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QUESTION OF NAMIBIA

SECURITY COUNCIL
Thirty-first year

Letter dated 22 January 1976 from the Permanent Representative
of the Libyan Arab Republic to the United Nations addressed to
the Secretary-General

I have the honour to enclose the text of the Declaration of Dakar on Namibia and Human Rights adopted by the Dakar International Conference on Namibia and Human Rights, held from 5 to 8 January 1976, and request that Your Excellency circulate this text as an official document of the General Assembly and the Security Council.

(Signed) Mansur R. KIKHIA
Permanent Representative

* For information concerning the new system of numbering General Assembly documents, see A/31/INF/1.

ANNEX

DECLARATION OF DAKAR

on

NAMIBIA AND HUMAN RIGHTS

Adopted by the Dakar International Conference on Namibia
and Human Rights (5-8 January 1976)

The participants at the International Conference on "Namibia and Human Rights" which was held in Dakar from 5 to 8 January 1976,

- Considering that the right of the peoples to self-determination is an inalienable and imprescriptible right,

- Considering that the implementation of the right of peoples to self-determination is the sine qua non of enjoyment of the fundamental rights and freedoms deriving in particular from the provisions of the United Nations Charter, the Universal Declaration of Human Rights and the Covenants on Human Rights,

- Considering, in particular, the Declaration of the Granting of Independence to Colonial Countries and Peoples and the Charter of Economic Rights and Duties of States,

- Considering resolution 2145, of 27 October 1966, revoking the Mandate of South Africa over South West Africa,

- Considering that the International Court of Justice has affirmed that the presence of South Africa in Namibia is illegal,

- Considering that the Security Council has declared that such presence is detrimental to the maintenance of peace and security in the region,

- Convinced that the armed struggle of the people of Namibia, supported by progressive and democratic forces will inevitably triumph,

- Noting that SWAPO has been recognized by the United Nations as the only authentic representative of the people of Namibia,

- Noting with satisfaction the creation by the United Nations General Assembly of the United Nations Council for Namibia,

- Hoping that the implementation of action by the United Nations Council for Namibia, in particular its Decree No. 1, will accelerate

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the process of the decolonisation of Namibia,

- Firmly resolved to support by their words, deeds and studies the struggle for the liberation of Namibia,

-- Adopt the following Declaration and Programme of Action annexed thereto:

I

1. Like all peoples, the people of Namibia have the right to self-determination. By virtue of that right it must be able to determine freely its political status and ensure its economic, social and cultural development.
2. The exercise of that right by the people of Namibia is a prerequisite for their enjoyment of human rights. It involves the liberation of the people of Namibia from the yoke of South Africa's colonialism and the restoration of its fundamental national rights, which are independence, sovereignty, the right to dispose of its natural resources and the unity and integrity of its territory.
3. Any attempt to destroy the national unity and territorial integrity of Namibia is inconsistent with the purposes and principles of the United Nations Charter. The policy of "Bantustanization" is contrary to those purposes and principles. It aims at denying to the people of Namibia the exercise of its right to self-determination.
4. It is necessary to denounce and condemn the so-called constitutional conference convened by South Africa, the composition and purpose of which have been illegally determined by the South African Government.

II

5. South Africa has deliberately violated the obligations deriving from its Mandate over South West Africa. Its refusal to place South West Africa under the Trusteeship System, in spite of a number of resolutions of the United Nations General Assembly requesting it to do so, reveals its annexation intent. The termination of its Mandate by the United Nations General Assembly on 27 October 1966 makes its presence in Namibia illegal.

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6. The presence of South Africa in Namibia is all the more intolerable in that it is subjecting the people of Namibia to the detestable system of apartheid, a deliberate negation of the most elementary human rights which has been universally condemned.

7. Namibia has been split into an arid and economically useless zone of "reserves" (homelands) where the great majority of the Black population is confined on a third of the Territory, and a "police" zone exclusively reserved for Whites and comprising the major part of the plateau, suitable for agriculture and rich in mineral resources, including uranium. The Blacks are excluded from the "Territorial Government", which itself has very limited authority. They are deprived of freedom of movement and cannot leave their reservation without a pass. They do not have the right to choose either their employment or their employer. When forced to work in the "police" zone, they have to leave their wives and children and live separated from their families. They do not have either the right to organize or the right to strike.

8. Such a system, which reduces a whole people to slavery, constitutes a crime against humanity.

III

9. Maintenance of the occupation of Namibia by South Africa and of the system of apartheid is a continuing threat to peace and security in southern Africa, the whole of Africa and the world. Consequently, South Africa and its colonialist, racist and aggressive policies must be strongly denounced and vigorously combatted by the international community as a whole.

10. The recent reinforcement of the military presence of South Africa in Namibia must be condemned as a means of consolidating the illegal occupation of that country and of repressing the legitimate resistance of the people of Namibia. What is more, the use of the territory of Namibia as a base for intervention in the internal affairs of African countries, as is at present the case in Angola, aggravates the threat to international peace and security and must cease immediately.

11. It is regrettable that the triple veto of the United States, the United Kingdom and France paralyzed the Security Council by preventing

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it from taking effective action and, more precisely, from applying the sanctions provided for by Chapter VII of the United Nations Charter. The attitude of these three States has rightly caused and is still causing indignation among the people of Africa and the other peoples of the world.

12. The military and economic assistance furnished to South Africa by certain States must also be openly denounced and manifestly combatted by all the forces of progress. Arms sales, nuclear co-operation agreements and economic activities by multinational companies in South Africa or Namibia constitute acts of sheer complicity with the policies of apartheid.

13. It is high time for the States of Africa to make it clear to the countries which are supporting South Africa in this way that they cannot continue to do so while claiming the friendship of the peoples of Africa.

IV

14. Unquestionably, substantial efforts have been exerted by the United Nations, the specialized agencies and governmental and non-governmental organizations to bring South Africa to its senses and to obtain improvements in the life of the people of Namibia and its gradual accession to independence. Among the many varied measures taken towards those ends, the termination of the Mandate of South Africa over South West Africa and the creation of the United Nations Council for Namibia undoubtedly mark important stages towards the independence of Namibia.

15. Decree No. 1 of the United Nations Council for Namibia was lawfully issued by that body under its powers as laid down in resolution 2248 (S-V) of the United Nations General Assembly, and it should be possible to use it judiciously to "protect the natural resources of the people of Namibia and to ensure that these natural resources are not exploited to the detriment of Namibia, its people or environmental assets".

16. Also to be welcomed is the firm attitude of the Organization of African Unity towards the problem of Namibia and that attitude, together with the efforts of the United Nations and the struggle of the people of Namibia, will not fail to have its effects.

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V

17. The facts are inescapable, however, and it must be acknowledged that all these efforts have been incapable of fundamentally modifying the policies of South Africa on Namibia or of bringing about a qualitative change in the situation of the people of Namibia.

18. There is no doubt that a large-scale diplomatic offensive has lately been launched by South Africa in the form of an alleged policy of "ouverture" and "dialogue" towards the African States, an offensive which has been strongly supported by the mass media, mostly under imperialist control, which is attempting to give it great play by the worldwide dissemination of cleverly controlled "news".

19. However, this policy of South Africa is a snare because it is alien to the true interests of the people of Namibia and is part of a global imperialist military and politico-economic strategy. What is more, the facts show that South Africa has neither in principle nor in practice abandoned its policies of annexation and domination of Namibia.

20. Under these circumstances, as was recommended by the special meeting of the Foreign Ministers of OAU Member States, held at Dar-es-Salaam in April 1975, the policy of concertation and the so-called détente as regards the African States, advocated by South Africa and aimed at causing confusion in international public opinion as well as at undermining African unity and the struggle for the elimination of apartheid in South Africa must be categorically rejected.

VI

21. It must be realised that South Africa will never willingly end its illegal occupation of Namibia and will never of its own accord abandon its policies of oppression and enslavement of the peoples of southern Africa.

22. That is why it must be compelled to do so by all means available to the international community, in which the United Nations, the Organization of African Unity, governmental and non-governmental organizations, and the States of Africa -- each according to its means -- have their special role to play.

23. Economic or other measures of compulsion should be taken to oblige

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South Africa to comply with the decisions of the international community. In that connexion, the activities of trade unions and of social and information bodies should reinforce and stimulate the action of international governmental and non-governmental organizations.

24. Obviously, however, so long as the international community does not use the means with which it has endowed itself, or can endow itself, to put an end to the illegal occupation of Namibia by South Africa, all means, including armed struggle, are justified to liberate the country. Consequently, to that end it is necessary to enlist the effort of the international community and more particularly that of the countries of Africa, by giving SWAPO all the political, moral and material support it so sorely needs.

25. Accordingly, those Governments which have not yet done so should recognize SWAPO as the only authentic representative of the people of Namibia.

PROGRAMME OF ACTION

ADOPTED BY THE DAKAR INTERNATIONAL CONFERENCE ON NAMIBIA
AND HUMAN RIGHTS (5-8 January 1976)

AND

PROPOSED TO INTERNATIONAL ORGANIZATIONS, STATES,
NON-GOVERNMENTAL ORGANIZATIONS AND SOCIAL, PRO-
FESSIONAL, TRADE-UNION AND INFORMATION ORGANI-
ZATIONS AS A SET OF MEASURES TO BE TAKEN TO
SECURE FOR THE PEOPLE OF NAMIBIA THE EXERCISE
OF THEIR RIGHT TO SELF-DETERMINATION.

1. The Security Council could follow up its resolution 366 (1974) by adopting the following measures:
 - (a) Determining, under Chapter VII of the United Nations Charter, that the continued occupation of Namibia by South Africa and, in particular, the use of that Territory as a military base, constitute a threat to international peace and security.
 - (b) Deciding on a complete embargo on the sale, gift or transfer of arms and of all other forms of military equipment to South Africa, such embargo to include existing and future agreements for the provision of radar and telecommunication systems for strategic or military purposes between South Africa and any other country of military alliance.
 - (c) Considering steps to be taken to prevent the training or equipment by the South African authorities of Portuguese or other mercenaries to be used against liberation movements in Namibia or elsewhere in Africa.
 - (d) Restraining any attempts by South Africa to alter the borders of Namibia or to fragment or partition any portion of the Territory.
 - (e) Requesting the European Economic Community and the European Free-Trade Association and all States having economic or financial relations with South Africa to suspend them so long as South Africa continues illegally to occupy Namibia or to practise the system of apartheid.

- (f) Requesting the Government of the Federal Republic of Germany to close its consulate in Windhoek and to undertake an education campaign for the re-orientation of the German population in Namibia so as to enable them to live in a free Namibia.
 - (g) Requiring all States to refrain from extending facilities directly or indirectly to enable South Africa to undertake the production of uranium, plutonium and other nuclear materials or reactors.
2. The Security Council could, in addition, take the following measures:
- (a) Declare that in order that the people of Namibia be enabled to freely determine their own future, it is imperative that free elections under the supervision and control of the United Nations be held for the whole of Namibia as one political entity; the date, timetable and modalities for such elections to be decided upon by the United Nations as soon as possible, providing always that a period of not less than eighteen months should elapse between the time at which the date of the elections is determined and the actual date for the holding of such elections in order to enable the people of Namibia to organize politically for the elections and in order that the United Nations may have adequate time to establish the necessary machinery within Namibia to enable it to supervise and control such elections.
 - (b) Demand that South Africa now make a solemn declaration accepting the foregoing provisions for the holding of free elections in Namibia under the United Nations' supervision and control and undertaking to comply with the resolutions and decisions of the United Nations and the advisory opinion of the International Court of Justice of 21 June 1971 in regard to Namibia and that it recognised the territorial integrity and unity of Namibia as a nation; such declaration to be addressed to the Security Council of the United Nations.

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- (c) Demand that South Africa take the necessary steps to effect the withdrawal, in accordance with resolutions 264 (1969), 269 (1969) and 366 (1974), of its illegal administration maintained in Namibia and to transfer power to the people of Namibia with the assistance of the United Nations.
 - (d) Demand again that South Africa, pending the transfer of powers provided for in the preceding paragraphs:
 - (i) Comply fully in spirit and in practice with the provisions of the Declaration of Human Rights;
 - (ii) Release all Namibian political prisoners, including all those imprisoned or detained in connexion with offences under so-called internal security laws, whether such Namibians have been charged or tried or are held without charge and whether held in Namibia or South Africa;
 - (iii) Abolish the application in Namibia of all racially discriminatory and politically repressive laws and practices, particularly bantustans and homelands;
 - (iv) Accord unconditionally to all Namibians currently in exile for political reasons full facilities for return to their country without risk of arrest, detention, intimidation or imprisonment.
3. Should the Security Council fail to take effective action to put an end to the illegal occupation of Namibia, the General Assembly should exercise its legal authority, in accordance with the United Nations Charter, to implement the previous decisions it adopted in its resolution 2145 (XXI) (1966) terminating South Africa's mandate over Namibia.
4. Beginning in 1976, an international week of solidarity with the people of Namibia should be organized in the week following 27 October, the anniversary of the ending of South Africa's mandate in Namibia.
5. In order to organize the international week of solidarity with the people of Namibia, there should be set up National Aid to Namibia Committees in all countries where they do not already exist.

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6. Each year, parliaments and inter-parliamentary organizations should include in their agenda, as an item for discussion, the question of the liberation of Namibia.
7. The State Members of the United Nations must fully enforce Decree No. 1 of the United Nations Council for Namibia, approved by the General Assembly, concerning the protection of the natural resources of Namibia, and in particular:
 - (a) where necessary, take the measures required for application of the Decree by their domestic authorities and prohibit, under pain of punishment as a criminal offence, the import, without the authorization of the United Nations Commissioner for Namibia, of goods emanating from that country;
 - (b) provide the United Nations Commissioner for Namibia with all facilities for exercising the judicial activities vested in him by Decree No. 1;
 - (c) disseminate information concerning the unlawfulness of importing goods emanating from Namibia in violation of the provisions of Decree No. 1, and give full publicity to violations committed by enterprises operating under their jurisdiction.
8. The United Nations Council for Namibia must do its utmost to ensure respect for human rights in Namibia and, in particular, consider the possibility of adhering to the United Nations Covenant on Economic, Social and Cultural Rights and the United Nations Covenant on Civil and Political Rights.
9. The United Nations Commission on Human Rights should make an investigative body responsible for looking into violations of human rights in Namibia and preparing cases for future legal prosecution.
10. Governmental, intergovernmental and non-governmental organizations as well as public opinion must give maximum political and material support to SWAPO, the authentic representative of the people of Namibia in its liberation struggle.

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11. Trade unions should organize themselves to oppose by every means available to them the continuation and expansion of economic dealings between South Africa and other States.
12. United Nations bodies and international organizations must ensure that political prisoners are provided with effective defence and their families are given financial support.
13. Organizations and public bodies must extend their support to those churches in Namibia which oppose the racist colonial administration and assist the victims of South African oppression in Namibia, including prisoners and dependents.
14. In the project it has undertaken, the International Institute of Human Rights should prepare and publish a compendium of all basic documents relating to Namibia.
15. A United Nations radio transmitter should be established in a free country of Africa to transmit, in all languages spoken in Namibia, United Nations broadcasts on racism, decolonization and Namibia.
16. All nations should contribute to the United Nations Fund for Namibia and to the United Nations Institute for Namibia to promote the training and education of Namibians so as to fit them for assuming the administration of their country.
17. The United Nations Commissioner for Namibia should ensure the preparation and publication of special studies on the following questions:
 - (a) The production and exploitation of uranium in Namibia;
 - (b) The production and export of diamonds from Namibia;
 - (c) The export of Swakara fur;
 - (d) The Cunene Dam scheme (designed to provide power for mines and water works).
 - (e) The military build-up by South Africa in Namibia and the origins of arms and equipment used by South Africa in Namibia;
 - (f) The present use of Walvis Bay.

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18. Each year, at the end of the international week of solidarity with the people of Namibia, the United Nations Commissioner for Namibia should review the efforts made and results obtained in connexion with this Programme of Action and report thereon to the United Nations Council for Namibia.
