing acts of aggression against independent African States, particularly Angola, Botswana, Zambia and Zimbabwe, resulting in loss of human life and destruction of economic infrastructures,

Reaffirming that the resources of Namibia are the inviolable heritage of the Namibian people and that the exploitation of those resources by foreign economic interests under the protection of the illegal colonial régime of South Africa, in violation of the Charter of the United Nations, the relevant resolutions of the General Assembly and of the Security Council, and Decree No. 1 for the Protection of the Natural Resources of Namibia,⁷⁸ enacted by the United Nations Council for Namibia on 27 September 1974, and in disregard of the advisory opinion of the International Court of Justice of 21 June 1971, is illegal and encourages the occupation régime to be even more intransigent and defiant,

Recalling the decision of the United Nations Council for Namibia of 2 May 1985 to initiate legal proceedings in the domestic courts of States against corporations or individuals involved in the exploitation, transport, processing or purchase of Namibia's natural resources, as part of its efforts to give effect to Decree No. 1 for the Protection of the Natural Resources of Namibia,

Deeply deploring the continued collaboration between certain States and South Africa in the political, military, economic and nuclear fields, in disregard of the relevant resolutions of the General Assembly and the Security Council,

Deeply concerned at the continued assistance rendered to the racist Pretoria régime by certain international organizations and institutions, particularly the International Monetary Fund and the World Bank, in disregard of the relevant resolutions of the General Assembly,

Indignant at the continuing arbitrary imprisonment and detention of leaders, members and supporters of the South West Africa People's Organization, and the killing, torture and murder of innocent Namibians, as well as other inhuman measures by the illegal occupation régime designed to intimidate the Namibian people and to destroy their determination to fulfil their legitimate aspirations for self-determination, freedom and national independence in a united Namibia,

Noting with grave concern that the Security Council has been prevented, on account of the vetoes cast by two of its Western permanent members, from carrying out its responsibility under Chapter VII of the Charter,

Commending the efforts of the United Nations Council for Namibia as the legal Administering Authority for Namibia until independence 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. *Endorses* the Declaration of the International Conference for the Immediate Independence of Namibia and the Programme of Action on Namibia, and urges the international community to implement them;
3. *Takes note* of the important debates held in the Security Council from 13 to 15 November 1985 on the question of Namibia;

⁷⁷ *Ibid.*, annex II, declaration AHG/Decl.I (XXII).

⁷⁸ *Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 24 (A/35/24), vol. I, annex II.*

4. *Further takes note* of Security Council resolution 566 (1985) by which the Council, *inter alia*, condemned South Africa for its installation of a so-called interim government in Namibia and further condemned that régime for its obstruction of the implementation of Council resolution 435 (1978) by insisting on conditions contrary to the provisions of the United Nations plan for the independence of Namibia as embodied in that resolution;

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

6. *Strongly condemns* the South African régime for its continued illegal occupation of Namibia in defiance of the resolutions of the United Nations relating to Namibia;

7. *Declares* that South Africa's illegal occupation of Namibia constitutes an act of aggression against the Namibian people in terms of the Definition of Aggression contained in General Assembly resolution 3314 (XXIX) of 14 December 1974, and supports the armed struggle of the Namibian people, under the leadership of the South West Africa People's Organization, to repel South Africa's aggression and to achieve self-determination, freedom and national independence in a united Namibia;

8. *Reiterates* that, in accordance with its resolution 2145 (XXI), Namibia is the direct responsibility of the United Nations until genuine self-determination and national independence are achieved in the Territory and, for this reason, reaffirms the mandate given to the United Nations Council for Namibia as the legal Administering Authority for Namibia until independence under its resolution 2248 (S-V) and subsequent resolutions of the General Assembly;

9. *Reaffirms* its decision that the United Nations Council for Namibia, in fulfilment of its mandate and in view of racist South Africa's arrogant refusal to withdraw from the Territory, should proceed to establish its administration in Namibia in 1987, in accordance with General Assembly resolutions 40/97 A of 13 December 1985 and S-14/1;

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

11. *Further reaffirms* that the genuine independence of Namibia can be achieved only with the direct and full participation of the South West Africa People's Organization in all efforts to implement the resolutions of the United Nations relating to Namibia;

12. *Commends* the South West Africa People's Organization for its continued intensification of the struggle on all fronts, including the armed struggle, and for its commitment to embrace all Namibian patriots in an effort to strengthen further national unity so as to ensure the territorial integrity and sovereignty of a united Namibia, and welcomes the consolidation of unity in action by the patriotic forces in Namibia under the leadership of the South West Africa People's Organization, during the critical phase of their struggle for national and social liberation;

13. *Reaffirms* its solidarity with, and support for, the South West Africa People's Organization, the sole and authentic representative of the Namibian people, and pays

tribute to that organization for the sacrifices that it has made in the field of battle and also for the spirit of statesmanship, co-operation and far-sightedness that it has displayed in the political and diplomatic arena despite the most extreme provocations on the part of the racist Pretoria régime;

14. *Reaffirms* that the United Nations plan for the independence of Namibia, embodied in Security Council resolutions 385 (1976) and 435 (1978), is the only internationally accepted basis for a peaceful settlement of the Namibian question and demands its immediate implementation without pre-condition or modification;

15. *Expresses its dismay* at the failure to date of the Security Council to discharge effectively its responsibilities for the maintenance of peace and security in southern Africa, owing to the vetoes of two of its Western permanent members;

16. *Urges* the Security Council to act decisively in fulfilment of the direct responsibility of the United Nations over Namibia and to take, without further delay, appropriate action to ensure that the United Nations plan, as embodied in Council resolution 435 (1978), is not undermined or modified in any way and that it is fully respected and implemented;

17. *Reiterates its conviction* that South Africa's continued illegal occupation of Namibia, its defiance of the resolutions of the United Nations, its brutal repression of the Namibian people, its acts of destabilization and aggression against independent African States and its policies of *apartheid* constitute a threat to international peace and security;

18. *Strongly condemns* South Africa for the imposition of the so-called interim government in Namibia on 17 June 1985, declares this measure to be null and void, affirms that it constitutes a direct affront and a clear defiance of the resolutions of the Security Council, particularly resolutions 435 (1978) and 439 (1978), and further affirms that this manoeuvre by South Africa of creating puppet institutions subservient to the interests of the racist régime is intended to consolidate Pretoria's stranglehold over Namibia;

19. *Denounces* all fraudulent constitutional and political schemes by which the illegal racist régime of South Africa attempts to perpetuate its colonial domination of Namibia, and, in particular, calls upon the international community to continue to refrain from according any recognition or extending any co-operation to any régime imposed by the illegal South African administration upon the Namibian people in violation of Security Council resolutions 385 (1976), 435 (1978), 439 (1978), 532 (1983), 539 (1983) and 566 (1985) and of other relevant resolutions of the General Assembly and the Council;

20. *Reaffirms* that all such manoeuvres are fraudulent and null and void and that they must be rejected categorically by all States as called for in the relevant resolutions of the General Assembly and the Security Council;

21. *Declares* that all so-called laws and proclamations issued by the illegal occupation régime in Namibia are illegal, null and void;

22. *Strongly urges* the Security Council to act decisively against any dilatory manoeuvres and fraudulent schemes of the illegal occupation régime aimed at frustrating the legitimate struggle of the Namibian people for self-determination and national liberation under the leadership of the South West Africa People's Organization;

23. *Reiterates* that there are only two parties to the conflict in Namibia, namely, the Namibian people repre-

sented by the South West Africa People's Organization, their sole and authentic representative, and the racist régime of South Africa, which illegally occupies Namibia;

24. *Further reiterates* that Member States must exert all efforts to counter any manoeuvres by racist South Africa and its allies aimed at circumventing the United Nations and undermining its primary responsibility for the decolonization of Namibia;

25. *Calls upon* the South African régime to desist from linking the independence of Namibia to irrelevant and extraneous issues, such as the presence of Cuban troops in Angola, as such "linkage" is incompatible with the relevant resolutions of the United Nations, particularly Security Council resolution 435 (1978);

26. *Strongly rejects* the policies of "constructive engagement" and "linkage", which have served to encourage the racist régime of South Africa to continue its illegal occupation of Namibia, and calls for their abandonment so that the resolutions and decisions of the United Nations on the question of Namibia can be implemented;

27. *Welcomes and endorses* the universal and categorical rejection of "linkage" advanced by South Africa between the independence of Namibia and irrelevant and extraneous issues, such as the presence of Cuban forces in Angola, and emphasizes unequivocally that such "linkage", in addition to delaying the decolonization process in Namibia, constitutes an interference in the internal affairs of Angola;

28. *Welcomes and endorses* the world-wide and justified condemnation of the policy of "constructive engagement" with South Africa as one which, in addition to encouraging South Africa's intransigence and thereby delaying Namibia's independence, has been discredited and made bankrupt by the very actions of the Pretoria régime both within South Africa and in the southern African region as a whole;

29. *Expresses its appreciation* to the front-line States and the South West Africa People's Organization for their statesmanlike and constructive attitude in the efforts aimed at implementing Security Council resolution 435 (1978);

30. *Reaffirms its conviction* that the solidarity and support of the front-line States for the Namibian cause continues to be a factor of paramount importance in the efforts to bring genuine independence to the Territory;

31. *Strongly urges* the international community to increase, as a matter of urgency, financial, material, military and political support to the front-line States so as to enable them to resolve their own economic difficulties, which are largely a consequence of Pretoria's policies of aggression and subversion, and to defend themselves better against South Africa's persistent attempts to destabilize them;

32. *Requests* Member States urgently to extend all necessary assistance to Angola and other front-line States in order to enable them to strengthen their defence capacity against South Africa's acts of aggression;

33. *Calls upon* Member States and the specialized agencies and other organizations of the United Nations system to render sustained and increased support, as well as material, financial, military and other assistance, to the South West Africa People's Organization so as to enable it to intensify its struggle for the liberation of Namibia;

34. *Urges* all Governments and the specialized agencies and other intergovernmental organizations to provide increased material assistance to the thousands of Namibian refugees who have been forced by the oppressive poli-

cies of the *apartheid* régime to flee Namibia, especially into the neighbouring front-line States;

35. *Solemnly reaffirms* that Namibia's accession to independence must be with its territorial integrity intact, including Walvis Bay, the Penguin Islands and other offshore islands, and reiterates that, in accordance with the resolutions of the United Nations, in particular Security Council resolution 432 (1978) of 27 July 1978 and General Assembly resolutions S-9/2 of 3 May 1978 and 35/227 A of 6 March 1981, any attempt by South Africa to annex them is, therefore, illegal, null and void;

36. *Calls upon* the Security Council to declare categorically that Walvis Bay is an integral part of Namibia and that the question should not be left as a matter for negotiation between an independent Namibia and South Africa;

37. *Strongly condemns* South Africa for obstructing the implementation of the resolutions of the United Nations, in particular Security Council resolutions 385 (1976), 435 (1978), 439 (1978), 532 (1983), 539 (1983) and 566 (1985), and for its manoeuvres, in contravention of these 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;

38. *Strongly condemns* the continuing collaboration between South Africa and certain Western countries in the political, economic, diplomatic and financial fields, and expresses its conviction that such collaboration helps to prolong South Africa's domination and control over the people and Territory of Namibia;

39. *Deplores*, in this context, the establishment and operation by racist South Africa of the so-called Namibia Information Offices in France, the Federal Republic of Germany, the United Kingdom of Great Britain and Northern Ireland and the United States of America, aimed at legitimizing its puppet institutions in Namibia, in particular the so-called interim government for which the racist régime has been condemned by the Security Council and the international community, and demands their immediate closure;

40. *Notes with appreciation* the measures taken by some States, international organizations, parliamentarians, institutions and non-governmental organizations in order to exert pressure on the racist régime of South Africa and calls upon them to redouble and intensify their efforts to force the racist régime to comply with the resolutions and decisions of the United Nations relating to Namibia and South Africa;

41. *Calls once again upon* all Governments, especially those that have close links with South Africa, to support, in co-operation with the United Nations Council for Namibia, the actions of the United Nations to defend the national rights of the Namibian people until independence and to isolate the racist régime of South Africa;

42. *Urges* Governments not to exercise their veto in the Security Council in regard to the question of the imposition of comprehensive and mandatory sanctions against South Africa, and thus to respond positively to the international call to isolate racist South Africa;

43. *Calls upon* the members of the European Economic Community to strengthen, as a matter of urgency, the economic sanctions they recently imposed against the Pretoria régime and to extend them to include illegally occupied Namibia;

44. *Strongly condemns* South Africa for its military buildup in Namibia, its introduction of compulsory military service for Namibians, its proclamation of a so-called security zone in Namibia, its recruitment and training of Namibians for tribal armies, its use of mercenaries to suppress the Namibian people and to carry out its military attacks against independent African States and its threats and acts of subversion and aggression against those States, as well as for the forcible displacement of the Namibians from their homes;

45. *Strongly condemns* South Africa for its imposition of military conscription of all Namibian males between seventeen and fifty-five years of age into the occupying colonial army, in yet further sinister attempts to suppress the national liberation struggle of the Namibian people and to force Namibians to kill one another, and declares that all measures taken by racist South Africa by which the illegal occupation régime attempts to enforce military conscription in Namibia are illegal, null and void;

46. *Strongly condemns* the racist régime of South Africa for its utilization of the international Territory of Namibia as a springboard for perpetrating armed invasions, subversion, destabilization and aggression against neighbouring African States;

47. *Denounces* the latest acts of aggression by the racist régime against Angola, Botswana, Zambia and Zimbabwe, declares that Pretoria's policy of aggression and destabilization not only undermines the peace and stability of the southern African region but also constitutes a threat to international peace and security, and calls upon South Africa to cease all acts of aggression against the neighbouring African States;

48. *Expresses its grave concern* at the acquisition of nuclear-weapon capability by the racist régime of South Africa and declares that such acquisition constitutes a threat to peace and security in Africa while posing a danger to all mankind;

49. *Condemns and calls for* an immediate end to the continuing military collaboration on the part of certain Western countries with the racist régime of South Africa, and expresses its conviction that such collaboration, in addition to strengthening the aggressive military machinery of the Pretoria régime, thereby constituting a hostile action against the people of Namibia and the front-line States, is also in violation of the arms embargo imposed against South Africa under Security Council resolution 418 (1977) of 4 November 1977;

50. *Declares* that such collaboration encourages the Pretoria régime in its defiance of the international community and obstructs efforts to eliminate *apartheid* and bring South Africa's illegal occupation of Namibia to an end, and calls for the immediate cessation of such collaboration;

51. *Calls upon* all States to implement fully the arms embargo imposed against South Africa under Security Council resolution 418 (1977);

52. *Calls upon* the Security Council to adopt the necessary measures to tighten the arms embargo imposed against South Africa under Council resolution 418 (1977) and to ensure strict compliance with the embargo by all States;

53. *Further calls upon* the Security Council to implement, as a matter of urgency, the recommendations contained in the report of the Security Council Committee established in pursuance of Council resolution 421 (1977);⁷⁹

54. *Calls upon* all States to comply with Security Council resolution 558 (1984) of 13 December 1984 and to refrain from importing arms, ammunition of all types and military vehicles produced in South Africa;

55. *Condemns* all collaboration with the Pretoria régime in the nuclear field, and calls upon all States that do so to terminate such collaboration, including refraining from supplying the racist minority régime of South Africa, directly or indirectly, with installations, equipment or material that might enable it to produce uranium, plutonium or other nuclear materials or reactors;

56. *Reiterates its call* upon all States to take legislative and other appropriate measures to prevent the recruitment, training and transit of mercenaries for service in Namibia;

57. *Strongly condemns* the illegal occupation régime of South Africa for its massive repression of the people of Namibia and their liberation movement, the South West Africa People's Organization, in an attempt to intimidate and terrorize them into submission;

58. *Demands once again* that South Africa immediately release all Namibian political prisoners, including all those imprisoned or detained 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;

59. *Demands* that South Africa account for all "disappeared" Namibians and release any who are still alive, and declares that South Africa shall be liable to compensate the victims, their families and the future lawful Government of an independent Namibia for the losses sustained;

60. *Endorses* the decision taken by the United Nations Council for Namibia and contained in paragraph 59 of the Final Document adopted by the Council at its extraordinary plenary meetings held at Vienna from 3 to 7 June 1985,⁸⁰ that it will, in the exercise of its rights under the United Nations Convention on the Law of the Sea,³³ proclaim an exclusive economic zone for Namibia, the outer limit of which shall be 200 miles, and states that any action for the implementation of that decision should be taken in consultation with the South West Africa People's Organization, the representative of the Namibian people;

61. *Reaffirms* that the natural resources of Namibia, including its marine resources, are the inviolable heritage of the Namibian people, and expresses its deep concern at the depletion of these resources, particularly its uranium deposits, as a result of their plunder by South Africa and certain Western and other foreign economic interests, in violation of the pertinent resolutions of the General Assembly and of the Security Council, of Decree No. 1 for the Protection of the Natural Resources of Namibia and in disregard of the advisory opinion of the International Court of Justice of 21 June 1971;

62. *Declares* that all activities of foreign economic interests in Namibia are illegal under international law and that all the foreign economic interests operating in Namibia are liable to pay damages to the future legitimate Government of an independent Namibia;

63. *Calls upon* the United Nations Council for Namibia, in pursuance of the relevant provisions of Decree No. 1 for the Protection of the Natural Resources of Namibia, to continue to take the necessary steps to compile statistical information on the wealth illegally extracted

⁷⁹ Official Records of the Security Council, Thirty-fifth Year, Supplement for July, August and September 1980, document S/14179.

⁸⁰ Official Records of the General Assembly, Fortieth Session, Supplement No. 24 (A/40/24), part two, chap. III, sect. A.

from Namibia with a view to assessing the extent of compensation eventually due to an independent Namibia;

64. *Strongly condemns* the activities of all foreign economic interests operating in Namibia that are illegally exploiting the resources of the Territory, and demands that these interests comply with all the relevant resolutions and decisions of the United Nations by immediately withdrawing from the Territory and by putting an end to their co-operation with the illegal South African administration;

65. *Declares* that, by their incessant exploitation of the human and natural resources of the Territory and their continued accumulation and repatriation of huge profits, the foreign economic, financial and other interests operating in Namibia constitute a major obstacle to its independence;

66. *Once again requests* all Member States, particularly those States whose corporations are engaged in the exploitation of Namibian resources, to take all appropriate measures, including legislative and enforcement action, to ensure the full application of, and compliance by all corporations and individuals within their jurisdiction with, the provisions of Decree No. 1 for the Protection of the Natural Resources of Namibia;

67. *Calls upon* the Governments of all States, particularly those whose corporations are involved in the mining and processing of Namibian uranium, to take all appropriate measures in compliance with resolutions and decisions of the United Nations and Decree No. 1 for the Protection of the Natural Resources of Namibia, including the practice of requiring negative certificates of origin, to prohibit State-owned and other corporations, together with their subsidiaries, from dealing in Namibian uranium and from engaging in any uranium-prospecting activities in Namibia;

68. *Approves* the continued efforts of the United Nations Council for Namibia to initiate legal proceedings in the domestic courts of States against corporations or individuals involved in the exploitation, transport, processing or purchase of Namibia's natural resources, as part of its efforts to give effect to Decree No. 1 for the Protection of the Natural Resources of Namibia;

69. *Requests* the Governments of the Federal Republic of Germany, the Netherlands and the United Kingdom of Great Britain and Northern Ireland, which operate the Urenco uranium-enrichment plant, to have Namibian uranium specifically excluded from the Treaty of Almelo,⁸¹ which regulates the activities of Urenco;

70. *Urges* the United Nations Council for Namibia, in its capacity as the legal Administering Authority for Namibia until independence, to consider the promulgation of additional legislation in order to protect and promote the interests of the people of Namibia, and to implement effectively such legislation;

71. *Calls upon* all specialized agencies, in particular the International Monetary Fund, to terminate all collaboration with, and assistance to, the racist régime of South Africa, since such assistance serves to augment the military capability of the Pretoria régime, thus enabling it not only to continue the brutal repression in Namibia and South Africa itself, but also to commit acts of aggression against independent neighbouring States;

72. *Reiterates its request* to all States, pending the imposition of comprehensive and mandatory sanctions against South Africa, to take legislative, administrative and other measures individually and collectively, as ap-

propriate, in order effectively to isolate South Africa politically, economically, militarily and culturally, in accordance with General Assembly resolutions ES-8/2 and 36/121 B, and resolution 37/233 A of 20 December 1982;

73. *Requests* the United Nations Council for Namibia, in its implementation of paragraph 15 of General Assembly resolution ES-8/2 and of the relevant provisions of Assembly resolutions 36/121 B and 37/233 A, to continue to monitor the boycott of South Africa and to submit to the Assembly at its forty-second session a comprehensive report on all contacts between Member States and South Africa, containing an analysis of the information received from Member States and other sources on the continuing political, economic, financial and other relations of States and their economic and other interest groups with South Africa and of measures taken by States to terminate all dealings with the racist régime of South Africa;

74. *Requests* all States to co-operate fully with the United Nations Council for Namibia in the fulfilment of its task concerning the implementation of General Assembly resolutions ES-8/2, 36/121 B and 37/233 A and to report to the Secretary-General by the forty-second session of the Assembly on the measures taken by them in the implementation of those resolutions;

75. *Declares* that the liberation struggle in Namibia is a conflict of an international character in terms of article 1, paragraph 4, of Additional Protocol I⁸² to the Geneva Conventions of 12 August 1949,⁴³ and, in this regard, demands that the Conventions and Additional Protocol I be applied by South Africa, and in particular that all captured freedom fighters be accorded prisoner-of-war status as called for by the Geneva Convention relative to the Treatment of Prisoners of War⁸² and the Additional Protocol thereto;

76. *Declares* that South Africa's defiance of the United Nations, its illegal occupation of the international Territory of Namibia, its war of repression against the Namibian people, its persistent acts of aggression against independent African States, its policies of *apartheid* and its development of nuclear capability constitute a serious threat to international peace and security;

77. *Strongly urges* the Security Council, in view of the persistent refusal by the racist régime of South Africa to comply with the resolutions and decisions of the United Nations on the question of Namibia, particularly Council resolutions 385 (1976), 435 (1978), 539 (1983) and 566 (1985), and, in the light of the serious threat to international peace and security posed by South Africa, to impose comprehensive and mandatory sanctions against that régime as provided for in Chapter VII of the Charter;

78. *Expresses its appreciation* to the Secretary-General for his personal commitment to the independence of Namibia and for his efforts aimed at the implementation of resolutions and decisions of the United Nations on the question of Namibia, particularly Security Council resolution 435 (1978), and urges him to continue those efforts;

79. *Requests* the Secretary-General to report to the General Assembly at its forty-second session on the implementation of the present resolution.

79th plenary meeting
20 November 1986

⁸¹ United Nations, *Treaty Series*, vol. 795, No. 11326, p. 308.

⁸² *Ibid.*, vol. 75, No. 972, p. 135.

B

IMPLEMENTATION OF SECURITY COUNCIL
RESOLUTION 435 (1978)

The General Assembly,

Recognizing that 1986 marks the twentieth anniversary of the termination of South Africa's Mandate over Namibia and the assumption by the United Nations of direct responsibility over the Territory,

Indignant at South Africa's persistent 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, 439 (1978) of 13 November 1978, 532 (1983) of 31 May 1983, 539 (1983) of 28 October 1983 and 566 (1985) of 19 June 1985 and at its manoeuvres aimed at gaining recognition for the illegitimate groups which it has installed in Namibia and which are subservient to Pretoria's interests, in order to maintain its policies of domination and exploitation of the people and natural resources of Namibia,

Reaffirming the imperative need to proceed, without further delay, with the implementation of Security Council resolution 435 (1978) which, together with Council resolution 385 (1976), is the only internationally accepted basis for a peaceful settlement of the question of Namibia,

Reaffirming the inalienable right of the Namibian people to freedom, self-determination and national independence in a united Namibia, in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Strongly condemning racist South Africa for its continued denial to the Namibian people of the exercise of their inalienable right to self-determination and independence,

Reaffirming that the only parties to the conflict in Namibia are, on the one hand, the Namibian people represented by the South West Africa People's Organization, their sole and authentic representative, and on the other, the racist régime of South Africa, which illegally occupies the Territory,

Strongly condemning racist South Africa for its continued illegal occupation of Namibia and its manoeuvres aimed at obstructing the implementation of Security Council resolutions, in particular resolutions 385 (1976) and 435 (1978),

Recalling that the "linkage" insisted upon by South Africa of the independence of Namibia with totally irrelevant and extraneous issues, such as the presence of Cuban forces in Angola, has been rejected by the General Assembly and the Security Council and has been condemned world wide,

Reaffirming that the Cuban forces are in Angola by a sovereign act of the Government of Angola, in accordance with the provisions of the Charter of the United Nations, and that any attempts to link their presence in that country with the independence of Namibia constitute a gross and unwarranted interference in the internal affairs of Angola,

Expressing its dismay at the fact that the Security Council has been prevented by two Western permanent members from adopting effective measures under Chapter VII of the Charter against South Africa in the discharge of its responsibilities for the maintenance of international peace and security,

Recalling its call upon all States, in view of the threat to international peace and security posed by South Africa, to impose comprehensive and mandatory sanctions against that country in accordance with the provisions of the Charter,⁸³

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

Condemning the racist régime of South Africa for its installation and maintenance of a so-called interim government in Namibia, in violation of Security Council resolutions 435 (1978), 439 (1978) and 566 (1985),

Expressing grave concern at the lack of progress in implementing Security Council resolution 435 (1978), as indicated in the further reports of the Secretary-General dated 29 December 1983,⁸⁴ 6 June 1985,⁸⁵ 6 September 1985⁸⁶ and 26 November 1985,⁸⁷ concerning the implementation of Council resolutions 435 (1978) and 439 (1978),

Gravely concerned at the use of the Territory of Namibia by the racist Pretoria régime as a springboard of aggression against, and destabilization of, front-line States, particularly against Angola,

Recalling Security Council resolution 566 (1985) by which the Council, *inter alia*, demanded that South Africa co-operate fully with the Security Council and the Secretary-General in the implementation of that resolution and warned that failure to do so would compel the Council to meet forthwith to consider the adoption of appropriate measures under the Charter,

Recalling its request to the Security Council, in view of the persistent refusal by the racist régime of South Africa to comply with the resolutions and decisions of the United Nations on the question of Namibia, in particular resolutions of the Council, and, in the light of the serious threat to international peace and security posed by South Africa, to impose comprehensive and mandatory sanctions against that régime as provided for in Chapter VII of the Charter, in fulfilment of its responsibilities under the Charter and in response to the overwhelming demand of the international community,

1. *Strongly condemns* South Africa for obstructing the implementation of Security Council resolutions 385 (1976), 435 (1978), 439 (1978), 532 (1983), 539 (1983) and 566 (1985) and for 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;

2. *Reaffirms* the direct responsibility of the United Nations over Namibia pending its achievement of self-determination and national independence;

⁸³ See resolution ES-8/2.

⁸⁴ *Official Records of the Security Council, Thirty-eighth Year, Supplement for October, November and December 1983*, document S/16237.

⁸⁵ *Ibid.*, *Fortieth Year, Supplement for April, May and June 1985*, document S/17242.

⁸⁶ *Ibid.*, *Supplement for July, August and September 1985*, document S/17442.

⁸⁷ *Ibid.*, *Supplement for October, November and December 1985*, document S/17658.

3. *Reiterates* that Security Council resolutions 385 (1976) and 435 (1978), embodying the United Nations plan for the independence of Namibia, constitute the only internationally accepted basis for a peaceful settlement of the Namibian problem, and demands their immediate and unconditional implementation;

4. *Strongly condemns* the racist régime of South Africa for the installation of the so-called interim government in Namibia on 17 June 1985, in defiance of resolutions and decisions of the United Nations, declares this measure null and void, and calls upon the international community to continue to refrain from according any recognition or extending any co-operation to any régime imposed by the illegal South African administration upon the Namibian people;

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

6. *Further demands* that South Africa urgently comply fully and unconditionally with the resolutions of the Security Council, in particular resolutions 385 (1976) and 435 (1978) and subsequent resolutions of the Council relating to Namibia;

7. *Emphasizes once again* that the only parties to the conflict in Namibia are, on the one hand, the Namibian people represented by the South West Africa People's Organization, their sole and authentic representative, and, on the other, the racist régime of South Africa which illegally occupies the Territory;

8. *Rejects* all manoeuvres by racist South Africa and its allies aimed at diverting attention from the central issue of the decolonization of Namibia by introducing an East-West confrontation to the detriment of the legitimate aspirations of the Namibian people to self-determination, freedom and national independence;

9. *Strongly condemns and rejects* the persistent attempts by South Africa to establish a "linkage" or "parallelism" between the independence of Namibia, in accordance with Security Council resolution 435 (1978), and any extraneous and irrelevant issues, in particular the presence of Cuban forces in Angola, and emphasizes unequivocally that all such attempts are designed to delay further the independence of Namibia and that they constitute a gross and unwarranted interference in the internal affairs of Angola;

10. *Strongly rejects* the policies of "constructive engagement" and "linkage", which have served to encourage the racist régime of South Africa to continue its illegal occupation of Namibia, and calls for their abandonment so that resolutions and decisions of the United Nations on the question of Namibia can be implemented;

11. *Strongly condemns* the use of the veto by two Western permanent members of the Security Council on 15 November 1985, as a result of which the Council was prevented from taking effective measures under Chapter VII of the Charter of the United Nations against South Africa and calls upon the Western permanent members of the Council to support the imposition of enforcement measures by it in order to ensure South Africa's compliance with resolutions of the Council;

12. *Strongly urges* the Security Council, in view of the persistent refusal by the racist régime of South Africa to comply with the resolutions and decisions of the United Nations on the question of Namibia, particularly Council resolutions 385 (1976), 435 (1978), 539 (1983) and 566 (1985), and, in the light of the serious threat to international peace and security posed by South Africa, to impose

comprehensive and mandatory sanctions against that régime as provided for in Chapter VII of the Charter;

13. *Requests* the Security Council to meet urgently in order to exercise its authority with regard to Namibia and to undertake decisive action in fulfilment of the direct responsibility of the United Nations over Namibia, and to take, without further delay, appropriate steps to ensure that Council resolutions 385 (1976) and 435 (1978) embodying the United Nations plan for the independence of Namibia are implemented without any pre-conditions;

14. *Reiterates* that comprehensive and mandatory sanctions under Chapter VII of the Charter are the most effective and peaceful measures to ensure the compliance of racist South Africa with the resolutions and decisions of the United Nations on the question of Namibia;

15. *Calls upon* all States, the specialized agencies and other organizations of the United Nations system and other institutions, as well as corporations, non-governmental organizations and individuals, pending the imposition by the Security Council of comprehensive and mandatory sanctions against the racist régime of South Africa under Chapter VII of the Charter, to cease all co-operation with that régime in the political, economic, diplomatic, military, nuclear, cultural, sports and other fields;

16. *Welcomes* the world-wide support that has been given to the call for sanctions against South Africa and commends those States that have adopted sanctions against the illegal occupation régime;

17. *Expresses its appreciation* to the Secretary-General for his personal commitment to the independence of Namibia and for his efforts aimed at the implementation of resolutions and decisions of the United Nations on the question of Namibia, particularly Security Council resolution 435 (1978), and urges him to continue those efforts;

18. *Requests* the Secretary-General to report to the General Assembly at its forty-second session on the implementation of the present resolution.

79th plenary meeting
20 November 1986

C

PROGRAMME OF WORK OF THE UNITED NATIONS COUNCIL FOR NAMIBIA

The General Assembly,

Having examined the report of the United Nations Council for Namibia,⁶³

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

Recalling its resolution 2145 (XXI) of 27 October 1966, by which it terminated South Africa's Mandate over Namibia and placed the Territory under the direct responsibility of the United Nations,

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 for Namibia until independence,

Recalling its resolution S-14/1 of 20 September 1986, by which it called upon the United Nations Council for Namibia to take immediate practical measures to establish its Administration in Namibia in accordance with General

Assembly resolutions 2248 (S-V) and 40/97 A of 13 December 1985,

Recognizing that 1987 will mark the twentieth anniversary of the establishment of the United Nations Council for Namibia as the legal Administering Authority for the Territory until independence,

Taking into consideration the Declaration of the International Conference for the Immediate Independence of Namibia, the Programme of Action on Namibia and the Appeal for the Immediate Independence of Namibia issued by the eminent persons participating in the Conference,⁷⁵

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

Deeply conscious of the urgent and continuing need to press for the termination of South Africa's illegal occupation of Namibia and to put an end to its repression of the Namibian people and its exploitation of the natural resources of the Territory,

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

2. *Expresses its strong support* for the efforts of the United Nations Council for Namibia in the discharge of the responsibilities entrusted to it, both as the legal Administering Authority for Namibia and as a policy-making organ of the United Nations;

3. *Requests* all Member States to co-operate fully with the United Nations Council for Namibia in the discharge of the mandate entrusted to it under the provisions of General Assembly resolution 2248 (S-V) and subsequent resolutions of the Assembly;

4. *Decides* that the United Nations Council for Namibia, bearing in mind that 1987 marks the twentieth anniversary of its establishment as the legal Administering Authority for Namibia until independence, shall take immediate practical measures to establish its Administration in Namibia in accordance with General Assembly resolutions 2248 (S-V), 40/97 A and S-14/1;

5. *Decides* that the United Nations Council for Namibia, in the discharge of its responsibilities as the legal Administering Authority for Namibia until independence, shall:

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

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

(c) Denounce and seek the rejection by all States of all kinds of schemes through which South Africa attempts to perpetuate its illegal presence in Namibia;

(d) Ensure non-recognition of any administration or entity installed in Namibia not ensuing from free elections conducted under the supervision and control of the United Nations, in accordance with the relevant resolutions of the Security Council, in particular resolutions 385 (1976) of 30 January 1976, 435 (1978) of 29 September 1978, 439 (1978) of 13 November 1978, 532 (1983) of 31 May 1983,

539 (1983) of 28 October 1983 and 566 (1985) of 19 June 1985;

(e) *Make a concerted effort* to counter the attempts to establish a "linkage" or "parallelism" between the independence of Namibia and extraneous issues, such as the withdrawal of Cuban forces from Angola;

6. *Decides* that the United Nations Council for Namibia shall send missions of consultation to Governments in order to co-ordinate efforts for the implementation of resolutions of the United Nations on the question of Namibia and to mobilize support for the Namibian cause;

7. *Decides further* that the United Nations Council for Namibia shall represent Namibia in United Nations conferences and intergovernmental and non-governmental organizations, bodies and conferences in order to ensure that the rights and interests of Namibia are adequately protected;

8. *Decides* that Namibia, represented by the United Nations Council for Namibia, shall participate as a full member in all conferences and meetings organized by the United Nations to which all States or, in the case of regional conferences and meetings, all African States are invited;

9. *Requests* all committees and other subsidiary bodies of the General Assembly and of the Economic and Social Council to continue to invite the United Nations Council for Namibia to participate whenever the rights and interests of Namibians are discussed, and to consult closely with the United Nations Council for Namibia before submitting any draft resolution that may involve such rights and interests;

10. *Reiterates its request* to all specialized agencies and other organizations of the United Nations system to grant full membership to Namibia, represented by the United Nations Council for Namibia, so that the Council may participate as the legal Administering Authority for Namibia, in the work of those agencies and organizations;

11. *Reiterates its request* to all specialized agencies and other organizations of the United Nations system that have not yet done so to grant a waiver of the assessment of Namibia during the period in which it is represented by the United Nations Council for Namibia;

12. *Again requests* all intergovernmental organizations, bodies and conferences to ensure that the rights and interests of Namibia are protected and to invite Namibia, represented by the United Nations Council for Namibia, to participate as a full member whenever such rights and interests are involved;

13. *Requests* the United Nations Council for Namibia, in its capacity as the legal Administering Authority for Namibia, to accede to any international conventions, as it may deem appropriate in close consultation with the South West Africa People's Organization;

14. *Takes note* of the Final Communiqué of the Seminar on World Action for the Immediate Independence of Namibia, held at Valletta from 19 to 23 May 1986⁷⁴ and the Declaration of the International Conference for the Immediate Independence of Namibia, the Programme of Action on Namibia and the Appeal for the Immediate Independence of Namibia issued by the eminent persons participating in the Conference;⁷⁵

15. *Requests* the United Nations Council for Namibia to promote and secure the implementation of the Declaration of the International Conference for the Immediate Independence of Namibia and the Programme of Action on Namibia adopted by the Conference;

16. *Decides* that the United Nations Council for Namibia shall:

(a) Consult regularly with the leaders of the South West Africa People's Organization by inviting them to New York and by sending high-level missions to the provisional headquarters of that organization, which will visit Namibian refugee centres whenever necessary;

(b) Review the progress of the liberation struggle in Namibia in its political, military and social aspects and prepare comprehensive and analytical periodic reports relating thereto;

(c) Review the compliance of Member States with the relevant resolutions and decisions of the United Nations relating to Namibia and, taking into account the advisory opinion of the International Court of Justice of 21 June 1971,⁶⁵ prepare annual reports on the subject with a view to recommending appropriate policies to the General Assembly, in order to counter the support that those States give to the illegal South African administration in Namibia;

(d) Take all measures to ensure the full implementation of Decree No. 1 for the Protection of the Natural Resources of Namibia,⁷⁸ including the initiation of legal proceedings in the domestic courts of States in accordance with paragraph 68 of resolution 41/39 A;

(e) Consider the illegal activities of foreign economic interests, particularly the transnational corporations operating in Namibia, including the exploitation of and trade in Namibian uranium, with a view to recommending appropriate policies to the General Assembly, in order to put an end to such activities;

(f) Take measures to ensure the closure of the so-called information offices created by the illegal South African occupation régime in certain Western countries for promoting its puppet institutions in Namibia, in violation of resolutions and decisions of the United Nations on the question of Namibia;

(g) Notify the Governments of States whose corporations, whether public or private, operate in Namibia of the illegality of such operations and urge them to take measures to end such operations;

(h) Consider sending missions of consultation to Governments of States whose corporations have investments in Namibia in order to persuade them to take all possible measures to terminate such investments;

(i) Contact institutions and municipalities in order to encourage them to divest themselves of their investments in Namibia and South Africa;

(j) Contact specialized agencies and other international institutions associated with the United Nations, in particular the International Monetary Fund, with a view to protecting Namibia's interests;

(k) Continue to draw the attention of States, the specialized agencies and private corporations to Decree No. 1 for the Protection of the Natural Resources of Namibia, enacted by the United Nations Council for Namibia on 27 September 1974, with a view to ensuring their compliance with the Decree;

(l) Organize international and regional activities, as required, in order to obtain relevant information on all aspects of the situation in and relating to Namibia, in particular the exploitation of the people and resources of Namibia by South African and other foreign economic interests, and to expose such activities, with a view to intensifying active support for the Namibian cause;

(m) Prepare and publish reports on the political, economic, military, legal and social situation in and relating to Namibia;

(n) Secure the territorial integrity of Namibia as a unitary State, including Walvis Bay, the Penguin Islands and other offshore islands of Namibia;

17. *Decides* to make adequate financial provision in the section of the programme budget of the United Nations relating to the United Nations Council for Namibia for the financing of the office of the South West Africa People's Organization in New York, in order to ensure appropriate representation of the people of Namibia at the United Nations through the South West Africa People's Organization;

18. *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 decides;

19. *Requests* the United Nations Council for Namibia to continue to consult with the South West Africa People's Organization in the formulation and implementation of its programme of work, as well as on all matters of interest to the Namibian people;

20. *Requests* the United Nations Council for Namibia to facilitate the participation of the liberation movements recognized by the Organization of African Unity in meetings of the Council away from United Nations Headquarters, whenever such participation is deemed necessary;

21. *Decides* that the United Nations Council for Namibia shall hold extraordinary plenary meetings in southern Africa during the week of 19 May 1987 and that these meetings shall be provided with verbatim records;

22. *Decides* that, in order to expedite the training of personnel required for an independent Namibia, qualified Namibians should be given opportunities to develop further their skills in the work of the United Nations Secretariat and the specialized agencies and other organizations of the United Nations system, and authorizes the United Nations Council for Namibia, in consultation with the South West Africa People's Organization, to take, on an urgent basis, necessary action towards that end;

23. *Requests* the Secretary-General, in consultation with the President of the United Nations Council for Namibia, to review the personnel requirements and the facilities of all units that service the Council, so that the Council may fully and effectively discharge all tasks and functions arising out of its mandate;

24. *Requests* the Secretary-General to provide the Office of the United Nations Commissioner for Namibia with the necessary resources in order for it to strengthen, under the guidance of the United Nations Council for Namibia, the assistance programmes and services for Namibians, the implementation of Decree No. 1 for the Protection of the Natural Resources of Namibia, the preparation of economic and legal studies and the existing activities of dissemination of information undertaken by the Office.

D

DISSEMINATION OF INFORMATION AND MOBILIZATION OF INTERNATIONAL PUBLIC OPINION IN SUPPORT OF THE IMMEDIATE INDEPENDENCE OF NAMIBIA

The General Assembly,

Having examined the report of the United Nations Council for Namibia⁶³ and the relevant chapter 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,⁶⁴

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

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

Underlining the fact that, twenty years after the termination by the General Assembly of the Mandate of South Africa over Namibia and the assumption by the United Nations of direct responsibility for the Territory, the racist régime of South Africa continues illegally to occupy the Territory in violation of the relevant resolutions and decisions of the United Nations,

Underlining that 1987 will mark the twentieth anniversary of the establishment of the United Nations Council for Namibia as the legal Administering Authority for Namibia until independence,

Taking into consideration the Final Communiqué of the Seminar on World Action for the Immediate Independence of Namibia, held at Valletta from 19 to 23 May 1986,⁷⁴

Taking into consideration also the Declaration of the International Conference for the Immediate Independence of Namibia and the Programme of Action on Namibia⁷⁵ adopted by the Conference,

Gravely concerned at the total black-out of news on Namibia imposed by the illegal South African régime,

Gravely concerned at the campaign of slander and disinformation against the United Nations and the liberation struggle of the Namibian people for self-determination and national independence led by the South West Africa People's Organization, their sole and authentic representative,

Stressing the urgent need to mobilize international public opinion on a continuous basis with a view to assisting effectively the people of Namibia in the achievement of self-determination, freedom and independence in a united Namibia and, in particular, to intensify the world-wide and continuous dissemination of information on the struggle for liberation being waged by the people of Namibia under the leadership of the South West Africa People's Organization,

Reiterating the importance of intensifying publicity on all aspects of the question of Namibia as an instrument for furthering the mandate given by the General Assembly to the United Nations Council for Namibia,

Recognizing the important role that non-governmental organizations are playing in the dissemination of information on Namibia and in the mobilization of international public opinion in support of the immediate independence of Namibia,

1. *Requests* the United Nations Council for Namibia, in co-operation with the Department of Public Informa-

tion of the Secretariat and in consultation with the South West Africa People's Organization, the sole and authentic representative of the Namibian people, in pursuance of its international campaign in support of the struggle of the Namibian people for independence:

(a) To continue to consider ways and means of increasing the dissemination of information relating to Namibia in order to intensify the international campaign in favour of the cause of Namibia;

(b) To focus its activities towards greater mobilization of public opinion in Western States, particularly the United States of America, the United Kingdom of Great Britain and Northern Ireland and the Federal Republic of Germany;

(c) To intensify the international campaign for the imposition of comprehensive and mandatory sanctions against South Africa under Chapter VII of the Charter of the United Nations;

(d) To organize an international campaign to boycott products from Namibia and South Africa, in co-operation with non-governmental organizations;

(e) To expose and denounce collaboration with the racist régime of South Africa in all fields;

(f) To organize exhibitions on Namibia and the struggle of the Namibian people for independence;

(g) To prepare and disseminate publications on the political, economic, military and social consequences of the illegal occupation of Namibia by South Africa, on legal matters, on the question of the territorial integrity of Namibia and on contacts between Member States and South Africa;

(h) To produce and disseminate radio and television programmes designed to draw the attention of world public opinion to the current situation in and around Namibia;

(i) To produce and disseminate in both the English language and the local languages of Namibia radio programmes, designed to counter the hostile propaganda and disinformation campaign of the racist régime of South Africa;

(j) To produce and disseminate posters;

(k) To ensure full coverage through advertisements in newspapers and magazines, press releases, press conferences and press briefings of all activities of the United Nations regarding Namibia in order to maintain a constant flow of information to the public on all aspects of the question of Namibia;

(l) To prepare and disseminate a thematic atlas on Namibia;

(m) To reproduce and disseminate the comprehensive economic map of Namibia;

(n) To produce and disseminate booklets on the activities of the Council;

(o) To update and disseminate widely a compendium of resolutions of the General Assembly and of the Security Council relating to Namibia and relevant documents of the Movement of Non-Aligned Countries and the Organization of African Unity, as well as decisions, declarations and communiqués of the front-line States on the question of Namibia;

(p) To publicize and distribute the indexed reference book on transnational corporations that plunder the human and natural resources of Namibia, and on the profits they extract from the Territory;

(q) To produce and disseminate widely, on a monthly basis, a bulletin containing analytical and updated information intended to mobilize maximum support for the Namibian cause;

(r) To produce and disseminate, on a weekly basis, an information newsletter containing updated information on developments in and relating to Namibia, in support of the Namibian cause;

(s) To acquire books, pamphlets and other materials relating to Namibia for dissemination;

(t) To prepare, in consultation with the South West Africa People's Organization, a list of Namibian political prisoners;

(u) To assist the South West Africa People's Organization in the production and distribution of material on Namibia;

2. *Requests* the United Nations Council for Namibia to continue to organize, in co-operation with the Department of Public Information, media encounters on developments relating to Namibia particularly prior to the activities of the Council during 1987;

3. *Requests* the United Nations Council for Namibia to redouble its efforts to inform international public opinion of developments in Namibia in order to counteract the total news black-out on Namibia imposed by the illegal South African régime, which forbids foreign journalists from entering and reporting from the Territory;

4. *Further requests* the United Nations Council for Namibia to exert all efforts to counteract the campaign of slander and disinformation against the United Nations and the liberation struggle in Namibia carried out by South African agents from the so-called information centres established in several Western countries;

5. *Requests* the United Nations Council for Namibia to co-operate closely with relevant intergovernmental organizations in order to increase the awareness of the international community of the direct responsibility of the United Nations over Namibia and the continued illegal occupation of that Territory by the racist régime of South Africa;

6. *Calls upon* the United Nations Council for Namibia to continue to co-operate with non-governmental organizations in its efforts to mobilize international public opinion in support of the liberation struggle of the Namibian people, under the leadership of the South West Africa People's Organization;

7. *Requests* the United Nations Council for Namibia to prepare, update and disseminate lists of non-governmental organizations, in particular those in the major Western countries, in order to ensure better co-operation and co-ordination among non-governmental organizations working in support of the Namibian cause and against *apartheid*;

8. *Requests* the United Nations Council for Namibia to organize workshops for non-governmental organizations, parliamentarians, trade unionists, academics and media representatives at which the participants will consider how they can contribute to the implementation of the decisions of the United Nations relating to the dissemination of information on Namibia;

9. *Decides* to allocate the sum of \$500,000 to be used by the United Nations Council for Namibia for its programme of co-operation with non-governmental organizations, including support to conferences in solidarity with Namibia arranged by those organizations, dissemination of conclusions of such conferences and support to such other activities as will promote the cause of the liberation

struggle of the Namibian people, subject to decisions to be taken by the Council in each individual case in consultation with the South West Africa People's Organization;

10. *Requests* the United Nations Council for Namibia to continue to contact leading opinion makers, media leaders, academic institutions, trade unions, legislators and parliamentarians, cultural organizations, support groups and other concerned persons and non-governmental organizations and inform them 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;

11. *Appeals* to non-governmental organizations, associations, institutions, support groups and individuals sympathetic to the Namibian cause:

(a) To increase the awareness of their national communities and legislative bodies concerning South Africa's illegal occupation of Namibia, the liberation struggle being waged by the Namibian people under the leadership of the South West Africa People's Organization, the gross violation of basic human rights by the South African régime in Namibia and the plunder of the resources of the Territory by foreign economic interests;

(b) To mobilize in their countries broad public support for the national liberation of Namibia by holding hearings, seminars and public presentations on various aspects of the Namibian question, as well as by producing and distributing pamphlets, films and other information material;

(c) To expose and campaign against the political and economic collaboration of certain Western Governments with the South African régime, as well as diplomatic visits to and from South Africa;

(d) To intensify public pressure for the immediate withdrawal from Namibia of foreign economic interests that are exploiting the human and natural resources of the Territory;

(e) To continue and develop campaign and research work, in order to expose the involvement and operations of Western-based oil companies in the supply of petroleum products to Namibia and South Africa;

(f) To step up their efforts to persuade universities, local governments and other institutions to divest themselves of all investments in firms doing business in Namibia and South Africa;

(g) To intensify the campaign for the immediate and unconditional release of all Namibian political prisoners and the granting of prisoner-of-war status to all Namibian freedom fighters, in accordance with the Geneva Convention relative to the Treatment of Prisoners of War⁸² and the Additional Protocol thereto;

12. *Requests* Member States to broadcast programmes on their national radio and television networks and to publish material in their official news media, informing their populations about the situation in and around Namibia and the obligation of Governments and peoples to assist in the struggle of Namibia for independence;

13. *Requests* all Member States to observe Namibia Day in a befitting manner, by giving the widest possible publicity to and ensuring the dissemination of information on Namibia, including the issuance of special postage stamps for the occasion;

14. *Requests* the Secretary-General to direct the Department of Public Information to assist the United Nations Council for Namibia in the implementation of its programme of dissemination of information and to ensure that all activities of the United Nations on dissemination

of information on the question of Namibia follow the policy guidelines laid down by the United Nations Council for Namibia as the legal Administering Authority for Namibia;

15. *Requests* the Secretary-General to continue to assist, as a matter of priority, the United Nations Council for Namibia in the implementation of its programme of dissemination of information;

16. *Requests* the Secretary-General to provide the United Nations Council for Namibia with the work programme of the Department of Public Information for the year 1987 covering the activities of dissemination of information on Namibia, followed by periodic reports on the programme undertaken, including details of expenses incurred;

17. *Requests* the Secretary-General to group under a single heading in the section of the proposed programme budget of the United Nations for the biennium 1986-1987 relating to the Department of Public Information, all of the activities of the Department relating to the dissemination of information on Namibia and to direct the Department to submit to the United Nations Council for Namibia a detailed report on the utilization of the allocated funds;

18. *Requests* the Secretary-General to direct the Department of Public Information to disseminate, in 1987, the list of Namibian political prisoners, in order to intensify international pressure for their immediate and unconditional release.

79th plenary meeting
20 November 1986

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UNITED NATIONS FUND FOR NAMIBIA

The General Assembly,

Having examined the parts of the report of the United Nations Council for Namibia relating to the United Nations Fund for Namibia,⁸⁸

Recalling its resolution 2679 (XXV) of 9 December 1970, by which it established the United Nations Fund 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,

Recalling its resolution 31/153 of 20 December 1976, by which it decided to launch the Nationhood Programme for Namibia,

Recalling further its resolution 34/92 A of 12 December 1979, by which it approved the charter of the United Nations Institute for Namibia, and its resolution 37/233 E of 20 December 1982, by which it approved amendments to the charter,⁸⁹

1. *Takes note* of the relevant parts of the report of the United Nations Council for Namibia;

2. *Decides* that the United Nations Council for Namibia shall:

(a) Continue to formulate policies of assistance to Namibians and co-ordinate assistance for Namibia provided by the specialized agencies and other organizations of the United Nations system;

(b) Continue to act as trustee of the United Nations Fund for Namibia and, in this capacity, administer and manage the Fund;

(c) Continue to provide broad guidelines and formulate principles and policies for the United Nations Institute for Namibia;

(d) Continue to co-ordinate, plan and direct the Nationhood Programme for Namibia, in consultation with the South West Africa People's Organization, with the aim of consolidating all measures of assistance by the specialized agencies and other organizations of the United Nations system into a comprehensive assistance programme;

(e) Continue to consult with the South West Africa People's Organization in the formulation and implementation of assistance programmes for Namibians;

(f) Report to the General Assembly at its forty-second session on the programmes and activities undertaken through the United Nations Fund for Namibia;

3. *Decides* that the United Nations Fund for Namibia, which comprises the General Account, the United Nations Institute for Namibia Account and the Nationhood Programme Account, shall be the primary source of development assistance to Namibians;

4. *Expresses its appreciation* to all States, specialized agencies and other organizations of the United Nations system, governmental and non-governmental organizations and individuals that have made contributions to the United Nations Fund for Namibia to support the activities under the General Account, the activities of the United Nations Institute for Namibia and the Nationhood Programme for Namibia, and calls upon them to increase their assistance to Namibians through those channels;

5. *Requests* the Secretary-General and the President of the United Nations Council for Namibia to intensify appeals to Governments, intergovernmental and non-governmental organizations and individuals for more generous voluntary contributions to the General Account, the Nationhood Programme Account and the United Nations Institute for Namibia Account of the United Nations Fund for Namibia in view of the increased activities undertaken through the Fund for Namibia, and, in this connection, emphasizes the need for contributions in order to increase the number of scholarships awarded to Namibians under 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. *Decides* to allocate as a temporary measure to the United Nations Fund for Namibia the sum of \$1.5 million from the regular budget of the United Nations for 1987;

8. *Requests* the Office of the United Nations Commissioner for Namibia, in order to mobilize additional resources, to continue to formulate, in consultation with the South West Africa People's Organization, projects of assistance to the Namibian people to be co-financed by Governments and non-governmental organizations;

9. *Requests* the specialized agencies and other organizations of the United Nations system, in the light of the urgent need to strengthen the programmes of assistance to the Namibian people, to make every effort to expedite the execution of the Nationhood Programme for Namibia projects and other projects in favour of Namibians on the

⁸⁸ *Official Records of the General Assembly, Forty-first Session, Supplement No. 24 (A/41/24), part one, chap. IV, sect. O, and sect. P, paras. 774-787.*

⁸⁹ For the text of the charter of the United Nations Institute for Namibia, as amended, see *Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 24 (A/37/24), annex IV.*

basis of procedures that will reflect the role of the United Nations Council for Namibia as the legal Administering Authority for Namibia;

10. *Expresses its appreciation* to those specialized agencies and other organizations of the United Nations system that 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) Planning and initiating new project proposals in co-operation with, and at the request of, the Council;

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

11. *Requests* the United Nations Council for Namibia to continue and to intensify its field attachment programme, enabling Namibians trained under various programmes to gain practical on-the-job experience in governments and institutions in diverse countries, particularly in Africa;

12. *Appeals* to all Governments, specialized agencies and other organizations of the United Nations system, non-governmental organizations and individuals to make generous contributions to the United Nations Fund for Namibia in order to support the field attachment programme and to meet the financial requirements;

13. *Expresses its appreciation* to the United Nations Development Programme for its contribution to the financing and administration of the Nationhood Programme for Namibia and the financing of the United Nations Institute 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 Nationhood Programme projects and for the United Nations Institute for Namibia;

14. *Calls upon* the United Nations Development Programme to increase the indicative planning figure for Namibia for the 1987-1991 programming cycle, and, taking into consideration that Namibia remains a unique responsibility of the United Nations, to exercise maximum flexibility and understanding in financing projects funded from the indicative planning figure;

15. *Expresses its appreciation* for the assistance provided by the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees and the World Food Programme to Namibian refugees, and requests them to expand their assistance in order to provide for the basic needs of the refugees;

16. *Expresses its appreciation* to those specialized agencies and other organizations of the United Nations system that have waived agency support costs in respect of projects in favour of Namibians, financed from the United Nations Fund for Namibia and other sources, and urges those that have not yet done so to take appropriate steps in this regard;

17. *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;

18. *Commends* the progress made in the implementation of the pre-independence components of the Nationhood Programme for Namibia, and requests the United Nations Council for Namibia to continue to elaborate and consider policies and contingency plans regarding the

transitional and post-independence phases of the Programme;

19. *Commends* the United Nations Institute for Namibia for the effectiveness of its training programmes for Namibians and its research activities on Namibia, which contribute substantially to the struggle for freedom of the Namibian people and to the establishment of an independent State of Namibia;

20. *Urges* the specialized agencies and other organizations of the United Nations system to co-operate closely with the United Nations Institute for Namibia in strengthening its programme of activities;

21. *Requests* the United Nations Council for Namibia, through the United Nations Institute for Namibia, to finalize, publish and disseminate at an early date a comprehensive reference book on Namibia covering all aspects of the question of Namibia as considered by the United Nations since its inception;

22. *Requests* the United Nations Council for Namibia, in consultation with the Office of the United Nations Commissioner for Namibia, to finalize and publish, at an early date, a demographic study of the Namibian population;

23. *Requests* the Secretary-General to continue to provide the Office of the United Nations Commissioner for Namibia with the necessary resources for the performance of the responsibilities entrusted to it by the United Nations Council for Namibia as the co-ordinating authority for the implementation of the Nationhood Programme for Namibia, as well as other assistance programmes.

79th plenary meeting
20 November 1986

41/40. Question of the Falkland Islands (Malvinas)⁹⁰

The General Assembly,

Having considered the question of the Falkland Islands (Malvinas) and having received the report of the Secretary-General,⁹¹

Aware of the interest of the international community in the peaceful and definitive settlement by the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland of all their differences, in accordance with the Charter of the United Nations,

Taking note of the interest repeatedly expressed by both parties in normalizing their relations,

Convinced that such purpose would be facilitated by a global negotiation between both Governments that will allow them to rebuild mutual confidence on a solid basis and to resolve the pending problems, including all aspects on the future of the Falkland Islands (Malvinas),

1. *Reiterates its request* to the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to initiate negotiations with a view to finding the means to resolve peacefully and definitively the problems pending between both countries, including all aspects on the future of the Falkland Islands (Malvinas), in accordance with the Charter of the United Nations;

2. *Requests* the Secretary-General to continue his renewed mission of good offices in order to assist the parties in complying with the request made in paragraph 1 above, and to take the necessary measures to that end;

⁹⁰ See also sect. I, footnote 6, and sect. X.B.6, decision 41/414.

⁹¹ A/41/824.