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SECURITY COUNCIL RESOLUTIONS CONCERNING
NAMIBIA

1968-1983

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ORIGINAL ORDER

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ACC. 94/153

was required, that the Mandate was validly terminated and that in consequence South Africa's presence in Namibia is illegal and its acts on behalf of or concerning Namibia are illegal and invalid, it follows that it cannot entertain this proposal.

* * *

133. For these reasons,

THE COURT IS OF OPINION,

in reply to the question:

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

by 13 votes to 2,

- (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;

by 11 votes to 4,

- (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.

Done in English and in French, the English text being authoritative, at the Peace Palace, The Hague, this twenty-first day of June, one thousand nine hundred and seventy-one, in two copies, one of which will be placed in the archives of the Court and the other transmitted to the Secretary-General of the United Nations.

(Signed) ZAFRULLA KHAN,
President.

(Signed) S. AQUARONE,
Registrar.

21 JUNE 1971

RESOLUTIONS OF THE SECURITY COUNCIL CONCERNING NAMIBIA

S/RES/245 (1968)

246 (1968)

264 (1969)

269 (1969)

276 (1970)

283 (1970)

284 (1970)

301 (1971)

309 (1972)

310 (1972)

311 (1972) Repression and Apartheid

319 (1972)

323 (1972)

342 (1973)

366 (1974)

✓ 385 (1976)

393 (1976)

428 (1978)

✓ 431 (1978)

✓ 432 (1978)

435 (1978)

✓ 439 (1978)

447 (1979)

454 (1979)

532 (1983)

S

UNITED NATIONS
SECURITY
COUNCIL



Distr.
GENERAL

S/RES/532 (1983)
31 May 1983

RESOLUTION 532 (1983)

Adopted by the Security Council at its 2449th meeting,
on 31 May 1983

The Security Council,

Having considered the report of the Secretary-General (S/15776),

Recalling General Assembly resolutions 1514 (XV) of 14 December 1960 and 2145 (XXI) of 27 October 1966,

Recalling and reaffirming its resolutions 301 (1971), 385 (1976), 431 (1978), 432 (1978), 435 (1978) and 439 (1978),

Reaffirming the legal responsibility of the United Nations over Namibia and the primary responsibility of the Security Council for ensuring the implementation of its resolutions 385 (1976) and 435 (1978), including the holding of free and fair elections in Namibia under the supervision and control of the United Nations,

Taking note of the results of the International Conference in Support of the Struggle of the Namibian People for Independence, held at UNESCO House in Paris from 25 to 29 April 1983,

Taking note of the protracted and exhaustive consultations which have taken place since the adoption of resolution 435 (1978),

Further noting with regret that those consultations have not yet brought about the implementation of resolution 435 (1978),

1. Condemns South Africa's continued illegal occupation of Namibia in flagrant defiance of resolutions of the General Assembly and decisions of the Security Council of the United Nations;

2. Calls upon South Africa to make a firm commitment as to its readiness to comply with Security Council resolution 435 (1978) for the independence of Namibia;

3. Further calls upon South Africa to co-operate forthwith and fully with the Secretary-General of the United Nations in order to expedite the implementation of resolution 435 (1978) for the early independence of Namibia;

4. Decides to mandate the Secretary-General to undertake consultations with the parties to the proposed cease-fire, with a view to securing the speedy implementation of Security Council resolution 435 (1978);

5. Requests the Secretary-General to report to the Security Council on the results of these consultations as soon as possible and not later than 31 August 1983;

6. Decides to remain actively seized of the matter.

UNITED NATIONS
SECURITY
COUNCIL



Distr.
GENERAL

S/RES/454 (1979)
2 November 1979

RESOLUTION 454 (1979)

Adopted by the Security Council at its 2170th meeting
on 2 November 1979

The Security Council,

Having considered the request by the Permanent Representative of Angola to the United Nations contained in document S/13595, as well as his note dated 31 October 1979 transmitting the text of a communiqué issued by the Political Bureau of the Central Committee of the MPLA-Workers Party (S/13599),

Having heard the statement of the Permanent Representative of the People's Republic of Angola,

Recalling its resolutions 387 (1976) of 31 March 1976 and 447 (1979) of 28 March 1979, which, inter alia, condemned South Africa's aggression against the People's Republic of Angola and demanded that South Africa scrupulously respect the independence, sovereignty and territorial integrity of the People's Republic of Angola,

Gravely concerned at the premeditated, persistent and sustained armed invasions committed by South Africa in violation of the sovereignty, air space and territorial integrity of the People's Republic of Angola,

Convinced that the intensity and timing of these acts of armed invasion are intended to frustrate efforts at negotiated settlements in southern Africa, particularly in regard to the implementation of Security Council resolutions 385 (1976) of 30 January 1976 and 435 (1978) of 29 September 1978,

Grieved at the tragic loss of human life and concerned about the damage and destruction of property resulting from the repeated acts of aggression committed by South Africa against the People's Republic of Angola,

Gravely concerned that these wanton acts of aggression by South Africa form a consistent and sustained pattern of violations aimed at weakening the unrelenting support of the front-line States to the movements for freedom and national liberation of the peoples of Namibia, Zimbabwe and South Africa,

1. Strongly condemns South Africa's aggression against the People's Republic of Angola;

79-28579

/...

2. Calls upon the Government of South Africa to cease immediately all acts of aggression and provocation against the People's Republic of Angola and forthwith to withdraw all its armed forces from Angola;

3. Demands that South Africa scrupulously respect the **independence**, sovereignty and territorial integrity of the People's Republic of Angola;

4. Demands also that South Africa desist forthwith from the utilization of Namibia, a territory which it illegally occupies, to launch acts of aggression against the People's Republic of Angola or other neighbouring African States;

5. Requests Member States urgently to extend all necessary assistance to the People's Republic of Angola and other front-line States, in order to strengthen their defence capacities;

6. Decides to remain seized of the matter.



UNITED NATIONS
SECURITY
COUNCIL



Distr.
GENERAL

S/RES/447 (1979)
28 March 1979

RESOLUTION 447 (1979)

Adopted by the Security Council at its 2139th meeting
on 28 March 1979

The Security Council,

Having considered the request by the Permanent Representative of Angola to the United Nations contained in document S/13176, as well as his letter dated 16 March 1979 transmitting the text of a communiqué issued by the Ministry of Defence of the People's Republic of Angola (S/13177),

Having heard the statement of the Permanent Representative of the People's Republic of Angola,

Having heard the statement of the Vice-President of the South West Africa People's Organization (SWAPO),

Recalling its resolution 387 (1976) of 31 March 1976 which, inter alia, condemned South Africa's aggression against the People's Republic of Angola and demanded that South Africa scrupulously respect the independence, sovereignty and territorial integrity of the People's Republic of Angola,

Bearing in mind its resolution 428 (1978) of 6 May 1978 which, inter alia, solemnly warned that in the event of further acts of violation of the sovereignty and territorial integrity of Angola, the Council would meet again in order to consider more effective measures in accordance with the appropriate provisions of the Charter of the United Nations, including Chapter VII thereof,

Gravely concerned at the premeditated, persistent and sustained armed invasions committed by South Africa in violation of the sovereignty, air space and territorial integrity of the People's Republic of Angola,

Convinced that the intensity and timing of these acts of armed invasion are intended to frustrate efforts at negotiated settlements in southern Africa, particularly in regard to the implementation of Security Council resolutions 385 (1976) and 435 (1978) of 29 September 1978,

Grieved at the tragic and mounting loss of human life, including that of civilians and Namibian refugees in Angola and other front-line States, and

concerned about the damage and wanton destruction of property caused by the South African armed invasions of Angola launched from Namibia, a territory which South Africa illegally occupies,

Reaffirming the inalienable right of the people of Namibia to self-determination and independence in accordance with Security Council resolutions 385 (1976) and 435 (1978) and all other relevant resolutions of the United Nations, and the legitimacy of their struggle to secure the exercise of such rights as set forth in United Nations resolutions,

Reaffirming also its condemnation of South Africa's continued illegal occupation of Namibia, and the militarization of the territory, through which it persists in its suppression of the legitimate aspirations of the Namibian people to self-determination and independence, as well as in its armed invasions against neighbouring African States,

1. Condemns strongly the racist régime of South Africa for its premeditated, persistent and sustained armed invasions of the People's Republic of Angola, which constitute a flagrant violation of the sovereignty and territorial integrity of this country as well as a serious threat to international peace and security;
2. Condemns strongly also South Africa's utilization of the international territory of Namibia as a springboard for armed invasions and destabilization of the People's Republic of Angola;
3. Demands that South Africa cease immediately its provocative armed invasions against the People's Republic of Angola and that it respect forthwith the independence, sovereignty and territorial integrity of this country;
4. Commends the People's Republic of Angola and other front-line States for their steadfast support for the people of Namibia in their just and legitimate struggle against the illegal occupation of their territory by South Africa and for the enjoyment of their inalienable rights to self-determination and national independence;
5. Requests Member States urgently to extend all necessary assistance to the People's Republic of Angola and other front-line States, in order to strengthen their defence capacities;
6. Decides to request the Secretary-General of the United Nations to obtain available information from the People's Republic of Angola on the human casualties and material and other damage resulting from repeated acts of aggression by the racist régime of South Africa;
7. Furthermore, requests the Secretary-General to submit such information to the Security Council not later than 30 April in order to enable it to determine the most effective sanctions in accordance with the appropriate provisions of the Charter of the United Nations so as to ensure the cessation by South Africa of its acts of aggression against Angola and other front-line States.



UNITED NATIONS
SECURITY
COUNCIL



Distr.
GENERAL

S/RES/439 (1978)
13 November 1978

RESOLUTION 439 (1978)

Adopted by the Security Council at its 2098th meeting,
on 13 November 1978

The Security Council,

Recalling its resolutions 385 (1976), 431 (1978), 432 (1978) and 435 (1978),

Having considered the report submitted by the Secretary-General pursuant to paragraph 7 of resolution 435 (1978) (S/12903),

Taking note of the relevant communications addressed to the Secretary-General and the President of the Security Council (S/12900 and S/12902),

Having heard and considered the statement by the President of the United Nations Council for Namibia,

Taking note also of the communication dated 23 October 1978 from the President of the South West Africa People's Organization (SWAPO) addressed to the Secretary-General (S/12913),

Reaffirming the legal responsibility of the United Nations over Namibia and its continued commitment to the implementation of Security Council resolution 385 (1976), in particular, the holding of free elections in Namibia under United Nations supervision and control,

Reiterating the view that any unilateral measure taken by the illegal administration in Namibia in relation to the electoral process, including unilateral registration of voters or transfer of power, in contravention of the above-mentioned resolutions of the Security Council and this resolution is null and void,

Gravely concerned at the decision of the Government of South Africa to proceed with unilateral elections in Namibia in clear contravention of Security Council resolutions 385 (1976) and 435 (1978),

1. Condemns the decision of the South African Government to proceed unilaterally with the holding of elections in the Territory from 4 to 8 December 1978 in contravention of Security Council resolutions 385 (1976) and 435 (1978);

78-25494

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2. Considers that this decision constitutes a clear defiance of the United Nations and, in particular, the authority of the Security Council;

3. Declares those elections and their results null and void and that no recognition will be accorded either by the United Nations or any Member States to any representatives or organ established by that process;

4. Calls upon South Africa immediately to cancel the elections it has planned in Namibia in December 1978;

5. Demands once again that South Africa co-operate with the Security Council and the Secretary-General in the implementation of its resolutions 385 (1976), 431 (1978) and 435 (1978);

6. Warns South Africa that its failure to do so would compel the Security Council to meet forthwith to initiate appropriate actions under the Charter of the United Nations, including Chapter VII thereof, so as to ensure South Africa's compliance with the aforementioned resolutions;

7. Calls on the Secretary-General to report on the progress of the implementation of this resolution by 25 November 1978.



UNITED NATIONS
SECURITY
COUNCIL



Distr.
GENERAL

S/RES/435 (1978)
29 September 1978

RESOLUTION 435 (1978) --NAMIBIA

Adopted by the Security Council at its 2087th meeting
on 29 September 1978

The Security Council,

Recalling its resolutions 385 (1976) and 431 (1978), and 432 (1978),

Having considered the report submitted by the Secretary-General pursuant to paragraph 2 of resolution 431 (1978) (S/12827) and his explanatory statement made in the Security Council on 29 September 1978 (S/12869),

Taking note of the relevant communications from the Government of South Africa addressed to the Secretary-General,

Taking note also of the letter dated 8 September 1978 from the President of the South West Africa People's Organization (SWAPO) addressed to the Secretary-General (S/12841),

Reaffirming the legal responsibility of the United Nations over Namibia,

1. Approves the report of the Secretary-General (S/12827) for the implementation of the proposal for a settlement of the Namibian situation (S/12636) and his explanatory statement (S/12869);

2. Reiterates that its objective is the withdrawal of South Africa's illegal administration of Namibia and the transfer of power to the people of Namibia with the assistance of the United Nations in accordance with resolution 385 (1976);

3. Decides to establish under its authority a United Nations Transitional Assistance Group (UNTAG) in accordance with the above-mentioned report of the Secretary-General for a period of up to 12 months in order to assist his Special Representative to carry out the mandate conferred upon him by paragraph 1 of Security Council resolution 431 (1978), namely, to ensure the early independence of Namibia through free and fair elections under the supervision and control of the United Nations;

78-21191

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4. Welcomes SWAPO's preparedness to co-operate in the implementation of the Secretary-General's report, including its expressed readiness to sign and observe the cease-fire provisions as manifested in the letter from the President of SWAPO dated 8 September 1978 (S/12841);

5. Calls on South Africa forthwith to co-operate with the Secretary-General in the implementation of this resolution;

6. Declares that all unilateral measures taken by the illegal administration in Namibia in relation to the electoral process, including unilateral registration of voters, or transfer of power, in contravention of Security Council resolutions 385 (1976), 431 (1978) and this resolution are null and void;

7. Requests the Secretary-General to report to the Security Council no later than 23 October 1978 on the implementation of this resolution.



UNITED NATIONS
SECURITY
COUNCIL



Distr.
GENERAL

S/12865
28 September 1978

ORIGINAL: ENGLISH

Canada, France, Gabon, Germany, Federal Republic of,
Mauritius, Nigeria, United Kingdom of Great Britain
and Northern Ireland and United States of America:
draft resolution

435
app
29.9.78

The Security Council,

Recalling its resolutions 385 (1976) and 431 (1978), and 432 (1978),

Having considered the report submitted by the Secretary-General pursuant to paragraph 2 of resolution 431 (1978) (S/12827) and his explanatory statement made in the Security Council on 29 September 1978 (S/12869),

Taking note of the relevant communications from the Government of South Africa addressed to the Secretary-General,

Taking note also of the letter dated 8 September 1978 from the President of the South West Africa People's Organization (SWAPO) addressed to the Secretary-General (S/12841),

Reaffirming the legal responsibility of the United Nations over Namibia,

1. Approves the report of the Secretary-General (S/12827) for the implementation of the proposal for a settlement of the Namibian situation (S/12636) and his explanatory statement (S/12869);

2. Reiterates that its objective is the withdrawal of South Africa's illegal administration of Namibia and the transfer of power to the people of Namibia with the assistance of the United Nations in accordance with resolution 385 (1976);

3. Decides to establish under its authority a United Nations Transition Assistance Group (UNTAG) in accordance with the above-mentioned report of the Secretary-General for a period of up to 12 months in order to assist his Special Representative to carry out the mandate conferred upon him by paragraph 1 of Security Council resolution 431 (1978), namely, to ensure the early independence of Namibia through free and fair elections under the supervision and control of the United Nations;

78-21063

4. Welcomes SWAPO's preparedness to co-operate in the implementation of the Secretary-General's report, including its expressed readiness to sign and observe the cease-fire provisions as manifested in the letter from the President of SWAPO dated 8 September 1978 (S/12841);

5. Calls on South Africa forthwith to co-operate with the Secretary-General in the implementation of this resolution;

6. Declares that all unilateral measures taken by the illegal administration in Namibia in relation to the electoral process, including unilateral registration of voters, or transfer of power, in contravention of Security Council resolutions 385 (1976), 431 (1978) and this resolution are null and void;

7. Requests the Secretary-General to report to the Security Council no later than 23 October 1978 on the implementation of this resolution.



UNITED NATIONS

SECURITY
COUNCIL



Distr.
GENERAL

S/RES/432 (1978)
27 July 1978

RESOLUTION 432 (1978)

Adopted by the Security Council at its 2082nd meeting
on 27 July 1978

The Security Council,

Recalling its resolutions 385 (1976) and 431 (1978),

Reaffirming in particular the provisions of Security Council resolution 385 (1976) relating to the territorial integrity and unity of Namibia,

Taking note of paragraph 7 of General Assembly resolution 32/9 D, which declared that Walvis Bay is an integral part of Namibia,

1. Declares that the territorial integrity and unity of Namibia must be assured through the reintegration of Walvis Bay within its territory;
 2. Decides to lend its full support to the initiation of steps necessary to ensure early reintegration of Walvis Bay into Namibia;
 3. Declares that, pending the attainment of this objective, South Africa must not use Walvis Bay in any manner prejudicial to the independence of Namibia or the viability of its economy;
 4. Decides to remain seized of the matter until Walvis Bay is fully reintegrated into Namibia.
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UNITED NATIONS
SECURITY
COUNCIL



Distr.
GENERAL

S/RES/431 (1978)
27 July 1978

RESOLUTION 431 (1978)

Adopted by the Security Council at its 2082nd meeting
on 27 July 1978

The Security Council,

Recalling its resolution 385 (1976) of 30 January 1976,

Taking note of the proposal for a settlement of the Namibian situation contained in document S/12636 of 10 April 1978,

1. Requests the Secretary-General to appoint a Special Representative for Namibia in order to ensure the early independence of Namibia through free elections under the supervision and control of the United Nations;
2. Further requests the Secretary-General to submit at the earliest possible date a report containing his recommendations for the implementation of the proposal in accordance with Security Council resolution 385 (1976);
3. Urges all concerned to exert their best efforts towards the achievement of independence by Namibia at the earliest possible date.



UNITED NATIONS
SECURITY
COUNCIL



Distr.
GENERAL

S/RES/428 (1978)
6 May 1978

RESOLUTION 428 (1978)

Adopted by the Security Council at its 2078th
meeting on 6 May 1978

The Security Council,

Having considered the letter dated 5 May 1978 from the Permanent Representative of Angola to the United Nations transmitting a communication from the First Vice Prime Minister of the People's Republic of Angola (S/12690) and the letter dated 5 May 1978 from the Permanent Representative of Zambia on behalf of the African Group of States at the United Nations (S/12693),

Having heard the statement of the Permanent Representative of the People's Republic of Angola,

Having heard the statement of Mr. Sam Nujoma, President of the South West Africa People's Organization (SWAPO),

Bearing in mind that all Member States are obliged to refrain in their international relations from the threat or use of force against the sovereignty, territorial integrity or political independence of any State or to act in any other manner inconsistent with the principles and purposes of the Charter of the United Nations,

Recalling its resolution 387 (1976) of 31 March 1976 which, inter alia, condemned South Africa's aggression against the People's Republic of Angola and demanded that South Africa scrupulously respect the independence, sovereignty and territorial integrity of the People's Republic of Angola,

Gravely concerned at the armed invasions committed by South Africa in violation of the sovereignty, air space and territorial integrity of the People's Republic of Angola and in particular the armed invasion of Angola carried out on 4 May 1978,

Grieved at the tragic loss of human life, including Namibian refugees in Angola, caused by the South African invasion of Angolan territory,

Concerned also at the damage and destruction done by the South Africa forces in Angola,

Reaffirming the inalienable right of the people of Namibia to self-determination and independence in accordance with General Assembly resolution 1514 (XV) of 14 December 1960 and the legitimacy of their struggle to secure the enjoyment of such rights as set forth in the Charter of the United Nations,

Reaffirming that the liberation of Namibia is one of the conditions prerequisite for the attainment of justice and lasting peace in southern Africa and for the furtherance of international peace and security,

Reiterating its grave concern at South Africa's brutal repression of the Namibian people and its persistent violation of their human rights as well as its efforts to destroy the national unity and territorial integrity of Namibia and its aggressive military build-up in the area,

Reaffirming its condemnation of the militarization of Namibia by the illegal occupation régime of South Africa,

1. Strongly condemns this latest armed invasion perpetrated by the South African racist régime against the People's Republic of Angola which constitutes a flagrant violation of the sovereignty and territorial integrity of Angola;
2. Condemns equally strongly South Africa's utilization of the international territory of Namibia as a springboard for armed invasions of the People's Republic of Angola;
3. Demands the immediate and unconditional withdrawal of all South African forces from Angola;
4. Further demands that South Africa scrupulously respect the independence, sovereignty and territorial integrity of the People's Republic of Angola;
5. Reaffirms its support for the just and legitimate struggle of the people of Namibia for the attainment of their freedom and independence and for the maintenance of the territorial integrity of their country;
6. Commends the People's Republic of Angola for its continued support of the people of Namibia in their just and legitimate struggle;
7. Demands that South Africa put an end to its illegal occupation of Namibia without any further delay in compliance with relevant Security Council resolutions, in particular resolution 385 (1976) of 30 January 1976;
8. Decides to meet again in the event of further acts of violation of the sovereignty and territorial integrity of the People's Republic of Angola by the South African racist régime in order to consider the adoption of more effective measures, in accordance with the appropriate provisions of the Charter of the United Nations, including Chapter VII thereof.

of 30 July 1976

At its 1944th meeting, on 27 July 1976, the Council decided to invite the representatives of Zambia, South Africa and Mauritania to participate, without vote, in the discussion of the item entitled "Complaint by Zambia against South Africa: letter dated 19 July 1976 from the Chargé d'affaires *a.i.* of the Permanent Mission of Zambia to the United Nations addressed to the President of the Security Council (S/12147)".⁴¹

At the same meeting, the Council also decided to extend an invitation, under rule 39 of the provisional rules of procedure, to a delegation of the United Nations Council for Namibia, composed of the Acting President of that body and the representatives of Botswana and Yugoslavia.

At its 1945th meeting, on 28 July 1976, the Council decided to invite the representatives of Cuba, Egypt, Ethiopia, Liberia, Madagascar, Uganda and Zaïre to participate, without vote, in the discussion of the question.

At the same meeting, the Council also decided to extend an invitation, under rule 39 of the provisional rules of procedure, to a representative of the Special Committee against Apartheid.

At the same meeting, the Council further decided, at the request of the representative of Benin,⁴² to extend an invitation to Mr. O. T. Eanyula under rule 39 of the provisional rules of procedure.

At its 1946th meeting, on 29 July 1976, the Council decided to invite the representatives of Botswana, Mozambique, Qatar, Sierra Leone and Yugoslavia to participate, without vote, in the discussion of the question.

At its 1947th meeting, on 30 July 1976, the Council decided to invite the representative of Guinea to participate, without vote, in the discussion of the question.

At its 1948th meeting, on 30 July 1976, the Council decided to invite the representative of Mauritius to participate, without vote, in the discussion of the question.

⁴¹ *Ibid.*, Supplement for July, August and September 1976.

⁴² *Ibid.*, document S/12154.

The Security Council.

Taking note of the letter of the representative of the Republic of Zambia contained in document S/12147,⁴¹

Having considered the statement of the Minister for Foreign Affairs of the Republic of Zambia,⁴³

Gravely concerned at the numerous hostile and unprovoked acts by South Africa violating the sovereignty, air space and territorial integrity of the Republic of Zambia, resulting in death and injury of innocent people as well as in the destruction of property and culminating on 11 July 1976 in an armed attack which resulted in the regrettable loss of 24 innocent lives and the injury of 45 other persons,

Gravely concerned at South Africa's use of the international Territory of Namibia as a base for attacking neighbouring African countries,

Reaffirming the legitimacy of the struggle of the people of Namibia to liberate their country from the illegal occupation of the racist régime of South Africa,

Convinced that the continuance of the deteriorating situation in southern Africa could constitute a threat to international peace and security,

Conscious of the need to take effective steps for the prevention and removal of threats to international peace and security,

Recalling its resolution 300 (1971) of 12 October 1971, which, *inter alia*, called upon South Africa to respect fully the sovereignty and territorial integrity of Zambia,

Bearing in mind that all Member States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

1. *Strongly condemns* the armed attack of South Africa against the Republic of Zambia, which constitutes a flagrant violation of the sovereignty and territorial integrity of Zambia;

2. *Demands* that South Africa scrupulously respect the independence, sovereignty, air space and territorial integrity of the Republic of Zambia;

3. *Demands* that South Africa desist forthwith from the use of the international Territory of Namibia as a base for launching armed attacks against the Republic of Zambia and other African countries;

4. *Commends* the Republic of Zambia and other "front-line" States for their steadfast support of the people of Namibia in their legitimate struggle for the liberation of their country from illegal occupation by the racist régime of South Africa;

5. *Declares* that the liberation of Namibia and Zimbabwe and the elimination of *apartheid* in South Africa are necessary for the attainment of justice and lasting peace in the region;

⁴³ *Ibid.*, Thirty-first Year, 1944th meeting.

6. *Further declares* that, in the event of South Africa committing further acts of violation of the sovereignty and territorial integrity of Zambia, the Security Council will meet again to consider the adoption of effective measures,

in accordance with the appropriate provisions of the Charter of the United Nations.

*Adopted at the 1948th meeting by
14 votes to none, with 1 abstention
(United States of America).*



UNITED NATIONS
SECURITY
COUNCIL



Distr.
GENERAL

S/RES/385 (1976)
30 January 1976

RESOLUTION 385 (1976)

Adopted by the Security Council at its 1885th meeting,
on 30 January 1976

The Security Council,

Having heard the statement by the President of the United Nations Council for Namibia,

Having considered the statement by Mr. Moses M. Garoeb, Administrative Secretary of the South West Africa People's Organization (SWAPO),

Recalling General Assembly resolution 2145 (XXI) of 27 October 1966, which terminated South Africa's mandate over the Territory of Namibia, and resolution 2248 (S-V) of 19 May 1967, which established a United Nations Council for Namibia, as well as all other subsequent resolutions on Namibia, in particular, resolution 3295 (XXIX) of 13 December 1974 and resolution 3399 (XXX) of 26 November 1975,

Recalling Security Council resolutions 245 (1968) of 25 January and 246 (1968) of 14 March 1968, 264 (1969) of 20 March and 269 (1969) of 12 August 1969, 276 (1970) of 30 January, 282 (1970) of 23 July, 283 (1970) and 284 (1970) of 29 July 1970, 300 (1971) of 12 October and 301 (1971) of 20 October 1971, 310 (1972) of 4 February 1972 and 366 (1974) of 17 December 1974,

Recalling the advisory opinion of the International Court of Justice of 21 June 1971 that South Africa is under obligation to withdraw its presence from the Territory,

Reaffirming the legal responsibility of the United Nations over Namibia,

Concerned at South Africa's continued illegal occupation of Namibia and its persistent refusal to comply with resolutions and decisions of the General Assembly and the Security Council, as well as with the advisory opinion of the International Court of Justice of 21 June 1971,

Gravely concerned at South Africa's brutal repression of the Namibian people and its persistent violation of their human rights, as well as its efforts to destroy the national unity and territorial integrity of Namibia, and its aggressive military build-up in the area,

76-02536

/...

Strongly deploring the militarization of Namibia by the illegal occupation régime of South Africa,

1. Condemns the continued illegal occupation of the Territory of Namibia by South Africa;
2. Condemns the illegal and arbitrary application by South Africa of racially discriminatory and repressive laws and practices in Namibia;
3. Condemns the South African military build-up in Namibia and any utilization of the Territory as a base for attacks on neighbouring countries;
4. Demands that South Africa put an end forthwith to its policy of bantustans and the so-called homelands aimed at violating the national unity and the territorial integrity of Namibia;
5. Further condemns South Africa's failure to comply with the terms of Security Council resolution 366 (1974) of 17 December 1974;
6. Further condemns all attempts by South Africa calculated to evade the clear demand of the United Nations for the holding of free elections under United Nations supervision and control in Namibia;
7. Declares that in order that the people of Namibia be enabled to freely determine their own future, it is imperative that free elections under the supervision and control of the United Nations be held for the whole of Namibia as one political entity;
8. Further declares that in determining the date, time-table and modalities for the elections in accordance with paragraph 7 above, there shall be adequate time to be decided upon by the Security Council for the purposes of enabling the United Nations to establish the necessary machinery within Namibia to supervise and control such elections, as well as to enable the people of Namibia to organize politically for the purpose of such elections;
9. Demands that South Africa urgently make a solemn declaration accepting the foregoing provisions for the holding of free elections in Namibia under United Nations supervision and control, undertaking to comply with the resolutions and decisions of the United Nations and with the advisory opinion of the International Court of Justice of 21 June 1971 in regard to Namibia, and recognizing the territorial integrity and unity of Namibia as a nation;
10. Reiterates its demand that South Africa take the necessary steps to effect the withdrawal, in accordance with resolutions 264 (1969), 269 (1969) and 366 (1974), of its illegal administration maintained in Namibia and to transfer power to the people of Namibia with the assistance of the United Nations;
11. Demands again that South Africa, pending the transfer of powers provided for in the preceding paragraph:

/...

(a) Comply fully in spirit and in practice with the provisions of the Universal Declaration of Human Rights;

(b) Release all Namibian political prisoners, including all those imprisoned or detained in connexion with offences under so-called internal security laws, whether such Namibians have been charged or tried or are held without charge and whether held in Namibia or South Africa;

(c) Abolish the application in Namibia of all racially discriminatory and politically repressive laws and practices, particularly bantustans and homelands;

(d) Accord unconditionally to all Namibians currently in exile for political reasons full facilities for return to their country without risk of arrest, detention, intimidation or imprisonment;

12. Decides to remain seized of the matter and to meet on or before 31 August 1976 for the purpose of reviewing South Africa's compliance with the terms of this resolution and, in the event of non-compliance by South Africa, for the purpose of considering the appropriate measures to be taken under the Charter.

UNITED NATIONS
SECURITY
COUNCIL



Distr.
GENERAL

S/RES/366 (1974)
17 December 1974

RESOLUTION 366 (1974)

Adopted by the Security Council at its 1811th meeting
on 17 December 1974

The Security Council,

Recalling General Assembly resolution 2145 (XXI) of 27 October 1966, which terminated South Africa's mandate over the Territory of Namibia, and resolution 2248 (S-V) of 1967, which established a United Nations Council for Namibia, as well as all other subsequent resolutions on Namibia, in particular resolution 3295 (XXIX) of 13 December 1974,

Recalling Security Council resolutions 245 (1968) of 25 January and 246 (1968) of 14 March 1968, 264 (1969) of 20 March and 269 (1969) of 12 August 1969, 276 (1970) of 30 January, 282 (1970) of 23 July, 283 (1970) and 284 (1970) of 29 July 1970, 300 (1971) of 12 October and 301 (1971) of 20 October 1971 and 310 (1972) of 4 February 1972, which confirmed General Assembly decisions,

Recalling the advisory opinion of the International Court of Justice of 21 June 1971 that South Africa is under obligation to withdraw its presence from the Territory,

Concerned about South Africa's continued illegal occupation of Namibia and its persistent refusal to comply with resolutions and decisions of the General Assembly and the Security Council, as well as the advisory opinion of the International Court of Justice of 21 June 1971,

Gravely concerned at South Africa's brutal repression of the Namibian people and its persistent violation of their human rights, as well as its efforts to destroy the national unity and territorial integrity of Namibia,

1. Condemns the continued illegal occupation of the Territory of Namibia by South Africa;
2. Condemns the illegal and arbitrary application by South Africa of racially discriminatory and repressive laws and practices in Namibia;
3. Demands that South Africa make a solemn declaration that it will comply with the resolutions and decisions of the United Nations and the advisory opinion

of the International Court of Justice of 21 June 1971 in regard to Namibia and that it recognizes the territorial integrity and unity of Namibia as a nation, such declaration to be addressed to the Security Council of the United Nations;

4. Demands that South Africa take the necessary steps to effect the withdrawal, in accordance with resolutions 264 (1969) and 269 (1969), of its illegal administration maintained in Namibia and to transfer power to the people of Namibia with the assistance of the United Nations;

5. Demands further that South Africa, pending the transfer of powers provided for in the preceding paragraph:

(a) Comply fully in spirit and in practice with the provisions of the Universal Declaration of Human Rights;

(b) Release all Namibian political prisoners, including those imprisoned or detained in connexion with offences under so-called internal security laws, whether such Namibians have been charged or tried or are held without charge and whether held in Namibia or South Africa;

(c) Abolish the application in Namibia of all racially discriminatory and politically repressive laws and practices, particularly bantustans and homelands;

(d) Accord unconditionally to all Namibians currently in exile for political reasons full facilities for return to their country without risk of arrest, detention, intimidation or imprisonment;

6. Decides to remain seized of the matter and to meet on or before 30 May 1975 for the purpose of reviewing South Africa's compliance with the terms of this resolution and, in the event of non-compliance by South Africa, for the purpose of considering the appropriate measures to be taken under the Charter.

At the 1684th meeting, on 16 January 1973, the President informed the Council that, as a result of consultations held among members of the Council, a consensus had been reached to appoint the representatives of Peru and the Sudan to fill the vacancies that had occurred in the Group established in accordance with resolution 309 (1972) as a result of the expiration of the terms of office of the delegations of Argentina and Somalia.

At its 1756th meeting, on 10 December 1973, the Council decided to invite the representatives of Niger and Somalia to participate, without vote, in the discussion of the item entitled:

“The situation in Namibia:

“(a) Letter dated 4 December 1973 from the Permanent Representatives of Guinea, Kenya and the Sudan to the United Nations addressed to the President of the Security Council (S/11145);²

“(b) Report by the Secretary-General on the implementation of Security Council resolution 323 (1972) concerning the question of Namibia (S/10921 and Corr.1).”³

At the same meeting, the Council decided, at the request of the President of the United Nations Council for Namibia, to extend an invitation under rule 39 of the provisional rules of procedure of the Security Council, to a delegation of the United Nations Council for Namibia, composed of the President of the United Nations Council for Namibia, and the representatives of Burundi, Indonesia and Mexico.

At its 1757th meeting, on 11 December 1973, the Council decided to invite the representative of Nigeria to participate, without vote, in the discussion of the question.

At its 1758th meeting, on 11 December 1973, the Council decided to invite the representative of Saudi Arabia to participate, without vote, in the discussion of the question.

At the same meeting, the Council decided, at the request of the representatives of Guinea, Kenya and the Sudan,⁴ to extend an invitation, under rule 39 of the provisional rules of procedure of the Security Council, to Mr. Mishake Muyongo.

**Resolution 342 (1973)
of 11 December 1973**

The Security Council,

Recalling its resolutions 309 (1972) of 4 February 1972, 319 (1972) of 1 August 1972 and 323 (1972) of 6 December 1972,

Having considered the report of the Secretary-General (S/10921 and Corr.1),

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

2. *Decides, in the light of the report and the documents attached thereto, to discontinue further efforts on the basis of resolution 309 (1972);*

3. *Requests the Secretary-General to keep the Security Council fully informed of any new important developments concerning the question of Namibia.*

*Adopted unanimously at the
1758th meeting*

² See *Official Records of the Security Council, Twenty-eighth Year, Supplement for October, November and December 1973.*

³ *Ibid.*, Supplement for April, May and June 1973.

⁴ *Ibid.*, Supplement for October, November and December 1973 (document S/11153).

At its 1678th meeting, on 28 November 1972, the Council decided to invite the representatives of Chad, Ethiopia, Liberia, Mauritius, Morocco and Sierra Leone to participate, without vote, in the discussion of the item entitled "The situation in Namibia: report of the Secretary-General on the implementation of Security Council resolution 319 (1972) concerning the question of Namibia (S/10832 and Corr.1)".²¹

At the same meeting, the Council decided to extend an invitation to the President of the United Nations Council for Namibia, under rule 39 of the provisional rules of procedure of the Security Council.

At its 1679th meeting, on 30 November 1972, the Council decided to invite the representatives of Nigeria, Burundi and Zambia to participate, without vote, in the discussion of the question.

At the same meeting, the Council decided, at the request of the representatives of Somalia and the Sudan²² to extend an invitation to Mr. Peter Mueshahange, under rule 39 of the provisional rules of procedure of the Security Council.

Resolution 323 (1972)
of 6 December 1972

The Security Council,

Recalling its resolutions 309 (1972) of 4 February 1972 and 319 (1972) of 1 August 1972, and without prejudice to other resolutions adopted on the question of Namibia,

Reaffirming the special responsibility and obligation of the United Nations towards the people and Territory of Namibia,

Recalling the advisory opinion of the International Court of Justice of 21 June 1971,²³

Reaffirming the inalienable and imprescriptible right of the people of Namibia to self-determination and independence,

Affirming that the principle of the national unity and territorial integrity of Namibia cannot be subject to any conditions,

Having considered the report submitted by the Secretary-General²⁴ in accordance with resolution 319 (1972),

1. *Observes with satisfaction* that the people of Namibia have again had an opportunity of expressing their aspirations clearly and unequivocally, in their own Territory, to representatives of the United Nations;

2. *Notes with interest* that the overwhelming majority of the opinions of those consulted by the representative of the Secretary-General categorically stated, *inter alia* that they were in favour of the immediate abolition of the "homelands" policy, withdrawal of the South African administration from the Territory, Namibia's

return to national independence and the preservation of its territorial integrity, thus further confirming the consistently held position of the United Nations on this question;

3. *Deeply regrets* that there has been no complete and unequivocal clarification of the policy of the Government of South Africa regarding self-determination and independence for Namibia;

4. *Solemnly reaffirms* the inalienable and imprescriptible right of the people of Namibia to self-determination, national independence and the preservation of their territorial integrity, on which any solution for Namibia must be based, and rejects any interpretation, measure or policy to the contrary;

5. *Invites* the Secretary-General, on the basis of paragraph 4 above, to continue his valuable efforts, in consultation and close co-operation with the group of the Security Council established in accordance with resolution 309 (1972) and, as appropriate, with the assistance of representatives, to ensure that the people of Namibia, freely and with strict regard to the principle of human equality, exercise their right to self-determination and independence, in accordance with the Charter of the United Nations;

6. *Again calls upon* the Government of South Africa to co-operate fully with the Secretary-General in the implementation of the present resolution in order to bring about a peaceful transfer of power in Namibia;

7. *Requests* the other parties concerned to continue to extend their valuable co-operation to the Secretary-General with a view to assisting him in the implementation of the present resolution;

8. *Decides* that, immediately following the partial renewal of the membership of the Security Council on 1 January 1973, the Council shall appoint representatives to fill the vacancies that will occur in the group established in accordance with resolution 309 (1972);

9. *Requests* the Secretary-General to report to the Security Council on the implementation of the present resolution as soon as possible and not later than 30 April 1973.

Adopted at the 1682nd meeting by 13 votes to none, with 1 abstention (Union of Soviet Socialist Republics).²⁵

²¹ See *Official Records of the Security Council, Twenty-seventh Year, Supplement for October, November and December 1972*.

²² *Ibid.*, document S/10841.

²³ *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.*

²⁴ *Official Records of the Security Council, Twenty-seventh Year, Supplement for October, November and December 1972, document S/10832.*

²⁵ One member (China) did not participate in the voting.

Decision

At its 1656th meeting, on 31 July 1972, in view of the request of the President of the United Nations Council for Namibia that the representatives of Guyana and Nigeria be invited to address the Security Council on behalf of the United Nations Council for Namibia in connexion with the item entitled "The situation in Namibia: report of the Secretary-General on the implementation of Security Council resolution 309 (1972) concerning the question of Namibia (S/10738)",¹⁸ the Council decided to extend the appropriate invitations.

Resolution 319 (1972)

of 1 August 1972

The Security Council,

Recalling its resolution 309 (1972) of 4 February 1972, and without prejudice to other resolutions adopted on the question of Namibia,

Having considered the report submitted by the Secretary-General¹⁹ in accordance with resolution 309 (1972),

1. Notes with appreciation the efforts made by the Secretary-General in the implementation of resolution 309 (1972);

2. Reaffirms the inalienable and imprescriptible right of the people of Namibia to self-determination and independence;

¹⁸ *Ibid.*, Twenty-seventh Year, Supplement for July, August and September 1972.

¹⁹ *Ibid.*, document S/10738.

3. Reaffirms also the national unity and territorial integrity of Namibia;

4. Invites the Secretary-General, in consultation and close-operation with the group of the Security Council established in accordance with resolution 309 (1972), to continue his contacts with all parties concerned, with a view to establishing the necessary conditions so as to enable the people of Namibia, freely and with strict regard to the principle of human equality, to exercise their right to self-determination and independence, in accordance with the Charter of the United Nations;

5. Approves the proposal of the Secretary-General to proceed, after necessary consultations, with the appointment of a representative to assist him in the discharge of his mandate as set out in paragraph 4 above;

6. Requests the Secretary-General to keep the Security Council informed as appropriate and in any case to report to it on the implementation of resolution 309 (1972) and of the present resolution not later than 15 November 1972.

Adopted at the 1657th meeting by 14 votes to none.²⁰

THE QUESTION OF RACE CONFLICT IN SOUTH AFRICA RESULTING FROM THE POLICIES OF APARTHEID OF THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA⁴⁰

In the course of its meetings in Africa,⁴¹ the Security Council adopted the following resolution relating to this question.

Resolution 311 (1972)
of 4 February 1972

The Security Council,

Noting with grave concern the aggravation of the situation in South Africa resulting from the continued intensification and expansion of the policies of apartheid and repression by the Government of South Africa,

Having heard the statements of those individuals invited to address the Council on this question,

Taking note of the statement of the representative of the Special Committee on Apartheid,⁴²

Deploping the persistent refusal of the Government of South Africa to implement the resolutions adopted by the Security Council in order to promote a peaceful solution in accordance with the Charter of the United Nations,

Gravely concerned that the situation in South Africa seriously disturbs international peace and security in southern Africa,

Noting the continued military build-up and strengthening of its military capability by the Government of South Africa,

Convinced that urgent measures must be taken by the Security Council to secure implementation of its resolutions and thereby promote a solution to the grave situation in South Africa and southern Africa,

1. *Condemns* the Government of South Africa for continuing its policies of *apartheid* in violation of its obligations under the Charter of the United Nations;

2. *Reiterates* its total opposition to the policies of *apartheid* of the Government of South Africa;

3. *Recognizes* the legitimacy of the struggle of the oppressed people of South Africa in pursuance of their human and political rights, as set forth in the Charter and the Universal Declaration of Human Rights;

4. *Urgently calls upon* the Government of South Africa to release all persons imprisoned, interned or subjected to other restrictions as a result of the policies of *apartheid*;

5. *Calls upon* all States to observe strictly the arms embargo against South Africa;

6. *Urges* Governments and individuals to contribute generously and regularly to the United Nations funds which are used for humanitarian and training purposes to assist the victims of *apartheid*;

7. *Commends* the inter-governmental organizations, non-governmental organizations and individuals for assisting in the education and training of South Africans and urges those who do not to begin and those who do to expand their efforts in this field;

8. *Decides*, as a matter of urgency, to examine methods of resolving the present situation arising out of the policies of *apartheid* of the Government of South Africa.

⁴⁰ Resolutions or decisions on this question were also adopted by the Council in 1963, 1964 and 1970.

⁴¹ See above, pages 2 and 3.

⁴² See *Official Records of the Security Council, Twenty-seventh Year, 1628th meeting.*

Adopted at the 1639th meeting by 14 votes to none, with 1 abstention (France).

Resolution 310 (1972)

of 4 February 1972

The Security Council,

Taking note of the statement of the President of the Islamic Republic of Mauritania,¹⁶ in his capacity as current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity,

Taking note of the statement of the President of the United Nations Council for Namibia,¹⁷

Gravely concerned over the present situation in Namibia and the repressive measures of the South African Government, following the strike of the African contract labourers in the country and the widespread and increasing manifestations of African resistance to the illegal occupation of the Territory by the South African Government,

Convinced that the Security Council, as a matter of urgency, should find ways and means to enable the people of the Territory to achieve self-determination and independence.

Conscious of the need for full co-operation of all Member States, in particular the permanent members of the Security Council and the main trading partners of South Africa, for this purpose,

Recalling its previous resolutions and those of the General Assembly pertaining to Namibia,

Conscious of the special responsibilities of the United Nations towards the people and Territory of Namibia,

Mindful of its responsibility to take necessary action to secure strict compliance with the obligations entered into by Member States under the relevant provisions of the Charter of the United Nations,

Reaffirming the inalienable right of the people of Namibia to self-determination and independence, in accordance with General Assembly resolution 1514 (XV) of 14 December 1960,

Reaffirming also the national unity and territorial integrity of Namibia,

1. *Strongly condemns* the refusal of South Africa to comply with the resolutions of the General Assembly and the Security Council pertaining to Namibia;

2. *Reaffirms* that the continued occupation of Namibia by the South African authorities is illegal and detrimental to the interests of the people of Namibia;

3. *Declares* that the defiant attitude of South Africa towards the decisions of the Security Council undermines the authority of the United Nations;

4. *Strongly condemns* the recent repressive measures against the African labourers in Namibia, and calls upon the Government of South Africa to end immediately these repressive measures and to abolish any labour system which may be in conflict with the basic provisions of the Universal Declaration of Human Rights;

5. *Calls upon* all States whose nationals and corporations are operating in Namibia notwithstanding the relevant provisions of Security Council resolution 283 (1970) to use all available means to ensure that such nationals and corporations conform, in their policies of hiring Namibian workers, to the basic provisions of the Universal Declaration of Human Rights;

6. *Considers* that the continued occupation of Namibia by the Government of South Africa in defiance of the relevant resolutions of the United Nations and of the Charter creates conditions detrimental to the maintenance of peace and security in the region;

7. *Calls upon* South Africa to withdraw immediately its police and military forces as well as its civilian personnel from the Territory of Namibia;

8. *Decides* that, in the event of failure on the part of the Government of South Africa to comply with the present resolution, the Security Council shall meet immediately to decide upon effective steps or measures, in accordance with the relevant Chapters of the Charter, to secure the full and speedy implementation of the present resolution;

9. *Requests* the Secretary-General to report to the Security Council on the implementation of the present resolution not later than 31 July 1972.

Adopted at the 1638th meeting by 13 votes to none, with 2 abstentions (France, United Kingdom of Great Britain and Northern Ireland).

¹⁶ See *Official Records of the Security Council, Twenty-seventh Year, 1627th meeting.*

¹⁷ *Ibid.*, 1628th meeting.

THE SITUATION IN NAMIBIA¹⁴

In the course of its meetings in Africa¹⁴, the Security Council adopted the following resolutions relating to this question.

Resolution 309 (1972) of 4 February 1972

The Security Council,

Having examined further the question of Namibia, and without prejudice to other resolutions adopted by the Security Council on this matter,

Recognizing the special responsibility and obligation of the United Nations towards the people and Territory of Namibia,

Reaffirming once again the inalienable and imprescriptible right of the people of Namibia to self-determination and independence,

Reaffirming also the national unity and territorial integrity of Namibia,

1. *Invites* the Secretary-General, in consultation and close co-operation with a group of the Security Council, composed of the representatives of Argentina, Somalia and Yugoslavia, to initiate as soon as possible contacts with all parties concerned, with a view to establishing the necessary conditions so as to enable the people of Namibia, freely and with strict regard to the principle of human equality, to exercise their right to self-determination and independence, in accordance with the Charter of the United Nations;

2. *Calls upon* the Government of South Africa to co-operate fully with the Secretary-General in the implementation of the present resolution;

3. *Requests* the Secretary-General to report to the Security Council on the implementation of the present resolution not later than 31 July 1972.

Adopted at the 1638th meeting by 14 votes to none.¹⁵

¹⁴ See above, pages 2 and 3.

¹⁵ One member (China) did not participate in the voting.

THE SITUATION IN NAMIBIA³⁵

Decisions

At its 1583rd meeting, on 27 September 1971, the Council decided to invite His Excellency Moktar Ould Daddah, President of the Islamic Republic of Mauritania and Chairman of the eighth session of the Assembly of Heads of State and Government of the Organization of African Unity,³⁶ to participate, without vote, in the discussion of the item entitled:

³⁵ Resolutions or decisions on this question were also adopted by the Council in 1968, 1969 and 1970.

³⁶ Held at Addis Ababa, from 21 to 23 June 1971.

"The situation in Namibia:

- "(a) Letter dated 17 September 1971 addressed to the President of the Security Council from the representatives of Algeria, Botswana, Burundi, Cameroon, the Central African Republic, Chad, the Congo (Democratic Republic of), Egypt, Equatorial Guinea, Ethiopia, Gabon, Ghana, Guinea, Kenya, Liberia, the Libyan Arab Republic, Madagascar, Mali, Mauritania, Mauritius, Morocco, the Niger, Nigeria, the People's Re-

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.

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.

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,⁹⁰ 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,⁹¹

Having heard the statements of the delegation of the Government of South Africa,⁹²

Having considered the report of the *Ad Hoc* Sub-Committee on Namibia,⁹³

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;

⁹⁰ See *Official Records of the Security Council, Twenty-sixth Year*, 1583rd, 1585th, 1587th, 1588th and 1594th meetings;

⁹¹ *Ibid.*, 1584th meeting

⁹² *Ibid.*, 1584th and 1594th meetings

⁹³ *Ibid.*, *Twenty-sixth Year, Special Supplement No. 5*.

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.

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).

Resolution 284 (1970)

of 29 July 1970

The Security Council,

Reaffirming the special responsibility of the United Nations with regard to the Territory and the people of Namibia,

Recalling its resolution 276 (1970) of 30 January 1970 on the question of Namibia,

Taking note of the report and recommendations^a submitted by the Ad Hoc Sub-Committee established in pursuance of Security Council resolution 276 (1970),

^a *Ibid.*, document S/9911.

^b *Ibid.*, document S/9863.

Taking further note of the recommendation of the Ad Hoc Sub-Committee on the possibility of requesting an advisory opinion from the International Court of Justice,

Considering that an advisory opinion from the International Court of Justice would be useful for the Security Council in its further consideration of the question of Namibia and in furtherance of the objectives the Council is seeking,

1. *Decides* to submit, in accordance with Article 96, paragraph 1, of the Charter of the United Nations, the following question to the International Court of Justice, with the request for an advisory opinion which shall be transmitted to the Security Council at an early date:

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

2. *Requests* the Secretary-General to transmit the present resolution to the International Court of Justice, in accordance with Article 65 of the Statute of the Court, accompanied by all documents likely to throw light upon the question.

Adopted at the 1550th meeting by 12 votes to none, with 3 abstentions (Poland, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland).

At its 1550th meeting, on 29 July 1970, the Council, following the adoption of its agenda, proceeded with the discussion of the item entitled:

"The situation in Namibia:

"(a) Report of the *Ad Hoc* Sub-Committee established in pursuance of Security Council resolution 276 (1970) (S/9863);⁶

"(b) Letter dated 22 July 1970 from the Permanent Representatives of Burundi, Finland, Nepal, Sierra Leone and Zambia to the United Nations addressed to the President of the Security Council (S/9886)."⁶

Resolution 283 (1970)

of 29 July 1970

The Security Council,

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

Reaffirming Security Council resolutions 264 (1969) of 20 March 1969 and 276 (1970) of 30 January 1970 in which the Council recognized the decision of the General Assembly to terminate the Mandate for South West Africa and assume direct responsibility for the Territory until its independence and in which the continued presence of the South African authorities in Namibia, as well as all acts taken by that Government on behalf of or concerning Namibia after the termination of the Mandate, were declared illegal and invalid,

Recalling its resolution 269 (1969) of 12 August 1969,

Noting with great concern the continued flagrant refusal of the Government of South Africa to comply with the decisions of the Security Council demanding

the immediate withdrawal of South Africa from the Territory,

Deeply concerned that the enforcement of South African laws and juridical procedures in the Territory have continued in violation of the international status of the Territory,

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

Recalling the decision taken by the Security Council on 30 January 1970 to establish, in accordance with rule 28 of its provisional rules of procedure, an *Ad Hoc* Sub-Committee of the Council to study, in consultation with the Secretary-General, ways and means by which the relevant resolutions of the Council, including resolution 276 (1970), could be effectively implemented in accordance with the appropriate provisions of the Charter of the United Nations, in the light of the flagrant refusal of South Africa to withdraw from Namibia; and to submit its recommendations to the Council,

Having examined the report submitted by the *Ad Hoc* Sub-Committee⁷ and the recommendations contained in that report,

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

1. *Requests* all States to refrain from any relations—diplomatic, consular or otherwise—with South Africa implying recognition of the authority of the Government of South Africa over the Territory of Namibia;

2. *Calls upon* all States maintaining diplomatic or consular relations with South Africa to issue a formal declaration to the Government of South Africa to the effect that they do not recognize any authority of South Africa with regard to Namibia and that they consider South Africa's continued presence in Namibia illegal;

3. *Calls upon* all States maintaining such relations to terminate existing diplomatic and consular representation as far as they extend to Namibia, and to withdraw any diplomatic or consular mission or representative residing in the Territory;

4. *Calls upon* all States to ensure that companies and other commercial and industrial enterprises owned by, or under direct control of, the State cease all dealings with respect to commercial or industrial enterprises or concessions in Namibia;

5. *Calls upon* all States to withhold from their nationals or companies of their nationality not under direct governmental control, government loans, credit guarantees and other forms of financial support that would be used to facilitate trade or commerce with Namibia;

6. *Calls upon* all States to ensure that companies and other commercial enterprises owned by, or under direct control of, the State cease all further investment activities, including concessions in Namibia;

7. *Calls upon* all States to discourage their nationals or companies of their nationality not under direct governmental control from investing or obtaining concessions in Namibia, and to this end to withhold protection of such investment against claims of a future lawful government of Namibia;

8. *Requests* all States to undertake without delay a detailed study and review of all bilateral treaties between themselves and South Africa in so far as these treaties contain provisions by which they apply to the Territory of Namibia;

9. *Requests* the Secretary-General to undertake without delay a detailed study and review of all multi-lateral treaties to which South Africa is a party and which, either by direct reference or on the basis of relevant provisions of international law, might be considered to apply to the Territory of Namibia;

10. *Requests* the United Nations Council for Namibia to make available to the Security Council the results of its study and proposals with regard to the issuance of passports and visas for Namibians, and to undertake a study and make proposals with regard to special passport and visa regulations to be adopted by States concerning travel of their citizens to Namibia;

⁷ *Ibid.*, document S/9863.

⁶ *Ibid.*, Supplement for July, August and September 1970.

11. *Calls upon* all States to discourage the promotion of tourism and emigration to Namibia;

12. *Requests* the General Assembly, at its twenty-fifth session, to set up a United Nations fund for Namibia to provide assistance to Namibians who have suffered from persecution and to finance a comprehensive educational and training programme for Namibians, with particular regard to their future administrative responsibilities in the Territory;

13. *Requests* all States to report to the Secretary-General on measures they have taken in order to give effect to the provisions set forth in the present resolution;

14. *Decides* to re-establish, in accordance with rule 28 of its provisional rules of procedure, the *Ad Hoc* Sub-Committee on Namibia and to request the Sub-Committee to study further effective recommendations on ways and means by which the relevant resolutions of the Council can be effectively implemented in accordance with the appropriate provisions of the Charter of the United Nations, in the light of the flagrant refusal of South Africa to withdraw from Namibia;

15. *Requests* the Sub-Committee to study the replies submitted by Governments to the Secretary-General in pursuance of paragraph 13 of the present resolution and to report to the Council as appropriate;

16. *Requests* the Secretary-General to give every assistance to the Sub-Committee in the performance of its tasks;

17. *Decides* to remain actively seized of this matter.

Adopted at the 1550th meeting by 13 votes to none, with 2 abstentions (France, United Kingdom of Great Britain and Northern Ireland).

In connexion with the implementation of the above resolution, the President of the Security Council announced, in a note circulated as a Security Council document, the following measures which had been approved by the Council:

On 18 August 1970, the President issued a note^a stating that, after consultations among the members of the Council, it had been agreed that the *Ad Hoc* Sub-Committee on Namibia re-established in pursuance of Security Council resolution 283 (1970) would be composed of all the members of the Council and would work under the same procedures as those followed by the *Ad Hoc* Sub-Committee established in pursuance of Security Council resolution 276 (1970).

RESOLUTIONS ADOPTED AND DECISIONS TAKEN BY THE SECURITY COUNCIL in 1970

Part I. Questions considered by the Security Council under its responsibility for the maintenance of international peace and security

THE SITUATION IN NAMIBIA¹

Decisions

At its 1527th meeting, on 28 January 1970, the Council decided to invite the President of the United Nations Council for Namibia to participate, without vote, in the discussion of the item entitled "The situation in Namibia: letter dated 26 January 1970 addressed to the President of the Security Council from the representatives of Afghanistan, Algeria, Burundi, Cambodia, Ceylon, Chad, the Congo (Democratic Republic of), Cyprus, Dahomey, Ethiopia, Gabon, Guinea, India, Indonesia, Iran, Iraq, Japan, Jordan, Kenya, Kuwait, Laos, Lebanon, Liberia, Libya, Madagascar, Malaysia, Mali, Mauritania, Mauritius, Morocco, Nepal, the Niger, Nigeria, Pakistan, the People's Republic of the Congo, the Philippines, Rwanda, Senegal, Sierra Leone, Singapore, Somalia, Southern Yemen, the Sudan, Syria, Thailand, Togo, Tunisia, Turkey, Uganda, the United Arab Republic, the United Republic of Tanzania, the Upper Volta, Yugoslavia and Zambia (S/9616 and Add.1)."²

At its 1529th meeting, on 30 January 1970, the Council decided to invite the representatives of India and Pakistan to participate, without vote, in the discussion of the question.

¹ Resolutions or decisions on this question were also adopted in 1968 and 1969.

² On 28 January 1970, Ghana and Yemen were added to the list of signatories of the present letter (S/9616/Add.2), and on 29 January 1970, Cameroon was added (S/9616/Add.3): see *Official Records of the Security Council, Twenty-fifth Year, Supplement for January, February and March 1970*.

Resolution 276 (1970)

of 30 January 1970

The Security Council,

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

Reaffirming General Assembly resolution 2145 (XXI) of 27 October 1966, by which the United Nations decided that the Mandate for South West Africa was terminated and assumed direct responsibility for the Territory until its independence,

Reaffirming Security Council resolution 264 (1969) of 20 March 1969 in which the Council recognized the termination of the Mandate and called upon the Government of South Africa to withdraw immediately its administration from the Territory,

Reaffirming that the extension and enforcement of South African laws in the Territory together with the continued detentions, trials and subsequent sentencing of Namibians by the Government of South Africa constitute illegal acts and flagrant violations of the rights of the Namibians concerned, the Universal Declaration of Human Rights and the international status of the Territory, now under direct United Nations responsibility,

Recalling Security Council resolution 269 (1969) of 12 August 1969,

1. *Strongly condemns* the refusal of the Government of South Africa to comply with the resolutions

of the General Assembly and Security Council pertaining to Namibia;

2. *Declares* that the continued presence of the South African authorities in Namibia is illegal and that consequently all acts taken by the Government of South Africa on behalf of or concerning Namibia after the termination of the Mandate are illegal and invalid;

3. *Declares further* that the defiant attitude of the Government of South Africa towards the Council's decisions undermines the authority of the United Nations;

4. *Considers* that the continued occupation of Namibia by the Government of South Africa in defiance of the relevant United Nations resolutions and of the Charter of the United Nations has grave consequences for the rights and interests of the people of Namibia;

5. *Calls upon* all States, particularly those which have economic and other interests in Namibia, to refrain from any dealings with the Government of South Africa which are inconsistent with paragraph 2 of the present resolution;

6. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, an *Ad Hoc* Sub-Committee of the Council to study, in consultation with the Secretary-General, ways and means by which the relevant resolutions of the Council, including the present resolution, can be effectively implemented in accordance with the appropriate provisions of the Charter, in the light of the flagrant refusal of South Africa to withdraw from Namibia, and to submit its recommendations by 30 April 1970;

7. *Requests* all States, as well as the specialized agencies and other relevant organs of the United Nations, to give the Sub-Committee all the information and other assistance it may require in pursuance of the present resolution;

8. *Further requests* the Secretary-General to give every assistance to the Sub-Committee in the performance of its task;

9. *Decides* to resume consideration of the question of Namibia as soon as the recommendations of the Sub-Committee have been made available.

Adopted at the 1529th meeting by 13 votes to none, with 2 abstentions (France, United Kingdom of Great Britain and Northern Ireland).

In connexion with the implementation of the above resolution, the President of the Security Council announced, in notes circulated as Security Council documents, the following measures which had been approved by the Council:

On 30 January 1970, the President issued a note^a stating that, after consultations among all the mem-

bers of the Council, it was decided that the *Ad Hoc* Sub-Committee established in pursuance of Security Council resolution 276 (1970) would be composed of all the members of the Council.

On 15 May 1970, the President issued a note^a stating that, after consultations with all the members of the Council, they had taken note of the interim report^a submitted by the *Ad Hoc* Sub-Committee established in pursuance of Security Council resolution 276 (1970) and it was agreed that the Sub-Committee would continue its work in accordance with its terms of reference in order to be in a position to formulate its recommendations to the Council by the end of June 1970 at the latest.

^a See *Official Records of the Security Council, Twenty-fifth Year, Supplement for January, February and March 1970*, document S/9632.

Resolution 269 (1969)
of 12 August 1969

The Security Council,

Recalling its resolution 264 (1969) of 20 March 1969,

Taking note of the report of the Secretary-General contained in document S/9204,⁴

Mindful of its responsibility to take necessary action to secure strict compliance with the obligations entered into by States Members of the United Nations under the provisions of Article 25 of the Charter of the United Nations,

Mindful also of its responsibilities under Article 6 of the Charter of the United Nations,

1. *Reaffirms* its resolution 264 (1969);

2. *Condemns* the Government of South Africa for its refusal to comply with resolution 264 (1969) and for its persistent defiance of the authority of the United Nations;

3. *Decides* that the continued occupation of the Territory of Namibia by the South African authorities constitutes an aggressive encroachment on the authority of the United Nations, a violation of the territorial integrity and a denial of the political sovereignty of the people of Namibia;

4. *Recognizes* the legitimacy of the struggle of the people of Namibia against the illegal presence of the South African authorities in the Territory;

5. *Calls upon* the Government of South Africa to withdraw its administration from the Territory immediately and in any case before 4 October 1969;

6. *Decides* that in the event of failure on the part of the Government of South Africa to comply with the provisions of the preceding paragraph of the present resolution, the Security Council will meet immediately to determine upon effective measures in accordance with the appropriate provisions of the relevant Chapters of the Charter of the United Nations;

7. *Calls upon* all States to refrain from all dealings with the Government of South Africa purporting to act on behalf of the Territory of Namibia;

8. *Requests* all States to increase their moral and material assistance to the people of Namibia in their struggle against foreign occupation;

9. *Requests* the Secretary-General to follow closely the implementation of the present resolution and to report to the Security Council as soon as possible;

10. *Decides* to remain actively seized of the matter.

Adopted at the 1497th meeting by 11 votes to none, with 4 abstentions (Finland, France, United Kingdom of Great Britain and Northern Ireland, United States of America).

Decisions

At its 1492nd meeting, on 30 July 1969, the Council decided to invite the representative of Chile to participate, without vote, in the discussion of the item entitled "The situation in Namibia: letter dated 24 July 1969 from the representatives of Chile, Colombia, Guyana, India, Indonesia, Nigeria, Pakistan, Turkey, the United Arab Republic, Yugoslavia and Zambia addressed to the President of the Security Council (S/9359)".³

At its 1493rd meeting, on 4 August 1969, the Council decided to invite the representative of India to participate, without vote, in the discussion of the question.

³ Ibid., Supplement for July, August and September 1969.

⁴ Ibid., Supplement for April, May and June 1969.

RESOLUTIONS ADOPTED AND DECISIONS TAKEN BY THE SECURITY COUNCIL IN 1969

Part I. Questions considered by the Security Council under its responsibility for the maintenance of international peace and security

THE SITUATION IN NAMIBIA¹

Decision

At its 1464th meeting, on 20 March 1969, the Council decided to invite the representative of the United Arab Republic to participate, without vote, in the discussion of the item entitled "The situation in Namibia: letter dated 14 March 1969 addressed to the President of the Security Council by the representatives of Afghanistan, Algeria, Burundi, Cameroon, Ceylon, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Cyprus, Equatorial Guinea, Ethiopia, Gabon, Ghana, Guinea, India, Indonesia, Ivory Coast, Liberia, Libya, Madagascar, Mali, Mauritania, Mauritius, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan, Philippines, Rwanda, Senegal, Sierra Leone, Singapore, Somalia, Southern Yemen, Sudan, Syria, Togo, Tunisia, Turkey, Uganda, United Arab Republic, United Republic of Tanzania, Yugoslavia and Zambia (S/9090 and Add.1-3)."²

Resolution 261 (1969) of 20 March 1969

The Security Council,

Taking note of General Assembly resolutions 2248 (S-V) of 19 May 1967, 2324 (XXII) and 2325

¹ Resolutions or decisions on this question, under the previous heading "The question of South West Africa", were also adopted in 1968.

² See *Official Records of the Security Council, Twenty-fourth Year, Supplement for January, February and March 1969*.

(XXII) of 16 December 1967, 2372 (XXII) of 12 June 1968 and 2403 (XXIII) of 16 December 1968,

Taking into account General Assembly resolution 2145 (XXI) of 27 October 1966 by which the General Assembly of the United Nations terminated the Mandate of South West Africa and assumed direct responsibility for the Territory until its independence,

Recalling its resolutions 245 (1968) of 25 January 1968 and 246 (1968) of 14 March 1968,

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

Mindful of the grave consequences of South Africa's continued occupation of Namibia,

Reaffirming its special responsibility toward the people and the Territory of Namibia,

1. *Recognizes* that the United Nations General Assembly terminated the Mandate of South Africa over Namibia and assumed direct responsibility for the Territory until its independence;

2. *Considers* that the continued presence of South Africa in Namibia is illegal and contrary to the principles of the Charter and the previous decisions of the United Nations and is detrimental to the interests of the population of the Territory and those of the international community;

3. *Calls upon* the Government of South Africa to withdraw immediately its administration from the Territory;

4. *Declares* that the actions of the Government of South Africa designed to destroy the national unity and territorial integrity of Namibia through the establishment

of Bantustans are contrary to the provisions of the Charter of the United Nations;

5. *Declares* that the Government of South Africa has no right to enact the "South West Africa Affairs Bill," as such an enactment would be a violation of the relevant resolutions of the General Assembly;

6. *Condemns* the refusal of South Africa to comply with General Assembly resolutions 2145 (XXI), 2248 (S-V), 2324 (XXII), 2325 (XXII), 2372 (XXII), and 2403 (XXIII) and Security Council resolutions 245 (1968) and 246 (1968);

7. *Invites* all States to exert their influence in order to obtain compliance by the Government of South Africa with the provisions of the present resolution;

8. *Decides* that in the event of failure on the part of the Government of South Africa to comply with the provisions of the present resolution, the Security Council will meet immediately to determine upon necessary steps or measures in accordance with the relevant provisions of the Charter of the United Nations;

9. *Requests* the Secretary-General to follow closely the implementation of the present resolution and to report to the Security Council as soon as possible;

10. *Decides* to remain actively seized of the matter.

Adopted at the 1465th meeting by 13 votes to none, with 2 abstentions (France, United Kingdom of Great Britain and Northern Ireland).

Resolution 246 (1968)

of 14 March 1968

The Security Council,

Recalling its resolution 245 (1968) of 25 January 1968, by which it unanimously condemned the refusal of the Government of South Africa to comply with the provisions of General Assembly resolution 2324 (XXII) of 16 December 1967 and further called upon the Government of South Africa to discontinue forthwith the illegal trial and to release and repatriate the South West Africans concerned,

Taking into account General Assembly resolution 2145 (XXI) of 27 October 1966 by which the General Assembly of the United Nations terminated the Mandate of South Africa over South West Africa and assumed direct responsibility for the Territory until its independence,

Reaffirming the inalienable right of the people and Territory of South West Africa to freedom and independence in accordance with the Charter of the United Nations and with the provisions of General Assembly resolution 1514 (XV) of 14 December 1960,

Mindful that Member States shall fulfil all their obligations as set forth in the Charter,

Distressed by the fact that the Government of South Africa has failed to comply with Security Council resolution 245 (1968),

Taking into account the memorandum of the United Nations Council for South West Africa of 25 January 1968⁴ on the illegal detention and trial of the South West Africans concerned and the letter of 10 February 1968 from the President of the United Nations Council for South West Africa,⁵

Reaffirming that the continued detention and trial and subsequent sentencing of the South West Africans constitute an illegal act and a flagrant violation of the rights of the South West Africans concerned, the Universal Declaration of Human Rights and the international status of the Territory now under direct United Nations responsibility,

Cognizant of its special responsibility towards the people and Territory of South West Africa,

1. *Censures* the Government of South Africa for its flagrant defiance of Security Council resolution 245 (1968) as well as of the authority of the United Nations of which South Africa is a Member;

2. *Demands* that the Government of South Africa release and repatriate forthwith the South West Africans concerned;

3. *Calls upon* States Members of the United Nations to co-operate with the Security Council, in pursuance of their obligations under the Charter, in order to obtain compliance by the Government of South Africa with the provisions of the present resolution;

4. *Urges* Member States who are in a position to contribute to the implementation of the present resolution to assist the Security Council in order to obtain compliance by the Government of South Africa with the provisions of the present resolution;

5. *Decides* that in the event of failure on the part

Decisions

At its 1391st meeting, on 16 February 1968, the Council decided to invite the representatives of Guyana, Turkey, Chile, Indonesia, Yugoslavia, Nigeria, the United Arab Republic and Zambia to participate, without vote, in the discussion of the item entitled:

"The question of South West Africa:

"Letter dated 12 February 1968 addressed to the President of the Security Council by the representatives of Chile, Colombia, Guyana, India, Indonesia, Nigeria, Pakistan, Turkey, the United Arab Republic, Yugoslavia and Zambia (S/8397)."

"Letter dated 12 February 1968 addressed to the President of the Security Council by the representatives of Afghanistan, Algeria, Cambodia, Cameroon, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Cyprus, Dahomey, Ethiopia, Ghana, Guinea, Iran, Iraq, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Libya, Madagascar, Malaysia, Mali, Mauritania, Morocco, Nepal, Niger, Philippines, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sudan, Syria, Thailand, Togo, Tunisia, Uganda, the United Republic of Tanzania, Upper Volta and Yemen (S/8398 and Add.1/Rev.1 and Add.2)."

At its 1392nd meeting, on 19 February 1968, the Council decided to invite the representative of Colombia to participate, without vote, in the discussion of the question.

⁴ *Ibid.*

⁴ *Ibid.*, document S/8353/Add.1.

⁵ *Ibid.*, document S/8394.

of the Government of South Africa to comply with the provisions of the present resolution, the Security Council will meet immediately to determine effective steps or measures in conformity with the relevant provisions of the Charter of the United Nations;

6. *Requests* the Secretary-General to follow closely the implementation of the present resolution and to

report thereon to the Security Council not later than 31 March 1968;

7. *Decides* to remain actively seized of the matter.

Adopted unanimously at the 1387th meeting.

RESOLUTIONS ADOPTED AND DECISIONS TAKEN
BY THE SECURITY COUNCIL IN 1968

*Part I. Questions considered by the Security Council under its
responsibility for the maintenance of international peace and
security*

THE QUESTION OF SOUTH WEST AFRICA

Decision

At its 1387th meeting, on 25 January 1968, the Council decided to invite the representative of Nigeria to participate, without vote, in the discussion of the item entitled:

"The question of South West Africa:

"Letter dated 24 January 1968 addressed to the President of the Security Council by the representatives of Afghanistan, Algeria, Burundi, Cambodia, Cameroon, The Central African Republic, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Dahomey, Ethiopia, Ghana, Guinea, India, Indonesia, Iran, Iraq, Ivory Coast, Jordan, Kenya, Liberia, Libya, Madagascar, Malaysia, Mali, Mauritania, Morocco, Nepal, Niger, Nigeria, Pakistan, The Philippines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sudan, Syria, Thailand, Togo, Turkey, Uganda, The United Arab Republic, The United Republic of Tanzania, Upper Volta, Yemen, Yugoslavia and Zambia (S/8355);¹

"Letter dated 23 January 1968 addressed to the President of the Security Council by the President of the United Nations Council for South West Africa (S/8353)."¹

Resolution 2415 (1968)
of 25 January 1968

The Security Council,

Taking note of General Assembly resolution 2145

¹ See *Official Records of the Security Council, Twenty-third Year, Supplement for January, February and March 1968.*

(XXI) of 27 October 1966, by which the Assembly terminated South Africa's Mandate over South West Africa and decided, *inter alia*, that South Africa has no other right to administer the Territory and that henceforth South West Africa comes under the direct responsibility of the United Nations,

Taking note further of General Assembly resolution 2324 (XXII) of 16 December 1967, in which the Assembly condemned the illegal arrest, deportation and trial at Pretoria of thirty-seven South West Africans as a flagrant violation by the Government of South Africa of their rights, of the international status of the Territory and of General Assembly resolution 2145 (XXI),

Gravely concerned that the Government of South Africa has ignored world public opinion so overwhelmingly expressed in General Assembly resolution 2324 (XXII) by refusing to discontinue this illegal trial and to release and repatriate the South West Africans concerned,

Taking into consideration the letter of 23 January 1968 from the President of the United Nations Council for South West Africa (S/8353),²

Noting with great concern that the trial is being held under arbitrary laws whose application has been illegally extended to the Territory of South West Africa in defiance of General Assembly resolutions,

Mindful of the grave consequences of the continued illegal application of these arbitrary laws by the Government of South Africa to the Territory of South West Africa,

Conscious of the special responsibilities of the United Nations towards the people and Territory of South West Africa,

² *Ibid.*

1. *Condemns* the refusal of the Government of South Africa to comply with the provisions of General Assembly resolution 2324 (XXII);

2. *Calls upon* the Government of South Africa to discontinue forthwith this illegal trial and to release and repatriate the South West Africans concerned;

3. *Invites* all States to exert their influence in order to induce the Government of South Africa to comply with the provisions of the present resolution;

4. *Requests* the Secretary-General to follow closely the implementation of the present resolution and to report thereon to the Security Council at the earliest possible date;

5. *Decides* to remain actively seized of the matter.

*Adopted unanimously at the
1387th meeting.*

SECTION FOR AFRICAN QUESTIONS

December 1975

Department of Political and
Security Council Affairs

United Nations, New York

TEXTS OF RESOLUTIONS
OF THE SECURITY COUNCIL
CONCERNING THE SITUATION IN NAMIBIA
1968 - 1974

75-29485

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NOTE

This paper contains the texts of the fourteen resolutions adopted by the Security Council since January 1968 on the situation in Namibia.

In the last resolution - 366 (1974) of 17 December 1974 - the Security Council decided "to remain seized of the matter and to meet on or before 30 May 1975 for the purpose of reviewing South Africa's compliance with the terms of the present resolution and, in the event of non-compliance by South Africa, for the purpose of considering appropriate measures to be taken under the Charter of the United Nations."

The Security Council considered the matter again from 30 May to 6 June 1975 when a draft resolution submitted by Guyana, Iraq, Mauritania, the United Republic of Cameroon and the United Republic of Tanzania was not adopted because of the negative votes of three Permanent Members. In resolution 3399 (XXX) adopted on 26 November 1975, the General Assembly urged the Security Council to take up again the question of Namibia and to act to give effect to resolution 366 (1974).

Resolution 245 (1968)

of 25 January 1968

The Security Council

Taking note of General Assembly resolution 2145 (XXI) of 27 October 1966, by which the Assembly terminated South Africa's Mandate over South West Africa and decided, inter alia, that South Africa has no other right to administer the Territory and that henceforth South West Africa comes under the direct responsibility of the United Nations,

Taking note further of General Assembly resolution 2324 (XXII) of 16 December 1967, in which the Assembly condemned the illegal arrest, deportation and trial at Pretoria of thirty-seven South West Africans as a flagrant violation by the Government of South Africa of their rights, of the international status of the Territory and of General Assembly resolution 2145 (XXI),

Gravely concerned that the Government of South Africa has ignored world public opinion so overwhelmingly expressed in General Assembly resolution 2324 (XXII) by refusing to discontinue this illegal trial and to release and repatriate the South West Africans concerned,

Taking into consideration the letter of 23 January 1968 from the President of the United Nations Council for South West Africa (S/8353),

Noting with great concern that the trial is being held under arbitrary laws whose application has been illegally extended to the Territory of South West Africa in defiance of General Assembly resolutions,

Mindful of the grave consequences of the continued illegal application of these arbitrary laws by the Government of South Africa to the Territory of South West Africa,

Conscious of the special responsibilities of the United Nations towards the people and Territory of South West Africa,

1. Condemns the refusal of the Government of South Africa to comply with the provisions of General Assembly resolution 2324 (XXII);
2. Calls upon the Government of South Africa to discontinue forthwith this illegal trial and to release and repatriate the South West Africans concerned;
3. Invites all States to exert their influence in order to induce the Government of South Africa to comply with the provisions of the present resolution;
4. Requests the Secretary-General to follow closely the implementation of the present resolution and to report thereon to the Security Council at the earliest possible date;
5. Decides to remain actively seized of the matter.

Adopted unanimously
1387th meeting.

1/ See Official Records of the Security Council, Twenty-third Year, Supplement of January, February and March 1968.

Resolution 246 (1968)
of 14 March 1968

The Security Council

Recalling its resolution 245 (1968) of 25 January 1968, by which it unanimously condemned the refusal of the Government of South Africa to comply with the provisions of General Assembly resolution 2324 (XXII) of 16 December 1967 and further called upon the Government of South Africa to discontinue forthwith the illegal trial and to release and repatriate the South West Africans concerned,

Taking into account General Assembly resolution 2145 (XXI) of 27 October 1966 by which the General Assembly of the United Nations terminated the Mandate of South Africa over South West Africa and assumed direct responsibility for the Territory until its independence,

Reaffirming the inalienable right of the people and Territory of South West Africa to freedom and independence in accordance with the Charter of the United Nations and with the provisions of General Assembly resolution 1514 (XV) of 14 December 1960.

Mindful that Member States shall fulfil all their obligations as set forth in the Charter,

Distressed by the fact that the Government of South Africa has failed to comply with Security Council resolution 245 (1968),

Taking into account the memorandum of the United Nations Council for South West Africa of 25 January 1968 2/ on the illegal detention and trial of the South West Africans concerned and the letter of 10 February 1968 from the President of the United Nations Council for South West Africa, 3/

Reaffirming that the continued detention and trial and subsequent sentencing of the South West Africans constitute an illegal act and a flagrant violation of the rights of the South West Africans concerned, the Universal Declaration of Human Rights and the international status of the Territory now under direct United Nations responsibility,

Cognizant of its special responsibility towards the people and Territory of South West Africa,

1. Censures the Government of South Africa for its flagrant defiance of Security Council resolution 245 (1968) as well as of the authority of the United Nations of which South Africa is a Member;

2. Demands that the Government of South Africa release and repatriate forthwith the South West Africans concerned;

3. Calls upon States Members of the United Nations to co-operate with the Security Council, in pursuance of their obligations under the Charter, in order to obtain compliance by the Government of South Africa with the provisions of the present resolution;

2/ Ibid., document S/8353/add.1.

3/ Ibid., document S/8394.

4. Urges Member States who are in a position to contribute to the implementation of the present resolution to assist the Security Council in order to obtain compliance by the Government of South Africa with the provisions of the present resolution;

5. Decides that in the event of failure on the part of the Government of South Africa to comply with the provisions of the present resolution, the Security Council will meet immediately to determine effective steps or measures in conformity with the relevant provisions of the Charter of the United Nations;

6. Requests the Secretary-General to follow closely the implementation of the present resolution and to report thereon to the Security Council not later than 31 March 1968;

7. Decides to remain actively seized of the matter.

Adopted unanimously at the
1387th meeting.

Resolution 264 (1969)
of 20 March 1969

The Security Council,

Taking note of General Assembly resolution 2248 (S-V) of 19 May 1967, 2324 (XXII) and 2325 (XXII) of 16 December 1967, 2372 (XXII) of 12 June 1968 and 2403 (XXIII) of 16 December 1968,

Taking into account General Assembly resolution 2145 (XXI) of 27 October 1966 by which the General Assembly of the United Nations terminated the Mandate of South West Africa and assumed direct responsibility for the Territory until its independence,

Recalling its resolutions 245 (1968) of 25 January 1968 and 246 (1968) and of 14 March 1968,

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

Mindful of the grave consequences of South Africa's continued occupation of Namibia,

Reaffirming its special responsibility toward the people and the Territory of Namibia,

1. Recognizes that the United Nations General Assembly terminated the Mandate of South Africa over Namibia and assumed direct responsibility for the Territory until its independence;

2. Considers that the continued presence of South Africa in Namibia is illegal and contrary to the principles of the Charter and the previous decisions of the United Nations and is detrimental to the interests of the population of the Territory and those of the international community;

3. Calls upon the Government of South Africa to withdraw immediately its administration from the Territory;

4. Declares that the actions of the Government of South Africa designed to destroy the national unity and territorial integrity of Namibia through the establishment of Bantustans are contrary to the provisions of the Charter of the United Nations;

5. Declares that the Government of South Africa has no right to enact the "South West Africa Affairs Bill," as such an enactment would be a violation of the relevant resolutions of the General Assembly;

6. Condemns the refusal of South Africa to comply with General Assembly resolutions 2145 (XXI), 2248 (S-V), 2324 (XXII), 2325 (XXII), 2372 (XXII), and 2403 (XXIII) and Security Council resolutions 245 (1968) and 246 (1968);

7. Invites all States to exert their influence in order to obtain compliance by the Government of South Africa with the provisions of the present resolution;

8. Decides that in the event of failure on the part of the Government of South Africa to comply with the provisions of the present resolution, the Security Council will meet immediately to determine upon necessary steps or measures in accordance with the relevant provisions of the Charter of the United Nations;

9. Requests the Secretary-General to follow closely the implementation of the present resolution and to report to the Security Council as soon as possible;

10. Decides to remain actively seized of the matter.

Adopted at the 1465th meeting
by 13 votes to none, with 2
abstentions (France, United
Kingdom of Great Britain and
Northern Ireland).

Resolution 269 (1969)

of 12 August 1969

The Security Council

Recalling its resolution 264 (1969) of 20 March 1969,

Taking note of the report of the Secretary-General contained in document S/9204, 4/

Mindful of its responsibility to take necessary action to secure strict compliance with the obligations entered into by States Members of the United Nations under the provisions of Article 25 of the Charter of the United Nations,

Mindful also of its responsibilities under Article 6 of the Charter of the United Nations,

1. Reaffirms its resolution 264 (1969);
2. Condemns the Government of South Africa for its refusal to comply with resolution 264 (1969) and for its persistent defiance of the authority of the United Nations;
3. Decides that the continued occupation of the Territory of Namibia by the South African authorities constitutes an aggressive encroachment on the authority of the United Nations, a violation of the territorial integrity and a denial of the political sovereignty of the people of Namibia;
4. Recognizes the legitimacy of the struggle of the people of Namibia against the illegal presence of the South African authorities in the Territory;
5. Calls upon the Government of South Africa to withdraw its administration from the Territory immediately and in any case before 4 October 1969;
6. Decides that in the event of failure on the part of the Government of South Africa to comply with the provisions of the preceding paragraph of the present resolution, the Security Council will meet immediately to determine upon effective measures in accordance with the appropriate provisions of the relevant Chapters of the Charter of the United Nations;
7. Calls upon all States to refrain from all dealings with the Government of South Africa purporting to act on behalf of the Territory of Namibia;
8. Requests all States to increase their moral and material assistance to the people of Namibia in their struggle against foreign occupation:

9. Requests the Secretary-General to follow closely the implementation of the present resolution and to report to the Security Council as soon as possible;

10. Decides to remain actively seized of the matter.

Adopted at the 1497th meeting
by 11 votes to none, with 4
abstentions (Finland, France,
United Kingdom of Great Britain
and Northern Ireland, United States
of America).

Resolution 276 (1970)
of 30 January 1970

The Security Council

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

Reaffirming General Assembly resolution 2145 (XXI) of 27 October 1966, by which the United Nations decided that the Mandate for South West Africa was terminated and assumed direct responsibility for the Territory until its independence

Reaffirming Security Council resolution 264 (1969) of 20 March 1969 in which the Council recognized the termination of the Mandate and called upon the Government of South Africa to withdraw immediately its administration from the Territory,

Reaffirming that the extension and enforcement of South African laws in the Territory together with the continued detentions, trials and subsequent sentencing of Namibians by the Government of South Africa constitute illegal acts and flagrant violations of the rights of the Namibians concerned, the Universal Declaration of Human Rights and the international status of the Territory, now under direct United Nations responsibility,

Recalling Security Council resolution 269 (1969) of 12 August 1969,

1. Strongly condemns the refusal of the Government of South Africa to comply with the resolutions of the General Assembly and Security Council pertaining to Namibia;

2. Declares that the continued presence of the South African authorities in Namibia is illegal and that consequently all acts taken by the Government of South Africa on behalf of or concerning Namibia after the termination of the Mandate are illegal and invalid;

3. Declares further that the defiant attitude of the Government of South Africa towards the Council's decisions undermines the authority of the United Nations;

4. — Considers that the continued occupation of Namibia by the Government of South Africa in defiance of the relevant United Nations resolutions and of the Charter of the United Nations has grave consequences for the rights and interests of the people of Namibia;

5. Calls upon all States, particularly those which have economic and other interests in Namibia, to refrain from any dealings with the Government of South Africa which are inconsistent with paragraph 2 of the present resolution;

6. Decides to establish, in accordance with rule 28 of its provisional rules of procedure, an Ad Hoc Sub-Committee of the Council to study, in consultation with the Secretary-General, ways and means by which the relevant resolutions of the Council, including the present resolution, can be effectively implemented in accordance with the appropriate provisions of the Charter, in the light of the flagrant refusal of South Africa to withdraw from Namibia, and to submit its recommendations by 30 April 1970;

7. Requests all States, as well as the specialized agencies and other relevant organs of the United Nations to give the Sub-Committee all the information and other assistance it may require in pursuance of the present resolution;

8. Further requests the Secretary-General to give every assistance to the Sub-Committee in the performance of its task;

9. Decides to resume consideration of the question of Namibia as soon as the recommendations of the Sub-Committee have been made available.

Adopted at the 1529th meeting
by 13 votes to none, with 2
abstentions (France, United
Kingdom of Great Britain and
Northern Ireland).

Resolution 283 (1970)
of 29 July 1970

The Security Council,

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

Reaffirming Security Council resolutions 264 (1969) of 20 March 1969 and 276 (1970) of 30 January 1970 in which the Council recognized the decision of the General Assembly to terminate the Mandate for South West Africa and assume direct responsibility for the Territory until its independence and in which the

continued presence of the South African authorities in Namibia, as well as all acts taken by that Government on behalf of or concerning Namibia after the termination of the Mandate, were declared illegal and invalid,

Recalling its resolution 269 (1969) of 12 August 1969,

Noting with great concern the continued flagrant refusal of the Government of South Africa to comply with the decisions of the Security Council demanding the immediate withdrawal of South Africa from the Territory,

Deeply concerned that the enforcement of South African laws and juridical procedures in the Territory have continued in violation of the international status of the Territory,

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

Recalling the decision taken by the Security Council on 30 January 1970 to establish, in accordance with rule 28 of its provisional rules of procedure, an Ad Hoc Sub-Committee of the Council to study, in consultation with the Secretary-General, ways and means by which the relevant resolutions of the Council, including resolution 276 (1970), could be effectively implemented in accordance with the appropriate provisions of the Charter of the United Nations, in the light of the flagrant refusal of South Africa to withdraw from Namibia, and to submit its recommendations to the Council,

Having examined the report submitted by the Ad Hoc Sub-Committee 5/ and the recommendations contained in that report,

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

1. Requests all States to refrain from any relations - diplomatic, consular or otherwise - with South Africa implying recognition of the authority of the Government of South Africa over the Territory of Namibia;
2. Calls upon all States maintaining diplomatic or consular relations with South Africa to issue a formal declaration to the Government of South Africa to the effect that they do not recognize any authority of South Africa with regard to Namibia and that they consider South Africa's continued presence in Namibia illegal;
3. Calls upon all States maintaining such relations to terminate existing diplomatic and consular representation as far as they extend to Namibia, and to withdraw any diplomatic or consular mission or representative residing in the Territory;

5/ See Official Records of the Security Council, Twenty-fifth Year, Supplement for July, August and September 1970, document S/9863

4. Calls upon all States to ensure that companies and other commercial and industrial enterprises owned by, or under direct control of, the State cease all dealings with respect to commercial or industrial enterprises or concessions in Namibia;

5. Calls upon all States to withhold from their nationals or companies of their nationality not under direct governmental control, government loans, credit guarantees and other forms of financial support that would be used to facilitate trade or commerce with Namibia;

6. Calls upon all States to ensure that companies and other commercial enterprises owned by, or under direct control of, the State cease all further investment activities, including concessions in Namibia;

7. Calls upon all States to discourage their nationals or companies of their nationality not under direct governmental control from investing or obtaining concessions in Namibia, and to this end to withhold protection of such investment against claims of a future lawful government of Namibia;

8. Requests all States to undertake without delay a detailed study and review of all bilateral treaties between themselves and South Africa in so far as these treaties contain provisions by which they apply to the Territory of Namibia;

9. Requests the Secretary-General to undertake without delay a detailed study and review of all multilateral treaties to which South Africa is a party and which, either by direct reference or on the basis of relevant provisions of international law, might be considered to apply to the Territory of Namibia;

10. Requests the United Nations Council for Namibia to make available to the Security Council the results of its study and proposals with regard to the issuance of passports and visas for Namibians, and to undertake a study and make proposals with regard to special passport and visa regulations to be adopted by States concerning travel of the citizens to Namibia;

11. Calls upon all States to discourage the promotion of tourism and emigration to Namibia;

12. Requests the General Assembly, at its twenty-fifth session, to set up a United Nations fund for Namibia to provide assistance to Namibians who have suffered from persecution and to finance a comprehensive educational and training programme for Namibians with particular regard to their future administrative responsibilities in the Territory;

13. Requests all States to report to the Secretary-General on measures they have taken in order to give effect to the provisions set forth in the present resolution;

14. Decides to re-establish, in accordance with rule 28 of its provisional rules of procedure, the Ad Hoc Sub-Committee on Namibia and to request the Sub-Committee to study further effective recommendations on ways and means by which the relevant resolutions of the Council can be effectively implemented in accordance with the appropriate provisions of the Charter of the United Nations, in the light of the flagrant refusal of South Africa to withdraw from Namibia;

15. Requests the Sub-Committee to study the replies submitted by Governments to the Secretary-General in pursuance of paragraph 13 of the present resolution and to report to the Council as appropriate;

16. Requests the Secretary-General to give every assistance to the Sub-Committee in the performance of its tasks;

17. Decides to remain actively seized of this matter.

Adopted at the 1550th meeting
by 13 votes to none, with 2
abstentions (France, United
Kingdom of Great Britain and
Northern Ireland).

In connexion with the implementation of the above resolution, the President of the Security Council announced, in a note circulated as a Security Council document, the following measures which had been approved by the Council:

On 18 August 1970, the President issued a note 6/ stating that, after consultations among the members of the Council, it had been agreed that the Ad Hoc Sub-Committee on Namibia re-established in pursuance of Security Council resolution 283 (1970) would be composed of all the members of the Council and would work under the same procedures as those followed by the Ad Hoc Sub-Committee established in pursuance of Security Council resolution 276 (1970).

Resolution 284 (1970)
of 29 July 1970

The Security Council

Reaffirming the special responsibility of the United Nations with regard to the Territory and the people of Namibia,

Recalling its resolution 276 (1970) of 30 January 1970 on the question of Namibia,

Taking note of the report and recommendations 7/ submitted by the Ad Hoc Sub-Committee established in pursuance of Security Council resolution 276 (1970),

6/ Ibid., document S/9911.

7/ Ibid., document S/9863.

Taking further note of the recommendation of the Ad Hoc Sub-Committee on the possibility of requesting an advisory opinion from the International Court of Justice,

Considering that an advisory opinion from the International Court of Justice would be useful for the Security Council in its further consideration of the question of Namibia and in furtherance of the objectives the Council is seeking,

1. Decides to submit, in accordance with Article 96, paragraph 1, of the Charter of the United Nations, the following question to the International Court of Justice, with the request for an advisory opinion which shall be transmitted to the Security Council at an early date:

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

2. Requests the Secretary-General to transmit the present resolution to the International Court of Justice, in accordance with Article 65 of the Statute of the Court, accompanied by all documents likely to throw light upon the question.

Adopted at the 1550th meeting
by 12 votes to none, with 3
abstentions (Poland, Union of
Soviet Socialist Republics,
United Kingdom of Great Britain
and Northern Ireland).

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, 8/ 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, 9/

Having heard the statements of the delegation of the Government of South Africa, 10/

Having considered the report of the Ad Hoc Sub-Committee on Namibia, 11/

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;

3. Condemns all moves by the Government of South Africa designed to destroy the 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;

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

9/ Ibid., 1584th meeting.

10/ Ibid., 1584th and 1594th meetings.

11/ Ibid., Twenty-sixth Year, Special Supplement No. 5.

5. Takes note with appreciation of the advisory opinion of the International Court of Justice of 21 June 1971; 12/

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 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.

12/ 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.

(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).

Resolution 309 (1972)
of 4 February 1972

The Security Council

Having examined further the question of Namibia, and without prejudice to other resolutions adopted by the Security Council on this matter,

Recognizing the special responsibility and obligation of the United Nations towards the people and Territory of Namibia,

Reaffirming once again the inalienable and imprescriptible right of the people of Namibia to self-determination and independence,

Reaffirming also the national unity and territorial integrity of Namibia,

1. Invites the Secretary-General, in consultation and close co-operation with a group of the Security Council, composed of the representatives of Argentina, Somalia and Yugoslavia, to initiate as soon as possible contacts with all parties concerned, with a view to establishing the necessary conditions so as to enable the people of Namibia, freely and with strict regard to the principle of human equality, to exercise their right to self-determination and independence, in accordance with the Charter of the United Nations;

2. Calls upon the Government of South Africa to co-operate fully with the Secretary-General in the implementation of the present resolution;

3. Requests the Secretary-General to report to the Security Council on the implementation of the present resolution not later than 31 July 1972.

Adopted at the 1638th
meeting by 14 votes to
none. 13/

Resolution 310 (1972)
of 4 February 1972

The Security Council

Taking note of the statement of the President of the Islamic Republic of Mauritania, 14/ in his capacity as current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity,

Taking note of the statement of the President of the United Nations Council for Namibia, 15/

Gravely concerned over the present situation in Namibia and the repressive measures of the South African Government, following the strike of the African contract labourers in the country and the widespread and increasing manifestations of African resistance to the illegal occupation of the Territory by the South African Government,

Convinced that the Security Council, as a matter of urgency, should find ways and means to enable the people of the Territory to achieve self-determination and independence,

Conscious of the need for full co-operation of all Member States, in particular the permanent members of the Security Council and the main trading partners of South Africa, for this purpose,

Recalling its previous resolutions and those of the General Assembly pertaining to Namibia,

Conscious of the special responsibilities of the United Nations towards the people and Territory of Namibia,

13/ One member (China) did not participate in the voting.

14/ See Official Records of the Security Council. Twenty-seventh Year,
1627th meeting.

15/ Ibid., 1628th meeting.

Mindful of its responsibility to take necessary action to secure strict compliance with the obligations entered into by Member States under the relevant provisions of the Charter of the United Nations,

Reaffirming the inalienable right of the people of Namibia to self-determination and independence, in accordance with General Assembly resolution 1514 (XV) of 14 December 1960,

Reaffirming also the national unity and territorial integrity of Namibia,

1. Strongly condemns the refusal of South Africa to comply with the resolutions of the General Assembly and the Security Council pertaining to Namibia;

2. Reaffirms that the continued occupation of Namibia by the South African authorities is illegal and detrimental to the interests of the people of Namibia;

3. Declares that the defiant attitude of South Africa towards the decisions of the Security Council undermines the authority of the United Nations;

4. Strongly condemns the recent repressive measures against the African labourers in Namibia, and calls upon the Government of South Africa to end immediately these repressive measures and to abolish any labour system which may be in conflict with the basic provisions of the Universal Declaration of Human Rights;

5. Calls upon all States whose nationals and corporations are operating in Namibia notwithstanding the relevant provisions of Security Council resolution 283 (1970) to use all available means to ensure that such nationals and corporations conform, in their policies of hiring Namibian workers, to the basic provisions of the Universal Declaration of Human Rights;

6. Considers that the continued occupation of Namibia by the Government of South Africa in defiance of the relevant resolutions of the United Nations and of the Charter creates conditions detrimental to the maintenance of peace and security in the region;

7. Calls upon South Africa to withdraw immediately its police and military forces as well as its civilian personnel from the Territory of Namibia;

8. Decides that, in the event of failure on the part of the Government of South Africa to comply with the present resolution, the Security Council shall meet immediately to decide upon effective steps or measures, in accordance with the relevant Chapters of the Charter, to secure the full and speedy implementation of the present resolution;

9. Requests the Secretary-General to report to the Security Council on the implementation of the present resolution not later than 31 July 1972.

Adopted at the 1638th meeting by 13 votes to none, with 2 abstentions (France, United Kingdom of Great Britain and Northern Ireland).

Resolution 319 (1972)
of 1 August 1972

The Security Council,

Recalling its resolution 309 (1972) of 4 February 1972, and without prejudice to other resolutions adopted on the question of Namibia,

Having considered the report submitted by the Secretary-General 15/ in accordance with resolution 309 (1972),

1. Notes with appreciation the efforts made by the Secretary-General in the implementation of resolution 309 (1972);
2. Reaffirms the inalienable and imprescriptible right of the people of Namibia to self-determination and independence;
3. Reaffirms also the national unity and territorial integrity of Namibia;
4. Invites the Secretary-General, in consultation and close co-operation with the group of the Security Council established in accordance with resolution 309 (1972), to continue his contacts with all parties concerned, with a view to establishing the necessary conditions so as to enable the people of Namibia, freely and with strict regard to the principle of human equality, to exercise their right to self-determination and independence, in accordance with the Charter of the United Nations;
5. Approves the proposal of the Secretary-General to proceed, after necessary consultations, with the appointment of a representative to assist him in the discharge of his mandate as set out in paragraph 4 above;
6. Requests the Secretary-General to keep the Security Council informed as appropriate and in any case to report to it on the implementation of resolution 309 (1972) and of the present resolution not later than 15 November 1972.

Adopted at the 1657th
meeting by 14 votes to
nine. 16/

15/ Ibid., document S/10738

16/ One member (China) did not participate in the voting.

Resolution 323 (1972)

of 6 December 1972

The Security Council,

Recalling, its resolutions 309 (1972) of 4 February 1972 and 319 (1972) of 1 August 1972, and without prejudice to other resolutions adopted on the question of Namibia,

Reaffirming the special responsibility and obligation of the United Nations towards the people and Territory of Namibia,

Recalling the advisory opinion of the International Court of Justice of 21 June 1971, 17/

Reaffirming the inalienable and imprescriptible right of the people of Namibia to self-determination and independence,

Affirming that the principle of the national unity and territorial integrity of Namibia cannot be subject to any conditions,

Having considered the report submitted by the Secretary-General 18/ in accordance with resolution 319 (1972),

1. Observes with satisfaction that the people of Namibia have again had an opportunity of expressing their aspirations clearly and unequivocally, in their own Territory, to representatives of the United Nations;

2. Notes with interest that the overwhelming majority of the opinions of those consulted by the representative of the Secretary-General categorically stated, inter alia that they were in favour of the immediate abolition of the "homelands" policy, withdrawal of the South African administration from the Territory, Namibia's accession to national independence and the preservation of its territorial integrity, thus further confirming the consistently held position of the United Nations on this question; ✓

3. Deeply regrets that there has been no complete and unequivocal clarification of the policy of the Government of South Africa regarding self-determination and independence for Namibia; ✓

4. Solemnly reaffirms the inalienable and imprescriptible right of the people of Namibia to self-determination, national independence and the preservation of their territorial integrity, on which any solution for Namibia must be based, and rejects any interpretation, measure or policy to the contrary; ✓

17/ 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.

18/ Official Records of the Security Council, Twenty-seventh Year, Supplement for October, November and December 1972, document S/10832

5. Invites the Secretary-General, on the basis of paragraph 4 above, to continue his valuable efforts, in consultation and close co-operation with the group of the Security Council established in accordance with resolution 309 (1972) and, as appropriate, with the assistance of representatives, to ensure that the people of Namibia, freely and with strict regard to the principle of human equality, exercise their right to self-determination and independence, in accordance with the Charter of the United Nations;

6. Again calls upon the Government of South Africa to co-operate fully with the Secretary-General in the implementation of the present resolution in order to bring about a peaceful transfer of power in Namibia;

7. Requests the other parties concerned to continue to extend their valuable co-operation to the Secretary-General with a view to assisting him in the implementation of the present resolution;

8. Decides that, immediately following the partial renewal of the membership of the Security Council on 1 January 1973, the Council shall appoint representatives to fill the vacancies that will occur in the group established in accordance with resolution 309 (1972);

9. Requests the Secretary-General to report to the Security Council on the implementation of the present resolution as soon as possible and not later than 30 April 1973.

Adopted at the 1682nd
meeting by 13 votes to
none, with 1 abstention
(Union of Soviet Socialist
Republics). 19/

Resolution 342 (1973)
of 11 December 1973

The Security Council

Recalling its resolution 309 (1972) of 4 February 1972, 319 (1972) of 1 August 1972 and 323 (1972) of 6 December 1972,

Having considered the report of the Secretary-General (S/10921 and Corr. 1),

1. Takes note with appreciation of the report of the Secretary-General;
2. Decides, in the light of the report and the documents attached thereto, to discontinue further efforts on the basis of resolution 309 (1972);
3. Requests the Secretary-General to keep the Security Council fully informed of any new important developments concerning the question of Namibia.

Adopted unanimously at the
1758th meeting

19/ One member (China) did not participate in the voting.

Resolution 366 (1974)
of 17 December 1974

The Security Council,

Recalling General Assembly resolution 2145 (XXI) of 27 October 1966, by which the Assembly terminated South Africa's Mandate over the Territory of Namibia, and resolution 2248 (S-V) of 19 May 1967, by which it established a United Nations Council for Namibia, as well as all subsequent General Assembly resolutions on Namibia, in particular resolution 3295 (XXIX) of 13 December 1974,

Recalling Security Council resolutions 245 (1968) of 25 January and 246 (1968) of 14 March 1968, 264 (1969) of 20 March and 269 (1969) of 12 August 1969, 276 (1970) of 30 January, 282 (1970) of 23 July, 283 (1970) and 284 (1970) of 29 July 1970, 300 (1971) of 12 October and 301 (1971) of 20 October 1971 and 310 (1972) of 4 February 1972, which confirmed the General Assembly decisions,

Recalling the advisory opinion of the International Court of Justice of 21 June 1971 20/ that South Africa is under obligation to withdraw its presence from the Territory,

Concerned about South Africa's continued illegal occupation of Namibia and its persistent refusal to comply with the resolutions and decisions of the General Assembly and the Security Council, as well as the advisory opinion of the International Court of Justice,

Gravely concerned at South Africa's brutal repression of the Namibian people and its persistent violation of the human rights, as well as its efforts to destroy the national unity and territorial integrity of Namibia,

1. Condemns the continued illegal occupation of the Territory of Namibia by South Africa; ✓
2. Condemns the illegal and arbitrary application by South Africa of racially discriminatory and repressive laws and practices in Namibia; ✓
3. Demands that South Africa make a solemn declaration that it will comply with the resolutions and decisions of the United Nations and the advisory opinion of the International Court of Justice of 21 June 1971 in regard to Namibia and that it recognizes the territorial integrity and unity of Namibia as a nation, such declaration to be addressed to the Security Council; ✓

20/ 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

4. Demands that South Africa take the necessary steps to effect the withdrawal, in accordance with Security Council resolutions 264 (1969) and 269 (1969), of its illegal administration maintained in Namibia and to transfer power to the people of Namibia with the assistance of the United Nations; ✓

5. Further demands that South Africa, pending the transfer of power provided for in paragraph 4 above: ✓

(a) Comply fully, in spirit and in practice, with the provisions of the Universal Declaration of Human Rights;

(b) Release all Namibian political prisoners, including those imprisoned or detained in connexion with offences under so-called internal security laws, whether such Namibians have been charged or tried or are held without charge and whether held in Namibia or South Africa;

(c) Abolish the application in Namibia of all racially discriminatory and politically repressive laws and practices, particularly Bantustans and homelands; ✓

(d) Accord unconditionally to all Namibians currently in exile for political reasons full facilities for return to their country without risk of arrest, detention, intimidation or imprisonment; ✓

6. Decides to remain seized of the matter and to meet on or before 30 May 1975 for the purpose of reviewing South Africa's compliance with the terms of the present resolution and, in the event of noncompliance by South Africa, for the purpose of considering the appropriate measures to be taken under the Charter of the United Nations.

Adopted unanimously at
the 1811th meeting.