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QUESTION OF NAMIBIA

SECURITY COUNCIL
Thirty-sixth year

Letter dated 12 June 1981 from the Acting President of the United Nations Council for Namibia to the Secretary-General

I have the honour to transmit to you the text of the Panama Declaration and Programme of Action on Namibia adopted by the United Nations Council for Namibia at its 357th meeting, held at Panama on 5 June 1981.

In conformity with the decision of the Council taken at the same meeting, I should like to request that the Declaration and Programme of Action be circulated as an official document of the General Assembly, under item 36 of the preliminary list, and of the Security Council.

(Signed) Noel G. SINCLAIR
Acting President of the
United Nations Council for Namibia

* A/36/50.

ANNEX

PANAMA DECLARATION AND PROGRAMME OF ACTION ON NAMIBIA

I. DECLARATION ON NAMIBIA

1. The United Nations Council for Namibia held a series of extraordinary plenary meetings at Panama from 2 to 5 June 1981. The meetings were held in accordance with General Assembly resolution 35/227 J of 6 March 1981 in order to assess the current critical situation in Namibia and to recommend to the General Assembly appropriate action to be taken against South Africa in the light of its refusal to implement Security Council resolution 435 (1978).

2. The Council considers that the need for such a review had been necessitated by South Africa's increasingly repressive action against the people of Namibia, its repeated and systematic acts of aggression against independent African States and the blatant manner in which it deliberately caused the collapse of the pre-implementation meeting held at Geneva from 7 to 14 January 1981. These acts have been further encouraged by the increasing political, economic, diplomatic and military support which it receives from certain Western countries, manifested more recently, *inter alia*, in the exercise of their veto power by France, the United Kingdom of Great Britain and Northern Ireland and the United States of America during the debate on the question of Namibia in the Security Council held in April 1981.

3. Inaugurating the extraordinary plenary meetings of the Council, His Excellency Dr. Aristides Rojo, President of Panama, stated:

"As far as economic sanctions are concerned, the Panamanian Government agrees that the Security Council should impose comprehensive and mandatory sanctions against South Africa as long as the latter maintains its opposition to the independence of Namibia.

"...

"We believe that the stubborn and defiant attitude of the Pretoria régime leaves the international community no alternative but to impose sanctions. This is apparently the only way to compel the South African State to fulfil its pressing obligation to bring about the independence of Namibia and cease its illegal occupation of the Territory.

"...

"We therefore reaffirm at this Panama session the recognition of the right of the Namibian people to self-determination, freedom and independence under the leadership of the South West Africa People's Organization (SWAPO), their sole and authentic representative.

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"In general we believe that concerted action is urgently needed to guarantee the people of Namibia prompt access to independence, to put an end to the illegal occupation of Namibia, to eradicate apartheid and to remove all vestiges of colonialism from the African continent, which has the right to rid itself permanently of the exploitation, humiliation and domination imposed by a disgraceful colonial system that has no place in today's world."

4. In a message delivered on the occasion, the Secretary-General of the United Nations said:

"I greatly regret that the Geneva Conference on Namibia, held last January, did not achieve its objective. There, I believe, a great opportunity to move forward to a resolution of the question was missed when South Africa indicated that it was not yet prepared to sign a cease-fire agreement and to proceed with the implementation of Security Council resolution 435 (1978).

"The lack of agreement at Geneva has given rise to the most serious international concern. It is evident that the current impasse is having a destructive impact, not only on the situation in Namibia itself, but also on the prospects of a peaceful and prosperous future for the region as a whole. It is, indeed, also affecting international relations on a wider scale. In these circumstances, it is essential that efforts be intensified to achieve Namibia's independence without further delay, and that resolution 435 (1978) remain the basis for the settlement of this goal."

5. The Council has given special attention to the various international conferences which reviewed the question of Namibia after the collapse of the pre-implementation talks at Geneva. The Council draws the attention of the international community to the important debate and decisions taken by the General Assembly at its resumed thirty-fifth session, held from 2 to 6 March 1981. a/ In this respect, the Council expresses its appreciation for the firm support given to it by the Conference of Ministers for Foreign Affairs of Non-Aligned Countries, held at New Delhi from 9 to 13 February 1981, and by the Extraordinary Ministerial Meeting of the Co-ordinating Bureau of the Non-Aligned Countries on the Question of Namibia, held at Algiers from 16 to 18 April 1981. It also takes note with appreciation of the resolutions on Namibia adopted by the Co-ordinating Committee for the Liberation of Africa, at the meeting held at Arusha, United Republic of Tanzania, from 19 to 23 January 1981, and by the Council of Ministers of the Organization of African Unity at its thirty-sixth ordinary session, held at Addis Ababa from 23 February to 1 March 1981. The Council has also given the greatest attention to the final communiqué of the summit meeting of the front-line States, held at Luanda on 15 April 1981, and the Declaration adopted by the International Conference on Sanctions against South Africa, held in Paris from 20 to 27 May 1981.

a/ See resolutions 35/227 A to J and decision 35/451.

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This unprecedented series of conferences, which reviewed the implications of the failure of the pre-implementation talks, underscored the profound concern of the international community at the refusal of South Africa to implement the United Nations plan for the independence of Namibia.

6. The Council, established by General Assembly resolution 2248 (S-V) of 19 May 1967 and given the responsibility of administering Namibia until independence, has been guided since its establishment by the principles of the Charter of the United Nations, Assembly resolution 1514 (XV) of 14 December 1960 and other resolutions adopted by the Assembly on the question of Namibia. In conformity with its mandate, the Council has endeavoured to obtain the withdrawal of the illegal South African administration from the Territory and to support the legitimate struggle of the Namibian people for self-determination, freedom and national independence under the leadership of SWAPO, their sole and authentic representative. In the fulfilment of its mandate the Council has received extensive support from the international community, including governmental and non-governmental organizations.

7. The Council has reviewed with urgency international developments related to the question of Namibia and has assessed the priorities for continued and effective action in support of international political mobilization to put an immediate end to the illegal occupation of Namibia by South Africa. The Council reaffirms its conviction of the need to exert the utmost pressure on the Pretoria régime in the light of its continued refusal to comply with United Nations resolutions on Namibia. The collapse of the pre-implementation meeting, caused by South Africa in January 1981, and subsequent manoeuvres to impose upon the Namibian people so-called constitutional arrangements in contravention of Security Council resolution 435 (1978) prior to the holding of free and fair elections under United Nations supervision and control made it imperative for the Council to reaffirm its position of support for the legitimate aspirations of the Namibian people for self-determination, freedom and national independence in a united Namibia.

8. The Council denounces and rejects the attempts by South Africa and its allies to give to the question of Namibia a dimension contrary to that of an act of colonial domination in violation of the principles and objectives of the Charter of the United Nations and the decisions and resolutions of the United Nations. The question of Namibia is one of decolonization and must be resolved in accordance with the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV). The Council reaffirms its conviction that the persistent and illegal colonial occupation of Namibia in defiance of the decisions of the United Nations, constitutes a blatant denial to the Namibian people of their inalienable rights to self-determination, freedom and national independence in a united Namibia.

9. The Council reaffirms its complete solidarity with and full support for SWAPO, the sole and authentic representative of the Namibian people, whose just struggle enjoys the support and admiration of the international community. During the prolonged period of international negotiations SWAPO has consistently demonstrated a

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constructive attitude and shown the highest qualities of statesmanship and diplomatic skill, as well as courage in the battlefield in the defence of the inalienable rights of the Namibian people for self-determination, freedom and national independence in a united Namibia, which have won SWAPO the support and respect of the international community.

10. The Council strongly and vehemently condemns the persistent attempts of the racist Pretoria régime to impose an "internal settlement" in Namibia which has been declared null and void by Security Council resolution 439 (1978) and other relevant United Nations resolutions on the question of Namibia.

11. The Council once again declares that Namibia's accession to independence must be with its territorial integrity intact, including Walvis Bay and the offshore islands. The Council unequivocally reaffirms the relevant decisions of the General Assembly to the effect that Walvis Bay and the offshore islands are an integral part of Namibia and that any action by South Africa to separate them from the Territory is illegal, null and void.

12. The Council strongly and vehemently condemns the colonialist and racist régime of South Africa for its militarization of Namibia together with the forced conscription of Namibians and the use of that Territory for launching armed attacks against neighbouring States, particularly its repeated armed aggression against Angola. In this regard, the Council also expresses grave concern at the reported attempts by the Government of the United States of America aimed at destabilizing the legitimate Government of Angola by, inter alia, providing assistance to Angolan traitor groups in the service of the Pretoria régime. The Council reaffirms that such acts would constitute flagrant interference in the internal affairs of a Member State of the Organization of African Unity and the United Nations and solemnly calls for the scrupulous respect of the independence, sovereignty and territorial integrity of the front-line States.

13. The Council reaffirms its solidarity with the front-line States, which support with great sacrifice the inalienable rights and the legitimate aspirations of the Namibian people for self-determination, freedom and national independence.

14. The Council draws the attention of the international community to the situation prevailing in and around Namibia, which constitutes a serious threat to international peace and security. The Council reaffirms that the failure of all the efforts so far undertaken to implement United Nations resolutions on Namibia in order to bring about a negotiated settlement of the question of Namibia bestows upon the international community the moral and political obligations of applying comprehensive sanctions to compel South Africa to comply with the decisions of the United Nations so that the people of Namibia can speedily exercise their inalienable rights to self-determination, freedom and national independence in a united Namibia.

15. The Council solemnly reaffirms its unswerving commitment to fulfil its responsibility for Namibia in accordance with the mandate entrusted to it by the

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General Assembly in its resolution 2248 (S-V). In this regard, the Council will continue to promote initiatives in defining United Nations policies in support of the liberation of Namibia, a territory which remains a unique responsibility of the United Nations.

16. The perpetuation of inhumanity, suffering and subjugation in Namibia is a blatant violation of the dignity, worth and sacred character of the human being and must end forthwith. While this violation continues, the escalation of conflict in Namibia is inevitable. The situation has confronted the United Nations with one of the most severe crises in its history, and represents the gravest and most enduring challenge to the authority and the purposes and principles of the Organization, while at the same time endangering the peace and security not only of the southern African region but of the world at large. The struggle for Namibia is, therefore, not merely a struggle for decolonization but a struggle for human dignity and for the defence of values and principles that lie at the heart of modern ethics, one to which no State or people can remain indifferent.

17. The meetings in Panama have underscored the existence of an international consensus that Namibia must be free and signify the birth of a fresh commitment to the liberation of the Territory. The Council makes a solemn appeal to all members of the international community to redouble their efforts to obtain the freedom of Namibia and to contribute to the development of stable harmonious international relations and help to bring closer the dawn of peace and harmony envisaged by the founding fathers of the United Nations.

II. PROGRAMME OF ACTION ON NAMIBIA

18. The United Nations Council for Namibia, having assessed the current situation related to Namibia, both with respect to the effects of the continued repressive actions by the illegal South African occupation régime in the Territory and to the consequences of the intransigence of South Africa supported by the increased political, economic, diplomatic and military co-operation of certain Western countries and aggravated by the veto of France, the United Kingdom of Great Britain and Northern Ireland and the United States of America in the Security Council, considers that the strengthening of the commitment of the international community to the aspirations of the Namibian people for self-determination, freedom and national independence in a united Namibia is crucial in order to ensure South Africa's unconditional withdrawal from the Territory in compliance with the resolutions and decisions of the United Nations on Namibia.

19. The Council therefore proposes the following programme of action to intensify international political mobilization in support of the objectives of the United Nations concerning the early independence of Namibia.

A. Political action

20. The Council renews its conviction that the critical situation in Namibia, as a result of South Africa's continued illegal occupation of Namibia, its defiance of United Nations resolutions, its brutal repression of the Namibian people, its intransigence, as demonstrated most recently in its refusal at the Geneva pre-implementation meeting to agree to commence the implementation of Security Council resolution 435 (1978), the enhancement of its military strength, including the acquisition of nuclear weapons capability, its repeated acts of armed aggression against the people of Namibia, its use of the Territory of Namibia to launch armed attacks against States and its attempts at destabilizing sovereign independent African States, in particular, the People's Republic of Angola, constitutes no longer a threat to but a manifest breach of international peace and security. In this regard, the Council recommends to the General Assembly the adoption of effective measures in order to ensure that the independence, sovereignty and territorial integrity of the front-line States shall be scrupulously respected.

21. The Council, in this regard, solemnly calls upon all Member States, while vigorously campaigning for action by the Security Council, to take immediate unilateral and collective action to impose comprehensive sanctions against the racist régime of South Africa in order to ensure South Africa's immediate compliance with the resolutions and decisions of the United Nations relating to Namibia.

22. The Council, in view of the failure by the Security Council to impose mandatory sanctions against South Africa, calls for the early convening of an emergency special session of the General Assembly, at the level of foreign ministers, to review the question of Namibia and take measures as appropriate under the Charter of the United Nations.

23. The Council will recommend for adoption by the General Assembly at the emergency special session appropriate resolutions that will provide for measures to be taken by the members of the United Nations to ensure complete economic and political isolation of South Africa.

24. The Council calls upon all Member States of the United Nations to work resolutely for the early implementation of the United Nations plan for the independence of Namibia, contained in Security Council resolutions 385 (1976) and 435 (1978), without any modification, qualification, dilution, prevarication or delay.

25. The Council urges all Member States of the United Nations not to recognize any "internal settlement" of the question of Namibia and reiterates that free and fair elections under the supervision and control of the United Nations are an essential prerequisite to the full implementation of the United Nations peaceful negotiated settlement of the question of Namibia in accordance with Security Council resolution 435 (1978).

26. The Council calls upon the international community to increase all possible support to SWAPO, the sole and authentic representative of the Namibian people, and to pursue its strategies in the military, political and diplomatic fields and so disabuse South Africa of any notion that its illegal occupation of the Territory is secure.

27. The Council decides to promote every effort for the speedy implementation of Decree No. 1 for the Protection of the Natural Resources of Namibia. Steps will be taken to strengthen the legal basis of Decree No. 1 by clarifying the existing link between the Decree and the relevant resolutions of the Security Council in order to ensure its implementation in those countries whose Governments consider it to be a mere recommendation of the General Assembly. The Council condemns the illegal exploitation of Namibian natural resources, in particular, uranium, and will continue to monitor these activities in order to further expose to the international community the reckless and destructive acts perpetrated against the Namibian people by South African and other foreign economic interests which are plundering these resources. In this respect, the Council will take follow-up action on the results of the Hearings on Namibian Uranium, held in July 1980, in order to mobilize the international community to take the necessary measures to ensure compliance with the decisions of the General Assembly and prepare the legal framework for future compensation due to the Namibian people after genuine independence is achieved. The Council underlines the importance of the effective implementation of Decree No. 1, which was approved by the General Assembly at its twenty-ninth session, on 13 December 1974 (resolution 3295 (XXIX), sect. IV), and condemns violations of the Decree, including the illegal exploitation of Namibia's marine resources in its territorial waters.

28. The Council decides to counter South Africa's acts to extend illegally in its own name, the territorial sea of Namibia and to proclaim an exclusive economic zone for Namibia. The Council reiterates its intention to use its own authority to extend the territorial sea of Namibia and to proclaim an exclusive economic zone for Namibia.

29. The Council calls upon the international community to intensify its efforts to extend as a matter of urgency all support and assistance, including military assistance to the front-line States which have rendered and continue to render all the necessary support to the oppressed people of Namibia in conformity with the Charter of the United Nations and the Organization of African Unity. Such assistance will enable them to strengthen their defence capability in the exercise of their legitimate right to self-defence against the repeated acts of aggression perpetrated by the South African régime against them.

30. The Council decides to request the General Assembly, at its next session, to instruct the Secretary-General of the United Nations and the Administrator of the United Nations Development Programme to take the necessary administrative action to end all contracts between the United Nations, including its specialized agencies, and corporations that directly or indirectly support South Africa's illegal occupation of Namibia.

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B. Arms embargo

31. The Council calls upon Governments, pending the imposition of comprehensive mandatory sanctions under Chapter VII of the Charter of the United Nations by the competent organ of the United Nations, to comply fully with the provisions of Security Council resolution 418 (1977) which calls for an arms embargo against South Africa and to take the following additional measures voluntarily:

(a) To cease forthwith the provision to South Africa of arms and related matériel of all types, including the sale or transfer of weapons and ammunition, military vehicles and equipment, para-military police equipment and spare parts for the aforementioned, and to cease as well the provision of all types of equipment and supplies and grants of licensing arrangements for the manufacture or maintenance of the aforementioned, as these would further strengthen South Africa's illegal occupation of Namibia;

(b) To ensure that arms-export agreements provide for guarantees which would prevent embargoed items or any components thereof from reaching South Africa through third countries under any circumstances, including through subcontracts by firms from one country to another;

(c) To prohibit the export of spare parts for embargoed aircraft and other military equipment belonging to South Africa and the maintenance and servicing of such equipment;

(d) To seize any items destined for South Africa against which the embargo has been imposed, including items in transit, which may be found on their territories;

(e) To prohibit all imports of arms and related matériel of any type from South Africa and to seize any such items which may be found in their territories, including items in transit;

(f) To prohibit government agencies and corporations under their jurisdiction from transferring technology for the manufacture of arms and related matériel of all types to South Africa;

(g) To prohibit government agencies, corporations and individuals under their jurisdiction from investing in the manufacture of arms and related matériel in South Africa;

(h) To put an end to exchange with South Africa of military personnel as well as experts in weapons technology and employees of arms factories under their jurisdiction;

(i) To ensure the effective prevention of recruitment, financing, training and transit of mercenaries for service in South Africa and occupied Namibia and to take punitive action against persons and organizations involved in such activities;

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(j) To halt and to prevent any direct or indirect co-operation or activities by public or private corporations, individuals or groups of individuals in conjunction with South Africa in the development of a nuclear weapons capability by the racist régime of South Africa;

(k) To take all possible further action under Article 41 of the Charter of the United Nations in order to put an end to the illegal occupation of Namibia by South Africa and bring about its genuine independence in accordance with the relevant resolutions of the Security Council;

(l) To ensure that their national legislation includes penalties for violations of the provisions of Security Council resolution 418 (1977).

C. Oil embargo

32. The Council calls upon Governments:

(a) To prohibit the sale or supply of petroleum and petroleum products to any person or body in South Africa and occupied Namibia, or to any person or body for the purpose of eventual supply to South Africa and occupied Namibia;

(b) To prohibit any activities by their nationals or in their territories that promote or are calculated to promote the sale or supply of petroleum or petroleum products to South Africa and occupied Namibia;

(c) To prohibit the shipment in vessels, aircraft or any other means of transportation of their registration, or under charter to their nationals, of any petroleum products to South Africa and occupied Namibia;

(d) To prohibit any investments in or provision of technical and other assistance to the petroleum industry in South Africa and occupied Namibia, including technical advice and spare parts;

(e) To prohibit the provision of transit facilities in their territories, including the use of their ports, airports, roads or railway networks by vessels, aircraft or any other means of transportation carrying petroleum or petroleum products to South Africa and occupied Namibia;

(f) To prohibit any activities by their nationals or in their territories that promote or are calculated to promote the prospecting for petroleum in South Africa and occupied Namibia.

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D. Economic sanctions

33. The Council calls upon Governments:

(a) To prevent the import into their territories of all commodities and products originating in South Africa and in illegally occupied Namibia and exported therefrom (whether or not the commodities or products are for consumption or processing in their territories, whether or not they are imported in bond and whether or not any special legal status with respect to the import of goods is enjoyed by the port or other place where they are imported or stored);

(b) To prevent any activities by their nationals or in their territories that promote or are calculated to promote the export of any commodities or products from South Africa and occupied Namibia, and any dealings by their nationals or in their territories in any commodities or products originating in South Africa and occupied Namibia and exported therefrom, including, in particular, any transfer of funds to South Africa and occupied Namibia for the purposes of such activities or dealings;

(c) To prevent the shipment in vessels or aircraft of their registration or under charter to their nationals, or the carriage (whether or not in bond) by land transport facilities across their territories of any commodities or products originating in South Africa and occupied Namibia and exported therefrom;

(d) To prevent the sale or supply by their nationals or from their territories of any commodities or products (whether or not originating in their territories, but not including supplies intended strictly for medical purposes, educational equipment and material for use in schools and other educational institutions, publications, news material and, in special humanitarian circumstances, food-stuffs) to any person or body in South Africa and occupied Namibia or to any other person or body for the purposes of any business carried on in or operated from South Africa and occupied Namibia and any activities by their nationals or in their territories that promote or are calculated to promote such sale or supply;

(e) To prevent the shipment in vessels or aircraft of their registration or under charter to their nationals, or the carriage (whether or not in bond) by land transport facilities across their territories of any such commodities or products that are consigned to any person or body in South Africa and occupied Namibia, or to any other person or body for the purposes of any business carried on in or operated from South Africa and occupied Namibia.

E. Other measures

34. The Council calls upon Governments:

(a) Not to make available to the illegal régime in South Africa and in occupied Namibia or to any commercial, industrial or public utility undertaking,

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including tourist enterprises, in South Africa and occupied Namibia any funds for investment or any other financial or economic resources;

(b) To prevent their nationals and any persons within their territories from making available to the régime or to any such undertaking any such funds or resources and from remitting any other funds to persons or bodies within South Africa and occupied Namibia, except payments intended exclusively for pensions, for strictly medical, humanitarian or educational purposes or for the provision of news material and, in special humanitarian circumstances, food-stuffs;

(c) To prevent the entry into their territories, save on exceptional humanitarian grounds, of any person travelling on a South African passport, regardless of its date of issue, or on a purported passport issued by or on behalf of the illegal administration of South Africa in Namibia;

(d) To prohibit all travel, including tourism, sports and scientific and cultural exchanges, by their nationals to South Africa and occupied Namibia;

(e) To prevent airline companies constituted in their territories and aircraft of their registration or under charter to their nationals from operating to or from South Africa and occupied Namibia and from linking up with any airline company constituted or aircraft registered in South Africa and occupied Namibia;

(f) To take all possible measures to prevent activities by their nationals and persons in their territories aimed at promoting, assisting or encouraging emigration to South Africa and occupied Namibia, with a view to stopping such emigration;

(g) To withhold from their nationals or companies of their nationality not under direct government control, government loans, credit guarantees and other forms of financial support that would be used to facilitate trade or commerce with South Africa and occupied Namibia;

(h) To ensure that companies and other commercial enterprises owned by the State or under direct control of the State cease all further investment activities in South Africa and occupied Namibia;

(i) To enact the appropriate measures to prohibit investments or the obtaining of concessions in South Africa and occupied Namibia by their nationals or companies of their nationality not under direct government control and, to this end, to withhold protection of such investments against claims of a future lawful Government of Namibia for compensation and reparation;

(j) To take all possible further action under Article 41 of the Charter of the United Nations in order to put an end to the illegal occupation of Namibia and bring about its genuine independence in accordance with the relevant resolutions of the Security Council.

35. The Council calls upon the specialized agencies and other institutions within the United Nations system to give the highest priority to the formulation, with the active co-operation of the Organization of African Unity and of SWAPO, of programmes and projects of assistance to the people of Namibia and their national liberation movement.

36. The Council calls upon other intergovernmental organizations to strengthen political and material support to SWAPO, the sole and authentic representative of the Namibian people.

37. The Council appeals to all non-governmental organizations:

(a) To intensify their campaigns in support of the people of Namibia and SWAPO, their sole and authentic representative, in their struggle for self-determination, freedom and national independence in a united Namibia;

(b) To intensify their campaigns to prevent any action in favour of South Africa's repressive policies in Namibia and to emphasize the illegality of the South African occupation régime in Namibia and its repressive character.
