



**REPORT
OF THE
UNITED NATIONS COUNCIL
FOR NAMIBIA**

GENERAL ASSEMBLY

OFFICIAL RECORDS : TWENTY-FIFTH SESSION

SUPPLEMENT No. 24 (A/8024)

UNITED NATIONS

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UNITED NATIONS
New York, 1970

N O T E

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LETTER OF TRANSMITTAL

12 October 1970

Sir,

I have the honour to transmit herewith the fifth report of the United Nations Council for Namibia pursuant to section V of General Assembly resolution 2248 (S-V). This report was adopted by the Council at its 96th meeting, on 12 October.

In accordance with the terms of the said resolution, I have the honour to request that the report be distributed as a document of the General Assembly at its twenty-fifth session.

Accept, Sir, the assurances of my highest consideration.

(Signed) P.A. THOMPSON
President
United Nations Council for Namibia

U Thant
Secretary-General of the United Nations
New York

REPORT OF THE UNITED NATIONS COUNCIL FOR NAMIBIA

INTRODUCTION

1. By its resolutions 2145 (XXI) of 27 October 1966 and 2248 (S-V) of 19 May 1967, the General Assembly terminated the Mandate of South Africa over South West Africa and established the United Nations Council for South West Africa, composed of the representatives of Chile, Colombia, Guyana, India, Indonesia, Nigeria, Pakistan, Turkey, the United Arab Republic, Yugoslavia and Zambia, to administer the Territory until independence with the maximum possible participation of the people of the Territory. After considering the Council's first report, ^{1/} the General Assembly, by resolution 2325 (XXII) of 16 December 1967, requested the Council "to fulfil by every available means the mandate entrusted to it by the General Assembly".

2. On 12 June 1968, the General Assembly, in resolution 2372 (XXII), proclaimed further that, in accordance with the desires of its people, South West Africa should be known as "Namibia" and decided that the Council be called the "United Nations Council for Namibia" and that the Commissioner be known as the "United Nations Commissioner for Namibia". By the same resolution, the General Assembly also decided that the United Nations Council for Namibia should perform, as a matter of priority, the following functions:

"(a) In consultation and co-operation with the specialized agencies and other appropriate organs of the United Nations, which under section III, paragraph 2, of resolution 2248 (S-V) were requested to render technical and financial assistance to Namibia, the Council shall assume responsibility for establishing a co-ordinated emergency programme for rendering such assistance, in order to meet the exigencies of the present situation;

"(b) The Council shall organize a training programme for Namibians, in consultation with those Governments which indicate their interest and concern, so that a cadre of civil servants and of technical and professional personnel may be developed who would be in a position to undertake the public administration and the social, political and economic development of the State;

"(c) The Council shall continue with a sense of urgency its consultations on the question of issuing to Namibians travel documents enabling them to travel abroad."

3. On 1 December 1969, the General Assembly adopted resolution 2517 (XXIV), the operative paragraphs of which read as follows:

^{1/} Official Records of the General Assembly, Twenty-second Session, Annexes, agenda item 64, document A/6897.

"The General Assembly,

.....

"1. Reaffirms the inalienable right of the people of Namibia to self-determination and independence, in conformity with General Assembly resolution 1514 (XV), and the legitimacy of their struggle against the foreign occupation of their territory;

"2. Expresses solidarity with the people of Namibia in their legitimate struggle against foreign occupation and requests all States to provide increased moral and material assistance to them;

"3. Condemns the Government of South Africa for its persistent refusal to withdraw its administration from the Territory and for its policies and actions designed to destroy the national unity and territorial integrity of Namibia, thus persistently violating the principles and obligations of the Charter of the United Nations;

"4. Draws the attention of the Security Council to the need of taking appropriate measures in accordance with the relevant provisions of the Charter to solve the grave situation that has arisen as a result of South Africa's refusal to withdraw its administration from Namibia;

"5. Commends the report of the United Nations Council for Namibia^{2/} to all States and to the subsidiary organs of the General Assembly and other competent organs of the United Nations, as well as to the specialized agencies and other international organizations concerned, for appropriate action, acting in conformity with the relevant resolutions of the General Assembly and the Security Council;

"6. Requests the United Nations Council for Namibia to continue to discharge, by every available means, the functions entrusted to it in the relevant resolutions of the General Assembly;

"7. Requests the Secretary-General to continue to provide the necessary assistance and facilities to the United Nations Council for Namibia to discharge its duties and functions;

"8. Calls upon all States to co-operate with the United Nations Council for Namibia in carrying out the tasks entrusted to it."

4. The present report, which is the Council's fifth report to the General Assembly, covers the period from 25 October 1969 to 12 October 1970.

^{2/} Ibid., Twenty-fourth Session, Supplement No. 24 (A/7624/Rev.1). For the second and third reports, see ibid., Twenty-second Session, Annexes, agenda item 64, document A/7083; and ibid., Twenty-third Session, agenda item 64, document A/7338 and Corr.1

I. ORGANIZATION AND ACTIVITIES OF THE COUNCIL

A. Changes in organization and procedures

5. During the period under review, the Council made a number of changes in its organization and methods of work in order to improve the efficiency of its operations and to enable it to cope more effectively with the problems of an administrative and technical nature with which it is increasingly confronted in the discharge of the functions and responsibilities entrusted to it by the General Assembly. These changes resulted from a review of the Council's organization and procedures undertaken by an ad hoc committee created for the purpose in 1969. It will be recalled that, in its previous report, the Council outlined the recommendations submitted to it by the ad hoc committee and recorded its general approval of the committee's report.

6. One of the organizational changes introduced by the Council with effect from 1 May 1970, consisted in the extension of the term of office of the presidency from one to four months in order to provide greater continuity in the conduct of the Council's business. The Council decided to retain the arrangement whereby the presidency rotates among its members according to the English alphabetical order. Thus, during the period from 1 May to 31 August, the representative of Colombia served as President of the Council and was succeeded on 1 September by the representative of Guyana.

7. A further organizational change consisted in the establishment on 20 April 1970 of two standing committees of the Council, the first responsible for planning the Council's work, screening incoming communications and dealing with questions relating to publicity; and the second responsible for the detailed study of all questions of an administrative and legal nature, concerning Namibia. The Council decided that all functions which it had previously entrusted to ad hoc bodies should, except in the case of the Ad Hoc Committee on Travel Documents, be transferred to these two standing committees. It was further agreed that the standing committees should, in addition to their general functions described above, discharge such tasks as the Council may, from time to time assign to them.

8. As a result of these decisions, the Council now has three subsidiary bodies. Standing Committee I, in addition to its responsibility for planning the Council's work, screening incoming communications and dealing with matters of publicity, has been charged with the task of studying ways and means of enabling the people of Namibia to participate in the Council's work. It is composed of the representatives of Colombia, India, Indonesia, Nigeria and Turkey under a chairman and vice-chairman whose term of office coincides with that of the President of the Council. The Chairman of the Committee is Mr. Y. Söylemez (Turkey), who was elected on 11 May 1970 and subsequently re-elected for a second term. Mr. Prawirodirdjo (Indonesia) served as Vice-Chairman during the period from 11 April to 31 August 1970.

9. Standing Committee II is composed of the representatives of Chile, Guyana, the United Arab Republic, Yugoslavia and Zambia, with the representatives of

Zambia and Guyana respectively as its permanent Chairman and Vice-Chairman. The Committee is charged, inter alia, with the detailed study of the legal questions arising in connexion with the implementation of paragraph 9 of General Assembly resolution 2288 (XXII), of 7 December 1967, which calls for a review of laws and practices established in Namibia by the Government of South Africa, the implementation of paragraphs 9, 10 and 11 of General Assembly resolution 2547 A (XXIV) of 11 December 1969, as well as questions relating to the education and training of Namibians.

10. The Ad Hoc Committee on Travel Documents remains, as formerly, composed of the representatives of Guyana, India, the United Arab Republic and Yugoslavia under the chairmanship of the representative of Guyana.

11. Other decisions taken by the Council concerning its organization and procedures were: (a) that in the interests of publicity, meetings of the Council should be held in public unless otherwise decided; and (b) that the President of the Council should represent it, in an observer capacity, at meetings of the Advisory Committee on the United Nations Educational and Training Programme for Southern Africa.

B. Work of the Council and its committees

12. The Council, although precluded, by South Africa's continued defiance of United Nations resolutions calling for the latter's withdrawal from Namibia, from discharging its functions in the Territory, has nevertheless, since the submission of its last report, made some progress towards the fulfilment of certain of the responsibilities entrusted to it by the General Assembly. Recognizing that the direct responsibility of the United Nations for Namibia and its people extends to all Namibians, including those outside the Territory, many of whom have been forced to leave their country owing to the repressive measures employed by South Africa to sustain its illegal occupation, the Council, during 1970, devoted the major part of its attention to measures aimed at alleviating the difficulties encountered by Namibians abroad. As a result of continuing efforts by the Council, aided by its Ad Hoc Committee on Travel Documents, the Council is pleased to report that during the year agreements were concluded with the Republic of Zambia and the Republic of Uganda for the issuance by the Council of travel and identity documents to Namibians in these countries and that significant progress was made towards the conclusion of similar agreements with other States. The Council will consequently begin the issuance of travel and identity documents to Namibians before the end of the year. Progress was also made in the preparation of plans for the establishment of a separate educational and training programme for Namibians in accordance with the terms of paragraph 4 (b) of General Assembly resolution 2372 (XXII) of 12 June 1968 and in the study of the particular problems of refugees.

13. Progress was made by the Council during 1970 towards the establishment of close working relations with the Organization of African Unity (OAU). This co-ordination was the result of two direct contacts between the Council and the secretariat of OAU, the first of which consisted in the sending by the Council of a team of observers to attend and participate in the first Seminar of National Correspondents of the OAU's Bureau for the Placement and Education of African Refugees and a meeting of the Consultative Committee of the Bureau, which were

held in Addis Ababa from 27 April to 2 May 1970. This first contact was subsequently followed by meetings between the mission of the Council which visited Addis Ababa in July and the Administrative Secretary-General of OAU and senior officials of his staff.

14. The Council has continued to maintain close contact with representatives of the Namibian people abroad, believing that such contacts are not only a valuable source of first-hand information which the Council requires in order to discharge its functions effectively, but are also essential in order to enable the Council to be truly representative of the interests and views of the Namibian people as a whole. In this connexion, the Council during 1970 continued its consultations with representative groups of Namibians with a view to finding ways and means of associating the Namibian people more closely with its work. As further explained below, the problem of devising methods to enable the people of Namibia to participate in the work of the Council is complicated by the existence of several political parties each claiming to be more representative of the Namibian people than the others.

15. The work of the Council has been further reinforced by contacts with the specialized agencies and other organs of the United Nations and, particularly, with the office of the United Nations High Commissioner for Refugees. As a first step towards the drawing up of the long-term plan for the economic and social development of the Territory to be implemented when the Council is enabled to discharge its powers and functions in the Territory, as well as the short-term emergency programme of technical assistance to Namibians called for in paragraph 4 (b) of General Assembly resolution 2372 (XXII), a study entitled "Socio-economic conditions in Namibia" was prepared at the Council's request by the Economic Commission for Africa. The information contained in this study is currently under detailed consideration by Standing Committee II.

16. The Council, through its Bureau, has also held consultations with the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples concerning the holding of a joint session of bodies concerned with southern Africa. The holding of such a joint session is in accordance with requests addressed to the two latter bodies by the General Assembly in its resolutions 2506 B (XXIV) of 21 November 1969 and 2521 (XXIV) of 4 December 1969. The Council hopes that such a session may be held as soon as possible.

17. The activities of the standing committees and of the Ad Hoc Committee on Travel Documents are referred to in the relevant sections below.

18. On 29 July the Council met to express its deep sorrow and regret at the death of Chief Hosea Kutako, the leader of the Hereros, who had devoted his life to the cause of freedom and dignity for the Namibian people and had become a symbol of their struggle against apartheid. The Council unanimously decided to request its President to convey its condolences to his bereaved family.

C. Mission of the Council to Africa

19. By early 1970, as the result of contacts undertaken by the Ad Hoc Committee on Travel Documents, the Council had reached a preliminary understanding with the Government of Zambia concerning the terms of a draft agreement on the issuance of travel and identity documents to Namibians. Similar negotiations had also been instituted with the Governments of Botswana, Ethiopia, Kenya, Uganda and the United Republic of Tanzania.

20. In the light of this, and upon the recommendation of Standing Committee I, the Council decided at its 87th meeting, on 21 April 1970, to appoint a mission for the purpose, inter alia, of pursuing negotiations with the above Governments, and, in the case of Zambia, of finalizing the draft agreement and making arrangements for the opening in Lusaka of an office of the Council to deal with the issuance of travel documents. The mission was also instructed to meet with representative groups of Namibians and consult them concerning the question of participation of the people of Namibia in the work of the Council, and to hold consultations with the OAU and others on matters of interest to the Council. The Council further decided at the same meeting that the mission should be composed of its President, the chairmen of the three committees of the Council and two other members, together with the Acting United Nations Commissioner for Namibia.

21. The mission as finally constituted after further consultations ^{3/} was composed of the President of the Council, Ambassador N.H. Parra (Colombia), Mr. L.D. Samuels (Guyana), Mr. O. Adeniji (Nigeria), Mr. Y. Söylemez (Turkey) and Mr. A.K. Simuchimba (Zambia), together with Mr. A.A. Hamid (Acting United Nations Commissioner for Namibia).

22. The mission left New York on 6 July and, after visiting the capitals of Zambia, the United Republic of Tanzania, Uganda, Kenya, Ethiopia and Denmark, returned to Headquarters on 30 July.

23. The mission's report, substantial parts of which are reflected in the relevant sections of the present report was submitted on 22 August and was approved by the Council at its 90th meeting on 28 August.

D. Consultations and hearings

24. During the period under review, the United Nations Council for Namibia granted one request for a hearing in plenary session, and Standing Committee I accorded three hearings to representatives of Namibian political parties in connexion with its study of the question of participation of the Namibian people in the work of the Council.

25. In addition, the mission of the Council referred to above held consultations with representatives of Namibian political parties before leaving New York and in

^{3/} The membership of the mission was reduced to five after the President had informed the Council that his consultations had failed to result in agreement on the designation of a sixth member.

Lusaka, Dar-es-Salaam, Nairobi, Addis Ababa and Copenhagen. These consultations dealt not only with the question of Namibian participation in the Council's work, but also with other matters of concern to the Council, notably the question of education and training of Namibians and the problems of refugees. In addition, the mission, in Nairobi, met with representatives of Namibian students in Kenya and a group of recently arrived Namibian refugees.

26. The views expressed during these hearings are outlined below according to the topics discussed.

(1) Hearing by the Council

27. At its 84th meeting, on 20 April 1970, the Council decided to grant a request for a hearing addressed to it by the Reverend G. Michael Scott of the International League for the Rights of Man. At the hearing, which took place on 22 April, Reverend Mr. Scott made a statement and replied to questions put to him by members of the Council. His statement dealt with conditions inside Namibia and, *inter alia*, with the proposal for the establishment of a judicial committee for Namibia contained in the report of the Special Rapporteur ^{4/} appointed under resolutions 7 (XXIII) and 3 E (XXIV) of the Commission on Human Rights, which had been drawn to the Council's attention in pursuance of paragraph 12 of General Assembly resolution 2547 B (XXIV).

(2) Consultations with Namibian representatives on the question of participation of the Namibian people in the work of the Council

28. As noted above, the Council at its 83rd meeting, on 7 April 1970, decided to refer to Standing Committee I, for detailed study and recommendation, the question of devising ways and means of enabling the people of Namibia to be represented in the work of the Council. The Committee has been studying this question in consultation with the representatives of the South West Africa People's Organization (SWAPO), the South West Africa National Union (SWANU) and the South West Africa National United Front (SWANUF) whose representatives in New York appeared before the Committee during the year.

29. In addition, in accordance with its terms of reference given above, the Council's mission to Africa held consultations on this question with leaders of the three Namibian parties. Before its departure on 6 July, the mission took advantage of the presence in New York of the president of SWAPO, to hold a meeting with him; it also met with the vice-president of SWAPO in Lusaka and with other members of the party's Executive Committee in Dar-es-Salaam. Consultations with representatives of SWANUF were held in Nairobi and Addis Ababa and with members of the External Council of SWANU in Copenhagen.

30. The views of SWAPO, as expressed to both Standing Committee I and the mission, are that, since it is the only Namibian organization recognized by the OAU and the only organization waging an armed struggle for the liberation of Namibia, it alone should represent the people of Namibia in the Council. The spokesman for the party stated that SWAPO was not prepared to recognize or collaborate with SWANUF or SWANU so long as those parties were not also engaged in the armed struggle for liberation.

^{4/} E/CN.4/979/Add.3.

The president of SWAPO, in his consultations with the mission, stated, however, that there would be no objection to participating in an international conference or seminar on Namibia organized by the Council for the purpose of furthering the cause of Namibia and gaining support for the Council's work. Such a conference might be attended, at the invitation of the Council, by Namibians and others, including individual experts and representatives of organizations concerned with the cause of the Namibian people.

31. The position of SWANUF, as set out in representations to both Standing Committee I and the mission, was that the Council should convene a meeting of the political parties in order to arrive at a dialogue which might lead to the formation of a united front. The party looked to the Council to mediate between it and SWAPO. If this should fail, the Council should recommend to OAU that it should accord recognition to SWANUF, since non-recognition by the States members of OAU seriously impeded the freedom of movement of party members and the ability of SWANUF to participate in the armed struggle for the liberation of Namibia. SWANUF subsequently proposed that the Council should organize annual conferences of the Namibian liberation movements, the first of which should be held in Lusaka in mid-1971.

32. The spokesman for SWANU proposed that the Council should convene urgently, and not later than September 1970, a meeting with the representatives of the major political and militant groups of Namibians, drawn mainly from SWANU, SWAUNIO 5/, SWAPO and the Patriotic Council of Chiefs, to discuss with them ways and means of enabling them to participate in its work. The spokesman said that they considered SWAPO to be a regionally oriented organization enjoying support and influence only in the northern part of the Territory whereas the central and southern parts were under SWANU's influence. They emphasized that SWANU was not a member of the united front of SWANUF.

33. In the course of its consultations, the mission received various proposals from the different parties on how they might participate in the work of the Council in the immediate future. In this connexion, SWAPO maintained its previous position that it was entitled to delegate a representative to participate in the work of the Council. SWAPO readily understood that it was up to the Council to decide on this question, but let it be known that it did not consider that it was dependent upon recognition by the Council.

34. SWANU looked at the matter from a different angle, believing that the question of participation was more important for the Council and the United Nations than for the political parties. Their participation in the Council's work would provide a link that would create the necessary climate of trust between the United Nations and the people of the Territory. It would be an important weapon to a people who had been denied a say in the affairs of their country ever since the international community had placed them under the mandate of South Africa. In concrete and realistic terms, participation would mean that the United Nations, and particularly the specialized agencies, would actively undertake programmes of assistance aimed at helping the national liberation movement to achieve its objective of complete independence for Namibia. It would mean involvement by the Council for Namibia with the national liberation movement on all conceivable levels.

5/ South West Africa United National Independence Organization.

35. The views of SWANUF on participation were set out in three concrete proposals as follows:

(a) The Council for Namibia should consider the representation of Namibia in the Council by two Namibians, from SWANUF and SWAPO respectively, each with a monthly subsidy determined by the Council itself.

(b) The Council should maintain two additional Namibian representatives, of SWANUF and SWAPO, in Addis Ababa, Ethiopia, with a view to enabling them to represent Namibia at all meetings of the United Nations held in Addis Ababa. These two Namibian representatives should be given monthly allowances by the Council to carry out their work effectively.

(c) An additional Namibian, a member of SWANUF, should be added to the Secretariat at the United Nations to increase the number of Namibians in the Secretariat to two. There was already one Namibian in the Secretariat who was a member of SWAPO. It would only be fair if the second one could be a member of SWANUF.

36. The mission reported that it discussed this question and the views which had been expressed to it by the political parties with officials of the OAU secretariat in Addis Ababa. It was explained to the mission that the decision to recognize SWAPO had been based on three criteria: its representative character, the fact that it was actively engaged in the armed struggle for liberation and its effectiveness. It was intimated that OAU's designation of SWAPO as the only recognized Namibian liberation movement and the criteria on which that designation was based should be a prime consideration for the Council when deciding on the question of participation. On the other hand, the officials stressed the desire of OAU to see the creation of a joint front by the parties. It was suggested that the Council might be able to bring about the resumption of the dialogue between the parties in continuation of the efforts - so far abortive - which OAU had made in this direction.

(3) Consultations with Namibian representatives on the education and training needs of Namibians

37. In view of the Council's basic responsibility to prepare the Namibian people for self-government and independence and in the light of the recommendations of both the Council and of the General Assembly, as expressed in paragraph 4 (b) of its resolution 2372 (XXII) concerning the establishment of a separate educational and training programme for Namibians, the Council's mission to Africa consulted with Namibian groups in order to obtain information on the needs of Namibians abroad and their views on the nature and extent of such a programme. Discussions on this subject were accordingly held with the representatives of SWAPO, SWANU and SWANUF referred to above and, additionally, with the representatives of a group of sixty-four Namibian students in Kenya, who met with the mission during its visit to Nairobi.

38. All these representatives were unanimous in their desire for an increase in the scholarships currently available and for the Council to establish a separate programme under its control designed specifically to meet the needs of Namibians. Various suggestions were submitted to the mission. The representatives of SWAPO suggested that the Council might consider the creation of an educational fund, to which Governments might be encouraged to make voluntary contributions, and which would be used mainly for payment of subventions to schools and vocational training

institutions in Africa in order to create vacancies for Namibians. It was also suggested that each Member of the United Nations might be asked to furnish at least one special scholarship to enable a Namibian to be educated from the primary or secondary level up to the highest level of which he is capable, which might include university studies or might end with vocational training.

39. The representatives of SWANU were likewise of the opinion that a separate educational and training programme was required to meet the special needs of Namibians. Such a programme should include scholarships for secondary education but provision should also be made for a substantial increase in the amount of assistance available for post-secondary education, both university and vocational. The spokesman for SWANU cited a total of forty-one Namibians, all members of SWANU, who were in need of assistance, either to enter secondary schools or to pursue post-secondary studies.

40. The most far-reaching proposals came from SWANUF whose representatives believed that the Council should award scholarships of up to six years' duration, depending upon individual needs, to enable Namibian students to obtain a complete secondary education in preparation for further studies. For those who were too old to attend local schools or who needed vocational training, SWANUF proposed to establish a Namibian Technical College in Botswana, which should be administered and staffed by Namibians and to which, they proposed, the Council for Namibia should contribute an annual subvention of \$80,000, as well as technical personnel recruited from the specialized agencies. This matter is further discussed in paragraphs 67-77 below.

(4) Requests for material aid to Namibians

41. Apart from the need for assistance in respect of education and training, several of the Namibian groups that appeared before the Council's mission to Africa asked that other forms of aid be given by the Council. The most frequent request, made by representatives of both SWAPO and SWANUF, was for material assistance, in the form of medical supplies, food and clothing, to supplement the assistance being given to Namibian refugees in Zambia and Botswana. According to the vice-president of SWAPO, who met the mission in Lusaka, there were about 1,300 Namibian refugees in the two countries, of whom about 1,000 were housed in the Mayukwayukwa refugee camp in Zambia. Although they were receiving generous assistance from the United Nations High Commissioner for Refugees and the Governments of Zambia and Botswana, supplementary aid was desired. Similar statements were made to the mission by members of the Executive Committee of SWAPO in Dar-es-Salaam and by the representatives of SWANUF.

42. The president of SWAPO, who met with the mission in New York, made a rather different request. He suggested that the Council should furnish a limited amount of assistance, in the form of medical supplies, textbooks and clothing, which the freedom fighters could distribute to villages inside Namibia. He estimated that a sum of about \$20,000 yearly would suffice for this purpose and that SWAPO could be asked to draw up a list of medications and other supplies needed.

(5) Other matters raised during the mission's consultations

43. The representatives of both SWAPO and SWANU, in their discussions with the mission, stressed the importance of the Council's role in combating South African propaganda and in publicizing the struggle of the Namibian people. Both parties

said that they were in need of financial assistance in order to increase their publicity campaigns. The members of the National Executive of SWAPO, for their part, suggested that the Council should aid their party by distributing on a world-wide basis the propaganda material which SWAPO planned to issue in commemoration of the fourth anniversary of the launching of guerilla warfare on 26 August 1966. It was also suggested by the president of SWAPO that the Council should organize an international conference on Namibia, preferably in Europe, to which it should invite Namibians and other experts on the Territory, including university professors and representatives of organizations such as the International Commission of Jurists, the Anti-Apartheid Movement and the Defense and Aid Committee. The main purpose of the conference would be to publicize the work that the Council is doing and gain support for it from interested Governments, organizations and individuals.

44. In the light of its discussions with representatives of the Namibian parties and after further consideration of the matter, the mission, in its report to the Council, proposed that the latter, in consultation with OAU, should organize an international conference or seminar on Namibia in 1971 at a place still to be determined. The purpose of the conference or seminar, in which Governments, specialized agencies, organizations and individuals might be invited to participate, would be to serve as a forum for an exchange of views on the question of Namibia. The mission felt that such a gathering might also afford an opportunity for bringing together the leaders of the Namibian political parties.

45. The Council, after considering the mission's report, decided, subject to approval by the General Assembly, that it should organize a conference on Namibia in consultation with OAU. The Council further decided that the conference should be held early in 1971 and that it should constitute a part of the Council's contribution to the programme of action approved by the General Assembly in paragraph 3 of its resolution 2544 (XXIV) of 11 December 1969 concerning the International Year for Action to Combat Racism and Racial Discrimination. The Council's conclusions and recommendations in this regard are set out in sections XII and XIII below.

II. QUESTION OF TRAVEL AND IDENTITY DOCUMENTS

A. General

46. It will be recalled that the Council concluded on 8 February 1968 that its competence to issue travel and identity documents was established by General Assembly resolution 2325 (XXII) of 16 December 1967, in paragraph 2 of which the General Assembly had requested the Council "to fulfil by every available means the mandate entrusted to it by the General Assembly". The Council therefore decided in principle to proceed with the arrangements for the issuance of travel and identity documents to Namibians.

47. This decision of the Council was shortly afterwards confirmed by the General Assembly, which decided, by resolution 2372 (XXII), that: "The Council shall continue with a sense of urgency its consultations on the question of issuing to Namibians travel documents enabling them to travel abroad".

48. From the beginning, it was evident to the Council that, in order for the documents to serve their purpose effectively, they must be accepted by States for travel to their countries. The Council considered that acceptance of documents issued by it, or on its behalf, would be easier for States if there was an assurance that the holder of such a document had the right to return to the country of his residence or to some other country.

49. Consequently the Secretary-General, at the request of the Council, in a note verbale dated 12 December 1968, requested the Members of the United Nations and the members of the specialized agencies to undertake to recognize and accept as valid the travel and identity documents issued by the Council to Namibians abroad, subject to the usual visa requirements of each State concerned. To date, fifty-three States have replied to the Secretary-General's note verbale, the great majority of them in the affirmative (see the annex below).

50. At the same time the Council initiated discussions with those countries where the majority of Namibians abroad reside at present, concerning the modalities for issuing Council travel documents to Namibians in their respective countries. These discussions, conducted over a period of nearly two years, both at Headquarters and at certain East African capitals, had by the spring of 1970 advanced sufficiently to enable the Council at its 87th meeting, on 21 May 1970, to appoint the mission referred to in paragraphs 19-23 above for the purpose, inter alia, of pursuing the negotiations through direct contacts with the Governments concerned. As already stated, the terms of reference of the mission required it to: (a) finalize the agreement already largely negotiated with the Government of Zambia and make arrangements for the opening in Lusaka of an office of the Council to deal with questions arising in regard to the travel and identity documents; and (b) explore with the Governments of Botswana, Ethiopia, Kenya, Uganda and the United Republic of Tanzania the possibility of their entering into similar arrangements with the Council.

51. During its visit to Africa in July 1970, the mission witnessed the signing of agreements with two of these Governments, namely the Republic of Zambia and the Republic of Uganda, while, as a result of the discussions undertaken by the mission on behalf of the Council, the terms of an agreement with the Republic of Kenya

were finalized and agreement on all basic points was reached with the Imperial Government of Ethiopia. The mission was able to report that negotiations with the United Republic of Tanzania and with the Republic of Botswana were further advanced. Information on the two agreements and on the results of the mission's discussions with the six Governments is set out below.

B. Agreement with the Republic of Zambia

52. After final discussions with the Minister of State for Home Affairs and other officials of concerned departments of the Zambian Government, held on 9 and 10 July 1970, full agreement was reached between the mission, representing the Council, and the Government of Zambia. This resulted in an exchange of letters, dated 10 July between the Honourable C.M. Mwananshiku, Minister of State for Home Affairs and Mr. A.A. Hamid, the Acting United Nations Commissioner for Namibia. The terms of the agreement, which was signed at a ceremony attended by all members of the mission, are as follows: 6/

"POINTS OF AGREEMENT

"1. The Government of the Republic of Zambia recognizes and accepts as valid the travel and identity documents issued to Namibians by the United Nations Council for Namibia and intends to so advise the Secretary-General of the United Nations, pursuant to his note verbale of 12 December 1968.

"2. In the exercise of its sovereign rights the Government of the Republic of Zambia agrees to grant the right of return to the following categories of Namibians who receive the travel and identity documents of the Council:

- (a) Namibians residing in Zambia;
- (b) Namibians enjoying first asylum in Zambia;
- (c) Such other Namibians as the Government may determine.

"3. The right of return will be inscribed and certified by the Government of the Republic of Zambia in the travel and identity documents issued by the United Nations Council for Namibia for the period of up to two years following the date of issue of the documents and this period may be extended.

"4. Applications for travel and identity documents shall be submitted to the Government of the Republic of Zambia which shall examine such applications. A representative of the United Nations Council for Namibia shall be consulted, in accordance with the provisions of paragraph 5 below, and a representative of the Organization of African Unity may be consulted as appropriate. Representatives of the people of Namibia shall be requested to provide relevant information as required. In the event of the Government of the Republic of Zambia informing the United Nations Council for Namibia that it agrees to grant the right of return, the documents shall be issued by the Council. It is understood that, as a rule, the right of return shall be granted to individuals falling within the categories mentioned in paragraph 2 (a) to (c) above, unless compelling reasons of national security or public order otherwise require.

6/ The agreement with Zambia is reproduced here in full as it served as the basic working paper in discussions with other Governments.

"5. In its examination of applications for travel and identity documents, the Government of Zambia shall consult the United Nations Council for Namibia in every case, except when:

(a) The Government decides not to grant the right of return on grounds of national security or public order. Any determination made by the Government on such grounds shall be final;

(b) Circumstances are such that the application requires immediate consideration, not permitting time for consultation, and the Government is satisfied, on the basis of the information available to it, with the bona fides of the applicant and is prepared to grant the right of return.

"6. The provisions of paragraphs 4 and 5 shall not preclude the United Nations Council for Namibia from issuing travel documents, in cases where the right of return is not granted by the Government of the Republic of Zambia, provided that the Council secures for the applicant the right of return to a country other than Zambia or finds a country which would accept him without a return clause.

"7. The present arrangements which are made in the interest of Namibians are subject to review on the request of the Government of the Republic of Zambia or of the United Nations Council for Namibia after a period of two years from the date of the present exchange of letters, or as may be decided by the parties, and may be amended by agreement between the parties.

"MUTUAL UNDERTAKINGS:

"8. The Government of the Republic of Zambia, recognizing:

(a) The international status of Namibia;

(b) The importance and necessity for Namibians to verify their identity and to be able to travel while abroad; and

(c) The special responsibilities of the Council for Namibia in matters within its competence;

undertakes to extend its full co-operation with regard to the arrangements herein described.

"9. The Council for Namibia, recognizing that the Government of the Republic of Zambia should not be required, because of the country's geographical location, to bear to a disproportionate degree the problems arising from the entry of Namibians into Zambia, undertakes to make every effort to ensure that other Member States of the United Nations share in the granting of asylum and right of residence to Namibians.

"10. Furthermore, the Council for Namibia, recognizing that more important than the question of travel documents is the problem of the future welfare of Namibians who sought asylum in other countries, undertakes to give this problem serious attention."

53. At the same time agreement was also reached on the establishment in Lusaka, if possible not later than September 1970, of an office of the Council to serve the East African region. This office will be concerned with the practical

implementation of the agreements concluded with Zambia and Uganda (see below) and all similar agreements with other countries in the region. 7/

54. The mission also noted that the Government of Zambia was concerned at the fact that the Governments of several Member States in the Mediterranean area had thus far failed to notify the Secretary-General of their acceptance of the request contained in his note verbale of 12 December 1968, and that therefore entry and/or transit of Namibians bearing the Council's travel documents en route to their destination might be difficult. The mission undertook, on behalf of the Council, to contact the Governments concerned and to seek their agreement to accept its travel documents in view of their pending issuance.

C. Agreement with the Republic of Uganda

55. Negotiations with the Government of Uganda, which had been initiated at the Headquarters of the United Nations, were resumed by the mission when it visited Kampala on 16 and 17 July 1970. A meeting between the mission and senior government officials, which was held on 16 July, resulted in complete agreement. Accordingly, on 17 July an exchange of letters took place in Parliament Building between Mr. V.K. Rwamwaro, M.P., Deputy Minister of Foreign Affairs, and Mr. A.A. Hamid, Acting United Nations Commissioner for Namibia. The terms of the agreement are basically similar to those concluded with Zambia. 8/ In addition to some verbal changes in paragraphs 4 and 5, which do not affect their substance, the parties agreed that the geographical location of Uganda required a redrafting of the first part of paragraph 9 of the basic text which, in its amended version, reads as follows:

"The Council for Namibia, recognizing that the Government of the Republic of Uganda should not be required, because of the country's geographical location which has already led to an influx of refugees from neighbouring States, to bear to a disproportionate degree the problems arising from the entry of refugees... etc."

56. The Government of Uganda, in pursuance of paragraph 1 of the agreement, subsequently informed the Secretary-General, in response to his note verbale of 12 December 1968, of its readiness to recognize and accept the validity of the travel and identity documents issued by the Council.

7/ Establishment of this office was authorized by the General Assembly on 1 December 1969, as a consequence of its adoption of operative paragraph 7 of resolution 2517 (XXIV). See also Official Records of the General Assembly, Twenty-fourth Session, Annexes, agenda item 64, document A/7798, paras. 5 and 10.

8/ The full text of the agreement is reproduced in document A/AC.131/20/Add.1, annex II.

D. Acceptance of the basic points of the draft agreement by
the Government of Ethiopia

57. Negotiations with the Government of Ethiopia, which had been initiated through the Permanent Mission of Ethiopia to the United Nations, were continued when the mission visited Addis Ababa. After meetings held on 22 and 24 July between the mission and senior officials of the Ministry of Foreign Affairs led by Dr. Tesfaye Gabre Egzy, Minister of State, agreement was reached on all main points of the draft agreement, the text of which was therefore formally communicated to the Government by a letter dated 24 July 1970 from the Acting United Nations Commissioner for Namibia to the Minister of State for Foreign Affairs. In his letter dated 25 July 1970, the Minister of State replied, inter alia, as follows:

"It is a pleasure for me to be able to inform the Council that the Government of Ethiopia agree to all basic points of your letter under reference. After further examination of the details contained in the letter, I will request the Council to supply clarification if such were needed." 9/

58. The mission was assured by the Minister of State that the clarifications, if sought, would not affect the basic points of the agreement and in particular that they would not concern paragraph 3, dealing with the question of the right of return. The mission, for its part, indicated that it would be pleased to receive the Government's request for clarification as soon as possible and that the Council would give this request its most sympathetic consideration. The mission expressed confidence that complete agreement would be reached and that the exchange of letters could be effected in the very near future.

E. Negotiations with the Republic of Kenya

59. Further negotiations with the competent officials of the Government of Kenya took place during the mission's visit to Nairobi on 21 July 1970. The Kenyan officials expressed general agreement with the proposed draft but requested certain modifications in order to bring the agreement in line with existing Kenyan legislation. The amendments proposed were:

(a) That sub-paragraph 2 (a) should be amended to read:

"Namibians legally residing in Kenya";

(b) That paragraph 3 should be amended to read:

"The right of return will be inscribed and certified by the Government of the Republic of Kenya in the travel and identity documents issued by the United Nations Council for Namibia normally for a period of six months and for longer periods in special cases. These periods may be extended by the Government of the Republic of Kenya."

9/ The full text of the letter is reproduced in document A/AC.131/20/Add.1, annex III.

60. The mission accepted these proposals on behalf of the Council and they were subsequently embodied in a letter dated 21 July 1970 from the Acting United Nations Commissioner for Namibia to Dr. Mungai Njoroge, Minister for Foreign Affairs of the Republic of Kenya. The mission received assurances that the Kenyan assent in the proper form could be expected shortly.

F. Negotiations with the United Republic of Tanzania

61. Negotiations between the mission and the competent officials of the Government of the United Republic of Tanzania representing the Ministries of Foreign and Home Affairs, the Second Vice-President's Office and the Attorney-General's Office took place in Dar es Salaam on 14 July 1970. The mission was also received by the Minister for Home Affairs, Mr. S.A. Maswanya, on 15 July. The mission was assured that its proposals as presented would in principle be acceptable to the Government but was informed there were certain points which required further consideration at the highest level of the Government.

62. In view of the short duration of its visit to Dar es Salaam, the mission reported that it was unable to await the outcome of these deliberations, but it left with the firm impression that the constructive attitude taken by the Government would in due course be translated into positive action. In its discussions with the Government, the mission indicated that any reasonable changes in the proposed draft agreement which the Government might request would be given most serious consideration by the Council.

G. Negotiations with the Republic of Botswana

63. At the request of the Government of Botswana, discussions between the mission and a delegation of government officials took place in Lusaka on 11 July 1970. The delegation from Botswana consisted of Mr. P.M. Mokama, Attorney-General of Botswana, Mr. D.W. Finlay, representing the Office of the President and Mr. G.C. Molthesedi, High Commissioner of Botswana in Lusaka. Mr. Muuka, representative of the host Government, presided. The discussions, which encompassed not only the question of travel documents but also related to other questions concerning Namibia and which took place in a most friendly and constructive atmosphere, were of necessity of a preliminary nature. On behalf of the Council, members of the mission including the Acting Commissioner explained the basic reasons for the Council's decision to issue travel and identity documents to Namibians and the terms of the agreement, which it hoped to conclude with Member Governments. The mission reported that it had received an assurance from the Botswana officials that they would report on the discussions to their Government and that the clarifications given to them by the mission would be an important element in the Government's consideration of the proposed agreement. For their part, the members of the mission expressed their gratification that the Government of Botswana had attached such importance to the Council's request that it had sent a high level delegation to meet with the mission in Lusaka. The members of the mission assured the delegation that they fully appreciated Botswana's difficult position resulting from its geographical location and that the Council would at all times take this factor into account.

H. Concluding remarks

64. In taking the measures outlined above for the issuance of travel and identity documents to Namibians, the Council has been acting in accordance with the terms of General Assembly resolutions 2325 (XXII) and 2372 (XXII). The Council has noted with appreciation that another principal organ of the United Nations, the Security Council, has, by implication, added its support for this initiative by requesting the United Nations Council for Namibia, in paragraph 10 of its resolution 283 (1970) of 29 July 1970, "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".

65. As will be seen from the foregoing, the Council for Namibia has already well advanced beyond the phase of studies and proposals and has begun to implement the relevant resolutions of the General Assembly. While it is of course readily acceding to the request of the Security Council, it will continue to proceed with the mandate received from the General Assembly, and understands the provisions of the Security Council resolution to be intended to support and further advance the efforts of the Council in this matter.

66. In the meantime, the Council for Namibia is confident that in the light of recent developments, other members of the United Nations, who have not yet replied to the Secretary-General's letter of 12 December 1968 (A/AC.131/10, para. 1), will now see their way to signify their acceptance of the proposals contained therein.

III. EDUCATION AND TRAINING PROGRAMME FOR NAMIBIANS

A. General

67. It will be recalled that the special educational and training programme for South West Africa originally established under the provisions of General Assembly resolution 1705 (XVI) of 19 December 1961 and which remained in operation until 1967, was consolidated with those of other dependent Territories in southern Africa under the provisions of General Assembly resolution 2349 (XXII) of 19 December 1967. At the same time, by paragraph 4 (b) of resolution 2372 (XXII), the General Assembly decided that the United Nations Council for Namibia should "organize a training programme for Namibians, in consultation with those Governments which indicate their interest and concern, so that a cadre of civil servants and of technical and professional personnel may be developed who would be in a position to undertake the public administration of the social, political and economic development of the State".

68. The United Nations Council for Namibia, in its previous reports to the General Assembly, emphasized the need for the establishment of a special educational programme for Namibians under the Council's control and financed from the regular budget of the United Nations. The Council for Namibia is therefore gratified to note that the Security Council, by its resolution 283 (1970) of 29 July 1970, requested the General Assembly at its twenty-fifth session to set up a United Nations Fund for Namibia, inter alia, "to finance a comprehensive education and training programme for Namibians with particular regard to their future administrative responsibility of the Territory". As a consequence of the Security Council's request, an item entitled "Establishment of a United Nations Fund for Namibia" has been included in the agenda of the General Assembly's current session.

69. In view of the above, the Council for Namibia has deemed it appropriate to include in the present section of its report, the results of its study of this question together with its conclusions concerning the education and training needs of Namibians abroad.

B. Scope of the problem

70. During 1970, the education and training needs of Namibians were studied both by Standing Committee II and by the mission of the Council to Africa which devoted considerable attention to this question. The mission reported that it had discussed problems of education and training extensively in all its consultations with the representatives of Namibian political parties and students as well as the senior officials of OAU and representatives of other international agencies concerned.

71. The mission found that the Namibians with which it met were unanimous in asking the Council to establish a separate programme under its own control which would be tailored to meet the needs of Namibians. They were dissatisfied with the present operation of the Educational and Training Programme for Southern

Africa partly because the funds available did not permit it to grant a sufficient number of scholarships to Namibians and partly because they felt that it could not fully satisfy the special needs of many Namibians who, owing to the poor quality of the education provided for Africans in the Territory, often had not received adequate schooling and therefore required remedial education before they could qualify for academic studies at the secondary or tertiary levels. They also stressed the need of many Namibians for vocational and trades training for which, they said, scholarships were not normally available. The representative of one of the political parties suggested to the mission that the Council for Namibia might consider the creation of an educational fund to which Governments might be encouraged to make voluntary contributions and which would be used mainly for payment of subventions to schools and vocational training institutions in Africa.

72. In its discussion with the representatives of African Governments, the mission found that although these Governments were willing to admit Namibians to schools whenever possible, they had difficulty in meeting all demands for admission because they did not have sufficient school facilities. The problem was further complicated by the fact that frequently Namibians seeking admission were considerably older than other students and would not normally be admitted for this reason.

73. During its further study of the problem, the Council received a suggestion that classes in elementary and primary education should be held for Namibians in their various countries of residence on the lines of those held by UNRWA. The Council was informed that under the terms of a recent agreement between the United Nations High Commissioner for Refugees and the United Nations the former would assume responsibility for certain types of educational assistance to bona fide refugees. The Council has accordingly, without prejudice to any subsequent decision, authorized the Acting Commissioner to explore the possibility of entering into similar arrangements for Namibians.

74. Since one of the complaints addressed to the Council concerns the number of scholarships available to Namibians under the Educational and Training Programme for Southern Africa, the Council was interested to learn that in the years 1968-1970 the United Nations received 155 applications from Namibians, of which sixty-nine were awarded scholarships and eighty-six were rejected. The number of Namibians currently in receipt of scholarships under the Programme is fifty, of whom twenty-one received initial awards during 1970 and twenty-one were granted extensions of previous awards.

75. In addition, the Council has received a detailed list of forty-one Namibians, mostly in Europe, who are in need of scholarships and a group of sixty-four Namibian students in Kenya have indicated to the Council that they stand in need of financial assistance. The information and data promised by certain other political parties on the need for assistance to individual Namibians is still awaited.

76. After considering the recommendations of the mission and as a result of its own study of the problem, the Council was of the opinion that there exists an urgent need for a comprehensive education and training programme for Namibians which would take into account their particular requirements and the necessity of preparing Namibians to play an active role in the future administration of their country. The Council considered that the funds at present available from

voluntary contributions to the Educational and Training Programme for Southern Africa were insufficient to meet this need. In its view any separate programme for Namibians should be directly under the control of the Council, which is responsible for administering the Territory and preparing its people for independence, and should be financed from the regular budget of the United Nations.

77. The Council's conclusions and recommendations in regard to this programme are set out in sections XII and XIII below.

IV. PARTICIPATION OF THE PEOPLE OF NAMIBIA IN THE WORK OF THE COUNCIL

78. Under the provisions of paragraph 1 (a) of section II of General Assembly resolution 2248 (S-V), the Council is required "to administer South West Africa until independence, with the maximum possible participation of the people of the Territory". The Council accordingly, at its seventh meeting, on 30 November 1967, decided that representatives of the Namibian people should be associated with the Council's work. Since then, the Council, now assisted by its Standing Committee I, has been studying the modalities of such representation and has envisaged convening a meeting of Namibian political parties and organizations with a view to arriving at agreed arrangements. During its study of this question, the Council and its various missions to Africa have consulted with Namibian representatives in order to ascertain their views. The views of the Namibian political parties, as they were expressed to the last mission of the Council, are set out in paragraphs 28-36 above. The mission also discussed this question at its meeting in Addis Ababa with the Administrative Secretary-General and other senior officials of the OAU. So far, the Council has taken no final decision concerning the modalities for ensuring the participation of the Namibian people.

79. The Council wishes to stress that its objective is limited to devising practical arrangements whereby the people of Namibia as such can be associated as closely as possible with its work and its deliberations pending its establishment in the Territory. It is therefore not a question of bringing about unity among different political parties or of deciding whether one political party is more representative of the Namibian people than another, but of ensuring that the Council, as the legitimate administering authority, should have the benefit of the maximum possible participation of all the Namibian people in its work. In this there appears to be no conflict between the Council and OAU. In their discussions with the recent mission of the Council, the senior officials of OAU explained that they fully appreciated that the terms of reference and responsibilities of the Council were not identical with those of OAU and that, although their organization had accorded sole recognition to SWAPO, as the most representative of the Namibian liberation movements, this should not, in their view, exclude the Council's hearing other groups or persons.

80. As will have been apparent from the views of the Namibian political parties, recorded in paragraphs 28-36 above, the Council has not yet worked out practical arrangements which would be acceptable to all concerned. The Council is therefore continuing its study of this problem in consultation with OAU and with the representatives of Namibian political parties and organizations.

V. CONSULTATIONS AND CO-OPERATION WITH THE SPECIALIZED
AGENCIES AND OTHER ORGANS OF THE UNITED NATIONS

81. In section III, paragraph 2, of its resolution 2248 (S-V), the General Assembly requested "the specialized agencies and the appropriate organs of the United Nations to render to South West Africa technical and financial assistance through a co-ordinated emergency programme to meet the exigencies of the situation".

82. Subsequently, in paragraph 4 (a) of its resolution 2372 (XXII), the General Assembly decided as follows:

"In consultation and co-operation with the specialized agencies and other appropriate organs of the United Nations, which under section III, paragraph 2, of resolution 2248 (S-V) were requested to render technical and financial assistance to Namibia, the Council shall assume responsibility for establishing a co-ordinated emergency programme for rendering such assistance in order to meet the exigencies of the present situation".

83. As stated in its previous report, the Council has approached its task from two aspects: first, the elaboration of a short-term emergency programme of assistance to Namibians; and second, the preparation of a long-term plan for the economic and social development of the Territory to be implemented when the Council is enabled to discharge its powers and functions in the Territory.

84. During 1970, both the Council and the Acting Commissioner, in accordance with the instructions given to him, have continued their contacts and consultations with the specialized agencies in connexion with the above question. In particular, the Economic Commission for Africa, in response to a request addressed to it by the Council, has recently submitted a report on socio-economic conditions in Namibia which is currently under study by Standing Committee II and which will serve as a basis for the preparation and cost-estimation of an outline co-ordinated programme. Some of the information contained in this report has been included in section X below.

85. The Council is also engaged in the preparation of a paper to be presented for the consideration of the Administrative Committee on Co-ordination which, according to a previous recommendation of the Council, was requested to examine the question of the implementation of the two above-mentioned General Assembly resolutions.

86. Moreover, as noted in the Council's previous report, several of the specialized agencies, namely, the United Nations Educational, Scientific and Cultural Organization, the International Labour Organisation, the Food and Agriculture Organization and the World Health Organization, in their replies to inquiries by the Acting United Nations Commissioner for Namibia, expressed their willingness to participate in any project of assistance to Namibians outside the Territory, which may fit into their existing programmes of assistance. After considering the replies of the specialized agencies, the Council for Namibia directed its Standing Committee II to undertake the preparation of specific projects of assistance by the specialized agencies.

87. In regard to the representation of Namibia in the Economic Commission for Africa as an associate member, in pursuance of the Commission's resolutions 151 (VIII) of 21 February 1967 and 194 (IX) of 12 February 1969, the Council expresses the hope that in due course OAU will, after necessary consultation with the United Nations Council for Namibia, propose the name of a representative of Namibia to the Commission.

88. Further action on the Council's previous decision to seek associate membership for Namibia in the specialized agencies in accordance with their respective constitutions is under consideration of the appropriate Standing Committee of the Council.

VI. CO-OPERATION WITH THE ORGANIZATION OF AFRICAN UNITY

89. During 1970 the Council strengthened significantly its collaboration with OAU as a result of further direct contacts between the Council and senior officials of OAU in Addis Ababa in April/May and July 1970. The first of these contacts was the consequence of an invitation extended to the Council to participate in an observer capacity at the first seminar of National Correspondents of the OAU's Bureau for the Placement and Education of African Refugees and at a meeting of the latter's Consultative Committee, which took place from 27 April to 2 May 1970. The Council accepted this invitation and was represented at the meetings by a team of observers who subsequently submitted a report which the Council examined at its eighty-seventh meeting on 21 May 1970. The report revealed several specific areas, notably the exchange of information and the co-ordination of assistance to refugees, in which the two bodies could co-operate more closely to their mutual benefit.

90. The visit of the team of observers served as a prelude for subsequent contacts between the mission to Africa headed by the President of the Council and the Administrative Secretary-General and other senior officials of OAU which took place during the mission's visit to Addis Ababa in July. In its report to the Council, the mission stated that it had held a full and cordial discussion with the officials of OAU covering a wide range of topics of mutual interest and concern including, inter alia, the Council's programme for issuing travel documents to Namibians; the question of participation of the Namibian people in the work of the Council and the endeavours of OAU to bring about co-operation among the Namibian political parties; and also questions relating to refugees and the educational and training programme envisaged by the Council. In regard to the issuance of travel documents, the mission was informed that consultation between OAU and the Council's representative in Lusaka, which is provided for in the agreements with Zambia and Uganda, would be facilitated by the fact that OAU also intended to open an office in Lusaka. The mission also learned with interest of the activities of the OAU's Bureau for the Placement and Education of African Refugees directed by Mr. Bâ Mamadou Lamine, which includes among its functions the task of not only obtaining places for African refugees in educational institutions but also of ensuring that opportunities exist for them to utilize their skills after completion of their training. The Bureau maintains central registers of African refugees showing their qualifications as well as registers of the employment opportunities available to them in Africa, and it serves as a clearing house for information concerning educational and training opportunities. The mission was of the opinion that close co-operation between this Bureau and the Council in any educational and training programme established by the latter was essential.

91. In its report, the mission concluded that, although the approach of OAU and of the Council to certain problems affecting Namibia might be different, there were none the less broad areas of common concern wherein mutual advantage would be derived from closer co-ordination of their work. In approving the mission's recommendations, the Council decided that there should be closer co-operation between the two bodies, particularly in regard to: (a) the exchange of information; and (b) co-ordination of assistance to Namibian refugees through the Bureau of OAU referred to above. It was further agreed that the Council and the OAU should hold periodic consultations on certain substantive matters as and when feasible.

VII. LEGAL QUESTIONS

A. General

92. In paragraph 9 of its resolution 2288 (XXII) and paragraphs 9, 10 and 11 of its resolution 2547 A (XXIV), the General Assembly referred to the Council for study and action a number of legal questions of a technical nature. In view of the complexity of the legal issues involved and its responsibility as the legitimate administrative authority for Namibia, the Council has entrusted the detailed study of these questions to its Standing Committee II. Information on the progress of the studies and the preliminary conclusions reached is set out below.

B. Paragraph 9 of resolution 2288 (XXII)

93. In paragraph 9 of its resolution 2288 (XXII), the General Assembly requested the United Nations Council for Namibia to "take urgent and effective measures to put an end to laws and practices established in the Territory of South West Africa by the Government of South Africa contrary to the purposes and principles of the Charter".

94. In order to implement this request, the Council, as has been previously reported, decided to ask the Acting Commissioner to undertake a digest and review of such laws and practices. An expert consultant was engaged to assist in preparing the study.

95. The laws which are to be reviewed and digested include acts of the South African Parliament, proclamations of the State President (formerly the Governor-General) and of the territorial Administrator, ordinances of the territorial Legislative Assembly, and various forms of sub-legislation (all as interpreted by the courts).

96. In order to limit the scope of the study (which is currently in the course of preparation) to manageable proportions, primary consideration has been given to the purpose of the Council in requesting the study, namely, to enable it to comply with paragraph 9 of resolution 2288 (XXII). As a consequence, the study is restricted to those laws and practices which are so blatantly and totally repugnant to the spirit and the letter of the Charter of the United Nations that the Council may deem it appropriate to repeal or abolish them immediately even in the absence of any substitute legislation covering the same subject matter. Such laws, which may have been enacted either before or after the adoption of General Assembly resolution 2145 (XXI), are discussed in paragraph 98 below.

97. Owing to the restricted scope of the study, some laws affecting Namibia which have been enacted by the South African Government since the termination of the Mandate are not included in the review and digest even though all such

enactments are, in contemplation of law, void (since South Africa has had no legal right to legislate for Namibia since that date). When however, the substantive provisions of such legally void enactments of the occupying Power are not repugnant to the purposes and principles of the Charter, it would appear preferable to leave to the freely elected government of Namibia, when it comes to office, the power to examine such legislation and to determine whether, when, and how to replace, amend, or confirm its provisions. The experience of a number of countries which have suffered illegal occupation, as during the Second World War suggests that this is the most practical way to handle politically unexceptionable legislation enacted by the occupying Power.

98. The laws which come within the scope of the study as warranting immediate repeal by the Council fall into three general categories:

(a) So-called "constitutional" laws, many of them enacted after the termination of the Mandate, which establish the fundamental relationship between Namibia and South Africa, create the governmental structure of Namibia, and define citizenship, the franchise, etc. These laws, which deny the inhabitants of the Territory their fundamental right of self-determination, include: the South West Africa Constitution Act, No. 39 of 1968; the South West Africa Affairs Act, No. 25 of 1969; the Development of Self-Government for Native Nations in South West Africa Act, No. 54 of 1968; the South West Africa Affairs Act, No. 23 of 1949, 3.34, read with the Electoral Consolidation Act, No. 46 of 1946; the South African Citizenship Act, No. 44 of 1949; and the Establishment of an Elected Coloured Council for South West Africa Ordinance, No. 29 of 1966.

(b) Repressive laws, most of them South African statutes extended to the Territory, which deprive the inhabitants of Namibia of their fundamental human rights. Among these laws, which include many dealing with police, prisons, and criminal law and procedure, are the Suppression of Communism Act, No. 44 of 1950; the Public Safety Act, No. 3 of 1953; the Unlawful Organizations Act, No. 34 of 1960; and the Terrorism Act, No. 83 of 1967.

(c) Other laws repugnant to the Charter by reason of provisions which, either explicitly or implicitly, impose or sanction racial discrimination. These laws include those which are directed at non-whites only, such as pass laws, influx control laws, Native administration laws, laws relating to the area north of the "Police Zone", Native location regulations, and legislation relating exclusively to coloureds. They include, in addition, legislation, particularly laws relating to labour, social welfare, education, land and mining, in which the most flagrant and most frequent discriminatory provisions are concentrated.

99. In addition to the review and digest of laws warranting immediate repeal by the Council, the study is intended to present to the Council information and an analysis of the legal implications of certain recent "constitutional" changes put into effect in Namibia in order to implement the so-called "Odendaal Plan". In particular, the study is concerned with the effect on Namibian law and on the Council's power to implement paragraph 9 of resolution 2288 (XXII) of the transfer, by the South West African Affairs Act of 1969, of legislative and administrative control over some twenty-five different areas of governmental activity from the Territorial Administration to the Government of South Africa.

100. The over-all constitutional effect of this transfer, which was made possible by extensive amendment of the new territorial constitution promulgated in 1968, was to reduce the Territory to a status only slightly different from that of the four provinces which compose the Republic of South Africa.

101. The legislative effect was brought about by the extension of numerous South African statutes to Namibia, as a result of which the previously gradual process of centralizing and harmonizing South African and Namibian law gave way to a period of hasty change. Statutes were extended to the Territory in a number of ways: by specific provision in new laws (e.g. the Prescription Act, No. 68 of 1969, S.21); by amendment of existing legislation (e.g. the Radio Act, No. 3 of 1952, S.19A, added by Act No. 93 of 1969, S.16); by proclamation, as provided in the statute (e.g., Proc. R.293 of 1968, South West African Gazette Extraordinary, 18 November 1968, promulgated by virtue of S.16 (1) of the Aged Persons Act, No. 81 of 1967, authorizing the State President to apply certain provisions of the Act to South West Africa "in respect of natives"); by proclamation issued by virtue of S.20 of the South West Africa Affairs Act of 1969 (e.g., Proc. R.65 of 1970, applying S.93, as amended, of the Administration of Estates Act, 1913, to Namibia); or otherwise. Existing territorial law was, in the process, either repealed (e.g., the Arms and Ammunition Act, No. 75 of 1969); superseded (the South West Africa Constitution Act, No. 39 of 1968, S.37 (1), (4), (6)); left in uneasy co-existence (when no specific repealer of territorial legislation was included in the South African statute, and there was no repeal by necessary implication, i.e., the statute was complementary in approach on specific subject matter); or reduced to the status of regulations under the new Parliamentary legislation (e.g. the Water Act, No. 54 of 1956, S.180 (5), substituted by Act. No. 77 of 1969, S.13).

102. The primary administrative effect of the transfer was to centre significant decision-making authority in regard to Namibian matters in officials who are geographically and bureaucratically further removed from local problems and concerns and who may be expected to prefer South African to Namibian policies and interests.

103. In terms of the work of the Council, one of the most serious problems raised by the transfer of control to Pretoria is the manner in which the South African Government is using it to try to bind the Territory to the Republic. To that end, the South African Government has, for example, dissolved the territorial Land Bank and transferred its assets and liabilities to the South African Land and Agricultural Bank (Land Bank Amendment Act, No. 31 of 1969). Similarly, it has merged the South West African Teachers' Pension Fund in to a new Provincial and Territory Service Pension Fund, created for the purpose (Provincial and the Territory Service Pension Fund Act, No. 14 of 1969).

C. Paragraphs 10 and 11 of resolution 2547 A (XXIV)

104. In paragraphs 10 and 11 of its resolution 2547 A (XXIV), the General Assembly requested the Council to take certain closely related and even partially duplicative actions in connexion with Namibian workers and workers' organizations.

105. Under paragraph 10 of the resolution, the Council for Namibia is requested to "declare expressly applicable to Namibia ... international standards on trade-union rights ...". Closely related to this, the General Assembly, in the third clause of paragraph 11, requested the Council to "enable freely constituted trade unions to be established as provided for in the relevant international documents ...". It is assumed that the international standards referred to in paragraph 10 are those found in the documents referred to in the third clause of paragraph 11, and that the two provisions, read together, request the Council to declare these standards applicable to, and to put them into effect in, Namibia.

106. In the first clause of paragraph 11, the General Assembly requested the Council "to ensure the implementation" in Namibia of the provisions of paragraph 4 of Economic and Social Council resolution 1302 (XLIV) (28 May 1968), which calls on the Government of South Africa to ensure certain trade union and workers' rights, particularly as to non-discriminatory treatment, in its own territory. Most of these rights duplicate substantially or wholly those referred to, implicitly or explicitly, in paragraph 10 and in the third clause of paragraph 11 of General Assembly resolution 2547 A (XXIV), usually, the right to establish a non-discriminatory trade union system; the right of recognition for African trade unions; the right of African workers to strike without incurring penalties; and the right of workers imprisoned for trade union activities to immediate and unconditional release. In addition, paragraph 4 of Economic and Social Council resolution 1302 (XLIV) calls for the abolition of "job reservation" (which apparently occurs in Namibia as a matter of practice rather than law) and for the elimination of certain discriminatory laws and regulations (not all of which have exact legal analogues in Namibia) which affect the rights of workers.

107. The second clause of paragraph 11 of General Assembly resolution 2547 A (XXIV) requests the Council to "abolish" the South West Africa Native Labour Association.

108. In order to enable the Council to decide on the modalities for effective action under paragraphs 10 and 11 of resolution 2547 A (XXIV), Standing Committee II is currently considering the scope and meaning of the two paragraphs, their legal implications and the means of implementing them.

109. It is understood that the international standards referred to in paragraphs 10 and 11 include the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, 1956, and the following conventions of the International Labour Organisation: Nos. 11, 29, 50, 64, 65, 84, 87, 98, 104, 105 and 111. In this connexion it has been noted that South Africa seems to have deviated from the normal practice of the other mandatory Powers under the mandates and trusteeship systems, which was to apply such conventions, in toto or substantially, to the international Territories under their jurisdiction. The Standing Committee is now considering the legal questions involved in the application of these conventions to Namibia by the Council, and is analysing alternative methods by which they may be applied, with the advantages and disadvantages of each.

D. Paragraph 9 of resolution 2547 A (XXIV)

110. In paragraph 9 of its resolution 2547 A (XXIV), the General Assembly requested the Council to bring about the application in Namibia of the Geneva Convention relative to the Protection of Civilian Persons in Time of War (of 12 August 1949), the Geneva Convention relative to the Treatment of Prisoners of War (also of 12 August 1949), and the Standard Minimum Rules for the Treatment of Prisoners, 1955. It may be noted that this involves questions of international, rather than municipal, law.

111. The Council, in approaching this problem is taking into account the provisions of relevant General Assembly resolutions, in particular resolution 2548 (XXIV) in paragraph 5 of which the General Assembly reaffirmed the legitimacy of the struggle of colonial peoples to exercise their right to self-determination and independence. In the case of Namibia, the liberation struggle is recognized as vindicating the rights not only of the people, but also of the international community, which is directly responsible for the Territory. The Council is conscious, therefore, of the correlative importance of applying internationally accepted conventions and standards to persons involved or caught up in the struggle. It is studying the most efficacious manner of applying the conventions and standards and the means of obtaining the co-operation of States Members of the United Nations in seeing that they are implemented.

VIII. ACTIVITIES OF THE LIBERATION MOVEMENT

112. There has been a continuing resistance to South African occupation by the national liberation movement, despite South Africa's claims to the contrary. It has been difficult for the Council to obtain full information on the situation, owing partly to South Africa's rigorous control and tight censorship on news concerning its military and police operations in Namibia, and partly to the understandable reluctance of leaders of the liberation movement to disclose information which might be of use to South Africa. Nevertheless, enough details have come out to confirm that the struggle for freedom and human dignity is continuing and that it has led to an intensification of repressive measures by the South African authorities.

113. According to the news which has leaked out of Namibia, six South African soldiers were killed in skirmishes in the Ovambo region early in 1970. A member of the Central Committee of SWAPO, Mr. Alphons Visitile, was killed, and another, Mr. Israel Iyambo, is still being sought by the South African Security Police. Posters appeared in Ovamboland warning the population against giving him refuge and offering a reward of 1,000 rand 10/ for his capture. Mr. Iyambo had been tried in 1969 under the illegal Terrorism Act of 1967. Lately SWAPO announced through its Administrative Secretary, Mr. Moses Garoeb, that, although the fighting had reached its greatest intensity in the Caprivi Strip, hostilities between the nationalists and the South African forces had also taken place in two other zones, namely around Runtu, near the Okavango River, and near Ondangua in Ovamboland. It was also reported that SWAPO guerrillas had seized a large amount of war material from the troops in the eastern part of Caprivi.

114. Details concerning the Namibian people's resistance against their forceful removal from their homes and against the establishment of so-called "homelands" are given in section IX below. The main problem of the Namibians, as stated by the representatives of Namibian political parties in their representations to the Council and to members of its recent mission to Africa, was the question of obtaining material supplies from the outside in order to continue and intensify their struggle for freedom. As noted in paragraphs 41 to 43 above, the representatives of SWAPO appealed to the Council for assistance in the form of medical supplies, food, clothing and textbooks and also for help in publicizing the liberation struggle.

115. In this connexion, the Council notes and endorses the provisions of resolutions 2517 (XXIV) and 2555 (XXIV) in which the General Assembly requested all States to provide increased moral and material assistance to the people of Namibia in their legitimate struggle against foreign occupation and recommended that the specialized agencies of the United Nations and other international institutions concerned should also render assistance within the scope of their respective activities.

10/ One rand equals \$US1.40.

116. As is well known, the South African armed forces stationed in Namibia are part of the South African military establishment whose regular strength numbers 39,700 and can reach 85,500 when fully mobilized. The latest estimate of South Africa's forces in Namibia numbers 17,000, including both military personnel and police. The arms used by South Africa for internal suppression in Namibia include Buccaneer aircraft based at three airstrips, one at Katima Mulilo in the Caprivi Strip, another in Runtu and the third in Ondangua. Bombing raids and air attacks have been conducted against villages and forest areas where the presence of guerrillas was suspected. It is reported that a military base has been constructed at the eastern end of the Caprivi Strip, facing the Zambian village of Sesheke, "in order to combat terrorist infiltration". In March 1970, the South African Commissioner of Police stated that more than 1,000 members of the police were continuously on guard, day and night, against "insurgence of terrorists, subversives and other undesirables", particularly along the borders of Namibia and the Republic. He admitted that security demands were severely straining police manpower.

117. Under the General Law Amendment Act passed by South Africa in 1969 and applied to Namibia, "any person possessing material relating to munitions, military, police or security matter and publishing or communicating such material in any manner or for any purpose prejudicial to the safety or interests of South Africa shall be guilty of an offence and liable on conviction to a fine not exceeding 1,500 rand or to imprisonment of up to seven years, or to both".

118. Stringent regulations concerning public meetings in African townships have been issued by the Minister of Bantu Administration and Development. Under these regulations, the superintendent of a township has the power to prohibit public meetings if he believes that there might be a breach of the peace.

Continued trials of freedom fighters

119. It will be recalled that in August 1969, six of eight Namibian defendants had been found guilty under the illegal Terrorism Act, and that five had subsequently been sentenced to life imprisonment and the sixth sentenced to imprisonment for a term of eighteen years. In April 1970, the convicted Namibians appealed their sentences, and it was reported subsequently that the appeal would be heard in August by the Appeal Court of Bloemfontein in South Africa.

120. On 27 February 1970, SWAPO issued a statement in Lusaka to the effect that the South African authorities were planning a secret trial of ten SWAPO leaders on charges under the Terrorism Act. The organization, which said that its information was based on reports smuggled out of the Territory, subsequently stated that seven of the accused were charged with "participation in terrorist activities" in the Caprivi Strip and one with similar activities in Okavango. In five of these cases, the activities were alleged to have been carried out between 1964 and 1966, prior to the enactment of the Terrorism Act. Charges against two of the accused were not known.

121. SWAPO stated that among the accused was Mr. Brendan Kanyongola Simbwaye, the vice-president of SWAPO, who had been under detention since 24 September 1964. The names of the other nine were: Messrs. Alexander Simon, Jost Mbala Siloka, Manowa Mulibe Mahunga Mzilikazi, Masia Ingenda, Isiah Muhapulo Isitimela, Wilkenson Muluti Lukongo, Alfred Seloiso, Bernard Matmola Malapo and Charlie Simpatic. The trial was reportedly held in complete secrecy in April 1970. No details are known about the sentences.

IX. THE CONTINUED INTRANSIGENT AND NEGATIVE ATTITUDE OF
THE GOVERNMENT OF SOUTH AFRICA

A. General

122. Since the Council submitted its last report to the General Assembly, there has been no apparent change in South Africa's policy regarding Namibia. The South African Government has continued to defy the authority of the United Nations and, despite decisions of the Security Council, has persisted in the application of measures, both legislative and administrative, aimed at consolidating its illegal control over the Territory and the destruction of its territorial integrity. During 1970, further steps were taken towards the establishment of so-called "homelands" for ethnic groups in implementation of the notorious Odendaal report. The South African Government also took additional measures to put into effect the transfer to South Africa of powers and functions formerly exercised by territorial bodies in accordance with the South West Africa Affairs Act, 1969, the effect of which, as previously pointed out by the Council, has been to reduce the territorial Government to a level corresponding to that of a provincial government of the Republic. Finally, the Government has continued, in violation of the resolutions of the Security Council, its illegal application to Namibia of the South African Terrorism Act, 1967, and, according to reports received by the Council, is believed to have secretly tried a further group of ten members of SWAPO on charges under the Act (see paragraphs 119-121 above).

B. Development of "homelands" and transfer of powers from the
territorial Government to the Republic of South Africa

123. During 1970, further steps were taken to effect the transfer to South Africa, in accordance with the South West Africa Affairs Act, 1969, of a wide range of powers and functions previously entrusted to the territorial Government. Thus, on 28 July 1970, the Senate of South Africa approved a bill which would delete from the South African Supreme Court Act a passage requiring that the appointment of a judge of the "South West Africa Division" be referred to the Administrator of the Territory. Under this Act, matters which had previously been referred to the Administrator of the Territory will henceforth be referred to the Minister of Justice of South Africa. The Act also repealed two other provisions, one authorizing the payment from the Territory's revenue of all expenditure in connexion with the "South West Africa Division", and the other relating to a separate oath that a judge will exercise his office in accordance with the law and customs of the Territory. On 31 July, a bill was introduced in the South African Parliament to make the terms of the Bantu Education Act and the Bantu Special Education Act of South Africa applicable to Namibia. According to the Deputy Minister of Bantu Education, the bill was mainly aimed at activating the educational authorities in the new "self-governing homelands" and at placing African education in the Territory under the same legislation as that applicable to African education in South Africa. It was intended that the "legislative councils", the relevant "executive councils" and the educational departments in the "homelands" would eventually be responsible for promulgating their own "regulations" regarding the establishment and registration of schools.

Another bill, introduced in the South African Parliament by the Minister of Interior on 30 July, provided for the consolidation of identity documents for the Territory's inhabitants. The identity card would show the population group to which each person belongs.

124. Further steps were also taken during 1970 in preparation for the establishment of additional "homelands" for African ethnic groups. In February 1970, an investigation was carried out by the South African Department of Bantu Administration and Development as a prelude to the arbitrary and forcible confinement of 44,000 Damaras within an area of 4,800,000 hectares which is intended to become the future Damara "homeland". 11/ The plan envisages the creation of a legislative council which would gradually perform legislative and administrative functions at present carried out by the Department of Bantu Administration and Development. Some executive powers would be vested in a committee of the legislative council, consisting of the appointed chief, a headman nominated by him and three members elected by the Council. It was reported subsequently that the election of chiefs and councillors would take place before the end of 1970.

125. About 2,000 Damaras have so far been transferred from their homes in Usakos to a new township, and about 500 other Damaras were transferred to Okombahe in "Damaraland".

126. Preparations for the establishment of "Namaland" were also well under way and by the end of 1969 it was announced that the whole of the Nama population had begun to settle in the new "homeland" which comprises the Berseba, Tses, Krantzplatz (Gibson) and Soromas reserves, plus an additional area made available by the purchase of 165 former white farms. Plans had been drawn up for the creation of a legislative council, consisting of chiefs and councillors together with some elected members, which would gradually take over legislative and administrative functions from the South African Department of Coloured Affairs.

127. In making this announcement, the South African authorities reported that, with the exception of 800 Namas in the Hoachanas reserve, who were defying the removal order, all the Nama population, numbering approximately 35,000, had been moved from their former homes, which had been declared "white" areas. These areas are the Neuhoff, Bondelswartz and Hoachanas reserves. It will be recalled that the treatment accorded to the Rooinasie Namas resident in the Hoachanas reserve has been the subject of particular concern to the Council. In January 1969, after granting an oral hearing to the Reverend Markus Cooper, representative of the (SWAUNIO) and headman of the Rooinasie Namas, who described the forcible measures being employed to compel his people to move from their traditional homelands, the Council issued a press release in which it drew attention to the illegality of such action following the adoption of General Assembly resolution 2145 (XXI). Subsequently, the Council was further apprised by the Reverend Mr. Cooper, in a letter dated 21 January 1970, of the text of documents including a treaty of protection and friendship entered into between the Rooinasie Namas and the German Government of 2 September 1885, and the Imperial Decree of 10 April 1898 under the terms of which the German Government in 1902 declared Hoachanas to be an inalienable property of the Namas. Despite this treaty and decree, which have

11/ Under the recommendations of the Odendaal Commission, "Damaraland" will consist of Okombahe, Seafontein, Fransfontein, Otijihorongo, Welwitschia, part of the Kaokoveld and 223 former white farms.

never been revoked or declared invalid, the South African authorities have, as stated, persisted in their efforts to compel the Namas to leave the reserve by, among other things, refusing any aid or assistance to those who remain. In August 1970, the Reverend Mr. Cooper sent a further letter to the Council in which he appealed for help to alleviate the hardships of the Namas remaining in the reserve who were suffering severely from the effects of acute drought and were being denied even the most elementary social services.

128. In June 1970, all the Hereros living in "Namaland", numbering over 200, were transferred to their own "homeland" by the South African Department of Bantu Affairs. It is recalled that the late Chief Hosea Kutako had objected strongly to the removal of his tribe to the Rietfontein Block, which he had described as a semi-desert region.

129. The vast Etosha game reserves, with an area of 22,000 square miles, have been included in plans to give effect to recommendations of the Odendaal Commission. New legislation was to be introduced in 1970 by the South African Government to detach an area of 10,000 square miles of the reserves to be added to the Ovambo, Damara and Kaokoveld "homelands".

130. In July 1970, the Minister of Bantu Administration and Development announced that the Okavango people would probably receive "self-government" in October 1970 and that he considered that the Tswana people "had reached the necessary stage of maturity" for similar arrangements to be made in their regard. Preliminary steps were also taken in 1970 to set up two "homelands" for the Bushmen who, although not numerous, live scattered in various parts of the Territory and are mostly nomadic. Lately, the South African authorities have been compelling Bushmen to settle in the vicinity of Tsumkwe although their settlement has been protested by anthropologists and others who fear its possible demoralizing effect on these traditional nomads.

131. Difficulties in the Rehoboth Gebiet have resulted from the establishment, despite protests from the Baster community, of a Rehoboth Investment and Development Corporation, a state corporation whose board of directors is exclusively white, to promote the development of agriculture, mining, trade, industry and finance in the Gebiet. Representatives of the Baster community protested the enactment by South Africa in 1969 of legislation for the establishment of the Corporation on the grounds that they had not been consulted, that the Corporation would have the right to own and dispose of land regardless of existing Baster law and custom and that it would, in fact, reduce the Basters to a subordinate status in their own homeland. Despite the energetic protests of the community, the Corporation began operating in March 1970. Subsequently, at a meeting of the Basteraad on 18 June, which was attended by 200 Basters, opponents of the Corporation asked that a referendum be held on whether or not the community should declare itself self-governing and sever ties with the Government of South Africa.

132. During the period under review, further steps were taken to extend South Africa's system of apartheid in Namibia. In January 1970, it was disclosed that a law pertaining to the Katutura African location outside Windhoek prohibited wives from residing with their husbands unless the husband was born in Windhoek or had lived on the location with permanent employment for ten years, or unless the wife was herself a Windhoek resident. Other local ordinances prohibited the use of certain bathing beaches by Africans, prohibited the employment of resident African domestics in the new suburbs of Windhoek and extended the curfew for non-whites in white residential areas.

X. ACTIVITIES OF FOREIGN ECONOMIC AND OTHER INTERESTS IN NAMIBIA

A. Socio-economic conditions in Namibia

133. The economy of Namibia has been described as a dual economy consisting of a predominant exchange sector side by side with a traditional subsistence sector. The exchange sector is largely confined to the area of white settlement, within what is known as the Police Zone. Outside this zone and in the so-called homelands, most of the Africans of Namibia, who constitute nearly 80 per cent of the population, live on a subsistence basis. Although the exchange economy is growing rapidly, at a rate of about 6 per cent to 10 per cent yearly, of the total of 41,890 male Africans in paid employment in 1966, no less than 30,216 were unskilled labourers, earning only minimal wages, and 7,976 were in semi-skilled occupations, their earnings being substantially less than those of white employees. According to a study undertaken by the Economic Commission for Africa at the request of the Council, the division of national income between the various races in Namibia is heavily unfavourable for the coloured and African population groups. The salaries paid to non-whites continue to be lower in all fields, including professions such as teaching and health. In most other fields, job reservation effectively bans advancement to non-whites beyond certain levels. Whites occupy virtually all managerial, professional and skilled posts in the Territory. In fact, the Africans are not permitted to participate in the economic activities of the Police Zone, except as contract labourers or servants, and then only on a temporary basis.

134. Under the existing policy established by South Africa, the African population is regarded in fact as a reservoir of cheap labour which may be drawn upon at will by the highly profitable foreign undertakings engaged in mining and other large-scale industries in the Territory. The extensive use of contract labour, which has been characterized by the International Commission of Jurists as being "unique in its organized and efficient application of conditions that are akin to slavery", is designed to perpetuate this situation, as is the fact that very few non-whites receive education to matriculation level and there are at present only a handful of university graduates. No choice is given the labourers as to their employers or type of work, much less as to the conditions of employment. The laws imposed by South Africa deny African workers the right to strike or break their contracts even when conditions are inhuman. Migrant workers are recruited, usually for periods of two years, by the South West African Native Labour Association (SWANLA), which supplies African labourers to white employers in the Police Zone. The workers are permitted to remain only for the duration of their contracts, on the expiration of which they are required to return to their homes, and during the period of the contract they are separated from their families. Apart from this temporary contract employment, Africans are excluded by law from leaving their "homelands" and entering the area of white settlement.

135. The cash economy is controlled by foreign interests which plunder the wealth of Namibia. It is characterized by its heavy dependence on a few

primary industries which exploit the rich natural resources for export. Apart from the processing of raw materials such as the canning of fish, there is very little manufacturing and most of the consumer goods required in the Territory are imported from South Africa. Namibia is one of the world's largest producers of diamonds and is also rich in various other minerals such as lead, copper, zinc, silver and uranium. The value of diamonds represents well over half the value of all minerals produced in Namibia. As shown in the following sub-section, the mining industry, which is at present heavily dominated by South African and United States interests, has undergone substantial expansion in recent years, the value of mineral output more than doubling between 1962 and 1967, and has attracted the attention of several large international corporations which are at present mainly engaged in prospecting. Commercial fishing is likewise exclusively controlled by eight South African companies or their subsidiaries, which produce and can their products for export. The preponderant role of foreign investment in Namibia is revealed by the fact that owing to the net outflow of profits, the Territory's national income in 1965 was believed to be about R40 million less than the gross domestic product, estimated at R244 million.

Activities of foreign companies

136. The predominant role of foreign economic interests in Namibia's economy has been described in the reports 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 which have been submitted to the General Assembly each year since 1965. ^{12/} As is revealed in these reports, and also in the study prepared on the Council's behalf by the Economic Commission for Africa, the production of these companies, particularly those engaged in mining, represents about 66 per cent of the Territory's gross domestic product. The profitability of these foreign enterprises can be seen from the fact that, whereas their total investment in Namibia is probably less than R100 million, the value of minerals produced in 1969, amounted alone to R125 million. The following paragraphs describe and bring up to date the available information on their activities.

137. As previously reported, diamond mining is the most profitable foreign-run industry in Namibia, producing an output valued at R70 million in 1969. According to the information available, the on-shore production of diamonds is a highly profitable operation, the ratio of operating costs to net profits being 1 : 4.6 in 1969. The industry is very nearly monopolized by Consolidated Diamonds of South West Africa, Ltd., a company owned largely by the Anglo-American Corporation of South Africa, through its subsidiary De Beers Consolidated Mines of South Africa, Ltd. The company holds mining rights, valid until the year 2010, in a concession area covering 10,259 square miles in the southern part of Namibia and is also engaged in off-shore mining under agreements with

^{12/} Official Records of the General Assembly, Nineteenth Session, Annexes, Annex No.15, document A/5840; ibid., Twenty-second Session, Annexes, agenda item 24, document A/6868/Add.1, appendix II; ibid., Twenty-third session, Annexes, agenda item 68, document A/7320/Add.1, appendix II; and A/7752 and Add.1 (see Official Records of the General Assembly, Twenty-fourth session, Supplement No.23A (A/7623/Rev.1/Add.1).

the Marine Diamond Corporation (also a De Beers subsidiary) and Tidal Diamonds (SWA) (Pty.) Ltd., a company owned by Consolidated Diamonds (54 per cent) and by the Getty Oil Company of the United States of America. Consolidated Diamonds is a major world producer of gem diamonds. In 1969, it produced a total of 2,034,292 carats (including 183,813 carats from the Tidal Diamonds concession) yielding net profits of R48.9 million after taxes amounting to R33.7 million. The dividends, which go almost entirely to South Africa, amounted to R23.9 million.

138. At the end of 1969, a new diamond mining venture was initiated by the Strathmore Services and Finance Corporation of South Africa, in a three-mile coastal area between the Hoanab and Unjab Rivers. In December 1969, the company announced that it had decided to erect a diamond separation plant at a cost of R1 million.

139. The base metal sector of the industry is dominated by the Tsumeb Corporation, which accounts for 80 per cent of base mineral production, and the South West Africa Company. These two are producers of lead, copper, zinc, vanadium, tin and other by-products. The former is controlled by American Metal Climax and the Newmont Mining Corporation, both of the United States of America (each with a 29 per cent interest) and the latter by Consolidated Gold Fields, Ltd. of South Africa, the Anglo-American Corporation and the British South Africa Company. The zinc produced by the South West Africa Company from its mine at Berg Aukas, together with the output from a new mine recently opened by the Iron and Steel Corporation of South Africa at Rosh Pinah, in the southern part of Namibia, is all exported to South Africa. Recent discoveries of new deposits of base minerals, especially large quantities of copper, have attracted considerable attention from foreign interests.

140. Other foreign companies with interests in mining or prospecting for base minerals in the Territory include: The South African-owned Klein Aub Copper Mine in the Rehoboth Gebiet; Falconbridge (SWA)(Pty.) Ltd. and Osmites Mining Company, both subsidiaries of Falconbridge Nickel Mines of Canada, which are opening a copper mine in the Rehoboth Gebiet, which is expected to become operational in 1971; and Etosha Minerals, a subsidiary of a Canadian company, which is reportedly prospecting for copper, lead and zinc. An important development during 1969 was the announcement by Rio Tinto South Africa (Pty.) Ltd., a subsidiary of the international corporation of the same name, that it was investing R1 million in the development of a uranium mine at Rössing, near Swakopmund, which is expected to begin production in 1973. Under a recent agreement with the Government of the United Kingdom of Great Britain and Northern Ireland, the uranium produced at this mine will be supplied to the United Kingdom Atomic Energy Commission.

141. The two most important prospecting operations in connexion with base minerals, both of which are oriented mainly towards discovering copper and are financed from outside the Territory, are being undertaken by consortiums: the FEDSWA consortium (composed of the Klein Aub Copper Co. Ltd. and its three parent bodies, the Federale Mynbou-General Mining Group, Federale Volksbeleggings Bpk, and Marine Products, Ltd., all of South Africa); and the Africa Triangle Mining, Prospecting and Development Company (Pty.) Ltd. (whose shareholders are Anglo-Transvaal Consolidated Investment Co. Ltd., Anglo-American, De Beers and the United States Steel Corporation). The concession of the FEDSWA consortium covers an area of 8,500 miles between Klein Aub and the frontier, while the concession granted to the Africa Triangle Company covers a total of 1,500 square miles in

several separate areas in the Rehoboth and Gobabis districts. According to statements made in 1969 by the Territory's chief inspector of mines, a total of eighty-five prospecting concessions have been granted, covering an area of about eight million hectares. Most of these concessions were granted to South African interests.

142. Apart from copper, one of the main fields of exploration activity at the present time is petroleum. Since 1968, a total of 30,000 square miles of off-shore areas and 80,000 square miles of land area have been leased to various companies, mainly subsidiaries of large international oil corporations, which are now engaged in prospecting. The international parent corporations concerned are: Shell Exploration and British Petroleum of the United Kingdom, Gulf Oil Company of the United States, Chevron Oil (a subsidiary of Standard Oil of California), H.M. Mining and Exploration Company in association with the Syracuse Oil Company (both of the United Kingdom), Woodford Oil and Gas (Canada), De Beers Oil (South Africa) and the Société Nationale des Pétroles d'Aquitaine (France). In addition, the Etosha Petroleum Company of Toronto, which holds a long-established concession in the Etosha Pan area, began further exploratory drilling in 1969.

143. The fishing industry, which in the past twenty years has grown into Namibia's second largest industry, represents an investment of R16.4 million, of which 85.5 per cent came from South Africa and 14.5 per cent from other foreign countries. In 1968, the industry reported earnings of over R40 million. The industry is dominated by eight large companies, either South African companies or their subsidiaries.

144. Apart from the mining and fishing industries which, as shown above, dominate the economy of Namibia and are almost exclusively foreign-controlled, there remains a third basic industry, namely, commercial farming, which accounts for about one-sixth of the gross domestic product. Unlike the other primary industries, commercial farming is not carried on in Namibia by large foreign companies, but it is nevertheless an industry in which all ownership is non-African and management and supervisory functions are filled by whites. Due to the aridity of Namibia, commercial farming consists mainly of cattle and sheep-raising. The most profitable activity is karakul farming, which is undertaken by about 2,500 white farmers, who sell their pelts to predominantly British-owned companies for marketing at auctions in London.

XI. ACTION BY THE SECURITY COUNCIL IN RESPECT OF NAMIBIA

145. In its previous reports, the United Nations Council for Namibia has emphasized the importance which it attached to action by the Security Council in the discharge of the direct responsibility of the United Nations towards Namibia and its people.

146. It may be recalled that the involvement of the Security Council in the question of Namibia dates from the adoption by the General Assembly of its resolution 2145 (XXI) whereby the Assembly, after terminating South Africa's Mandate to administer the Territory and declaring that henceforth Namibia would come under the direct responsibility of the United Nations, called the resolution to the attention of the Security Council.

147. Subsequently, on 19 May 1967, in setting out the modalities for the implementation of resolution 2145 (XXI), the General Assembly, in section IV, paragraph 5, of its resolution 2248 (S-V) invoked the support of the Security Council when it requested the Security Council to take all appropriate measures to enable the Council for Namibia to discharge the functions and responsibilities entrusted to it by the General Assembly.

148. The Security Council first became seized with the question in 1968 when dealing with the illegal trial and sentencing of a group of Namibians in violation of the international status of the Territory and of the rights of the individuals concerned. At that time, in its resolutions 245 (1968) and 246 (1968), the Security Council recognized that the United Nations, and the Council for Namibia specifically, had a special responsibility towards the people and Territory of Namibia.

149. Early in 1969, the Security Council addressed itself to the core of the problem, and, in resolution 264 (1969), reaffirmed "its special responsibility towards the people and Territory of Namibia" and called upon the Government of South Africa "to withdraw immediately its administration from the Territory". Under the terms of this resolution, the Security Council assumed responsibility for this matter under the provisions of Chapter V of the Charter and at the same time confirmed that it was in the process of fulfilling its responsibility as envisaged in General Assembly resolution 2248 (S-V).

150. Faced with the failure by South Africa to comply with the provisions of resolution 264 (1969), the Security Council, on 12 August 1969, adopted resolution 269 (1969) whereby it, inter alia:

"The Security Council,

...

"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,

...

"Calls upon the Government of South Africa to withdraw its administration from the Territory immediately and in any case before 4 October 1969,

"Decides that in the event of failure on the part of the South African Government 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 United Nations Charter; ..."

151. On 3 October 1969, the Secretary-General reported to the Security Council that he had received a reply ^{13/} from the Foreign Minister of South Africa in response to this resolution. In his reply, the Foreign Minister once more set forth his previous arguments for non-compliance based on the fallacious legal reasoning and the distortion of historical facts which his Government had already previously adduced for contesting the validity of General Assembly resolution 2145 (XXI), adding that the same reasons applied with equal force to all subsequent resolutions, including those of the Security Council, which were based on that resolution.

152. In view of this situation, the Council for Namibia, on 10 October 1969, addressed a letter to the Security Council (S/9471) in which it expressed its grave concern at the defiant and negative response of the Government of South Africa to Security Council resolution 269 (1969) and drew the attention of the Security Council to the urgent need for effective action on its part to give effect to its resolution 269 (1969). The General Assembly, on 1 December 1969, in resolution 2517 (XXIV), paragraph 4, also drew the attention of the Security Council to the need to take appropriate measures in accordance with the relevant provisions of the Charter to solve the grave situation that had arisen as a result of South Africa's refusal to withdraw its administration from Namibia.

153. Subsequently, the Security Council adopted resolution 276 (1970) on 30 January 1970 ^{14/} which, after recalling its resolution 269 (1969), strongly condemned the refusal of the Government of South Africa to comply with General Assembly and Security Council resolutions pertaining to Namibia; and in paragraph 2, declared that the continued presence of the South African authorities in Namibia was 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 were illegal and invalid. The Security Council called upon all States, particularly those which had economic and other interests in Namibia, to refrain from any dealings with the Government of South Africa which would be inconsistent with paragraph 2 of the resolution.

154. Under the terms of this resolution, the Security Council established an Ad Hoc Sub-Committee to study and submit recommendations to it concerning ways

^{13/} S/9463 and Add.1 and 2. The earlier reply of South Africa in response to resolution 264 (1969) is contained in document S/9204.

^{14/} The Security Council met to consider the question of Namibia on 28 January 1970 in response to a request by fifty-eight Member States.

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, in the light of the flagrant refusal of South Africa to withdraw from Namibia. The Security Council requested all States, as well as the specialized agencies and other relevant United Nations organs, to give the Sub-Committee all the information and other assistance that it might require in pursuance of its task.

155. Under the terms of the resolution, the Ad Hoc Sub-Committee requested and received information relevant to its work from the Council for Namibia 15/ as well as from other United Nations organs, the specialized agencies and Member States. It presented its reports and recommendations to the Security Council on 7 July 1970 and the latter discussed them at its 1550th meeting on 29 July 1970.

156. At the conclusion of this meeting, the Security Council adopted two resolutions on Namibia.

157. In the first of these resolutions, namely, resolution 283 (1970), the Security Council called upon States to take a number of measures including, inter alia, refraining from any diplomatic, consular, commercial, financial or other dealings with South Africa which would imply recognition of the authority of the South African Government over Namibia and discouraging their nationals from similar dealings.

158. In particular, by paragraphs 10 and 12 of the resolution, the Security Council addressed itself to the United Nations Council for Namibia and the General Assembly as follows:

"The Security Council,

...

"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;

...

"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 education and training programme for Namibians with particular regard to their future administrative responsibilities of the Territory;"

159. The second resolution adopted by the Security Council on the same date, namely, resolution 284 (1970), reads in part as follows:

15/ S/9863 and Corr.1, annex III, pp. 1-3.

"The Security Council,

...

"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 (1) of the Charter, 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."

160. In its conclusions, which appear in section XII below, the Council presents its observations on the situation created by the adoption of these resolutions. At this point, it may be noted that these resolutions, while endorsing a number of recommendations which the Council submitted to the General Assembly at its twenty-fourth session, 16/ and advancing the Security Council's involvement in the question, do not yet themselves constitute the kind of effective action envisaged by the Council for Namibia and by the General Assembly in the latter's resolution 2517 (XXIV).

16/ Official Records of the General Assembly, Twenty-fourth Session, Supplement No. 24 (A/7624/Rev.1), para. 121.

XII. CONCLUSIONS

A. General

161. During the period covered by this report, South Africa's defiance of the United Nations in regard to Namibia continued unabated and assumed new and disquieting dimensions. In direct contravention of the relevant resolutions of the General Assembly and Security Council and, indeed, of the obligations which it had assumed under the former Mandate, the Government of South Africa took further illegal measures to destroy the unity of the Territory and bring about its de facto incorporation into the South African State; in particular, South Africa intensified the setting up of so-called "homelands", involving the wholesale removal of Africans into segregated areas, in further application of the Odendaal Plan. This process has been accompanied by the further extension to Namibia of South Africa's policy of apartheid, as a consequence of which the overwhelming majority of the inhabitants are being denied their fundamental human rights. The intensification of so-called security measures, including the continuing series of trials of freedom-fighters in defiance of the relevant resolutions of the Security Council and the General Assembly, is proof both of the uncompromising attitude of South Africa and of the heroic resistance of the Namibian people in their legitimate struggle for freedom and independence.

162. In view of these developments, the Council must regretfully conclude that the situation in Namibia has further deteriorated and that the danger of racial war with all its implications for international peace and security has increased.

163. The adoption by the Security Council of resolution 276 (1970), followed by resolutions 283 (1970) and 284 (1970), constitutes an important and significant development in regard to the question of Namibia.

164. In the view of the Council for Namibia, however, the actions taken by the Security Council during 1970, which are summarized in section XI above, constitute only preliminary measures falling short of those envisaged by the Council in its previous report 17/ and by the General Assembly in its resolution 2517 (XXIV). The Council for Namibia remains convinced that the critical situation in the Territory resulting from South Africa's continued defiance of United Nations decisions calls for the adoption of more effective measures by the Security Council to ensure the removal of South Africa from the Territory.

B. Travel and identity documents

165. The discussions and negotiations conducted by the Council over a period of two years resulted in the signing in July 1970 of formal agreements with the Governments of Uganda and Zambia which will enable the Council to issue travel and identity documents to Namibians in those countries. The documents will be

17/ Ibid., Supplement No. 24 (A/7624/Rev.1).

issued through a regional office which will be opened shortly in Lusaka. In addition, negotiations between the Council and the Governments of Ethiopia and Kenya led to the acceptance by those Governments of the terms of similar agreements, it being understood that their formal acceptance would be communicated later in writing. Negotiations with the Governments of the United Republic of Tanzania and Botswana were also continued and, in the case of the former, reached the stage of mutual acceptance in principle, subject to a final decision by that Government. Contacts will be made for concluding similar agreements with other countries, notably in Africa, upon decision by the Council in each case.

166. As a result of these developments, the Council will be able to begin issuing travel and identity documents to Namibians before the end of 1970. By so doing, the Council will have substantially implemented the terms of General Assembly resolution 2372 (XXII), paragraph 4 (c), whereby the Assembly requested the Council to "continue with a sense of urgency its consultations on the question of issuing to Namibians travel documents enabling them to travel abroad".

167. In the light of this, the Council considers that it is now imperative that a further approach be made to all States Members of the United Nations and the specialized agencies, requesting them to recognize and accept as valid the documents issued by the Council. While welcoming the fact that thirty-nine Governments have so far communicated their readiness to do so (see annex below), the Council is of the opinion that efforts should be directed towards increasing their number and, in particular, to obtaining the acceptance of the documents, at least for purposes of transit, by States located at significant points of entry to those parts of the world to which Namibians may need to travel.

168. The Council for Namibia notes that, in paragraph 10 of Security Council resolution 283 (1970), the Security Council, inter alia, requested it 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". The Council for Namibia proposed to undertake this study and report thereon.

C. Educational and training programme for Namibians

169. As a result of its study referred to in section III above, the Council is of the opinion that:

(a) There is an urgent need for the establishment of a comprehensive educational and training programme for Namibians which would take into account their particular requirements and the necessity of preparing those who possess the ability to play an active role in the future administration of their country;

(b) The funds at present available from voluntary contributions to the United Nations Educational and Training Programme for Southern Africa are insufficient;

(c) Financing of the Programme should be from the regular budget of the United Nations and not be made dependent on voluntary contributions;

(d) Any programme intended specifically for Namibians should be under the direct control of the Council and supervised by its executive, the Acting United Nations Commissioner for Namibia, in view of the Council's responsibility for

administering Namibia and preparing its people for self-government and independence;

(e) For the present, at least, use could be made of existing administrative machinery at Headquarters and arrangements whereby the United Nations utilizes the services of international agencies in the field could be continued.

170. The financial commitment would involve funds for scholarships and stipends to Namibian students, as well as provision for subventions to educational and training institutions in Africa which are willing to provide facilities for the secondary education and vocational training of Namibians. As a minimum, the annual financial commitment for such a programme should be sufficient to:

(a) continue the stipends currently being paid to fifty Namibian scholarship holders under the United Nations Educational and Training Programme for Southern Africa at a total yearly cost of \$61,000; (b) make available an additional 100 scholarships, costing approximately \$120,000, and (c) provide for subsidies to educational institutions in Africa for the secondary education and vocational training of Namibians.

171. The establishment of a separate programme exclusively for Namibians as described above would require a sum of \$200,000. The Council for Namibia is convinced that, in view of the urgency of the need, this sum should be provided initially from the regular budget of the United Nations and should be additional to any sums which may subsequently be raised in the form of voluntary contributions from Member States. The special responsibility which the United Nations has undertaken towards the people of Namibia and the hopes aroused in them by the creation of the Council for Namibia demand a definite commitment, which, in the Council's opinion, cannot be left to the uncertainties of voluntary contributions.

D. Participation of the people of Namibia in the work of the Council

172. During the past year, the Council continued its study of ways and means of ensuring the maximum possible participation of all the people of Namibia in its work, as provided for in General Assembly resolution 2248 (S-V), section II, sub-paragraph 1 (a). In the course of this study, the Council consulted extensively with the representatives of various Namibian political groups and with senior officials of the Organization of African Unity (OAU). Although the Council has not yet taken a final decision concerning the practical arrangements for ensuring the participation of the Namibian people, it considers that its discussions have resulted in a greater understanding of its objective by all parties concerned. The Council will continue its study and consultations on this matter and will report thereon in due course.

E. Convening of a conference on Namibia in 1971

173. In the light of its discussions with Namibian leaders and after careful consideration of the matter, the Council concluded that, subject to approval by the General Assembly, it should organize, in consultation with OAU, a conference on Namibia to be held early in 1971 at a place, preferably in Europe, which the Council would determine. The purpose of the conference, to which Namibian representatives, intergovernmental and non-governmental

organizations and individuals might be invited, would be to afford it an opportunity to meet with and bring together the leaders of the Namibian political parties for the purpose of discussing matters of common interest. At the same time it would serve as a forum for an exchange of views and gaining support for, and giving publicity to, the Namibian cause.

174. Furthermore, the holding of this conference would be in implementation of paragraph 3 of General Assembly resolution 2544 (XXIV) concerning the International Year for Action to Combat Racism and Racial Discrimination, and would constitute a part of the Council's contribution to this programme.

F. Co-operation between the Council and the
Organization of African Unity

175. During the year under review, the Council had further direct contact with OAU. These consultations have revealed broad areas of common concern wherein it was agreed that mutual advantage would be derived from co-ordination of the work of the Council and OAU. The Council has therefore decided that there should be closer co-operation between it and OAU, particularly in regard to: (a) the exchange of information; (b) co-ordination of assistance to Namibian refugees through the Bureau for the Placement and Education of African Refugees of OAU; and (c) the holding of periodic consultations on certain substantive matters as and when feasible.

XIII. RECOMMENDATIONS

176. In the light of the foregoing conclusions and bearing in mind the activities which it has been pursuing in accordance with its terms of reference under the provisions of the relevant General Assembly resolutions, the United Nations Council for Namibia recommends that the General Assembly:

(a) Draw the attention of the Security Council to the need for it to take further and more effective measures, including those provided for under Chapter VII of the Charter of the United Nations, in view of the continued refusal by the Government of South Africa to comply with Security Council resolutions 264 (1969) of 20 March 1969 and 269 (1969) of 12 August 1969 by withdrawing from the Territory of Namibia and in view of the increasingly critical situation in the Territory resulting from the repressive and discriminatory policies pursued by that Government;

(b) Call upon all States, and particularly the permanent members of the Security Council, to lend their full support to the latter in the implementation of its resolutions 276 (1970) of 30 January 1970 and 283 (1970) of 29 July 1970 and in the application of any further measures which the Security Council may subsequently decide upon as a means of obtaining the withdrawal of South Africa from the Territory;

(c) Take into consideration the fact that South Africa has persistently violated the principles contained in the Charter of the United Nations and, mindful of the obligations of Member States under Article 25 thereof, take such appropriate action as it deems necessary in accordance with the Charter;

(d) Appeal to all States to take appropriate steps at meetings of the specialized agencies of the United Nations, the International Atomic Energy Agency and other international institutions associated with the United Nations of which they are members, to obtain the suspension of all rights enjoyed by South Africa as a member of those agencies until its withdrawal from the Territory of Namibia;

(e) Reaffirm solidarity with the people of Namibia in their legitimate struggle against foreign occupation and call upon all States, as well as the subsidiary organs of the General Assembly, other competent organs of the United Nations and the specialized agencies, to provide the necessary moral and material assistance to the Namibian people in their struggle;

(f) Call again upon the Government of South Africa to respect the Geneva Convention relative to the Treatment of Prisoners of War, 18/ of 12 August 1949, with regard to the Namibian freedom fighters, and the Convention of the same date relative to the Protection of Civilian Persons in Time of War; 19/

(g) Endorse the action taken by the United Nations Council for Namibia with a view to the issuance of travel and identity documents to Namibians and appeal to all

18/ United Nations, Treaty Series, vol. 75 (1950), No. 972, p. 135.

19/ Ibid., No. 973, p. 287.

States, which have not already done so, to communicate to the Secretary-General their willingness to recognize and accept such documents for purposes of travel to their territories;

(h) Decide to appropriate an initial sum of \$200,000 from the regular budget of the United Nations to finance a comprehensive educational and training programme for Namibians with particular reference to their future administrative responsibility for the Territory;

(i) Decide to establish a United Nations Fund for Namibia to provide assistance to Namibians who have suffered from persecution;

(j) Endorse the proposal of the United Nations Council for Namibia that it should, in consultation with the Organization of African Unity, organize a conference on Namibia to be held early in 1971 at a place, preferably in Europe, to be determined by the Council, inter alia, as part of the Council's programme for the celebration of the International Year for Action to Combat Racism and Racial Discrimination;

(k) Call upon all States to co-operate fully with the Council for Namibia in its efforts to discharge its responsibilities in accordance with its terms of reference;

(l) Endorse the Council's activities with regard to the establishment of a co-ordinated programme for rendering technical and financial assistance to Namibia in implementation of section III of General Assembly resolution 2248 (S-V) of 19 May 1967 and of paragraph 4 (a) of resolution 2372 (XXII) of 12 June 1968;

(m) Make adequate budgetary provision for the United Nations Council for Namibia to continue to discharge its responsibilities and, in particular, to:

- (i) Establish a separate and comprehensive educational and training programme for Namibians as proposed by the Council;
- (ii) Establish an emergency assistance programme in co-operation with the specialized agencies;
- (iii) Issue travel and identity documents as outlined in the Council's report;
- (iv) Convene a conference on Namibia;
- (v) Meet with the representatives of the Namibian people and with the Organization of African Unity in the discharge of its functions.

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ANNEX

ANALYTICAL INDEX OF REPLIES OF GOVERNMENTS TO THE SECRETARY-GENERAL'S NOTE OF 12 DECEMBER 1968 CONCERNING TRAVEL DOCUMENTS FOR NAMIBIANS

<u>Total number of replies received:</u>	53		
<u>Acknowledgement only:</u>	(2)	Congo (Democratic Republic of)	Iraq
<u>Interim replies:</u>	(1)	United Republic of Tanzania	
<u>Acknowledgement with request to receive information regarding further elaboration of plans:</u>	(6)	Canada Denmark Finland	Netherlands Norway Sweden
<u>Accept as valid:</u>	(8)	Cameroon Cyprus Dahomey El Salvador	Nigeria Romania Saudi Arabia Togo
<u>Recognize and accept:</u>			
(a) <u>Subject to usual visa requirements:</u>	(15)	Burma Cambodia Chile Guyana Ivory Coast Malaysia Maldives Mauritius	Niger Philippines Senegal Somalia Union of Soviet Socialist Republics Venezuela Yugoslavia
(b) <u>Subject to provisions of immigration law (or usual immigration regulations):</u>	(7)	Ethiopia Indonesia Kenya New Zealand	Pakistan Uganda Zambia
(c) <u>Subject to right of return:</u>	(9)	Belgium Czechoslovakia Federal Republic of Germany Japan Madagascar	Thailand Turkey United Arab Republic United States of America
<u>Do not accept as valid:</u>	(5)	Cuba France Italy	Malawi United Kingdom of Great Britain and Northern Ireland

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