

public of the Congo, Rwanda, Senegal, Sierra Leone, Somalia, the Sudan, Togo, Tunisia, Uganda, the United Republic of Tanzania, the Upper Volta and Zambia (S/10326),⁸⁷

“(b) Report of the *Ad Hoc* Sub-Committee on Namibia (S/10330).”⁸⁸

At its 1584th meeting, on 27 September 1971, the Council decided to invite the representatives of Ethiopia, South Africa, Sudan, Liberia, Guyana, Nigeria, Chad and the President of the United Nations Council for Namibia to participate, without vote, in the discussion of the question.

At its 1585th meeting, on 28 September 1971, the Council decided to invite the representative of Senegal to participate, without vote, in the discussion of the question.

At its 1587th meeting, on 30 September 1971, the Council decided to invite the representative of Mauritius to participate, without vote, in the discussion of the question.

At the same meeting, the Council also decided to extend an invitation to Mr. Nujoma, under rule 39 of the provisional rules of procedure of the Security Council.⁸⁹

At its 1589th meeting, on 6 October 1971, the Council decided to invite the representative of Saudi Arabia to participate, without vote, in the discussion of the question.

At its 1595th meeting, on 15 October 1971, the Council decided to invite the representatives of Uganda and India to participate, without vote, in the discussion of the question.

Resolution 301 (1971)
of 20 October 1971

The Security Council,

Reaffirming the inalienable right of the people of Namibia to freedom and independence, as recognized in General Assembly resolution 1514 (XV) of 14 December 1960,

Recognizing that the United Nations has direct responsibility for Namibia, following the adoption of General Assembly resolution 2145 (XXI) of 27 October 1966, and that States should conduct any relations with or involving Namibia in a manner consistent with that responsibility,

Reaffirming its resolutions 264 (1969) of 20 March 1969, 276 (1970) of 30 January 1970 and 283 (1970) of 29 July 1970,

Recalling its resolution 284 (1970) of 29 July 1970, in which it requested the International Court of Justice for an advisory opinion on the question:

“What are the legal consequences for States of the continued presence of South Africa in Namibia, notwithstanding Security Council resolution 276 (1970)?”

Gravely concerned at the refusal of the Government of South Africa to comply with the resolutions of the Security Council pertaining to Namibia,

Recalling its resolution 282 (1970) of 23 July 1970 on the arms embargo against the Government of South Africa and stressing the significance of that resolution with regard to the Territory of Namibia,

Recognizing the legitimacy of the movement of the people of Namibia against the illegal occupation of their Territory by the South African authorities and their right to self-determination and independence,

Taking note of the statements of the delegation of the Organization of African Unity,⁴⁰ led by the President of Mauritania in his capacity as current Chairman of the Assembly of Heads of State and Government of that organization,

Noting further the statement of the President of the United Nations Council for Namibia,⁴¹

Having heard the statements of the delegation of the Government of South Africa,⁴²

Having considered the report of the *Ad Hoc* Sub-Committee on Namibia,⁴³

1. *Reaffirms* that the Territory of Namibia is the direct responsibility of the United Nations and that this responsibility includes the obligation to support and promote the rights of the people of Namibia in accordance with General Assembly resolution 1514 (XV);

2. *Reaffirms* the national unity and territorial integrity of Namibia;

⁴⁰ See *Official Records of the Security Council, Twenty-sixth Year, 1583rd, 1585th, 1587th, 1588th and 1594th meetings.*

⁴¹ *Ibid.*, 1584th meeting.

⁴² *Ibid.*, 1584th and 1594th meetings.

⁴³ *Ibid.*, *Twenty-sixth Year, Special Supplement No. 5.*

⁸⁷ See *Official Records of the Security Council, Twenty-sixth Year, Supplement for July, August and September 1971*; at the 1583rd meeting, Swaziland was added to the list of signatories of the letter, and at the 1588th meeting, on 5 October 1971, Dahomey was added.

⁸⁸ *Ibid.*, *Twenty-sixth Year, Special Supplement No. 5.*

⁸⁹ Mr. Nujoma made a statement to the Council at the 1588th meeting, on 5 October 1971.

3. *Condemns* all moves by the Government of South Africa designed to destroy that unity and territorial integrity, such as the establishment of Bantustans;

4. *Declares* that South Africa's continued illegal presence in Namibia constitutes an internationally wrongful act and a breach of international obligations and that South Africa remains accountable to the international community for any violations of its international obligations or the rights of the people of the Territory of Namibia;

5. *Takes note with appreciation* of the advisory opinion of the International Court of Justice of 21 June 1971;⁴⁴

6. *Agrees* with the Court's opinion, as expressed in paragraph 133 of its advisory opinion:

"(1) that, the continued presence of South Africa in Namibia being illegal, South Africa is under obligation to withdraw its administration from Namibia immediately and thus put an end to its occupation of the Territory;

"(2) that States Members of the United Nations are under obligation to recognize the illegality of South Africa's presence in Namibia and the invalidity of its acts on behalf of or concerning Namibia, and to refrain from any acts and in particular any dealings with the Government of South Africa implying recognition of the legality of, or lending support or assistance to, such presence and administration;

"(3) that it is incumbent upon States which are not Members of the United Nations to give assistance, within the scope of subparagraph (2) above, in the action which has been taken by the United Nations with regard to Namibia."

7. *Declares* that all matters affecting the rights of the people of Namibia are of immediate concern to all Members of the United Nations and, as a result, the latter should take this into account in their dealings with the Government of South Africa, in particular in any dealings implying recognition of the legality of, or lending support or assistance to, such illegal presence and administration;

8. *Calls once again* upon South Africa to withdraw from the Territory of Namibia;

9. *Declares* that any further refusal of the South African Government to withdraw from Namibia could create conditions detrimental to the maintenance of peace and security in the region;

10. *Reaffirms* the provisions of resolution 283 (1970), in particular paragraphs 1 to 8 and 11;

11. *Calls upon* all States, in the discharge of their responsibilities towards the people of Namibia and

⁴⁴ *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.*

subject to the exceptions set forth in paragraphs 122 and 125 of the advisory opinion of 21 June 1971:

(a) To abstain from entering into treaty relations with South Africa in all cases in which the Government of South Africa purports to act on behalf of or concerning Namibia;

(b) To abstain from invoking or applying those treaties or provisions of treaties concluded by South Africa on behalf of or concerning Namibia which involve active intergovernmental co-operation.

(c) To review their bilateral treaties with South Africa in order to ensure that they are not inconsistent with paragraphs 5 and 6 above;

(d) To abstain from sending diplomatic or special missions to South Africa that include the Territory of Namibia in their jurisdiction;

(e) To abstain from sending consular agents to Namibia and to withdraw any such agents already there;

(f) To abstain from entering into economic and other forms of relationship or dealings with South Africa on behalf of or concerning Namibia which may entrench its authority over the Territory;

12. *Declares* that franchises, rights, titles or contracts relating to Namibia granted to individuals or companies by South Africa after the adoption of General Assembly resolution 2145 (XXI) are not subject to protection or espousal by their States against claims of a future lawful Government of Namibia;

13. *Requests* the *Ad Hoc* Sub-Committee on Namibia to continue to carry out the tasks entrusted to it under paragraphs 14 and 15 of Security Council resolution 283 (1970) and, in particular, taking into account the need to provide for the effective protection of Namibian interests at the international level, to study appropriate measures for the fulfilment of the responsibility of the United Nations towards Namibia;

14. *Requests* the *Ad Hoc* Sub-Committee on Namibia to review all treaties and agreements which are contrary to the provisions of the present resolution in order to ascertain whether States have entered into agreements which recognize South Africa's authority over Namibia, and to report periodically thereon;

15. *Calls upon* all States to support and promote the rights of the people of Namibia and to this end to implement fully the provisions of the present resolution;

16. *Requests* the Secretary-General to report periodically on the implementation of the provisions of the present resolution.

Adopted at the 1598th meeting by 13 votes to none, with 2 abstentions (France, United Kingdom of Great Britain and Northern Ireland).