

may constitute collections representative of their cultural heritage.

Noting with satisfaction that some countries have taken positive steps towards the return or restitution of museum pieces, archives and *objets d'art* to their countries of origin.

Reaffirming the importance of inventories as an essential tool for the understanding and protection of cultural property and for the identification of dispersed heritage and as a contribution to the advancement of scientific and artistic knowledge and intercultural communication.

Deeply concerned at the clandestine excavations and the illicit traffic in cultural property that continue to impoverish the cultural heritage of all peoples.

Supporting the solemn appeal made on 7 June 1978 by the Director-General of the United Nations Educational, Scientific and Cultural Organization for the return of irreplaceable cultural heritage to those who created it.

1. *Commends* the United Nations Educational, Scientific and Cultural Organization and the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation on the work they have accomplished, in particular through the promotion of bilateral negotiations, for the return or restitution of cultural property, the preparation of inventories of movable cultural property, the development of infrastructures for the protection of movable cultural property, the reduction of illicit traffic in cultural property and the dissemination of information to the public;

2. *Reaffirms* that the restitution to a country of its *objets d'art*, monuments, museum pieces, archives, manuscripts, documents and any other cultural or artistic treasures contributes to the strengthening of international co-operation and to the preservation and flowering of universal cultural values through fruitful co-operation between developed and developing countries;

3. *Invites* Member States to draw up, in co-operation with the United Nations Educational, Scientific and Cultural Organization, systematic inventories of cultural property existing in their territory and of their cultural property abroad;

4. *Also invites* Member States engaged in seeking the recovery of cultural and artistic treasures from the sea-bed, in accordance with international law, to facilitate by mutually acceptable conditions the participation of States having a historical and cultural link with those treasures;

5. *Appeals* to Member States to co-operate closely with the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation and to conclude bilateral agreements for this purpose;

6. *Also appeals* to Member States to encourage the mass information media and educational and cultural institutions to strive to arouse a greater and more general awareness with regard to the return or restitution of cultural property to its country of origin;

7. *Takes note with satisfaction* of the importance accorded by the World Conference on Cultural Policies, held at Mexico City from 26 July to 6 August 1982, to the question of the return or restitution of cultural property during the debate on cultural policies;

8. *Endorses* the opinion expressed at the World Conference on Cultural Policies that the return of cultural property to its country of origin should be accompanied by

the training of key personnel and technicians and the provision of the necessary facilities for the satisfactory conservation and presentation of the property restored;³⁹

9. *Invites once again* those Member States that have not yet done so to sign and ratify the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property;

10. *Requests* the Secretary-General, in co-operation with the Director-General of the United Nations Educational, Scientific and Cultural Organization, to submit to the General Assembly at its fortieth session a report on the implementation of the present resolution;

11. *Decides* to include in the provisional agenda of its fortieth session the item entitled "Return or restitution of cultural property to the countries of origin".

71st plenary meeting
25 November 1983

38/36. Question of Namibia

A

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

The General Assembly,

Having examined the report of the United Nations Council for Namibia⁴⁰ and the relevant chapters of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,⁴¹

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

Recalling, in particular, its resolutions 2145 (XXI) of 27 October 1966 and 2248 (S-V) of 19 May 1967 and subsequent resolutions of the General Assembly and the Security Council relating to Namibia, as well as the advisory opinion of the International Court of Justice of 21 June 1971,⁴² delivered in response to the request addressed to it by the Security Council in its resolution 284 (1970) of 29 July 1970,

Recalling also its resolutions 3111 (XXVIII) of 12 December 1973 and 31/146 and 31/152 of 20 December 1976, by which it, *inter alia*, 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 totally to isolate it politically, economically, militarily and culturally,

Recalling the Political Declaration adopted by the Seventh Conference of Heads of State or Government of Non-Aligned Countries, held at New Delhi from 7 to 12 March 1983,⁴³

Recalling the Paris Declaration on Namibia and the report of the Committee of the Whole and the Programme of Action on Namibia adopted at the International Confer-

³⁹ See A/38/456, p. 12, para. 17.

⁴⁰ Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 24 (A/38/24).

⁴¹ *Ibid.*, Supplement No. 23 (A/38/23), chaps. I-VI and VIII.

⁴² *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.

⁴³ A/38/132-S/15675 and Corr.1 and 2, annex, sect. 1.

ence in Support of the Struggle of the Namibian People for Independence,⁴⁴

Recalling the debate on the question of Namibia held in the Security Council from 23 May to 1 June 1983,⁴⁵

Recalling the resolution on Namibia adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its nineteenth ordinary session, held at Addis Ababa from 6 to 12 June 1983,⁴⁶

Strongly reiterating that the continuing illegal and colonial occupation of Namibia by South Africa, in defiance of repeated General Assembly and Security Council resolutions, 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 grave responsibility of the international community to take all possible measures in support of the Namibian people in their liberation struggle under the leadership of their sole and authentic representative, the South West Africa People's Organization,

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,

Indignant at South Africa's refusal to comply with repeated 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 and 532 (1983) of 31 May 1983, and at its manoeuvres aimed at perpetuating its brutal domination and exploitation of the Namibian people, as repeatedly manifested in the course of the consultations for the implementation of the United Nations plan for the independence of Namibia,

Commending the front-line States and the South West Africa People's Organization for the statesmanlike and constructive attitude which they have displayed throughout the consultations to implement Security Council resolution 435 (1978),

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

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

Deeply concerned at the increasing militarization of Namibia, the forceful conscription of Namibians, the creation of tribal armies and the use of mercenaries for internal repression and external aggression,

Noting with grave concern that, as a result of the Security Council's failure on 31 August 1981,⁴⁷ on account of the veto of the United States of America, to exercise its responsibilities, unprovoked massive armed aggression against Angola continues and recently has escalated to extremely dangerous proportions,

Expressing its strong condemnation of South Africa's continuing acts of aggression against independent African States, particularly Angola, which have caused extensive loss of human life and destruction of economic infrastructures,

Reaffirming that the resources of Namibia are the inalienable heritage of the Namibian people and that the exploitation of those resources by foreign economic interests under the protection of the illegal colonial administration, in violation of the Charter of the United Nations, of the relevant resolutions of the General Assembly and the Security Council and of Decree No. 1 for the Protection of the Natural Resources of Namibia,⁴⁸ 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 contributes to the maintenance of the illegal occupation régime,

Deeply deploring the continued collaboration with South Africa of certain Western States, in particular the United States of America, as well as that of Israel, 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, in particular the International Monetary Fund, in disregard of the relevant resolutions of the General Assembly,

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

Noting with grave concern that the Security Council has been prevented on several occasions from taking effective action against South Africa in the discharge of its responsibilities under Chapter VII of the Charter on account of the vetoes cast by one or more of the Western permanent members of the Security Council,

Commending the efforts of the United Nations Council for Namibia in the discharge of the responsibilities entrusted to it under the relevant resolutions of the General Assembly as the legal Administering Authority for Namibia until independence,

1. *Approves* the report of the United Nations Council for Namibia;⁴⁰

2. *Takes note* of the Paris Declaration on Namibia and the report of the Committee of the Whole and the Programme of Action on Namibia adopted at the International Conference in Support of the Struggle of the Namibian People for Independence;⁴⁴

3. *Takes note* of the debate on the question of Namibia held in the Security Council from 23 May to 1 June 1983, in which the international community overwhelmingly pronounced itself against the establishment of any linkage or parallelism between Namibian independence and extraneous and irrelevant issues, in particular the withdrawal of Cuban forces from Angola;

4. *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 in General Assembly resolutions 1514 (XV) and 2145 (XXI) and in subsequent resolutions of the Assembly relating to

⁴⁴ Report of the International Conference in Support of the Struggle of the Namibian People for Independence, Paris, 25-29 April 1983 (A/CONF.120/13), part three.

⁴⁵ See Official Records of the Security Council, Thirty-eighth Year, 2439th-2444th and 2446th-2451st meetings.

⁴⁶ A/38/312, annex, resolution AHG/Res.105 (XIX).

⁴⁷ See Official Records of the Security Council, Thirty-sixth Year, 2300th meeting.

⁴⁸ Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 24 (A/35/24), vol. I, annex II.

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;

5. *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 purpose, reaffirms the mandate given to the United Nations Council for Namibia as the legal Administering Authority for Namibia until independence under resolution 2248 (S-V) and subsequent resolutions of the General Assembly;

6. *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;

7. *Solemnly 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 resolutions of the United Nations relating to Namibia and further reaffirms that the only parties to the conflict in Namibia are, on the one hand, South Africa, as the illegal occupying Power, and, on the other, the Namibian people under the leadership of the South West Africa People's Organization, their sole and authentic representative;

8. *Commends* the Namibian people's courage and determination and proclaims its full support for the heroic struggle they are waging under the leadership of the South West Africa People's Organization, their sole and authentic representative, to achieve self-determination, freedom and national independence in a united Namibia;

9. *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;

10. *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;

11. *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, Walvis Bay and the offshore islands of Namibia are an integral part of Namibia and that all attempts by South Africa to annex them are therefore illegal, null and void;

12. *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;

13. *Reaffirms* that Security Council resolution 435 (1978), together with Council resolution 385 (1976), is the only basis for a peaceful settlement of the question of Namibia and calls for its immediate and unconditional implementation without qualification or modification;

14. *Firmly rejects* the manoeuvres by the United States of America and South Africa aimed at undermining the international consensus embodied in Security Council resolution 435 (1978) and at depriving the oppressed people of Namibia of their hard-won victories in the struggle for national liberation;

15. *Firmly rejects and condemns* the persistent attempts by the United States of America and South Africa to establish a linkage or parallelism between the independence of Namibia and any extraneous issues, in particular the withdrawal of Cuban forces from Angola, and emphasizes unequivocally that all such attempts are designed to delay the decolonization process in Namibia and that they constitute interference in the internal affairs of Angola;

16. *Expresses its appreciation* to the front-line States and the South West Africa People's Organization for their statesmanlike and constructive attitude throughout the consultations to implement Security Council resolution 435 (1978);

17. *Strongly condemns* South Africa for obstructing the implementation of Security Council resolutions 385 (1976), 435 (1978) and 439 (1978) 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;

18. *Denounces* all fraudulent constitutional and political schemes through which the illegal racist régime of South Africa may attempt to perpetuate its colonial domination of Namibia and, in particular, calls upon the international community, especially all Member States, to continue to refrain from according any recognition or extending any co-operation to any régime which the illegal South African administration may impose upon the Namibian people in disregard of the present resolution, of Security Council resolutions 385 (1976), 435 (1978) and 439 (1978) and of other relevant resolutions of the General Assembly and the Council;

19. *Strongly condemns* the illegal South African administration in Namibia for its manoeuvres, such as the establishment of another puppet institution in the form of the so-called State Council in direct violation of Security Council resolution 439 (1978), aimed at perpetuating its domination and exploitation of the people and natural resources of the Territory;

20. *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, under the leadership of the South West Africa People's Organization, for self-determination and national liberation, as well as at negating the achievements of their just struggle;

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

22. *Calls upon* Member States and the specialized agencies and other international organizations associated with the United Nations 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;

23. *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 *apartheid* régime's oppressive policies to flee Namibia, especially into the neighbouring front-line States;

24. *Calls upon* all Governments, especially those which 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;

25. *Condemns* the increased assistance rendered by the major Western countries and Israel to South Africa in the political, economic, financial and particularly the military fields, expresses its conviction that this assistance constitutes a hostile action against the people of Namibia and the front-line States since it is bound to strengthen the military capability of the racist régime, and demands that such assistance be immediately terminated;

26. *Declares* that the resolution on the need for development aid for Namibia, adopted by the European Parliament on 13 January 1983,⁴⁹ calling upon the European Economic Community to extend aid to occupied Namibia as well as to so-called "refugees from southern Angola" in Namibia, if implemented, would flout international law by implying recognition of South Africa's presence in Namibia and would subsidize Pretoria's illegal administration of the Territory, while encouraging its acts of aggression against Angola and the occupation of a part of Angolan territory;

27. *Notes*, in this connection, the declaration of the European Parliament of 14 November 1983 concerning the resolution on the need for development aid for Namibia, which the Parliament adopted on 13 January 1983, and the letter of 15 November 1983 from the President of the European Parliament to the Secretary-General underlining that the European Parliament and the European Community support and respect the framework established by the United Nations in respect of Namibia;⁵⁰

28. *Condemns*, in this connection, the visit in August 1983 by four members of the European Parliament to Namibia and the parts of Angolan territory occupied by South Africa;

29. *Strongly condemns* South Africa for its military build-up in Namibia, its introduction of compulsory military service for Namibians, 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, its threats and acts of subversion and aggression against those States and the forcible displacement of Namibians from their homes;

30. *Strongly condemns* South Africa for its persistent acts of subversion and aggression against Angola, including the occupation of a part of its territory, and calls upon South Africa to cease all acts of aggression against and withdraw all its troops from that country;

31. *Condemns* the use of the territory of Namibia by the racist régime of South Africa as a staging ground from which to launch armed attacks against neighbouring African States, particularly the repeated unprovoked acts of aggression against and invasion of Angola, including occupation of parts of that country, in order to intimidate those States and, *inter alia*, to prevent them from supporting the legitimate struggle of the Namibian and South African peoples for freedom and independence;

32. *Condemns* the continuing military and nuclear collaboration on the part of certain Western States and Israel with the racist régime of South Africa, which is encouraging the Pretoria régime in its defiance of the international community and obstructing efforts to eliminate *apartheid* and bring South Africa's illegal occupation of Namibia to an end, and urges those States to cease and desist forthwith from such collaboration with South Africa, which is in violation of the arms embargo imposed against South

Africa under Security Council resolution 418 (1977) of 4 November 1977;

33. *Expresses its grave concern* at the acquisition of nuclear weapons capability by the racist régime of South Africa, with its record of violence and aggression, and declares that such acquisition constitutes a further attempt on its part to terrorize and intimidate independent States in the region into submission, while also posing a danger to all mankind;

34. *Strongly condemns* the collusion by the Governments of certain Western and other States, particularly those of the United States of America and Israel, with the racist régime of South Africa in the nuclear field and calls upon France and all other States to refrain from supplying the racist minority régime of South Africa, directly or indirectly, with installations that might enable it to produce uranium, plutonium or other nuclear materials, reactors or military equipment;

35. *Calls upon* the international community to extend, as a matter of urgency, full support and assistance, including military assistance, to the front-line States in order to enable them to defend their sovereignty and territorial integrity against the repeated acts of aggression by South Africa;

36. *Condemns* South Africa's attempts to thwart the work of the Southern African Development Co-ordination Conference, and calls upon all States to render all possible assistance to the Conference in its efforts to promote regional economic co-operation and development;

37. *Requests* the Secretary-General to continue to develop, in consultation with the United Nations Development Programme, a comprehensive programme of assistance to States that are neighbours of South Africa and Namibia, on the understanding that such assistance should not only envisage the overcoming of short-term difficulties but be designed to enable those States to move towards complete self-reliance, and requests the Secretary-General to report to the General Assembly at its thirty-ninth session on the development of this programme;

38. *Requests* all specialized agencies and other organizations and institutions of the United Nations system to co-operate with the Secretary-General in the development of a comprehensive programme of assistance to States neighbouring South Africa and Namibia;

39. *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;

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

41. *Demands* 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;

⁴⁹ Official Journal of the European Communities, No. C 42/53.

⁵⁰ See Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 24 (A/38/24), annex III.

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

43. *Reaffirms* that the natural resources of Namibia are the birthright of the Namibian people and expresses its deep concern at the rapid depletion of the natural resources of the Territory, particularly its uranium deposits, as a result of their reckless 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 the advisory opinion of the International Court of Justice of 21 July 1971⁴² and of Decree No. 1 for the Protection of the Natural Resources of Namibia;⁴⁸

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

45. *Strongly condemns* the activities of all foreign economic interests operating in Namibia under the illegal South African administration which are illegally exploiting the resources of the Territory and demands that transnational corporations engaged in such exploitation comply with all the relevant resolutions of the United Nations by immediately refraining from any new investment or activities in Namibia, by withdrawing from the Territory and by putting an end to their co-operation with the illegal South African administration;

46. *Requests once again* all Member States to take all appropriate measures, including legislation 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;

47. *Declares* that, by their depletive exploitation of natural resources and continued accumulation and repatriation of huge profits, the activities of foreign economic, financial and other interests operating at present in Namibia constitute a major obstacle to its independence;

48. *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 the context of the implementation of Decree No. 1 for the Protection of the Natural Resources of Namibia, including the practice of requiring negative certificates of origin, to prohibit and prevent State-owned and other corporations, together with their subsidiaries, from dealing in Namibian uranium and from engaging in any uranium-prospecting activities in Namibia;

49. *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, which regulates the activities of Urenco;

50. *Deeply deplores* the continued collaboration of the International Monetary Fund with South Africa in disregard of General Assembly resolution 37/2 of 21 October 1982, and calls upon the Fund to put an end to such collaboration;

51. *Reiterates its request* to all States, pending the imposition of mandatory sanctions against South Africa, to take legislative, administrative and other measures unilaterally and collectively, as appropriate, 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 37/233A of 20 December 1982;

52. *Requests* the United Nations Council for Namibia to continue to follow the implementation of the provisions of paragraph 51 above on the basis of information received from States as well as from other sources;

53. *Requests* the United Nations Council for Namibia, in 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 thirty-ninth session a comprehensive report on all contacts between all 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;

54. *Requests* all States to co-operate fully with the United Nations Council for Namibia in the fulfilment of its tasks 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 thirty-ninth session of the Assembly on the measures taken by them in the implementation of those resolutions;

55. *Requests* the Secretary-General to seek to ensure that all banks, corporations and other institutions with which the United Nations has contracts are in compliance with United Nations sanctions policies against South Africa;

56. *Declares* that the liberation struggle in Namibia is a conflict of an international character in terms of article 1, paragraph 4, of Additional Protocol I⁵¹ to the Geneva Conventions of 12 August 1949⁵² 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 War⁵³ and Additional Protocol thereto;

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

58. *Strongly urges* the Security Council, in the light of the serious threat to international peace and security posed by South Africa, to respond positively to the overwhelming demand of the international community by immediately imposing comprehensive mandatory sanctions against that country, as provided for in Chapter VII of the Charter of the United Nations;

59. *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;

⁵¹ A/32/144, annex I.

⁵² United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

⁵³ *Ibid.*, No. 972, p. 135.

60. *Further calls upon* the Security Council to implement, as a matter of urgency, the recommendations contained in the report of the Committee established by Council resolution 421 (1977);⁵⁴

61. *Deplores* the decision of the Government of the United Kingdom and Northern Ireland to supply radar equipment to South Africa and urges the Security Council Committee established in pursuance of resolution 421 (1977) to take appropriate action to ensure that the mandatory arms embargo against South Africa is not violated;

62. *Requests* the Secretary-General to report to the General Assembly at its thirty-ninth session on the implementation of the present resolution.

*79th plenary meeting
1 December 1983*

B

IMPLEMENTATION OF SECURITY COUNCIL RESOLUTION 435 (1978)

The General Assembly.

Indignant at South Africa's 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 and 532 (1983) of 31 May 1983 and at its manoeuvres aimed at gaining international recognition for 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 any further delay with the implementation of Security Council resolution 435 (1978), which, together with Council resolution 385 (1976), is the only basis for a peaceful settlement of the question of Namibia.

Condemning the attempts by South Africa and the United States of America to continue to deny the Namibian people their inalienable right to self-determination and independence by linking the independence of Namibia with totally irrelevant and extraneous issues.

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 the attempts to link their presence in that country with Namibia's independence constitute interference in the internal affairs of Angola.

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 Namibia.

Recalling its request to the Security Council, in the light of the serious threat to international peace and security posed by South Africa, to respond positively to the overwhelming demand of the international community by immediately imposing comprehensive mandatory sanctions against that country as provided for in Chapter VII of the Charter of the United Nations.

Recalling its call upon all States, in view of the threat to international peace and security posed by South Africa, to impose comprehensive mandatory sanctions against that country in accordance with the provisions of the Charter.⁵⁵

Taking note of the further reports of the Secretary-General dated 19 May 1983⁵⁶ and 29 August 1983⁵⁷ concerning the implementation of Security Council resolutions 435 (1978) and 439 (1978) concerning the question of Namibia.

1. *Strongly condemns* South Africa for obstructing the implementation of Security Council resolutions 385 (1976), 435 (1978), 439 (1978) and 532 (1983) 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 for Namibia pending its achievement of genuine self-determination and national independence;

3. *Reiterates* that Security Council resolution 435 (1978), in which the Council endorsed the United Nations plan for the independence of Namibia, is the only basis for a peaceful settlement of the question of Namibia and demands its immediate and unconditional implementation without qualification, modification or amendment or the introduction of extraneous and irrelevant issues of "linkage", "parallelism" or "reciprocity" insisted upon by the United States of America and South Africa;

4. *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 Namibia;

5. *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;

6. *Firmly rejects and condemns* the persistent attempts by the United States of America and South Africa to establish a linkage or parallelism between the independence of Namibia 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 the decolonization process in Namibia and that they constitute interference in the internal affairs of Angola;

7. *Calls upon* all States to condemn and reject any attempt to link the independence of Namibia with extraneous and irrelevant issues;

8. *Expresses its dismay* at the fact that the Security Council has been prevented by its three Western permanent members from adopting effective measures against South Africa in the discharge of its responsibilities for the maintenance of international peace and security, and considers that comprehensive and mandatory sanctions under Chapter VII of the Charter of the United Nations, if universally and effectively implemented, would ensure South Africa's compliance with the decisions of the United Nations;

⁵⁴ *Official Records of the Security Council, Thirty-fifth Year, Supplement for July, August and September 1980, document S/14179.*

⁵⁵ See resolution ES/8-2.

⁵⁶ *Official Records of the Security Council, Thirty-eighth Year, Supplement for April, May and June 1983, document S/15776.*

⁵⁷ *Ibid., Supplement for July, August and September 1983, document S/15943.*

9. *Requests* the Security Council to exercise its authority with regard to the implementation of its resolutions 385 (1976), 435 (1978) and 532 (1983) so as to bring about the independence of Namibia without further delay, and to act decisively against any dilatory manoeuvres and fraudulent schemes of the South African administration in Namibia aimed at frustrating the legitimate struggle of the Namibian people for independence;

10. *Urges* the Security Council to impose comprehensive mandatory sanctions against the racist régime of South Africa under Chapter VII of the Charter, in order to ensure the total cessation of all co-operation with that régime, particularly in the military and nuclear fields, by Governments, corporations, institutions and individuals;

11. *Requests* the Secretary-General to report to the General Assembly at its thirty-ninth session on the implementation of the present resolution.

79th plenary meeting
1 December 1983

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,⁴⁰

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 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,

Taking into consideration the Paris Declaration on Namibia and the report of the Committee of the Whole and the Programme of Action on Namibia adopted at the International Conference in Support of the Struggle of the Namibian People for Independence,⁴⁴

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, 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 against 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 fraudulent constitutional or political schemes through which South Africa may attempt to perpetuate its presence in Namibia;

(d) Ensure non-recognition of any administration or entity installed at Windhoek not issuing from free elections in Namibia conducted under the supervision and control of the United Nations, in accordance with the relevant resolutions of the Security Council, in particular resolution 439 (1978) of 13 November 1978;

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

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

(a) Consult Governments in order to further the implementation of United Nations resolutions on the question of Namibia and to mobilize support for the cause of Namibia;

(b) Represent Namibia in United Nations conferences and intergovernmental and non-governmental organizations, bodies and conferences to ensure that the rights and interests of Namibia shall be adequately protected;

6. *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;

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

8. *Reiterates its request* to all specialized agencies and other organizations and institutions 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, organizations and institutions;

9. *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;

10. *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;

11. *Takes note* of the ratification by the United Nations Council for Namibia of the United Nations Convention on the Law of the Sea;⁵⁸

12. *Takes note* of the accession by the United Nations Council for Namibia, in its capacity as legal Administering Authority for Namibia, to the Geneva Conventions of 12 August 1949⁵² and the Additional Protocols thereto⁵⁹ and requests the Council to accede to such other international conventions as it may deem appropriate;

13. *Takes note* of the signing by the United Nations Council for Namibia, in its capacity as the legal Administering Authority for Namibia, of the Final Act of the United Nations Conference on Succession of States in respect of State Property, Archives and Debts;⁶⁰

14. *Requests* the United Nations Council for Namibia to promote and secure the implementation of the Programme of Action for Namibia adopted at the International Conference in Support of the Struggle of the Namibian People for Independence;⁴⁴

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

(a) Review the progress of the liberation struggle in Namibia in its political, military and social aspects and prepare periodic reports related thereto;

(b) Consider the compliance of Member States with the relevant United Nations resolutions relating to Namibia, taking into account the advisory opinion of the International Court of Justice of 21 June 1971;⁴²

(c) Consider the activities of foreign economic interests operating in Namibia with a view to recommending appropriate policies to the General Assembly in order to counter the support which those foreign economic interests give to the illegal South African administration in Namibia;

(d) Continue to examine the exploitation of and trade in Namibian uranium by foreign economic interests and report on its findings to the General Assembly at its thirtieth session;

(e) Notify the Governments of States whose corporations, whether public or private, operate in Namibia of the illegality of such operations;

(f) Send missions of consultation to Governments of States whose corporations have investments in Namibia in order to review with them all possible action to discourage the continuation of such investments;

(g) Contact administering and managing bodies of foreign corporations operating in Namibia regarding the illegal basis on which they are operating in the Territory;

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

(i) Draw the attention of the specialized agencies to Decree No. 1 for the Protection of the Natural Resources of Namibia,⁴⁸ enacted by the United Nations Council for Namibia on 27 September 1974;

(j) Take all measures to ensure compliance with the provisions of Decree No. 1 for the Protection of the Natural Resources of Namibia, including consideration of the institution of legal proceedings in the domestic courts of States and other appropriate bodies;

(k) Undertake, in consultation with the South West Africa People's Organization, urgent consultations with the Commission of the European Communities and the

European Parliament in order to ensure that no action is taken which implies recognition of South Africa's illegal administration in Namibia;

(l) Conduct hearings, seminars and workshops in order to obtain relevant information on the exploitation of the people and resources of Namibia by South African and other foreign interests and to expose such activities;

(m) Organize regional symposia on the situation in Namibia with a view to intensifying active support for the Namibian cause;

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

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

16. *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 to finance 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;

17. *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;

18. *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 in any matter of interest to the Namibian people;

19. *Requests* the United Nations Council for Namibia, in the discharge of its responsibilities as the legal Administering Authority for Namibia, to hold a series of plenary meetings in Asia during 1984 and to recommend appropriate action to the General Assembly in the light of South Africa's refusal to implement Security Council resolution 435 (1978) of 29 September 1978;

20. *Requests* the Secretary-General to defray the cost of the plenary meetings of the United Nations Council for Namibia and to provide the necessary staff and services for them;

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

22. *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 that Office.

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⁵⁸ *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. XVII (United Nations publication, Sales No. E.84.V.2), document A/CONF.62/122.

⁵⁹ A/32/144, annexes I and II.

⁶⁰ A/CONF.117/15.

D

DISSEMINATION OF INFORMATION AND MOBILIZATION OF INTERNATIONAL PUBLIC OPINION IN SUPPORT OF NAMIBIA

The General Assembly.

Having examined the report of the United Nations Council for Namibia⁴⁰ and the relevant chapters of the report of the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,⁴¹

Recalling its resolutions 2145 (XXI) of 27 October 1966, 2248 (S-V) of 19 May 1967 and 37/233 of 20 December 1982, as well as all other resolutions of the General Assembly and the Security Council relating to Namibia.

Taking into consideration the Paris Declaration on Namibia and the report of the Committee of the Whole and the Programme of Action on Namibia adopted at the International Conference in Support of the Struggle of the Namibian People for Independence.⁴²

Taking into consideration also the conclusions and recommendations adopted at the Regional Symposium in Support of the Namibian Cause in Latin America, held at San José, from 16 to 19 August 1983.⁶¹

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, their sole and authentic representative.

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 Namibian cause,

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

1. Requests the United Nations Council for Namibia, in pursuance of its international campaign in support of the struggle of the Namibian people for independence, to continue to consider ways and means of increasing the dissemination of information relating to Namibia;

2. Requests the Secretary-General to ensure that the Department of Public Information of the Secretariat, in all its activities of dissemination of information on the question of Namibia, follows the policy guidelines laid down by the United Nations Council for Namibia as the legal Administering Authority for Namibia;

3. Requests the Secretary-General to direct the Department of Public Information, in addition to its responsibilities relating to southern Africa, to assist, as a matter of priority, the United Nations Council for Namibia in the implementation of its programme of dissemination of information in order that the United Nations may intensify its efforts to generate publicity and disseminate information with a view to mobilizing public support for the

independence of Namibia, particularly in the Western States;

4. Decides to intensify its international campaign in support of the cause of Namibia and to expose and denounce the collusion of the United States of America, certain other Western States and Israel with the South African racists and, to this end, requests the United Nations Council for Namibia to include in its programme of dissemination of information for 1984 the following activities:

(a) Preparation and dissemination of publications on the political, economic, military and social consequences of the illegal occupation of Namibia by South Africa, as well as on legal matters, on the question of the territorial integrity of Namibia and on contacts between Member States and South Africa;

(b) Production and dissemination of radio programmes in English, French, German and Spanish designed to draw the attention of world public opinion to the current situation in Namibia;

(c) Production of material for publicity through radio and television broadcasts;

(d) Placement of advertisements in newspapers and magazines;

(e) Production of films, film-strips and slide sets on Namibia;

(f) Production and dissemination of posters;

(g) Full utilization of the resources related to press releases, press conferences and press briefings in order to maintain a constant flow of information to the public on all aspects of the question of Namibia;

(h) Production and dissemination of a comprehensive economic map of Namibia;

(i) Preparation and wide dissemination of a booklet containing resolutions of the General Assembly and the Security Council relating to Namibia, together with relevant portions of Assembly resolutions on the activities of foreign economic interests in Namibia and on military activities in Namibia;

(j) Publicity for and distribution of an indexed reference book on transnational corporations involved in Namibia;

(k) Preparation and dissemination of a booklet based on a study on the implementation of Decree No. 1 for the Protection of the Natural Resources of Namibia,⁴⁸ enacted by the Council on 27 September 1974;

(l) Acquisition of books, pamphlets and other materials relating to Namibia for further dissemination;

5. Requests the United Nations Council for Namibia to organize a symposium to be held at United Nations Headquarters in 1984 with the participation of prominent personalities, scholars, support groups, media personalities and others from all parts of the world, in order to mark the one hundredth anniversary of the heroic struggle of the Namibian people against colonial occupation and the plunder of the natural resources of their country and for self-determination, freedom and independence, and to draw the attention of the world public, particularly in the Western countries, to the question of Namibia, with a view to further mobilizing international support for the just struggle of the Namibian people under the leadership of the South West Africa People's Organization, their sole and authentic representative, to bring about the speedy independence of Namibia;

⁶¹ Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 24 (A/38/24), para. 576.

6. *Requests* the Secretary-General to allocate, in consultation with the United Nations Council for Namibia, sales numbers to publications on Namibia selected by the Council;

7. *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 1984 covering the activities of dissemination of information on Namibia, followed by periodic reports on the programmes undertaken, including details of expenses incurred;

8. *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 1984-1985 relating to the Department of Public Information, all the activities of the Department relating to the dissemination of information on Namibia;

9. *Requests* the Secretary-General to direct that the United Nations Day students' leaflet for 1984 be devoted to the question of Namibia;

10. *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 Namibia and the obligation of Governments and peoples to assist in the struggle of Namibians for independence;

11. *Requests* the United Nations Council for Namibia, in co-operation with the Department of Public Information and the Department of Conference Services of the Secretariat, to continue to inform and provide information material to leading opinion makers, media leaders, academic institutions, trade unions, cultural organizations, support groups and other concerned persons and non-governmental organizations about the objectives and functions of the United Nations Council for Namibia and the struggle of the Namibian people under the leadership of the South West Africa People's Organization and also to hold consultations with, and seek the co-operation of, those personalities and institutions by inviting them on special occasions to participate in the deliberations of the Council, and to establish for this purpose a regular and expeditious pattern of distribution of information material to political parties, universities, libraries, churches, students, teachers, professional associations and others falling into the general categories enumerated above;

12. *Requests* all Member States to commemorate and publicize Namibia Day and to issue special postage stamps for the occasion;

13. *Requests* the Secretary-General to direct the United Nations Postal Administration to issue a special postage stamp on Namibia by the end of 1984 in commemoration of Namibia Day;

14. *Calls upon* the United Nations Council for Namibia to enlist the support of non-governmental organizations in its efforts to mobilize international public opinion in support of the liberation struggle of the Namibian people and of their sole and authentic representative, the South West Africa People's Organization;

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

16. *Requests* those non-governmental organizations and support groups that are actively engaged in supporting the struggle of the Namibian people under the leadership of the South West Africa People's Organization, their sole and authentic representative, to continue to intensify, in co-operation with the United Nations Council for Namibia, international action in support of the liberation struggle of the Namibian people, including assistance to the Council in the monitoring of the boycott of South Africa called for in General Assembly resolution ES-8/2 of 14 September 1981;

17. *Decides* to allocate the sum of \$300,000 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 of the Council in each individual case on the recommendation of the South West Africa People's Organization.

79th plenary meeting
1 December 1983

E

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,⁶²

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 resolution 37/233 E of 20 December 1982, by which it approved amendments to the Charter,⁶³

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 and institutions 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

⁶² *Ibid.*, Supplement No. 24 (A/38/24), part two, chap. X and chap. XI, sect. B.

⁶³ 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.*

the South West Africa People's Organization, with the aim of consolidating all measures of assistance by the specialized agencies and other organizations and institutions 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 thirty-ninth session on activities in respect of the United Nations Fund for Namibia, the United Nations Institute for Namibia and the Nationhood Programme for Namibia;

3. *Decides* that the United Nations Fund for Namibia, including the Trust Funds for the Nationhood Programme for Namibia and the United Nations Institute for Namibia, shall be the primary source of 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 voluntary contributions to the United Nations Fund for Namibia, 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. *Decides* to allocate as a temporary measure to the United Nations Fund for Namibia the sum of \$1 million from the regular budget of the United Nations for 1984;

6. *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 generous voluntary contributions to the General Account of the United Nations Fund for Namibia and to the Trust Funds for the Nationhood Programme for Namibia and the United Nations Institute 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;

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

8. *Urges* the organizations of the United Nations system to waive agency support costs in respect of projects in favour of Namibians financed from the United Nations Fund for Namibia and other sources; and in cases where such costs cannot be waived, urges the organizations to treat contributions from the United Nations Fund for Namibia as Government cash counterpart contributions in accordance with decision 83/10 B of 24 June 1983 of the Governing Council of the United Nations Development Programme;⁶⁴

9. *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 elaborate and consider in due course policies and contingency plans regarding the transitional and post-independence phases of the Programme;

10. *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;

11. *Requests* the specialized agencies and other organizations and institutions of the United Nations system, when planning and initiating their new measures of assistance to Namibians, to do so within the context of the Nationhood Programme for Namibia and the United Nations Institute for Namibia;

12. *Expresses its appreciation* to those specialized agencies and other organizations and institutions 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) Preparing new project proposals at the request of the Council;

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

13. *Requests* the specialized agencies and other organizations and institutions of the United Nations system, in the light of the urgent need to strengthen the programme of assistance to the Namibian people, to make every effort to expedite the execution of Nationhood Programme for Namibia projects and other projects in favour of Namibians and to execute those projects on the basis of procedures which will reflect the role of the United Nations Council for Namibia as the legal Administering Authority for Namibia;

14. *Requests* the United Nations Council for Namibia to complete the preparation of and publish at an early date, through the United Nations Institute for Namibia, a comprehensive reference book on Namibia covering aspects of the question of Namibia as considered by the United Nations since its inception, in accordance with the outline prepared by the Council;

15. *Requests* the United Nations Institute for Namibia to complete the preparation, in co-operation with the South West Africa People's Organization, the Office of the United Nations Commissioner for Namibia and the United Nations Development Programme, of a comprehensive document on all aspects of economic planning in an independent Namibia, and requests the Secretary-General to provide substantive support through the Office of the Commissioner for the preparation of that document;

16. *Requests* the United Nations Council for Namibia to complete the preparation of and publish at an early date, in consultation with the Office of the United Nations Commissioner for Namibia, a demographic study of the Namibian population and a study of its educational needs;

17. *Urges* the specialized agencies and other organizations and institutions of the United Nations system to cooperate closely with the United Nations Institute for Namibia in strengthening its programme of activities;

18. *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 projects within the Nationhood Programme and for the United Nations Institute for Namibia;

19. *Calls upon* the United Nations Development Programme to raise the indicative planning figure for Namibia;

⁶⁴ See *Official Records of the Economic and Social Council, 1983, Supplement No. 9 (E/1983/20), annex I.*

20. *Expresses its appreciation* for the efforts of the United Nations High Commissioner for Refugees to assist Namibian refugees and requests him to expand those efforts in view of the substantial increase in the number of Namibian refugees;

21. *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;

22. *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
1 December 1983

38/37. Co-operation between the United Nations and the Asian-African Legal Consultative Committee

The General Assembly,

Recalling its resolutions 36/38 of 18 November 1981 and 37/8 of 29 October 1982,

Having considered the report of the Secretary-General on co-operation between the United Nations and the Asian-African Legal Consultative Committee,⁶⁵

Having heard the statement of the Secretary-General of the Asian-African Legal Consultative Committee⁶⁶ on the continuing close and effective co-operation between the two organizations,

1. *Takes note with appreciation* of the report of the Secretary-General;

2. *Notes with deep satisfaction* the ongoing close and effective co-operation between the United Nations and the Asian-African Legal Consultative Committee in the field of progressive development and codification of international law and other areas of common interest;

3. *Requests* the Secretary-General to continue to take steps to strengthen the co-operation between the United Nations and the Asian-African Legal Consultative Committee in the field of progressive development and codification of international law and other areas of common interest;

4. *Requests* the Secretary-General to submit to the General Assembly at its thirty-ninth session a report on co-operation between the United Nations and the Asian-African Legal Consultative Committee;

5. *Decides* to include in the provisional agenda of its thirty-ninth session the item entitled "Co-operation between the United Nations and the Asian-African Legal Consultative Committee".

82nd plenary meeting
5 December 1983

⁶⁵ A/38/491.

⁶⁶ *Official Records of the General Assembly, Thirty-eighth Session, Plenary Meetings, 82nd meeting, paras. 88-104.*

⁶⁷ See also sect. I, footnote 7, and sect. X.B.3, decision 38/407.

⁶⁸ *Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 22 (A/38/22).*

⁶⁹ *Ibid.*, Supplement No. 22A (A/38/22/Add.1).

38/39. Policies of apartheid of the Government of South Africa⁶⁷

A

SITUATION IN SOUTH AFRICA

The General Assembly,

Recalling and reaffirming its resolution 37/69 of 9 December 1982,

Having considered the report of the Special Committee against Apartheid,⁶⁸ as well as its special report on recent developments concerning relations between Israel and South Africa,⁶⁹

Taking note of the declarations of conferences organized or co-sponsored by the Special Committee, namely, the International Conference of Trade Unions on Sanctions and Other Actions against the Apartheid Régime in South Africa, held at Geneva on 10 and 11 June 1983,⁷⁰ the International Conference for Sanctions against Apartheid in Sports, held in London from 27 to 29 June 1983,⁷¹ the International Non-Governmental Organizations Conference on Action against Apartheid and Racism, held at Geneva from 5 to 8 July 1983,⁷² the International Conference on the Alliance between South Africa and Israel, held at Vienna from 11 to 13 July 1983,⁷³ and the Latin American Regional Conference for Action against Apartheid, held at Caracas from 16 to 18 September 1983,⁷⁴

Gravely concerned over the threat to international peace and security, and repeated breaches of the peace and acts of aggression, caused by the policies and actions of the racist minority régime of South Africa,

Condemning the racist minority régime of South Africa for its repeated defiance of the United Nations, its oppression of the great majority of the people of South Africa and its ruthless repression of all opponents of apartheid,

Strongly condemning the execution of Simon Mogoerane, Jerry Mosololi and Thabo Motaung, members of the African National Congress of South Africa, in defiance of appeals by the General Assembly and the Security Council.

Reaffirming that apartheid is a crime against humanity,

Strongly convinced that peace and stability in southern Africa require the total eradication of apartheid and the exercise of the right of self-determination by all the people of South Africa, irrespective of race, colour or creed,

Convinced that the racist minority régime of South Africa has been encouraged to perpetrate those criminal acts by the protection accorded to it by major Western Powers against international sanctions and by their continued collaboration with it,

Recognizing that the policies and actions of certain Western Powers and Israel are the main obstacles that have frustrated international efforts for the elimination of apartheid,

Condemning, in particular, the increased collaboration by the Government of the United States of America with the racist régime of South Africa, in pursuance of its policy of so-called "constructive engagement", which has encouraged the racist régime to entrench apartheid, intensify repression and escalate aggression against and destabilization of independent African States.

⁷⁰ A/38/272-S/15832, annex.

⁷¹ A/38/310-S/15882, annex.

⁷² A/38/309-S/15881, annex.

⁷³ A/38/311-S/15883, annex.

⁷⁴ A/38/451-S/16009, annex.