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QUESTION OF NAMIBIA

Report of the Fourth Committee

Rapporteur: Mr. Rui QUARTIN-SANTOS (Portugal)

1. At its 2353rd plenary meeting, on 19 September 1975, the General Assembly decided to include in the agenda of its thirtieth session an item entitled:

"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) United Nations Fund for Namibia: reports of the United Nations Council for Namibia and of the Secretary-General;
- (d) Appointment of the United Nations Commissioner for Namibia",

and to allocate subitems (a), (b) and (c) to the Fourth Committee for consideration and report. Subitem (d) was retained for consideration by the General Assembly in plenary meeting.

2. The Fourth Committee considered the question of Namibia at its 2145th to 2156th and 2163rd to 2167th meetings, between 13 October and 13 November.

3. At the 2146th meeting, on 14 October, the Permanent Representative of Zambia to the United Nations, on behalf of the President of the United Nations Council for Namibia, introduced the report of the Council (A/10024 (vols. I and II)).

4. At the same meeting, 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 chapter X of the report of that Committee (A/10023/Add.3) relating to the item.

5. In connexion with its consideration of the item the Fourth Committee had before it the report of the Secretary-General relating to the United Nations Fund for Namibia (A/10229), submitted in pursuance of paragraph 12 of General Assembly resolution 3296 (XXIX) of 13 December 1974. The Committee also had before it two letters addressed to the Secretary-General, one dated 10 January 1975 from the Chargé d'Affaires a.i. of the Permanent Mission of the United Republic of Tanzania to the United Nations (A/9998-S/11598), and the other dated 19 February 1975 from the Permanent Representative of Liberia to the United Nations (A/10050-S/11638).

6. During the Fourth Committee's consideration of the item, Mr. Mishake Muyongo, representative of the South West Africa People's Organization (SWAPO), the national liberation movement of the Territory, participated in an observer capacity in the proceedings of the Committee in accordance with the relevant provisions of General Assembly resolution 3280 (XXIX) of 10 December 1974.

7. Mr. Muyongo made a statement at the 2151st meeting, on 21 October, and at the 2155th meeting, on 27 October.

8. The Fourth Committee granted the following requests for hearing in connexion with its consideration of the item:

<u>Petitioner</u>	<u>Meeting at which request for hearing was granted</u>
The Reverend G. Michael Scott, International League for the Rights of Man (A/C.4/784)	2135th
Representatives of "anti-apartheid political parties and groups" in Namibia (A/C.4/784/Add.1)	2135th
Mr. Romesh Chandra, Secretary-General, World Peace Council (WPC) (A/C.4/788)	2144th
Mr. David V. Kasume, South West Africa National Union (SWANU) (A/C.4/784/Add.2)	2152nd
The Reverend Frederick L. Houghton, General Theological Seminary (A/C.4/784/Add.3)	2156th

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9. At the 2145th meeting, on 13 October, statements relating, inter alia, to the item were made by Mr. Chandra, Mrs. Purabi Mukherji and Dr. Carlton B. Goodlett of WPC. At the 2146th meeting, on 14 October, the Reverend Scott made a statement. At the 2156th meeting, on 28 October, the Reverend Houghton made a statement. At the 2165th meeting, on 11 November, Mr. Kasume made a statement. The other petitioners referred to in paragraph 8 above did not appear before the Committee.

10. The general debate on the item took place at the 2147th to 2155th meetings, between 16 and 27 October.

11. At the 2163rd meeting, on 10 November, the representatives of Iraq and Ethiopia introduced two draft resolutions, one relating to the item as a whole (A/C.4/L.1097) and the other concerning the United Nations Fund for Namibia (A/C.4/L.1098), which were finally sponsored by the following Member States:

(a) A/C.4/L.1097:

Afghanistan, Algeria, Bahrain, Bangladesh, Botswana, Burundi, Comoros, Congo, Cuba, Cyprus, Democratic Yemen, Egypt, Equatorial Guinea, Ethiopia, Ghana, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iraq, Jamaica, Kenya, Kuwait, Laos, Liberia, Libyan Arab Republic, Madagascar, Malaysia, Mali, Mauritania, Mauritius, Morocco, Mozambique, Nepal, Niger, Nigeria, Oman, Pakistan, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Syrian Arab Republic, Togo, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Yugoslavia, Zaire and Zambia.

(b) A/C.4/L.1098:

Afghanistan, Algeria, Bahrain, Bangladesh, Botswana, Burundi, Comoros, Congo, Cuba, Cyprus, Democratic Yemen, Egypt, Equatorial Guinea, Ethiopia, Finland, Ghana, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Kenya, Kuwait, Laos, Liberia, Libyan Arab Republic, Madagascar, Malaysia, Mali, Mauritania, Mauritius, Morocco, Mozambique, Nepal, Niger, Nigeria, Oman, Pakistan, Qatar, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Syrian Arab Republic, Togo, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Yugoslavia, Zaire and Zambia.

12. At the 2164th meeting, on 11 November, the Chairman drew attention to statements by the Secretary-General (A/C.4/L.1099 and A/C.4/L.1100), submitted in accordance with rule 153 of the rules of procedure of the General Assembly, concerning the administrative and financial implications of the two draft resolutions referred to in paragraph 11 above.

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13. At the 2166th meeting, on 13 November, the Fourth Committee adopted draft resolution A/C.4/L.1097 by a recorded vote of 114 to none, with 8 abstentions (see para. 15 below, draft resolution I). The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Bhutan, Botswana, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen, Denmark, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, Gabon, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Laos, Lebanon, Lesotho, Liberia, Libyan Arab Republic, Madagascar, Malaysia, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Romania, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Venezuela, Yugoslavia, Zaire, Zambia.

Against: None.

Abstaining: Belgium, Canada, France, Germany (Federal Republic of), Italy, United Kingdom of Great Britain and Northern Ireland, Uruguay, United States of America.

14. At the same meeting, the Fourth Committee adopted draft resolution A/C.4/L.1098 without objection (see para. 15 below, draft resolution II).

RECOMMENDATIONS OF THE FOURTH COMMITTEE

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

DRAFT RESOLUTION I

Question of Namibia

The General Assembly,

Having considered the question of Namibia,

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Having examined the report of the United Nations Council for Namibia 1/ and the relevant chapters of the 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, 2/

Having heard the statements of the representatives of the South West Africa People's Organization, who participated in an observer capacity in the consideration of the item by the Fourth Committee, 3/

Having also heard the statements of the petitioners, 4/

Recalling its resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and its resolution 2621 (XXV) of 12 October 1970, containing the programme of action for the full implementation of the Declaration,

Recalling, in particular, its resolutions 2145 (XXI) of 27 October 1966 and 2248 (S-V) of 19 May 1967 and subsequent resolutions of both the General Assembly and the Security Council relating to the question of Namibia, as well as the advisory opinion of the International Court of Justice of 21 June 1971, 5/ delivered in response to the request addressed to it by the Council in its resolution 284 (1970) of 29 July 1970,

Taking into consideration the relevant provisions of the Dar es Salaam Declaration on Southern Africa adopted by the Council of Ministers of the Organization of African Unity at its ninth extraordinary session, held at Dar es Salaam from 7 to 10 April 1975, and the resolution on Namibia adopted by the Council of Ministers of the Organization of African Unity at its twenty-fifth ordinary session, 6/ held at Kampala from 18 to 25 July 1975, and subsequently endorsed by the Assembly of Heads of State and Government of the Organization of African Unity at its twelfth ordinary session,

Reaffirming that the Territory and people of Namibia are the direct responsibility of the United Nations and that the Namibian people must be enabled to attain self-determination and independence within a united Namibia,

1/ A/10024 (vols. I and II).

2/ A/10023 (Parts I-IV) and A/10023/Add.3.

3/ A/C.4/SR.2151 and 2155.

4/ A/C.4/SR.2145, 2146, 2156 and 2165.

5/ 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.

6/ A/10297, annex I, CM/RES.433 (XXV).

Strongly deploring South Africa's continued refusal to comply with the resolutions and decisions of the United Nations, its continued illegal occupation of Namibia, its brutal repression of the Namibian people and its persistent violation of their human rights, as well as its efforts to destroy the national unity and territorial integrity of Namibia, in particular through the convening of a so-called constitutional conference,

Gravely concerned at the militarization of Namibia by the illegal occupation régime of South Africa,

Strongly deploring the policies of those States which, despite the relevant decisions of the United Nations and the advisory opinion of the International Court of Justice of 21 June 1971, continue to maintain diplomatic, economic, consular and other relations with South Africa, purporting to act on behalf of or concerning Namibia, as well as military or strategic collaboration, all of which has the effect of supporting or encouraging South Africa in its defiance of the United Nations,

Recognizing that the situation in Namibia constitutes a threat to international peace and security,

Noting with satisfaction the opposition of the Namibian people to South Africa's illegal presence in the Territory and to its racist oppressive policies and, in particular, the progress of their struggle in all its forms for national liberation under the leadership of the South West Africa People's Organization,

Noting with appreciation the efforts of the United Nations Council for Namibia in the discharge of the responsibilities entrusted to it by the relevant resolutions of the General Assembly,

1. Reaffirms the inalienable and imprescriptible right of the people of Namibia to self-determination and independence in accordance with General Assembly resolutions 1514 (XV) and 2621 (XXV) and subsequent resolutions;
2. Endorses the relevant provisions of the Dar es Salaam Declaration on Southern Africa, adopted by the Council of Ministers of the Organization of African Unity at its ninth extraordinary session, held in April 1975;
3. Reiterates that the national liberation movement of Namibia, the South West Africa People's Organization, is the authentic representative of the Namibian people, and supports its efforts to strengthen national unity;
4. Reaffirms the legitimacy of the struggle of the Namibian people by all means against the illegal occupation of their country by South Africa;
5. Strongly condemns South Africa for its persistent refusal to withdraw from Namibia and for its manoeuvres to consolidate its illegal occupation by organizing a so-called constitutional conference, with a view to creating divisions among ethnic groups and furthering its policies of "bantustanization";

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6. Strongly condemns the military build-up by South Africa in Namibia and the forceful removal of Namibians from the northern border for military purposes;
7. Demands the immediate withdrawal by South Africa of all its military and police forces and its administration from Namibia so as to enable the Namibian people to achieve freedom and independence, in accordance with resolutions 1514 (XV) and 2621 (XXV) and subsequent resolutions;
8. Decides that free national elections shall be held in Namibia as a matter of urgency, under the direct supervision and control of the United Nations;
9. Approves the report of the United Nations Council for Namibia, 7/ including the conclusions and recommendations contained in paragraphs 348 to 357 therein, and decides to make adequate financial provisions for their implementation;
10. Urges the United Nations Council for Namibia to take all necessary measures for the implementation of its mandate under resolution 2248 (S-V), including the promulgation of decrees designed to protect the rights of Namibians;
11. Urges the Security Council urgently to take up again the question of Namibia, which is still on its agenda, and to act to give effect to its resolution 366 (1974) of 17 December 1974;
12. Calls once again upon all those States which have not yet done so to comply with the relevant provisions of the resolutions of the General Assembly and the Security Council concerning Namibia and the advisory opinion of the International Court of Justice of 21 June 1971;
13. Urges all those States which have not yet done so to break off economic relations with South Africa that concern Namibia and to take measures with a view to compelling that Government to withdraw immediately from Namibia in accordance with General Assembly resolutions 2145 (XXI) and 2248 (S-V) and subsequent resolutions;
14. Calls upon those States having consular representation, whether ordinary or honorary, in Namibia to terminate such representation, and calls upon those States which have consuls in South Africa with consular jurisdiction in Namibia to withdraw such accreditations;
15. Requests once again all Member States to take all appropriate measures to ensure the full application of, and compliance with, the provisions of Decree No. 1 for the Protection of the Natural Resources of Namibia, 8/ enacted by the United Nations Council for Namibia on 27 September 1974, and such other measures as may be necessary to assist in the protection of the national resources of Namibia;

7/ A/10024 (vols. I and II).

8/ For the text, see Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 24A (A/9624/Add.1), para. 84.

16. Condemns the exploitation of uranium and of all other natural resources of Namibia by organizations under private or governmental control, including in particular transnational corporations, and demands that such exploitation, direct or indirect, cease forthwith;

17. Calls upon the International Atomic Energy Agency to take all possible measures to discourage the exploitation of uranium in Namibia;

18. Requests Member States to broadcast programmes on their national radio and television networks and to publish material in their official news media, informing their populations about the situation in Namibia and the obligation of Governments and peoples to assist in the Namibian struggle for independence;

19. Requests all specialized agencies and other organizations within the United Nations system, in consultation with the United Nations Council for Namibia, to render, within their respective spheres of competence, all possible assistance to the people of Namibia through their liberation movement, the South West Africa People's Organization;

20. Requests the Secretary-General to continue to provide the necessary assistance and facilities to the United Nations Council for Namibia for the discharge of its duties and functions and, in particular, to direct the Office of Public Information of the Secretariat, in co-operation with the United Nations Council for Namibia:

(a) To increase its radio and television programmes concerning Namibia, including radio programmes beamed to Namibia and radio and television programmes intended for local consumption in all areas where there are United Nations offices;

(b) To place advertisements in the news media of Member States in order to promote the cause of Namibian independence;

21. Further requests the Secretary-General, in consultation with the United Nations Council for Namibia, urgently to set up in an African State a United Nations radio transmitter operated by trained Namibians, which would have the function of transmitting radio programmes in the various languages spoken in Namibia, informing the Namibian people of United Nations policies in regard to the liberation of Namibia, the protection of human rights and fundamental freedoms, the fight against racism and the steps being taken to achieve decolonization in Namibia and throughout the world;

22. Decides to make adequate budgetary provision, on the proposal of the United Nations Council for Namibia, for the implementation of Decree No. 1 for the Protection of the Natural Resources of Namibia;

23. Decides to continue to defray the expenses of a representative of the South West Africa People's Organization, the authentic representative of the people of Namibia, whenever the United Nations Council for Namibia so requires;

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24. Decides to continue to make adequate financial provision in the budget of the United Nations Council for Namibia to finance an office of the South West Africa People's Organization in New York;

25. Requests all committees and sub-committees of the General Assembly to continue to invite a representative of the United Nations Council for Namibia to participate whenever the rights and interests of Namibians are discussed, and to consult closely with the Council before submitting to the Assembly at its thirty-first session any draft resolution which may involve the rights and interests of Namibians;

26. Requests all intergovernmental and non-governmental organizations, bodies and conferences to ensure that the rights and interests of Namibia are protected; in this connexion, the United Nations Council for Namibia should participate as appropriate, whenever such rights and interests are involved;

27. Requests the Secretary-General to report on the implementation of the present resolution to the General Assembly at its thirty-first session.

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 of South Africa over Namibia and assume direct responsibility for the Territory until its independence, and resolution 2248 (S-V) of 19 May 1967, by which it established the United Nations Council for Namibia,

Reaffirming its determination to continue to discharge that responsibility in regard to the Territory,

Mindful that, by assuming direct responsibility for Namibia, the United Nations incurred a solemn obligation to assist the people of the Territory morally and materially,

Recalling further its resolutions 2679 (XXV) of 9 December 1970, 2872 (XXVI) of 20 December 1971, 3030 (XXVII) of 18 December 1972, 3112 (XXVIII) of 12 December 1973 and 3296 (XXIX) of 13 December 1974,

Recognizing that South Africa's continued illegal occupation of Namibia at present prevents the United Nations from furnishing needed, large-scale assistance within the Territory,

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Having examined the report of the Secretary-General on the United Nations Fund for Namibia 9/ and the relevant sections of the report of the United Nations Council for Namibia, 10/

1. Takes note of the operations of the United Nations Fund for Namibia and the setting-up of the Institute for Namibia;
2. Expresses its appreciation to all those who have made voluntary contributions to the United Nations Fund for Namibia;
3. Decides to allocate to the United Nations Fund for Namibia the sum of \$US 200,000 from the regular budget of the United Nations for 1976;
4. Requests the Secretary-General and the United Nations Council for Namibia to continue to appeal to Governments, intergovernmental and non-governmental organizations and private individuals for generous voluntary contributions to the United Nations Fund for Namibia;
5. Invites Governments to appeal once more to their national organizations and institutions for voluntary contributions to the United Nations Fund for Namibia;
6. Appeals to all States, the specialized agencies and other organizations within the United Nations system, as well as other organizations having a special interest in Namibia, to make financial contributions to the Institute for Namibia through the United Nations Fund for Namibia;
7. Expresses its appreciation to the specialized agencies and the organizations within the United Nations system for their assistance to Namibians, and in particular the United Nations Development Programme for having established an indicative planning figure for Namibia, and requests the Programme to give priority to the allocation of funds and other material assistance to the Institute for Namibia;
8. Expresses its appreciation of the efforts of the United Nations High Commissioner for Refugees;
9. Requests the specialized agencies and other organizations within the United Nations system to render all necessary assistance to the Secretary-General and the United Nations Council for Namibia in implementing the work programme of the United Nations Fund for Namibia;

9/ A/10229.

10/ A/10024 (vols. I and II).

10. Calls upon all specialized agencies and other organizations within the United Nations system - in particular, the International Labour Organisation, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, the International Bank for Reconstruction and Development, the International Monetary Fund, the United Nations Development Programme, the United Nations High Commissioner for Refugees and the United Nations Institute for Training and Research - to assist the Institute for Namibia, particularly by providing specialists, lecturers and researchers;

11. Decides, pending the entry into full operation of a comprehensive programme, that Namibians shall continue to be eligible for assistance through the United Nations Educational and Training Programme for Southern Africa and the United Nations Trust Fund for South Africa;

12. Requests the Secretary-General to report on the implementation of the present resolution to the General Assembly at its thirty-first session.
