



UNITED NATIONS

APR 30 1981

SECURITY
COUNCILDistr.
GENERALS/14460/Rev.1
29 April 1981

ORIGINAL: ENGLISH

Niger, Tunisia and Uganda: revised draft resolution

The Security Council,

Having examined the situation in Namibia,

Having heard all the statements made before the Council,

Taking into account the statement of the President of the United Nations Council for Namibia,

Taking into account the statement of Mr. Peter Meushihange, Secretary for Foreign Relations of the South West Africa People's Organization,

Taking into account the statements made by the Foreign Ministers mandated by the Organization of African Unity and the movement of non-aligned countries,

Having examined the report of the Secretary-General contained in document S/14333,

Reaffirming the inalienable rights of the people of Namibia to self-determination, freedom and national independence in a united Namibia, 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,

Reaffirming its resolutions 276 (1970), 283 (1970), 385 (1976), 431 (1978), 432 (1978), 435 (1978) and 439 (1978), as well as the other relevant resolutions and decisions of the Security Council and of the General Assembly on the question of Namibia,

Reaffirming the legal responsibility of the United Nations with respect to Namibia in terms of General Assembly resolutions 2145 (XXI) and 2248 (S-V),

Strongly condemning South Africa for its continued refusal to implement United Nations resolutions and decisions on the question of Namibia,

Strongly deploring the policies of those States which, despite the relevant decisions of the United Nations and the advisory opinion of the International Court of Justice of 21 June 1971, continue to co-operate with South Africa in respect of its illegal administration in Namibia,

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Further deploring the fact that those States continue to maintain diplomatic, economic, consular and other relations with South Africa as well as military and strategic collaboration all of which have the effect of supporting and encouraging South Africa in its defiance of the United Nations,

Deeply concerned about the present critical situation created by South Africa in and around Namibia, which constitutes a serious breach to international peace and security,

Acting therefore under Chapter VII of the Charter of the United Nations,

1. Reaffirms the inalienable rights of the people of Namibia to self-determination, freedom and national independence in a united Namibia including Walvis Bay and the Penguin and other offshore islands, in accordance with the Charter of the United Nations and General Assembly resolutions 1514 (XV) and 2145 (XXI) as well as in subsequent resolutions and decisions of the Security Council and the General Assembly related to the question of Namibia;

2. Reiterates that Namibia is the legal responsibility of the United Nations until genuine self-determination and national independence are achieved in the Territory;

3. Determines that South Africa's illegal occupation of Namibia, its persistent defiance of the United Nations, its war of repression being waged against Namibians, its repeated acts of aggression launched from Namibian territory against independent African States, its colonialist expansion and its policy of apartheid constitute a breach of international peace and security;

4. Decides that all States shall sever all diplomatic, consular and trade relations with South Africa;

5. Decides that, in furtherance of the objective of bringing to an end South Africa's illegal occupation of Namibia in accordance with United Nations resolutions and decisions, all States shall prevent:

(a) The import into their territories of all commodities and products originating in South Africa and in illegally occupied Namibia and exported therefrom after the date of this resolution (whether or not the commodities or products are for consumption or processing in their territories, whether or not they are imported in bond and whether or not any special legal status with respect to the import of goods is enjoyed by the port or other place where they are imported or stored);

(b) Any activities by their nationals or in their territories which would promote or are calculated to promote the export of any commodities or products from South Africa and occupied Namibia, and any dealings by their nationals or in their territories in any commodities or products originating in South Africa and occupied Namibia and exported therefrom after the date of this resolution, including in particular any transfer of funds to South Africa and occupied Namibia for the purposes of such activities or dealings;

(c) The shipment in vessels or aircraft of their registration or under charter to their nationals, or the carriage (whether or not in bond) by land transport facilities across their territories of any commodities or products originating in South Africa and occupied Namibia and exported therefrom after the date of this resolution;

(d) The sale or supply by their nationals or from their territories of any commodities or products (whether or not originating in their territories, but not including supplies intended strictly for medical purposes, educational equipment and material for use in schools and other educational institutions, publications, news material and, in special humanitarian circumstances, foodstuffs) to any person or body in South Africa and occupied Namibia or to any other person or body for the purposes of any business carried on in or operated from South Africa and occupied Namibia and any activities by their nationals or in their territories, which promote or are calculated to promote such sale or supply;

(e) The shipment in vessels or aircraft of their registration, or under charter to their nationals, or the carriage (whether or not in bond) by land transport facilities across their territories of any such commodities or products which are consigned to any person or body in South Africa and occupied Namibia, or to any other person or body for the purposes of any business carried on in or operated from South Africa and occupied Namibia;

6. Decides that all States shall not make available to the illegal régime in South Africa and occupied Namibia, or to any commercial, industrial or public utility undertaking, including tourist enterprises, in South Africa and occupied Namibia, any funds for investment or any other financial or economic resources and shall prevent their nationals and any persons within their territories from making available to the régime or to any such undertaking any such funds or resources and from remitting any other funds to persons or bodies within South Africa and occupied Namibia, except payments exclusively for pensions or for strictly medical, humanitarian or educational purposes or for the provision of news material and in special humanitarian circumstances, foodstuffs;

7. Decides that all States shall prevent the entry into their territories, save on exceptional humanitarian grounds, of any person travelling on a South African passport, regardless of its date of issue, or on a purported passport issued by or on behalf of the illegal administration of South Africa in Namibia;

8. Calls upon all States to prohibit all travel including tourism, sports and scientific and cultural exchanges by their nationals to South Africa and occupied Namibia;

9. Decides that all States shall prevent airline companies constituted in their territories and aircraft of their registration or under charter to their nationals from operating to or from South Africa and occupied Namibia and from linking up with any airline company constituted or aircraft registered in South Africa and occupied Namibia;

10. Decides that all States shall take all possible measures to prevent activities by their nationals and persons in their territories aimed at promoting, assisting or encouraging emigration to South Africa and occupied Namibia, with a view to stopping such emigration;

11. Decides that all States shall withhold from their nationals or companies of their nationality not under direct government control, government loans, credit guarantees and other forms of financial support that would be used to facilitate trade or commerce with South Africa and occupied Namibia;

12. Decides that all States shall ensure that companies and other commercial enterprises owned by the State or under direct control of the State cease all further investment activities in South Africa and occupied Namibia;

13. Decides that all States shall enact the appropriate measures to prohibit investments or obtaining concessions in South Africa and occupied Namibia by their nationals or companies of their nationality not under direct governmental control and, to this end, shall withhold protection of such investment against claims of a future lawful Government of Namibia for compensation and reparation;

14. Calls upon all States to take all possible further action under Article 41 of the Charter of the United Nations in order to put an end to the illegal occupation of Namibia and bring about its genuine independence in accordance with the relevant resolutions of the Security Council;

15. Calls upon all States to ensure that their national legislation includes penalties for violations of the provisions of this resolution;

16. Calls upon all States to carry out, in accordance with Article 25 and Article 2, paragraph 6, of the Charter of the United Nations, the provisions of the present resolution, and reminds them that failure or refusal by any one of them to do so would constitute a violation of the Charter;

17. Further calls upon the specialized agencies to take all necessary measures to implement this resolution;

18. Calls upon States Members of the United Nations and members of the specialized agencies to report to the Secretary-General and to the Security Council Committee on measures taken to implement the present resolution;

19. Requests the Secretary-General to report to the Security Council on the implementation of this resolution not later than _____;

20. Decides to remain actively seized of the matter.
