

6. *Requests* the Government of France to consider the result of the referendum in its totality, thus respecting the territorial integrity of the future State;

7. *Demands* that the Government of France withdraw its military base from the Territory without delay;

8. *Further calls upon* the Government of France to allow and facilitate the return to the Territory of all refugees who are *bona fide* citizens of the Territory, in accordance with the Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa of 10 September 1969 and the Convention relating to the Status of Refugees of 1951;⁷³

9. *Requests* the Government of France, in order to ensure the implementation of the request contained in paragraph 8 above, to set up an *ad hoc* committee in accordance with the recommendation of the Fact-Finding Mission of the Organization of African Unity;⁷⁴

10. *Reaffirms* its resolution 3480 (XXX);

11. *Endorses* all resolutions adopted by the Organization of African Unity on the question of so-called French Somaliland (Djibouti), in particular resolutions CM/Res.431/Rev.1 (XXV)⁷⁵ and CM/Res.480 (XXVII),⁷⁶ as well as the declaration adopted by the Organization of African Unity Co-ordinating Committee for the Liberation of Africa, as approved by the Council of Ministers at its twenty-seventh ordinary session and the Assembly of Heads of State and Government at its thirteenth ordinary session, and welcomes the solemn declarations by the leaders of the delegations of Ethiopia and Somalia before the Council of Ministers of the Organization of African Unity and before the Fourth Committee of the General Assembly that their Governments would recognize, respect and honour the independence and sovereignty of so-called French Somaliland (Djibouti) and its territorial integrity after its accession to independence;

12. *Calls upon* all States to refrain from interfering in the internal affairs of the Territory and to abstain from any action likely to impede or adversely affect the current process of the country's accession to independence;

13. *Welcomes* the statements by the representatives of the people of so-called French Somaliland (Djibouti) in which they declared that the Territory would become a member of the United Nations and of the Organization of African Unity immediately after independence;

14. *Endorses* the decisions of the Organization of African Unity and the United Nations to send representatives to observe the referendum and all subsequent stages of the independence process to ensure that the principle of self-determination in the Territory is carried out smoothly and in the most democratic manner;⁷⁷

15. *Urges* all Member States, the specialized agencies and other organizations within the United Nations system, in co-operation with the administering Power, to render all possible moral and material assistance to the people of the Territory.

85th plenary meeting
1 December 1976

31/146. Situation in Namibia resulting from the illegal occupation of the Territory by South Africa

The General Assembly,

Having examined the report of the United Nations Council for Namibia⁷⁸ and the relevant chapters of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,⁷⁹

Having heard the statements of the representative of the South West Africa People's Organization, who participated in an observer capacity in the consideration of the item by the Fourth Committee,⁸⁰

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

Recalling, in particular, its resolutions 2145 (XXI) of 27 October 1966 and 2248 (S-V) of 19 May 1967 and subsequent resolutions of both the General Assembly and the Security Council relating to the question of Namibia, as well as the advisory opinion of the International Court of Justice of 21 June 1971,⁸¹ delivered in response to the request addressed to it by the Council in its resolution 284 (1970) of 29 July 1970,

Taking into consideration the relevant resolution adopted by the Council of Ministers of the Organization of African Unity at its twenty-seventh ordinary session,⁸² and subsequently endorsed by the Assembly of Heads of State and Government of the Organization of African Unity at its thirteenth ordinary session, held at Port Louis from 2 to 6 July 1976,

Also taking into consideration the relevant part of the Political Declaration and the resolution relating to Namibia adopted by the Fifth Conference of Heads of State or Government of Non-Aligned Countries, held at Colombo from 16 to 19 August 1976,⁸³

Reaffirming that the Territory and people of Namibia are the direct responsibility of the United Nations and that the Namibian people must be enabled to attain self-determination and independence within a united Namibia,

Strongly deploring South Africa's continued refusal to comply with the resolutions and decisions of the

⁷³ United Nations, *Treaty Series*, vol. 189, No. 2545, p. 137.

⁷⁴ See Organization of African Unity document CM/759 (XXVII), 1976.

⁷⁵ See A/10297, annex I.

⁷⁶ See A/31/196 and Corr.1, annex.

⁷⁷ The Secretary-General subsequently announced (A/32/66) that, in accordance with the understanding reached when resolution 31/59 was adopted, he had carried out the necessary consultations with the parties concerned and had appointed Norway, Sri Lanka and Venezuela as members of the United Nations Mission to Observe the Referendum and Elections in French Somaliland (Djibouti), and that the three Member States concerned had designated the following persons to represent them on the Mission: Mr. Ignatius B. Fonseka (Sri Lanka), Miss María Clemencia López (Venezuela) and Mr. Tom Eric Vraalsen (Norway).

⁷⁸ *Official Records of the General Assembly, Thirty-first Session, Supplement No. 24* (A/31/24).

⁷⁹ *Ibid.*, Supplement No. 23 (A/31/23/Rev.1), chaps. I, II, IV-VII and IX.

⁸⁰ *Ibid.*, Thirty-first Session, Fourth Committee, 30th and 45th meetings.

⁸¹ *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.

⁸² A/31/196 and Corr.1, annex, resolution CM/Res.500 (XXVII).

⁸³ A/31/197, annex I, paras. 52-55, and annex IV, sect. A, resolution 3.

United Nations, its continued illegal occupation of Namibia, its 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,

Strongly condemning attempts by South Africa, through the convening of a so-called constitutional conference, to perpetuate its colonial exploitation of the people and resources of Namibia by misrepresenting the genuine aspirations of the Namibian people,

Gravely concerned at the militarization of Namibia by the illegal occupation régime of South Africa, its threats and acts of aggression against independent African countries and the forceful removal of Namibians from the northern border of the Territory for military purposes,

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 maintain diplomatic, economic, consular and other relations with South Africa, purporting to act on behalf of or concerning Namibia, as well as military or strategic collaboration, all of which has the effect of supporting or encouraging South Africa in its defiance of the United Nations,

Recognizing that the situation in Namibia constitutes a threat to international peace and security,

Noting with satisfaction the opposition of the Namibian people to South Africa's illegal presence in the Territory and to its oppressive racist policies and, in particular, the progress of their struggle in all its forms for national liberation under the leadership of the South West Africa People's Organization,

Strongly supporting the efforts of the United Nations Council for Namibia in the discharge of the responsibilities entrusted to it by the relevant resolutions of the General Assembly,

1. *Reaffirms* the inalienable right of the people of Namibia to self-determination, freedom and national independence in a united Namibia, in accordance with the Charter of the United Nations and as recognized in resolutions 1514 (XV) and 2145 (XXI) as well as subsequent resolutions of the General Assembly relating to Namibia, and the legitimacy of their struggle by all means at their disposal against the illegal occupation of their Territory by South Africa;

2. *Recognizes* that the national liberation movement of Namibia, the South West Africa People's Organization, is the sole and authentic representative of the Namibian people;

3. *Supports* the armed struggle of the Namibian people, led by the South West Africa People's Organization, to achieve self-determination, freedom and national independence in a united Namibia;

4. *Appeals* to all Member States to grant all necessary support and assistance to the South West Africa People's Organization in its struggle to achieve independence and national unity for Namibia;

5. *Requests* all specialized agencies and other organizations within the United Nations system to prepare, in consultation with the United Nations Council for Namibia and within their respective spheres of competence, programmes of assistance to the people of Namibia and their liberation movement, the South West Africa People's Organization;

6. *Decides* to increase the financial provisions in the budget of the United Nations Council for Namibia to finance the office of the South West Africa People's Organization in New York, in order to ensure the due and proper representation of the people of Namibia through the South West Africa People's Organization at the United Nations;

7. *Decides* to continue to defray the expenses of a representative of the South West Africa People's Organization, whenever the United Nations Council for Namibia so requires;

8. *Strongly condemns* South Africa for its persistent refusal to withdraw from Namibia and for its manoeuvres to consolidate its illegal occupation of the Territory;

9. *Strongly condemns* the illegal South African administration for its aggression against the Namibian people and their national liberation movement;

10. *Strongly condemns* the illegal South African administration for its massive repression of the people of Namibia and their liberation movement with the intention of establishing, among other things, an atmosphere of intimidation and terror for the purpose of imposing upon the Namibian people a bogus constitutional structure aimed at subverting the territorial integrity and unity of Namibia and perpetuating a ruthless policy of racial segregation;

11. *Strongly condemns* South Africa for its military build-up in Namibia, its threats and acts of aggression against independent African countries and the forceful removal of Namibians from the northern border of the Territory for military purposes;

12. *Strongly condemns* South Africa for organizing the so-called constitutional talks at Windhoek, which seek to perpetuate the *apartheid* and homelands policies as well as the colonial oppression and exploitation of the people and resources of Namibia by misrepresenting the genuine aspirations of the Namibian people for self-determination, freedom and national independence in a united Namibia;

13. *Urgently calls upon* the international community, especially all Member States, to refrain from according any recognition to, or co-operation with, any authority which the illegal occupation régime may install under the current fraudulent constitutional talks or any other circumstances in Namibia;

14. *Strongly condemns* the activities of all foreign corporations operating in Namibia under the illegal administration of South Africa which are exploiting the human and natural resources of the Territory, and demands that such exploitation cease forthwith;

15. *Reaffirms* that the activities of those corporations are illegal;

16. *Decides* that any independence talks regarding Namibia must be between the representatives of South Africa and the South West Africa People's Organization, under the auspices of the United Nations, for the sole purpose of discussing the modalities for the transfer of power to the people of Namibia;

17. *Requests* all Member States to co-operate fully with the United Nations Council for Namibia in discharging the mandate entrusted to it under the terms and provisions of General Assembly resolution 2248 (S-V);

18. *Condemns* South Africa for its persistent refusal to comply with the pertinent resolutions of the

Security Council, in particular resolution 385 (1976) of 30 January 1976;

19. *Demands* that South Africa put an end to extending *apartheid* in Namibia and to its policy of "bantustanization" of the Territory, aimed at destroying the national unity and the territorial integrity of Namibia;

20. *Demands* that South Africa 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;

21. *Declares* that, in order that the people of Namibia shall be enabled freely to determine their own future, it is imperative that free elections under the supervision and control of the United Nations be held urgently in the whole of Namibia as one political entity;

22. *Demands* that South Africa accord unconditionally to all Namibians currently in exile for political reasons full facilities for their return to their country without risk of arrest, detention, intimidation or imprisonment;

23. *Reiterates* that the illegal occupation of Namibia and the war being waged there by South Africa constitute a threat to international peace and security;

24. *Declares* that the continued illegal occupation of Namibia by South Africa constitutes an act of aggression against the Namibian people and against the United Nations as the legal authority to administer the Territory until independence;

25. *Urges* the Security Council to take up again the question of Namibia, which is still on its agenda, and, in view of South Africa's failure to comply with Council resolution 385 (1976), to impose a mandatory arms embargo against South Africa;

26. *Requests* all States to cease and desist from any form of direct or indirect military consultation, co-operation or collaboration with South Africa;

27. *Requests* all States to take effective measures to prevent the recruitment of mercenaries for service in Namibia or South Africa;

28. *Requests* all States to take steps to ensure the termination of all arms licensing agreements with South Africa and to prohibit the transfer to South Africa of all information relating to arms and armaments;

29. *Requests* all States to cease and prevent:

(a) Any supply of arms and ammunition to South Africa;

(b) Any supply of aircraft, vehicles or military equipment for the use of the armed forces and paramilitary or police organizations of South Africa;

(c) Any supply of spare parts for arms, vehicles or military equipment used by the armed forces and paramilitary or police organizations of South Africa;

(d) Any supply of so-called dual-use aircraft, vehicles or equipment which could be converted to military use by South Africa;

(e) Any activities in their countries which promote or are calculated to promote the supply of arms, ammunition, military aircraft or military vehicles to South Africa and the supply of equipment or materials for the manufacture and maintenance of arms and ammunition in South Africa and Namibia;

(f) Any co-operation or activities by public or private corporations in conjunction with South Africa in the development, directly or indirectly, of nuclear technology, including the development of a nuclear capability by the racist régime in South Africa;

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

105th plenary meeting
20 December 1976

31/147. Programme of work of the United Nations Council for Namibia

The General Assembly,

Having considered the question of Namibia,

Having examined the report of the United Nations Council for Namibia⁸⁴ and the relevant chapters of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,⁸⁵

Recalling its resolution 2248 (S-V) of 19 May 1967, by which it established the United Nations Council for Namibia as the legal administering authority of Namibia until independence,

Reaffirming that the Territory and people of Namibia are the direct responsibility of the United Nations and that the Namibian people must be enabled to attain self-determination and independence within a united Namibia,

Noting with appreciation the efforts of the United Nations Council for Namibia in the discharge of the responsibilities entrusted to it by resolution 2248 (S-V) and subsequent resolutions of the General Assembly relating to Namibia,

1. *Approves* the report of the United Nations Council for Namibia, including the recommendations contained therein,⁸⁶ and decides to make adequate financial provision for their implementation;

2. *Decides* that the United Nations Council for Namibia, in the implementation of General Assembly resolution 2248 (S-V), shall, among other functions required for the full implementation of its mandate, continue to exercise the following functions and responsibilities:

(a) As an organ of the United Nations, it shall:

(i) Review annually the political, military, economic and social conditions affecting the struggle of the Namibian people for self-determination, freedom and independence in a united Namibia, and submit reports on the above with appropriate recommendations for consideration and action by the General Assembly;

(ii) Represent Namibia to ensure that the rights and interests of Namibia are protected, as appropriate, in all intergovernmental and non-governmental organizations, bodies and conferences;

⁸⁴ Official Records of the General Assembly, Thirty-first Session, Supplement No. 24 (A/31/24).

⁸⁵ *Ibid.*, Supplement No. 23 (A/31/23/Rev.1), chaps. I, II, IV-VII and IX.

⁸⁶ *Ibid.*, Supplement No. 24 (A/31/24), vol. I, paras. 272 and 273.