

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

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**Volume II**

**GENERAL ASSEMBLY**  
OFFICIAL RECORDS: THIRTY - THIRD SESSION  
SUPPLEMENT No. 24 (A/33/24)



**UNITED NATIONS**

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**UNITED NATIONS**  
New York, 1979

NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

Volume I contains the report of the United Nations Council for Namibia covering the period from 6 October 1977 to 25 October 1978. The present volume contains annexes I to XVI to the report, and includes the following documents, which were initially issued in provisional form under the symbols A/AC.131/L.79/Rev.1, L.81 to L.83 and L.101.

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ANNEX I\*

Allocation of resources to the Council for 1978  
within the programme budget for 1978-1979

A. OVER-ALL ALLOCATION

1. At its thirty-second session, the General Assembly, by its resolution 32/213 A of 21 December 1977, approved for 1978, an appropriation of \$US 422,100 for the programme of work of the Council; \$US 157,400 for the South West Africa People's Organization (SWAPO) to finance its office in New York; \$US 462,600 for the New York Office of the United Nations Commissioner for Namibia; and \$US 136,200 and \$US 104,300, respectively for the Lusaka and Gaborone offices of the Commissioner. a/
2. On 4 November 1977, the General Assembly adopted eight resolutions (resolutions 32/9 A-H) on the question of Namibia, which incorporated the recommendations of the Council to the General Assembly. b/ By resolution 32/9 B, the Assembly decided to allocate as a temporary measure to the United Nations Fund for Namibia the sum of \$US 500,000 from the regular budget of the United Nations for 1978.
3. Prior to its adoption of the above resolutions, the General Assembly had before it the report of the Fifth Committee on the administrative and financial implications of the recommendations contained in the resolutions. c/ Consideration of these recommendations by the Fifth Committee was based on the statement of the Secretary-General (A/C.5/32/30 and Corr.1) and on the report of the Advisory Committee on Administrative and Budgetary Questions. d/
4. The financial estimates proposed by the Secretary-General as a result of the recommendations on the question of Namibia initially totalled \$US 1,138,000 (A/C.5/32/30 and Corr.1). The decision to hold a series of plenary meetings of the Council in Africa for a duration of one week required an additional statement of financial implications (A/C.5/32/30/Add.1), in which the Secretary-General indicated that an additional appropriation of \$US 447,700 would be required.
5. The Fifth Committee considered the statements of administrative and financial implications submitted by the Secretary-General as well as the observations of the Advisory Committee on Administrative and Budgetary Questions on the financial implications. In its report to the General Assembly, the Fifth Committee accepted

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\* Previously issued under the symbol A/AC.131/L.101.

a/ Official Records of the General Assembly, Thirty-second Session, Supplement No. 6A (A/32/6/Add.1), sect. 3.

b/ Ibid., Supplement No. 24 (A/32/24), vol. I, para. 270.

c/ Ibid., Annexes, agenda item 100, document A/32/322.

d/ Ibid., Supplement No. 8A (A/32/8/Add.1-30), document A/32/8/Add.4.

the revisions of the Advisory Committee and indicated that, should the Assembly adopt the draft resolutions (see para. 2 above), an additional appropriation amounting to \$US 1,124,700 would be required. Furthermore, with regard to the resolution on the convening of a special session of the Assembly on the question of Namibia (resolution 32/9 H), it accepted the estimates of the Secretary-General which indicated that the financial implications for the special session would be of the order of \$US 584,200.

## B. SPECIFIC ALLOCATIONS

### 1. Implementation of the Nationhood Programme for Namibia

6. By its resolution 32/9 A, the General Assembly requested the Secretary-General to provide the necessary assistance to the Council for the effective planning and implementation of the Nationhood Programme for Namibia. By adopting this resolution, the General Assembly decided to make adequate budgetary provisions to meet the costs of planning and implementing the Nationhood Programme. The financial implications of the resolution were covered by those of resolution 32/9 F on the programme of work of the Council.

### 2. United Nations Fund for Namibia

7. By its resolution 32/9 B, the General Assembly approved the conclusions and recommendations relating to the Fund contained in the report of the Council <sup>e/</sup> and decided to allocate to the Fund as a temporary measure the sum of \$US 500,000 from the regular budget of the United Nations for 1978.

### 3. Dissemination of information on Namibia

8. By its resolution 32/9 C, the General Assembly requested the Secretary-General to direct the Office of Public Information of the Secretariat to continue to make every effort to generate publicity and disseminate information with a view to mobilizing public support for the independence of Namibia.

9. The General Assembly also requested the Council to send a mission to the headquarters of the specialized agencies not visited in 1977 to discuss the question of dissemination of information and assistance to Namibians.

10. By the same resolution, the General Assembly requested the Secretary-General to direct the Office of Public Information, in consultation with the Council:

(a) To continue its publicity work through radio, newspapers, television and other media in major Western countries to mobilize support in those countries for the genuine national independence of Namibia;

(b) To contract with qualified individuals to make films on the contemporary situation in Namibia, including the military build-up of South Africa in that Territory.

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e/ Ibid., Supplement No. 24 (A/32/24), vol. II, annex XIII, sect. F.

11. The budgetary allocation approved by the General Assembly with reference to this resolution amounted to \$US 191,800, distributed as follows:

(United States dollars)

(a) Feasibility studies on the question of a United Nations radio transmitter for Namibia	10,000
(b) Publication of four issues of the <u>Namibia Bulletin</u> in English, French, German and Spanish	21,000
(c) Issue of a French-language edition (2,000 copies) of the map of Namibia and an English-language edition of the map in larger format	3,500
(d) Production of versions in Italian, Portuguese and Swedish of the film on Namibia produced in 1977	22,300
(e) Production of a new film on Namibia in 1978	85,000
(f) Engagement of writers and researchers to assist in the production of six half-hour radio programmes in English, French and Spanish (The proposal of the Secretary-General included an amount of \$US 5,000; the Advisory Committee on Administrative and Budgetary Questions recommended that this cost be met from the regular resources of the Office of Public Information)	-
(g) Placement of advertisements in newspapers and magazines (The proposal of the Secretary-General included an amount of \$US 30,000; the Advisory Committee on Administrative and Budgetary Questions recommended a reduction of \$US 10,000)	20,000
(h) Production of promotional television spot announcements in English, French, German and Spanish (The proposal of the Secretary-General included an amount of \$US 8,000; the Advisory Committee on Administrative and Budgetary Questions recommended a reduction of \$US 3,000)	5,000
(i) Programme of publications on military, political, economic and social conditions in Namibia	25,000
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	191,800

4. Situation in Namibia resulting from the illegal occupation of the Territory by South Africa

12. The adoption of resolution 32/9 D by the General Assembly had no financial implications.

5. Action by intergovernmental and non-governmental organizations with respect to Namibia

13. By its resolution 32/9 E, the General Assembly requested all intergovernmental and non-governmental organizations, bodies and conferences to ensure that the rights and interests of Namibia were protected, and to invite the Council to participate in their work, in its capacity as the legal Administering Authority for Namibia, whenever such rights and interests were involved. The financial implications of this resolution were covered by those of resolution 32/9 F on the programme of work of the Council (see below).

6. Programme of work of the Council

14. By its resolution 32/9 F, the General Assembly approved the report of the Council, f/ including the recommendations contained therein, and decided to make adequate financial provision for their implementation.

15. The budgetary allocations approved by the General Assembly with reference to this resolution amounted to \$US 363,500.

16. By the same resolution, the General Assembly requested the Council, in the implementation of its responsibilities as the legal Administering Authority for Namibia, to hold a series of plenary meetings in Africa in 1978 at the highest possible level, as and when required for the further proper discharge of its functions, and requested the Secretary-General to defray the costs of these meetings in Africa and provide the necessary staff and services for them. The estimates submitted by the Secretary-General to the Assembly amounted to \$US 447,700. The Council was able to reduce significantly the expenditures for the extraordinary plenary meetings.

7. Intensification and co-ordination of United Nations action in support of Namibia

17. By resolution 32/9 G, the General Assembly requested the Secretary-General to make adequate financial appropriations to facilitate the continued implementation of Decree No. 1 for the Protection of the Natural Resources of Namibia g/ during the biennium 1978-1979.

18. By the same resolution, the General Assembly took note of the progress report of the Council on the hearings concerning the exploitation and purchase of Namibian uranium h/ and authorized the necessary budgetary allocations for its full implementation during 1978.

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f/ Ibid., Supplement No. 24 (A/32/24).

g/ Ibid., Twenty-ninth Session, Supplement No. 24A (A/9624/Add.1), para. 84.  
The Decree was issued in final form in the Namibia Gazette No. 1.

h/ Ibid., Thirty-second Session, Supplement No. 24 (A/32/24), vol. I, paras. 128-133.

19. The budgetary allocation approved by the General Assembly with reference to this resolution amounted to \$US 69,400, distributed as follows:

(United States dollars)

(a) Implementation of Decree No. 1 for the Protection of the Natural Resources of Namibia (The proposal of the Secretary-General included an amount of \$US 97,000; the Advisory Committee on Administrative and Budgetary Questions recommended a reduction of \$US 37,000)	60,000
(b) Uranium hearings	9,400
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	69,400

ANNEX II\*

Report of the delegation of the Council to the nineteenth session  
of the Conference of the Food and Agriculture Organization of the  
United Nations, held at Rome from 12 November to 1 December 1977

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\* Previously issued under the symbol A/AC.131/L.81.

## A. INTRODUCTION

1. On 20 December 1976, by paragraph 3 of its resolution 31/149, the General Assembly requested all specialized agencies to consider granting full membership to the Council on behalf of Namibia. This resolution was adopted by 120 votes to none, with 7 abstentions.
2. In May 1977, the mission of the Council to the specialized agencies and other organizations and bodies within the United Nations system with headquarters in Europe a/ held consultations with officials of the Food and Agriculture Organization of the United Nations (FAO) and, upon its return, recommended that the Council should apply for full membership in that agency. b/ At its 254th meeting, on 11 May, by approving the report of the Mission, c/ the Council approved the recommendation.
3. In a letter dated 29 September 1977, addressed to the Director-General of FAO, the President of the Council, applied for full membership of the Council in FAO. In her letter, the President requested the comments of the Director-General on paragraph 4 of resolution 31/149, by which the General Assembly requested all specialized agencies to consider favourably granting a waiver of the assessment of Namibia during the period in which Namibia was represented by the Council. The President concluded her letter with a declaration, on behalf of the Council, accepting the obligations of membership as laid down in the FAO Constitution.
4. In accordance with Rule XIX-7 of the General Rules of FAO, the letter was circulated to all members of FAO as an agency document, together with the applications of seven other countries, namely Angola, Comoros, Democratic People's Republic of Korea, Djibouti, Mozambique, Sao Tome and Principe and Seychelles (see appendix I to the present report).
5. In a letter dated 14 October 1977, the Director-General of FAO acknowledged receipt of the application and stated that the question of a waiver of the assessment of Namibia had been referred to the FAO Finance Committee.
6. At its 40th meeting, on 7 November 1977, the FAO Finance Committee considered the matter and submitted a report to the FAO Council. On 11 November, the FAO Council subsequently approved a report on the matter (see appendix II to the present report).
7. In a letter dated 17 October 1977, the Director-General of FAO invited the Council to be represented at the nineteenth session of the FAO Conference. The letter dealt with the question of credentials and the need to empower the

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a/ Official Records of the General Assembly, Thirty-second Session, Supplement No. 24 (A/32/24), vol. II, annex III.

b/ Ibid., para 128 (a).

c/ Ibid., vol. I, para. 315, 5 (d).



delegation to accept membership in FAO, and specified the categories of delegation members which were acceptable to FAO, namely head of delegation, alternate, associate and adviser.

8. Pursuant to a recommendation formulated by the Council's Standing Committee I at its 55th meeting, on 27 October, it was decided to send a delegation to the nineteenth session of the FAO Conference, at which the question of the application for full membership would be discussed.

9. On 1 November, the Acting President of the Council appointed a delegation consisting of the following members:

Mr. Chérif Bachir Djigo (Senegal), head of delegation

Mr. Nchimunya J. Sikaulu (Zambia), alternate

Mrs. Solmas Unaydin (Turkey), alternate

Mr. Shapua Kaukungua (South West Africa People's Organization (SWAPO)), alternate

10. The delegation was accompanied by a staff member of the United Nations Secretariat.

11. On 4 November 1977, the General Assembly adopted resolution 32/9 E, by paragraphs 3 and 4 of which it requested all specialized agencies to grant full membership to the United Nations Council for Namibia so that it might participate in that capacity as the legal Administering Authority for Namibia in the work of those agencies, organizations and conferences; and to grant a waiver of the assessment of Namibia during the period in which Namibia was represented by the Council.

12. The resolution was adopted by 136 votes to none, with 4 abstentions (Belgium, France, the United Kingdom of Great Britain and Northern Ireland and the United States of America).

13. On 7 November, in the light of both this resolution and of resolution 31/149 (see paras. 1 and 3 above), the Acting President of the Council addressed a letter to all Council members urging them to request their delegations to the nineteenth session of the FAO Conference to support the delegation of the Council in its attempt to obtain full membership in FAO. The Acting President also emphasized the political necessity of taking every action to prevent an attempt by South Africa to gain international recognition for any puppet regime which it might attempt to install in Namibia.

## B. ACTIVITIES OF THE DELEGATION

### 1. Meeting of the African Group of FAO

14. Before its departure from New York, the delegation had invited the delegations of members of the African Group at FAO to meet with it at Rome. The meeting was held on 11 November on the afternoon of the delegation's arrival. The head of the delegation of the Council addressed the meeting, explaining the significance of General Assembly resolutions 31/149 and 32/9 E and pointing out that the latter had been sponsored by almost all the members of the African Group, whose support he now sought.

15. At the meeting, it was decided that African Group members would make contact with the other regional groups of FAO and would seek the support of the Chairman of the Group of 77.

### 2. Meeting with the Legal Council of FAO

16. The delegation of the Council met twice with Mr. J. P. Dobbert, the Legal Counsel of FAO, on 11 and 12 November.

17. At the first meeting, the Legal Counsel informed the delegation that FAO had a rule that the assessment of a new member had to be determined at the same time as the question of admission. If, therefore, Namibia were to be admitted at the nineteenth session of the Conference, Namibia would be assessed for the fourth quarter of 1977. There was also a possibility that the General Committee might refer the assessment question to Commission III of FAO.

18. The question of the assessment was also discussed at the second meeting, at which it was decided that the Council would pay the assessment of Namibia.

### 3. Meeting with FAO delegations of members of the Council

19. On 12 November, immediately after the 1st plenary meeting, the delegation of the Council met with the delegations to FAO of the 24 countries which are also members of the Council.

20. The head of the delegation of the Council referred to the letter sent by the Acting President of the Council to all Council members (see para. 13 above), described the background to the Council's application for full membership in FAO, as well as its legal basis, and explained that the purpose of the meeting was to discuss how best to obtain support for the application.

21. All speakers at the meeting voiced strong support for the position of the Council and a considerable number said that they had received specific instructions to that effect from their Governments. The delegation answered a number of questions, particularly on legal and procedural matters.

22. The representatives present at the meeting decided the following:

(a) That each representative would seek support for the Council among his own regional group;

(b) To contact the Chairman of the Group of Seventy-seven on behalf of the 24 countries present at the meeting;

(c) To strengthen the five-man delegation of the Council which was to see the Director-General of FAO by including the representatives of Egypt, Finland, Mexico, Nigeria, Pakistan and Romania. The delegation of 11 would attempt to ensure that all possible problems were clarified and overcome before the matter was taken up in plenary meetings.

#### 4. Meeting with the Chairman of the Conference

23. On 12 November, at the close of the 2nd plenary meeting, the Council delegation met with the Chairman of the Conference to discuss the application for FAO membership. It was agreed that, from the consultations that had been held, it appeared probable that the applications for membership would be approved under the name 'Namibia'. In those circumstances, it became important to define who would represent Namibia. At the request of the Council, the Chairman agreed to place before the Conference, for its approval, a proposal that Namibia be represented by the Council.

#### 5. Meeting with the Director-General of FAO

24. The delegation of the Council was received by Mr. Edouard Saouma, Director-General of FAO, on 14 November. In accordance with the decision taken at the meeting of members of the Council (see para. 22 (c) above) and with the agreement of the Director-General, the delegation was accompanied by the Ministers for Agriculture of Egypt and Nigeria and the representatives of Finland, Mexico, Pakistan and Romania.

25. The head of the delegation explained to the Director-General the purpose of seeking full membership, the actions which had already been taken and the matters which still remained to be clarified, particularly those of a legal and financial nature.

26. The Director-General informed the delegation that on 12 November the General Committee of the Conference had decided to recommend to the Conference that it grant full membership to Namibia, to be represented by the Council. He said that the legal questions had been satisfactorily resolved.

27. The Director-General also informed the delegation that the General Committee felt that the status of full membership of Namibia in FAO would be enhanced by the payment of the appropriate assessment, and had accordingly decided to recommend that Namibia should pay the assessment. The General Committee had further decided that the assessment should be the lowest one possible.

28. Mr. W. A. Smith, Chief of the Financial Operations Service, whose presence at the meeting had been requested by the delegation, stated that, according to FAO rules, payment of assessment would commence in the calendar quarter in which a country was admitted to membership. If Namibia were admitted to full membership at the current Conference, it would be assessed for the fourth quarter of 1977. The

assessment would include a general contribution of \$US 4,080, plus a contribution to the capital fund of \$US 1,300, making a total of \$US 5,380 at the assessment rate of 0.02 per cent.

29. Mr. Smith stated that the budget for the next biennium had not yet been approved, but it would amount to approximately \$US 100 million per annum: the assessment of Namibia would be 0.02 per cent of that amount, namely \$US 20,000 per annum.

30. The Director-General and the Council delegation also discussed the situation with regard to membership in the specialized agencies in general and matters relating to assistance to Namibians. The Director-General pointed out that the study requested in April 1977 by the mission of the Council to the specialized agencies and other organizations with headquarters in Europe had been dispatched to the United Nations Commissioner for Namibia on 12 October and that in October and November an FAO mission had been working in Zambia on assistance to Namibians, and had just returned to FAO headquarters.

31. On behalf of the Council, the head of the delegation thanked the Director-General both for his efforts with regard to the admission of Namibia as a full member of FAO, and for the assistance which FAO was providing to Namibians. The Director-General expressed pleasure at the probability that FAO would shortly become the first specialized agency to admit Namibia as a full member.

## 6. Plenary meetings

32. The Council delegation participated in the 1st to 3rd plenary meetings of the Conference, held on 12 and 14 November, as an "applicant member". At the 1st meeting, the Conference elected as its Chairman Dr. Toyib Hadiwijawa, the Minister for Agriculture of Indonesia, whose statement is summarized in appendix III.A to the present report.

33. On the proposal of the Nominations Committee of FAO, the following were appointed vice-chairmen of the Conference and members of the General Committee and the Credentials Committee:

### Vice-chairmen of the Conference

Gabon, Italy, Jordan

### General Committee

China, Egypt, Gambia, Nicaragua, Panama, Romania, United States of America

### Credentials Committee d/

Burma, Guatemala, Hungary, India, Kuwait, Lesotho, New Zealand, Sierra Leone, Switzerland

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d/ The Credentials Committee subsequently reported that the credentials of the Namibia delegation were valid (FAO document C 77/LIM/20).

34. At the 2nd plenary meeting, held on 12 November, it was announced that eight applications for membership (see para. 4 above), including that of Namibia, had been received and that, in accordance with article II of the FAO Constitution, the FAO Conference would take decisions on the applications by means of a secret ballot in which a two-thirds majority of the votes cast, excluding defective or negative ballots, would be required. The Conference also decided that there would be no speakers before the vote.

35. At the 3rd plenary meeting, on 14 November, the Chairman of the Conference announced that voting would take place on the eight applications for membership as governed by article II, paragraph 2, of the FAO Constitution which reads as follows:

2. The Conference may, by a two-thirds majority of the votes cast, provided that a majority of the Member Nations of the Organization is present, decide to admit as an additional Member of the Organization any nation which has submitted an application for membership and a declaration made in a formal instrument that it will accept the obligations of the Constitution as in force at the time of admission. e/

36. The Chairman also announced that the quorum required for the election was a majority of members of FAO, that is, 68 members, and that 123 delegations were present at the opening of the meeting. Voting then took place by means of secret balloting.

37. At the 4th plenary meeting, on 14 November, the Secretary-General of the Conference announced the results of the voting on the question of admission to membership, which were as follows:

	<u>For</u>	<u>Against</u>	<u>Abstentions</u>
Angola	115	5	6
Comoros	121	1	5
Democratic People's Republic of Korea	110	7	10
Djibouti	123	1	3
Mozambique	118	3	6
Namibia	112	4	11
Sao Tome and Principe	122	1	4
Seychelles	123	1	3

38. After the announcement of the voting results, the Chairman informed the Conference that Namibia was represented by the United Nations Council for Namibia.

e/ It should be noted that abstentions are not considered in determining the majority of votes cast.

the delegation was escorted from its seat as 'applicant member' to the newly established Namibia seat among the full members. The delegation was preceded by a flag bearer carrying, as the flag of Namibia, the United Nations flag.

39. The eight newly admitted members made statements. In his statement, the head of the Namibia delegation welcomed the admission of Namibia into FAO as a full member, and thanked FAO members for their support. He also outlined the legal and historical background of the application for membership, and mentioned other cases where the Council had represented Namibia with full and legal powers, notably the United Nations Conference on Succession of States in Respect of Treaties, held at Vienna from 4 April to 6 May 1977, f/ and the sixth session of the Third United Nations Conference on the Law of the Sea, held at New York from 23 May to 8 July 1977. g/ He also emphasized that the case of Namibia was unique and could not be repeated, arising as it did from the circumstances, connected with the Second World War, which surrounded the dissolution of the League of Nations and its replacement by the United Nations. The full text of the statement of the head of the delegation is reproduced in appendix III.B to the present report.

40. The representative of the United States made a statement in explanation of his negative vote, saying that he did not agree with the decision for reasons of a constitutional nature, and regarded it as an unfortunate precedent. Nevertheless, he welcomed the Namibia delegation as a delegation representing the interests of the people of Namibia (see appendix III.C to the present report).

41. A list of the member nations of FAO at 14 November 1977 is contained in appendix IV to the present report.

#### 7. Press and television coverage

42. On 14 November, the Namibia delegation held a press conference at FAO headquarters. The head of the Namibia delegation outlined the legal and political circumstances relating to the membership application and indicated the political importance of the decision taken by the FAO Conference.

43. On 14 November, the statement of the head of the delegation accepting full membership in FAO (see appendix III.B to the present report) was shown in full on Italian television, with interpretation into Italian. The Italian press gave extensive coverage to the proceedings.

#### 8. Flag-raising ceremony

44. On 16 November, the flags of the eight newly admitted members of FAO were raised at a ceremony outside the FAO headquarters building in the presence of the Chairman of the Conference. Flags were presented to heads of delegation by the Director-General of FAO. The ceremony was also given wide publicity.

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f/ See Official Records of the General Assembly, Thirty-second Session, Supplement No. 24 (A/32/24), vol. II, annex VIII.

g/ Ibid., vol. I, paras. 101-107.

## 9. Audience with His Holiness Pope Paul VI

45. On 18 November, the Namibia delegation, along with other delegations to the Conference, was received by His Holiness Pope Paul VI in the Apostolic Palace in Vatican City.

46. In his statement, the Pope emphasized the concern of the Roman Catholic Church with problems of undernourishment and malnutrition, particularly in developing countries, and stated that any speculation in elementary human needs was iniquitous, and that speculation in food and arms was particularly iniquitous. h/

47. He further stated that the problems with which FAO was concerned were moral as well as technical problems. He urged the delegates present never to lose sight of the ethical aspect of their work.

## 10. General participation in the Conference

48. During its stay in Rome, the Namibia delegation continued to participate in the work of the Conference in plenary and, as far as possible, in the work of its three main commissions.

49. On 16 November 1977, in accordance with the provisions of FAO document C 77/INF/5, i/ the head of the Namibian delegation notified the Secretary-General of the Conference that Namibia desired to be a member of the FAO Committee on Fisheries (COFI) for the 1978-1979 biennium. The activities of this Committee are of a general nature, and are concerned with fisheries problems on a world-wide basis. The Committee will hold its next session from 12 to 16 June 1978, and normally meets every two years.

50. COFI, is distinct from the FAO Fishery Committee for the Eastern Central Atlantic (CECAF). A FAO proposal that the geographic zone of CECAF should be extended to include Namibian waters was approved by the Council's working Group on the Law of the Sea and is still before the Council. The delegation was reminded of this matter at the Conference.

51. FAO requested the delegation to advise it of proper channels of communication with the Council in its capacity as the legal Administering Authority for Namibia. The delegation informed FAO that all correspondence emanating from FAO should be addressed to the President of the Council, with the exception of correspondence dealing with technical assistance, statistics and studies, at the working level, which should be addressed to the United Nations Commissioner for Namibia, with a copy to the President of the Council.

52. Aware that it would be unable to be in Rome for the duration of the Conference, but conscious of the fact that it was politically important for the Namibia seat to be occupied, the delegation on 14 November sent a telegram to the President of

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h/ The full text of the statement has been placed in the files of the Secretariat.

i/ This document and a copy of the notification have been placed in the files of the Secretariat.

the Council asking him to request the United Nations Commissioner for Namibia or his representative to cover the remainder of the Conference from 22 November to 1 December.

#### C. CONCLUSIONS

53. The delegation believes that the attainment of full membership in FAO is an important political and diplomatic gain that will enhance recognition of the Council as the legal Administering Authority for Namibia, will protect the rights and interests of the Namibian people and will assist both them and the international community in the struggle to obtain the withdrawal of South Africa from Namibia. The delegation also considers that full membership in FAO, together with the decision that Namibia is to be represented in FAO by the Council, will make it more difficult for South Africa to obtain recognition of any puppet régime it may attempt to set up in Windhoek.

54. The delegation also noted that Namibia's status as a full member of FAO opens up new channels of communication with other specialized agencies.

#### D. RECOMMENDATIONS

55. The delegation recommends to the Council that it:

(a) Continue to apply for full membership in other specialized agencies, particularly the major agencies;

(b) Seek to upgrade the status of Namibia's membership in the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the World Health Organization (WHO) from associate to full membership;

(c) Send well-prepared and well-staffed delegations to the meetings of the specialized agencies when applications for full membership are being considered by an agency's general conference or assembly;

(d) Make complete use of full membership, when acquired, in order to increase assistance to Namibians by making use of the new channels of communication thus opened with the agency concerned;

(e) Arrange for Namibia to be represented at the next meeting of the FAO Committee on Fisheries (COFI), to be held from 12 to 16 June 1978.

(f) Consider the FAO proposal regarding the extension of the geographical zone of the FAO Fishery Committee for the Eastern Central Atlantic (CECAF) (see para. 50 above).

(g) Study the question of Namibia becoming a member of CECAF.

(h) Adopt a design for a Namibian flag.



E. APPROVAL OF THE REPORT AND EXPRESSION OF THANKS

56. The members of the delegation approved the present report at a meeting held at New York on 25 November 1977.

57. The members of the delegation wish to take this opportunity to express their thanks to the Chairman of the nineteenth session of the FAO Conference, the Director-General and staff of FAO, the delegations to the FAO Conference of those countries which are also members of the Council and all other representatives and individuals who rendered assistance to the delegation arriving at the successful outcome to its mission.

58. At its 266th meeting on 12 December 1977, the Council approved the present report, including the recommendations contained in paragraph 55 above.

## APPENDIX I

### Applications for membership in the Organization a/

1. Rule XIX-2 of the General Rules of the Organization (GRO) provides that any application for membership or associate membership 'shall be transmitted immediately by the Director-General to member nations and shall be placed on the agenda of the next Conference session which opens not less than 30 days from receipt of the application'.

2. Article II-2 of the Constitution provides that any nation applying for membership shall submit 'a declaration made in a formal instrument that it will accept the obligations of the Constitution as in force at the time of admission'.

3. Rule XIX-1 GRO provides that this formal instrument may accompany or follow the application, and in the latter case 'shall reach the Director-General not later than the opening of the Conference session at which the admission of the applicant is to be considered'.

### Applications received by the Director-General

4. To date the Director-General received the following applications for membership in FAO /Food and Agriculture Organization of the United Nations/ ...

#### Namibia

5. A letter from the President of the United Nations Council for Namibia, dated 29 September 1977, received on 7 October 1977, and communicated to all FAO member nations by circular letter G/CA-11/3 of 20 October 1977 ...

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a/ FAO Conference document C 77/14 and Suppl. 1.

APPENDIX II

Financial position of the Organization -  
status of contributions a/

Applications for membership

...

39. The Council further noted that an application for full membership had been received from the United Nations Council for Namibia, accepting the obligations of membership laid down in the Constitution of FAO /Food and Agriculture Organization of the United Nations/. The application referred to operative paragraphs 3 and 4 of resolution 31/149, adopted by the General Assembly of the United Nations on 20 December 1976, whereby the General Assembly requested all specialized agencies "to consider granting full membership to the United Nations Council for Namibia ... and to consider favourably granting a waiver of the assessment of Namibia during the period in which Namibia is represented by the United Nations Council for Namibia". The Council noted the observation by the Finance Committee that under article II, paragraph 2, of the Constitution, the admission of additional members of the Organization is a matter for the Conference to decide. The Finance Committee had also observed that article XVIII, paragraph 2, provides that each member nation undertakes to contribute to the Organization its share of the budget as apportioned by the Conference, and that, in accordance with paragraph 3 of the same article, the Conference determines the proportion of the budget for the current financial period that a member nation shall pay as its first contribution.

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a/ FAO Council document CL 72/REP/2.

## APPENDIX III

### Statements made at plenary meetings of the Conference

#### A. Summary of statement by the Chairman of the Conference at the 1st plenary meeting, on 12 November 1977 a/

1. Surveying the world situation with regard to food production, the Chairman stated that, while the International Fund for Agricultural Development (IFAD) was preparing to start operations, and the World Bank was redirecting the flow of its funds from traditional urban projects to the rural poor, mostly in agricultural settings, on the other hand the food situation remained fragile. In the developing countries, the average of food production increase, since the beginning of the 1970s, had been 2.6 per cent, which was below the 4 per cent target set by the United Nations for the current decade. Well over 400 million people were still malnourished. For reasons that were obvious, the world was increasingly sensitive to human rights; one of the most vital of those rights was the right to adequate food. Furthermore, one of the bitter lessons of the late 1960s and the earlier part of the 1970s had been summed up by a head of State: "You cannot solve a problem by throwing money at it." This was a candid realization of the limits of money as a development tool.

2. Beyond securing loans of equipment, the question facing many countries was: how can they utilize their major potential source of investment, namely their human capital - the hearts, minds and bodies of their peoples - to produce their food and other basic needs? That was a perennially renewable resource. It was available in abundance in the developing countries. Yet, daily it ran to waste: there were a multitude of reasons: ignorance, malnutrition, poverty, disease, lack of skill, opportunity and organization. Yet, that was the fundamental capital of mankind. Its mobilization remained the basic and most important challenge of the time.

3. The Chairman concluded by emphasizing the importance of consulting the people in order to find the correct solution. In Indonesian farming villages, since ancient times that process had been known as musyawarah, a process of authentic consultation that went beyond mere power compromises and sought instead a consensus, based on mutual understanding and respect.

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a/ FAO Conference document C 77/LIM/23.

B. Statement by the head of the Namibian delegation at the 4th plenary meeting, on 14 November 1977 b/

1. I should like to begin by carrying out the pleasant duty conveying to you our warm congratulations on your election as Chairman of this nineteenth session of the Conference of the Food and Agriculture Organization of the United Nations (FAO). The United Nations Council for Namibia, on whose behalf I have the honour to address this Assembly, is pleased for more than one reason at your election to such high office. We are especially pleased that this statement is being made under the presidency of a country which is a member of the Council and plays a very active role in it. We are gratified also by the historic decision which you have just taken by declaring the admission of Namibia as a full member of FAO and deciding that it shall be represented therein by the Council.
2. Mr. Director-General, allow me to take this opportunity to express to you also our very sincere appreciation. Since your election you have shown us unceasing solidarity and kindness. We wish to pay a tribute to you on that account and also for the zeal and ardour with which you assume your function.
3. Distinguished delegates, by the vote which you have just made you have confirmed your will to reaffirm that the problem of Namibia is a concern of the international community as a whole.
4. Mr. Chairman, it is a very emotional and historical moment that we are now witnessing.
5. I should like to convey to all the delegations present the expression of our gratitude, on behalf of the Namibian people and their national liberation movement, the South West Africa People's Organization (SWAPO), for whom this election constitutes an appreciable encouragement in their struggle to recover their dignity. I should like then to express to you the gratitude of the Council, the legal Administering Authority for Namibia, which was given by the General Assembly the mandate of administering the Territory until independence, c/ for the confidence which you have just shown in it.
6. The process of our request to participate on behalf of Namibia in the work of your organization was initiated by the General Assembly in resolution 31/149 of 20 December 1976, wherein it requested all specialized agencies and other organizations and conferences within the United Nations system to consider granting full membership to the United Nations Council for Namibia so that it might participate in that capacity as the legal Administering Authority for Namibia in the work of those agencies, organizations and conferences.
7. On the basis of this resolution, the Council has been participating since 1976 as a full member of many United Nations conferences; I mention the following among others:

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b/ See FAO Conference document C 77/PV/4.

c/ Resolution 2248 (S-V) of 19 May 1967.

- (a) The United Nations Conference on Succession of States in Respect of Treaties, held at Vienna from 4 April to 6 May 1977: d/
- (b) The International Conference in Support of the Peoples of Zimbabwe and Namibia, held at Maputo from 16 to 21 May 1977: e/
- (c) The sixth session of the Third United Nations Conference on the Law of the Sea, held at New York from 23 May to 8 July 1977: f/
- (d) The World Conference for Action against Apartheid, held at Lagos from 22 to 26 August 1977: g/
- (e) The United Nations Conference on Desertification, held at Nairobi from 29 August to 9 September 1977: h/

The legal character of two of those conferences ((a) and (c)), enabled the Council to participate on behalf of Namibia in the preparation of legal instruments of an international nature.

8. It was on the basis of General Assembly resolution 31/49 that the President of the Council submitted a letter on 29 September 1977 to your Organization requesting admission as a full member of FAO.

9. I should stress, however, that the Council has always maintained close contact with FAO, to which it sent a number of missions: in June 1973, i/ September 1974, April 1975 and April 1977. j/ These contacts promoted concrete action on the part of FAO. Thus, FAO was able to offer SWAPO, under the FAO Freedom from Hunger Campaign/Action for Development (FFHC/AD), training possibilities in various areas of agriculture. FAO has also sent publications to the library of the Institute for Namibia at Lusaka. I would mention that FAO has also undertaken, at the request of SWAPO, to provide agricultural advisers to hold seminars for agricultural planners and to ensure training for agricultural education teachers and farmers. It has already allocated \$US 200,000 for assistance to Namibians.

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d/ Official Records of the General Assembly, Thirty-second Session, Supplement No. 24 (A/32/24), vol. I, paras. 93-96 and vol. II, annex VIII.

e/ Ibid., vol. I, paras. 13-29.

f/ Ibid., paras. 101-107.

g/ Ibid., paras. 113-116.

h/ Ibid., paras. 117-120 and vol. II, annex XI.

i/ Ibid., Twenty-eighth Session, Supplement No. 24 (A/30/24), paras. 205-214.

j/ Ibid., Thirty-second Session, Supplement No. 24 (A/32/24), vol. II, annex III, paras. 112-128.

10. Only recently FAO showed its willingness to help when, on the initiative of the United Nations Commissioner for Namibia, it gave publicity to Decree No. 1 for the Protection of the Natural Resources of Namibia k/ by bringing it to the special attention of all its subsidiary organs.
11. The problem of Namibia is sufficiently well known to make it unnecessary for me to repeat the historical background on this occasion. I will say, however, that the case of Namibia is unique in history. The question of Namibia results from the circumstances of the Second World War with the dissolution of the League of Nations and its replacement by the United Nations. Namibia is the only Territory previously under mandate where the principle of self-determination has not yet been applied. The uniqueness of our case has called for unique solutions. Those are the reasons which led to the United Nations undertaking to assist the people of Namibia in their struggle against the illegal occupation of their country by South Africa. These are also the facts which the Council relies on in requesting the admission of Namibia to all the specialized agencies and organizations within the United Nations system.
12. I must say that the Council has so far been unable to fulfil its functions as the legal Administering Authority for Namibia because of the persistent refusal of the racist minority Government in South Africa to comply with relevant resolutions of the General Assembly requesting that it withdraw from Namibia.
13. In order to fulfil its mandate, the Council has had to launch a world-wide campaign to compel the illegal South African administration to withdraw from Namibia so that the Namibian people can exercise their right to self-determination and independence. The Council is nevertheless determined to represent Namibia, to protect Namibian rights and interests in international forums and to mobilize public opinion throughout the world to hasten the process of decolonization in Namibia. In order to do this, the Council works in close co-operation with SWAPO, the national liberation movement of Namibia recognized by the United Nations, and participates actively in the work of many organizations, specialized agencies and conferences.
14. As the legal Administering Authority, the Council is committed to the genuine liberation of Namibia and will continue to expose and condemn any manoeuvre to establish a puppet régime in Namibia. In that regard, it wishes to emphasize that the only acceptable solution for Namibia is one which aims at the implementation of all United Nations resolutions on the question, in particular Security Council resolution 385 (1976) of 30 January 1976, which condemned "the continued illegal occupation of the Territory of Namibia by South Africa" and declared that "in order that the people of Namibia may be enabled freely to determine their own future, it is imperative that free elections under the supervision and control of the United Nations be held for the whole of Namibia as one political entity".
15. The United Nations Council for Namibia, conscious of its special responsibility in regard to Namibia, appreciates your support in the task assigned to it by the international community.
16. Today, by accepting Namibia as a member of FAO and by deciding that it will be represented solely by the Council, your Organization has responded scrupulously to

k/ Ibid., Twenty-ninth Session, Supplement No. 24A (A/9624/Add.1), para. 84.  
The Decree has been issued in final form in the Namibia Gazette No. 1.

the wish of 136 countries, expressed in General Assembly resolution 32/9 E of 4 November 1977, which requested all specialized agencies and other organizations and conferences within the United Nations system to grant full membership to the Council.

17. FAO and the Council have done pioneer work, confirming the will of the international community to work for the restoration of the dignity of Namibians.

18. In conclusion, I should like to state that the Council formally accepts the statutes of FAO and undertakes to respect all of its decisions.

C. Statement by the representative of the United States of America at the 4th plenary meeting, on 14 November 1977 1/

1. On behalf of the members of the Food and Agriculture Organization of the United Nations (FAO) from the North American region, I should like to extend a warm welcome to the new delegates who will now join in the important work of this Organization. We hope that they will all find here a sense of dedication to those common objectives which were this morning eloquently enunciated for us in the McDougall Lecture by Andrew Young and which we expect will be further elaborated with equal eloquence this afternoon by our distinguished Director-General.
2. Canada and the United States join in welcoming into this Organization as full members Angola, the Comoros, the Democratic People's Republic of Korea, Djibouti, Mozambique, Namibia, Sao Tome and Principe and Seychelles. We hope that the unique attributes and contributions of these States described to us by their delegates will broaden the scope and the reach of this key Organization of the United Nations system. The membership of these States will permit them to contribute to, and also to benefit further from, the application in their countries of some of the skills that FAO mobilizes so well in the interests of development and the fulfilment of human needs.
3. I now wish to make a statement of explanation of vote, which I should have preferred, as you are aware, to register immediately after the vote in the normal fashion. I hope, Sir, that you will, in accordance with the understanding reached in the General Committee, arrange that it be recorded as an explanation of vote, although I am pleased to say that it contains as well elements of warm welcome.
4. As the Canadian vote was not identical to that of the United States, I am making this part of my statement as an explanation of the vote of the United States. It contains constitutional views which I am assured are shared by Canada as well.
5. I wish, on the instructions of my Government, to make the following statement in explanation of vote. The United States voted against the admission of Namibia as represented by the United Nations Council for Namibia for reasons of a constitutional nature. We take the view that a State or nation, in the sense meant by article II of the FAO Constitution, is a territory controlled by an internationally

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1/ FAO Conference document C 77/PV/4.



recognized Government located in the territory that it controls or administers. We do not consider it wise for the future of this Organization or other organizations in the United Nations system to take decisions that create confusion as to the meaning of the concept of State or nation as it relates to membership in United Nations organizations.

6. For this reason, although the General Committee took pains to underline the exceptional legal nature of the application of Namibia as represented by the Council by characterizing it in this manner, we cannot agree with the decision taken in favour of its full membership. In our view, it would have been a wiser course to accept the Council as an associate member, a status in which it would have been equally able to pursue the basic purposes of the General Assembly resolution cited in its application. That purpose was to encourage specialized agencies to help meet the needs of the people of Namibia currently outside that Territory. The United States supports that objective. We have participated directly and through multilateral channels in programmes to assist, to feed and to train the Namibian people who were preparing themselves for independence. We are happy to see these human needs met by the agencies of the United Nations whenever possible. We will continue to take this position. We hope the day will come soon when the people of Namibia will be represented here by a Government created by the application of the principles laid down in Security Council resolution 385 (1976) of 30 January 1976. We are working actively with other Governments to accelerate the pace in this process. Therefore let me stress again that my vote implies no reservation about the presence here of delegates representing the interests and concerns of the people of Namibia. We join in welcoming them in our midst. Our vote is motivated by serious constitutional concerns about the status accorded them which I have described.

7. I thank you, Mr. Chairman for giving me the opportunity to record the views of my Government in explanation of vote.

APPENDIX IV

List of member nations of the Food and Agriculture Organization  
of the United Nations after the admission of Namibia and seven  
other members on 14 November 1977

Afghanistan	El Salvador
Albania	Ethiopia
Algeria	Fiji
Angola	Finland
Argentina	France
Australia	Gabon
Austria	Gambia
Bahamas	Germany, Federal Republic of
Bahrain	Ghana
Bangladesh	Greece
Barbados	Grenada
Belgium	Guatemala
Benin	Guinea
Bolivia	Guinea-Bissau
Botswana	Guyana
Brazil	Haiti
Bulgaria	Honduras
Burma	Hungary
Burundi	Iceland
Canada	India
Cape Verde	Indonesia
Central African Empire	Iran
Chad	Iraq
Chile	Ireland
China	Israel
Colombia	Italy
Comoros	Ivory Coast
Congo	Jamaica
Costa Rica	Japan
Cuba	Jordan
Cyprus	Kenya
Czechoslovakia	Kuwait
Democratic Kampuchea	Lao People's Democratic Republic
Democratic People's Republic of Korea	Lebanon
Democratic Yemen	Lesotho
Denmark	Liberia
Dominican Republic	Libyan Arab Jamahiriya
Djibouti	Luxembourg
Ecuador	Madagascar
Egypt	Malawi
	Malaysia

Maldives  
Mali  
Malta  
Mauritania  
Mauritius  
Mexico  
Mongolia  
Morocco  
Mozambique  
Namibia  
Nepal  
Netherlands  
New Zealand  
Nicaragua  
Niger  
Nigeria  
Norway  
Oman  
Pakistan  
Panama  
Papua New Guinea  
Paraguay  
Peru  
Philippines  
Poland  
Portugal  
Qatar  
Republic of Korea  
Romania  
Rwanda  
Sao Tome and Principe  
Saudi Arabia

Senegal  
Seychelles  
Sierra Leone  
Somalia  
Spain  
Sri Lanka  
Sudan  
Suriname  
Swaziland  
Sweden  
Switzerland  
Syrian Arab Republic  
Thailand  
Togo  
Trinidad and Tobago  
Tunisia  
Turkey  
Uganda  
United Arab Emirates  
United Kingdom of Great Britain  
and Northern Ireland  
United Republic of Cameroon  
United Republic of Tanzania  
United States of America  
Upper Volta  
Uruguay  
Venezuela  
Viet Nam  
Yemen  
Yugoslavia  
Zaire  
Zambia

## APPENDIX V

### Chronology of the activities of the delegation

Thursday, 10 November	7 p.m.	Delegation departed from New York, arriving at Rome the following morning
Friday, 11 November	3 p.m.	Meeting with African Group of the Food and Agriculture Organization of the United Nations (FAO)
	7 p.m.	First meeting with the Legal Counsel of FAO
Saturday, 12 November	11 a.m.	First plenary meetings: election of the Chairman of the Conference, appointment of the General Committee and the Credentials Committee and other appointments
	12.15 p.m.	Meeting with the 24 FAO members who are members of the United Nations Council for Namibia
	3.45 p.m.	Meeting with the Legal Counsel of FAO
	5.30 p.m.	Meeting with the Minister of Agriculture of Indonesia, the newly elected Chairman of the Conference, at the close of the 2nd plenary meeting
Monday, 14 November	9 a.m.	Meeting with the Director General of FAO
	9.30 a.m.	Third plenary meeting: secret voting on membership applications
	3 p.m.	Fourth plenary meeting: voting results announced: statement by the head of the delegation of Namibia
	5 p.m.	Press conference
	9 p.m.	Statement by the head of the delegation of Namibia shown on Italian television
Wednesday, 16 November	9.30 a.m.	Flag raising ceremony for new FAO member nations
Friday, 18 November	12 noon	Audience with His Holiness Pope Paul VI
Tuesday, 22 November		Delegation participated in the work of the Conference and its three commissions
	2 p.m.	Delegation departed from Rome, arriving at New York the same day

ANNEX III\*

Report of the delegation of the Council to the 7th meeting of  
the Senate of the Institute for Namibia, held at Lusaka on  
3 and 4 April 1978

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\*Previously issued under the symbol A/AC.131/L.79/Rev.1.

## A. INTRODUCTION

1. In accordance with the plan for the Institute for Namibia, adopted by the Council at its 209th meeting on 27 September 1974, a/ the Institute is administered by a Senate consisting of 11 members, including the President of the Council or his nominee and two representatives of the Council nominated by the President. On 31 March 1978, the President appointed Mr. Petre Vlasceanu, representative of Romania and Rapporteur of the Committee on the United Nations Fund for Namibia, to represent him at the 7th meeting of the Senate of the Institute, to be held at Lusaka on 3 and 4 April 1978. In addition, the President nominated the Ambassadors of Egypt and Finland to Zambia to represent the Council at the meeting. The Mission had as its Principal Secretary Mr. J. F. Robson.

2. It should be noted that the Director of the Institute had invited the representative of Romania in his capacity as Rapporteur of the Committee on the Fund to hold consultations with the members of the Institute's Committee of Management.

## B. SEVENTH MEETING OF THE SENATE OF THE INSTITUTE

3. The following persons were present at the 7th meeting of the Senate:

Chairman: Professor Adebayo Adedeji, Executive Secretary, Economic Commission for Africa (ECA)

Members: Mr. Petre Vlasceanu, Representative of the President of the Council and Rapporteur of the Committee on the Fund

H.E. Mr. Mounir M. Gohar, Ambassador of Egypt to Zambia

H.E. Mr. Unto Korhonen, Ambassador of Finland to Zambia

Mr. Martti Ahtisaari, United Nations Commissioner for Namibia

Ms. Anna Maria Demmer, Representative of the United Nations High Commissioner for Refugees (UNHCR)

Mr. M. K. Simumba, Director of the Sub-Regional Office of the OAU (Organization of African Unity) Co-ordinating Committee for the Liberation of Africa

Mr. S. H. Njelesani, Head, Scholarships, Bursaries, Placements and Graduate Affairs, Mining Industry, Manpower Services Unit, Government of Zambia

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a/ Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 24A (A/9623/Add.1), para. 73.

Mr. M. Muyongo, Vice-President, South West Africa People's Organization (SWAPO)

Observers: Mr. L. H. Kalenga, Secretary of Education and Culture, SWAPO

Mr. J. Mufti, Resident Representative of the United Nations Development Programme (UNDP) at Lusaka

Mr. P. Katjavivi, Secretary for Information and Publicity, SWAPO

Secretary: Mr. H. G. Geingob, Director of the Institute

Mr. C. Thornicroft, Representative of the Government of Zambia and Vice-Chairman of the Senate, was unable to attend the meeting.

4. The following report summarizes matters discussed at the meeting with special reference to issues relevant to the work of the Council.
5. In welcoming the members of the Senate and in particular the Rapporteur of the Committee on the Fund, the Chairman of the Senate pointed out that Mr. Vlasceanu's attendance at the 7th meeting of the Senate would be useful in establishing a closer relationship between the Senate and the Council. The Chairman also welcomed the new UNDP Resident Representative, who was attending a meeting of the Senate for the first time.
6. On behalf of the President of the Council, Mr. Vlasceanu addressed the Senate and expressed appreciation for the work of the Institute and its Senate (see appendix I below).
7. Following Mr. Vlasceanu's statement, the Senate adopted the agenda (see appendix II below) and approved the minutes of the 6th meeting, with a clarification stressing that it would be beneficial if the Rapporteur of the Committee on the Fund could attend future meetings of the Senate.
8. At the same meeting, the Senate held extensive discussions on administrative matters, questions relating to the auditor's report, contributions and pledges.
9. During the discussion, it was stated that consultations on the question of administrative support were continuing and that the Council would consult with UNDP before the convening of the thirty-third session of the General Assembly in September 1978.
10. It was reported that the auditor's report on the Institute had not yet been submitted. It was agreed that, if the auditor's report was received on time and there were no controversial issues raised, the Chairman of the Senate was empowered to annex it to the annual report of the Senate to the Council.
11. In connexion with contributions and pledges, the United Nations Commissioner for Namibia reported that at the pledging ceremony, held at United Nations Headquarters on 21 March 1978 in observance of the International Day for the Elimination of Racial Discrimination, Member States had pledged a total of \$US 1,057,236 to the Institute. There was also a substantial sum brought forward

from 1977 due to the fact that some donors had paid their 1977 contributions to the Institute in the latter part of 1977. In addition, some important donors had not as yet made their pledges for 1978. The UNDP contribution for 1978 would be \$US 890,810. The Institute should therefore be able to cover its budget estimates for 1978 quite easily.

12. The members expressed appreciation to the Commissioner for mobilizing funds, not only for the Institute, but also for the Fund.

13. In connexion with the comments previously made by the Rapporteur of the Committee on the Fund concerning the budget of the Institute, the Chairman reported that, as previously agreed, he had transmitted to the President of the Council a letter containing detailed comments on the points raised. He had also held discussions with the Rapporteur in which certain issues had been raised. From its establishment, the Senate had felt the need for a closer relationship between it and the Council and the Committee on the Fund in order to ensure better mutual understanding. The Senate was responsible to the Council and, through it, to the United Nations.

14. Some members observed that it would be useful if all reports of the Rapporteur could be followed by the comments of the Chairman of the Senate. Moreover, in the past the Council had been able to discuss the budget estimates of the Institute only after the Senate had approved the budget. It would be beneficial for the Council to receive the estimates in advance, which would enable it to offer the Senate its preliminary views as well as the views of the President of the Council and the United Nations Commissioner for Namibia on behalf of the Committee on the Fund.

15. Members discussed the possibility of distributing the annual report of the Institute as a United Nations document. It was stated that the Council received the annual reports of the Senate for information purposes and only discussed them if a specific problem arose. The Senate decided that, as the reports were only for the information of the Council and the Secretary-General, the Institute itself would reproduce the reports in quantity.

16. The Senate then approved its draft report to the Council and the Secretary-General as amended. The final report will be submitted to the Council shortly.

17. The Senate also considered the problem of staff benefits and discussed two papers on the subject. It agreed to request the services of an expert from the Office of Personnel Services of the United Nations Secretariat for approximately two weeks, the cost of which would be borne by the Institute. With regard to the manning table, the Senate approved certain recommendations of the Director on the abolition and reclassification of certain posts.

18. After discussion of a proposal to change the present curriculum from two to three years, in the course of which suggestions were made on the duration of secondment and how it should be carried out, the Senate agreed to a three-year curriculum for the Institute and also agreed, in principle, to secondments for periods of from 9 to 12 months.



19. The Senate gave extensive consideration to the question of certain short-term courses that could be introduced, including secretarial work, typing, remedial teacher training, training for nurses and/or medical assistants and remedial courses in the English language, mathematics and science. It was observed that the problem facing SWAPO was that many students required remedial courses in order to make use of the scholarships being offered. It was stated that UNDP was prepared to consider financing such courses, which could be set up in collaboration with SWAPO, the Institute and specialized agencies, such as the United Nations Educational, Scientific and Cultural Organization (UNESCO). The Senate decided that the Institute should draw up a programme of short-term courses for presentation to the Senate at the special meeting to be held in May 1978.

20. Following a discussion on the problem of research, the Chairman stressed the need for measures to be taken to improve the situation. The representative of the President of the Council emphasized the importance of the Institute's co-ordinating its research on Namibia with that of the specialized agencies.

21. In conclusion, it was decided that the 8th meeting of the Senate would be held from 28 to 30 November 1978 and that an extraordinary meeting of the Senate, to consider short-term courses, would be held on 19 May 1978.

22. The Chairman expressed his appreciation for the useful work carried out by the Senate; he expressed his thanks for the participation of Council members in the work of the Senate. It was agreed to recommend to the Council that Mr. Petre Vlasceanu, in his capacity as Rapporteur of the Committee on the United Nations Fund for Namibia, should be appointed a member of the Senate.

### C. ACTIVITIES OF THE INSTITUTE

#### 1. General

23. The delegation believes that a short summary of the training and research being undertaken by the Institute at the present time will be useful to members of the Council. Although comprehensive information is available in the annual reports of the Institute, these reports, by their nature, are published some time after the meetings of the Senate. b/

24. Applicants must take an aptitude test, in which it is necessary to pass in two subjects out of three. Those with the highest scores are admitted. The test is usually given in Angola, Botswana and Zambia. The Institute is currently providing training to two groups of students, each numbering approximately 100: a third group of 100 students will be admitted as soon as housing is available for them.

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b/ The first annual report of the Institute, covering the period up to the end of 1976, was distributed to Council members under the Institute symbol 4/SEN/LU/31. The second annual report covering the year 1977 is expected to be submitted to the Council later in 1978 under the symbol 7/SEN/LU/60.

25. The aim of the Institute is to train middle-level administrators, it being understood that the appointment of administrators at the highest level will be left to the future Government of an independent Namibia. The curriculum at present is of two years' duration (see also para. 18 above), with the first year being interdisciplinary, and the second a year of specialization. Instruction is in the English language: to remedy weaknesses in the knowledge of this language, a five-week, pre-session course in English has been introduced. c/

26. The academic staff of each division consists of a deputy director, a senior lecturer, a lecturer and an assistant lecturer. Research is carried out on topics that will be important to the future Government of Namibia. All research papers, when completed in draft, are submitted for guidance on policy to a seminar comprising experts in the field in question, experts from neighbouring countries, United Nations experts, Institute staff and senior members of SWAPO.

## 2. Constitutional, Legal and Judicial Affairs Division

27. Instruction is given on the basis that all future administrators of Namibia will require some knowledge of law, particularly constitutional law, administrative law and international law. Attention is also given to criminal and contract law, but only low priority is given to questions of private law, such as divorce. The Division is currently undertaking the following research projects on these subjects.

### Constitutional options

28. A preliminary paper on this subject was distributed to members of the Senate at its 6th meeting in November 1977. The Institute has made arrangements to convene a seminar from 11 to 13 July 1978 to scrutinize the contents of the paper.

### Legal system for Namibia

29. An outside consultant has submitted his research findings on this subject to the Institute. It is anticipated that a comprehensive report will be ready before 30 June 1978, and that the seminar will take place by the end of September 1978.

## 3. Historical, Political and Cultural Division

30. The Division concentrates its teaching on the origins and functions of the State, politics and public administration, all subjects about which Namibian students are poorly informed as a result of the system of Bantu education imposed by South Africa. Some attention is given to the history of Namibia and of southern Africa as a whole.

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c/ A curriculum chart of training programmes at the Institute and a list of the academic staff, indicating qualifications, experience and grade, have been distributed to all members of the Council. Copies have been placed in the files of the Secretariat and are available for consultation on request.

31. Two research projects are at present under way: 'Introduction to the History of Namibia' and 'Essays on the History of Namibia'. With regard to the first, the Division's lecturer has been exempted from teaching for the first term of 1978, in order to concentrate his efforts on research and complete the three chapters he is to contribute to this project. An outside contributor is preparing the final chapters of the project, which is expected to be completed by 30 April 1978. The second project can only receive full attention after completion of the first. Four specialists in the history of Africa have agreed to write essays or chapters and have already started work on the project.

32. As a result of these two projects the Division intends to produce: (a) an elementary history book on Namibia, to be used by first-year students at the Institute and by students in SWAPO elementary schools in Angola and Zambia; and (b) a more advanced history book for use at the secondary and post-secondary level.

33. The Division is also collecting data for a study entitled "Participation", which will describe how a nation can mobilize its resources and its people for development, based on examples from countries in Africa, Asia and Europe. This study is expected to be completed by mid-August 1978.

#### 4. Economics Division

34. In the second year, known as the year of specialization, the Division gives six courses, on the following subjects: elementary political and economic concepts; international trade; bookkeeping and accounting; financial institutions; market and centrally planned economies; and the political economy of Namibia. The latter course studies individual sectors of the Namibian economy and explores its present dependence on South Africa. All courses emphasize the importance of making good political decisions, and attempt to show the students how to make good use of advisers.

#### 5. Agricultural and Land Resources Division

35. Although agriculture is not usually taught in a public administration institute, the Division was established because of the importance of agriculture in the Namibian economy, and also because there are very few Namibians with adequate knowledge of agricultural techniques. The training is designed to equip future administrators with the skills to administer the agricultural resources of Namibia, and emphasizes crop production, livestock production, state farms, co-operatives, peasant production and agricultural extension services (which do not at present exist in Namibia). The Division is currently undertaking the following research projects on these subjects.

#### Status of food supplies and nutrition in Namibia

36. The purpose of this project is to identify the current status of food supplies and nutrition in Namibia in order to ascertain the food requirements, known gaps and programme implications at the time of independence and for the following five years. The Division plans to collect data on present nutritional levels and food

supplies (production and imports) and to determine existing gaps by comparing the food and nutritional levels with the recommendations of the Food and Agriculture Organization of the United Nations (FAO) and the World Health Organization (WHO). This will provide a basis for identifying needed programmes for food production, importation and distribution and nutrition education, with particular reference to the immediate requirements and possibilities at the time of independence. The collection of bibliographies and other data has continued, but the results so far have been disappointing owing to the inaccessibility of data and literature on Namibia. FAO is recruiting a consultant for the project, to begin work in mid-April 1978. The project is expected to be completed by June or July 1978.

#### Agrarian and land reform

37. This project is designed to study the present land distribution and utilization patterns and to identify the resources, requirements and possible programmes for localizing, developing and sustaining the output of the various agricultural subsectors, including white commercial farm/ranches, African small-holdings, and small-scale fishing, taking into account the nation's priorities for the early post-independence period. The Institute has recruited a researcher with wide knowledge and experience of Namibian agriculture. Data collected by the Institute from other sources are scanty, most of it dating back to 1970.

#### Protection and restoration of the environment

38. This study, which will begin on completion of the land reform study, aims to collect data on environmental risks (particularly desertification), the danger of further damage to the land and means to combat environmental degradation. Erosion and desertification are major problems in Namibia and during the transitional period after independence, there is a danger of further, irreversible damage to the land (as happened in some co-operative units in Algeria after independence).

### 6. Social and Educational Division

39. In the second year, the Division gives courses in health education, personal hygiene, problems of Bantu education, race relations (both black/white relations and tribalism, as fomented by South Africa), urbanization, motivation, social services and elementary research methodology. The Division hopes that at the end of the second year its students will be able to discuss alternatives for the Namibian educational system, in the light of experience gained by countries with a similar history. The Division is currently undertaking the following research projects on these subjects.

#### Health survey

40. Although the Division has been unable to recruit a medical officer and to collect data on the health situation in Namibia, which has inhibited progress with regard to this research project, it is about to implement a health study of Namibians at SWAPO centres in Zambia and Angola.

## Education survey

41. The Division has gathered some data on education in Namibia, but more are required. It has sent a questionnaire to all known Namibians abroad in an effort to obtain up-to-date information concerning their qualifications. Some have already responded, and a reminder is being sent to the others. With the assistance of the SWAPO education department, the Division is preparing a roster of all secondary school pupils.

## Rural and urban housing

42. Data on housing in Namibia is severely limited. The Division expects to complete a paper on comparative data on low-cost housing and housing policies shortly.

## 7. Interdisciplinary research

43. The Institute has completed a major research project entitled "Towards Manpower Development for Namibia" d/ which was financed by the Ford Foundation. The Institute presented the initial research findings to a special seminar, convened from 5 to 9 December 1977, and expects to annex the report on the work of the seminar to the report of the Institute to the Council.

44. A fundamental goal of the Institute, for which research is still in the early stages, is the preparation of a comprehensive development strategy for all sectors of activity in Namibia.

## D. CONSULTATIONS

45. In accordance with paragraph 1 of General Assembly resolution 31/147 of 20 December 1976, by which the Assembly approved the report of the Council e/ and in particular the conclusion contained in the report that recommendations should be made regarding the relations of the Institute with the Council, f/ the Rapporteur of the Committee on the Fund conducted consultations with members of the Senate, officials of the Institute and the UNDP representative, in the course of which the question of improved co-ordination was discussed.

### 1. Meeting with the Chairman of the Senate

46. The Rapporteur conveyed to the Chairman of the Senate the appreciation of the Council for his efforts on behalf of the Institute.

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d/ Copies of the research paper have been distributed to all members of the Council.

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

f/ Ibid., vol. II, annex XIII, para. 104.

47. In the course of a discussion of various matters, the Chairman of the Senate indicated that it would be desirable if a way could be found for UNDP to become a member of the Senate. It was felt that communications between the Institute and the Council might be strengthened if the two Council members who, in addition to the President of the Council, were members of the Senate, were represented by their representatives in New York rather than by their representatives in Lusaka. It would also be useful if Mr. Petre Vlasceanu, as Rapporteur of the Committee on the United Nations Fund for Namibia, were to become a member of the Senate. However, apart from these proposals, it would probably not be advisable to consider a generalized enlargement of the Senate at the present time.

48. The Chairman also observed that, because of the nature of the Institute and the fact that it was a political creation, the composition of the Senate was unlike that of the governing bodies of most institutions created by the United Nations. g/ It was customary for such bodies to be composed of representatives of Member States.

## 2. Meetings with the Director of the Institute

49. The Rapporteur held two meetings with the Director of the Institute, in the course of which they discussed training and research questions and relations between the Institute and the Council. The Director explained that all staff engaged for training were required to undertake research, outside consultants were employed only in special cases where research data had to be collected outside Zambia, and the money allocated for this purpose was very limited. In response to a question by the Rapporteur, the Director agreed that in certain cases the Institute would be able to carry out research for the Council, as recommended in the approved plan of the Institute.

50. With regard to the principles applied in engaging professional staff, the Director explained that the Institute gave first preference to qualified Namibians, second preference to qualified citizens of other countries in Africa and third preference to citizens of other countries who were usually experts in specialized fields and were employed on a short-term basis. The aim of the Institute was to maintain, where possible, a Namibian character, and, inasmuch as qualified Namibians were not always available, a more general African character. The Institute also gave preference to Namibians when hiring administrative staff.

51. Concerning relations between the Institute and the Council, the Director stated that although the Institute was autonomous, United Nations administrative and financial procedures should be followed as far as possible. He also drew attention to the statement of the representative of Nigeria, made at the 199th meeting of the Council, on 13 May 1974, who, when introducing the original plan for the Institute, had stated that it should be a "liberation support institute" (A/AC.131/SR.199). Those were the principles the Institute had followed. At times, there were difficulties in the channels of communication, particularly as the Chairman of the Senate was based in Addis Ababa and

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g/ Ibid., Nineteenth Session, Supplement No. 24A (A/9624/Add.1), para. 73 (5).

communications between Lusaka and Addis Ababa frequently were routed through New York. He stressed the need to improve communications and relations, stating that he would do everything possible on his side in that connexion.

52. During the discussions, the question was raised of improving communications between the Institute and the Council and reference was made to the desirability of having UNDP as a member of the Senate (see also para. 47 above). However, it was pointed out that such a decision would have to be made by the Council and should subsequently be endorsed by the General Assembly.

53. It was also pointed out that the only links between the Institute and the Council, apart from Senate meetings, were the annual report submitted by the Institute to the Council and the budget, which was submitted by the Institute to the Council's Committee on the Fund. It might be desirable, therefore, to strengthen communications between the Chairman of the Senate and the Council by having the Chairman speak, at appropriate intervals, at Council meetings in New York.

54. With regard to the proposal for a Namibia university, made at the International Conference in Support of the Peoples of Zimbabwe and Namibia, held at Maputo in May 1977, h/ the Director stated that an earlier proposal that the Institute itself should eventually be transformed into such a university had been discussed at one of the early meetings of the Senate, when it had been decided that no action should be taken at that stage. He himself felt that it was more important to concentrate on making a success of the Institute first. In light of the proposal made at Maputo, however, consideration could be given to making a feasibility study for a university to be established in Namibia following independence.

55. In the course of the discussion, it was also agreed that it would be desirable to raise in the Council a proposal to the effect that when the Council was invited to participate in a conference or meeting of a technical nature, such as the United Nations Conference on Desertification, or certain meetings of FAO, consideration should be given to including in the Council's delegation a staff member of the Institute as adviser.

56. The Director also observed that it would be beneficial for research and for the training of the Institute's five trainee archivists if the Institute could be appointed a depository library for United Nations documents and publications. The Rapporteur agreed to place this proposal before the Council.

57. It was emphasized that the Institute should continue to act under the aegis of the Council.

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h/ See A/32/109/Rev.1-S/12344/Rev.1, annex V, para. 40 (c). For the printed text, see Official Records of the Security Council, Thirty-first Year, Supplement for July, August and September 1977.

### 3. Meeting with the Committee of Management

58. The Rapporteur met with the entire membership of the Committee of Management, consisting of the Director, the Deputy Director, the heads of the five academic divisions, the Registrar, the Chief Administrative Officer and the Finance Officer. The main purpose of the meeting was to provide the Mission with specific information on the activities of the Institute.

59. In the course of discussion of other topics, the members made it clear that the Institute was greatly concerned with the question of how a nation could mobilize its people and resources in order to achieve maximum development, with due regard to conditions in Namibia and to the experience of other countries. The Historical, Political and Cultural Division is currently undertaking a specific research project devoted to this topic (see para. 31 above).

60. The question of teaching the English language was also a primary concern. SWAPO had established a policy in favour of English as the official language for an independent Namibia, and the language of instruction at the Institute was English. However, because English was being inadequately taught in Namibia at present, many students at the Institute had experienced difficulties in the early part of their training. As a result, the Institute had established a special subsection for beginning students, consisting of two English teachers and a language laboratory. In addition, English was being taught continuously to all students throughout their stay at the Institute.

61. The Institute had also been giving thought to the problem, in an independent Namibia, of how to provide education to youths and adults whose education was deficient as a result of the apartheid system imposed by South Africa, but who would be too old to attend conventional primary and secondary schools. The Institute was inclined towards the view that the most expeditious solution would probably be to provide education to people in that category at their place of work, as had been done in certain countries, rather than to send them to educational institutions. In the Institute itself, at the present time, all divisions were offering courses in civic education.

62. In response to a question by the Rapporteur as to whether, in view of the short time available, the Institute might be considering courses of very short duration such as six months, and whether it had considered establishing links for that purpose with other institutions, such as the International Centre for Public Enterprises in Developing Countries at Ljubljana, which had expressed interest in co-operation with the United Nations Council for Namibia, the Director explained that the Institute had indeed been considering the establishment of a six-month course for the upgrading of teachers in SWAPO primary schools and eventually in primary schools in Namibia. The Institute had also been considering short courses for secretaries and typists.

63. With regard to links with other institutions such as the International Centre in Ljubljana, it was stated that these could be useful. In the first few months, the Institute had concentrated on its training aspects and only thereafter had turned to research and developing institutional links. Institutions offering courses for students had been asked to tailor them to Namibia's needs and the level of education of the Institute's students, since some courses offered by the institutions were at the post-graduate level.



64. During a discussion of administrative and financial matters, the members of the Committee provided the Rapporteur with information on the functioning of the Institute and described its administrative links with United Nations Headquarters. They explained that among the trust fund accounts at United Nations Headquarters was an account, controlled by the United Nations, known as the Institute for Namibia account, into which were paid contributions from various donors and also money allocated from the United Nations Fund for Namibia. In accordance with the approved budget, money was transferred from the account of the Institute for Namibia to the bank accounts controlled by the Institute in New York and Lusaka. The Institute's principal bank accounts were used as follows: the dollar account in New York was used mainly for international staff payrolls and procurement in dollars; the dollar account in Lusaka was used as a holding account before conversion into Zambian currency, in order to avoid losses upon devaluation; and the local currency account in Zambia was used for local staff salaries and other expenses in local currency.

65. The Institute submitted a monthly financial report to United Nations Headquarters, and a monthly report to UNDP. United Nations Headquarters released money from the account of the Institute for Namibia to the account controlled by the Institute in New York in accordance with what had been spent. If, in the expenditures, a procedure was followed which was not in accordance with United Nations regulations, that fact was noted on an appropriate voucher.

66. In addition, the Institute sent a weekly administrative report to United Nations Headquarters; however, although the form of the report was the same as that of reports submitted by field offices to United Nations Headquarters, the Institute was autonomous, its proposed actions were not submitted to United Nations Headquarters for approval; the administrative report was rather a useful vehicle for exchanging information, and for the Institute to request United Nations Headquarters to perform certain services on its behalf.

#### 4. Meeting with the UNDP Resident Representative in Lusaka

67. On behalf of the delegation, the Rapporteur conveyed his thanks to UNDP, the main contributor to the Institute.

68. The Resident Representative stated that UNDP was interested in becoming a full member of the Senate, instead of an observer as at present. If that suggestion were to be implemented, UNDP would be willing to brief the specialized agencies on the work of the Senate and the needs of the Institute, as appropriate, and if it were considered to be useful, representatives of the specialized agencies could participate in the work of the Senate as part of the UNDP delegation.

69. He declared that if the Institute's requests were suitable, UNDP would be willing to consider financing intensive training programmes either from the indicative planning figure or from other sources. Such training programmes could be organized by the specialized agencies either at Lusaka or elsewhere.

70. The Resident Representative said that a closer relationship between UNDP on the one hand and the Institute and the Council on the other would be beneficial.

## E. CONCLUSIONS AND RECOMMENDATIONS

71. The conclusions and recommendations of the Rapporteur are as follows:

### 1. Conclusions

(a) The Senate meeting was conducted in a business-like manner and successfully dealt with practical problems of the Institute. The Council members in the Senate, including the Ambassadors of Egypt and Finland to Zambia, played an important role in guiding the work of the Institute.

(b) From the discussion in the Senate meetings and the consultations held by the Rapporteur it appears that the Institute is carrying out the tasks for which it was established.

(c) In general, the Institute is interested in developing closer political links with the Council, while preserving its complete administrative and financial autonomy.

(d) Both the Senate and the Director of the Institute desire closer contact with the Council.

### 2. Recommendations

(e) Bearing in mind the importance of the Institute and the support and contribution provided by the Council, the Council should examine further the question of the relationship between the Institute and the United Nations and ways of improving it;

(f) The Council should take a decision, for endorsement by the General Assembly, on including the Rapporteur of the Committee on the United Nations Fund for Namibia and a representative of the United Nations Development Programme in the membership of the Senate;

(g) The President of the Council should study the question of improving communications between the Institute and the Council by arranging for the participation in Senate meetings of Council members based at United Nations Headquarters;

(h) The Council should establish its position on the budget estimates of the Institute prior to their consideration by the Senate, before the budgetary period commences;

(i) In cases where the Council is invited to participate in international conferences of a technical nature, the Council should consider inviting a staff member of the Institute to accompany the Council's delegation as an adviser;

(j) After it has become a member of the International Centre for Public Enterprises in Developing Countries, at Ljubljana, Yugoslavia, the Council should consider making provision for co-operation between the Institute and the International Centre;

(k) It would be beneficial for the Council and the Institute if the Council were to invite the Chairman of the Senate and the Director of the Institute to appear before it from time to time;

(l) The Council should assist the Institute in its forthcoming application to become a depository library for United Nations documents;

(m) In accordance with guidelines to be established by the Council, the Institute, in consultation with the United Nations Educational, Scientific and Cultural Organization, should prepare a project for a future university of Namibia.

APPENDIX I

Statement by the Chairman of the delegation, on behalf of the President of the Council, at the 7th meeting of the Senate

1. It is an honour and a privilege for me to participate in the 7th meeting of the Senate and to address it on behalf of the President of the United Nations Council for Namibia. I have also been honoured to be invited to this meeting in my capacity as Rapporteur of the Committee on the United Nations Fund for Namibia. My pleasure is enhanced by the fact that I was one of the Council members who took part, from the very beginning, in the formulation of the basic plan for the Institute and the Council's decision on the Institute. a/
2. On behalf of the President, I should like to convey to you the warm greetings of all the members of the Council who participated in the extraordinary plenary meeting of the Council here at Lusaka. b/ I should like to express my gratitude for the kind invitation to me as Rapporteur and for this opportunity to familiarize myself with the activities of the Institute.
3. Indeed, the past two weeks have allowed the members of the Council, in addition to preparing important decisions on Namibia, to become familiar with the work of the Institute, which is one of the major projects of the Council in its endeavour to assist the Namibian people in their struggle for liberation. The holding of the extraordinary plenary meetings of the Council at Lusaka provided several valuable occasions for Council members to get to know the activities of the Institute, its experiences and its preoccupations. The Director of the Institute was able to make an important and enlightening statement before the plenary meeting of the Council; the members of the Council were able to make a thorough and detailed visit to the Institute; and finally, all members of the Council were able to meet the Director, the staff and the students on a more informal basis. As a result of these contacts, members of the Council have learned a great deal about the Institute, and have been impressed by what they saw.
4. In the activities of the Institute, Senate meetings are important for the implementation of its work programmes and the carrying out of its responsibilities. However, the present meeting is taking place at a crucial stage in the struggle of the Namibian people for freedom and independence. In the words of the political declaration, which was adopted by the Council on 23 March 1978 here at Lusaka, this stage is considered to be "a critical time when the struggle of the Namibian people, under the leadership of SWAPO, had intensified and when, because of the successes of this struggle, apartheid South Africa and international imperialism had also intensified their attempts to prevent genuine change in Namibia". c/ For these reasons, your decisions at the present time will possess special importance.

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a/ Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 24A (A/9624/Add.1), para. 73.

b/ Ibid., Ninth special session, Supplement No. 1 (A/S-9/4).

c/ Ibid., para. 31 (5).

5. The Council appreciated the role played by the Institute and your efforts in preparing substantial numbers of Namibians who will be qualified to serve in the administration of an independent Namibia, and in carrying out basic research which will be necessary in that period.
6. The Council also expresses its gratitude to the Government of Zambia for its most substantial assistance when the Institute was established, and for the assistance it is continuing to provide.
7. Distinguished members of the Senate, by the 8th meeting of the Senate, it will be two years since the official opening of the Institute on Namibia Day, 1976. This fact, I feel, should give an opportunity for thought and reflection both among members of the Senate as well as among members of the Council. It should give an opportunity for an appraisal of what has been achieved and for an analysis of the way in which tasks of the Institute should be implemented at this critical time in the struggle of the Namibian people. The experience acquired up to now, the major tasks that lie ahead and ideas or suggestions which might be put forward to strengthen and reinforce the Institute are of particular importance at the present time.
8. I have in mind the fact that the ninth special session of the United Nations General Assembly on Namibia will open in approximately three weeks time. The Assembly will discuss among other things the increasing political and diplomatic support for the South West Africa People's Organization (SWAPO) and the expansion of assistance programmes for Namibians. The Council is preparing proposals for consideration by the Assembly which will positively affect the Institute.
9. Before concluding, I should like to add that I was also invited, in my capacity as Rapporteur of the Committee on the Fund, to hold consultations with the Director and staff of the Institute. I have been honoured to have held consultations with the Chairman of the Senate. Speaking now as Rapporteur, I should like to say that these consultations have been most useful. Particularly informative was an extensive meeting held with the Committee of Management. A number of useful points arose in these consultations. There was, among others, the idea of making the Institute a depository library for United Nations documents and publications; I shall not fail to place this proposal before the Council upon my return. There was the need for information on treaties signed by South Africa purportedly on behalf of Namibia; we believe we can send some information on this question from New York. There was also the question of research. This was a matter upon which, I must admit, I had had some reservations myself, particularly with regard to the hiring of outside consultants. I am pleased to say that this matter has now been thoroughly clarified.
10. In the report which I shall make on this mission to Lusaka, in addition to describing briefly the work of the 7th meeting of the Senate and its decisions, it is my intention to provide for the information of members of the Council, a short summary of the current training and research activities of the Institute. I am certain that the Council will do its best to meet the present needs of the Institute, and that it will remain in close contact with the Institute. In this connexion I think it would be beneficial for the Institute to submit its budget estimates for a given year in time for the Council to consider them and reach a conclusion before the budget year commences.

11. In thanking the distinguished members for their attention, I cannot conclude in a better way than by quoting the words of the President of the Council, at the last meeting of the Senate, which are particularly relevant at the present time.

"The struggle for the liberation of Namibia has clearly reached a critical phase. The United Nations Council for Namibia, in co-operation with SWAPO, is firmly committed to the legitimate aspirations of the Namibian people for self-determination, freedom and national independence in a united Namibia. The Institute for Namibia is the result of one of the most significant initiatives of the Council and it is fully aware of the importance of the Institute in support of the cause of Namibian independence."

The Council is acting in accordance with this position.

12. I should also like to convey to you the warmest wishes of the Council members for the success of the work of the Institute.

APPENDIX II

Agenda of the 7th meeting of the Senate, held at  
Lusaka, on 3 and 4 April 1978

First session: Monday, 3 April 1978

- I. Chairman calls meeting to order.
- II. Roll call.
- III. Approval of the minutes of the 6th meeting, held on 1 and 2 November 1977.
- IV. Approval of the agenda.
- V. Matters arising from the minutes of the last meeting.
- VI. Administration and finance:
  - Draft annual report of the Senate of the Institute for Namibia to the United Nations Council for Namibia and the Secretary-General of the United Nations;
  - Staff evaluation report;
  - Recommendations on staff benefits;
  - 1977 year-end budget review.

Second session: Monday, 3 April 1978

- VII. Academic:
  - Draft three-year curriculum;
  - Report on students' performance;
  - Draft rules governing the withdrawal of students from the Institute owing to academic failure;
  - Report on the former 23 students.

Third session: Tuesday, 4 April 1978

- VIII. Research and consultancy
  - Report on research activities.
- IX. Other business.

ANNEX IV\*

Report of the delegation of the Council to the Extraordinary Meeting of the Senate of the Institute for Namibia, held at Lusaka on 19 May 1978

A. INTRODUCTION

1. On 10 May 1978, the President of the Council, on the recommendation of Standing Committee I, appointed Mr. Petre Vlasceanu (Romania), Rapporteur of the Committee on the United Nations Fund for Namibia, to represent the President at the extraordinary session of the Senate of the Institute for Namibia, to be held at Lusaka on 19 May 1978. The delegation of the Council also included Mrs. Famatta R. Osode (Liberia).

B. PROCEEDINGS AND DECISIONS

2. In his statement at the opening of the meeting, Mr. Adebayo Adedeji, Executive Secretary of the Economic Commission for Africa (ECA) and Chairman of the Senate, recalled that, in accordance with a decision of the 7th meeting of the Senate, held on 3 and 4 April 1978, a/ the extraordinary session had been convened to consider a programme of special short-term courses for Namibians drawn up by the Senate. He stressed the needs of Namibians in this field and the urgency of taking an adequate decision promptly.

3. The agenda for the extraordinary meeting, as approved, included consideration of the following items:

- (a) Special short-term courses for Namibians;
- (b) Other matters:
  - (i) First audit and inspection report;
  - (ii) Report of the United Nations personnel expert on staff benefits;
  - (iii) Briefing by the representative of the Council on the ninth special session of the General Assembly relating to the question of Namibia.

1. Special short-term courses

4. In accordance with a decision of the 7th meeting of the Senate (see para. 2 above), the Committee on Management of the Institute drew up and submitted to the

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\* Previously issued under the symbol A/AC.131/L.82.

a/ See annex III to the present report.



Senate at the extraordinary session three project proposals outlining a programme of short-term courses, consisting of remedial English, teacher upgrading and typewriting and office procedures. In introducing the project proposals on the short-term courses, Mr. Hage Geingob, the Director of the Institute, drew the attention of the Senate to the urgent need to train Namibians in those areas.

5. He said that short-term courses in remedial English, as envisaged by the Institute, would be of five months' duration, from August to December 1978, with an enrolment of 200 students. In January 1979, after completing the remedial English course, 100 students would go on to the public administration programme, 50 would take the six-month teacher-upgrading course, and another 50 would take the nine-month typewriting and office procedures course.

6. The Director pointed out that, in introducing the courses, the Institute faced a problem of accommodation with regard to living quarters and classrooms. In that connexion, he was in touch with Zambian officials in an effort to find a solution to the problem. There had been discussions on leasing or buying additional buildings to meet the need for space created by the increasing number of students and, in that regard, the Institute was counting on a grant from the European Community to cover part of the related expenses.

7. After a broad exchange of views, in which the representative of the South West Africa People's Organization (SWAPO) participated actively, the Senate approved in principle the project proposals submitted by the Committee on Management. The Senate specified that the remedial English course should include basic mathematics and that the typewriting and office procedures course should be divided into three phases: five months of remedial training, nine months of typing and office procedures and another nine months of secretarial training. It was also decided that the short-term courses would be offered on a continuous basis.

8. With regard to the problem of accommodation, the Senate decided to take measures, in consultation with the Government of Zambia, to complete negotiations in that respect.

9. The Senate further approved the expenditures relating to the short-term courses for 1978, which could be paid out of the existing resources of the Institute.

10. The Institute was instructed to prepare project reports listing the comprehensive costs of the courses in teacher upgrading, typing and secretarial work. The reports were to be prepared for budgetary purposes, showing the amount of financing required, and copies were to be sent to potential donors.

## 2. Other matters

### First audit and inspection report

11. In accordance with United Nations procedure, the financial books of the Institute, at its own request, were audited in September 1977. The Chairman announced that the report was available to members of the Senate.

12. The representative of the President of the Council noted that the practice of auditing the books of the Institute was indeed positive and indicated that it should be continued on a regular basis.

13. The Senate decided that the auditor's report should be placed on the agenda of the 8th meeting of the Senate. The Senate agreed, however, that the report contained various positive recommendations that should be implemented forthwith by the Director of the Institute and that the Director should report on the implementation of such recommendations at the 8th meeting.

14. The Senate also agreed that action should be taken regarding the recommendation contained in the auditor's report to assign a senior finance/budget officer from United Nations Headquarters to train the budget and accounting personnel of the Institute.

#### Report of the United Nations expert on staff benefits

15. At its 7th meeting, in April 1978, the Senate had decided to request the services of an expert on personnel questions from Headquarters to prepare a report on staff benefits for the Institute.

16. In accordance with this decision, Mr. Kuo-ho Chang, Chief, Staff Services, Division of Personnel Administration, Office of Personnel Services, introduced his report and explained to the Senate the differences between United Nations staff benefits and Institute staff benefits owing to the special circumstances governing the creation of the Institute.

17. After a wide exchange of views on the matter, the Senate decided to accept in principle the report of the expert on personnel questions. Further, the Senate was of the opinion that in future it should follow as closely as possible the 200 series of regulations governing United Nations fixed-term contracts of staff working in the field. In conclusion, the Senate decided to request the Office of Personnel Services to assist in preparing, for consideration at the next meeting of the Senate, draft regulations for the staff of the Institute.

#### Briefing on the ninth special session of the General Assembly on the question of Namibia

18. The Chairman of the Senate called on the representative of the Council to give a brief summary of the activities of the ninth special session. He was particularly pleased about the fact that the representative of the Council had been elected Rapporteur of the Ad Hoc Committee of the ninth special session.

19. The representative of the Council gave a brief account of the work done by the Council in preparation of the special session, which was held from 24 April to 3 May 1978. He informed the Senate of the organization of work and activities of the special session. The final document of the session (see paras. 20-21 below) had been prepared by the Ad Hoc Committee, which had as its Chairman Miss Gwendoline C. Konie (Zambia), President of the Council. Mr. Vlasceanu (Romania), a member of the Steering Committee and Rapporteur of the Committee on the United Nations Fund for Namibia, was the Rapporteur of the Ad Hoc Committee.

20. At its 15th meeting, on 3 May 1978, the General Assembly had adopted the draft Declaration on Namibia and Programme of Action in Support of Self-Determination and National Independence for Namibia, contained in the report of

the Ad Hoc Committee, b/ by a roll-call vote of 119 to none, with 21 abstentions (resolution S-9/2).

21. In the Declaration, the General Assembly had, inter alia, reiterated that Namibia was the direct responsibility of the United Nations; reaffirmed the mandate given to the Council as the legal Administering Authority until independence; approved the activities of the Council and the policies and programmes defined by the Council in co-operation with SWAPO; declared that the Assembly, through the Council, would continue to carry out its responsibilities until the genuine independence of Namibia had been attained; called upon those countries which had not yet done so to recognize SWAPO as the sole and authentic representative of the Namibian people; reaffirmed its determination to continue its efforts towards increased assistance to Namibians in the context of the Nationhood Programme for Namibia, the Institute for Namibia, the United Nations Fund for Namibia and other projects and programmes of assistance to Namibians; expressed its satisfaction with the effective work being accomplished by the Institute in training Namibian cadres to administer an independent Namibia and in conducting research into basic problems relating to the human and natural resources of Namibia; and called upon the Governments of Member States and governmental and non-governmental organizations to give all possible assistance to the Nationhood Programme and the Institute and to increase contributions to the Fund.

22. The representative of the Council said that the position of the Institute had been further enhanced by the Declaration and Programme of Action approved by the General Assembly.

23. The Chairman of the Senate said that the Senate was grateful for the statement of the representative of the Council. The Chairman noted with satisfaction that the Declaration and Programme of Action had further strengthened the work of the Institute.

#### C. RECOMMENDATIONS

24. The delegation of the Council to the extraordinary meeting of the Senate would like to recommend to the Council that:

(a) The President of the Council should express to the Government and people of Zambia the gratitude of the Council for their contributions to the activities of the Council and for their continued support of and co-operation with the Institute;

(b) The Council should express support for the activities of the Institute including the organization of short-term courses;

(c) The President of the Council, in consultation with the Director of the Institute, should hold consultations with the United Nations Development Programme to discuss financial assistance for the short-term courses to be offered by the Institute.

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b/ Official Records of the General Assembly, Ninth Special Session, Annexes, agenda item 7, document A/S-9/11, para. 10.

ANNEX V\*

Report of the Delegation of the Council to the Planning Workshop  
on the Nationhood Programme for Namibia, held at Lusaka from  
22 to 26 May 1978

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\* Previously issued under the symbol A/AC.131/L.83.

## A. INTRODUCTION

1. By its resolution 31/153 of 20 December 1976, the General Assembly decided to launch, in support of the nationhood of Namibia, a comprehensive assistance programme within the United Nations system, covering both the present period of struggle for independence and the initial years of independence of Namibia and including:

"(a) The review and planning of measures for assistance to Namibians by the specialized agencies and other organizations and bodies within the United Nations system;

"(b) The consolidation of all measures in a comprehensive and sustained plan of action;

"(c) The implementation of the plan of action."

2. Subsequently, by its resolution 32/9 A of 4 November 1977, the General Assembly called upon the Council to continue and intensify, in consultation with the South West Africa People's Organization (SWAPO), the direction and co-ordination of the Nationhood Programme for Namibia.

3. Accordingly, at its 276th plenary meeting, held at Lusaka on 22 March 1978, the Council adopted a report on the guidelines, policies and plan of action for the Nationhood Programme. a/

4. By its resolution S-9/2 of 3 May 1978, containing the Declaration on Namibia and Programme of Action in Support of Self-Determination and National Independence for Namibia, the General Assembly endorsed the initiatives of the Council, in accordance with its 1978 Declaration, b/ to implement the Nationhood Programme.

5. In accordance with the guidelines, policies and plan of action for the Nationhood Programme (see para. 3 above), the United Nations Commissioner for Namibia organized a planning workshop on the Nationhood Programme for Namibia.

6. On 10 May 1978, the President of the Council appointed a delegation, composed of Mr. Petre Vlasceanu (Romania) as Chairman and Miss Famatta Osode (Liberia), to attend the planning workshop. Under the chairmanship of the Commissioner, the planning workshop met at Lusaka from 22 to 26 May 1978. The Chairman of the delegation of the Council delivered statements at the opening and closing meetings (see appendices I.B and II.A below).

7. The workshop was attended by the delegations of the Organization of African Unity (OAU), SWAPO and the following specialized agencies and other organizations and bodies within the United Nations system:

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a/ Copies of the report have been circulated to members of the Council.

b/ Official Records of the General Assembly, Ninth Special Session, Supplement No. 1 (A/S-9/4), para. 31.

## United Nations

Economic Commission for Africa (ECA)  
United Nations Conference on Trade and Development (UNCTAD)  
United Nations Environment Programme (UNEP)  
United Nations Industrial Development Organization (UNIDO)  
United Nations Children's Fund (UNICEF)  
United Nations Development Programme (UNDP)  
World Food Programme (WFP)  
Office of the United Nations High Commissioner for Refugees (UNHCR)  
Department of Technical Co-operation for Development  
United Nations Centre on Transnational Corporations  
United Nations Fund for Population Activities (UNFPA)

## Specialized agencies

International Labour Organisation (ILO)  
Food and Agriculture Organization of the United Nations (FAO)  
United Nations Educational, Scientific and Cultural Organization (UNESCO)  
World Health Organization (WHO)  
International Civil Aviation Organization (ICAO)  
Universal Postal Union (UPU)  
International Telecommunication Union (ITU)  
World Meteorological Organization (WMO)  
Inter-Governmental Maritime Consultative Organization (IMCO)

## Other organizations

International Trade Centre (UNCTAD/GATT) (ITC)  
United Nations Volunteers

### B. ACTIVITIES OF THE PLANNING WORKSHOP

8. The planning workshop was opened by Mr. Paul J. F. Lusaka, Acting Minister for Foreign Affairs of Zambia. In his statement, the Acting Foreign Minister said that the planning workshop was the first of its kind in the history of the United Nations in so far as assistance to countries and peoples still under colonial rule was concerned. The Acting Foreign Minister commended the efforts of the Council and assured the workshop of the full co-operation of the Zambian Government in the implementation of the programme of assistance envisaged (see appendix I.A below).

9. The Chairman of the delegation of the Council expressed the Council's gratitude to the Government and people of Zambia for their support and co-operation in all the activities of the Council. The Council representative outlined the objectives of the Nationhood Programme and noted with appreciation the response of the agencies and organizations to the Council's aid requests. He said that the Council, in consultation with SWAPO, would consider the project proposals, establish priorities among them, seek funds and subsequently commission the agencies to implement the projects (see appendix I.B. below).

10. The representative of OAU said that his organization was participating in the workshop in the spirit of traditional co-operation which the United Nations and

its system of organizations had had with OAU. He expressed the willingness of OAU to collaborate with the Council in the implementation of projects relating to the Nationhood Programme (see appendix I.C below).

11. The Assistant Administrator and Regional Director for Africa of UNDP emphasized the need to be realistic regarding the feasibility of the projects recommended by the agencies, their likelihood of success, their cost, financing, timing and other related factors (see appendix I.D below).

12. The United Nations Commissioner for Namibia emphasized the paramount importance of the role of the Council as the Administering Authority for the Territory with final responsibility for the Nationhood Programme. He said that his Office assumed the over-all administrative responsibility for the Programme as the chief executive of the Council (see appendix I.E below).

13. The representative of SWAPO thanked the Council, the Commissioner and the Government of Zambia for their support and assistance to Namibia. He said that SWAPO saw the Nationhood Programme as a mechanism to identify problems and to find solutions to those problems (see appendix I.F below).

14. The specialized agencies and other organizations and bodies within the United Nations system submitted over 100 project proposals for review and consideration by the planning workshop.

15. The workshop held several meetings to review all the project proposals presented by the agencies. The representative of each agency and organization introduced the projects and answered questions posed by other participants.

16. The discussions on the different projects were thorough and fruitful.

17. At the conclusion of the session, it was stressed that in the light of the discussion and exchange of views that had taken place at the workshop, the United Nations Commissioner for Namibia would report to the Council regarding the project proposals presented by the agencies and organizations and that they would be contacted when the Council reached a decision as to the implementation, within the framework of the Nationhood Programme, of the projects. Moreover, the possibility of holding another workshop would be considered.

18. At the closing meeting of the planning workshop, the representative of the Council made a statement stressing that, in formulating the projects of assistance to Namibia, the agencies and organizations concerned had to take into account the national interests of Namibia and to ensure the direct participation of Namibians and their political control, through SWAPO, over the implementation of such projects. The representative of the Council further stated that the Council, working closely with SWAPO, would make the final decision on the Nationhood Programme after careful consideration of the report of the Commissioner, who would integrate the projects presented by the agencies into a comprehensive programme.

#### C. CONSULTATIONS WITH THE UNITED NATIONS DEVELOPMENT PROGRAMME

19. The representative of the Council had the opportunity to hold consultations with the Assistant Administrator and Regional Director for Africa of UNDP regarding implementation of the Nationhood Programme.

20. The representative of the Council expressed appreciation to UNDP as the main contributor to the projects of assistance to Namibians undertaken by the Council; he noted that UNDP had established an indicative planning figure for Namibia and had given particular importance to assisting the Institute for Namibia.

21. The representative of the Council discussed with the Assistant Administrator the possibility of increasing the indicative planning figure for Namibia, bearing in mind the exigencies of the Nationhood Programme.

22. The Assistant Administrator took note of the recommendations of the representative of the Council and said that they would be given proper attention by UNDP. He also said that he would look forward to continuing co-operation with the Council delegation to the UNDP Governing Council.

#### D. RECOMMENDATIONS

23. Expressing appreciation for the manner in which the United Nations Commissioner for Namibia had organized and chaired the workshop, the delegation of the Council to the planning workshop recommends to the Council that it should:

(a) Consider the project proposals submitted by the United Nations Commissioner for Namibia and approve them in principle;

(b) Request the President of the Council and the United Nations Commissioner for Namibia to hold consultations with the Administrator of the United Nations Development Programme with a view to increasing the indicative planning figure for Namibia;

(c) Consider sending missions of consultation to Member States to obtain financial support through contributions to the United Nations Fund for Namibia for the implementation of the Nationhood Programme for Namibia.



## APPENDIX I

### Statements made at the opening meeting of the planning workshop, on 22 May 1978

#### A. Statement by Mr. Paul J. F. Lusaka, Acting Minister for Foreign Affairs of Zambia

1. On behalf of His Excellency the President, Dr. Kenneth David Kaunda, the United National Independence Party (UNIP), the Government and the people of the Republic of Zambia, extend to you all our fraternal welcome to Zambia.
2. May I also say how greatly honoured I feel to open this important planning workshop on the Nationhood Programme for Namibia. It is my sincere hope that the workshop will be fruitful in terms of its goals and objectives as set down by the international community.
3. The situation in Namibia calls for international understanding and co-operation. In a desperate move to maintain the status quo in southern Africa, the racist minority régimes of John Vorster and Ian Smith have perpetrated, on an increased scale and with intensity, acts of unprovoked aggression and have flouted with impunity the resolutions of the international community.
4. The recent barbarous acts of aggression against Angola in which 600 innocent and defenceless Namibian refugees, comprising children, women and men, were massacred in cold blood by the Vorster racist clique cannot pass without strong condemnation by the peace-loving world. We in Zambia are more than ever before anxious that there should be international solidarity with the oppressed people of Namibia without any equivocation. Zambia believes that international support for the just struggle of the people of Namibia for liberation and genuine national independence is absolutely unquestionable. This is all the more imperative in the light of the serious, deteriorating situation in Namibia and the manoeuvres of South Africa to hoodwink, confuse and divide the international community.
5. The Territory of Namibia today has literally been turned into a concentration camp. The products of nazism and fascism in Pretoria have imposed on the Namibian people a despicable repressive system. The racist apartheid Pretoria régime arrogantly persists in its illegal occupation of that international Territory. It has even extended its diabolical system of apartheid and evil "bantustanization" policy to Namibia. The peace-loving peoples of the world should now increase their support to the Namibian people so that they can intensify their heroic struggle for freedom and independence.
6. In collusion with powerful capitalist forces, South Africa continues its exploitation and plunder of Namibia's natural resources. The territorial boundary of Namibia is being threatened by such illegal actions of South Africa as the annexation of Walvis Bay. I wish to reaffirm my Government's position that Walvis Bay is an integral part of Namibia and there can be no compromise on this point.
7. The people of Namibia, under the leadership of the South West Africa People's Organization (SWAPO), their sole and authentic representative liberation movement, have continued to score impressive military successes in their war of liberation against the illegal occupiers. Defiant, racist South Africa is also using Namibia

as a springboard for its iniquitous and barbarous acts of aggression against Angola and Zambia. Today, the situation, particularly along the border between Namibia and Angola, remains tense.

3. We have now reached the crossroads in the long and protracted struggle for the termination of South Africa's illegal occupation of Namibia. The independence of Namibia can no longer be postponed. The real question now is whether Namibia will become free and independent as a result of democratic and peaceful processes or as a result of an armed struggle and violent revolution by its people who have suffered oppression and degradation for so long a time.

9. It augurs well for Namibia that SWAPO is the vanguard of the national liberation struggle. This liberation movement, which has won international recognition as the sole and authentic representative of the Namibian people, has throughout the many years of struggle pursued enlightened and progressive policies. SWAPO has not at any time rejected the option for peaceful change in Namibia. It has embarked upon an armed struggle for the liberation of Namibia because the international community, which has assumed direct responsibility for the Territory, has so far not succeeded in its efforts to compel racist South Africa to withdraw and allow the Namibian people to exercise their inalienable and imprescriptible right to self-determination and national independence.

10. If change in Namibia is to be violent, it will be because some States Members of the United Nations have made the international community fail in its efforts to promote peaceful change. This is the challenge that the international community must face today in Namibia.

11. In this respect, my Government notes the current efforts of five Western countries to seek a settlement on the question of Namibia by peaceful means. We are told that these efforts, although outside the United Nations framework, are predicated on and aimed at the implementation of Security Council resolution 385 (1976) of 30 January 1976. On this understanding, Zambia is not opposed to the efforts.

12. The importance of resolution 385 (1976) is that it is an omnibus text reflecting all the basic positions of the United Nations on Namibia. Since resolution 385 (1976) is universally acceptable, my Government deems it necessary to stress that there should be no selective interpretation of this resolution in any well-meaning initiative to seek its implementation. Peaceful change in Namibia is indeed possible only if all the conditions laid down in the resolution under reference are met. To this extent my Government urges that:

(a) South Africa withdraw all its armed forces from Namibia and dismantle its military bases in the Territory;

(b) South Africa respect the territorial integrity of Namibia, of which Walvis Bay is a part;

(c) South Africa desist forthwith from its diabolic attempts to create a puppet régime in Namibia and divide its people on ethnic grounds;

(d) South Africa immediately and unconditionally release all Namibian political prisoners, detainees and restrictees and allow all political exiles to return to Namibia and participate freely in the political life of their country;

(e) South Africa immediately abandon its policies and practices of apartheid and "bantustanization" in Namibia and repeal all its racist legislation in the Territory;

(f) Any general election in Namibia should be on a territory-wide basis and under the supervision and control of the United Nations.

We believe that these are the minimum conditions which South Africa must satisfy if there is to be a peaceful change in Namibia.

13. We are particularly concerned about the continued collaboration with South Africa of some States Members of the United Nations, particularly in the military, economic, cultural and security fields. It is because of this collaboration that the South African régime has amassed sophisticated armaments with which it is terrorizing the people of Namibia and committing acts of aggression against neighbouring independent African States. It is because of this collaboration that South Africa is now on the threshold of becoming a nuclear Power. Indeed, it is in collusion with some Member States of the United Nations that South Africa continues to exploit uranium in defiance of Decree No. 1 for the Protection of the Natural Resources of Namibia enacted by the Council on 27 September 1974. a/

14. This is the most important planning workshop ever held by the United Nations on the question of Namibia. My Government applauds this decision of the Council, which met here in March this year and unanimously adopted a number of concrete measures that will enhance assistance to the future independent and democratic Government of Namibia.

15. Among other important decisions taken by the Council was the adoption of the 1978 Lusaka Declaration b/ and the report on the guidelines, policies and plan of action for the Nationhood Programme for Namibia c/ as an initial step in launching an over-all comprehensive assistance programme within the United Nations system. Information available to me is that this planning workshop is the first of its kind in the history of the United Nations as far as assistance to countries and peoples still under colonial rule is concerned. We commend these great efforts of the Council.

16. We in Zambia consider the Nationhood Programme for Namibia most timely and appropriate. As a country which has been actively involved in finding a lasting solution to the crises of southern Africa, we welcome this new initiative by the world body and I am confident that it will go a long way towards co-ordinating a programme of assistance to Namibians in all areas of their development. In this connexion, I should like to assure the workshop of the full co-operation of my Government in the implementation of the programme of assistance which will be sponsored under the Nationhood Programme.

17. Finally, I wish, on behalf of my Government, to commend the Council for the important work it is doing in discharging its mandate as the sole Administering Authority for Namibia. My Government will continue to co-operate fully with the Council in the interest of the just cause of the Namibian people.

a/ Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 24A (A/9624/Add.1), para. 84. The Decree has been issued in final form in the Namibia Gazette No. 1.

b/ Ibid., Ninth Special Session, Supplement No. 1 (A/S-9/4), para. 31.

c/ See para. 3 of the present report.

18. I wish you success in your deliberations.

B. Statement by Mr. Petre Vlasceanu (Romania),  
Chairman of the delegation of the Council

19. On behalf of the Council, I should like to welcome the representatives of SWAPO and of the specialized agencies and other organizations and bodies within the United Nations system participating in the planning workshop on the Nationhood Programme for Namibia.

20. It is a great honour for us to have our meeting opened by Mr. Paul Lusaka, Acting Minister for Foreign Affairs of Zambia. I should like to take this opportunity to pay tribute on behalf of the Council to the Acting Foreign Minister for his distinguished contribution on behalf of the Republic of Zambia to the activities of the Council in order to put an end to the illegal occupation of Namibia by South Africa and enable the Namibian people to decide upon their own future and build their own independent State. The Council had the privilege of being guided in its activities by the distinguished Acting Foreign Minister, who served as one of its Presidents during the time he represented Zambia at the United Nations.

21. The Government and the people of Zambia are well known for their important, dedicated role in the forefront of the struggle for the liberation of southern Africa against oppression, for freedom, independence and human dignity. We are grateful indeed for the support and co-operation of Zambia in all the undertakings of the Council. Zambia has been a most generous host and has provided facilities and services to extraordinary meetings and missions of consultation of the Council, to the Institute for Namibia and now to the planning workshop on the Nationhood Programme. In this connexion, Zambia's support of the Council and its activities has just been reiterated in the Minister's statement.

22. We are also pleased to welcome the representatives of the Organization of African Unity (OAU) and SWAPO, who have very special roles to play in the implementation of the Nationhood Programme, and the Assistant Administrator and Regional Director for Africa of the United Nations Development Programme (UNDP), who has found the time to join us personally in this exercise.

23. It is particularly noteworthy that the workshop takes place just a few days after the closure of the ninth special session of the General Assembly on the question of Namibia, at which the Assembly overwhelmingly adopted resolution S-9/2 of 3 May 1978, containing the Declaration on Namibia and Programme of Action in Support of Self-Determination and National Independence for Namibia. In its Declaration, the Assembly, inter alia, endorsed the initiatives of the Council, in accordance with its 1978 Lusaka Declaration, d/ to implement the Nationhood Programme for Namibia, and noted with appreciation the co-operation of the specialized agencies and other organizations and bodies within the United Nations system in the planning and implementation of the Programme. In addition, the Assembly, in its Programme of Action, called upon the Governments of Member States

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d/ Official Records of the General Assembly, Ninth Special Session,  
Supplement No. 1 (A/S-9/4), para. 31.

and governmental and non-governmental organizations to give all possible assistance to the Nationhood Programme.

24. In 1966, when the United Nations assumed direct responsibility for Namibia, with the Council as the Legal Administering Authority for the Territory until independence, it incurred a solemn obligation to assist and prepare the Namibian people for self-determination and independence. The General Assembly envisaged a comprehensive programme of assistance to Namibians in various fields and to this end, it created the United Nations Fund for Namibia.

25. An important further step in the development of a programme of assistance to Namibians, in addition to country programmes financed by the Fund, was the establishment of the Institute for Namibia in 1975.

26. By its resolution 31/153 of 20 December 1976, the General Assembly decided to launch a comprehensive assistance programme within the United Nations system, covering both the pre-independence period and the initial years of independence of Namibia, and including the review and planning of measures for assistance to Namibians by the specialized agencies and other organizations within the United Nations system, as well as their consolidation in a comprehensive and sustained plan of action and its implementation.

27. By the same resolution, the General Assembly called upon the Council to elaborate, in consultation with SWAPO, the guidelines and policies for such a programme and to direct and co-ordinate its implementation.

28. At its 276th plenary meeting at Lusaka on 22 March 1978, the Council adopted a report on the guidelines, policies and plan of action for the Nationhood Programme. e/ The Nationhood Programme, as envisaged by the Council, will provide a general framework for specified projects of assistance. Its cardinal objective is to harmonize present ad hoc arrangements for the preparation of projects into a co-ordinated and integrated system, within a clearly defined administrative structure, to give all agencies concerned the opportunity to provide maximum assistance, within a context of well-established priorities.

29. In accordance with the procedures established by the Council in its guidelines and policies for the Nationhood Programme, the United Nations Commissioner for Namibia has been particularly active in the arrangements for the implementation of the Programme, submitting guidelines and the respective aid requests to all relevant United Nations agencies and organizations, suggesting that each agency prepare and submit project proposals and organizing this workshop to consider all the project proposals submitted by the agencies and work them into an integrated programme proposal to be presented to the Council for its consideration and approval.

30. On the basis of the approved programme, the Council and the Commissioner will make an effort to mobilize the necessary funds through the United Nations Fund for Namibia. Potential sources of finance are funding organizations, member Governments and non-governmental organizations. Funds available and uncommitted under the UNDP indicative planning figure for Namibia and in the United Nations

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e/ See para. 3 of the present report.

Fund for Namibia, as well as other funds secured, will be allocated to individual projects in order of priority. Thus the projects would be approved for implementation.

31. The planning workshop should therefore be viewed within the context of the above procedures for the implementation of the Nationhood Programme. Regarding the terms of reference of the workshop, I should like to draw the attention of the participants to the fact that the Council, in consultation with SWAPO, will consider the project proposals, establish priorities among them, look for funds and subsequently commission the agencies and organizations concerned to implement the projects they have prepared within the limits of the financial resources available.

32. Over the years, the Council has sent many missions to various specialized agencies and other organizations within the United Nations system to promote programmes of assistance and to foster positive working relations between the Council, as the Administering Authority for Namibia, and the agencies and organizations concerned. In this regard, I am pleased to state that the Council has enjoyed the full co-operation of the agencies and organizations in fulfilling its obligations towards the Namibian people in the field of assistance. The purpose of the workshop is to widen the scope of our co-operation and consolidate further our solidarity within the United Nations system to meet the new challenges of the Nationhood Programme for Namibia, which is the first of its kind in the history of the United Nations. The workshop will provide an opportunity for an exchange of views on the manifold dimensions of the Programme by the 25 agencies and organizations within the United Nations system whose expertise will be brought to bear on our discussions.

33. Here I should like to emphasize the important role of SWAPO, which is the sole authentic representative of the people of Namibia with full observer status in the General Assembly. The views of SWAPO on project proposals should be given all the attention they deserve to ensure that the planning workshop retains proper perspective of Namibian requirements and priorities.

34. In this connexion, agency representatives will also have the opportunity to give their expert opinion on project proposals, with such clarifications as may be necessary, to ensure that SWAPO has the full benefit of their expert opinion. The participation of OAU in the workshop will ensure that it is fully informed of our deliberations and identified with all the processes leading to the implementation of the Nationhood Programme.

35. I should like to conclude by thanking all the specialized agencies and other organizations, as well as SWAPO, for the contribution they have made thus far towards the implementation of the Nationhood Programme and to assure them of the continued co-operation of the Council in the fulfilment of their obligations towards the people of Namibia.

36. On behalf of the President, I should like to voice our wishes for the success of this workshop, under the able chairmanship of the United Nations Commissioner for Namibia, in its endeavours. We are sure that the fruitful consultations and exchange of views to take place will greatly contribute to the implementation of the Nationhood Programme for Namibia.

C. Statement by Mr. José A. Sebastião, the representative of the Organization of African Unity

37. It was not by chance that OAU was invited to participate in this workshop on the Nationhood Programme for Namibia. I believe that OAU was invited within the spirit of traditional co-operation which the United Nations and its specialized agencies have had with OAU in trying to solve world problems, in particular the liberation of the southern part of the African continent.

38. It is a great and relevant occasion for me to be with you here as representative of the OAU Co-ordinating Committee for the Liberation of Africa. I can assure you that my full participation will permit OAU to be fully aware of your efforts. Although I am here as a spokesman of the OAU Co-ordinating Committee, when I go back I will become your spokesman.

39. I am not going to elaborate on what OAU is. Instead, what I am going to talk about is which sector of OAU I represent. As you know, OAU has agencies and committees. The purpose of the OAU Co-ordinating Committee, among other tasks, is to harmonize and co-ordinate the assistance given by African and other countries and the international organizations to the liberation movements. The Co-ordinating Committee also has the task of mobilizing and popularizing such assistance in various countries of peace-loving peoples in favour of the liberation movements.

40. The headquarters of the Co-ordinating Committee is at Dar es Salaam and there are regional offices at Lusaka and Maputo. The task of the regional offices is to facilitate co-ordination of the efforts of any country or international organization with those of the Co-ordinating Committee.

41. Besides the traditional co-operation between OAU and the United Nations, OAU also collaborates with the specialized agencies, which are located in different places and work in different sectors, although we come together on the objectives for which all of us are working.

42. Now, coming to our brothers in SWAPO, I should like to point out that the task which lies ahead of you is big, complicated and relevant. What is important for you to know now is how to avail yourselves of all the efforts which are being made on your behalf. You are not alone, and you can be sure of that from the preoccupation of all of us present here. Be courageous; the country and the people are yours. No one is born to govern or lead; the people learn how while they are governing or leading. Redouble your efforts, for now the situation is riper than ever.

43. Finally, on behalf of those who sent me here, let me express the readiness of the OAU Co-ordinating Committee to continue to collaborate with you in all the projects which eventually may be implemented in Namibia.

D. Statement by Mr. Michel Doo Kingué, Assistant Administrator and Regional Director for Africa of the United Nations Development Programme

44. There is no doubt in my mind. Today we are starting one of the most challenging duties the organizations of the United Nations system have ever faced:

to prepare a programme for a State about to be born and about which the United Nations has unprecedented responsibilities. Our duty is particularly difficult to perform since none of us, or at least very few of us, have been to or lived in Namibia. Of course this remark does not apply to our friends and partners of SWAPO.

45. Our only guides in this exercise, therefore, are what we know through the Namibians themselves, what we have read in existing literature, and what our experience of nation-building has taught us during all these years of decolonization.

46. In this respect, I am pleased and honoured that UNDP has been associated with this difficult task, and I look forward to sharing with you all my experiences as an African, as a former freedom fighter and as an artisan of development on this continent.

47. There are five considerations about which I should like you to reflect as we commence our work. My first consideration is that we should be realistic. I know and I often say that there could be no development without a strong dose of dreaming, and the greatest achievements of humankind would not have materialized if those responsible for them had not walked down well-known paths. In other words, realism should not be assimilated to conservatism or to lack of imagination. However, the unfamiliarity of the ground on which we have to operate, the unprecedented decolonization of an apartheid-dominated Territory, should make us somewhat cautious in our dreaming. That is what I mean by our being realistic.

48. We should be realistic about the likelihood of success of projects we are recommending. We should also be realistic regarding the cost of these projects and the possibilities of their being financed. We should be realistic about the timing of inputs delivery etc. In short, the realism I am referring to is rather a matter of precautions to ensure great success in our undertaking.

49. My second consideration relates to the categorization of activities to be organized. As I told my good friend and colleague the United Nations Commissioner for Namibia, it is my opinion that all the projects we are going to recommend fall into three categories which are at the same time indicative of their urgency and time framework. The first two categories which deal with most urgent projects concern assistance to SWAPO with regard to displaced Namibians on the one hand, and projects in preparation for independence on the other. In this respect, we should be able to recommend projects that should have started yesterday and could be implemented immediately. The third category of projects concerns those projects the implementation of which should be given the highest priority by the Government of an independent Namibia. It is obvious that their examination by the Namibian Government would be facilitated if their justification and detailed formulation could be available at the time of independence.

50. My third consideration deals with the financing and execution of all these projects. Here I wish to say that, while project proposals emanate from the various organizations of the United Nations system, we should bear in mind that not all of these projects will have to be financed or implemented by the organizations. We should recommend projects for their merits and impact regardless of which organization within or outside the United Nations system will be called upon to implement them. We should also remember that in any case the



cost of the Nationhood Programme is far beyond the present financial capacity of the United Nations system and we should anticipate that recommended projects would be financed on bilateral, multilateral and on multilateral-bilateral bases. For its part, UNDP is most willing to play a catalytic role with a view to ensuring that many projects that would be recommended receive adequate attention and support from other funding sources. Personally, I'll have the opportunity of playing such a role next month during the meetings of the Governing Council of UNDP at Geneva.

51. My fourth consideration concerns the proper use of the Institute for Namibia and its role in the implementation of some of the projects that may be recommended. It appears to me, from a quick perusal of the documentation available to us for this workshop, that we should consider whether some of the projects or components of projects that are being thought of could not be undertaken by strengthening the capabilities of the Institute. I have in mind, particularly, some of the training and research projects and such components of projects as seminars. In its document, the Food and Agriculture Organization of the United Nations (FAO) has attempted to identify projects that the Institute could implement. FAO's example should be followed by other specialized agencies.

52. My fifth and last consideration deals with the fact that Namibia may share with neighbouring countries the same problems and concerns. This is particularly true with regard to animal diseases and fisheries. We should not, therefore, think only in terms of Namibian projects, but also in terms of multicountry projects involving Namibia. In particular, it is worth mentioning that Namibia may help neighbouring land-locked countries by offering them alternative access routes to the sea. In this respect, I wish to announce that UNDP has set aside \$US 10 million for several multicountry projects of interest to countries of southern Africa. In view of the large number of land-locked countries in that part of our continent, it is expected that a sizable portion of the \$US 10 million will be devoted to transport and communications projects.

53. Before concluding, I should like to stress the importance UNDP attaches to its co-operation with the Council and with the United Nations Commissioner for Namibia. This co-operation is illustrated, inter alia, by the deep involvement of UNDP in the financing of the Institute for Namibia. We equally attach great importance to co-operation with SWAPO, which has been so well demonstrated by projects being financed by the UNDP indicative planning figure for national liberation movements and by the UNDP Trust Fund for assistance to colonial countries and peoples.

54. I have gone through the few remarks I meant to share with you this morning, but I still have a pleasant duty to perform: to convey to you, on behalf of the Administrator of UNDP, best wishes for the success of the exercise for which we are gathered here.

E. Statement by Mr. Martti Ahtisaari, United Nations Commissioner for Namibia

55. I should like to associate myself with statements made by previous speakers in welcoming all participants to the workshop. The representation at the workshop, embracing over 20 specialized agencies and other organizations within

the United Nations system, as well as OAU, SWAPO and the Institute for Namibia, gives an indication of the importance attached to the Nationhood Programme by the international community.

56. Participants in the workshop will be interested to know that our meeting here at Lusaka was financed by the Commonwealth Fund for Technical Co-operation, which made a donation of £10,000 to meet the administrative costs of the workshop. I am sure that all participants will join me in thanking the Commonwealth Secretariat for this financial contribution, which by itself is a further expression of the support of the Commonwealth Secretariat for the Nationhood Programme and the cause of Namibian independence.

57. I am pleased to note the overwhelming response of the specialized agencies and other organizations and bodies within the United Nations system to the Nationhood Programme. In a period of less than six weeks, those agencies and organizations have submitted for consideration by this workshop over 100 project proposals covering various aspects of development assistance to Namibia. On my own behalf, I should like to convey to the agencies and organizations my deep gratitude and appreciation for their record and timely response to the requests submitted to them for project proposals. The response thus far has been most encouraging and augurs well for the success of the Nationhood Programme.

58. The representative of the Council, in his opening statement, has outlined the objectives of the Nationhood Programme and the role to be assigned to various agencies for its implementation. In this connexion, I should like to emphasize the paramount importance of the role of the Council as the Administering Authority for the Territory, with final responsibility for the Nationhood Programme.

59. Here I would like to recall that the Council was specifically called upon by the General Assembly to elaborate the Programme in consultation with SWAPO and to direct and co-ordinate its implementation. Following this decision, my office assumes the over-all administrative responsibility for the Programme as the chief executive of the Council. In this connexion, I should like to assure all agencies and organizations concerned of the full co-operation of my office for the implementation of project proposals which will be assigned to them.

60. As a first step towards the launching of the Nationhood Programme for Namibia, the Council, on 22 March, approved unanimously the report on guidelines, policies and plan of action for the Nationhood Programme. f/ By approving the report, the Council confirmed the following basic scenario for launching the Nationhood Programme:

(a) The Council will establish the rules and guidelines for the process and indicate to the specialized agencies and other organizations within the United Nations system the needs and problem areas for which assistance is sought.

(b) Those agencies and organizations concerned in turn will indicate how those problems can be approached and tackled. This they will do in the form of project proposals submitted to the Council.

(c) The Council, in consultation with SWAPO, will consider the project proposals, look for funds and subsequently commission the agencies and organizations

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f/ Idem.

to implement the projects they have proposed, in the order of priority and within the limits of financial resources.

With the submission of project proposals by the agencies and organizations, the first two phases of this scenario have been completed. This planning workshop has been organized by the Council for the various agencies and organizations, SWAPO and the Institute for Namibia to consider all project proposals prior to the finalization of the Nationhood Programme by the Council, as called for in subparagraph (c) above.

61. At the forum of this workshop, the agencies and organizations will have the opportunity for an exchange of views on project proposals. The workshop will thus provide an opportunity for individual agencies and organizations to review their project proposals within the over-all context of the Nationhood Programme. Further, the participation of SWAPO in the workshop will give the agencies and organizations an opportunity to assess project proposals in terms of Namibian priorities and requirements. The participation of OAU in our deliberations will also ensure that it is informed of our proceedings and fully identified with all processes leading to the implementation of the Nationhood Programme.

62. The unique responsibility of the United Nations for Namibia places extra responsibility on all of us to ensure the success of the Nationhood Programme. In making this remark I am fully aware of the workload of the workshop, involving as it does over 100 project proposals for consideration within five working days. It is therefore important that we confine our discussions to essentials without going into details which could be followed up after the workshop or in informal consultations between meetings. I would therefore appeal to all agencies and organizations to make their presentations as brief as possible so that we can complete our work schedule on time.

F. Statement by Mr. Ben Amathila, Secretary for Economic Affairs of the South West Africa People's Organization

63. This is an historical event in the history of the Namibian struggle and also a unique occasion in the annals of the United Nations that we are gathered here today to find ways and means of putting into practice the Nationhood Programme for Namibia.

64. It is a unique situation, because never in the history of the United Nations has an exercise of this magnitude been tried or applied to any colonial situation in the world.

65. The urgency of the matter, therefore, calls upon us, the participants of this workshop, to match the seriousness which the Namibians, under the leadership of SWAPO, have placed on the Namibian struggle to date.

66. We are required to match the full commitment which OAU, since its inception in 1963, has shown to the Namibian problem. The occasion calls upon us to match the earnestness with which the United Nations and its system of organizations has taken up the call of the Namibian people over the years and has acted upon.

67. We are reminded here of the full and unflinching support given and commitment shown by the Council over the years, and you, Mr. Chairman, your full involvement and dedication to the liberation of Namibia.

68. This occasion is indeed a challenge to us all not to fail. It is the making of history, by both the United Nations family and SWAPO, for the Namibian people.
69. We are deeply indebted to the Government of Zambia, the United National Independence Party (UNIP) and the people of Zambia for making it possible for us to meet here. Their sacrifice over the years in aiding our struggle is proof of their commitment to our struggle during the years ahead. We know that the road ahead is not an easy one but, with their commitment and support, we are determined to walk that road.
70. We look upon the Nationhood Programme as a beginning of a very long and arduous road which every young nation will have to walk or stumble down before it reaches full-fledged nationhood. We know that the Nationhood Programme will not solve all our problems.
71. We see the Nationhood Programme as a mechanism to identify our problems both before and after independence. We see the Nationhood Programme as a mechanism to find solutions to identified problems.
72. We know that we will not be able to solve all our problems overnight, but with your expertise and vast experience over the years, drawn from various situations, we are sure that we will be able to minimize the disruptions which are bound to follow after independence when the racist Government of South Africa withdraws its illegal administration from Namibia - the destruction of all forms of telecommunications, the disruption of food and medical supplies, the possible destruction of the transport system (rail, road and air) and the deprivation of all essential commodities, for which Namibia currently depends heavily on South Africa.
73. The annexation of the port of Walvis Bay to South Africa since September 1977 is testimony of the lengths to which the racist Government of South Africa will go to destroy the new nation in order to recolonize it.
74. The recent attack by the racist South African troops on a SWAPO refugee camp in Angola and the subsequent killing of defenceless men, women and children (more than 600 dead and 400 wounded) and the burning of food and medical supplies are proof of the meanness of the South African Government and a reminder to us not to leave anything to chance.
75. We are looking forward to the next four days of meaningful deliberations and hard work. SWAPO will do everything to make the outcome of this planning workshop a successful one.
76. To you, comrade Chairman, and to the representatives of the various organs and specialized agencies of the United Nations, I extend to you on behalf of SWAPO a warm welcome to Lusaka.

## APPENDIX II

### Statements made at the closing meeting of the planning workshop, on 26 May 1978

#### A. Statement by Mr. Petre Vlasceanu (Romania), Chairman of the delegation of the Council

1. The delegation of the Council has followed with great interest and attention the deliberations of the planning workshop of the Nationhood Programme for Namibia. I should like to express appreciation for the efficient manner in which all participants have brought their contributions to this unique exercise in working out the content of the Nationhood Programme. We congratulate the participants on the successful completion of their work.
2. The Council, conscious of the pressing needs of the Namibian people at this crucial stage of their struggle for liberation, is particularly concerned with the elaboration and implementation of a comprehensive programme of action in accordance with the solemn obligations assumed by the United Nations to assist and prepare the Namibian people for self-determination and independence. In this regard, we attach particular importance to the exercise undertaken by the planning workshop and the possibility of assistance from the international community.
3. The workshop has provided an opportunity for the specialized agencies and other organizations and bodies within the United Nations system present here to exchange views with the South West Africa People's Organization (SWAPO) and the Institute for Namibia on project proposals submitted by them and, in particular, to assess the needs for assistance to the Namibian people at different stages of their struggle for liberation. The active participation of SWAPO in this workshop has enabled the agencies and organizations to obtain a clear perspective of what the Namibian people perceive as their needs and priorities to be considered in the design and implementation of assistance programmes for Namibians.
4. We note in particular the need for a realistic approach by the agencies and organizations concerned in the formulation of projects of assistance to Namibians, taking into full account the national interests of Namibia and the direct involvement of and political control by Namibians through their liberation movement in the implementation of such projects.
5. The delegation of the Council has taken careful note of the observations and comments expressed at this workshop and will bring them to the attention of the Council. As you are all aware, the final responsibility for the Nationhood Programme rests with the Council as the legal Administering Authority for the Territory until independence. In implementing this responsibility, the Council will finalize the Nationhood Programme in consultation with SWAPO and will direct and co-ordinate its implementation in accordance with General Assembly resolution 31/153 of 20 December 1976. The Nationhood Programme thus approved by the Council will be submitted for endorsement by the General Assembly at its thirty-third session.
6. In this connexion, the Council looks forward to continued co-operation with the specialized agencies and other organizations within the United Nations system and will keep them informed regarding any further action or initiatives which the Council may wish to take towards the implementation of the Programme.

7. I should like once again to thank all participants in the workshop for their contribution in assisting Namibians and for their co-operation with the Council and, in particular, the Assistant Administrator and Regional Director for Africa of the United Nations Development Programme (UNDP) for the valuable contribution he has made to our deliberations.

8. On behalf of the Council, I also wish to express profound gratitude and appreciation to the Government and people of Zambia for being host to this workshop and generously providing all the necessary facilities.

B. Statement by Mr. Ben Amathila, Secretary  
for Economic Affairs of the South West  
Africa People's Organization

9. We thank all the specialized agencies and other organizations and bodies within the United Nations system who responded to the invitation to participate in the planning workshop. We thank them very much for the project proposals they have prepared, which of course formed the basis of our deliberations.

10. We have been listening attentively and with keen interest to the presentations and comments made by the agencies and organizations. We acknowledge both the substance and the manner in which they were presented. They revealed the serious efforts made in preparing the projects. It is the seriousness of approach which characterized our work over the last four days. Therefore the success of our work is due to the leadership given by our Chairman, who, in addition to showing patience with lengthy speeches, also showed firmness and fairness.

11. We have deliberately refrained from taking positions during the discussion because we wanted first to formulate an over-all picture of all the projects together, before making judgement on individual projects.

12. We are looking at the economy of our country in terms of a sectoral framework. The SWAPO secretariat is also organized along sectoral lines. Instead of examining individual project proposals, the projects should be grouped according to sectors along the lines of development planning, which should be as flexible as possible and also reflect the present division of labour within our secretariat. This sectoral grouping will help in the follow-up of the preparation and implementation of the projects.

13. With regard to establishing priorities among the various projects, I am afraid that the time now has been too short to give the kind of careful and balanced consideration and judgement needed. We need more time before communicating our final position to the Council.

14. We realize that priorities have to be established within the reality imposed on us by the shortage of funds. Generally, we recommend the use of two categories of priorities: (a) projects to be financed from funds available now; and (b) projects to be financed subject to additional funds being made available.

15. In all cases we stress that projects concerning Namibian development should not be approved for implementation by any agency or organization without prior consultation with SWAPO and the Council. This excludes those projects giving

support directly to SWAPO as the national liberation movement of Namibia, in which case the Council is not involved. Certainly the Council will be kept informed.

16. As you know, our work and development efforts are also supported by friendly Governments and organizations outside the United Nations system. It is natural that in the implementation of some of the projects discussed here during this week, our bilateral supporters are also going to play an essential and valuable role. I could almost say that, from the Namibian point of view, there is only one Nationhood Programme, guided by SWAPO and supported by the United Nations system, as well as our bilateral sources of support. We also appreciate that the implementation of projects by all agencies and organizations is carried out in co-operation with the Institute for Namibia.

17. It is our view that all persons to be recruited or assigned by the agencies and organizations to Namibian projects should be approved by SWAPO in advance in the same manner as is done in co-operation with Governments. Our aim here is not to establish a complicated bureaucracy or to delay projects, but to ensure that with the funds available to us we get people to whom we can give fullest possible co-operation. We feel there is a need to continue these workshops periodically, with SWAPO assuming an increasing role in the preparations and deliberations. This can form a nucleus for the development planning process, which is a necessity in the future independent Namibia.

18. We are privileged to have had with us during our deliberations the Assistant Administrator and Regional Director for Africa of UNDP. We appreciate the interest he showed in the discussion and hope that, when the Governing Council of UNDP meets at the beginning of June, he will support our need for an increase in the indicative planning figure for Namibia.

19. It is our hope that other funding organizations, such as the United Nations Children's Fund (UNICEF), the United Nations Fund for Population Activities (UNFPA) and the World Food Programme (WFP), will make their financing available to projects which the Council is going to approve.

20. Finally, we would like to thank those agencies and organizations which sent representatives from their headquarters, especially UNDP, the United Nations Volunteers and the Organization of African Unity (OAU), as well as the members of the Council and the United Nations Commissioner for Namibia and his staff.

C. Statement by Mr. Michel Doo Kingué, Assistant Administrator and Regional Director for Africa of the United Nations Development Programme

21. I do not intend to make a long statement since my ailing voice would not allow me to perform suitably. Furthermore, I have not much to add to what I said during the five days of our meeting. However, as this workshop is about to close, I shall testify to the satisfactory manner in which it was conducted under the very able leadership of my friend and colleague, the United Nations Commissioner for Namibia. I think that the discussions we had were frank and constructive and that, even if we were unable to prepare comprehensively all the projects that should compose the Nationhood Programme, we have largely done part of the job and have agreed to complete the rest in the very near future.

22. I am sure you will not expect me to say right now which of the recommended projects UNDP may wish to finance. I need more time to review the projects, taking into account the limited resources at the disposal of UNDP and the best way these resources may be utilized in view of the very nature of UNDP assistance as I described it yesterday.

23. In the light of the exchange we had during the workshop, however, I am in a position to give some preliminary indications regarding the preferences UNDP may express in deciding on projects it will finance.

24. It is likely that those pre-independence training projects for which UNDP may provide resources may have to be presented as projects of assistance to SWAPO to be funded using the resources available or likely to be available for assistance to liberation movements and to colonial countries and peoples. It is also likely that a number of pre-independence studies that concern critical areas of Namibian development may have to be financed using the indicative planning figure for Namibia. Since this figure is relatively small and is already being used to finance the Institute for Namibia, the number of projects to be accommodated under the indicative planning figure will by necessity, have to be limited.

25. As I said in my statement at the opening of the workshop, however, (see appendix I.D above, para. 7), UNDP intends to play a catalytic role by attracting funds from other sources with a view to ensuring the financing of all the projects that are being recommended.

26. I also wish to repeat the offer I made, during our discussions, that the leadership of SWAPO should take advantage of the Nationhood Programme to strengthen its capacity to plan and manage development activities in preparation for independence. UNDP is willing to finance assistance that may be required from the specialized agencies in this respect.

27. Finally, we should study ways and means for the Institute for Namibia to play a supervisory role in the preparation and implementation of a number of training and research projects, for which its involvement is desirable. As I said two days ago, it is not indispensable that all the activities for which the Institute's participation is recommended should take place in Zambia or within the Institute's premises. Besides, the implementation of these new projects involving the Institute implies additional inputs to the Institute's capacity - whether in personnel or in financial resources. Therefore, these new responsibilities should not scare the Institute. They should rather be welcomed as additional strength to that institution.

28. In conclusion, I wish to express again my satisfaction for the manner in which all of us have co-operated in performing the duty we were assigned.

D. Statement by Mr. Martti Ahtisaari, United Nations Commissioner for Namibia

29. The planning workshop has completed its work and it now falls on me, as United Nations Commissioner for Namibia and Chairman, to wind up our deliberations and close the workshop. It is appropriate, in this connexion, for me to thank all participants for the contribution they have made to the success of the workshop. Within the short period of five working days, the workshop has



considered over 100 project proposals submitted by different agencies and other organizations within the United Nations system on the Nationhood Programme for Namibia. This is indeed a remarkable achievement considering the fruitful discussions and exchanges of views which have taken place in this forum. I should like to extend to all participants my deep gratitude and appreciation, as Chairman, for their co-operation and understanding. We can all be proud of what has been achieved in this workshop in terms of interagency co-operation and solidarity with the Namibian people.

30. At this workshop, over 20 specialized agencies and organizations have had the unique opportunity to review their project proposals within the over-all context of the Nationhood Programme in an exercise involving exchanges of views with SWAPO and the Institute for Namibia, as well as with other organizations. The workshop has created a fuller awareness of the magnitude and the over-all dimensions of the Nationhood Programme as envisaged by the Council. It has provided United Nations agencies and organizations the opportunity of reviewing their project proposals in the light of submission made by other agencies, as well as by SWAPO and the Institute. It has also made it possible for agencies to compare notes with their colleagues from other organizations with a view to co-ordinating their efforts on specific projects.

31. Our deliberations have also highlighted the importance of a subregional approach to specified projects. Above all, SWAPO and the Institute, not to mention my good friend and colleague the Assistant Administrator and Regional Director for Africa of UNDP, have introduced into our discussions realism and constraints which have to be taken into account in the formulation of projects. On the whole, this has been a most useful exercise for all of us, and the experiences which we have shared at this workshop will go a long way in assisting the international community in launching the Nationhood Programme.

32. The workshop has provided SWAPO, the Institute and my own office with the opportunity of consolidating contacts with the United Nations agencies and organizations on matters of mutual concern.

33. In its deliberations, the workshop has stressed the importance of contingency planning in the Nationhood Programme to meet any eventuality which Namibia may face in the near and medium term. Agency proposals will, therefore, have to be reviewed to make provision for such contingencies. In this connexion, views expressed by SWAPO, the Institute and OAU will have to be taken into account in finalizing projects. This would call for maximum flexibility on the part of all concerned to meet any emergencies.

34. On the basis of our deliberations here, the agencies and organizations concerned will also have to review their research projects within the context of participation by the Institute for Namibia. In this regard, the agencies and organizations will have to take into account the limitations of the Institute, both in terms of its facilities for research and as a host for seminars. On the other hand, research projects already initiated by the Institute should be taken into account by the agencies and organizations in the formulation of their project proposals. Wherever appropriate, they should co-ordinate their research efforts with the Institute to ensure maximum results and avoid duplication.

35. The workshop has also made it clear that, notwithstanding manpower constraints, the agencies and organizations will have to give serious consideration to involving

as many Namibians as possible in the development and implementation of projects. We should all consider ways and means to provide SWAPO with the necessary facilities and assistance to strengthen its capacity in the administration of the Nationhood Programme.

36. We are, however, at the moment, only at the beginning of a unique exercise. In general, a good start has been made even if, in some cases, it is only a modest beginning on the road to better preparedness. We all have the right to leave Lusaka with a feeling of satisfaction after a successful and busy week. A lot of imagination and political awareness of the unique nature of the situation and unorthodox thinking are required from all of us. This workshop has already proved that we are capable of all that if we have the necessary determination and political will. I hope that these tendencies will be further reinforced in the future.

37. With the completion of the workshop, the final responsibility for the Nationhood Programme now rests with the Council as the Administering Authority for Namibia within the context of General Assembly resolution 31/153 of 20 December 1976. By this resolution, the General Assembly called on the Council to elaborate, in consultation with SWAPO, the guidelines and policies for such a programme and to direct and co-ordinate its implementation. Subject to any decision which the Council may take in this regard, I shall keep the agencies informed of further requirements expected of them in the implementation of the Nationhood Programme.

ANNEX VI

Report of the Delegation of the Council to the sixty-fourth  
session of the International Labour Conference, held at  
Geneva, from 7 to 26 June 1978

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## A. INTRODUCTION

1. At its 193rd session, held on 1 June 1974, the Governing Body of the International Labour Organisation (ILO) decided to invite the Council to be represented with the status of observer at sessions of the International Labour Conference.
2. In May 1975, the mission of the Council to certain specialized agencies and the Office of the United Nations High Commissioner for Refugees (UNHCR) at Geneva held discussions with senior officials of the ILO on the question of representation and participation of Namibia in the work of the ILO. a/
3. Representatives of the ILO secretariat explained that, in the view of the ILO Legal Adviser, there appeared to be two obstacles to accepting Namibia as a member, both of which were of a constitutional nature. First, there were no provisions in the ILO Constitution for associate membership. Namibia at present was not an independent State, to which membership in the ILO was limited. Second, it was explained that the ILO was an organization to which members sent tripartite delegations representing the Government, workers and employers. That did not appear to be feasible at the present time in the case of Namibia.
4. The ILO felt, therefore, that the only type of participation available would be to invite the Council to the meetings of the ILO as an observer.
5. On 20 December 1976, the General Assembly adopted resolution 31/149, by paragraph 3 of which it requested all specialized agencies to consider granting full membership to the Council. The resolution was adopted by a vote of 120 to none, with 7 abstentions.
6. In April 1977, the mission of the Council to specialized agencies and other organizations within the United Nations system with headquarters in Europe b/ visited the ILO.
7. The Mission was informed that the ILO Constitution did not provide for associate membership arrangements. The procedures for membership were much like those of the United Nations, wherein an applicant State was required to have the properties, facilities and powers of a sovereign Government. However, the Council, as a unique body, had a standing invitation to participate, in an observer capacity, in conferences of the ILO, placing it on an equal footing with observers from non-member States. In order to acquire full membership, the Council should formally submit its application to the Director-General of the International Labour Office and it would be placed on the agenda of the Governing Body. It was pointed out that membership required a two-thirds majority in the ILO Conference.

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a/ Official Records of the General Assembly, Thirtieth Session, Supplement No. 24 (A/10024), vol. II, annex VI.

b/ Ibid., Thirty-second Session, Supplement No. 24 (A/32/24), vol. II, annex III.

8. Upon its return to United Nations Headquarters, the Mission recommended that the Council should formally submit an application for membership in the ILO at the earliest opportunity. The Council approved the recommendation at its 255th meeting on 3 June 1977.

9. In June 1977, a delegation of the Council attended the sixty-third session of the International Labour Conference, c/ The Conference is the assembly of all members of the ILO, and is responsible for electing the Governing Body of the ILO.

10. On 20 June 1977, the delegation met Mr. F. Wolf, Legal Adviser of the ILO. Mr. J. Lemoine, Adviser for International Organisations Affairs, and Miss F. Morgenstern, Assistant Legal Adviser, were also present. Mr. Wolf explained that there were two ways in which a State could be admitted to the ILO:

(a) By being an original member of the United Nations or by being admitted for membership of the United Nations. A State could become a member by communicating to the Director-General of the International Labour Office its formal acceptance of the obligations of the Constitution of the ILO;

(b) Through admission by the Conference of the ILO by a vote concurred in by two thirds of the delegates attending the session, including two thirds of the government delegates present and voting. Such admission would take effect when the new member formally applied to the Director-General of the International Labour Office and agreed to accept formally the obligations of the Constitution of the ILO.

11. Mr. Wolf was of the opinion that there were certain legal problems because the Council, although recognized as the legal Administering Authority for Namibia, did not have actual control of the Territory and, as such, would have difficulty in applying labour laws and ILO Conventions in Namibia. He also raised other legal and technical problems, such as the ability of the Council to have proper representation in the ILO meetings etc. He said that apart from the legal and technical issues which would be raised if the Council decided to apply, there was the question of lack of time during the current session of the Conference. The procedure was that once the formal application reached the Director-General of the International Labour Office, it would be forwarded to the President of the Conference, who in turn would forward it to the Selection Committee. The Selection Committee in turn would set up a tripartite sub-committee composed of government, labour and employer delegates. The tripartite sub-committee would take several days to examine the application and report to the Selection Committee which in turn would report to the Conference, where a vote on the application would be taken.

12. On 27 October 1977, the President of the Council addressed to the Director-General of the International Labour Office a letter seeking full membership in ILO, citing paragraph 3 of General Assembly resolution 31/149.

13. On 18 November, the Director-General of the ILO acknowledged receipt of the letter and drew attention to the relevant articles of the Constitution of the ILO and the Standing Orders of the International Labour Conference which are quoted below:

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c/ Ibid., annex X.

(a) Article I of the Constitution

...

"2. The Members of the International Labour Organisation shall be the States which were members of the Organisation on 1 November 1945, and such other States as may become members in pursuance of the provisions of paragraphs 3 and 4 of this article.

...

"4. The General Conference of the International Labour Organisation may also admit members to the Organisation by a vote concurred in by two thirds of the delegates attending the session, including two thirds of the government delegates present and voting. Such admission shall take effect on the communication to the Director-General of the International Labour Office by the Government of the new member of its formal acceptance of the obligations of the Constitution of the Organisation."

...

(b) Article 28 of the Standing Orders

"1. The admission of new members to the International Labour Organisation by the General Conference, in accordance with article 1 (4) of the Constitution of the Organisation, shall be governed by the provisions of the present article.

"2. Each application for admission made to the Conference shall be referred in the first instance to the Selection Committee.

"3. Unless the Selection Committee is of the opinion that no immediate action should be taken on the application, it shall refer the application to a sub-committee for examination.

"4. Before submitting its report to the Selection Committee, the sub-committee may consult any representative accredited to the Conference by the applicant.

"5. The Selection Committee, after considering the report of the sub-committee, shall report on the question to the Conference.

"6. In accordance with article 1 (4) of the Constitution of the Organisation:

"(a) A vote concurred in by two thirds of the delegates attending the session, including two thirds of the government delegates present and voting, shall be necessary for the admission of a new member by the Conference;

"(b) The admission shall take effect on the communication to the Director-General of the International Labour Office by the Government of the new member of its formal acceptance of the obligations of the Constitution of the Organisation.

..."

14. On 4 November 1977, the General Assembly adopted resolution 32/9 E, in paragraph 3 of which it requested all specialized agencies and other organizations and conferences within the United Nations system to grant full membership to the United Nations Council for Namibia so that it might participate in that capacity as the legal Administering Authority for Namibia in the work of those agencies, organizations and conferences. The resolution was adopted by a vote of 136 to none, with 4 abstentions (Belgium, France, the United Kingdom of Great Britain and Northern Ireland and the United States of America).

15. At its 58th meeting, on 9 May 1978, Standing Committee I considered a letter dated 17 April 1978 from the Director-General of the International Labour Office, inviting the Council to be represented as an observer at the sixty-fourth session of the International Labour Conference. Standing Committee I decided to recommend that the Council should be represented by a strong delegation, which would seek full membership in the ILO.

16. On 31 May 1978, the President of the Council informed the Director-General that a delegation of the Council would attend the sixty-fourth session of the Conference and that the delegation would put forward an application for full membership. The President also stated that, should the Conference decide to grant full membership to Namibia, the Council delegation was empowered to accept, on behalf of the Council, the obligations of membership as indicated in the Constitution of the ILO.

17. On the same day, the President of the Council addressed a letter to all Council members urging them to request their delegations to the Conference to support the Council delegation in its attempt to obtain full membership in the ILO. The President also pointed out that it was politically essential to take every action to prevent any attempt by South Africa to gain international recognition for any puppet régime which it might attempt to install in Namibia.

18. The Council delegation was headed by Mr. Abdelhamid Semichi (Algeria) and included Mr. Vicente Montemayor Cantu (Mexico) and Mr. J. Shafashike Kahana (the South West Africa People's Organization (SWAPO)). The delegation was accompanied by Mr. John F. Robson, a staff member of the United Nations Secretariat.

#### B. ACTIVITIES OF THE COUNCIL DELEGATION

19. On 7 June, the first day of the Conference, the Council delegation held meetings with the Ministers for Labour of Nigeria, the United Republic of Tanzania and Zambia, who informed the delegation that it might be difficult to obtain full membership; delegates who were opposed to the Council's admission might request a legal opinion, which, in their view, could only be unfavourable to the Council's request.

20. At a meeting with the ILO Legal Adviser, the Council was informed that, in accordance with the Standing Orders of the Conference (see para. 13 (b) above), its request for admission would be transmitted to the Selection Committee. If, as was likely, the Selection Committee requested a legal opinion, the Legal Adviser would feel obliged to give a negative opinion. He specified, however, that the opinion would be only the opinion of the Legal Adviser and would not represent the general point of view of the ILO secretariat. He also invited the

Council to submit a new letter requesting admission. According to the Legal Adviser, it had been decided not to issue the earlier letter of application from the Council until the actual intentions of that body were known. The Council delegation therefore submitted a new application, in which it cited paragraph 3 of resolution 32/9 E, the advisory opinion of the International Court of Justice of 21 June 1971 d/ and the decision taken up by the Conference of the Food and Agriculture Organization of the United Nations (FAO) at its nineteenth session (see annex II to the present report) to admit Namibia as a full member of FAO. The new application was subsequently issued as an official document of the Conference (see appendix II below).

21. The Council delegation then met with the Chairman of the African Group at the ILO, who agreed to include the question of Namibia in the agenda of the meeting of the African Group on 8 June 1978. The delegation was invited to attend the meeting, at which it explained the origins of the Namibian problem, the importance of obtaining full membership in the specialized agencies and the progress made so far in that respect. The African Group decided unanimously to give its full support to the Council.

22. On 9 June 1978, in accordance with the Standing Orders of the Conference, the Council's application was transmitted to the Selection Committee and included in its agenda. The Committee proved to be of central importance at the Conference, where it assumed the role of a steering committee. The members of the Committee are the same as the members of the Governing Body of the ILO; there are currently 26 government delegates, 14 employers' delegates from various countries and 14 workers' delegates. Each of the 54 members of the Committee has a vote and, in accordance with the relevant principle of the ILO, the number of votes of the employers' and the workers' delegates taken together is equal to the number of votes of government delegates. (Government delegates have 50 per cent of the votes, the employers' delegates 25 per cent and those of the workers 25 per cent.)

23. During the meeting of the Selection Committee devoted to the question of Namibia, the employers' delegate from Australia, supported by the workers' delegate from that country, as well as other members, proposed that a legal opinion on the subject should be sought. The delegates of the Sudan and Tunisia disagreed, stating that it was not necessary to seek a legal opinion and that, in their opinion, it would be sufficient to follow General Assembly resolution 32/9 E and adopt a similar decision. The delegate of India stated that a legal opinion would not be binding in any way on the members of the Committee. The Canadian workers' delegate proposed seeking the opinion of SWAPO. The Selection Committee decided to request a legal opinion from the Legal Adviser of the ILO on the understanding that the opinion would not bind members of the Committee, and to seek the opinion of SWAPO.

24. Certain difficulties then arose in connexion with the hearing of Mr. John Ya Otto, Secretary for Labour of SWAPO. Ten days after the start of the Conference, he had still not arrived at Geneva. For reasons which the Council delegation had been unable to ascertain, and contrary to usual practice, the ILO had invited liberation movements to the sixty-fourth session of the Conference

d/ Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council resolution 276 (1970), Advisory Opinion, I.C.J. Reports 1971, p. 16.



without sending them airline tickets and funds to cover travel costs. As a result, persons representing the liberation movements were unable to attend the meeting owing to lack of funds. Mr. Ya Otto was in Lusaka while the Conference was in progress and those concerned were unwilling to hear Mr. Shafashike Kahana, a representative of SWAPO, on the pretext that, unlike Mr. Ya Otto, he had not been accredited to address the Conference. The delegation therefore requested the Council to arrange for Mr. Ya Otto to proceed to Geneva as quickly as possible. The SWAPO representative in New York then sent an airline ticket to Mr. Ya Otto, who arrived at the Conference more than 10 days late.

25. Following consultations with the Minister for Labour of Zambia, a meeting was held on 12 June of ILO member delegations which were also members of the Council. Mr. Phineas Kosamu Musukwa, Acting Permanent Secretary of the Ministry of Labour, who served as chairman, introduced the question of Namibia's admission to the ILO and requested the support of all members of the Council.

26. The Council delegation appealed to the participants to mobilize support at the Conference for Namibia's admission and to carry out that task on a regional basis by establishing contact with the representatives of Governments, employers and workers of each region. The Council delegation also submitted comments on the legal opinion of the ILO Legal Adviser (see appendix III below), which was unfavourable to Namibia's admission. The participants at the meeting agreed to mobilize the members of the Conference and also agreed that the comments of the Council delegation on the legal opinion should be issued as a working document.

27. With the assistance of legal experts from the delegations of some of the countries represented at the meeting, the Council delegation prepared a working document which, while accepting the basic principles expressed in the opinion of the Legal Adviser, refuted his argument on a legal basis, showing that the admission of Namibia was in no way in contradiction with the provisions of the ILO Constitution (see appendix IV below). The Council delegation stated that the argument of the ILO Legal Adviser was based on the position that the ILO Constitution spoke of "States", whereas Namibia, in his view, was not a State. However, the ILO Constitution did not contain a definition of the word "State". The definition on which the Legal Adviser had based his opinion had been taken from the Montevideo Convention of 1933. The Council delegation refuted this argument in its working paper (see appendices IV and V to the present report).

28. The Legal Adviser had stated in his opinion that the Council would not be able to send a tripartite delegation including government, workers' and employers' delegates. Such representation, although it was customary in the ILO, was not indispensable under the Constitution. The Council delegation also refuted this argument (see appendices IV and V to the present report).

29. The delegation also refuted the claim of the Legal Adviser that Namibia was not a Member of the United Nations and went on to clarify its request as an application for the admission of a country, not an organization.

30. On 15 June 1978, the Selection Committee met to study the legal opinion. The proposal of the United Kingdom delegate that the matter should be deferred to 1979 was not adopted. The Indian delegate stated that the opinion of the Legal Adviser included no mention of General Assembly resolution 32/9 E, which had been the basis for the delegation's mission, and pointed out that Namibia fulfilled

the conditions for statehood referred to in the legal opinion. He also recalled that his country had been a member of the ILO since its foundation after the First World War, despite the fact that India had not been independent at the time of its admission to the ILO. In view of the complexity of the problem, the Selection Committee decided to transmit Namibia's application for admission to a sub-committee of 12 members for study. Of the 12 members, six were government delegates (Canada, India, Mexico, Poland, Somalia and Yugoslavia), three were employers' delegates (Australia, Jamaica and Nigeria) and three were workers' delegates (Australia, the Ivory Coast and the Union of Soviet Socialist Republics). Most of the proposals nominating members to the sub-committee came from countries which were members of the Council.

31. The first meeting of the sub-committee was held on 15 June 1978. In accordance with the Standing Orders of the ILO, the sub-committee heard the Council delegation. In its statement, the Council delegation based itself on its legal working paper (see appendix IV below). Taking into account the Selection Committee's decision to seek the opinion of SWAPO (see paras. 23-24 above), the sub-committee heard Mr. Mishake Muyongo, Vice-President of SWAPO, who stated that SWAPO fully supported the application for the admission of Namibia, represented by the Council.

32. An incident took place at the hearing. Six days previously, the delegation of the Council had addressed a message to the secretariat of the Council seeking the opinion of the Legal Counsel of the United Nations on the question of the representation of the Council at the United Nations Conference on Succession of States in Respect of Treaties. The delegation had awaited a reply to that message so that it could refer to it in preparing its own legal argument. The reply had been sent to the delegation on the same day by the Secretary of the Council, but six days later the delegation had not received it. The Council delegation considered that the transmission of the telegram had been improperly handled by the secretariat of the ILO and could have caused difficulties in regard to the position of the Council.

33. During the meeting of the sub-committee, certain representatives, notably the representative of Canada, expressed reservations with respect to the admission of Namibia and claimed that their countries had expressed reservations at the time of the adoption of resolution 32/9 E. The Council delegation explained that it was fully aware of the debate in the United Nations, and of the fact that Australia and Canada had expressed reservations with respect to the armed struggle and the degree of representativeness of SWAPO. However, those two countries had never expressed reservations with regard to resolution 32/9 E, which called upon the specialized agencies to grant Namibia full membership.

34. The sub-committee held five meetings to study the question and worked out a draft decision which it submitted to the Council delegation. Following consideration of the draft decision, the delegation made amendments to strengthen the text. The draft decision, as amended, was accepted by the sub-committee despite the opposition of some members who would have preferred to revert to an earlier formula proposing acceptance of Namibia as a member of the ILO, the decision to be implemented as soon as Namibia became independent. This formula was tantamount to rejection of the application.

35. While the various meetings were in progress, the Council delegation met individually with each of the delegations present at Geneva. For example, in the

case of the Selection Committee, which has 54 members, the delegation held individual discussions with 41 representatives and 13 alternates. It held similar discussions with members of other committees, particularly at the level of the plenary meetings of the Conference.

36. During these consultations the Council delegation noted that certain countries still wished to revert to the formula, already rejected (see para. 34 above). On 19 June 1978, the Selection Committee began consideration of the report of its sub-committee (see appendix V below) and held three meetings on the subject. During those meetings the United Kingdom delegate, with the support of the members of the industrialized Market Economy countries (IMEC), proposed reverting to the earlier formula, while all of the workers' delegates and most of the employers' and the government delegates supported the sub-committee's draft decision. In its report on the matter, the Selection Committee recommended that the sub-committee's draft decision, with minor drafting changes, should be submitted to the plenary Conference (see appendix VI below).

37. At that stage the Council delegation began mobilizing support among members at the plenary meetings. On 21 June 1978, the Council delegation addressed a meeting of the Group of Seventy-seven. In its statement, the delegation stressed the importance of the support of the members of the Group of Seventy-seven, in particular attendance at the meeting when the vote was taken, since a two-thirds majority of all the delegates registered at the Conference was required for adoption of the decision. The Group of Seventy-seven promised to support the Council delegation.

38. Other groups also held meetings; the workers' group unanimously pronounced itself in favour of the draft decision; the employers' group favoured the draft decision by a large majority, and the Nordic countries indicated that they were in favour of the draft. The IMEC group of countries appeared to be divided on the question.

39. At the 27th plenary meeting of the Conference, 23 June 1978, the Chairman of the Selection Committee introduced the report of that Committee and noted the reservations of certain of its members. During the debate which had followed, statements were made by 23 speakers before the roll-call vote was taken. A total of 480 delegates were registered at the Conference and empowered to vote. The President of the Conference announced that the number constituting two thirds of all the delegates registered at the Conference was 320. In the voting which followed, the result was 368 votes to none, with 50 abstentions. In the subcategory of government delegates, where a two-thirds majority was also required, the vote was 193 to none, with 26 abstentions. The two-thirds majority was greatly exceeded in both cases.

40. In a statement after the vote, the head of the Council delegation thanked the Conference for admitting Namibia, represented by the Council. The representative of SWAPO also thanked the Conference on behalf of SWAPO. The draft decision proposed by the Selection Committee was adopted without amendment (see appendix VII below).

### C. CONCLUSIONS

41. The Council delegation considers that, in the decision adopted by the International Labour Conference (see appendix VII below) there are four points to

which attention should be drawn. The first, with respect to paragraph 1, is that the Council delegation had many problems in securing acceptance of the representation of SWAPO as recognized by the United Nations, yet in the end it succeeded in its effort to have the Conference acknowledge that SWAPO was the sole and authentic representative of the Namibian people.

42. The second important point was that the mission of the Council delegation was based on resolution 32/9 E. All the other specialized agencies should take account of that basic resolution and of the vote by the Conference when the Council applies for full membership in such specialized agencies.

43. The third important point was paragraph 4 of the ILO decision which began with the following words: "Noting that Namibia is the only remaining case of a former mandate of the League of Nations where the former mandatory Power is still in occupation". The delegates to the Conference had been concerned lest the admission of Namibia might create a precedent which other organizations could invoke in seeking admission to the ILO. The Council delegation felt it was essential to include that paragraph in order to draw attention to the unique nature of the decision.

44. Fourthly, in paragraph 6 of the decision, the Conference affirmed that the ILO was not prepared to allow the legitimate rights of the Namibian people to be frustrated by the illegal actions of South Africa. That paragraph had been introduced in order to include an additional categorical condemnation by the ILO of South Africa.

45. Finally, paragraph 8 of the decision was of fundamental importance because: (a) it admitted Namibia to full membership in the ILO, it being agreed that the Council would represent Namibia until the latter became independent; and (b) it recognized that the Council would constitute the government delegation of Namibia. It was understood that SWAPO was included in the Council and that SWAPO would designate worker delegates to the Conference.

#### D. APPROVAL OF THE REPORT AND EXPRESSION OF THANKS

46. The present report was approved by the Council at its 284th meeting, 28 June 1978.

47. The delegation wishes to take this opportunity to thank all the members of the Council for the aid and support given by their delegations at the International Labour Conference. It wishes in particular to thank the delegations of Algeria, India, Mexico, Poland, Yugoslavia and Zambia for the exceptional assistance rendered by their delegations at Geneva. With reference to countries which were not members of the Council, the Council delegation wishes to thank the delegations of Australia, the Niger and Tunisia for the assistance rendered by their delegates at Geneva.

48. The delegation wishes to pay a tribute to the devotion, competence and tireless efforts of Mr. Robson, Principal Secretary to the delegation. His contribution to the mission's success had been of paramount importance and was a credit to the secretariat of the Council.

## APPENDIX I

Chronology of the activities of the delegation

Monday, 5 and 6 June	7 p.m.	Departure of delegation from New York and arrival at Geneva the following morning
Tuesday, 6 June	12 noon	Meeting with Ministers of Labour of Nigeria, the United Republic of Tanzania and Zambia
	2.15 p.m.	Meeting with the Legal Adviser of the International Labour Organisation (ILO)
Thursday, 8 June	1 p.m.	Meeting of the African Group to discuss Namibia application; statement by head of Council delegation
	3 p.m.	Meeting with the Minister of Labour of Zambia
Friday, 9 June	6 p.m.	Meeting of Selection Committee to discuss Namibia application; request for legal opinion
Monday, 12 June	5.30 p.m.	Meeting of ILO members, also members of the Council
Wednesday, 14 June	6 p.m.	Meeting of Selection Committee to discuss Namibia application; referral to sub-committee
Thursday, 15 June	4.30 p.m.	First meeting of sub-committee; statement by head of Council delegation
Friday, 16 June	10 a.m.	Second meeting of sub-committee
	3 p.m.	Third meeting of sub-committee
Monday, 19 June	10 a.m.	Fourth meeting of sub-committee
	3 p.m.	Fifth meeting of drafting of sub-committee recommendation and discussion with Council delegation
	6 p.m.	Meeting of Selection Committee to hear report of Chairman of sub-committee
Tuesday, 20 June	6 p.m.	Special meeting of Selection Committee on question of admission of Namibia
Wednesday, 21 June	2.30 p.m.	Meeting of Group of Seventy-seven to discuss question of admission of Namibia; statement by head of Council delegation

Wednesday, 21 June	6 p.m.	Meeting of Selection Committee: admission of Namibia recommended; decision to publish report of Sub-Committee, including legal opinion of the Legal Adviser of the ILO, and legal working paper of the Council delegation as annexes
Friday, 23 June	10 a.m.	Meeting of plenary; roll-call vote in favour of admission of Namibia; statement by head of Council delegation
Monday, 26 June	12 noon	Return of Council delegation to New York

APPENDIX II

Application of the Council for the admission of Namibia,  
represented by the Council, to membership in the  
International Labour Organisation a/

The Conference has before it a request from the United Nations Council for Namibia for the admission of Namibia, represented by the United Nations Council for Namibia, to full membership in the International Labour Organisation. This request is contained in the following letter which the Director-General of the International Labour Office has received from the head of the delegation of the United Nations Council for Namibia:

Mr. Francis Blanchard  
Director-General  
International Labour Organisation  
Geneva

7 June 1978

Sir,

I have the honour to inform you that, at its 255th meeting, the United Nations Council for Namibia decided to apply for full membership for Namibia, represented by the United Nations Council for Namibia, in the International Labour Organisation. This action is taken pursuant to resolution 32/9 E of the United Nations General Assembly, paragraph 3 of which:

"3. Requests all specialized agencies and other organizations and conferences within the United Nations system to grant full membership to the United Nations Council for Namibia so that it may participate in that capacity as the legal Administering Authority for Namibia in the work of those agencies, organizations and conferences;"

This resolution was adopted on 4 November 1977 by 136 votes to none with 4 abstentions.

Kindly find annexed to this letter an information note on the question.

Accept, Sir, the assurances of my highest consideration.

(Signed) Abdelhamid SEMICHI  
Head of delegation  
United Nations Council for Namibia

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a/ International Labour Conference, Sixty-fourth Session, Provisional Record, No. 24, reports of the Selection Committee, eleventh report, appendix I.

ENCLOSURE

Application for full membership by Namibia, represented by  
the United Nations Council for Namibia

Information note

A. Advisory Opinion of the International Court of Justice of 21 June 1971

"The Court is of Opinion, in reply to the question:

'What are the legal consequences for States of the continued presence of South Africa in Namibia, notwithstanding Security Council resolution 276 (1970)?'

"(1) that, the continued presence of South Africa in Namibia being illegal, South Africa is under obligation to withdraw its administration from Namibia immediately and thus put an end to its occupation of the Territory;

"(2) that States Members of the United Nations are under obligation to recognize the illegality of South Africa's presence in Namibia and the invalidity of its acts on behalf of or concerning Namibia, and to refrain from any acts and in particular any dealings with the Government of South Africa implying recognition of the legality of, or lending support or assistance to, such presence and administration;

"(3) that it is incumbent upon States which are not Members of the United Nations to give assistance, within the scope of subparagraph (2) above, in the action which has been taken by the United Nations with regard to Namibia." b/

B. Decision taken at the 4th plenary meeting of the Nineteenth Conference of the Food and Agriculture Organization of the United Nations (FAO) on 14 November 1977

The Conference decided to admit Namibia, represented by the United Nations Council for Namibia, as a member of FAO. c/

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b/ Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970), Advisory Opinion, I.C.J. Reports 1971, p. 16.

c/ See annex II to the present report.



APPENDIX III

Opinion of the Legal Adviser of the Conference on the possible admission of Namibia as a member of the International Labour Organisation a/

1. The question which arises is whether Namibia can be admitted, at the present time and on the basis of the present constitutional provisions, as a member of the International Labour Organisation.

2. Some preliminary comments must be made in that connexion. First, the application for membership has been submitted by the United Nations Council for Namibia. The Council at this time represents Namibia in international organizations on the following legal basis: by resolution 2145 (XXI) of 27 October 1966, the General Assembly of the United Nations decided to terminate the mandate exercised by South Africa b/ and to bring Namibia under the direct responsibility of the United Nations; by resolution 2248 (S-V) of 19 May 1967, the General Assembly established the Council to administer the Territory until independence; and by subsequent resolutions it authorized the Council to represent Namibia in international organizations. Second, for several years now the Council has had a standing invitation to be represented at the International Labour Conference by an observer. For that purpose the Council, as an international authority responsible for the administration of a Territory, was given a status similar to that given under the Standing Orders to a non-member State, and enjoys at the Conference the rights both to speak in general debates in plenary and to participate in the discussions in committee. Third, the problem now at issue is the application of the provisions of the Constitution concerning membership. If, in that connexion, any question or dispute relating to the interpretation of the Constitution of the Organisation were to arise, the International Court of Justice is, in accordance with article 37, paragraph 1 of the Constitution, alone competent to give an authoritative answer. Finally, the responsibility of the Legal Adviser is to lay before the Conference relevant texts, precedents and other materials; any conclusions he may draw from these are, of course, purely advisory.

3. Admission into membership in the International Labour Organisation is governed by article 1, paragraphs 2, 3 and 4, of the ILO Constitution. According to article 1, paragraph 2, the members of the ILO shall be:

- (a) States which were members of the ILO on 1 November 1945; and
- (b) Such other States as may become members of the Organisation in pursuance of the provisions of paragraphs 3 and 4 of article 1.

Paragraph 3 of article 1 provides that:

"Any original Member of the United Nations and any State admitted to membership of the United Nations by a decision of the General Assembly in

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a/ International Labour Conference, sixty-fourth session, Provisional Record, No. 24, reports of the Selection Committee, eleventh report, appendix II.

b/ The advisory opinion of the International Court of Justice of 21 June 1971 cited in the application for membership (see appendix II above) spelt out the legal consequences of the termination of that mandate.

accordance with the provisions of the Charter may become a member of the International Labour Organisation by communicating to the Director-General of the International Labour Office its formal acceptance of the obligations of the Constitution of the International Labour Organisation."

Paragraph 4 of article 1 then provides:

"The General Conference of the International Labour Organisation may also admit members to the Organisation by a vote concurred in by two thirds of the delegates attending the session, including two thirds of the government delegates present and voting. Such admission shall take effect on the communication to the Director-General of the International Labour Office by the Government of the new member of its formal acceptance of the obligations of the Constitution of the Organisation."

4. It is clear from these provisions that membership in the ILO is open to States, which may fall into one of three categories:

- (a) Members of the ILO on 1 November 1945;
- (b) Members of the United Nations; and
- (c) Other States.

Namibia does not fall into the first two categories. Accordingly, under paragraphs 2 and 4 of article 1 read together, it could become a member only as "such other State as may" be admitted to the Organisation by the General Conference by a vote concurred in by two thirds of the delegates attending the session, including two thirds of the government delegates present and voting.

5. It is clear from the terms of paragraph 2 of article 1 that membership in the ILO is only open to "States". The first question to be considered is, accordingly, whether Namibia can be regarded as a State for that purpose.

6. The ILO Constitution does not contain a definition of the term "State". However, there are generally accepted criteria in international law for determining what constitutes a State. The best known formulation of the basic criteria for statehood is that laid down in article 1 of the Montevideo Convention, 1933, which states that:

"The State as a person of international law should possess the following qualifications: (a) a permanent population; (b) a defined territory; (c) government; and (d) capacity to enter into relations with other States."

While there may be argument as to whether the apparent or temporary absence of one of these criteria is sufficient to deprive an entity of its status as a State in international relations, what is important is that an entity which calls itself a State should have plenary competence both to deal with its internal affairs and to perform international acts, enter into treaties etc.

7. The ILO Constitution contains provisions regarding the rights and obligations of members which appear to confirm the need to meet the basic criteria mentioned above. A few examples may be given:

(a) In accordance with the provisions of article 3, paragraph 1, of the Constitution, the meetings of the General Conference are composed of four representatives of each of the members of whom two shall be government delegates and the other two shall be delegates representing respectively the employers and the workpeople of each of the members. It seems clear that these provisions presuppose the existence of a Government.

(b) Under article 19 of the Constitution, any international labour convention adopted by the Conference will be communicated to all members for ratification, and each Member is under an obligation to bring the convention, within the period specified in the article, before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action. If the convention is ratified by the member, it is also required to take action to make it effective. These various provisions of article 19 presuppose that members of the ILO are capable of concluding treaties and international agreements, and are able to make them effective within their territory.

(c) According to article 29 of the Constitution, the Government of a member State which has been involved in a complaint under article 26 of the Constitution may, in certain specified circumstances, propose to refer the complaint to the International Court of Justice. Since, according to article 34 of the Statute of the International Court of Justice "only States may be parties in cases before the Court", the provisions of article 29 of the ILO Constitution presuppose that the members of the ILO are "States" with standing to bring judicial action before the Court.

(d) Article 40 of the ILO Constitution provides that "the International Labour Organisation shall enjoy in the territory of each of its members such privileges and immunities as are necessary for the fulfilment of its purposes". These provisions presuppose that each member of the ILO has a territory, and is capable to granting privileges and immunities therein to entities from outside that territory.

8. The practice of the International Labour Organisation has always been to require that members should have full capacity to exercise the rights, and discharge the obligations, of membership in the Organisation, as laid down in the ILO Constitution. c/ This practice is supported, in particular, by an advisory opinion of the Permanent Court of International Justice in the case concerning the application for membership of the ILO by the Free City of Danzig in 1930. The facts of the case will be briefly recalled.

9. The Free City of Danzig was created in 1919 by the Treaty of Versailles. The city had a defined territory and population; it had its own flag, and issued passports to its nationals. It had independent legislative power, exercised through a parliament; it had a Government and a Senate, as well as judicial courts made up of independent judges. However, in international relations the Free City of Danzig was subjected to certain restrictions. On the one hand, it was placed under the protection of the League of Nations; and on the other, the conduct of its foreign relations was entrusted to the Government of Poland.

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c/ In some cases (Viet Nam, 1950; Federal Republic of Germany and Japan, 1951) special assurances were required, and given, that this was so.

10. When the Free City of Danzig applied to become a member of the ILO in 1930, doubts were expressed by some members as to whether its status was compatible with the rights and duties of membership in the Organisation. The question was referred to the Permanent Court of International Justice for an advisory opinion.

11. The Court said that it was impossible to avoid the conclusion that some of the steps which a member of the ILO would take - some even which it might be bound to take - in pursuing the normal activities of membership would fall within the sphere of foreign relations. It noted that the Free City of Danzig could not call upon Poland to take any step in connexion with the foreign relations of the Free City which were opposed to the policy of Poland; and that there was no provision in the ILO Constitution which absolved a member from complying with the obligations of membership or excused it from participating in the normal activities of the Organisation if it could not obtain the consent of some other member of the Organisation. As a result, the Court held that the Free City of Danzig could not participate as a member in the work of the International Labour Organisation.

12. What, in the light of the foregoing, are the facts concerning the status of Namibia? It should be recalled that the Territory now known as Namibia came under the responsibility of the United Nations by virtue of United Nations General Assembly resolution 2145 (XXI) of 1966, which also terminated the mandate which was exercised over the Territory by the Government of South Africa on behalf of the British Government. By resolution 2248 (S-V) of 1967, the United Nations General Assembly established the United Nations Council for Namibia to administer the Territory until independence, and "to fulfil by every available means the mandate entrusted to it by the General Assembly".

13. Namibia has not yet attained independent statehood. Namibia is still under the administration of the United Nations, and the conduct of the foreign relations of Namibia is entrusted to the United Nations Council for Namibia. It seems to me to follow from the present terms of the ILO Constitution, from the meaning given to those terms in international law, from the practice of the ILO and particularly from the advisory opinion of the Permanent Court of International Justice in the Free City of Danzig case, that Namibia cannot be admitted as a member of the ILO until it attains independence, and becomes able to exercise all the rights and discharge all the obligations of membership in the Organisation.

14. A second, distinct, question to be considered is whether the UN Council for Namibia can be admitted as a member of the ILO to represent the Territory of Namibia. The Council is responsible for the administration of the Territory of Namibia and for the conduct of its foreign relations. However, it was created by a resolution of the United Nations General Assembly and is a subsidiary organ of the United Nations. The Constitution of the ILO expressly assimilates, for one purpose only, namely that of accepting the obligations of international labour conventions, international authorities responsible for administering a territory to member States administering a territory. Since the question was thus not overlooked, it must be concluded that it was not the intention of the parties to the Constitution to carry the assimilation any further. Again, therefore, it would seem to follow from the requirement of the Constitution that members be "States", that the United Nations Council for Namibia cannot be admitted as a member of the ILO.

The position in other international organizations

(a) United Nations

Namibia has not yet been admitted as a Member of the United Nations.

(b) Food and Agricultural Organization of the United Nations (FAO)

The FAO Assembly admitted Namibia as a full member of the Organization in November 1977 by 112 votes for, 4 votes against and 11 abstentions.

(c) World Health Organization (WHO)

In 1974, the twenty-seventh World Health Assembly admitted Namibia as an associate member of the Organization.

In 1976, the United Nations Council for Namibia submitted a request to WHO for full membership. The Director-General of WHO submitted the request to the Executive Board at its fifty-ninth session in January 1977. In his report to the Board, the Director-General pointed out that Namibia had already been admitted as an associate member of the Organization pursuant to article 8 of the WHO Constitution.

The report then pointed out that a request had been made to the specialized agencies to consider favourably granting a waiver of the assessment of Namibia during the period in which Namibia is represented by the United Nations Council for Namibia. The Executive Board was requested to review the matter with a view to making appropriate recommendations to the thirtieth World Health Assembly.

During its consideration of the matter, the Executive Board dealt exclusively with the question of waiver of contributions. It recommended to the Assembly to decide to exempt Namibia from payment of its assessed contributions for 1978 and subsequent years until the year it accedes to full membership of WHO.

At the thirtieth World Health Assembly in May 1977, the representative of the Council repeated the request for full membership of the Organization in his statement at the plenary meeting of the Assembly. However, the Assembly merely adopted the recommendation of the Executive Board.

The question of full membership has not been raised since.

(d) United Nations Educational, Scientific and Cultural Organization (UNESCO)

Namibia, represented by the Council, has associate member status in UNESCO.

APPENDIX IV

Working paper prepared by the Council delegation containing  
the legal position of the delegation a/

The request of the United Nations Council for Namibia to be admitted as a full member of the ILO has been transmitted to the Selection Committee /see appendix II above/. The Selection Committee met on 9 June 1978, and considered the matter. The Selection Committee decided to ask the Legal Adviser of the Conference for a legal opinion on the question, on the understanding that the legal opinion was not binding on the Selection Committee.

After the publication and circulation of this opinion on 12 June /see appendix III above/ the Council delegation deemed it necessary to review the situation at a meeting of the 25 members of the Council group of the ILO. This meeting had been originally scheduled to discuss in general terms the request for admission to the ILO of Namibia, represented by the United Nations Council for Namibia.

In the course of this meeting, the head of the Council delegation made a number of clarifications which can be summarized as follows.

In the opinion of the Council delegation, the legal opinion requested from the Legal Adviser of the ILO was unnecessary. It is clear that the ILO Constitution, in any question concerning the admission of new members, follows the principle that the ILO must take into consideration and follow the decisions of the United Nations. If the United Nations has not taken any decision concerning a given country, recourse will then be made to the specific procedure laid down in the ILO Constitution and to the procedures customarily followed in the ILO committees.

As far as Namibia is concerned, we have to recognize that the United Nations has taken very clear decisions.

Firstly, the United Nations General Assembly in 1966, terminated the mandate of South Africa over Namibia. b/ Then, in 1967, it created the United Nations Council for Namibia and established it as the legal Administering Authority for Namibia. c/ In 1971, the International Court of Justice declared that, its presence being illegal, South Africa was under obligation to put an end to its occupation. d/ Finally, by its resolution 32/9E of 4 November 1977, e/ the

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a/ International Labour Conference, Sixty-fourth Session, Provisional Record, No. 24, reports of the Selection Committee, eleventh report, appendix IV.

b/ General Assembly resolution 2145 (XXI) of 27 October 1966.

c/ General Assembly resolution 2248 (S-V) of 19 May 1967.

d/ Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council resolution 276 (1970), Advisory Opinion, I.C.J. Reports 1971, p. 16.

e/ Adopted by 136 votes to none with 4 abstentions (Belgium, France, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

General Assembly requested all specialized agencies as well as all international conferences to admit Namibia as a full member.

The United Nations decisions, in our view, are more than adequate, and the Food and Agriculture Organization of the United Nations (FAO), taking account of all these decisions, has been able to admit Namibia as a full Member.

Nevertheless, certain members of the Selection Committee have asked the Legal Adviser of the ILO for an opinion on the question. This opinion was distributed on 12 June.

Before reviewing the elements of this legal opinion, we should like to briefly summarize the position taken in it. It is said that Namibia cannot become a member of the ILO on the pretext that it is not a State, that it cannot provide a tripartite delegation and that it cannot subscribe to the various conventions on labour questions.

The delegation of the United Nations Council for Namibia maintains that it is a risky course of action to attempt to deny the quality of a State to Namibia, a country which nevertheless satisfies the criteria mentioned in the legal opinion: that is, a permanent population, possession of a well-defined territory; existence of a stable and internationally recognized legal structure; and the capacity to enter into relations with other States.

We also say that the United Nations Council for Namibia will be able, when required, to provide a delegation consisting of government representatives and workers' representatives, chosen in agreement with the organization of Namibian workers, that it will find a solution to the question of representation of the employers and that the United Nations Council for Namibia is ready to sign the ILO conventions.

Turning to the legal opinion itself, in paragraph 2 it cites the decisions of the United Nations General Assembly which give the history of the Namibian question in the United Nations. The delegation of the United Nations Council for Namibia was amazed to see that the legal opinion passes over in silence the most basic resolution, that is, resolution 32/9E of 4 November 1977. This resolution stipulates that the United Nations Council for Namibia is the legal Administering Authority for Namibia and requests all specialized agencies to admit Namibia as a full member. The principal result of this omission is that it is nowhere mentioned in the legal opinion that Namibia possesses a legal Administering Authority, namely the United Nations Council for Namibia.

In paragraph 6 the legal opinion admits that the ILO Constitution does not contain any definition of the expression "State". We believe that only the Conference itself can take a decision on this question. We see no other procedure. In the absence of any definition of the expression "State" in the ILO Constitution, the Legal Adviser could have stopped there, and reported to the Selection Committee the non-existence of a definition. However, the Legal Counsel has insisted on providing a definition of the expression "State", taken from the Montevideo Convention of 1933.

The definition deserves our attention. It comprises four elements. Firstly, a permanent population. In the case of Namibia there is no question

about this. The population is stable, and has remained on its present territory since the nineteenth century and even longer. Second, a well-defined territory. The territory was defined in the nineteenth century and its external frontiers remain the same. Thirdly, the capacity to enter into relations with other States. This condition is also satisfied. Namibia has already entered into relations with other States. At its 77th meeting, the Third United Nations Conference on the Law of the Sea decided to invite the United Nations Council for Namibia to participate fully in its work. At the nineteenth FAO Conference, held in November 1977. Namibia was admitted as a full member. It is thus clear that Namibia has already entered into relations with almost the totality of States who are United Nations Members. It should also be added that the United Nations Council for Namibia has signed with most States Members of the United Nations agreements which allow the Council to issue to Namibian citizens travel documents which are almost universally recognized.

Fourthly, there is the element "government". We use the expression "legal Administering Authority". We believe that this legal structure for Namibia is adequate. There already exists a considerable body of legal opinion on the matter of occupation of one State by another. During the Second World War many States were occupied by other States. It was never said that the occupied States ceased to be States, even if their Governments were non-existent or in exile outside the national territory. It should also be noted that even the Legal Adviser, in his opinion, agrees that the absence of one of the four above-mentioned criteria is not necessarily enough to deprive an entity of its status as a State.

The following section of the opinion of the Legal Counsel is devoted to the realm of supposition or, as he says, presupposition. In paragraph 7 he lays out these presuppositions.

The first deals with the question of representation. As we have already stated, the Council is in a position to provide a satisfactory delegation. In any case, these questions should be dealt with at the level of the Credentials Committee. The degree of representativity of a delegation does not appear in the Constitution as a condition for admission.

The second presupposition deals with the International Labour conventions. In accordance with the dispositions of the Constitution, the delegation of the United Nations Council for Namibia is able to sign the international labour conventions and to submit them for ratification to the United Nations Council for Namibia. From a reading of the Constitution we see that the obligation of each member with regard to adhering to conventions is limited to submission of the conventions for ratification within a period of 18 months. If ratification is rejected, no further action is required. There is no mention in the Constitution of the need, cited by the Legal Adviser in his opinion, for a member to be able to physically apply the conventions on its territory.

The third presupposition states that ILO members can refer certain disputes to the International Court of Justice and that the Court in accordance with its own statutes can only hear States. It is therefore presupposed that all ILO members must possess the quality of being able to bring their disputes before the Court, and that a country which does not possess this quality is not fit to be admitted to the ILO. It is understood that this is meant to mean Namibia.



This is cart-before-the-horse type of argumentation and does not need to concern us.

The fourth presupposition deals with the privileges of the ILO on the territory of its members. This question, by its very nature, is clearly of secondary importance. The United Nations Council for Namibia will grant the ILO the necessary privileges.

The following section of the legal opinion, starting with paragraph 8, deals with the previous custom of the ILO. A custom can always be changed. However, the precedents cited in this section are not in contradiction with the position of Namibia. We read that the application of the Free City of Danzig was rejected. This is understandable, since it is stated that Poland was responsible for its international relations. If Poland had submitted the applications, things could have been different. It would appear that at this particular time Danzig was trying to escape from the influence of Poland.

Further on it is stated that in 1950 Viet Nam became an ILO member after certain assurances had been obtained, presumably from France. It will be recalled that 1950 was before the Geneva agreement on Viet Nam and that at that time a French army was waging a full-scale war against the Vietminh movement. If then, at this period in time, Viet Nam, with its independence gravely compromised, could become a full member of ILO, the admission of Namibia today should not cause any difficulties. It is also stated that the Federal Republic of Germany and Japan, after certain assurances had been obtained - presumably from the Allied Powers - also become members. These examples should also be seen as favourable to the cause of Namibia.

It is thus clear that, with regard to the degree of independence, or the level of statehood, required for admission to the ILO, the ILO is much more flexible than the United Nations. This fact should facilitate the admission of Namibia as a full member of this organization.

In paragraph 11 it is stated that the United Nations Council for Namibia is a subsidiary organ of the United Nations. This is said in the spirit of providing an argument for preventing Namibia from acquiring the status of full member. Nevertheless, the observation is useful. It provides the reply to the question raised by the Legal Adviser as to why Namibia is not a Member of the United Nations. The reply is precisely that: the United Nations Council for Namibia, while functioning as the legal Administering Authority for Namibia, is also a subsidiary organ of the United Nations. It would be illogical for the subsidiary organ to become a member of the superior organ. On the other hand, it is perfectly logical for the Council to represent Namibia in all international agencies within the United Nations system.

The last point raised by the Legal Adviser is the situation in other international organizations and specialized agencies.

What is absent from this section is the fact that when Namibia was admitted to associate membership in UNESCO and the World Health Organization (WHO) it was long before the adoption of General Assembly resolution 32/9 E, which was only passed on 4 November 1977. On the other hand, admission to full membership in FAO took place immediately after the adoption of this resolution.

Finally, let us recall that it is not the United Nations Council for Namibia which wishes to become a member of the ILO. The request is submitted on behalf of Namibia, represented by the United Nations Council for Namibia. This was also the case in FAO, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and WHO.

We are not seeking the admission of an organization, we are seeking the admission of a country. It is true that the situation of this country is unique: it is the only case of a country formerly under mandate of the League of Nations where full rights have not been restored to the people. It is clear that, by their exceptional nature, these circumstances cannot be repeated. Namibia is also the only country under the direct administration and responsibility of the United Nations.

Report of the Sub-Committee of the Selection Committee on  
the admission of Namibia a/

At its meeting on 14 June 1978, the Selection Committee set up in pursuance of paragraph 3 of article 28 of the Standing Orders of the Conference a sub-committee consisting of six representatives of the government group and three each of the employers' and workers' groups to examine the application of the United Nations Council for Namibia for the admission of Namibia, represented by the United Nations Council for Namibia, to membership in the ILO.

The sub-committee examined the application [see appendix II above] - wherein it has been stated that the decision to apply for full membership for Namibia, represented by the United Nations Council for Namibia, has been taken pursuant to resolution 32/9 E of the United Nations General Assembly, paragraph 3 of which:

"3. Requests all specialized agencies and other organizations and conferences within the United Nations system to grant full membership to the United Nations Council for Namibia so that it may participate in that capacity as the legal Administering Authority for Namibia in the work of those agencies, organizations and conferences;"

This resolution was adopted by the United Nations General Assembly on 4 November 1977 by 136 votes to none, with 4 abstentions.

The sub-committee had before it the opinion of the Legal Adviser of the Conference [see appendix III above].

The sub-committee consulted the accredited representative of the United Nations Council for Namibia, in the course of which the Vice-President of the South West Africa People's Organization of Namibia was also heard.

It was stated by the accredited representative that there was no definition of the expression "State" in the Constitution of the ILO and that the definition relied on by the Legal Adviser had been taken from the Montevideo Convention of 1933. It was further stated that:

"The definition comprises four elements. Firstly, a permanent population. In the case of Namibia there is no question about this. The population is stable, and has remained on its present territory since the nineteenth century and even longer. Secondly, a well-defined territory. The territory was defined in the nineteenth century and its external frontiers remain the same. Thirdly, the capacity to enter into relations with other States. This condition is also satisfied. Namibia has already entered into relations with other States. At its 77th meeting, the Third United Nations Conference on the Law of the Sea decided to invite the United Nations Council for Namibia to participate fully in its work. At the nineteenth FAO Conference, held in November 1977, Namibia was admitted as a full member. It is thus clear that Namibia has already entered into relations with almost the totality of States who are United Nations Members. It should also be added that the United Nations Council for Namibia has signed with most States Members of the United Nations agreements which allow the Council to issue to Namibian citizens travel documents which are almost universally

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a/ International Labour Conference, Sixty-fourth Session, Provisional Record, No. 24, reports of the Selection Committee, eleventh report, appendix I.

recognized. Fourthly, there is the element 'government'. We use the expression 'legal Administering Authority'. We believe that this legal structure for Namibia is adequate. There already exists a considerable body of legal opinion on the matter of occupation of one State by another. During the Second World War many States were occupied by other States. It was never said that the occupied States ceased to be States, even if their Governments were non-existent or in exile outside the national territory. It should also be noted that even the Legal Adviser, in his opinion, agrees that the absence of one of the four above-mentioned criteria is not necessarily enough to deprive an entity of its status as a State."

It was also stated by the accredited representative of the applicant that the United Nations Council for Namibia will be able, when required, to provide a delegation consisting of government representatives and workers' representatives, chosen in agreement with the organization of Namibian workers and that it will find a solution to the question of representation of the employers, and that the United Nations Council for Namibia is ready to sign the ILO conventions.

It was explained that:

"The United Nations Council for Namibia, while functioning as the legal Administering Authority for Namibia, is also a subsidiary organ of the United Nations and it would be illogical for the subsidiary organ to become a member of the superior organ. On the other hand, it would be perfectly logical for the Council to represent Namibia in all international agencies within the United Nations system."

It was also explained that:

"The United Nations Council is not seeking the admission of an organization but seeking the admission of a country, and that the situation of that country is unique: it is the only case of a country formerly under mandate of the League of Nations where full rights have not been restored to the people. It is clear that, by their exceptional nature, these circumstances cannot be repeated. Namibia is also the only country under the direct administration and responsibility of the United Nations."

The sub-committee has examined the application of the United Nations Council for Namibia in the light of the opinion given by the Legal Adviser of the Conference and of the consultations with the representative accredited to the Conference by the applicant. The sub-committee recognizes that one government member and two employers' members have reservations from the legal angle, but the sub-committee recommends, by an overwhelming majority, that the Selection Committee submit to the Conference the resolution which has been reproduced on page 4 of document CP/D.11 [see appendix VII below].

## APPENDIX VI

### Eleventh report of the Selection Committee a/

1. The Selection Committee was seized, in accordance with article 28, paragraph 2, of the Standing Orders of the Conference, of an application of the United Nations Council for Namibia for the admission of Namibia, represented by the United Nations Council for Namibia, to membership in the International Labour Organisation [see appendix II above].

2. At the request of the employers' members, the Selection Committee obtained an opinion of the Legal Adviser of the Conference on the possible admission of Namibia as a member of the ILO, and information concerning the position in other international organizations. [see appendix III above].

3. In accordance with article 28, paragraph 3, of the Standing Orders of the Conference, the Selection Committee referred the application for membership to a sub-committee composed of six government, three employers' and three workers' members. The Chairman of the sub-committee presented an oral report to the Committee [see appendix V above]. A working paper submitted by the United Nations Council for Namibia to the sub-committee is reproduced in appendix IV above.

4. The sub-committee submitted to the Committee a draft resolution intended for adoption by the Conference. In the Committee, the United Kingdom government member, on behalf of a number of Governments, members of the IMEC Group, proposed amendments to paragraphs 1, 7 and 8 which were designed to enable the Committee to achieve a consensus while at the same time respecting the Constitution of the ILO by providing in paragraph 8 that the admission of Namibia should take effect in accordance of article 28, paragraph 6 (b), of the Standing Orders of the Conference. Other members of the Committee felt that anything less than full and immediate membership of Namibia in the Organisation in accordance with the terms of resolution 32/9 E of the United Nations General Assembly would not do justice to the legitimate aspirations of the people of Namibia.

5. Following a discussion during which it became apparent that, while there was general agreement on the political merits of the case, the Committee was divided as regards its legal aspects, the United Kingdom government member withdrew the amendments. In the circumstances, his Government would not be able to support the draft resolution.

6. The Selection Committee, with the reservations of a number of government and employers' members concerning the legal aspects of the matter, submits the following resolution to the Conference for adoption: [for the text of the resolution see appendix VII below].

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a/ International Labour Conference, Sixty-fourth Session, Provisional Record, No. 24, reports of the Selection Committee.

APPENDIX VII

Text of the decision to admit Namibia to membership in the International Labour Organisation adopted by the International Labour Conference at its 27th meeting, on 23 June 1978

The General Conference of the International Labour Organisation,

Having considered the request for the admission of Namibia to membership in the Organisation, the request being submitted by the United Nations Council for Namibia which is the legal Administering Authority empowered, inter alia, to represent Namibia in international organizations and being supported by the South West Africa People's Organization (SWAPO) which has been recognized by the United Nations as the sole and authentic representative of the Namibian people,

Having considered United Nations General Assembly resolution 32/9 E of 4 November 1977,

Noting that article 1, paragraph 2, of the Constitution provides that the members of the International Labour Organisation shall be the States which were members of the Organisation of 1 November 1945 and such other States as may become members in pursuance of paragraphs 3 and 4 of the article,

Noting that Namibia is the only remaining case of a former mandate of the League of Nations where the former mandatory Power is still in occupation,

Considering that an application for membership in terms of article 1 is prevented only by the illegal occupation of Namibia by South Africa, the illegal nature of this occupation having been confirmed by the International Court of Justice in its Advisory Opinion of 21 June 1971, a/

Affirming that the International Labour Organisation is not prepared to allow the legitimate rights of the Namibian people to be frustrated by the illegal actions of South Africa,

Making it clear that in now granting the application for membership it does not overlook the wording of article 1 and believes that in the near future the illegal occupation of Namibia by South Africa will be terminated;

Decides to admit Namibia to membership in the Organisation, it being agreed that, until the present illegal occupation of Namibia is terminated, the United Nations Council for Namibia, established by the United Nations as the legal Administering Authority for Namibia empowered, inter alia, to represent it in international organizations, will be regarded as the Government of Namibia for the purpose of the application of the Constitution of the Organisation.

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a/ Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council resolution 276 (1970), Advisory Opinion, I.C.J. Reports 1971, p. 16.

## APPENDIX VIII

Results of the roll-call vote on the proposal to admit Namibia:  
27th plenary meeting, held on 23 June 1978, of the sixty-fourth  
session of the International Labour Conference

COUNTRY	VOTES IN FAVOUR			VOTES AGAINST			ABSTENTIONS		
	Government delegates	Employers' delegates	Workers' delegates	Government delegates	Employers' delegates	Workers' delegates	Government delegates	Employers' delegates	Workers' delegates
Algeria	2	1	1						
Angola	2	1	1						
Argentina	2	-	1						
Australia	2	1	1						
Austria	-	-	1				2	1	-
Bahrain	2	1	1						
Bangladesh	2	1	1						
Barbados	1	-	1						
Belgium	-	-	1				2	1	-
Benin	1	1	-						
Bolivia	2	1	-						
Botswana	2	1	1						
Brazil	2	-	1				-	1	-
Bulgaria	2	1	1						
Burma	2	-	1						
Burundi	1	-	1						
Byelorussian Soviet Socialist Republic	2	1	1						
Canada	-	-	1				2	1	-
Central African Empire	2	-	1						
Chile	2	-	1						
Colombia	2	-	1						
Costa Rica	1	-	-						
Cuba	2	1	1						
Cyprus	2	1	1						

COUNTRY	VOTES IN FAVOUR			VOTES AGAINST			ABSTENTIONS		
	Government delegates	Employers' delegates	Workers' delegates	Government delegates	Employers' delegates	Workers' delegates	Government delegates	Employers' delegates	Workers' delegates
Czechoslovakia	2	1	1						
Democratic Yemen	2	1	1						
Denmark	2	-	1						
Djibouti	2	-	1				1	1	-
Ecuador	1	-	-						
Egypt	2	1	1						
El Salvador	-	-	-				1	-	-
Ethiopia	2	1	-						
Fiji	2	-	1				-	1	-
Finland	2	-	1						
France	-	-	1				2	1	-
Gabon	2	1	1						
German Democratic Republic	2	1	1						
Germany, Federal Republic of	-	-	1				2	1	-
Ghana	2	1	1						
Greece	2	-	1						
Guatemala	-	-	-						
Guinea	-	-	1						
Guinea-Bissau	1	-	-						
Guyana	1	-	-						
Haiti	1	-	-						
Honduras	-	-	1						
Hungary	2	1	1						
Iceland	2	-	1						
India	2	1	1				1	1	-
Indonesia	2	1	1						
Iran	2	1	1						
Iraq	2	1	1						



COUNTRY	VOTES IN FAVOUR			VOTES AGAINST			ABSTENTIONS		
	Government delegates	Employers' delegates	Workers' delegates	Government delegates	Employers' delegates	Workers' delegates	Government delegates	Employers' delegates	Workers' delegates
Ireland	2	1	1						
Israel	-	-	1				2	1	-
Italy	2	-	1				1	1	-
Ivory Coast	2	1	1						
Jamaica	2	-	-						
Japan	-	-	1				2	1	-
Jordan	2	-	1						
Kenya	2	1	1						
Kuwait	2	1	1						
Lebanon	2	1	1						
Liberia	2	1	1						
Libyan Arab Jamahiriya	2	1	1						
Luxembourg	-	-	1				2	1	-
Madagascar	2	1	1						
Malawi	-	-	-				1	1	1
Malaysia	2	1	1						
Mali	1	1	1						
Malta	2	1	1						
Mauritania	1	1	1						
Mauritius	1	1	1						
Mexico	2	-	1						
Mongolia	2	1	1						
Morocco	2	1	1						
Mozambique	2	1	1						
Nepal	-	-	-						
Netherlands	-	-	1				2	1	-

COUNTRY	VOTES IN FAVOUR			VOTES AGAINST			ABSTENTIONS		
	Government delegates	Employers' delegates	Workers' delegates	Government delegates	Employers' delegates	Workers' delegates	Government delegates	Employers' delegates	Workers' delegates
New Zealand	2	-	1						
Nicaragua	-	-	-						
Niger	2	1	1						
Nigeria	2	-	1						
Norway	2	-	1				-	1	-
Pakistan	2	1	1						
Panama	2	1	1						
Papua New Guinea	2	-	1				-	1	-
Peru	1	1	-						
Philippines	2	1	1						
Poland	2	1	1						
Portugal	-	-	1				2	1	-
Qatar	1	1	1						
Romania	2	1	1						
Rwanda	2	1	1						
Saudi Arabia	2	1	1						
Senegal	2	1	1						
Seychelles	-	-	-						
Sierra Leone	1	-	-						
Singapore	1	-	1						
Somalia	2	1	1						
Spain	2	-	1				-	1	-
Sri Lanka	2	1	1						
Sudan	2	1	1						
Suriname	2	-	-						
Swaziland	2	-	1						
Sweden	2	-	1						
Switzerland	-	-	1				2	1	-
Syrian Arab Republic	2	1	1						
Thailand	2	1	1						

COUNTRY	VOTES IN FAVOUR			VOTES AGAINST			ABSTENTIONS		
	Government delegates	Employers' delegates	Workers' delegates	Government delegates	Employers' delegates	Workers' delegates	Government delegates	Employers' delegates	Workers' delegates
Togo	2	1	1						
Trinidad and Tobago	2	-	1						
Tunisia	2	1	1						
Turkey	2	1	1						
Uganda	2	-	1				1	1	1
Ukrainian Soviet Socialist Republic	2	1	1						
Union of Soviet Socialist Republics	2	1	1						
United Arab Emirates	2	1	1						
United Kingdom of Great Britain and Northern Ireland	-	-	1				2	1	-
United Republic of Cameroon	2	1	1						
United Republic of Tanzania	2	1	1						
Upper Volta	2	1	1						
Uruguay	2	-	1				-	1	-
Venezuela	1	-	1						
Yemen	1	-	1						
Yugoslavia	2	1	1						
Zambia	2	1	1						
TOTALS	193	67	108				26	23	1

The results of the roll-call vote on the proposal to admit Namibia, counting the votes of the Government delegates, the employers' delegates and the workers' delegates, were as follows:

In favour: 368  
 Against: 0  
 Abstaining: 50

The required majority of two thirds of the delegates who had registered for the session was obtained. 480 delegates had registered, so that two thirds was 320.

Counting the votes of the Government delegates alone, the results were as follows:

In favour: 193  
 Against: 0  
 Abstaining: 26

The required majority of two thirds of the Government delegates present and voting was obtained.

ANNEX VII

Report of the representative of the Council to the Fourth Ministerial  
Session of the World Food Council, held at Mexico City from 12 to  
14 June 1978

1. At its 282nd meeting, on 7 June 1978, the Council decided to send a delegation to the Fourth Ministerial Session of the World Food Council (WFC), held at Mexico City from 12 to 14 June 1978.
2. Mrs. Veena Sikri (India) was appointed to attend the Fourth Ministerial Session on behalf of the Council.
3. On 14 June, the representative of the Council made a statement (see appendix below), in which she gave a brief summary of the role of the Council, its obligations and work in assisting and preparing the Namibian people for self-determination and independence. In particular, the representative gave an overview of the initiatives of the Council concerning the Nationhood Programme for Namibia.
4. She emphasized the problems facing Namibia and the plans of the Council to deal with those problems and appealed to the WFC and the international community for their support.

## APPENDIX

Statement by Mrs. Veena Sikri (India), representative at the  
Fourth Ministerial Session of the World Food Council, on  
14 June 1978

1. It is an honour for the delegation of the United Nations Council for Namibia to participate in the Fourth Ministerial Session of the World Food Council (WFC).
2. The United Nations Council for Namibia attaches particular importance to the work of WFC. As the highest political organ of the United Nations dealing exclusively with food questions, WFC is able to mobilize member Governments and the international community in support of its comprehensive programmes to solve food supply and distribution problems in accordance with the global objectives that it has set. This delegation recognizes the great significance that the matters discussed at this session have for the work of the Council. The Council has a special responsibility as the legal Administering Authority for Namibia until independence and as such is concerned with all aspects of Namibia's present and future development, until the moment of its independence. It is in this context that we have sought to present before this august body the problems facing Namibia in the area of agriculture and fisheries and our plans to deal with them. In the 11 years of its existence, the Council has endeavoured to mobilize international public opinion and support for the liberation struggle of the Namibian people, under the leadership of the South West Africa People's Organization (SWAPO), and to obtain the withdrawal of the illegal occupation régime of South Africa from the Territory so that Namibians can freely exercise their right to self-determination and independence.
3. In the discharge of its mandate, the Council has actively participated in the work of international conferences, the specialized agencies and other United Nations organizations with a view to safeguarding Namibia's interests and ensuring that South Africa does not attempt to represent Namibia illegally in any forum. The Council enjoys full status as a member of the Food and Agriculture Organization of the United Nations (FAO), is an associate member of the World Health Organization (WHO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) and has participated also with full status in the work of the United Nations Conference on the Succession of States in Respect of Treaties, the United Nations Conference on Desertification and others.
4. In assuming direct responsibility for the Territory, the United Nations incurred a solemn obligation to assist and prepare the Namibian people for self-determination and independence. The creation of the United Nations Fund for Namibia and the Institute for Namibia are concrete examples of successful measures designed to assist Namibia. By resolution 31/153 of 20 December 1976, the General Assembly decided to launch a comprehensive programme of assistance within the United Nations system, described as the Nationhood Programme for Namibia, covering both the pre-independence period and the initial years of independence of Namibia. The Council, in consultation with SWAPO, has been entrusted with the elaboration of guidelines and policies for such a programme and with the direction and co-ordination of its implementation.

5. In accordance with the guidelines adopted by the Council in March 1978 and endorsed by the General Assembly in paragraph 27 of its resolution S-9/2 of 3 May 1978, aid requests have been sent to all relevant United Nations agencies and organizations, which in turn have submitted over 100 project proposals to be integrated into one comprehensive programme proposal and considered by the Council. On the basis of the approved programme, efforts will be made to obtain funds from Member States, funding agencies, non-governmental organizations and others so that the programmes can be implemented.

6. The Nationhood Programme for Namibia is the first of its kind in the history of the United Nations: a programme of this magnitude has never before been tried or applied to any colonial situation in the world. What is being attempted is to outline a technical assistance programme to a country which is not yet independent. What makes this task immensely complicated is the lack of access to Namibia, owing to South Africa's illegal occupation. Such a programme requires the support of WFC and the international community.

7. At the present time, emphasis is being placed on the kind of technical assistance that can be provided during the period before independence, that is, in the immediate future. This includes training and research programmes to care for displaced Namibians outside the Territory and eventually to assist them to return to Namibia after independence. In the areas of activity with which WFC is seized, these research and training programmes must develop among the Namibians the necessary skills and techniques in agriculture, fisheries, forestry and allied sectors, which are of vital importance for the future economic development of Namibia and its capacity to produce food and develop a self-reliant economy, at least in the basic sectors.

8. Namibia, under the illegal occupation of South Africa, has two separate economies: a colonial economy controlled by South Africa and foreign economic interests, and the subsistence economy of the African population, which is restricted to the so-called homelands. The extremely wealthy colonial economy is based on the plunder and depletion of the Territory's natural resources and the exploitation of Namibian manpower. Despite having a Territory rich in natural resources, the Namibian population is condemned to live in conditions of abject poverty and misery. Needless to say, the South African régime has done nothing to develop the areas to which the African population is confined. Food crops, for example, are limited to cultivation by Namibian subsistence farmers. The dry nature of the climate and the prolonged droughts make agricultural development and food production a critical problem for Namibia now and at independence. Bearing this in mind, the Council has undertaken, in co-operation with FAO, to provide technical assistance with a view to developing the food production capability of an independent Namibia. The projects being carried out include the setting up of farm training courses and agricultural projects in areas outside the country having characteristics similar to those existing in Namibia, and the gathering of information on fisheries and agricultural resources in Namibia itself.

9. In Namibia, agriculture covers essentially four main sectors of production: beef, dairy, karakul and crops. Namibia produces only 15 per cent of its food requirements, resulting in an especially crucial situation in regard to cereals. Intensive karakul farming occurs in the south, but is concentrated in the hands of white farmers. Dairy farming is also limited and is the monopoly of white farmers in the south. Detailed planning therefore needs to be undertaken, accompanied by

feasibility studies to ensure the development of a balanced economy in an independent Namibia, an economy which would not be unduly vulnerable to food imports.

10. Namibia's fishing industry, once one of the world's largest, is now in danger of extinction as a result of exploitation. Recent reports indicate that the bulk of the Territory's fishing grounds, the inshore area between Walvis Bay and the mouth of the Cunene river, has been almost depleted by the South African-controlled fishing industry based at Walvis Bay. At one time, fishing in Namibia yielded 1.5 million metric tons a year. The fishing began to show signs of decline in 1969 and there was evidence in 1977 that the pilchard stock (which forms the largest percentage of the total pelagic fish landings) was approaching a critical level. Given this situation and the well-known importance of fish as a source of food, this is an area of crucial importance for assistance to Namibians.

11. As a result of the inhuman policies of the South African régime in Namibia, most of the Namibian population is undernourished and often suffer from ill health and premature death. Such abhorrent conditions cannot be tolerated. The Council appeals to WFC to use all means at its disposal to end such a situation in Namibia.

12. In conclusion, may I once again emphasize that it was the wish of the Council delegation to place before this body the present situation in Namibia and the work of the Council in this context. It remains our sincere and earnest hope that WFC will be willing to support and co-operate with the efforts of the Council in the vital areas which I have touched upon.

ANNEX VIII

Report of the representative of the Council to the twelfth session of the Committee on Fisheries of the Food and Agriculture Organization of the United Nations, held at Rome from 12 to 16 June 1978

1. In accordance with its decision to be represented at the twelfth session of the FAO Committee on Fisheries (COFI), a/ the Council appointed Mr. Alexandre Verret (Haiti) to represent it at the session.
2. The session was attended by 72 member States of the Committee, observers of other States members of FAO, the Union of Soviet Socialist Republics, the Permanent Observer of the Holy See and representatives of the United Nations, the United Nations Development Programme (UNDP), the Intergovernmental Oceanographic Commission, the World Meteorological Organization (WMO), the European Economic Community (EEC) and other international and intergovernmental organizations.
3. The session was opened by Mr. M. Ruivo (Portugal), Chairman of the Committee. The Deputy Director-General of FAO made a statement welcoming members of the Committee. The Committee then adopted the agenda.
4. The following items were discussed at the twelfth session:
  - (a) Programme for the development of fisheries in economic zones;
  - (b) Future of FAO regional fishery bodies;
  - (c) Future of the COFI;
  - (d) Living resources of the southern oceans.
5. It should be noted that this session was considered to be extremely important by virtue of its objectives and of the future of COFI itself. The discussions on the programme for the development of fisheries in economic zones were especially comprehensive.
6. In that connexion, the Committee decided to set up a working group to prepare the programme referred to in paragraph 4 (a) above and to review its progress between sessions. No decision was taken on the remaining three items, which are to be the subject of more detailed comments at the next session of the Committee.
7. The members of FAO were greatly impressed by Namibia's representation by a representative of the United Nations Council for Namibia, thereby further confirming the illegality of the occupation of Namibia by South Africa. It was also a demonstration, for the first time in an international organization, of Namibia's statehood. In the course of his statement before the Committee on 12 June 1978,

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a/ See annex II to the present report, paras. 49 and 55 (e).



the representative of the Council appealed for help in the development of fisheries in Namibian waters. The request was favourably received and will be considered in due course.

8. It is desirable that the Council ensure, whenever possible, that Namibia is similarly represented at meetings of international organizations to which it is accredited with a view to reaffirming the sovereign rights of the people of Namibia and encouraging them in their heroic struggle for independence.

APPENDIX

Statement by Mr. Alexandre Verret (Haiti), Representative of  
the Council to the twelfth session of the FAO Committee on  
Fisheries on 12 June 1978

1. May I, at the outset, express to you, Mr. Chairman, and through you, to the Director-General of the Food and Agriculture Organization of the United Nations (FAO), the sincere gratitude of the United Nations Council for Namibia for the invitation to participate in the deliberations of the twelfth session of the FAO Committee on Fisheries (COFI). The Council considers this a clear manifestation of the will of the international community, which recognizes the Council as the sole legal Administering Authority for Namibia until the Territory achieves genuine and complete independence. The mandate entrusted to the Council by the United Nations General Assembly empowers it to represent and protect the rights and interests of Namibia until South Africa terminates its illegal occupation of the Territory and until the people, in exercising self-determination, become master of their destiny.
2. This session of COFI is of particular importance to the Council because of the present political climate in southern Africa, particularly as it relates to the question of Namibia and the plundering of its natural resources by foreign economic interests.
3. Strenuous efforts have been made and are still being made to resolve the situation in Namibia peacefully and equitably, in accordance with the relevant decisions and resolutions of the United Nations. Throughout that time, South Africa, by clever manoeuvring and through its devious allies and its powerful military machine, has continued its illegal occupation of the Territory and its massive repression of the Namibian people and their sole authentic liberation movement, the South West Africa People's Organization (SWAPO). The South African régime has created in Namibia an atmosphere of intimidation and terror in its attempt to impose a political system aimed at perpetuating racial segregation and destroying the country's territorial integrity. It has also perpetrated acts of aggression against independent African States and has ousted Namibians from the Territory's northern frontiers with Angola. The situation in Namibia has reached a critical phase and demands concerted action by the international community.
4. The United Nations and the organizations within the United Nations system have assumed a unique responsibility by recognizing the international status of Namibia as a Territory under United Nations administration. This responsibility binds these organizations to provide material, moral and practical assistance to the people of Namibia so as to enable them to gain the genuine independence to which they are fully entitled.
5. In fulfilment of this responsibility, the United Nations, in General Assembly resolution 31/153 of 20 December 1976, decided to establish a comprehensive assistance programme within the United Nations system in support of the Namibian people, covering both the present period of struggle for independence and the first years of Namibia's independence. The Council was made responsible for consolidating all assistance measures relating to Namibia in a comprehensive and sustained plan of action. The specialized agencies and other organizations within the United Nations system subsequently prepared and elaborated assistance plans for the Namibian people which the Council has integrated into a single programme in order to avoid overlapping and fragmentation of effort.

6. The Council hopes that all the specialized agencies and other organizations within the United Nations system, particularly FAO and its affiliated bodies, will participate fully in the development and implementation of the Nationhood Programme for Namibia.
7. It is vital that COFI should co-operate fully in all phases of the implementation of that Programme, which is to cover not only the immediate needs of the Namibian people during the liberation struggle and the first years of the independent State, but also the long-term plans for the development of the new nation.
8. The question of the development of fisheries in economic zones is extremely important for the Namibian people, whose renewable and non-renewable natural resources have been steadily plundered by the South African alien occupiers and their Western partners. According to reliable experts, the fish catch in Namibia is already declining. In the waters of Walvis Bay, an integral part of Namibia over which South Africa is seeking to arrogate to itself sovereign rights, the decline is equal to half the volume recorded during the last five years in the operations of the nine fishing enterprises in the zone.
9. Consequently, and with a view to protecting Namibia's fishing resources for the benefit of the Namibian people, the Council has set up a working group to study the question of extending the zone of the FAO Fishery Committee for the Eastern Central Atlantic (CECAF) to Namibian waters.
10. The Council is very much concerned about the depletion of the fishing resources and the pollution of the territorial waters of Namibia and is considering requesting the services of an FAO fisheries research team to undertake research in Namibian waters so that it may make useful recommendations.
11. The Council is eager to study in detail the FAO programme document for the development of fisheries in economic zones with a view to submitting a request for necessary and suitable assistance.
12. In conclusion, I wish to reiterate our appreciation to you, Mr. Chairman, the Director-General and the distinguished members of the Committee for the assistance you have extended to the Council, which I am honoured to represent at this session. We are convinced that anything you do for Namibia will help the Council in its task of representing that country's interests until such time as its people regain their legitimate right to freedom, to full development of all their capacities and to the restoration of peace at last in a united, independent and sovereign Namibia.

ANNEX IX

Report of the delegation of the Council to the thirty-first ordinary session of the Council of Ministers of the Organization of African Unity held at Khartoum from 7 to 18 July 1978, and the fifteenth ordinary session of the Assembly of Heads of State and Government of the Organization of African Unity, held at Khartoum from 18 to 22 July 1978

1. By a letter dated 29 May 1978, the Administrative Secretary-General of the Organization of African Unity (OAU) invited the Council to attend the thirty-first ordinary session of the Council of Ministers and the fifteenth ordinary session of the Assembly of Heads of State and Government of OAU.
2. At its 282nd meeting, on 12 June 1978, by adopting the report of Standing Committee I (A/AC.131/L.80), the Council decided to accept the invitation and to be represented at both meetings by a delegation headed by Miss Gwendoline C. Konie (Zambia), the President of the Council, and including Mr. Chérif Bachir Djigo (Senegal) and Mr. Nchimunya J. Sikaulu (Zambia). The delegation was accompanied by Mr. Theo-Ben Gurirab, of the South West Africa People's Organization (SWAPO).
3. After discussion of the question of Namibia, in which the Council's delegation participated, the Council of Ministers adopted two resolutions on the subject. By the first resolution, a/ the Council of Ministers expressed grave concern at the repeated acts of aggression and the military provocations and incursions by South Africa into neighbouring independent African States, particularly the invasion of Angola, and at Pretoria's disregard and violation of the relevant United Nations resolutions, especially Security Council resolution 385 (1976) of 30 January 1976, as manifested in its current so-called registration of voters.
4. The Council of Ministers endorsed the Declaration on Namibia and Programme of Action in Support of Self-Determination and National Independence for Namibia, adopted by the General Assembly at its ninth special session on 3 May 1978 (resolution S-9/2); urged all OAU member States, States Members of the United Nations and other States not to accord recognition to any régime created by South Africa in Namibia; resolved to increase material, financial and moral assistance to SWAPO in order to intensify the armed struggle and maintain vigilance until final victory; and called upon the United Nations Security Council to act decisively against any manoeuvres of the illegal occupation régime to frustrate the legitimate aspirations of the Namibian people to self-determination, freedom and national independence in a united Namibia.
5. By the second resolution, b/ the Council of Ministers strongly condemned and rejected any elections in Namibia not held under the control and supervision of the United Nations in conformity with Security Council resolution 385 (1976) in its

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a/ A/33/235, annex I, resolution CM/Res.629 (XXXI).

b/ Ibid., resolution CM/Res.679 (XXXI).

entirety; strongly condemned the repeated acts of aggression and military incursions into neighbouring independent States by the South African racist régime, in particular the recent massacre of innocent refugees at Cassinga during the invasion of Angola; and called upon all OAU member States and the international community to increase their material and financial assistance to SWAPO.

6. After consideration of the question of Namibia, the Assembly of Heads of State and Government of OAU adopted a resolution on the subject, c/ in which it welcomed the agreement reached in Luanda on 12 July 1978 between SWAPO and the representatives of five Western countries; recognized that the agreement was the result of the victorious struggle of the Namibian people led by SWAPO and effectively supported by free Africa; requested the Security Council and the Secretary-General of the United Nations to proceed expeditiously towards giving effect to Security Council resolution 385 (1976) as a follow-up to the Luanda agreement; declared that the United Nations must have effective powers and authority to exercise supervision and control regarding the transitional administration, the security measures and the conduct of the election process; and reaffirmed its support of the United Nations Council for Namibia as the sole, legal authority for the Territory until its independence.

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c/ Ibid., annex II, resolution AHG/Res.86 (XV).

ANNEX X

Report of the representative of the Council to the Seminar  
on Constitutional Options for Namibia, held at Lusaka from  
11 to 13 July 1978

1. At its 282nd meeting, on 7 June 1978, the Council for Namibia decided to be represented at the Seminar on Constitutional Options for Namibia, organized by the Institute for Namibia at Lusaka from 11 to 13 July 1978.
2. The President of the Council appointed Mr. Francisco Cuevas Cancino (Mexico) to represent the Council at the Seminar.
3. Other participants from United Nations Headquarters included a representative of the United Nations Commissioner for Namibia and a representative of the Office of Legal Affairs. The delegation of the South West Africa People's Organization (SWAPO) was headed by Mr. M. Muyongo, Vice-President, who addressed the Seminar, which was opened by the Prime Minister of Zambia. In addition, participants included nine professors from the University of Zambia and one professor each from the German Democratic Republic, Nigeria, the United Kingdom of Great Britain and Northern Ireland and the United States of America; as well as representatives of the Ford Foundation of the United States and of the African National Congress of South Africa (ANC).
4. The Seminar had before it a working document entitled "Constitutional Options for Namibia". Under the chairmanship of the Deputy-Director of the Institute, the Seminar discussed all the issues contained in the working document dealing with problems and issues related to the following: State succession, both to law and to international organizations; choices of types of head of State or Government; systems of government; tenure of office of the president, ministers and members of the legislature; the election process; citizenship; the judiciary; service commissions; and human rights.
5. In examining these issues, the participants did not seek to produce a blueprint constitution for Namibia, but directed their efforts towards a frank exchange of views. The main objective was to evaluate the options available to Namibia for the benefit of those who would be called upon to take part in the building of independent Namibia.

ANNEX XI

Report of the delegation of the Council to the Founding  
Assembly of the International Centre for Public  
Enterprises in developing countries, held at Ljubljana,  
from 17 to 19 July 1978

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## A. INTRODUCTION

1. At its 271st meeting, on 8 February 1978, the Council decided to accept an invitation from the Government of Yugoslavia to visit the International Centre for Public Enterprises in Developing Countries (ICPE) at Ljubljana. The Council considered the report of the Mission to the International Centre a/ at its 275th meeting, held at Lusaka on 21 March and approved the report at the same meeting.

2. In its report, the Mission recommended that the Council should request membership in ICPE on behalf of Namibia until the Territory achieved independence. Subsequently, in a letter dated 5 July 1978 addressed to the Director of ICPE the Acting President of the Council formally requested membership for Namibia.

3. As a result of the initiative of the Council, the Government of Yugoslavia invited the Council to the Founding Assembly for the establishment of ICPE, to be held at Ljubljana from 17 to 19 July 1978.

4. The President of the Council appointed the following delegation to represent the Council at the Founding Assembly:

Chairman: Mr. Bariyu Adekunle Adeyemi (Nigeria)

Member: Mr. Ramadan Marmulaku (Yugoslavia)

The delegation was accompanied by a staff member of the United Nations Secretariat, Mr. M. Remo-Monteiro, who served as Principal Secretary.

## B. ROLE OF THE COUNCIL

5. The Council delegation participated actively in the activities of the Founding Assembly. On 17 July 1978, the Chairman of the delegation addressed the Assembly. He said that the General Assembly of the United Nations, in its resolution 32/9 E of 4 November 1977, had requested the specialized agencies and other organizations within the United Nations system to grant a waiver of the assessment of Namibia during the period in which Namibia was represented by the Council. He requested the Assembly to consider extending a similar waiver for the period in which Namibia would be represented in ICPE by the Council. The application of the Council for membership was immediately accepted and broad support was given to the request for a waiver.

6. At the end of the session, the Council delegation proposed the adoption of a draft resolution of thanks to the Government of the host country for the facilities provided for the meetings and for its generous hospitality. The Founding Assembly unanimously adopted the resolution.

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a/ Official Records of the General Assembly, Ninth Special Session, Supplement No. 1 (A/S-9/4), paras. 262-312.



### C. ACTIVITIES OF THE FOUNDING ASSEMBLY

7. During its first session, the Founding Assembly took decisions regarding its rules of procedure, the working languages of ICPE and its programme of work and budget for 1979-1980, an agreement between the Government of Yugoslavia regarding the site of ICPE and other questions, the composition of the Council and the holding of a special session, among other matters. A summary of developments relating to the discussions of each item of the agenda is contained in the appendix below.

### D. PROGRAMME OF WORK OF THE CENTRE

8. During the period 1979-1980, ICPE will continue its work on the basis of the programme outlined in the statute of ICPE, which was unanimously adopted at the conference for the establishment of ICPE, held at Ljubljana from 2 to 4 March 1976. The programme focuses on the basic problems of public enterprises in developing countries and calls for the development of research, and other activities relating to education, the use of consultants, documentation and information services.

9. Up to the present time, ICPE has initiated the following five permanent research projects:

- (a) Education and training of personnel in public enterprises in developing countries;
- (b) Planning in public enterprises in developing countries;
- (c) Financing of public enterprises in developing countries;
- (d) Workers' self-management and participation in decision-making as a factor of social change and economic progress in developing countries;
- (e) Role of the public sector in developing countries.

These basic projects will involve detailed research efforts, in-depth country studies, intensive workshops, seminars and meetings of experts on specific issues arising under each theme.

10. In addition to the five basic projects, ICPE has initiated specific studies on two important questions:

- (a) The management of transfer and development of technology and innovation processes in public enterprises in developing countries;
- (b) Systems of information and control in public enterprises in developing countries.

11. The Centre is also developing two supporting activities, management consultancy services and an information and documentation service.

12. Work on the projects is being undertaken by ICPE in co-operation with interested developing countries both within and outside of the Centre. All permanent projects of ICPE have an international character, involving varying

degrees and forms of co-operation among developing countries, their institutions, research workers and experts concerned with public enterprises. This would also be true for the proposed consultancy services and the information and documentation service, which it is hoped to develop into important instruments of co-operation among developing countries.

13. In keeping with its statute as a joint institution of developing countries, ICPE has adopted a methodology of work based on the fullest participation, collaboration and co-operation of developing countries. According to its terms of reference, the projects and programmes of ICPE are designed to encourage the direct and active involvement of institutions, national agencies, research workers and experts of developing countries. The project profiles and project methodologies are the result of mutual agreement between national teams and experts of developing countries. National agencies conduct research activity autonomously within an agreed project framework. The combined results of national research efforts, culminating in national reports, form a basis for comparative study and a synthesis of ideas, systems and experiences and the evolution of efficient models of operation.

14. In devising and conceiving these projects and programmes, ICPE has endeavoured to elicit ideas, suggestions and directional guidance from the developing countries since its initial seminar on planning in public enterprises, held in September 1974 and at subsequent workshops, meetings of experts, seminars and conferences. At the conference held in March 1976 (see para. 10 above), ICPE placed its programmes before the delegates from developing countries and the Chairman of the Governing Board gave a detailed report of the past and projected activities of ICPE. The delegates supported the work programme and the programme orientation of ICPE was fully incorporated into its Statute.

15. ICPE is considering the development of a major programme of post-graduate studies in co-operation with universities in Yugoslavia and other developing countries. Subject to acceptance and confirmation of the programme by the ICPE Assembly, it should be possible to commence the courses in the autumn of 1980.

16. Recognizing the importance of the contribution which women are making to the development process, ICPE proposes to incorporate this subject within the framework of its existing projects and programmes.

17. In pursuance of the co-operative methodological approach, ICPE has maintained a very small number of professionals on a full-time basis. The main thrust of the research work is being undertaken by a large number of scientists and experts working in Yugoslavia. The Centre also utilizes the part-time services of over 100 scientists and experts from Yugoslavia. With the increase and intensification of its international activities, an ever-increasing number of experts from developing countries are now being associated with the work programme of ICPE.

18. Although ICPE is a joint institution of developing countries, article 7 of its Statute provides for co-operation in carrying out its work programme with other countries and their institutions which study the subjects related to public enterprises. In this context, ICPE receives support from the Scandinavian countries and from the Netherlands. ICPE has also received the co-operation of regional organizations of developing countries, working in allied fields, such as the Asian and Pacific Development Administration Centre, the African Training and Research Centre in Administration for Development, the East African Management Institute and

the Latin American Centre for Development Administration. The Centre also co-operates with those national institutions in developing countries concerned with the work of public enterprises.

19. The Centre continues to receive backing and financial and technical support from the specialized agencies and other organizations within the United Nations system, in particular the United Nations Development Programme (UNDP), the Division of Public Administration and Finance of the United Nations Department of Technical Co-operation for Development, the United Nations Industrial Development Organization (UNIDO), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the International Labour Organisation (ILO).

20. The basic concepts and objectives outlined above, the methodological approach and the co-operation and support of national, regional and international organizations has provided ICPE with the framework for its programme of work for 1979-1980. Because activities of the Centre are of a continuous nature, a number of its programmes, such as the September seminar on education and training, the May workshop on financing and the June meetings on the transfer and development of technology and consultancy, are developing into annual events.

#### E. RECOMMENDATIONS

21. The Council delegation to the Founding Assembly of ICPE recommends to the Council that it should:

(a) Invite a member of the South West Africa People's Organization (SWAPO) to participate with the delegation in subsequent meetings of ICPE;

(b) Encourage SWAPO to communicate directly with ICPE, while at the same time keeping the Council informed of its involvement in the ICPE programme of work.

## APPENDIX

### Summary of developments relating to the discussion of each item on the agenda of the Founding Assembly

#### A. Introduction

1. Recognizing the significant and growing role of public enterprises in the development plans and growth strategies of developing countries, bearing in mind the need to improve the performance and effectiveness of those enterprises and taking into consideration the desire of developing countries to evolve co-operative measures for the solution of their economic and social problems, the Government of Yugoslavia initiated action for the establishment of the International Centre for Public Enterprises in Developing Countries (ICPE). The Centre was subsequently established at Ljubljana in 1974. It received its initial impetus from the United Nations Seminar on Public Enterprises, held at Herceg Novi in 1969. The concept of the Centre was further endorsed at an international seminar on planning, held in 1974 and attended by participants from 32 developing countries. The participants in the seminar strongly urged that the Centre be transformed into a joint and co-operative institution of developing countries.

2. At its ministerial meeting, held at Havana in March 1975, the Co-ordinating Bureau of Non-Aligned Countries recommended that non-aligned countries should examine the possibility of joining ICPE. In August 1975, the Conference of Ministers for Foreign Affairs of Non-Aligned Countries, held at Lima, invited non-aligned and other developing countries to join ICPE and welcomed the decision to convene a meeting of the developing countries with the objective of adopting a statute for the Centre.

3. In pursuance of these initial moves and initiatives, a conference was held at the invitation of the Government of Yugoslavia at Ljubljana in March 1976. The conference, which was attended by representatives of 39 developing countries and by observers from several United Nations and international organizations, adopted the statute of the Centre.

#### B. Attendance and participation

4. The Founding Assembly appointed a Credentials Committee, consisting of Mexico, Namibia, Tunisia and Yugoslavia, to examine the status of all participants.

5. The following developing countries participated in the Founding Assembly as full members of ICPE: Algeria, Bangladesh, Cuba, Egypt, Ethiopia, Guyana, India, Iraq, Jordan, Democratic People's Republic of Korea, Kuwait, Malta, Mexico, Morocco, Namibia, Peru, Sri Lanka, Sudan, Syrian Arab Republic, Tunisia, Yugoslavia, Zaire and Zambia.

6. The following developing countries attended the Founding Assembly as observers: Cyprus, Gabon, Indonesia, Malaysia, Pakistan and Romania.

7. The following developing countries had already ratified the statute and are full members of the Centre, but were unable to attend the Founding Assembly: Congo, Guinea, Panama, Somalia and United Republic of Tanzania.

#### C. Election of officers

8. In pursuance of articles 10 and 11 of its rules of procedure, the Founding Assembly unanimously elected the following officers:

Chairman:	Krsto Bulajić (Yugoslavia)
Vice-Chairmen:	Abdul Jabbar Al Haddawi (Iraq)
	Jorge Eduardo Navarrete Lopez (Mexico)
	Taieb Sahbani (Tunisia)
Rapporteur:	Lloyd Searwar (Guyana)

M. Vojislav Nikolić (Yugoslavia) served as Secretary of the Assembly.

#### D. Rules of procedure

9. The ad hoc group appointed by the Founding Assembly to scrutinize its rules of procedure proposed certain modifications which were unanimously adopted by the Assembly.

#### E. Working languages

10. After considering the question of working languages, the Founding Assembly adopted a resolution, in which it called upon the Council of ICPE to study all ways and means, including possible assistance from diplomatic missions of member countries accredited to Belgrade, of ensuring the use of the four languages of ICPE (Arabic, English, French and Spanish) at all functions and activities of the Centre and reaffirmed that the four languages would remain the working languages of the Centre, with the understanding that one language would be used during the transitional period.

#### F. Two-year programme of work

11. The Founding Assembly considered the two-year programme of work presented by the Director of ICPE.

12. The Founding Assembly recognized that the broad concept of the research, training, and consultancy projects and programmes included in the two-year programme of work corresponded to the needs and problems faced by public enterprises in developing countries. The Assembly also endorsed the methodology of executing those programmes in a collaborative and co-operative manner. The Assembly took note, however, of the fact that the scope and intensity of the programmes would be largely conditioned by the funds available and by the technical and financial assistance

which the Centre would be able to mobilize from contributions by the membership, as well as from the support of United Nations agencies and the assistance of developed countries.

13. Bearing in mind those general observations, the Founding Assembly approved the two-year programme of work. It was agreed, however, that member countries and other interested developing countries could submit in writing their comments and suggestions for the improvement or modification of the work programme, consistent with their specific needs. It was also agreed that those comments and suggestions should be communicated to the Executive Director of ICPE, who would pass them on to the project co-ordinators for incorporation in the projects. If such comments and suggestions involved any major or significant change or financial implications, the Executive Director would place the suggestions before the Council of ICPE for its consideration. The Council was authorized by the Assembly to make suitable modifications to the work programme in the light of those suggestions, bearing in mind their budgetary implications. The member countries of ICPE would be notified of any substantive modifications to the work programme thus authorized by the Council. The Assembly agreed that the comments and suggestions of member countries should be communicated to the Executive Director at the latest by the date of the first meeting of the Council.

G. Budget of the Centre for 1979-1980 and assessment of regular contributions

14. As the question of financing the activities of ICPE was largely dependent upon its income, the Founding Assembly considered at the same time the budget of the Centre for 1979-1980 and the proposed classification of member States for assessment of regular annual contributions.

15. While agreeing that the total provision for 1979 of \$US 1 million was reasonable and in fact modest considering the programme of work of ICPE, the Founding Assembly felt that the present budget was too general and that ICPE should make specific allocations for individual projects and programmes to indicate the linkage between expenditure and activities and to provide details on the breakdown of the various elements of costs. The Assembly also felt that it would be unrealistic to approve a two-year budget, because of inflation and possible modifications in the Centre's programme of work. The Assembly therefore decided to approve the budget for 1979 and to authorize the Council to re-examine and sanction the figures for 1980. The Assembly also authorized the Council to make suitable changes in the structure and presentation of the budget in the light of the various suggestions made during the course of the Assembly's discussions.

16. In view of the complexity of the subject and the number of proposals, it was decided to set up an ad hoc working group, consisting of India, Malta, Mexico, Morocco, Yugoslavia and Zambia, to examine the financial documents and to make suitable recommendations to the Founding Assembly. The report of the ad hoc working group was considered and adopted by the Assembly.

17. With regard to the question of regular assessment of the member countries, the Chairman made a special appeal to the participants to endorse the classification which had been amicably arrived at in 1976. It was pointed out that despite a substantial increase in costs because of inflation and a sizable expansion in the Centre's programme, the assessments had not been increased. The participants

confirmed, with certain reservations, the acceptance by their Governments of the assessment of regular annual contributions.

#### H. Agreement between the Government of Yugoslavia and the Centre on the Centre headquarters

18. The Founding Assembly also considered the draft agreement between the Government of Yugoslavia and ICPE concerning the transfer of the Centre, including its physical plant, to an international administration and other questions relating to the privileges and immunities of the officials and staff of the Centre.

19. The Founding Assembly appointed an ad hoc working group to examine in detail the articles of the agreement in the light of the general discussion which had been held. The agreement, as amended by the working group, was subsequently ratified by the Assembly.

#### I. Election of the Council of the Centre

20. The Founding Assembly considered the question of electing a Council in accordance with article 14 of the statute, which provides that there shall be one council member for every four member countries, subject to a minimum of 15 members. It also provides that due regard shall be paid to regional representation.

21. The Founding Assembly took note of the existing composition of member countries (Europe/Asia (10), Africa (13) and Latin America (5)) and decided that the division of seats in the Council would be as follows: Europe/Asia, 6; Africa, 6; and Latin America, 3.

22. In view of the fact that many developing countries were in the process of considering ratification of the statute and that the current regional composition might therefore change significantly, the Founding Assembly decided that the present division of seats should be reconsidered in 1980. Inasmuch as additional members would be joining ICPE within the next few months, the Assembly decided to elect only 12 Council members at the present time (Europe/Asia, 5; Africa, 5; and Latin America, 2), leaving one vacancy in each region. Accordingly, the Assembly unanimously elected the following member countries to the Council:

Europe/Asia: Bangladesh, Democratic People's Republic of Korea, India, Iraq and Yugoslavia;

Africa: Egypt, Morocco, Tunisia, Zaire and Zambia;

Latin America: Guyana and Mexico.

#### J. Election of the Executive Director

23. The Founding Assembly considered the election of the Executive Director under article 19 of the statute, which provides for a term of office of four years.

24. The Founding Assembly unanimously elected Mr. Ziga Vodusek, the current Director, as Executive Director for the full four-year term of office. The option of whether to accept a shorter term of office was left to the discretion of Mr. Vodusek.

K. Date for the commencement of the international administration of the Centre

25. The Founding Assembly unanimously resolved that the international administration of ICPE should begin on 1 January 1979. The Assembly also appealed to all member countries to ensure the fulfilment of their financial obligations in order to enable the international administration to begin work on that date.

L. Holding of a special session of the Founding Assembly

26. The Founding Assembly took note of the fact that a large number of developing countries were in the process of considering ratification of the statute of ICPE. Some of those countries had participated in the current session as observers. Because the statute provided that the Assembly could meet in regular sessions only once every two years, with the result that the new members would have no opportunity to participate in the Assembly during the formative stages of the establishment of the Centre, the Assembly resolved to hold a special session in mid-1979.

M. Belgrade ministerial conference of non-aligned countries

27. The Founding Assembly noted that a conference of non-aligned countries, at the ministerial level, was scheduled to be held at Belgrade in July 1978. The Assembly authorized the President of the Council to make appropriate arrangements to inform the conference of the work and objectives of ICPE and to seek the support and interest of the members of the conference.

N. First meeting of the Council

28. The Chairman of the Founding Assembly convened an informal meeting of the newly elected Council, at which it was agreed that the member countries elected to the Council should nominate their representatives within a period of two months, to enable the Council to hold its first formal meeting at the latest by the first week of October.



ANNEX XII

Report of the delegation of the Council to the Conference of  
Ministers for Foreign Affairs of Non-Aligned Countries, held  
at Belgrade from 25 to 29 July 1978

1. In a letter dated 22 July 1978, the chargé d'affaires of the Permanent Mission of Yugoslavia to the United Nations informed the Council that the Preparatory Meeting of the Ministerial Conference of Non-Aligned Countries had decided to invite the Council to participate in the Conference, to be held at Belgrade from 25 to 29 July 1978.
2. The President of the Council appointed a delegation composed of Mr. Nchimunya J. Sikaulu of Zambia (Chairman) and Mr. Petre Vlasceanu of Romania. The Council delegation was accorded guest status at the Conference by unanimous decision of the Conference. As a guest, the Council had the right to address the meeting.
3. The Council delegation held consultations with members of the non-aligned movement and the liberation movement on the substance of the final declaration of the Conference with regard to Namibia.
4. In its final declaration, the Conference expressed its complete support of the South West Africa People's Organization (SWAPO), particularly in connexion with Walvis Bay, reaffirmed the support of the non-aligned movement for the Council as the legal Administering Authority for the Territory, and called for increased and sustained financial support for SWAPO. It also endorsed Security Council resolutions 431 (1978) and 432 (1978) of 27 July 1978.

ANNEX XIII

Report of the delegation of the Council to the resumed  
session of the United Nations Conference on Succession  
of States in Respect of Treaties, held at Vienna from  
31 July to 23 August 1978

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## A. INTRODUCTION

1. At its 282nd meeting, on 7 June 1978, the Council decided to accept an invitation to participate in the resumed session of the United Nations Conference on Succession of States in Respect of Treaties, to be held at Vienna from 31 July to 23 August 1978. At the same meeting, the Council adopted the report of Standing Committee II relating to the Conference.

2. By its adoption of the report, the Council also decided:

(a) To be represented at the Conference by a delegation of from three to five members, including a representative of the South West Africa People's Organization (SWAPO). The delegation would be assisted by a principal secretary and a stenographer/typist;

(b) To authorize its delegation to sign the final act of the Conference, but to defer a decision on the question of signing the final convention until the Council delegation had presented its report to the Council at the end of the Conference;

(c) Not to seek the right to vote at the Conference, but to express itself on the substance of the draft convention and on the applicability of specific articles of the draft convention to Namibia.

3. In a letter dated 12 July 1978, the Acting President of the Council informed the Legal Counsel of the United Nations that the Council delegation to the resumed session of the Conference would be composed as follows:

Mr. Rikhi Jaipal, Permanent Representative of India to the United Nations  
(Chairman)  
Mrs. Veena Sikri (India)  
Mr. Wisber Loeis (Indonesia)  
Mr. Mohammed Tayyab Siddiqui (Pakistan)

4. The Acting President also stated that the delegation would be assisted by Mr. Abdul Hamid Kabia as Principal Secretary, and Ms. Gloria Shepherd as Secretary.

5. The Council delegation participated in the activities of the resumed session from 31 July to 23 August 1978.

6. The present report contains an account of the resumed session and is a continuation of, and supplement to, the report of the Council delegation to the 1977 session of the Conference which is contained in the annual report of the Council to the General Assembly at its thirty-second session. a/

## B. BACKGROUND

7. By resolution 3496 (XXX) of 15 December 1975, the General Assembly decided to convene a conference after receiving a set of draft articles on the succession of

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a/ Official Records of the General Assembly, Thirty-second Session, Supplement No. 24 (A/32/24), vol. II, annex VIII.

States in respect of treaties from the International Law Commission (ILC). b/ In 1976, the Assembly accepted the invitation of the Government of Austria to hold the Conference at Vienna c/ and, in 1977, approved the convening of a resumed session in 1978 to complete work on an international convention and other appropriate instruments, as requested by the Assembly. d/

8. At its 1977 session, the Conference adopted 25 of the 39 draft articles submitted by ILC. At its resumed session, the Conference drew up and adopted a Final Act and an International Convention on Succession of States in Respect of Treaties.

9. The purpose of the Conference was to deal with the question of whether treaties previously concluded and applicable to a given territory could still be applicable after a change in the legal status of that territory. Problems of State succession occur when dependent Territories gain independence, as well as when a Territory is transferred or when States are united, dissolved or separated. State succession is defined by ILC as the replacement of one State by another in the responsibility for the international relations of a territory.

10. Representatives of 100 States attended the Conference. In addition, two liberation movements, four specialized agencies and three intergovernmental organizations sent observers. The Council participated actively in both sessions of the Conference, following a decision of the Conference to enable it to do so.

#### C. ACTIVITIES OF THE DELEGATION

11. On the basis of its review of the draft articles and in pursuance of the Council's mandate to the delegations of the Council to both sessions of the Conference, the Council delegation to the resumed session decided to concentrate its efforts on advocating the adoption by the Conference of two major declarations, namely:

(a) That South Africa is not the predecessor State of the future independent State of Namibia;

(b) That the relevant articles of the proposed convention on succession of States in respect of treaties shall in the case of Namibia be interpreted in conformity with United Nations resolutions on the question of Namibia.

12. In order to achieve the objectives contained in the proposed declarations, the Council delegation focused its attention on three articles, namely: article 2, subparagraph 1 (c) and (f), which sought to define a "predecessor State" and a "newly independent State" respectively; and articles 11 and 12, which dealt with boundary régimes and other territorial régimes.

13. The Council delegation was of the opinion that those articles did not address

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b/ Ibid., Twenty-ninth Session, Supplement No. 10 (A/9610/Rev.1).

c/ General Assembly resolution 31/18 of 24 November 1976.

d/ General Assembly resolution 32/47 of 8 December 1977.

themselves adequately to the unique nature of the situation in Namibia. It was also the view of the Council delegation that, with the inclusion of the above declarations in the final act of the Conference, Namibia would avail itself of the "clean slate" principle, and thus would not be bound to recognize or maintain in force any treaty it considered inimical or prejudicial to its interests. Therefore, at the very outset of the resumed session, the Council delegation took the opportunity to have an exchange of views with the Legal Counsel and with representatives of States participating in the Conference on the modalities of achieving the objectives of the Council. The Council delegation actively maintained these contacts for the duration of the Conference and participated in several meetings of both the African and non-aligned groups.

14. During the 38th meeting of the Committee of the Whole, on 1 August 1978, the Chairman of the Council delegation delivered a statement (see appendix I below) expressing serious concerns about exceptions to the "clean slate" principle contained in the draft convention. He stated that such exceptions would impose intolerable burdens on Namibia, since the Territory had been subjected to illegal military occupation and dismemberment. The Chairman stressed that the draft articles invoking the application of the principle of de jure continuity should be amended to take account of historical reality, in particular the fact that South Africa was not the predecessor State in the case of Namibia and that the United Nations, as the legal Administering Authority for Namibia, was responsible for the Territory's international relations.

15. In conclusion, the Chairman called for the inclusion in the preamble of the proposal submitted by the Council delegation at the 1977 session of the Conference (A/CONF.80/DC.13). The proposal read as follows:

"Taking into account General Assembly resolution 2145 (XXI) of 27 October 1966, by which the General Assembly of the United Nations terminated the mandate of South Africa over South West Africa and assumed direct responsibility for the territory until independence." e/

16. Following his statement, the Chairman of the delegation was approached by several delegations, who indicated their unreserved support for the objectives of the Council's proposal but suggested that a separate resolution containing these and related objectives of the Council would best serve the interests of Namibia and the purposes of the Conference. It was also pointed out that, should Namibia become independent in a few years, the proposed amendment would become an anachronistic appendage to the Convention.

17. At the 12th plenary meeting of the Conference, on 17 August, the Acting Chairman of the Council delegation withdrew the Council's proposal from consideration and introduced a draft resolution on Namibia (A/CONF.80/L.1) on behalf of the sponsors (see para. 20 below). In his statement (see appendix II below), the Acting Chairman said that the draft resolution did not seek to introduce any new elements but was merely a reaffirmation of the will of the international community as reflected in various United Nations resolutions on

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e/ See Official Records of the General Assembly, Thirty-second Session, Supplement No. 24 (A/32/24), vol. II, annex VIII, appendix IV.

Namibia. He urged the Conference to pronounce itself overwhelmingly in favour of the resolution so as to underline the support and solidarity of the entire international community for the people of Namibia against the continued illegal occupation of its Territory and attempts to dismember it by the racist régime of South Africa.

#### D. ACTION TAKEN BY THE COMMITTEE OF THE WHOLE

18. As in the 1977 session, most of the work of the Conference was done in the Committee of the Whole. During its meetings, the Committee continued its examination of the draft articles prepared by ILC and new articles proposed by participating delegations, as well as amendments thereto. It concluded consideration by the adoption of articles 2, 6, 7, 12 and 22 bis, the examination of which had not been completed by the Committee at the 1977 session, as well as articles 30, 30 bis, 31-36, 36 bis, 37, 37 bis, 38, 39, 39 bis, 39 ter and the proposed new article 40, which had not been examined at the 1977 session.

19. At its 57th meeting on 21 August 1978, the Committee of the Whole adopted the report on its work at the resumed session of the Conference (A/CONF.80/C.1/L.61 and Add.1 and 2).

#### E. ACTION TAKEN BY THE CONFERENCE

20. At its 12th plenary meeting, on 17 August 1978, the Conference considered the draft resolution on Namibia submitted by the Council delegation (see para. 17 above), which read as follows:

"The United Nations Conference on Succession of States in Respect of Treaties,

"Taking note of the statement made by the Chairman of the delegation of the United Nations Council for Namibia during the resumed session of the Conference /f/,

"Taking into account United Nations General Assembly resolution 2145 (XXI) of 27 October 1966, by which the General Assembly decided to terminate the mandate of South Africa over Namibia and by which the United Nations assumed direct responsibility for the Territory until independence, and General Assembly resolution 2248 (S-V) of 19 May 1967, by which the United Nations Council for Namibia was established and entrusted with the responsibility of administering the Territory until independence,

"Recalling the advisory opinion of the International Court of Justice of 21 June 1977 /g/ which declared that the continued presence of South Africa in Namibia being illegal, South Africa is under obligation to withdraw

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f/ See appendix I to the present report.

g/ Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970), Advisory Opinion, I.C.J. Reports 1971, p. 16.

its administration from the Territory and thus put an end to its illegal occupation of the Territory,

"Further recalling the relevant resolutions of the United Nations, in particular Security Council resolution 385 (1976) which reaffirmed the territorial integrity and unity of Namibia and 432 (1978) which took note of paragraph 7 of General Assembly resolution 32/9 D (1977) declaring that Walvis Bay is an integral part of Namibia,

"Resolves that the relevant articles of the Vienna Convention on Succession of States in Respect of Treaties shall be interpreted, in the case of Namibia, in conformity with United Nations resolutions on the question of Namibia,

"Further resolves that South Africa is not the predecessor State of the future independent State of Namibia."

21. Several delegations urged the Conference to adopt the resolution so that the independent State of Namibia could avail itself of the benefits of the 'clean slate' principle foreseen for the Convention, while at the same time safeguarding the new State from the application of unfavourable treaty provisions.

22. The resolution was adopted by a roll-call vote of 73 to none, with 6 abstentions (Belgium, Ireland, Italy, Japan, Portugal and Switzerland). Five countries (France, Germany, Federal Republic of, the Netherlands, the United Kingdom of Great Britain and Northern Ireland and the United States of America) declared that they had not participated in the vote on the ground that, in their view, the Conference was not competent to pronounce on matters for which it had no mandate.

23. At its 14th plenary meeting, on 22 August, the Conference considered and adopted all the draft articles that had been adopted by the Committee of the Whole (see paras. 18 and 19 above), including the articles on the peaceful settlement of disputes. The Conference also adopted the title of the Convention and the preamble submitted by the Drafting Committee, as well as the division of the Convention into parts, sections and titles, as recommended by the Committee of the Whole.

24. At its 15th plenary meeting, on 22 August, the Conference adopted without a vote the Final Act as submitted by the Drafting Committee, as well as the following resolutions: (a) a resolution relating to incompatible treaty obligations and rights arising from a uniting of States; (b) a tribute to the Special Rapporteurs and the Expert Consultant; (c) a tribute to ILC; and (d) a tribute to the people and Government of the Federal Republic of Austria.

25. Pursuant to a telegram from the President of the Council requesting India, as a member State of the Council, to sign the Final Act on behalf of the Council, Mr. K. R. P. Singh, Ambassador of India to Austria and Permanent Representative to the International Organizations at Vienna, signed the Final Act.

26. On the basis of the deliberations of the Conference (A/CONF.80/SR.1-15) and the records (A/CONF.80/L.1/SR.1-57) and reports (A/CONF.80/14 and 30) of the Committee of the Whole, the Conference drew up the Vienna Convention on Succession of States in Respect of Treaties, which it adopted on 22 August 1978.

27. The Convention was opened for signature on 23 August and will remain open until 28 February 1979 at the Federal Ministry for Foreign Affairs of Austria, and, subsequently, until 31 August 1979 at United Nations Headquarters.

F. CONCLUSIONS AND RECOMMENDATIONS AND EXPRESSIONS  
OF APPRECIATION

28. The Council delegation notes with satisfaction that the Council was the only "non-State" entity entitled to sign the Final Act and the Vienna Convention on Succession of States in Respect of Treaties. The Council delegation considers this action as the clearest political and juridical manifestation of the authority of the Council to represent Namibia at international conferences.

29. Therefore, the Council delegation recommends that the Council should, in consultation with SWAPO, sign the Convention, since a member State of the Council has already signed the Final Act on behalf of the Council (see para. 25 above).

30. The Council delegation wishes to place on record its gratitude to the delegations at the Conference, including in particular the members of the African and non-aligned groups, whose support enabled the Council delegation to carry out its mandate.

31. The Council delegation further wishes to record its gratitude to Mr. Mounouni Yacouba (Chairman, African Group), Mr. K. Breckenbridge (Chairman, Non-Aligned Group), Mr. Mustapha Yasseen (Chairman, Drafting Committee), Mr. Barton Scotland (Guyana), Mr. Abdul Koroma (Sierra Leone) and Mr. Abass Bundu (Commonwealth Secretariat) for their assistance throughout the Conference.

32. Finally, the Council delegation wishes to express its appreciation to Mr. K. R. P. Singh, Ambassador of India to Austria and Permanent Representative to the International Organizations at Vienna, for signing the Final Act on behalf of the Council (see para. 25 above).



## APPENDIX I

Statement by Mr. Rikhi Jaipal (India), Chairman of the  
delegation of the Council at the 38th meeting of the  
Committee of the Whole on 1 August 1978

1. The delegation of the Council is happy to be participating in the resumed session of this Conference at a time when the United Nations Security Council has initiated action to ensure the early attainment of independence of Namibia through free elections under the supervision and control of the United Nations, which action is intended to terminate the illegal occupation of the international Territory of Namibia by South Africa.
2. As the legal Administering Authority for Namibia, the Council will continue actively to represent and protect the interests of the Namibian people until they are enabled freely to exercise their inalienable right to self-determination and independence and to the territorial integrity of a united Namibia including Walvis Bay, which has been appropriated by force by South Africa.
3. Before restating the Council's position, I should like to congratulate the members of the Drafting Committee for successfully completing a substantial part of the review of the draft articles of the International Law Commission (ILC), which have been adopted by the Committee of the Whole and the Conference. The Council delegation will continue to participate in all aspects of the Conference's deliberations and contribute to the early and successful completion of the review and adoption of the remaining articles. The Council commends the painstaking work of ILC in preparing the draft articles, which constitute another landmark in the progressive development and codification of international law.
4. The Council delegation shares the basic philosophy contained in the draft articles, which are generally based on the Vienna Convention on the Law of Treaties of 1969 (A/CONF.39/27), the general principles of international law and practice and the Charter of the United Nations. We note with satisfaction the retention of the "clean slate" principle, which recognizes the right of a newly independent State to decide whether it wishes to be a party to any treaty by which the predecessor State was bound. This principle safeguards the legitimate interests of newly independent States and enables them to reject those colonial legacies which are prejudicial to their economic viability and inimical to the well-being of their inhabitants. This principle is of vital relevance and importance for safeguarding the interests of the people and Territory of Namibia and its natural resources, which have been subjected to exploitation by the racist Pretoria régime of South Africa. It is recalled in this connexion that by resolution 2145 (XXI) of 27 October 1966, the General Assembly terminated the mandate of South Africa over Namibia and placed it under the direct responsibility of the United Nations.
5. The Council notes with regret the introduction of exceptions to the general application of the "clean slate" principle, which might create misunderstanding in countries such as Namibia which have been victims of dismemberment and illegal military occupation. By its resolution 385 (1976) of 30 January 1976, the Security Council affirmed the right of Namibia to territorial integrity and unity. By resolution 32/9 D of 4 November 1977, the General Assembly declared that Walvis Bay

was an integral part of Namibia. By its resolution 432 (1978) of 27 July 1978 the Security Council declared that the territorial integrity and unity of Namibia must be assured through the reintegration of Walvis Bay within its Territory. There is thus no question that when Namibia attains its independence, Walvis Bay must be decolonized at the same time as an integral part of Namibia.

6. Therefore, the delegation of the Council, at the 1977 session of the Conference, requested some modification in the relevant articles to reflect historical realities, especially the fact that South Africa was not the "predecessor State" in the case of Namibia. a/ Our delegation had also sought reformulation of draft article 2 which would take into account the fact that the United Nations is responsible for the international relations of Namibia and would reflect the unique nature of that responsibility.

7. The Council recognizes the essential importance to Namibia of the "clean slate" principle, which is based on the right of peoples to self-determination. The Council is of the opinion that in the quite unique case of Namibia, which is without precedent and the only country which has the status of an international territory, the non-application of the "clean slate" principle will impose intolerable and unacceptable burdens on independent Namibia.

8. The Council cannot remain silent on the question of exceptions to this principle in case it is misinterpreted as the Council's recognition of South Africa's attempt to dismember Namibia, which South Africa has continued illegally to occupy and administer; it would be contrary to the inalienable right of the people of Namibia to self-determination and to the preservation of the territorial integrity of their country. It would also be in contradiction to General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, which, inter alia, states in paragraph 6 that:

"Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations."

9. This Conference should not be seen as legitimizing arbitrary acquisitions of territory by a colonial and racist State through claims based on unequal and spurious treaties or agreements. The dismemberment of Namibia and the detachment of Walvis Bay was brought about purely for economic and strategic reasons and with deliberate intent to keep Namibia in a permanent situation of economic subordination to South Africa and other colonialist countries, whose objective is plainly to continue to exploit the natural resources of Namibia to their own advantage. Taking into account historical, geographical, cultural and ethnic affinities, Namibia's entitlement to Walvis Bay is beyond doubt and should be respected universally. On behalf of the Council, I therefore affirm that independent Namibia should not be saddled with colonial inequities, and its territorial integrity must be assured by international law.

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a/ For the report of the Council delegation to the Conference in 1977, see Official Records of the General Assembly, Thirty-second Session, Supplement No. 24 (A/32/24), vol. II, annex VIII.

10. Mr. Chairman, with your permission and because of the importance and urgency this question has now assumed, let me briefly outline the pertinent historical developments concerning Walvis Bay for the information of this Conference in order to stress that South Africa is not the "predecessor State" in the case of Namibia.

11. Prior to the arrival of the first European settlers in South Africa, Walvis Bay was an integral part of Namibia and was inhabited by native Namibians, the Namas. In 1878, the Bay was occupied by the captain of a British warship, who took possession of it on behalf of the British Queen. The rest of Namibia (then South West Africa) was occupied by Germany in 1884. However, Walvis Bay was not integrated into the Cape Colony of South Africa as were the areas contiguous to the Cape Colony. In 1915, South African forces occupied Namibia and at the time of the establishment of the Union of South Africa, Walvis Bay also came to be occupied by South Africa, as a possession of the Cape Colony. Thereafter South Africa extended to Walvis Bay the laws applicable to the Territory of South West Africa, or Namibia. In 1922, South Africa incorporated Walvis Bay into Namibia by enactment of a series of laws in the Union Parliament, which culminated in placing Walvis Bay completely under the territorial jurisdiction of Namibia.

12. In 1966, the General Assembly terminated South Africa's mandate over South West Africa or Namibia and placed it under the direct responsibility of the United Nations (see para. 5 above). In 1967, the Assembly established the United Nations Council for Namibia to administer the Territory until independence (resolution 2248 (S-V) of 19 May 1967). However, South Africa has continued to defy the United Nations by refusing to withdraw its administrative and military machinery from Namibia, despite the advisory opinion of the International Court of Justice of 21 June 1971 b/ which upheld the termination of the South African mandate over Namibia. Recently, South Africa rushed legislation through its Parliament repealing earlier laws, thereby trying to detach Walvis Bay, which is an integral part of Namibia. It has subsequently taken administrative action to enforce its spurious title to Walvis Bay.

13. It is such acts of open defiance of the United Nations that compel the Council to insist that the proposed convention on succession of States in respect of treaties should fully take note of and reflect the realities of the only international Territory under United Nations responsibility. To that end, the Council delegation proposed at the 1977 session of the Conference an amendment to the preamble of the Convention (see A/CONF.80/DC.13) as follows:

Taking into account General Assembly resolution 2145 (XXI) of 27 October 1966, by which the General Assembly of the United Nations terminated the mandate of South Africa over South West Africa and assumed direct responsibility for the Territory until its independence.

14. On behalf of the Council, I would like to express the hope that this proposed paragraph would be included in the preamble so as to ensure that South Africa is not the "predecessor State" in the case of Namibia.

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b/ Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council resolution 276 (1970), Advisory Opinion, I.C.J. Reports 1971, p. 16.

## APPENDIX II

Statement by Mr. M. T. Siddiqui, Acting Chairman of the delegation  
of the Council at the 12th plenary meeting of the Conference on  
17 August 1978

1. Thank you, Mr. President, for giving me the floor to introduce the draft resolution contained in document A/CONF.80/L.1, which I have the privilege to move on behalf of the United Nations Council for Namibia and 35 member States of this Conference. Before proceeding with its introduction, however, I should like to present a very brief background to the proposed resolution.
2. During the last session, my delegation had expressed some concerns about certain articles in the proposed convention and had, accordingly, submitted a proposal for inclusion in the preamble of the draft convention. The proposal, as contained in document A/CONF.80/DC.13, seeks to have the Conference take into account resolution 2145 (XXI) of 27 October 1966, by which the General Assembly terminated South Africa's mandate over Namibia and assumed direct responsibility for the Territory.
3. In our earlier statement, made on the day following the opening of the current session, a/ we reiterated the necessity of incorporating in the proposed convention the proposal submitted by the Council delegation at last year's session. While recalling the recent developments relating to Namibia, our statement also gave additional reasons why this Conference should work in concert with other bodies of the international community in the protection and preservation of the legitimate interests of the international Territory of Namibia and its people.
4. We have since been approached by a number of delegations who indicated their total support for the objectives of our proposals, but suggested that a separate resolution containing those objectives would best serve the interests of Namibia and the purposes of this Conference. It was also argued that, should Namibia become independent in a few years, the preamble would become an anachronistic appendage to the Convention. We have subsequently shared these views with several delegations across regional lines, and their thinking also seems to be closer to the suggested approach I have just outlined.
5. In deference to the views of all these delegations, we hereby agree to withdraw our amendment to the preamble from consideration and instead submit the draft resolution, which has already been circulated as document A/CONF.80/L.1.
6. I should like to say a few words about the resolution itself. In the preambular part, the resolution refers to the resolutions of the General Assembly and Security Council on the question of Namibia and the opinion of the International Court of Justice to highlight the illegal nature of the occupation of the Territory of Namibia by the racist régime of South Africa, its universal rejection and consequences thereof.
7. It will be seen that the proposed resolution does not seek to introduce any new element. It is indeed a mere reaffirmation of the will of the international community, as reflected in various resolutions of the General Assembly and

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a/ See appendix I to the present report.

Security Council. The reassertation of these decisions and resolutions of the world bodies is sought at this stage particularly to underline the support and solidarity of the entire international community for the people of Namibia against the continued illegal occupation of their Territory by the racist régime of South Africa.

8. In its operative parts, the proposed resolution seeks to declare that in view of the illegal status of South Africa's occupation of the Territory of Namibia, South Africa is not the predecessor State of the future independent State of Namibia in so far as treaty obligations entered into by South Africa after 27 October 1966 are concerned and that all the relevant articles of the proposed convention shall be interpreted in conformity with United Nations resolutions on the question of Namibia.

9. This position again has been upheld by the highest judicial authority of the world, namely, the International Court of Justice. In its advisory opinion of 21 June 1971, the learned Court categorically laid down that:

122. ... member States are under obligation to abstain from entering into treaty relations with South Africa in all cases in which the Government of South Africa purports to act on behalf of or concerning Namibia. With respect to existing bilateral treaties, member States must abstain from invoking or applying those treaties or provisions of treaties concluded by South Africa on behalf of or concerning Namibia which involve active inter-governmental co-operation. ...

123. Member States ... are under obligation to abstain from sending diplomatic or special missions to South Africa including in their jurisdiction the Territory of Namibia, to abstain from sending consular agents to Namibia, and to withdraw any such agents already there. They should also make it clear to the South African authorities that the maintenance of diplomatic or consular relations with South Africa does not imply any recognition of its authority with regard to Namibia.

124. ... member States ... are under the obligation to abstain from entering into economic ... and other forms of relationship or dealings with South Africa on behalf of or concerning Namibia which may entrench its authority over the Territory." b/

10. It would thus be seen from the advisory opinion of the International Court of Justice, the extracts of which I have just read out, that the termination of the mandate and the declaration of the illegality of South Africa's presence in Namibia were applicable to all States in the sense of barring erga omnes the legality of the situation which has been maintained in violation of international law. It is not only obligatory upon all Member States to abstain from any treaty-relationship of any nature with South Africa with regard to the Territory of Namibia, but no such treaty or provision would have any force of law or validity, and cannot be invoked or applied by any party.

11. This is exactly what my delegation sought by this resolution when we proposed that the Conference declare that South Africa is not the predecessor State in

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b/ Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council resolution 276 (1970), Advisory Opinion, I.C.J. Reports 1971, p. 16, paras. 122-124.

respect of Namibia. The resolution is thus an endorsement of the position taken all along by the States Members of the United Nations and upheld by its highest judicial organ.

12. I move the resolution with the confidence that, in view of the considerations outlined here, the Conference shall pronounce itself overwhelmingly in favour of the resolution, as indeed other international forums have done on the question of Namibia on all previous occasions.

## ANNEX XIV

### Report of the delegation of the Council to the World Conference to Combat Racism and Racial Discrimination, held at Geneva from 14 to 25 August 1978

#### A. INTRODUCTION

1. By resolution 32/129 of 16 December 1977, the General Assembly decided to convene the World Conference to Combat Racism and Racial Discrimination at Geneva from 14 to 25 August 1978. In accordance with paragraph 4 of the same resolution, in a note verbale dated 6 March 1978, the Secretary-General invited the Council to be a participant in the Conference.
2. At its 282nd meeting, on 7 June 1978, the Council approved the report of Standing Committee I, which recommended the participation of the Council in a series of international meetings and conferences, including the World Conference.
3. The World Conference was convened in accordance with General Assembly resolution 3057 (XXVIII) of 2 November 1973, containing the Programme for the Decade for Action to Combat Racism and Racial Discrimination. Paragraph 13 (a) of the Programme for the Decade states that the Conference should have as its main theme the adoption of effective ways and means and concrete measures for securing the full and universal implementation of the United Nations decisions and resolutions on racism, racial discrimination, apartheid, decolonization and self-determination, as well as the accession to, and ratification and enforcement of, the international instruments relating to human rights and the elimination of racism and racial discrimination.

#### B. PARTICIPATION OF THE DELEGATION OF THE COUNCIL

4. The delegation of the Council to the Conference was headed by Miss Gwendoline C. Konie (Zambia), President of the Council, and included the following members:

Mr. Leslie Gordon Robinson (Guyana)

Mr. Chérif Bachir Djigo (Senegal)

Mr. Nchimunya J. Sikaulu (Zambia)

The delegation was assisted by Mr. M. Rego-Monteiro, Principal Secretary, and Miss G. Rocha, Secretary.

5. The Council participated actively in the work of the Conference. On 15 August 1978, the President made a statement (see appendix below) in the general debate. The delegation carried out continuous consultations with regard to the final document of the Conference.

### C. ORGANIZATION OF THE WORK OF THE CONFERENCE

6. In addition to the statements made in the plenary, the Conference established two Committees: Committee I, on the draft declaration; and Committee II, on the draft programme of action.

### D. DECLARATION AND PROGRAMME OF ACTION

7. At its 15th plenary meeting, on 25 August 1978, the Conference adopted a Declaration and Programme of Action by a vote of 88 to 4, with 2 abstentions (A/33/262, para. 33).

8. The Declaration and Programme of Action include provisions concerning comprehensive and mandatory sanctions against the racist régime of southern Africa; the elimination by Governments of all discriminatory laws and practices; the adoption of laws to punish dissemination of ideas based on racial superiority or hatred, and promotion of rights of indigenous peoples and migrant workers. The Conference called for denial of all forms of assistance to the fascist régimes, termination of all economic collaboration and action to stop multinational corporations and others from investing in Territories subject to racism, colonialism and foreign domination. It declared that the United Nations had a special responsibility to oppressed peoples and liberation movements in Namibia, Zimbabwe, South Africa and Palestine.

9. The Conference declared that any doctrine of racial superiority was scientifically false, morally condemnable, socially unjust, dangerous and wholly without justification. It further stated that all peoples and all human groups had contributed to the progress of civilization; and that all forms of discrimination, in particular, governmental policies based on the theory of racial superiority, exclusiveness or hatred, violated fundamental human rights and jeopardized friendly relations among peoples, co-operation between nations and international peace and security.

10. The Conference also declared that apartheid, the extreme form of institutionalized racism, was a crime against humanity, an affront to the dignity of mankind and a threat to peace and security in the world. Furthermore, the Conference stated that it was an obligation of Governments to create the necessary conditions for the transnational corporations to cease granting any assistance to the racist régimes of Pretoria and Salisbury and exploiting the peoples of southern Africa and the natural resources of their countries.

11. The Conference requested member States and international organizations to increase political and financial assistance to the oppressed peoples of southern Africa and their liberation movements recognized by the Organization of African Unity (OAU) to take measures to ensure the termination of all economic collaboration with racist régimes and to prevent the supply of funds, loans, credits, foreign exchange, trade and all financial support to the economies of South Africa, Southern Rhodesia and Namibia, from private banks, Governments and international agencies such as the World Bank, the International Monetary Fund (IMF) and similar institutions. The Conference cautioned against unilateral attempts to relax the obligation of the sanctions already imposed by the Security Council.



## E. NAMIBIA DAY

12. The Conference commemorated Namibia Day on 25 August. On this occasion, statements were made by the representative of the Council, the Chairman of the Special Committee against Apartheid and representatives of the African, Asian, Latin American and Nordic groups. The speakers emphasized that the requirements of the United Nations set forth in the resolutions of the General Assembly and the Security Council must be fulfilled in any international settlement on the question of Namibia. Furthermore, the speakers rejected South Africa's claims to Walvis Bay and called for continued support for the South West Africa People's Organization (SWAPO).

## APPENDIX

Statement by Miss Gwendoline Konie (Zambia), President  
of the Council, at the World Conference to Combat  
Racism and Racial Discrimination, on 15 August 1978

1. The broad principles of the Charter of the United Nations and of the Universal Declaration of Human Rights a/ established the basis for the continuous efforts by the international community in our time to examine in depth and deter the threats to human society which the manifestation of racial discrimination, still evident in some areas of the world, present for the future of civilization. The International Convention on the Elimination of All Forms of Racial Discrimination, b/ adopted by the General Assembly on 21 December 1965, marks a new stage in the commitment of the international community to eradicate false and dangerous doctrines which are in fact mere rationalizations for the continued exploitation of man. The International Convention, by its careful worded definitions and by the procedures set forth, gave a new and concrete meaning to the struggle of progressive forces everywhere against racial discrimination in all its forms and manifestations.
2. The continued concern of the international community was expressed in the formulation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination, contained in General Assembly resolution 3057 (XXVIII) of 2 November 1973. The international mobilization resulting from the Programme constitutes another significant factor in increasing the consciousness of peoples against the destructive and exploitative character of all forms of racism and racial discrimination. The decade from 1973 to 1983 will certainly witness the weakening and even the collapse of groups which support, out of fanaticism or for personal gain, false distinctions which are used to divide mankind on grounds of race, color, descent or national or ethnic prejudices. This Conference, in carrying out a review at midpoint in the Decade, will surely devise ever more effective instruments to promote the cause of social justice and human equality through the elimination of all forms of racial discrimination.
3. The Committee on the Elimination of Racial Discrimination established by the International Convention, as well as the Commission on Human Rights, are important instruments of the international community to identify and correct wherever possible violations of international norms to combat racism and racial discrimination. The Committee of Experts on Southern Africa of the Commission of Human Rights, by the personal commitment of its members and the scope of their expertise, has enriched the understanding and sharpened the awareness of all to racial discrimination and apartheid particularly as practised in southern Africa. The United Nations Council for Namibia is ready to co-operate closely with all those international bodies in the implementation of their mandate.

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a/ General Assembly resolution 217 A (III).

b/ General Assembly resolution 2106 A (XX).

4. In southern Africa, the crime of apartheid constitutes the most widespread violation of all international instruments against racism and racial discrimination in all its forms. The entry into force in 1976 of the International Convention on the Suppression and Punishment of the Crime of Apartheid c/ reflects the revulsion of all peoples of the world against the inhuman acts resulting from the policies and practices of apartheid and similar policies and practices of racial segregation and discrimination as defined in article II of the Convention. The United Nations Committee against Apartheid has played a leading role in the efforts of the United Nations to prevent and suppress the crime of apartheid and similar segregationist policies.

5. Since 1967, when it was established by the United Nations as the legal Administering Authority for Namibia until independence, the Council has drawn the attention of the international community to the brutal practices of apartheid and racial discrimination carried out by the illegal administration of South Africa against the African population of Namibia. South Africa's continued refusal to withdraw from Namibia poses a constant challenge to the authority of the United Nations and has led the Council to intensify its efforts of international political mobilization to obtain the compliance of South Africa with the resolutions of the General Assembly and the Security Council in support of self-determination, freedom and national independence for the Namibian people.

6. The intransigence of the Pretoria régime has left no other alternative to the Namibian people but armed struggle, initiated in 1966 under the leadership of the South West Africa People's Organization (SWAPO). Namibian patriots in their armed struggle for self-determination and national independence for Namibia have made enormous sacrifices. Many men, women and children have been harassed, detained, tortured and executed in the attempts of the illegal South African administration to perpetuate its control of the Territory. The illegal South African administration has continuously fabricated measures to intimidate the Namibian people and break their will to struggle for the attainment of their inalienable right to self-determination and independence. Repression of the legitimate aspirations of the Namibian people has included the massive transfer of peaceful communities with all the cruel consequences of such displacements.

7. The policies of apartheid and homelands followed by South Africa in Namibia have caused immense deprivation and suffering for the Namibian people. At the same time, Pretoria has plundered the natural resources of the Territory, generating enormous wealth for all those foreign economic interests which have been the beneficiaries of apartheid and the homelands.

8. The illegal occupation of Namibia by South Africa has also been used by the Pretoria régime to intimidate neighbouring African States in pursuance of its racist policies and hegemonistic ambitions in southern Africa. South African military adventurism has caused many casualties and the destruction of property in Angola and Zambia.

9. In close co-operation with SWAPO the Council has taken several initiatives to assist the Namibian people in their struggle against the racist oppressor. On the

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c/ General Assembly resolution 3068 (XXVIII).

basis of the recommendations of the Council, the General Assembly established the United Nations Fund for Namibia and the Institute for Namibia at Lusaka. Furthermore, the General Assembly, by its resolution 31/153 of 20 December 1976, created the Nationhood Programme for Namibia, a broad programme of assistance in which the specialized agencies and other United Nations bodies are actively participating.

10. The attempts by South Africa to perpetuate its control over Namibia have, in recent times, led to manoeuvres through which South Africa aimed at placing in power its tribal collaborators and racist supporters of apartheid through the so-called Turnhalle constitutional conference. The attempt failed owing to the increasing alertness of the international community to such racist schemes. International concern with South Africa's occupation of Namibia led to renewed efforts in support of self-determination and independence for the Namibian people.

11. By its resolution 385 (1976) of 30 January 1976, the Security Council declared that free elections should be held in the Territory of Namibia as a whole under the supervision and control of the United Nations. The resolution furthermore established the conditions to be met by South Africa for the expression of the political will of the Namibian people. Subsequently, by its resolution 32/9 H of 4 November 1977, the General Assembly decided to convene a special session on the question of Namibia and requested that the Secretary-General consult the Council on the most appropriate date for the session. On 3 May 1978, the General Assembly at its ninth special session, approved a Declaration on Namibia and Programme of Action in Support of Self-Determination and National Independence for Namibia, contained in resolution S-9/2, in which it reiterated that Namibia was the direct responsibility of the United Nations until genuine self-determination and national independence were achieved in the Territory. The Assembly also reiterated that Walvis Bay was an integral part of Namibia and condemned South Africa in the strongest possible terms for its decision to annex Walvis Bay, thus violating the principle of the territorial integrity of Namibia, as embodied in the relevant resolutions of the General Assembly and the Security Council. The Assembly expressed grave concern about South Africa's continued efforts to promote the Turnhalle tribal group as an alternative to SWAPO, which was fighting for the genuine national and social liberation of Namibia as a united political entity.

12. At its fifteenth ordinary session, held at Khartoum in July 1978, the Assembly of Heads of State and Government of the Organization of African Unity supported all efforts to achieve a settlement in Namibia, while at the same time reaffirming its support of the Council as the sole legal authority for Namibia until its independence. d/

13. In July 1978, the Conference of Ministers for Foreign Affairs, of the Non-Aligned Countries, held at Belgrade from 25 to 30 July 1978, e/ fully upheld the inalienable right of the people of Namibia to freedom, national independence and territorial integrity and strongly supported their legitimate struggle by every means for the liquidation of the illegal occupation of Namibia by South Africa. The Conference stressed that the illegal occupation of Namibia by racist South Africa

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d/ A/33/235, annex II, resolution AHG/Res.86 (XV).

e/ A/33/206, annex I.

constituted aggression not only against the people of Namibia, but against all the peoples and countries of free Africa and consequently constituted a threat to international peace and security and posed a challenge to the United Nations, which was responsible for the termination of the colonial administration of the Territory. The Conference called for absolute vigilance in the new phase of the efforts for the liberation of Namibia and urged all non-aligned countries to render increased and sustained financial and material assistance to SWAPO in order to enable it to counter effectively the sinister manoeuvres and designs of South Africa in Namibia.

14. The efforts of certain members of the Security Council to implement resolution 385 (1976) of 30 January 1976 have resulted in fresh initiatives, expressed in Security Council resolutions 431 (1978) and 432 (1978) of 27 July 1978. In the former resolution, the Council requested the Secretary-General to appoint a Special Representative for Namibia in order to ensure the early independence of Namibia through free elections under the supervision and control of the United Nations. In the latter resolution, the Council declared that the territorial integrity and unity of Namibia must be assured through the reintegration of Walvis Bay within its territory.

15. The prospects for a negotiated settlement of the question of Namibia may improve in the near future. It is necessary, however, that Governments proceed with great caution in the coming months. In a statement to the Security Council, on 27 July 1978 Mrs Sam Nujoma, the President of SWAPO, drew the attention of the United Nations to the fact that while all parties concerned were involved in talks towards a negotiated settlement, South Africa continued to carry out repressive measures and illegal acts in Namibia which reflect its intransigent and uncompromising policies. He stated that the arrest and the detention of SWAPO leaders and members continued unabated. f/

16. In the question of Namibia, the issue of racial discrimination and apartheid is indistinguishable from colonialism and neo-colonial exploitation. The efforts of this Conference to strengthen the instruments of the international community to combat racism and racial discrimination undoubtedly will sharpen even more the awareness of peoples against the practice of racism and apartheid, in southern Africa, thereby strengthening the cause of the Namibian people in their struggle for self-determination and national independence under the leadership of their sole and authentic liberation movement, SWAPO

17. May this Conference take another firm step forward in contributing to the eradication of all forms of racial discrimination.

ANNEX XV

Report of the representative of the Council to the International  
NGO Conference for Action against Apartheid, held at Geneva from  
28 to 31 August 1978

1. At its 287th meeting, on 11 August 1978, the Council decided to be represented at the International NGO Conference for Action against Apartheid. Mr. Ramadan Marmulaku (Yugoslavia) was subsequently nominated to represent the Council at the Conference.
2. More than 200 participants attended the Conference, including representatives of national organizations, liberation movements and observers.
3. The Conference was one of the largest gatherings of those non-governmental organizations which are lending support to the struggle of the people of southern Africa for freedom and independence. The representatives of the organizations reported on the experience they had acquired in their struggle against colonialism and imperialism in southern Africa: the organization of demonstrations and the issuing of publications, particularly in Western Europe and the United States of America, had been particularly important.
4. In their statements, the participants spoke in favour of increased co-operation and exchanges of views with United Nations bodies dealing with questions of decolonization of southern Africa and the struggle against the system of apartheid and racial discrimination. They also urged co-operation with third world and non-aligned countries.
5. In the general declaration adopted at the end of the session, the Conference affirmed its unequivocal support for the peoples of southern Africa and their liberation movements in their just struggle; called for the total isolation of racist régimes in southern Africa, including economic sanctions, and for the further mobilization of world public opinion against those régimes and appealed for greater support and assistance to liberation movements.
6. The representative of the Council addressed the plenary of the Conference on behalf of the Council (see appendix below) and participated in the work of two commissions (the Commission for Mandatory Sanctions against the South African Régime and the Commission on the Military Build-up and Militarization of the South African Régime), as well as in the drafting of the reports of the Commissions.
7. The representative of the Council met informally with representatives of various organizations having a special interest in Namibia who expressed their solidarity with the struggle of the South West Africa People's Organization (SWAPO) for freedom and independence as well as their full support for SWAPO in its negotiations.

APPENDIX

Statement by Mr. Ramadan Marmulaku (Yugoslavia), representative  
of the Council to the NGO Conference for Action against Apartheid,  
held at Geneva from 28 to 31 August

1. The United Nations Council for Namibia considers that the Conference of Non-Governmental Organizations, together with the World Conference to Combat Racism and Racial Discrimination, a/ which recently concluded its work here, will be recorded in the annals of the international community and of the United Nations as an important event in the struggle for the liquidation of the remnants of the past - racism and racial discrimination throughout the world. Eradication of the evil of the system of apartheid in southern Africa is one of the priorities of the international community today.
2. The Council welcomes the Decade for Action to Combat Racism and Racial Discrimination, b/ launched by the United Nations on 10 December 1973, as a commitment by the international community to mobilize Governments and peoples in support of the struggle for the total eradication of racism and racial discrimination in all forms and manifestations.
3. The years 1978 and 1979 are the years of Namibia and its people, who for almost two decades have been fighting for their freedom and independence and for majority rule, against the system of apartheid and racial discrimination. The people of Namibia have carried this heavy yoke on their shoulders for almost six decades.
4. As early as 1966, the General Assembly took over the mandate for the administration of the Territory from the racist régime of South Africa c/ and, in 1967, transferred it to the United Nations Council for Namibia as the legal Administering Authority for the Territory until independence. d/ In its advisory opinion of 21 June 1971, the International Court of Justice confirmed that, as the continued presence of South Africa in Namibia was illegal, South Africa was under obligation to withdraw its administration from Namibia immediately. e/ Unfortunately, however, the racist régime of South Africa has so far not carried out the decisions of the United Nations or the international community.
5. In its many resolutions on the subject, the General Assembly has stated that Namibia will remain the direct responsibility of the United Nations until genuine self-determination and national independence are achieved in the Territory and, for this purpose it has reaffirmed the mandate given to the Council as the legal Administering Authority for Namibia until independence. It has strongly condemned the colonial and racist régime of South Africa for its illegal occupation of Namibia in defiance of repeated demands by the Assembly and the Security Council

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a/ For the report of the delegation of the Council to the World Conference, see annex XIII to the present report.

b/ General Assembly resolution 3057 (XXVIII), annex.

c/ General Assembly resolution 2145 (XXI).

d/ General Assembly resolution 2248 (S-V).

e/ Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council resolution 276 (1970), Advisory Opinion, I.C.J. Reports 1971, p. 16.

for its withdrawal from the Territory and has further condemned South Africa for its attempts to perpetuate its illegal occupation of Namibia and for its increasingly brutal repression of the Namibian people. The Assembly has expressed its full support for the armed liberation struggle of the Namibian people under the leadership of SWAPO, their sole and authentic representative.

6. Even today, when preparations are under way in Africa for the transfer of rule to the majority through negotiation, racist South Africa continues to conduct a campaign of terror against the innocent citizens of Namibia. Massive police and military forces are maintained in the Territory, voting lists are falsified and patriots and members of SWAPO - the only legitimate representative of the people of Namibia - are imprisoned and tortured. In these circumstances, we must ask whether we can speak of fearless and fair elections for majority rule in Namibia. I think the answer is that we cannot.

7. This Conference is being held on the eve of the Security Council meeting at which the report of the Secretary-General (S/12827) is to be submitted on the implementation of Security Council resolution 385 (1976) of 30 January 1976 and resolution 431 (1978), of 27 July 1978, based on the report of his representative from the fact-finding mission to the Territory. At this crucial time, the Conference should raise its voice against the manipulations of and false information spread by the South African racists. These racist actions are directed against the interests of the people of Namibia and their representative, SWAPO, because, in this way, they conceal their evil aims - the establishment of a neocolonial situation and the further exploitation of the natural and human potentials of this rich Territory.



ANNEX XVI

Report of the delegation of the Council to the United Nations  
Conference on Technical Co-operation among Developing Countries,  
held at Buenos Aires from 30 August to 12 September 1978

1. At its 287th meeting on 11 August 1978, the Council decided to accept an invitation to participate in the United Nations Conference on Technical Co-operation among Developing Countries, to be held at Buenos Aires from 30 August to 12 September 1978.
2. The delegation of the Council was headed by Miss Gwendoline C. Konie (Zambia), President of the Council, and included Mr. Vicente Montemayor-Cantu (Mexico) and Mrs. Solmaz Unaydin (Turkey).
3. On 1 September 1978, the President of the Council made a statement at the Conference (see appendix I below), in which she drew attention to the situation in Namibia and to the special responsibility of the United Nations for the Territory. On behalf of the Council, she appealed to all international conferences within the United Nations system to give particular attention to the needs of an independent Namibia. She stated that the Conference could play a significant role in affirming the commitment of developing countries to assist Namibia.
4. In co-operation and consultation with some African countries and some members of the Council, the Council delegation prepared a draft resolution on assistance to Namibia, which it submitted to the Group of 77 on 8 September 1978 for approval. The Group of 77 unanimously supported the resolution and submitted it to the Conference on behalf of all participating States members of the Group of 77.
5. At its 18th meeting, on 11 September 1978, the Conference unanimously adopted the resolution on assistance to Namibia (see appendix II below), by which it reaffirmed the special responsibility of the United Nations system to assist the Namibian people to acquire the skills necessary for their social and economic development in an independent Namibia; reaffirmed the commitment of all States, organs, organizations and bodies within the United Nations system to support the Namibian people; and requested the United Nations development system to support the efforts of independent Namibia in its implementation of the Buenos Aires Plan of Action. a/
6. Prior to the adoption of the resolution, statements supporting it were made by the representatives of Finland, the German Democratic Republic, Poland, Switzerland and the United States of America.

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a/ A/CONF.79/13/Rev.1 (United Nations publication, Sales No. E.78.II.A.11), chap.I.

7. Following the adoption of the resolution Mrs. Ünaydin made a statement on behalf of the Council delegation, in which she thanked the Group of 77 for their co-sponsorship and the membership of the Conference for their warm support. She emphasized the readiness and willingness of Namibia, once independent, to co-operate and collaborate with all developing countries (see appendix III below).

## APPENDIX I

Statement of 1 September 1978 by Miss Gwendoline C. Konie,  
(Zambia), President of the Council at the United Nations  
Conference on Technical Co-operation among Developing  
Countries

1. It is indeed a great privilege for me to address this Conference today. The United Nations Council for Namibia, established in 1967 by the General Assembly a/ to administer Namibia until independence, has made intensive efforts throughout this decade to obtain the withdrawal of the illegal South African administration from Namibia. Today, the initiatives of certain countries in the international community have brought about proposals which may lead in the near future to self-determination and national independence for Namibia. The people of Namibia, by their courageous struggle against the illegal South African occupation of their country, deserve the fullest recognition for the gradual changes which have taken place in support of Namibia within the international community. Namibian patriots, under the leadership of the South West Africa People's Organization (SWAPO), after having exhausted all possibilities of negotiation with the South African Government, have had no choice but to take up arms in defence of their inalienable right to self-determination and national independence against the colonialist and racist oppressors of their people.

2. At the same time, the Council has been engaged in promoting international political recognition in support of the Namibian people. It has also submitted recommendations to the General Assembly for the establishment of programmes of assistance to Namibians during the period of struggle against South African occupation. Accordingly, the General Assembly created the United Nations Fund for Namibia, through which many projects have been implemented outside Namibia for the benefit of Namibians. Part of these funds have been channelled into scholarships and part have been used to consolidate farms where Namibian patriots, free from the exploitative domination of apartheid South Africa, can learn skills and prepare themselves for the reconstruction of an independent Namibia.

3. In 1974, aware of the lack of educational facilities in Namibia as a result of the exploitative practices of South Africa in the Territory, the Council proposed to the General Assembly the establishment of the Institute for Namibia at Lusaka with the objective of equipping a new generation of Namibians with the skills needed to administer an independent Namibia. b/ The Institute, which has been functioning for the past two years, has already significantly benefitted some 400 Namibians.

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a/ Resolution 2248 (S-V) of 19 May 1967.

b/ Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 24A (A/9624/Add.1), paras. 66-73.

4. In order further to involve the United Nations system in preparing Namibians for their future role as productive and responsible citizens of an independent nation State, the General Assembly established the Nationhood Programme for Namibia, c/ which now envisages projects of assistance of the magnitude of \$US 20 million in all sectors, under the responsibility of the specialized agencies of the United Nations.

5. In response to the efforts of the Council, the United Nations Development Programme (UNDP) has established an indicative planning figure for Namibia of \$US 4 million for its current programme period. These resources have been decisive in the consolidation of the Institute for Namibia.

6. It is most fortunate that this Conference is taking place at a moment when the machinery which it will create will be particularly relevant to the needs of an independent Namibia. The regional meetings held in preparation for the Conference were especially successful in characterizing regional perspectives for the effective implementation of the future programme of action. During the meeting held in Africa, many views were expressed on the promotion of self-reliance and co-operation among countries of the third world. The incorporation of many of these concepts in the programme of action would be particularly beneficial to a future African country such as Namibia. Independent Namibia will need all possible assistance from the international community in order to dismantle the destructive mechanisms of racist exploitation and apartheid and to build new institutions which will allow all Namibians to develop the skills necessary for national development of all sectors of life.

7. When the General Assembly terminated the mandate of South Africa over Namibia, it assumed direct responsibility for the Territory until independence. d/ This solemn commitment of the United Nations has required efforts to obtain the withdrawal of the illegal South African occupation from the Territory and assistance to Namibians struggling against that oppressive illegal occupation. If, as a result of current negotiations, an effective basis for a negotiated settlement of the question of Namibia is built, the United Nations will have a special role in assisting Namibia in the early years of its independence. In this context, the United Nations, in formulating programmes of action relating to a new international economic order, will have a crucial opportunity to assist the Namibian people in their efforts of national reconstruction after the long night of apartheid.

8. The recent intensification of the liberation struggle in Namibia and the increase in repressive measures by South Africa against the Namibian people led the General Assembly to convene a special session in May 1978 to consider the question of Namibia. On 3 May 1978, the Assembly approved a Declaration on

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c/ Resolution 31/153 of 20 December 1976.

d/ General Assembly resolution 2145(XXI) of 27 October 1966.

Namibia and Programme of Action in Support of Self-Determination and National Independence for Namibia, e/ in which it stressed its commitment to end South Africa's illegal occupation of Namibia by ensuring its complete and unconditional withdrawal to enable the Namibian people, under the leadership of the South West Africa People's Organization (SWAPO) to exercise freely their right to self-determination and independence. The General Assembly, inter alia, strongly condemned the colonialist and racist régime of South Africa for its continued illegal occupation of Namibia and further condemned South Africa for its attempts to perpetuate its illegal occupation of the Territory. The General Assembly also strongly condemned South Africa and other foreign economic interests for their exploitation and plundering of the natural resources of Namibia in complete disregard for the legitimate interests of the Namibian people and called upon States to compel transnational corporations under their jurisdiction to comply with all pertinent resolutions of the United Nations by immediately abstaining from making any investments in the Territory, by withdrawing current investments and by terminating their co-operation with the illegal South African administration in Namibia.

9. On 27 July 1978, the Security Council adopted resolution 431 (1978), by which it requested the Secretary-General to appoint a Special Representative for Namibia in order to ensure the early independence of Namibia through free elections under the supervision and control of the United Nations. Mr. Martti Ahtisaari, the United Nations Commissioner for Namibia, was appointed the Special Representative of the Secretary-General. The report of the mission is now before the Security Council (S/12827). As the efforts of the United Nations unfold to bring about self-determination, freedom and national independence for Namibia, the United Nations Council for Namibia appeals to all international conferences within the United Nations system to give particular attention to the needs of an independent Namibia and, in their final documents, to recognize the special responsibility of the United Nations in assisting the Namibian people in the early years of their independence. The Conference could play a significant role in affirming the commitment of developing countries to assist Namibia, in support of whose independence the United Nations has striven relentlessly for the past decade.

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e/ General Assembly resolution S-9/2.

APPENDIX II

Resolution on assistance to Namibia adopted by the Conference  
at its 18th plenary meeting on 11 September 1978. a/

The United Nations Conference on Technical Co-operation among Developing  
Countries,

Recalling General Assembly resolutions 3201 (S-VI) and 3202 (S-VI) of 1 May 1974 containing the Declaration and Programme of Action on the Establishment of a new international economic order, 3281 (XXIX) of 12 December 1974 containing the Charter of Economic Rights and Duties of States and 3362 (S-VII) of 16 September 1975 on development and international economic co-operation, the decisions of the Conference on Economic Co-operation among Developing Countries held at Mexico City in September 1976, b/ as well as the relevant decisions of the Fifth Conference of Heads of State or Government of Non-Aligned Countries, held at Colombo in August 1976 c/ and of the Belgrade Ministerial Conference of the Non-Aligned Countries d/ and those of the Khartoum Summit of the Organization of African Unity, e/

Recalling also General Assembly resolutions 2145 (XXI) of 27 October 1966 and 2248 (S-V) of 19 May 1967, by which the Assembly respectively terminated South Africa's mandate over Namibia and created the United Nations Council for Namibia as the sole legal Administering Authority until the termination of the illegal occupation of the Territory by South Africa,

Noting the establishment of the Institute for Namibia by the General Assembly to enable the people of Namibia to acquire skills necessary for their economic and social development upon their accession to independence,

Noting further the establishment by the General Assembly of the Nationhood Programme for Namibia, f/ which requires the specialized agencies of the United Nations to promote development projects within their respective areas of competence in order to prepare the Namibian people for the effective assumption of their full responsibility as an independent nation,

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a/ A/CONF.79/13/Rev.1 (United Nations publication, Sales No. E.78.II.A.11), chap. II, resolution 1.

b/ See A/C.2/31/7.

c/ See A/31/197.

d/ For the report of the delegation of the Council to the Conference, see annex XII to the present report.

e/ See A/33/235; see also annex IX to the present report for the report of the delegation of the Council to the meetings.

f/ General Assembly resolution 31/153 of 20 December 1976.

Noting with appreciation the sustained support and the valuable assistance provided by States Members of the United Nations to the people of Namibia, particularly in the field of human resource development,

Noting further with appreciation the contribution of the specialized agencies and other organizations within the United Nations system and, in particular the United Nations Development Programme, which, in co-operation with the United Nations Council for Namibia, has created an indicative planning figure of \$US 4 million for Namibia,

Mindful of the fact that technical co-operation among developing countries should benefit newly independent States and that Namibia should be considered in this context, in view of its imminent independence in accordance with the relevant United Nations resolutions,

1. Reaffirms the special responsibility of the United Nations system to assist the Namibian people to acquire the skills necessary for their social and economic development in an independent Namibia;

2. Reaffirms further the commitment of all States and of organs, organizations and bodies within the United Nations system to support the Namibian people and urges them to maintain and increase all forms of appropriate assistance to the Namibian people, including effective support to the Institute for Namibia and the Nationhood Programme for Namibia, in order to ensure that independent Namibia is enabled to acquire the capacity to participate fully in activities and projects of technical co-operation among developing countries;

3. Calls upon the Governments of developing countries to identify, promote and implement such activities and projects with independent Namibia in areas of common interest;

4. Further calls upon Governments of developed countries to support such activities and projects;

5. Requests the United Nations development system, in particular the United Nations Development Programme, to support the efforts of independent Namibia in its implementation of the objectives and recommendations of the Buenos Aires Plan of Action for Promoting and Implementing Technical Co-operation among Developing Countries. g/

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g/ A/CONF.79/13/Rev.1 (United Nations publication, Sales No. E.78.II.A.11), chap. I.

APPENDIX III

Statement by Mrs. Solmaz Ünaydin (Turkey), representative of  
the Council, at the Conference on 11 September 1978

I have asked for the floor to express the deep and sincere appreciation, of the delegation of the United Nations Council for Namibia to you, Mr. President, for your effective leadership, and through you to the members of the Group of 77 who have co-sponsored the resolution contained in document A/CONF.79/MC/L.3. My delegation would also like to thank the delegations which have expressed their warm support for the resolution, as well as the entire membership of the Conference for having made possible the unanimous adoption of this resolution. a/ I would like to place on record our conviction that the adoption of this resolution at such a critical stage in the evolution of the situation concerning Namibia is certainly of great significance. I must assure members of this Conference that independent Namibia will certainly look forward to co-operating with all developing countries with a view to realizing the objectives and recommendations of the Buenos Aires Plan of Action. b/

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a/ See appendix II above.

b/ A/CONF.79/13/Rev.1 (United Nations publication, Sales No. E.78.II.A.11), chap. I.



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