

3. *Strongly condemns* the Government of Portugal for its continued refusal to recognize the colonial status of the Territories under its domination and to transmit information under Article 73 *e* of the Charter on those Territories, in complete disregard of the provisions of the relevant resolutions of the General Assembly and the Special Committee;

4. *Reaffirms* that, in the absence of a decision by the General Assembly itself that a Non-Self-Governing Territory has attained a full measure of self-government in terms of Chapter XI of the Charter, the administering Power concerned should continue to transmit information under Article 73 *e* of the Charter with respect to that Territory;

5. *Requests* the administering Powers concerned to transmit, or continue to transmit, to the Secretary-General the information prescribed in Article 73 *e* of the Charter, as well as the fullest possible information on political and constitutional developments in the Territories concerned;

6. *Reiterates* its request that the administering Powers concerned transmit such information as early as possible and, at the latest, within a maximum period of six months following the expiration of the administrative year in the Non-Self-Governing Territories concerned;

7. *Requests* the Special Committee to continue to discharge the functions entrusted to it under General Assembly resolution 1970 (XVIII), in accordance with established procedures.

2028th plenary meeting,
20 December 1971.

2871 (XXVI). Question of Namibia

The General Assembly,

Having considered the question of Namibia,

Having examined the report of the United Nations Council for Namibia,²⁹

Having examined the relevant chapters of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,³⁰

Having heard the statements of the petitioners³¹ and bearing in mind the views expressed by the representatives of national liberation movements,³²

Recalling its resolutions 1514 (XV) of 14 December 1960, 2145 (XXI) of 27 October 1966, 2248 (S-V) of 19 May 1967 and subsequent resolutions on the question of Namibia, as well as Security Council resolutions 264 (1969) of 20 March 1969, 269 (1969) of 12 August 1969, 276 (1970) of 30 January 1970 and 283 (1970) of 29 July 1970,

Recalling further the relevant provisions of its resolution 2621 (XXV) of 12 October 1970, containing the programme of action for the full implementation of

²⁹ *Official Records of the General Assembly, Twenty-sixth Session, Supplement No. 24 (A/8424).*

³⁰ *Ibid.*, Supplement No. 23 (A/8423/Rev.1), chaps. V and VII.

³¹ *Ibid.*, Twenty-sixth Session, Fourth Committee, 1921st, 1922nd, 1945th-1947th, 1950th and 1954th meetings; A/C.4/738 and Add.1 and A/C.4/740.

³² *Ibid.*, Twenty-sixth Session, Supplement No. 24 (A/8424), paras. 51-58; and *ibid.*, Supplement No. 23 (A/8423/Rev.1), chap. V, annex.

the Declaration on the Granting of Independence to Colonial Countries and Peoples,

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

Noting with satisfaction the advisory opinion of the International Court of Justice of 21 June 1971³³ delivered in response to the request addressed to it by the Security Council in its resolution 284 (1970) of 29 July 1970,

Noting also the provisions of Security Council resolution 301 (1971) of 20 October 1971,

Deeply concerned at South Africa's continued occupation of Namibia in defiance of General Assembly resolution 2145 (XXI) and in flagrant violation of its obligations under the Charter of the United Nations,

Deeply concerned also at the use of the Territory of Namibia by South Africa as a base for taking actions which violate the sovereignty and territorial integrity of independent African States,

Considering that the basic condition for the fulfilment of the responsibility of the United Nations towards Namibia is the removal of South Africa's presence from the Territory,

Mindful of the obligations of all Member States under Article 25 of the Charter,

Mindful also that the direct responsibility of the United Nations for Namibia includes the solemn obligation to protect and safeguard the rights and interests of the people of the Territory pending their exercise of self-determination and attainment of independence,

1. *Reaffirms* the inalienable right of the people of Namibia to self-determination and independence, as recognized in General Assembly resolution 1514 (XV) and subsequent resolutions, and the legitimacy of their struggle by all means against the illegal occupation of their territory by South Africa;

2. *Welcomes* the advisory opinion of the International Court of Justice of 21 June 1971, as expressed in paragraph 133 thereof;

3. *Condemns* the Government of South Africa for its continued refusal to put an end to its illegal occupation and administration of the Territory of Namibia and to comply with the pertinent resolutions of the Security Council and the General Assembly;

4. *Further condemns* the Government of South Africa for its continued extension to the Territory of Namibia of the policies of *apartheid*, and for its policies aimed at destroying the unity of the people and the territorial integrity of Namibia through the establishment of separate "homelands" based on racial and tribal distinctions;

5. *Deplores* any support given by any State to South Africa, and by any financial, economic and other interests operating in Namibia, which enables South Africa to pursue its repressive policies in the Territory, and calls for the termination of all such support;

6. *Calls upon* all States:

(a) To respect strictly the resolutions of the General Assembly and the Security Council concerning Namibia, and the advisory opinion of the International Court of Justice of 21 June 1971;

³³ *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.*

(b) To refrain from all direct or indirect relations, economic or otherwise, with South Africa, where those relations concern Namibia;

(c) Not to recognize as legally valid any rights or interests in Namibian property or resources purportedly acquired from the South African Government after 27 October 1966;

(d) To take effective economic and other measures designed to ensure the immediate withdrawal of the South African administration from Namibia, thereby making possible the implementation of General Assembly resolutions 2145 (XXI) and 2248 (S-V);

7. *Invites* the Security Council to take effective measures, in conformity with the relevant provisions of the Charter, to secure the withdrawal by South Africa of its illegal administration from Namibia, and the implementation of the resolutions of the General Assembly and the Security Council designed to enable the people of Namibia to exercise their right to self-determination;

8. *Calls once again* upon South Africa to treat Namibians captured during their struggle for freedom as prisoners of war in accordance with the Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949,³⁴ and to comply with the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,³⁵ and, in this regard, invites the International Committee of the Red Cross to exercise its good offices to secure South Africa's compliance with those Conventions;

9. *Requests* all States and the specialized agencies and other organizations within the United Nations system, in co-operation with the Organization of African Unity, to render to the Namibian people all moral and material assistance necessary to continue their struggle for the restoration of their inalienable right to self-determination and independence, and to work out, in active co-operation with the United Nations Council for Namibia and the Organization of African Unity, concrete programmes of assistance to Namibia;

10. *Invites* the specialized agencies to give full publicity, through all media, to the question of Namibia and to the conditions prevailing in the Territory to which their respective spheres of competence are related;

11. *Recommends* the report of the United Nations Council for Namibia³⁶ to all States and to the subsidiary organs of the General Assembly and other competent organs of the United Nations, as well as the specialized agencies and other organizations within the United Nations system, for appropriate action, in conformity with the relevant resolutions of the General Assembly and the Security Council;

12. *Reaffirms* the direct responsibility of the United Nations in regard to the Territory of Namibia and its obligation to lead the Namibian people to self-determination and independence;

13. *Requests* the United Nations Council for Namibia, in accordance with the provisions of the relevant resolutions of the General Assembly, to continue to discharge its functions and responsibilities, and in particular:

(a) To represent Namibia whenever it is required;

(b) To continue its consultations, at United Nations Headquarters, in Africa or elsewhere, with the representatives of the Namibian people and the Organization of African Unity;

(c) To assume responsibility for the urgent establishment of a short-term and long-term co-ordinated programme of technical and financial assistance to Namibia, as explained in the report of the Secretary-General,³⁷ in line with the relevant provisions of General Assembly resolution 2248 (S-V);

14. *Notes with appreciation* the recognition by a large number of States of the identity certificates and travel documents issued to Namibians by the United Nations Council for Namibia³⁸ and once again calls upon all other States which have not yet done so to recognize those documents;

15. *Calls upon* all States to co-operate fully with the United Nations Council for Namibia in its efforts to discharge its responsibilities;

16. *Requests* the Secretary-General, bearing in mind the recommendation of the United Nations Council for Namibia concerning the enlargement of its membership with a view to ensuring broader representation on the Council,³⁹ to hold consultations among the permanent members of the Security Council and other regional groups not represented on the United Nations Council for Namibia and to report thereon to the General Assembly;

17. *Urges* the Secretary-General, in view of the recommendation of the United Nations Council for Namibia, to undertake the necessary consultations to nominate as soon as possible a full-time United Nations Commissioner for Namibia;

18. *Requests* the Secretary-General to continue to provide the necessary assistance and facilities to the United Nations Council for Namibia and to the United Nations Commissioner for Namibia for the discharge of their respective duties and functions;

19. *Requests* the Secretary-General to take the necessary steps to intensify publicity relating to Namibia, and to issue a series of United Nations commemorative postage stamps to publicize the direct responsibility of the United Nations for Namibia;

20. *Requests* the Secretary-General to transmit the present resolution to the competent subsidiary organs of the General Assembly, other organs of the United Nations, the specialized agencies and other organizations within the United Nations system;

21. *Further requests* the Secretary-General to report to the General Assembly at its twenty-seventh session on the implementation of the present resolution.

*2028th plenary meeting,
20 December 1971.*

2872 (XXVI). United Nations Fund for Namibia

The General Assembly,

Recalling its resolution 2145 (XXI) of 27 October 1966, by which the United Nations decided to terminate the Mandate of South Africa over Namibia and

³⁴ United Nations, *Treaty Series*, vol. 75 (1950), No. 972.

³⁵ United Nations, *Treaty Series*, vol. 75 (1950), No. 973.

³⁶ *Official Records of the General Assembly, Twenty-sixth Session, Supplement No. 24 (A/8424).*

³⁷ A/8473.

³⁸ See *Official Records of the General Assembly, Twenty-sixth Session, Supplement No. 24 (A/8424)*, annex I.

³⁹ *Ibid.*, Supplement No. 24 (A/8424), para. 197.