

January 30, 1976

Resolution 385 of the United Nations Security Council on Namibia

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Summary:

UN Security Council resolution condemning South Africa's occupation of and presence in Namibia, and demanding, among other things, that South Africa end apartheid in Namibia and release its Namibian political prisoners.

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Contents:

Transcript - English

The Security Council,

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

Having considered the statement of Mr. Moses M. Garoeb, Administrative Secretary of the South West Africa People's Organisation (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 (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 Namibia 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,

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

Condemns the continued illegal occupation of the Territory of Namibia by South Africa;

Condemns the illegal and arbitrary application by South Africa of racially discriminatory and repressive laws and practices in Namibia;

Condemns the South African military build-up in Namibia and any utilization of the Territory as a base for attacks on neighboring countries;

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;

Further condemns South Africa's failure to comply with the terms of Security Council resolution 366 (1974) of 17 December 1974;

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,

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 United Nations be held for the whole of Namibia as one political entity;

Further declares that in determining the date, time-table and modalities for elections in accordance with paragraph 7 above, there shall be adequate time to be declared upon by the Security Council for the purposes of enabling the United Nations to establish the 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;

Demands that South African 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;

Reiterates its demands that South Africa take the necessary steps to effect the withdrawal, in accordance with resolutions 263 (1969), 269 (1969) and 366 (194), of its illegal administration maintained in Namibia and to transfer power to the people of Namibia with the assistance of the United Nations;

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

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

Release all Namibian political prisoners, including those imprisoned or detained in connexion with offenses 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;

Abolish the application of Namibia of all racially discriminatory and politically repressive laws and practices, particularly Bantustans and homelands;

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;

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.