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ACTIVITIES OF THE UNITED NATIONS COUNCIL FOR NAMIBIA IN 1985

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I. BACKGROUND

Namibia, formerly known as South West Africa, is a mineral rich Territory in the southwestern corner of Africa. It has a land area of 824,269 square kilometres, about half again that of France, and a population of approximately 1.5 million. It was a German colony from the 1880s until the First World War, when South African troops occupied the Territory. In 1920, the League of Nations issued a mandate under which South Africa was authorized to administer the Territory, but also was obligated to promote the material well-being and social progress of its inhabitants.

After the establishment of the United Nations in 1945, the General Assembly called on States administering mandated territories to place them under the International Trusteeship System that had been set up by the Charter. South Africa alone refused to do so, seeking instead to annex Namibia, to exploit its people and resources, and to extend the racist policy of apartheid into the Territory. In 1966 the General Assembly, concluding that South Africa had failed to fulfill its obligations as a Mandatory Power, terminated the Mandate and placed Namibia under the direct responsibility of the United Nations. 1/

The following year, the Assembly created the United Nations Council for Namibia to administer the Territory and prepare it for independence 2/. However, South Africa refused to withdraw its own administration and prevented the Council from entering the Territory. That situation has remained unchanged for the past two decades, despite determinations by the Security Council 3/ and the International Court of Justice 4/ that the continued presence of South Africa in Namibia is illegal and the South African administration must be withdrawn. Consequently, the United Nations Council for Namibia has had to execute its mandate as Administering Authority for Namibia from outside the Territory. Over the year, its responsibilities have been expanded to include:

(a) Mobilizing international pressure for the withdrawal of the illegal South African administration from Namibia;

(b) Exposing the repressive policies of the occupation regime, as well as the exploitation of Namibia's resources by foreign economic interests;

(c) Taking action to ensure compliance by Member States with the United Nations resolutions on Namibia and with Decree No. 1 for the Protection of the Natural Resources of Namibia, 5/ enacted by the Council on 27 September 1974.*

(d) Mobilizing support for the liberation struggle of the Namibian people under the leadership of the South West Africa People's Organization (SWAPO);

(e) Assisting the Namibian people by raising funds for and administering the United Nations Fund for Namibia, providing travel and identity documents and financing education and training programmes;

(f) Representing Namibian interests in international organizations and conferences;

(g) Disseminating information on all aspects of the question of Namibia.

*The Decree prohibits all persons and entities from prospecting for, taking, extracting, mining, using, selling or exporting any natural resources found in Namibia without the consent of the United Nations Council for Namibia.

II. STRUCTURE OF THE COUNCIL AND ORGANIZATION OF WORK

The Council originally had 11 members; it has since been enlarged to consist of the following 31 members: Algeria, Angola, Australia, Bangladesh, Belgium, Botswana, Bulgaria, Burundi, Cameroon, Chile, China, Colombia, Cyprus, Egypt, Finland, Guyana, Haïti, India, Indonesia, Liberia, Mexico, Nigeria, Pakistan, Poland, Romania, Senegal, Turkey, Union of Soviet Socialist Republics, Venezuela, Yugoslavia and Zambia.

The Council meets at United Nations Headquarters in New York as necessary throughout the year; it also normally holds an annual series of extraordinary plenary meetings away from Headquarters, lasting approximately one week.

Among its subsidiary bodies, the Council has three Standing Committees. Standing Committee I makes recommendations concerning the representation of Namibia in international organizations and conferences and on consultations with governments and intergovernmental organizations. Standing Committee II prepares reports on the political, economic, social, military and legal aspects of the Namibian question, as well as reviewing the compliance of Member States with United Nations resolutions on Namibia. Standing Committee III considers ways and means of increasing the dissemination of information on Namibia and arranges for members of the Council to meet with the media, educators and support groups.

There is a Committee on the United Nations Fund for Namibia which reviews the administration of the Fund, and a Steering Committee composed of the principal officers of the Council and its subsidiary bodies. The Steering Committee takes decisions on behalf of the Council when the latter is not in session. In addition the Council establishes working groups and drafting committees as required.

In 1985, the Council elected the following officers:

President: Paul J.F. Lusaka (Zambia)

Vice-Presidents: Hocine Djoudi (Algeria)
Noel G. Sinclair (Guyana)
Natarajan Krishnan (India)
A. Coskun Kirca (Turkey)
(later replaced by
Ilter Türkmen)
Ignac Golob (Yugoslavia)

Standing Committee I

Chairman: Tommo Monthe (Cameroon)
Vice-Chairman: Nihat Akyol (Turkey)

Standing Committee II

Chairman: S. Ali Sarwar Naqvi (Pakistan)
Vice-Chairman: Fametta Rose Osode (Liberia)

Standing Committee III

Chairman: Rudolph Yossiphov (Bulgaria)
Vice-Chairman: Jorge E. Chen Charpentier (Mexico)
(later replaced by Alfonso
de Alba)

Committee on the United Nations Fund for Namibia

Chairman: The President of the Council
Vice-Chairman
and Rapporteur: Héctor Griffin (Venezuela)

In accordance with General Assembly resolution 2248 (S-V), the Council entrusts certain executive and administrative tasks to a United Nations Commissioner for Namibia, appointed by the Assembly on the recommendation of the Secretary-General. In December 1984, Mr. Brajesh Mishra, who had served as Commissioner since 1 April 1982, was appointed for a further one-year term beginning 1 January 1985. 6/

The Council's programme of work for 1985, as outlined in General Assembly resolution 39/50 C of 12 December 1984, served as the basis for the activities described below. The three Standing Committees also elaborated programmes of work relating to their respective fields of competence. 7/

III. WORK OF THE COUNCIL AS THE LEGAL ADMINISTERING AUTHORITY FOR NAMIBIA

At the time of the Council's creation, the General Assembly instructed it to enter Namibia and set up a temporary administration pending the Territory's accession to independence. In view of South Africa's refusal to hand over power, the Assembly has since expanded the Council's mandate as Administering Authority, as indicated in Chapter I above, to encompass a wide variety of activities. The central purpose of the Council's work, however, remains essentially the same: to promote the transfer of power to the Namibian people and to protect their interests in the period leading to independence.

A. Assessment of major developments

The work of the Council, and indeed that of all proponents of the Namibian cause, requires a thorough and up-to-date knowledge of developments affecting the Territory and its people. Therefore the Council continuously collects and analyses information on political, military, social, economic and legal developments and shares the fruits of its research with the wider community by publishing periodic reports on these topics.

In its 1985 report on political developments related to Namibia, 8/ the Council reviewed the genesis of the United Nations plan for the independence of Namibia and the fate of efforts to secure its implementation. The Council also described the consequences of South Africa's continued illegal occupation of Namibia and its attempts to impose an "internal settlement". Finally, the Council reviewed the progress of the Namibian liberation struggle and the actions taken by the international community in support of the Namibian cause.

The report on the military situation 9/ provided information on South Africa's military occupation of Namibia; its acts of aggression against the independent States of southern Africa; its military expenditures and weapons acquisition programme; and the war of national liberation led by SWAPO.

In its report on social conditions, 10/ the Council discussed the practice of apartheid in Namibia, repression and human rights violations, the exploitation of labour and the flight of refugees from Namibia into the neighbouring States.

In the economic section of its annual report to the General Assembly 11/, the Council described the plunder of Namibia's natural resources and the exploitation of its workers by foreign economic interests, as well as the measures taken by the international community to put an end to these abuses. The Council also related in the section on legal matters, 12/ the activities it had undertaken in the legal sphere to safeguard the interests of the Namibian people, including its decision to institute legal action in the domestic courts of States against individuals or corporations violating Decree No. 1 for the Protection of the Natural Resources of Namibia.

B. Extraordinary plenary meetings

At the request of the General Assembly, the Council held a series of extraordinary plenary meetings at Vienna between 3 and 7 June 1985. Before conducting its general debate, the Council heard statements by the Minister for Foreign Affairs of Austria, the President of the General Assembly, the Director-General of the United Nations Office at Geneva and the Acting President of the Council; representatives of the Secretary-General of the United Nations and the Chairman of the Movement of Non-Aligned Countries and representatives of SWAPO and the Special Committee against Apartheid.

In the general debate, the Council members reaffirmed their position on the Namibian question. Responding to the latest developments, the members denounced South Africa's decision to install an "interim government" in Namibia, in violation of Security Council resolution 439 (1978); they welcomed the efforts of parliamentarians in Western Europe

and the United States to enact legislation banning collaboration with South Africa; and they supported the call of the Non-Aligned Movement for the Security Council to resume consideration of the Namibian question and give effect to its own resolutions in that regard.

At the conclusion of the meetings, the Council adopted its "Vienna Final Document", 13/ containing a brief introduction to explain the circumstances and purpose of the meetings; a declaration of the Council's position on all aspects of the Namibian question; and a programme of action recommending concrete ways in which the international community could promote the Namibian cause.

C. Seminars and symposia

In accordance with its programme of work, the Council held the following seminars and symposia in 1985:

<u>Title</u>	<u>Venue</u>	<u>Dates</u>
Seminar on the Intensification of International Action for the Immediate Independence of Namibia	Brazzaville	25-29 March
Symposium on the Strengthening of International Solidarity with the Heroic Struggle of the Namibian People Led by their Sole and Authentic Representative, SWAPO	Sofia	22-26 April
Symposium on the Immediate Independence of Namibia - A Common Responsibility	Singapore	6-10 May
Seminar on the Intransigence of the South African Régime with regard to Namibia: Strategies for Hastening the Independence of Namibia	Georgetown	29 July-2 August

The purpose of these events was to consider new strategies for bringing an end to South Africa's illegal occupation of Namibia; to intensify international action for the immediate independence of Namibia; and to mobilize increased support for the Namibian people's struggle for independence under the leadership of SWAPO.

Each of the seminars and symposia was preceded by a journalists' encounter, organized by the Council in co-operation with the Department of Public Information of the United Nations Secretariat. At the encounters, representatives of the Council and of SWAPO provided background information to the participating journalists with a view to eliciting wider media coverage of the Namibian question in general, the liberation struggle and the work of the Council.

The seminars and symposia brought together scholars, legislators and journalists as well as representatives of non-governmental organizations, national liberation movements and States Members of the United Nations. At the conclusion of their deliberations, the participants adopted statements 14/ in which they reviewed the situation in and relating to Namibia, identified obstacles which had prevented a peaceful settlement of the Namibian question and recommended action to overcome those obstacles so that the Namibian people could exercise the right to self-determination which had so long been denied to them.

D. Monitoring of the boycott of South Africa

At an emergency special session on the question of Namibia, held in September 1981, the General Assembly called upon all States, in view of the threat to international peace and security posed by South Africa, to impose comprehensive mandatory sanctions and cease all dealings with the Pretoria régime in order totally to isolate it politically, economically, militarily and culturally. The Assembly also requested the United Nations Council for Namibia to monitor the boycott of South Africa and bring instances of contacts between Member States and South Africa to the attention of the Assembly as necessary. 15/

In compliance with that request, the Council has published two reports 16/ detailing known relations between Member States and South Africa. The reports contain sections on diplomatic and consular representation;

trade, investment and loan activity; military and nuclear collaboration; and social and cultural contacts. In 1985, the Council continued to monitor the boycott of South Africa and prepared a third report updating the information contained in its earlier accounts. This report will be included in the Council's annual report to the General Assembly at its forty-first session in 1986.

E. Consultations with Member States

The Council holds consultations with Member States in order to promote the implementation of United Nations resolutions on Namibia and to mobilize greater international support for the speedy independence of the Territory. In 1985, the Council dispatched four missions of consultation which visited Saudi Arabia from 16 to 18 March; the Congo and Angola from 31 March to 5 April; Indonesia and Brunei Darussalam from 12 to 18 May; and Denmark, Finland, Norway and Sweden from 20 to 30 May. The mission to Africa, in addition to meeting representatives of the Congolese and Angolan Governments, also held consultations with the President and other officials of SWAPO at the Organization's provisional headquarters in Luanda.

The missions explained the Council's position on Namibia, stressing the direct responsibility of the United Nations for the Territory; the legitimacy of the struggle for national liberation under SWAPO; the importance of protecting the Territory's natural resources from foreign exploitation; the need for certain Western States to stop lending support to South Africa; and the urgency of imposing comprehensive mandatory sanctions against the Pretoria régime.

At the conclusion of each visit, the missions issued either a joint communiqué with the government delegation or a statement describing the substance of the talks. 17/

F. Representation of Namibia

The General Assembly has authorized the Council, as the legal Administering Authority, to represent Namibia in all international organizations, bodies and conference so as to ensure that the rights and interests of Namibia are adequately protected in the pre-independence

period. The Council has obtained membership for Namibia in UNCTAD, UNIDO, the Executive Committee of the Programme of the United Nations High Commissioner for Refugees, ILO, FAO, UNESCO, ITU and IAEA, and associate membership in WHO. It has also signed the United Nations Convention on the Law of the Sea on behalf of Namibia.

In 1985, the Council represented Namibia at the meetings of a number of specialized agencies and other institutions of the United Nations system. The Council also investigated means of applying for membership in the governing bodies of some of the agencies concerned.

The Council also represented Namibia at a wide variety of meetings and conferences sponsored by intergovernmental and non-governmental organizations. A detailed account of the Council's representational activities can be found in its annual report to the General Assembly. 18/

G. Dissemination of information

In 1985 the Council and its secretariat, working closely with the Department of Public Information and the Department of Conference Services of the United Nations, continued to disseminate information to Governments, leading opinion makers, media leaders, political, cultural and academic institutions, non-governmental organizations, support groups and the general public concerning the objectives and functions of the Council and the Namibian liberation struggle.

The Council produced, reproduced or acquired for dissemination a wide variety of printed materials on Namibia, including an information kit, a compendium of major decisions and resolutions, a comprehensive economic map of the Territory and other reports, booklets, brochures, posters and maps. The Office of the United Nations Commissioner for Namibia, under the Council's guidance, prepared the Namibia Bulletin, a quarterly review of major developments and Namibia in the News, a weekly newsletter.

The Office of the Commissioner also supervised the completion of a documentary film entitled "Namibia - Independence Now", while the Council decided on two future film projects.

The Council held solemn meetings in commemoration of Namibia Day (26 August 1985) and the Week of Solidarity with the People of Namibia and Their Liberation Movement, SWAPO (27 October - 2 November 1985). These meetings, together with the seminars, symposia and missions of consultation organized by the Council, served as focal points for media coverage and dissemination of information on Namibia.

The Department of Public Information, operating through its base at Headquarters as well as the world-wide network of United Nations information centres, made full use of press briefings, press releases, other printed media, radio, film, television and photographic exhibits to heighten public awareness of the situation in Namibia and the related work of the United Nations.

Under the authority of the General Assembly, the Council made financial contributions to a number of non-governmental organizations in support of specific activities designed to raise public consciousness and mobilize public action for the liberation of Namibia.

H. Provision of assistance to Namibians

The United Nations Fund for Namibia, which came into operation in 1972, is the main vehicle for the provision of United Nations assistance to Namibians. It is financed primarily by voluntary government contributions and allocations by the General Assembly from the regular budget of the United Nations. Its activities are concentrated in three main programmes: (a) the Nationhood Programme for Namibia; (b) the United Nations Institute for Namibia; and (c) educational, social and relief assistance.

Nationhood Programme

The Nationhood Programme is a development-oriented programme of assistance consisting of two major components: manpower training and analyses of the economic and social sectors. The Office of the Commissioner serves as the co-ordinating authority for the Programme under the direction of the Committee on the Fund.

In 1985 the Programme generally took the form of projects executed by the specialized agencies and other organizations of the United Nations system. The United Nations Institute for Namibia and outside agencies such as the Commonwealth Fund for Technical Co-operation and the International Centre for Public Enterprises in Developing Countries have also been involved in project implementation.

Under the training component of the Programme, Namibians received instruction at educational institutions in a wide variety of academic, technical and vocational disciplines ranging from mathematics, basic sciences and foreign languages to maritime economics, diplomacy, aircraft maintenance, labour administration, teacher training, shoemaking and cinematography. In addition, various government agencies and parastatals, mostly in Africa, provided in-service training enabling Namibians to acquire on-the-job experience in preparation for the assumption of administrative duties in an independent Namibia. The sectoral surveys and analyses prepared in 1985 covered fisheries, water resources, land-use planning, diamond marketing and criminal justice, among other topics. A survey of Namibian railways was begun in 1985; it is the final element of a comprehensive analysis of the transport sector initiated in 1981.

Institute

The Institute, which came into operation in Lusaka in 1976, trains middle-level skilled manpower and carries out applied research to serve the policy-making and administrative needs of an independent Namibia.

In 1985, the Institute had a student body of 550 Namibian enrolled in four different programmes: management and development studies, teacher training, secretarial skills and a special programme for magistrates. The Institute also operated a secondment programme in which students gained practical experience through field attachment to government agencies in a number of African countries.

Under the research programme, studies were conducted in mineral development strategy, State succession, administration, mass participation, trade, monetary and wage and incomes policy, the Karakul industry and other fields. The Institute also made substantial progress in preparing a handbook on Namibia and, in co-operation with SWAPO and the Office of the Commissioner, a comprehensive study on all aspects of economic planning in an independent Namibia. The Institute continued to operate its Namibian Extension Unit, a distance education programme serving some 40,000 Namibian adults and youths in Zambia and Angola.

Educational, social and relief assistance

The Office of the Commissioner administers this component of the Fund. The main activity is a scholarship programme which in 1985 enabled some 140 Namibians to pursue technical and academic studies in 11 different countries.

Funds allocated to this component were also used to finance vocational training projects, to provide medical care and humanitarian assistance, to procure relief goods, books and periodicals for Namibian refugee camps and SWAPO offices, and to facilitate the attendance of Namibians at international seminars and conferences.

The Commissioner has offices at Luanda, Lusaka and Gabarone which, by virtue of their location in the host countries, play a vital role in the provision of assistance to Namibian refugees. Not only do these offices help implement projects under the United Nations Fund for Namibia, but also issue United Nations travel documents to Namibians and maintain liaison with SWAPO headquarters, African governments, United Nations agencies and regional organizations.

Fund-raising missions

The Vice-Chairman of the Committee on the Fund and the Commissioner for Namibia undertook fund-raising missions to Western Europe in May and June 1985. In addition to soliciting increased contributions to the Fund, they described its financial status and reviewed the most important new projects for which funding was being sought.

I. Implementation of Decree No. 1 for the Protection
of the Natural Resources of Namibia

In 1981, the General Assembly decided that the Council should consider the institution of legal proceedings in the domestic courts of States as a means of ensuring compliance with the Decree. ^{19/} Accordingly, the Council instructed the Commissioner for Namibia to arrange for lawyers in a number of countries to prepare studies on the possibility of instituting legal proceedings against corporations engaged in economic activities violating the Decree.

The Commissioner took the requisite measures and submitted to the Council in early 1985 a report 20/ summarizing the lawyers' findings and concluding that legal action might lead to positive results in Belgium, the Netherlands and the United States.

The Council decided in May 1985 that it would undertake legal proceedings against corporations and individuals violating the Decree, and that such proceedings would commence in the Netherlands. Subsequently, the Commissioner retained the services of lawyers in the Netherlands to institute appropriate legal proceedings.

IV. WORK OF THE COUNCIL AS A POLICY-MAKING ORGAN OF THE UNITED NATIONS

The Council is the policy-making organ of the United Nations charged with defending the rights and interests of the Namibian people. As such, it participates in the work of all United Nations bodies relating to Namibia and co-operates closely with the Organization of African Unity (OAU) and the Movement of Non-Aligned Countries in matters of common concern.

A. Co-operation with the Organization of African Unity and the Movement of Non-Aligned Countries

The Council invited representatives of OAU to participate in the meetings commemorating Namibia Day and the Week of Solidarity with the Peoples of Namibia and their Liberation Movement, SWAPO, as well as the seminars and symposia organized by the Council and its extraordinary plenary meetings in Vienna.

Furthermore the Council, which has permanent observer status in the Organization, sent representatives to the sessions of the OAU Council of Ministers, the Assembly of Heads of State and Government and the Co-ordinating Committee for the Liberation of Africa. These bodies adopted resolutions expressing strong support for the Namibian liberation struggle under the leadership of SWAPO and unequivocal condemnation of South Africa's illegal occupation of Namibia and aggression against neighbouring States.

The Council also participated as a guest in a number of high-level meetings of the Movement of Non-Aligned countries, including an extraordinary ministerial meeting of the Co-ordinating Bureau on the question of Namibia, held at New Delhi from 19 to 21 April 1985. At that meeting, the Bureau reaffirmed the legitimacy of the Namibian liberation struggle; denounced Pretoria's decision to install a so-called internal administration at Windhoek; urged the United States to abandon its policy of "constructive engagement" with South Africa; and decided to request the Security Council to resume consideration of the question of Namibia and to give effect to its own resolutions in that regard, in particular resolution 435 (1978). The action taken by the Security Council in response to that request is described in section C below.

B. Co-operation with other United Nations bodies

The Council continued in 1985 to co-operate with the Special Committee on Decolonization and the Special Committee against Apartheid on matters pertaining to the question of Namibia. Representatives of both committees participated in the seminars and symposia conducted by the Council, the extraordinary plenary meetings at Vienna and the special meetings to commemorate Namibia Day and the Week of Solidarity with the Peoples of Namibia and their Liberation Movement, SWAPO. The Council, in return, sent representatives to various seminars, special meetings and other events organized by the two committees.

C. Participation in meetings of the Security Council on the question of Namibia

The United Nations Council for Namibia participates directly in the Security Council debates on the question of Namibia; it also, in preparing draft resolutions on Namibia for adoption by the General Assembly, calls upon the Security Council to take action in order to ensure the early independence of Namibia.

In response to requests by the Movement of Non-Aligned Countries and the Groups of African States at the United Nations, the Security Council considered the situation in Namibia between 10 and 19 June 1985.

The Council had before it a report by the Secretary-General 21/ recalling that South Africa had made the withdrawal of Cuban troops from Angola a pre-condition for the implementation of the United Nations plan for the independence of Namibia. Since South Africa had not changed its position on that issue, a position which the Security Council had rejected in its resolution 539 (1983), it had not yet proved possible to finalize arrangements for the implementation of the plan.

The Acting President of the United Nations Council for Namibia made a statement 22/ stressing the special responsibility of the Security Council to act without further delay to secure implementation of the United Nations plan. He denounced South Africa's insistence on linkage, its aggression against neighbouring States and its installation of a so-called interim government in Namibia, in defiance of the will of the international community. Amid the rising tide of world-wide action against the Pretoria régime; he appealed to all States to demonstrate the necessary political will to end South Africa's reign of terror in southern Africa.

At the same meeting, Mr. Sam Nujoma, the President of SWAPO, said that the United States policy of linkage was the primary obstacle to the attainment of Namibia's independence. However, a consensus was emerging among Americans from all spheres of life in opposition to apartheid, the illegal occupation of Namibia and the infamous policy of "constructive engagement". The President of SWAPO urged the Security Council to reject South Africa's installation of a puppet régime in Namibia and to impose comprehensive mandatory sanctions under Chapter VII of the Charter of the United Nations as the most effective means of ensuring South Africa's compliance with United Nations resolutions on Namibia.

More than 80 representatives made statements in the debate on the question of Namibia. Among these were Ministers from a large number of non-aligned countries, the representative of the Chairman of OAU, the Chairman of the Special Committee on Decolonization and the Chairman of the Special Committee against Apartheid.

On 19 June 1985, the Security Council adopted resolution 566 (1985) by 13 votes to none, with 2 abstentions (United Kingdom of Great Britain and Northern Ireland and the United States of America).

Under the terms of the resolution, the Security Council declared South Africa's installation of a so-called interim government in Windhoek to be illegal and null and void; reaffirmed its rejection of linkage; and reiterated that Security Council resolution 435 (1978) was the only internationally accepted basis for a peaceful solution of the problem and demanded its immediate and unconditional implementation.

The Council instructed the Secretary-General to resume immediate contact with South Africa with a view to obtaining its choice of the electoral system to be used for the election, under United Nations supervision and control, for the Constituent Assembly, in terms of resolution 435 (1978), in order to pave the way for the adoption by the Security Council of the enabling resolution for the implementation of the United Nations plan for the independence of Namibia.

The Council strongly warned South Africa that failure to co-operate fully with the Security Council and the Secretary-General in the implementation of the resolution would compel the Council to meet forthwith to consider the adoption of additional measures under the Charter, including Chapter VII, as additional pressure to ensure South Africa's compliance with resolutions 435 (1978) and 532 (1983).

The Council also urged Member States that had not done so to consider in the meantime taking appropriate voluntary measures against South Africa, which could include a halt to new investments and the application of disincentives to that end; a re-examination of maritime and aerial relations with South Africa; the prohibition of the sale of krugerrands and all other coins minted in South Africa; and restrictions in the field of sports and cultural relations.

On 6 September 1985, the Secretary-General reported that no progress had been achieved in the discussions undertaken in compliance with resolution 566 (1985). 23/

The Security Council again considered the question of Namibia between 13 and 15 November 1985 at the request of the non-aligned movement and the African Group. The Acting President of the United Nations Council for Namibia, in his statement, 24/ recalled that over the past 16 years, the Security Council had adopted eight resolutions on Namibia, deciding on each occasion to remain seized of the question and to meet 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. Yet the Council had never decided on those appropriate measures. It was now imperative that the Council take firm decisive action, in the form of mandatory sanctions against South Africa, to hasten the implementation of the United Nations plan for the independence of Namibia.

The Council had before it a draft resolution 25/ under the terms of which it would impose mandatory selective sanctions against South Africa. These would include an oil embargo, arms embargo, prohibition of all new investments, termination of all export credit guarantees, prohibition of nuclear co-operation with South Africa and of visits by military personnel, termination of double taxation agreements and other measures.

The result of the voting was 12 votes in favor, 2 against (United Kingdom and United States) and 1 abstention (France). The draft resolution was thus not adopted owing to the negative vote of a permanent member of the Council.

D. Participation in the work of the General Assembly

The Council contributes to the General Assembly's consideration of the question of Namibia in several ways. In its annual report to the Assembly, the Council reviews the major political, economic, military, legal and social developments relating to Namibia, as well as the activities undertaken by the Council itself in fulfilment of its mandate from the Assembly. Furthermore, the Council formulates draft resolutions which define the current position of the international community on the Namibian question and set out a programme of positive action for the year to come.

At its fortieth session, the General Assembly considered the question of Namibia at its 80th to 87th plenary meetings between 18 and 21 November 1985, and its 115th plenary meeting on 13 December. In his statement 26/ introducing the Council's annual report, 27/ the Acting President of the Council said that the prospects for Namibia's independence had not brightened since the previous year's debate. South Africa still kept an iron grip on the Territory; it continued to launch acts of aggression against neighbouring States; it was attempting to install in Namibia structures which would serve its own designs in the Territory; and it insisted on linking Namibia's independence with the withdrawal of Cuban troops from Angola.

There was, however, another side to the picture. SWAPO had achieved significant successes in the struggle for national liberation and the Pretoria régime's continued practice of apartheid had made it the object of unprecedented international pressure and isolation. Thanks, in part, to the efforts of the Council and the non-governmental organizations, enthusiasm and support for the Namibian cause were on the rise, particularly in Western Europe and North America.

Nevertheless, the Council was disturbed that just a few days ago, two permanent members of the Security Council had vetoed a resolution calling for sanctions against South Africa, thus signalling to Pretoria that it could continue to rely on its traditional sources of support. It was confident, however, that the forces on the side of Namibia's freedom were greater than those on the side of its continued domination.

The Secretary-General of SWAPO, speaking at the same meeting, reviewed the repressive measures which the South African régime had employed to delay Namibia's independence and to prolong the plunder of its natural resources. He noted that South Africa had continued to rely on the support of its major Western allies in the military, nuclear, economic, political and diplomatic fields. It had also escalated its military aggression, subversion and destabilization of independent African States. SWAPO, on the other hand, had continued to organize the Namibian masses and to challenge the South African occupation army at the battle front.

The Secretary-General of SWAPO regretted that the United States and the United Kingdom had prevented the Security Council from taking decisive action against the Pretoria régime; he called upon the General Assembly to give its full and unqualified support to the draft resolutions on Namibia.

At the conclusion of its debate on the question of Namibia, in which a large number of Member States participated, 28/ the Assembly considered six draft resolutions submitted by the United Nations Council for Namibia in its annual report. 29/ The draft resolutions, with certain amendments made by the General Assembly, 30/ were adopted as resolutions 40/97 A to F, the highlights of which are outlined below.

Resolution 40/97 A: Situation in Namibia resulting
from the illegal occupation of the Territory by South Africa

The General Assembly:

- reaffirmed the inalienable right of the Namibian people to self-determination, freedom and national independence in a united Namibia;
- strongly condemned South Africa for its continued illegal occupation of Namibia in defiance of the United Nations;
- supported the armed struggle of the Namibian people under the leadership of SWAPO, their sole and authentic representative;
- reaffirmed the mandate given to the United Nations Council for Namibia as the legal Administering Authority for Namibia until independence;
- reiterated its conviction that South Africa's actions in respect of Namibia and southern Africa constituted a threat to international peace and security;
- declared that comprehensive mandatory sanctions under Chapter VII of the United Nations Charter were the most effective measures to ensure South Africa's compliance with the resolutions and decisions of the United Nations;

- strongly condemned South Africa for the imposition of the so-called interim government in Namibia on 17 June 1985; and declared illegal, null and void all so-called laws and proclamations issued by the illegal occupation régime in Namibia;
- welcomed and endorsed (a) the universal rejection of the "linkage" advanced by South Africa between the independence of Namibia and the presence of Cuban forces in Angola; and (b) the world wide condemnation of the policy of constructive engagement with South Africa;
- called upon the international community to provide increased assistance to SWAPO, the front-line States and Namibian refugees;
- reaffirmed that Walvis Bay was an integral part of Namibia;
- strongly condemned the continuing collaboration between South Africa and certain Western countries in the political, economic, diplomatic and financial fields, which helped to prolong South Africa's domination of Namibia;
- called upon States, parliamentarians, institutions and non-governmental organizations to redouble their efforts to force South Africa to comply with United Nations decisions relating to Namibia and South Africa;
- strongly condemned South Africa for its military build-up in Namibia, its introduction of compulsory military service for Namibians and its use of Namibia as a springboard for aggression against neighbouring African States, particularly Angola;
- called for an end to all military and nuclear collaboration with South Africa, for full implementation of the arms embargo against South Africa under Security Council resolution 418 (1977) and for tightening of the embargo;
- demanded that South Africa release all Namibian political prisoners and account for all "disappeared" Namibians;

- endorsed the decision of the United Nations Council for Namibia to proclaim an exclusive economic zone for Namibia;
- declared that all activities of foreign economic interests in Namibia were illegal under international law;
- requested all Member States to ensure compliance by all corporations and individuals under their jurisdiction with Decree No. 1 for the Protection of the Natural Resources of Namibia;
- approved of the decision of the United Nations Council for Namibia to initiate legal proceedings in the domestic courts of States against corporations or individuals violating the Decree;
- requested all States, pending the imposition of comprehensive mandatory sanctions against South Africa, to take appropriate measures in order effectively to isolate South Africa politically, economically, militarily and culturally; and
- strongly urged the Security Council, in the light of the serious threat to international peace and security posed by South Africa, to impose comprehensive mandatory sanctions against that country as provided for in Chapter VII of the United Nations Charter.

Resolution 40/97 B: Implementation of Security Council
resolution 435 (1978)

The General Assembly:

- reiterated that Security Council resolutions 385 (1976) and 435 (1978) constituted the only internationally accepted basis for a peaceful settlement of the Namibian problem, and demanded their immediate and unconditional implementation;

- condemned South Africa's continuing attempts to set up puppet political institutions and impose an "internal settlement" in Namibia;
- emphasized that the only parties to the conflict in Namibia were the Namibian people, represented by SWAPO, and the racist régime of South Africa, which illegally occupied Namibia;
- strongly condemned the use of the veto by two Western permanent members of the Security Council on 15 November 1985, which had prevented the Council from taking effective measures against South Africa; and
- called upon the Western permanent members of the Council to support the imposition of enforcement measures by it in order to ensure South Africa's compliance with the Council's resolutions.

Resolution 40/97 C: Programme of work
of the United Nations Council for Namibia

The General Assembly:

- expressed its strong support for the efforts of the Council and requested all Member States to co-operate fully with the Council in the discharge of its responsibilities;
- decided that the Council should continue to press for South Africa's speedy withdrawal from Namibia;
- instructed the Council to continue sending missions of consultation to governments and representing Namibia in international organizations, bodies and conferences;