

Recalling resolution AHG/Res.104 (XIX) on Western Sahara,³⁰ 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,

1. *Reaffirms* that the question of Western Sahara is a question of decolonization which remains to be completed on the basis of the exercise by the people of Western Sahara of their inalienable right to self-determination and independence;

2. *Reaffirms also* that the solution of the question of Western Sahara lies in the implementation of resolution AHG/Res.104 (XIX) of the Assembly of Heads of State and Government of the Organization of African Unity, which establishes ways and means for a just and definitive political solution to the Western Sahara conflict;

3. *Again requests*, to that end, the two parties to the conflict, the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro, to undertake direct negotiations, in the shortest possible time, with a view to bringing about a cease-fire to create the necessary conditions for a peaceful and fair referendum for self-determination of the people of Western Sahara, a referendum without any administrative or military constraints, under the auspices of the Organization of African Unity and the United Nations;

4. *Welcomes* the efforts of the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity and the Secretary-General of the United Nations to promote a just and definitive solution of the question of Western Sahara;

5. *Invites* the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity and the Secretary-General of the United Nations to exert every effort to persuade the two parties to the conflict, the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro, to negotiate, in the shortest possible time and in conformity with resolution AHG/Res.104 (XIX) and the present resolution, the terms of a cease-fire and the modalities for organizing the said referendum;

6. *Reaffirms* the determination of the United Nations to co-operate fully with the Organization of African Unity with a view to implementing the relevant decisions of that organization, in particular resolution AHG/Res.104 (XIX);

7. *Requests* the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara as a matter of priority and to report thereon to the General Assembly at its forty-first session;

8. *Invites* the Secretary-General of the Organization of African Unity to keep the Secretary-General of the United Nations informed of the progress achieved in the implementation of the decisions of the Organization of African Unity relating to Western Sahara;

9. *Invites* the Secretary-General to follow the situation in Western Sahara closely with a view to the implementation of the present resolution and to report thereon to the General Assembly at its forty-first session.

99th plenary meeting
2 December 1985

40/51. Information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter of the United Nations

The General Assembly,

Having examined the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter of the United Nations³¹ and the action taken by the Committee in respect of that information,

Having also examined the report of the Secretary-General on the question,³²

Recalling its resolution 1970 (XVIII) of 16 December 1963, in which it requested the Special Committee to study the information transmitted to the Secretary-General in accordance with Article 73 e of the Charter and to take such information fully into account in examining the situation with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Recalling also its resolution 39/41 of 5 December 1984, in which it requested the Special Committee to continue to discharge the functions entrusted to it under resolution 1970 (XVIII),

1. *Approves* the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter of the United Nations;

2. *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;

3. *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, within a maximum period of six months following the expiration of the administrative year in those Territories;

4. *Requests* the Special Committee to continue to discharge the functions entrusted to it under General Assembly resolution 1970 (XVIII), in accordance with established procedures, and to report thereon to the Assembly at its forty-first session.

99th plenary meeting
2 December 1985

40/52. Activities of foreign economic and other interests which are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Namibia and in all other Territories under colonial domination and efforts to eliminate colonialism, apartheid and racial discrimination in southern Africa

The General Assembly,

Having considered the item entitled "Activities of foreign economic and other interests which are impeding the

³⁰ For the text, see resolution 38/40, para. 1.

³¹ *Official Records of the General Assembly, Fortieth Session, Supplement No. 23 (A/40/23), chap. VIII.*

³² A/40/629.

implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Namibia and in all other Territories under colonial domination and efforts to eliminate colonialism, *apartheid* and racial discrimination in southern Africa”.

Having examined the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the item,³³

Taking into consideration the relevant chapters of the report of the United Nations Council for Namibia,³⁴

Recalling its resolutions 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, 2621 (XXV) of 12 October 1970, containing the programme of action for the full implementation of the Declaration, and 35/118 of 11 December 1980, the annex to which contains the Plan of Action for the Full Implementation of the Declaration, as well as all other resolutions of the United Nations relating to the item,

Reaffirming the solemn obligation of the administering Powers under the Charter of the United Nations to promote the political, economic, social and educational advancement of the inhabitants of the Territories under their administration and to protect the human and natural resources of those Territories against abuses,

Reaffirming that any economic or other activity which impedes the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and obstructs efforts aimed at the elimination of colonialism, *apartheid* and racial discrimination in southern Africa and other colonial Territories is in direct violation of the rights of the inhabitants and of the principles of the Charter and all relevant resolutions of the United Nations,

Reaffirming that the natural resources of all Territories under colonial and racist domination are the heritage of the peoples of those Territories and that the exploitation and depletion of those resources by foreign economic interests, in particular in Namibia, in association with the occupying régime of South Africa, constitute a direct violation of the rights of the peoples and of the principles of the Charter and all relevant resolutions of the United Nations,

Recalling the relevant provisions of the consensus on Namibia adopted by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples at its extraordinary session held at Tunis from 13 to 17 May 1985,³⁵

Bearing in mind the relevant provisions of the Economic Declaration and other documents of the Seventh Conference of Heads of State or Government of Non-Aligned Countries, held at New Delhi from 7 to 12 March 1983,³⁶ and of the Final Document of the Extraordinary Ministerial Meeting of the Co-ordinating Bureau of Non-Aligned Countries on the question of Namibia, held at New Delhi from 19 to 21 April 1985,³⁷

Taking into account the relevant provisions of the Declaration and Programme of Action contained in the Final Document adopted by the United Nations Council for

Namibia at its extraordinary plenary meetings held at Vienna from 3 to 7 June 1985,³⁸

Noting with profound concern that the colonial Powers and certain States, through their activities in the colonial Territories, have continued to disregard United Nations decisions relating to the item and that they have failed to implement, in particular, the relevant provisions of General Assembly resolutions 2621 (XXV) of 12 October 1970 and 39/42 of 5 December 1984, by which the Assembly called upon the colonial Powers and those Governments that had not yet done so to take legislative, administrative or other measures in respect of their nationals and the bodies corporate under their jurisdiction that own and operate enterprises in colonial Territories, particularly in Africa, which are detrimental to the interests of the inhabitants of those Territories, in order to put an end to such enterprises and to prevent new investments that run counter to the interests of the inhabitants of those Territories,

Condemning the intensified activities of those foreign economic, financial and other interests which continue to exploit the natural and human resources of the colonial Territories and to accumulate and repatriate huge profits to the detriment of the interests of the inhabitants, particularly in the case of Namibia, thereby impeding the realization by the peoples of the Territories of their legitimate aspirations for self-determination and independence,

Strongly condemning the support which the racist minority régime of South Africa continues to receive from those foreign economic, financial and other interests which are collaborating with the régime in the exploitation of the natural and human resources of the international Territory of Namibia, in the further entrenchment of its illegal racist domination over the Territory and in the strengthening of its system of *apartheid*,

Strongly condemning the investment of foreign capital in the production of uranium and the collaboration by certain Western and other countries with the racist minority régime of South Africa in the nuclear field which, by providing that régime with nuclear equipment and technology, enables it to develop nuclear and military capabilities and to become a nuclear Power, thereby promoting South Africa's continued illegal occupation of Namibia,

Reaffirming that the natural resources of Namibia, including its marine resources, are the inviolable and incontestable 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 relevant resolutions of the General Assembly and the Security Council and of Decree No. 1 for the Protection of the Natural Resources of Namibia,³⁹ 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 1971,⁴⁰ is illegal, contributes to the maintenance of the illegal occupation régime and is a grave threat to the integrity and prosperity of an independent Namibia,

Concerned about the conditions in other colonial Territories, including certain Territories in the Caribbean and the Pacific Ocean regions, where foreign economic, financial and other interests continue to deprive the indigenous populations of their rights over the wealth of their countries, and where the inhabitants of those Territories

³³ Official Records of the General Assembly, Fortieth Session, Supplement No. 23 (A/40/23), chap. V.

³⁴ *Ibid.*, Supplement No. 24 (A/40/24), part two, chap. II, sect. C, and chap. IX, sect. C.

³⁵ *Ibid.*, Supplement No. 23 (A/40/23), chap. IX, para. 12.

³⁶ A/38/132-S/15675 and Corr.1 and 2, annex.

³⁷ A/40/307-S/17184 and Corr.1, annex.

³⁸ See Official Records of the General Assembly, Fortieth Session, Supplement No. 24 (A/40/24), para. 513.

³⁹ *Ibid.*, Thirty-fifth Session, Supplement No. 24 (A/35/24), vol. I, annex II.

⁴⁰ 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.

continue to suffer from a loss of land ownership as a result of the failure of the administering Powers concerned to restrict the sale of land to foreigners, despite the repeated appeals of the General Assembly,

Conscious of the continuing need to mobilize world public opinion against the involvement of foreign economic, financial and other interests in the exploitation of natural and human resources, which impedes the independence of colonial Territories and the elimination of racism, particularly in southern Africa, and emphasizing the importance of action by local authorities, trade unions, religious bodies, academic institutions, mass media, solidarity movements and other non-governmental organizations, as well as individuals, in exercising pressure on transnational corporations to refrain from any investment or activity in the Territory of Namibia, in encouraging a policy of systematic divestment of any financial or other interest in corporations doing business with South Africa and in counteracting all forms of collaboration with the occupation régime in Namibia,

1. *Reaffirms* the inalienable right of the peoples of dependent Territories to self-determination and independence and to the enjoyment of the natural resources of their Territories, as well as their right to dispose of those resources in their best interests;

2. *Reiterates* that any administering or occupying Power that deprives the colonial peoples of the exercise of their legitimate rights over their natural resources or subordinates the rights and interests of those peoples to foreign economic and financial interests violates the solemn obligations it has assumed under the Charter of the United Nations;

3. *Reaffirms* that, by their depletive exploitation of natural resources, the continued accumulation and repatriation of huge profits and the use of those profits for the enrichment of foreign settlers and the perpetuation of colonial domination and racial discrimination in the Territories, the activities of foreign economic, financial and other interests operating at present in the colonial Territories, particularly in southern Africa, constitute a major obstacle to political independence and racial equality, as well as to the enjoyment of the natural resources of those Territories by the indigenous inhabitants;

4. *Condemns* the activities of foreign economic and other interests in the colonial Territories impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV), and the efforts to eliminate colonialism, *apartheid* and racial discrimination;

5. *Condemns* the policies of Governments that continue to support or collaborate with those foreign economic and other interests engaged in exploiting the natural and human resources of the Territories, including, in particular, illegally exploiting Namibia's marine resources, violating the political, economic and social rights and interests of the indigenous peoples and thus obstructing the full and speedy implementation of the Declaration in respect of those Territories;

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

7. *Requests* the Special Committee on the Situation with regard to the Implementation of the Declaration on

the Granting of Independence to Colonial Countries and Peoples to continue to monitor closely the situation in the remaining colonial Territories so as to ensure that all economic activities in those Territories are aimed at strengthening and diversifying their economies in the interests of the indigenous peoples, at promoting the economic and financial viability of those Territories and at speeding their accession to independence, and, in that connection, requests the administering Powers concerned to ensure that the peoples of the Territories under their administration are not exploited for political, military and other purposes detrimental to their interests;

8. *Strongly condemns* those Western and all other countries, as well as the transnational corporations, which continue their investments in, and supply of armaments and oil and nuclear technology to, the racist régime of South Africa, thus buttressing it and aggravating the threat to world peace;

9. *Calls upon* all States, in particular certain Western States, to take urgent, effective measures to terminate all collaboration with the racist régime of South Africa in the political, diplomatic, economic, trade, military and nuclear fields and to refrain from entering into other relations with that régime in violation of the relevant resolutions of the United Nations and of the Organization of African Unity;

10. *Calls once again upon* all Governments that have not yet done so to take legislative, administrative or other measures in respect of their nationals and the bodies corporate under their jurisdiction that own and operate enterprises in colonial Territories, particularly in Africa, which are detrimental to the interests of the inhabitants of those Territories, in order to put an end to such enterprises and to prevent new investments that run counter to the interests of the inhabitants of those Territories;

11. *Calls upon* all States to terminate, or cause to have terminated, any investments in Namibia or loans to the racist minority régime of South Africa and to refrain from any agreements or measures to promote trade or other economic relations with that régime;

12. *Requests* all States that have not yet done so to take effective measures to end the supply of funds and other forms of assistance, including military supplies and equipment, to the racist minority régime of South Africa, which uses such assistance to repress the people of Namibia and their national liberation movement;

13. *Strongly condemns* South Africa for its continued exploitation and plundering of the natural resources of Namibia, leading to the rapid depletion of such resources, in complete disregard of the legitimate interests of the Namibian people, for the creation in the Territory of an economic structure dependent essentially upon its mineral resources and for its illegal extension of the territorial sea and its proclamation of an economic zone off the coast of Namibia;

14. *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;

15. *Calls upon* those oil-producing and oil-exporting countries that have not yet done so to take effective measures against the oil companies concerned so as to terminate the supply of crude oil and petroleum products to the racist régime of South Africa;

16. *Reiterates* that the exploitation and plundering of the marine and other natural resources of Namibia by South African and other foreign economic interests, inclu-

ding the activities of those transnational corporations which are engaged in the exploitation and export of the Territory's uranium ores and other resources, in violation 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, are illegal, contribute to the maintenance of the illegal occupation régime and are a grave threat to the integrity and prosperity of an independent Namibia;

17. *Condemns* the plunder of Namibian uranium, and calls upon the Governments of all States, particularly those whose nationals and corporations are involved in the mining or enrichment of, or traffic in, Namibian uranium, to take all appropriate measures in compliance with the provisions 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 uranium prospecting activities in Namibia;

18. *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,⁴¹ which regulates the activities of Urenco;

19. *Requests* all States to take legislative, administrative and other measures, as appropriate, in order effectively to isolate South Africa politically, economically, militarily and culturally, in accordance with General Assembly resolutions ES-8/2 of 14 September 1981, 36/121 B of 10 December 1981, 37/233 A of 20 December 1982, 38/36 A of 1 December 1983 and 39/50 A of 12 December 1984;

20. *Calls once again upon* all States to discontinue all economic, financial and trade relations with the racist minority régime of South Africa concerning Namibia and to refrain from entering into any relations with South Africa, purporting to act on behalf of or concerning Namibia, which may lend support to its continued illegal occupation of that Territory;

21. *Invites* all Governments and organizations of the United Nations system, having regard to the relevant provisions of the Declaration on the Establishment of a New International Economic Order, contained in General Assembly resolution 3201 (S-VI) of 1 May 1974, and of the Charter of Economic Rights and Duties of States, contained in Assembly resolution 3281 (XXIX) of 12 December 1974, to ensure, in particular, that the permanent sovereignty of the colonial Territories over their natural resources is fully respected and safeguarded;

22. *Urges* the administering Powers concerned to take effective measures to safeguard and guarantee the inalienable right of the peoples of the colonial Territories to their natural resources and to establish and maintain control over their future development, and requests the administering Powers to take all necessary steps to protect the property rights of the peoples of those Territories;

23. *Calls upon* the administering Powers concerned to abolish all discriminatory and unjust wage systems and working conditions prevailing in the Territories under their administration and to apply in each Territory a uniform system of wages to all the inhabitants without any discrimination;

24. *Requests* the Secretary-General to undertake, through the Department of Public Information of the Secretariat, a sustained and broad campaign with a view to informing world public opinion of the facts concerning the pillaging of natural resources in colonial Territories and the exploitation of their indigenous populations by foreign monopolies and, in respect of Namibia, the support they render to the racist minority régime of South Africa;

25. *Appeals* to mass media, trade unions and other non-governmental organizations, as well as individuals, to co-ordinate and intensify their efforts to mobilize international public opinion against the policy of the *apartheid* régime of South Africa and to work for the enforcement of economic and other sanctions against that régime and for encouraging a policy of systematic divestment in corporations doing business in South Africa;

26. *Requests* the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to examine this question and to report thereon to the General Assembly at its forty-first session.

99th plenary meeting
2 December 1985

40/53. Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations

The General Assembly,

Having considered the item entitled "Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations",

Recalling the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in its resolution 1514 (XV) of 14 December 1960, and the Plan of Action for the Full Implementation of the Declaration, contained in the annex to its resolution 35/118 of 11 December 1980, as well as all other relevant resolutions adopted by the General Assembly on this subject, including in particular resolution 39/43 of 5 December 1984,

Having examined the reports submitted on the item by the Secretary-General,⁴² the Economic and Social Council⁴³ and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,⁴⁴

Recalling also its resolutions ES-8/2 of 14 September 1981 and 39/50 of 12 December 1984 on the question of Namibia,

Taking into account the relevant provisions of the Paris Declaration on Namibia and the Programme of Action on Namibia,⁴⁵ adopted at the International Conference in Support of the Struggle of the Namibian People for Independence, and the Declaration and Programme of Action contained in the Final Document adopted by the United Nations Council for Namibia at its extraordinary plenary meetings held at Vienna from 3 to 7 June 1985,³⁸

Bearing in mind the relevant provisions of the Political Declaration adopted by the Seventh Conference of Heads of State or Government of Non-Aligned Countries, held at

⁴¹ United Nations, *Treaty Series*, vol. 795, No. 11326, p. 308.

⁴² A/40/318 and Add.1.

⁴³ *Official Records of the General Assembly, Fortieth Session, Supplement No. 3 (A/40/3/Rev.1)*, chaps. I and VI.

⁴⁴ *Ibid.*, Supplement No. 23 (A/40/23), chap. VII.

⁴⁵ See *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