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Agenda item 62

QUESTION OF NAMIBIA

Report of the Fourth Committee

Rapporteur: Mr. Horacio SEVILLA-BORJA (Ecuador)

1. The Secretary-General included the following item in the provisional agenda of the twenty-fifth regular session of the General Assembly (A/8000/Rev.1):

"Question of Namibia /resolutions 2498 (XXIV) of 31 October 1969 and 2517 (XXIV) and 2518 (XXIV) of 1 December 1969/:

"(a) Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples;

"(b) Report of the United Nations Council for Namibia;

"(c) Appointment of the United Nations Commissioner for Namibia /decision of 1 December 1969/."

2. Subsequently, the Secretary-General included the following item in the supplementary list of items proposed for inclusion in the agenda (A/8050/Rev.1):

"Establishment of a United Nations Fund for Namibia /Security Council resolution 283 (1970) of 29 July 1970/."

3. In his memorandum relating to the organization of the twenty-fifth session of the General Assembly (A/BUR/176, paragraph 14) the Secretary-General proposed that, as the item included in the supplementary list referred to a question which

already appeared as an item on the provisional agenda (Question of Namibia), the General Committee might wish to propose to the General Assembly the inclusion of the item as a sub-item of the latter item.

4. At its 187th meeting, on 16 September, the General Committee, on the basis of the proposal of the Secretary-General referred to above, decided to recommend to the General Assembly the inclusion of the following item in the agenda of its twenty-fifth session:

"Question of Namibia:

"(a) Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples;

"(b) Report of the United Nations Council for Namibia;

"(c) Establishment of a United Nations Fund for Namibia;

"(d) Appointment of the United Nations Commissioner for Namibia."

5. At its 188th meeting, on 17 September, the General Committee decided to recommend to the General Assembly the allocation of sub-items (a) to (c) above to the Fourth Committee for consideration and report (A/8100).

6. At its 1843rd plenary meeting, on 18 September, the General Assembly approved the above recommendations of the General Committee.

7. At its 1874th meeting, on 1 October, the Fourth Committee decided to give priority to the present item (item 62), together with two other items on its agenda, namely, the question of Territories under Portuguese administration (item 63) and the question of Southern Rhodesia (item 64). At the same meeting, it decided further that a general debate should be held covering these three items, it being understood that individual draft resolutions on matters covered by the items would be considered separately after the conclusion of the general debate and following the hearing of petitioners who might appear before the Committee concerning those items.

8. The Fourth Committee considered this question at its 1875th to 1888th and 1891st to 1899th meetings, between 5 October and 18 November.

9. At the 1875th meeting, on 5 October, the Rapporteur of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples introduced the chapter of the report of that Committee relating to Namibia (A/8023/Add.2).
10. At the 1883rd meeting, on 19 October, the representative of Guyana, on behalf of the United Nations Council for Namibia, introduced the Council's report.^{1/}
11. In connexion with its consideration of the item, the Fourth Committee also had before it chapter IX, section J (Allegations regarding infringements of trade union rights) of the report of the Economic and Social Council,^{2/} which the General Assembly had suggested might be of interest to the Fourth Committee (A/C.4/726).
12. The Committee granted the following requests for hearing concerning the item:

<u>Petitioner</u>	<u>Meeting at which the request for hearing was granted</u>
Mr. Jariretundu Kozonguizi (A/C.4/727)	1875th
Mr. Veive N. Mbaeva and others, South West Africa National United Front (SWANUF) (A/C.4/727/Add.1)	1875th
The Reverend G. Michael Scott, International League for the Rights of Man (A/C.4/727/Add.2)	1876th
Mr. Sam Nujoma, President, South West Africa People's Organization (SWAPO) (A/C.4/727/Add.3)	1883rd
Mr. George M. Houser, Executive Director, American Committee on Africa (A/C.4/731)	1891st

13. At its 1878th meeting, on 9 October, the Fourth Committee heard statements by Messrs. Veive N. Mbaeva and Mburumba Kerina and the Reverend G. Michael Scott. At the 1887th meeting, on 26 October, Mr. Sam Nujoma made a statement. At the same meeting, Mr. Nujoma and two other members of his organization, Messrs. Andreas Shipanga and Gottfried Hage Geingob, replied to questions put to them by members of the Committee. At the same meeting, the Reverend G. Michael Scott made a supplementary statement and replied to questions

1/ Official Records of the General Assembly, Twenty-fifth Session, Supplement No. 24 (A/8024).

2/ Ibid., Supplement No. 3 (A/8003 and Corr.1).

put to him by members of the Committee. At the 1892nd meeting, on 9 November, Mr. George Houser made a statement and replied to a question put to him by a member of the Committee. On 11 November, members of the Committee viewed the documentary film referred to by the Rev. G. Michael Scott in his statement made at the 1888th meeting.

14. The general debate covering the present item, together with the two other items referred to in paragraph 7 above, took place at the 1876th to 1886th meetings, between 7 and 21 October.

15. The Fourth Committee adopted three draft resolutions in connexion with this item, one on the question in general, one on a United Nations Fund for Namibia and one on petitions concerning Namibia. An account of the Committee's consideration of the draft resolutions is given in sections I to III below.

I

16. At the 1892nd meeting, on 9 November, the representatives of the United Arab Republic, Yugoslavia and Ethiopia introduced a draft resolution (A/C.4/L.964) which was finally sponsored by the following Member States: Afghanistan, Burma, Cameroon, Central African Republic, Chad, Congo (Democratic Republic of), Dahomey, Ethiopia, Ghana, Guinea, India, Indonesia, Jamaica, Kenya, Libya, Malaysia, Mali, Mauritania, Morocco, Niger, Nigeria, Pakistan, Philippines, Rwanda, Singapore, Togo, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta, Yugoslavia and Zambia.

17. The Fourth Committee considered the draft resolution at its 1892nd to 1898th meetings, between 9 and 16 November.

18. At the 1896th meeting, on 13 November, the representative of Ghana, on behalf of the sponsors, introduced a revised text of the draft resolution (A/C.4/L.964/Rev.1) by which (a) in operative paragraph 7, the words "Draws the attention of the Security Council to the urgent need for it to take" were replaced by "Draws the attention of the Security Council to consider taking"; (b) in operative paragraph 12, the word "action" was replaced by "measures" and the words "travel and identity documents" by "identity certificates and travel documents"; and (c) at the end of operative paragraph 13, the following words were added: "including consultations with the representatives of the Namibian people and of the Organization of African Unity in Africa or at United Nations Headquarters".

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19. At the same meeting, the representative of Ghana introduced an oral revision to the text of the revised draft resolution by which, in operative paragraph 7, the words "Draws the attention of" were replaced by "Invites"

20. At the 1897th meeting, on 16 November, the Chairman drew attention to a statement by the Secretary-General (A/C.4/L.968) concerning the administrative and financial implications of the recommendations contained in the revised draft resolution, submitted in accordance with rule 15⁴ of the rules of procedure of the General Assembly.

21. At the 1898th meeting, on the same date, the representative of Ghana, on behalf of the sponsors, having regard to operative paragraph 13 of the revised draft resolution stated as follows: "To remove any possible doubts, I should like to state on behalf of the sponsors that it is our intention, should the Council decide to hold its consultations in New York, that the fares and subsistence of representatives of the Namibian people should be borne by the United Nations and that appropriate provision should be made in the 1971 budget for that purpose".

22. At the same meeting, the Secretary of the Committee made a statement concerning the additional administrative and financial implications arising from the recommendations contained in the revised draft resolution, in the light of the statement made by the representative of Ghana on behalf of the sponsors. He stated, inter alia:

"It should be noted that, in the event that the General Assembly grants this authority to the Secretary-General, an additional appropriation will be required. Based on the assumption that provision should be made for up to six representatives of the Namibian people to travel to New York, the cost of the round trip air economy class travel and subsistence at the Secretariat rate is estimated at \$11,000".

23. At the same meeting, the Fourth Committee adopted the revised draft resolution (A/C.4/L.964/Rev.1), as further revised orally, by a roll-call vote of 90 to 5, with 14 abstentions (see paragraph 33 below, draft resolution I). The result of the voting was as follows:

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In favour: Afghanistan, Algeria, Argentina, Barbados, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cambodia, Cameroon, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Democratic Republic of), Cuba, Cyprus, Czechoslovakia, Dahomey, Ecuador, Ethiopia, Gabon, Gambia, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Hungary, India, Indonesia, Iran, Iraq, Ireland, Israel, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Liberia, Libya, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan, People's Republic of the Congo, Peru, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Sierra Leone, Singapore, Somalia, Southern Yemen, Spain, Sudan, Swaziland, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zambia.

Against: France, Portugal, South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Belgium, Canada, Denmark, Finland, Iceland, Italy, Luxembourg, Malawi, Netherlands, New Zealand, Norway, Sweden.

II

24. At the 1892nd meeting, on 9 November, the representative of Finland introduced a draft resolution relating to the United Fund for Namibia, which was finally sponsored by the following Member States: Burundi, Finland, Nepal, Nigeria, Sierra Leone, Singapore and Zambia (A/C.4/L.965).

25. The Fourth Committee considered the draft resolution at its 1892nd, 1893rd and 1895th to 1899th meetings, between 9 and 18 November.

26. At the 1897th meeting, on 16 November, the Chairman drew attention to a statement by the Secretary-General (A/C.4/L.969) concerning the administrative and financial implications of the draft resolution, submitted in accordance with rule 154 of the rules of procedure of the General Assembly.

27. At the 1898th meeting, on the same date, the representative of Finland, on behalf of the sponsors, introduced a revised text of the draft resolution (A/C.4/L.965/Rev.1) by which:

(a) Operative paragraph 5, which read as follows, was deleted:

"5. Decides that provision for the Fund should be made through the regular budget of the United Nations and that it should be financed through assessments on all Members of the Organization;"

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(b) In operative paragraph 7 (new operative paragraph 6), the words "over and above the assistance provided at present" were inserted after "not exceeding a total amount of \$50,000".

28. At the 1899th meeting, on 18 November, the Chairman drew attention to a revised statement by the Secretary-General (A/C.4/L.969/Rev.1) concerning the administrative and financial implications of the revised draft resolution (A/C.4/L.965/Rev.1).

29. At the same meeting, the Fourth Committee adopted the revised draft resolution (A/C.4/L.965/Rev.1) by a roll-call vote of 101 to 2, with 7 abstentions (see paragraph 33 below, draft resolution II). The result of the voting was as follows:

In favour: Afghanistan, Algeria, Argentina, Australia, Austria, Barbados, Belgium, Bolivia, Brazil, Burma, Burundi, Cambodia, Cameroon, Canada, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Democratic Republic of), Cuba, Cyprus, Dahomey, Denmark, Ecuador, Ethiopia, Finland, France, Gabon, Gambia, Ghana, Greece, Guatemala, Guinea, Guyana, Honduras, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Liberia, Libya, Luxembourg, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Panama, People's Republic of the Congo, Peru, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Southern Yemen, Spain, Sudan, Swaziland, Sweden, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Republic, United Republic of Tanzania, United States of America, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zambia.

Against: Portugal, South Africa.

Abstaining: Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, Hungary, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland.

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III

30. Included in the chapter of the report of the Special Committee, to which reference is made in paragraph 9 above, was a draft resolution relating to petitions concerning Namibia which the Special Committee had recommended for adoption by the General Assembly (A/8023/Add.2, para. 17).

31. The Fourth Committee considered the draft resolution at its 1896th to 1898th meetings, on 13 and 16 November.

32. At its 1898th meeting, on 16 November, the Fourth Committee adopted the draft resolution submitted by the Special Committee without objection (see paragraph 33 below, draft resolution III).

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RECOMMENDATIONS OF THE FOURTH COMMITTEE

33. The Fourth Committee recommends to the General Assembly the adoption of the following draft resolutions.

DRAFT RESOLUTION I

Question of Namibia

The General Assembly,

Recalling its resolutions 1514 (XV) of 14 December 1960, 2145 (XXI) of 27 October 1966 and subsequent resolutions on the question of Namibia, as well as Security Council resolutions 264 (1969) of 20 March 1969, 269 (1969) of 12 August 1969 and 283 (1970) of 29 July 1970,

Recalling further the relevant provisions of General Assembly resolution 2621 (XXV) of 12 October 1970 containing the programme of action for the full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Bearing in mind the special responsibility of the United Nations with regard to the Territory of Namibia and its people,

Deeply concerned at the deteriorating situation in Namibia due to the continued illegal presence of South Africa in the Territory in deliberate defiance of the United Nations, a situation which threatens international peace and security,

Gravely concerned that the continued refusal of South Africa to comply with the decisions of the Security Council and the General Assembly seriously undermines and encroaches on the authority of the United Nations,

Taking into consideration the fact that South Africa has persistently violated the principles of the Charter of the United Nations, and mindful of the obligations of Member States under Article 25 thereof,

Considering that the basic condition for the fulfilment of the responsibilities of the United Nations towards Namibia is the application of effective measures to ensure the removal of South Africa from the Territory,

Noting with appreciation the report of the United Nations Council for Namibia,^{3/}

3/ Official Records of the General Assembly, Twenty-fifth Session, Supplement No. 24 (A/3024).

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

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

3. Condemns the Government of South Africa for its persistent refusal to comply with the decisions of the Security Council and the General Assembly and to withdraw from the Territory;

4. Further condemns the Government of South Africa for the extension of the internationally condemned policies of apartheid to the Territory, and for its policies aimed at destroying the unity of the people and the territorial integrity of Namibia through the creation of the so-called separate "homelands";

5. Condemns the support given to South Africa in the pursuit of its repressive policies in Namibia by the allies of South Africa and, in particular, by its major trading partners and financial, economic and other interests operating in the Territory;

6. Calls upon the Governments concerned to cease immediately any assistance to and co-operation with South Africa;

7. Invites the Security Council to consider taking effective measures, including those provided for under Chapter VII of the Charter, in view of the continued refusal by the Government of South Africa to comply with its resolutions 264 (1969) and 269 (1969);

8. Calls upon all States, particularly the permanent members of the Security Council, to lend their full support to the Security Council in the application and implementation of all measures which the Council has decided or may decide upon to obtain the withdrawal of South Africa from the Territory;

9. Appeals to all States to take appropriate steps, through action in the specialized agencies and other organizations within the United Nations system of which they are members, with a view to discontinuing any collaboration with the Government of South Africa;

10. Reaffirms its solidarity with the people of Namibia in their legitimate struggle against foreign occupation and calls upon all States, in consultation with the Organization of African Unity, to provide increased moral and material assistance to the Namibian people in their struggle;

11. Calls again upon the Government of South Africa to treat the Namibian people captured during their struggle for freedom as prisoners of war in accordance with the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949^{4/} and to comply with the Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949;^{5/}

12. Endorses the measures taken by the United Nations Council for Namibia with a view to the issuance of identity certificates and travel documents to Namibians, and appeals to all States which have not already done so to communicate to the Secretary-General their willingness to recognize and accept such documents for purposes of travel to their countries;

13. Requests the United Nations Council for Namibia to continue to perform the functions entrusted to it in the relevant resolutions of the General Assembly, including consultations with the representatives of the Namibian people and of the Organization of African Unity in Africa or at United Nations Headquarters;

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

15. Calls upon all States to co-operate fully with the Council for Namibia in its efforts to discharge its responsibilities.

^{4/} United Nations, Treaty Series, vol. 75 (1950), No. 972.

^{5/} Ibid., No. 973.

DRAFT RESOLUTION II

United Nations Fund for Namibia

The General Assembly,

Recalling its resolution 2145 (XXI) of 27 October 1966, by which the United Nations decided to terminate the Mandate for South West Africa and assume direct responsibility for the Territory until its independence,

Recalling further its resolve to discharge that responsibility with respect to South West Africa,

Bearing in mind that that responsibility includes the solemn obligation to assist and prepare the people of the Territory for self-determination and independence,

Considering that, in order to discharge its responsibilities under resolution 2145 (XXI), the United Nations should provide comprehensive assistance to the people of the Territory,

Having considered the request by the Security Council, in resolution 283 (1970) of 29 July 1970, that a United Nations fund be established to provide assistance to Namibians who have suffered from persecution and to finance a comprehensive educational and training programme for Namibians, with particular regard to their future administrative responsibilities in the Territory,

Taking into account the assistance provided to Namibians at present from United Nations agencies and funds, notably the United Nations High Commissioner for Refugees, the United Nations Educational and Training Programme for Southern Africa and the United Nations Trust Fund for South Africa,

1. Decides that a comprehensive United Nations Fund for Namibia shall be established;

2. Requests the Secretary-General to make a detailed study and report to the General Assembly at its twenty-sixth session on the development, planning, execution and administration of a comprehensive programme of assistance to Namibians in various fields;

3. Further requests the Secretary-General to take into account the observations made during the present session of the Assembly in regard to the establishment of such a programme;

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4. Invites the specialized agencies, the Advisory Committee on the Educational and Training Programme for Southern Africa, the Committee of Trustees of the United Nations Trust Fund for South Africa, the Ad Hoc Sub-Committee established in pursuance of Security Council resolution 276 (1970), the United Nations Council for Namibia, the United Nations High Commissioner for Refugees and the Organization of African Unity to provide advice and assistance, as may be required by the Secretary-General, in the preparation of the study and report referred to in paragraph 2 above;

5. Decides that, in anticipation of the report of the Secretary-General on the matter, a decision on the extent of the financial implications of the programme should be deferred to the twenty-sixth session of the General Assembly;

6. Authorizes the Secretary-General, in the meantime, in consultation with the Chairman of the Advisory Committee of the Educational and Training Programme for Southern Africa, the Chairman of the Committee of Trustees of the United Nations Trust Fund for South Africa and the United Nations High Commissioner for Refugees to make interim grants from the regular budget of the United Nations for 1971, not exceeding a total amount of \$50,000 over and above the assistance provided at present, in order to enable the existing United Nations programmes to provide greater assistance, as necessary, to Namibians.

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DRAFT RESOLUTION III

Petitions concerning Namibia

The General Assembly,

Bearing in mind the special responsibilities of the United Nations with regard to Namibia, including in particular those set out in General Assembly resolutions 2145 (XXI) of 27 October 1966, 2248 (S-V) of 19 May 1967, 2325 (XXII) of 16 December 1967, 2403 (XXIII) of 16 December 1968 and 2517 (XXIV) of 1 December 1969,

Noting that the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples has received and examined during 1970 three petitions concerning Namibia, in accordance with paragraph 3 of General Assembly resolution 1805 (XVII) of 14 December 1962 and within the context of the implementation of the Declaration,

Noting further that these petitions relate, inter alia, to the general situation and recent developments concerning Namibia, to the refusal by South Africa to implement resolutions 2145 (XXI) and 2248 (S-V) and, in particular, to the continued implementation by South Africa of the recommendations of the Odendaal Commission, including the removal of Africans from their ancestral lands,

1. Notes that the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples has taken these petitions into account in its consideration of the situation in Namibia within the context of the implementation of the Declaration;

2. Notes further that those petitions which raised matters of concern to the United Nations Council for Namibia have been brought to the latter's attention by the Secretariat and have been taken into consideration by the Council in the performance of the functions assigned to it by the General Assembly in resolutions 2248 (S-V), 2325 (XXII), 2403 (XXIII) and 2517 (XXIV);

3. Draws the attention of the petitioners concerned to the report on the Territory submitted by the Special Committee^{6/} and to the resolutions on the question of Namibia adopted by the General Assembly at its twenty-fifth session, as well as to the report of the United Nations Council for Namibia.^{7/}

6/ A/8023/Add.2.

7/ Official Records of the General Assembly, Twenty-fifth Session, Supplement No. 24 (A/8024).