

UNITED NATIONS

GENERAL  
ASSEMBLY



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UN/SA COLLEGE 18 December 1971

ORIGINAL: ENGLISH

Twenty-sixth session  
Agenda item 66

QUESTION OF NAMIBIA

Report of the Fourth Committee

Rapporteur: Mr. Yilma TADESSE (Ethiopia)

1. At its 1939th plenary meeting, on 25 September 1971, the General Assembly, on the recommendation of the General Committee (A/8500), decided to include in the agenda of its twenty-sixth 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: report of the Secretary-General."

and to allocate the item to the Fourth Committee for consideration and report.

2. At its 1921st meeting, on 7 October, the Fourth Committee decided to give priority to the present item (item 66), together with two other items on its agenda, namely, the question of Territories under Portuguese administration (item 67) and the question of Southern Rhodesia (item 68). At the same meeting, it decided further that a general debate should be held covering those three items, it being understood that members would be given an opportunity to make more than one statement, if they so desired, and that individual draft resolutions on matters covered by the items would be considered separately after the conclusion of the general debate.

3. The Fourth Committee considered this item at its 1921st to 1926th, 1928th to 1936th, 1938th to 1947th, 1950th, 1952nd, 1954th, 1960th and 1965th to 1969th meetings, between 7 October and 14 December 1971.
4. At the 1923rd meeting, on 11 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 chapters of the report of that Committee relating to Namibia (A/8423/Add.1 and Add.3 (parts I and II)).
5. At the 1950th meeting, on 16 November, the President of the United Nations Council for Namibia introduced the report of that Council.<sup>1/</sup>
6. In connexion with its consideration of the item, the Fourth Committee had before it the report submitted by the Secretary-General (A/8473) in pursuance of paragraph 2 of General Assembly resolution 2679 (XXV) of 9 December 1970, relating to the United Nations Fund for Namibia. The Committee also had before it the report of the Secretary-General (A/8388) submitted pursuant to paragraph 11 of General Assembly resolution 2671 F (XXV) of 8 December 1970, which related, inter alia, to the present item.
7. In addition, on 8 October, the Fourth Committee held the viewing of a film entitled "South West Africa", furnished by Mr. Sam Nujoma, President of the South West Africa People's Organization (SWAPO).
8. The Fourth Committee granted the following requests for hearing concerning the item:

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<sup>1/</sup> Official Records of the General Assembly, Twenty-sixth Session, Supplement No. 24 (A/8424).

<u>Petitioner</u>	<u>Meeting at which request for hearing was granted</u>
Mr. Aaron N. Shindjoba (A/C.4/735) . . . . .	1921st
Miss Barbara J. Rogers, Friends of Namibia Committee (A/C.4/735/Add.1) . . . . .	1921st
Rev. G. Michael Scott, International League for the Rights of Man (A/C.4/735/Add.3) . . . . .	1921st
Mr. Romesh Chandra, Secretary-General, and other representatives of the World Peace Council (A/C.4/736) . . . . .	1922nd
Mr. Joel Carlson (A/C.4/735/Add.4) . . . . .	1936th
Mr. Jariretundu Kozonguizi (A/C.4/735/Add.5) . .	1941st
Mr. Gidon Gottlieb (A/C.4/735/Add.6) . . . . .	1948th
Mr. I.B. Tabata, President, Unity Movement of South Africa (A/C.4/736/Add.1) . . . . .	1953rd

9. At the 1921st meeting, on 7 October, the Reverend G. Michael Scott of the International League for the Rights of Man made a statement. At the 1922nd meeting, on 8 October, Miss Barbara J. Rogers of the Friends of Namibia Committee made a statement and replied to questions put to her by members of the Committee. At the 1945th and 1946th meetings, on 5 and 8 November, Mr. Joel Carlson made a statement and replied to questions put to him by members of the Committee. At the 1946th meeting, on 8 November, statements were made by Mr. Romesh Chandra, Mr. Lucio Luzzatto, Mr. Emilson Randriamihasinoro and Mr. Nicolai Voshinin of the World Peace Council. At the same meeting, Mr. Chandra and Mr. Luzzatto replied to questions put to them by a member of the Committee. At the 1947th meeting, on 10 November, Mr. Jariretundu Kozonguizi made a statement. At the 1950th meeting, on 16 November, Mr. Gidon Gottlieb made a statement. At the 1954th meeting, on 23 November, Mr. I.B. Tabata, President of the Unity Movement of South Africa, made a statement. Mr. Aaron N. Shindjoba did not appear before the Committee.
10. At its 1921st meeting, on 7 October, the Fourth Committee, on the proposal of the representatives of Kenya and Ghana, supported by the representatives of Mauritania, Guinea, Egypt and India, and following a statement by the Committee Secretary concerning the administrative and financial implications thereof, decided that the statement made by the Reverend G. Michael Scott at that meeting should be reproduced in extenso (A/C.4/740).

11. At its 1922nd meeting, on 8 October, the Fourth Committee, on the proposal of the representative of Somalia, supported by the representatives of Saudi Arabia, Cyprus, Egypt, Iraq, Jamaica, Mauritania and the Syrian Arab Republic, and following a statement by the Committee Secretary concerning the administrative and financial implications thereof, decided that the statement made by Miss Barbara J. Rogers at that meeting, as well as those made during the question-and-answer period, should be reproduced in extenso (A/C.4/738 and Add.1).
12. At its 1945th meeting, on 5 November, the Fourth Committee, on the proposal of the representative of India, supported by the representatives of Guinea, Mali, Upper Volta and Ghana, decided that the information furnished by Mr. Joel Carlson at that meeting should be disseminated in the publication of the Office of Public Information entitled Objective: Justice.
13. At its 1946th meeting, on 8 November, the Fourth Committee, on the proposal of the representatives of Somalia, Zambia and the Union of Soviet Socialist Republics, decided, without objection, that the information furnished by the representatives of the World Peace Council should be disseminated in the publications of the Office of Public Information entitled The United Nations and Southern Africa and Objective: Justice.
14. The general debate covering the present item, together with the two other items referred to in paragraph 2 above, took place at the 1923rd to 1926th, 1928th to 1936th, and 1938th to 1945th meetings, between 11 October and 5 November.
15. The Fourth Committee adopted two draft resolutions on the item, one relating to subitems (a) and (b) and the other relating to subitem (c). An account of the Committee's consideration of these draft resolutions is given in sections I and II below.

#### I

16. At the 1965th meeting, on 10 December, the representative of Yugoslavia introduced a draft resolution (A/C.4/L.994), which was finally sponsored by the following Member States: Afghanistan, Burundi, Cameroon, Chad, Ethiopia, Ghana, Guinea, Guyana, India, Indonesia, Iraq, Jamaica, Kenya, Kuwait, Liberia, Libyan Arab Republic, Mali, Mauritania, Niger, Nigeria, Pakistan, People's Democratic Republic of Yemen, Philippines, Rwanda, Senegal, Singapore, Somalia, Sudan, Syrian Arab Republic, Tunisia, Uganda, United Republic of Tanzania, Yugoslavia and Zambia.

17. The Fourth Committee considered the draft resolution (A/C.4/L.994) at its 1965th, 1966th, 1968th and 1969th meetings, between 9 and 14 December.

18. At the 1966th meeting, on 10 December, the representative of Yugoslavia, on behalf of the sponsors, submitted an oral revision to the draft resolution (A/C.4/L.994), by which paragraph 6, subparagraph (b), which read:

"(b) To refrain from all direct or indirect relations of economic or other forms when these relations concern Namibia;"

was replaced by the following:

"(b) To refrain from all direct or indirect relations of economic or other forms with South Africa when these relations concern Namibia;"

19. At the 1968th meeting, on 14 December, the Chairman drew attention to a statement by the Secretary-General (A/C.4/L.1008) concerning the administrative and financial implications of the recommendations contained in the draft resolution.

20. At the same meeting, the Fourth Committee adopted the draft resolution (A/C.4/L.994), as orally revised, by a recorded vote of 88 to 2, with 8 abstentions (see para. 25, draft resolution I). The result of the voting was as follows:

In favour: Afghanistan, Albania, Algeria, Argentina, Austria, Barbados, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Ceylon, Chad, Chile, Colombia, Congo, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Finland, Ghana, Greece, Guinea, Guyana, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ireland, Israel, Ivory Coast, Jamaica, Japan, Kenya, Khmer Republic, Kuwait, Liberia, Libyan Arab Republic, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands, Nicaragua, Niger, Nigeria, Norway, People's Democratic Republic of Yemen, Peru, Philippines, Poland, Romania, Senegal, Singapore, Somalia, Spain, Sudan, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Yugoslavia, Zaire, Zambia.

Against: Portugal, South Africa.

Abstaining: Australia, Belgium, Canada, France, Italy, New Zealand, United Kingdom of Great Britain and Northern Ireland, United States of America.



II

21. At the 1966th meeting, on 10 December, the representatives of Finland and Mexico introduced a draft resolution (A/C.4/L.997) concerning the United Nations Fund for Namibia, which was finally sponsored by the following Member States: Burundi, Cameroon, Finland, Guinea, Iran, Japan, Mexico, Neral, Nigeria, Sierra Leone, Yugoslavia and Zambia.

22. The Fourth Committee considered the draft resolution (A/C.4/L.997) at its 1966th, 1967th and 1969th meetings, between 10 and 14 December.

23. At the 1968th meeting, on 14 December, the Chairman drew attention to a statement by the Secretary-General concerning the administrative and financial implications of the recommendations contained in the draft resolution (A/C.4/L.1009).

24. At the 1969th meeting, on 14 December, the Fourth Committee adopted the draft resolution by a recorded vote of 90 to 2, with 7 abstentions (see para. 25, draft resolution II). The result of the voting was as follows:

In favour: Afghanistan, Algeria, Argentina, Australia, Austria, Barbados, Belgium, Botswana, Brazil, Burma, Burundi, Cameroon, Canada, Ceylon, Chad, Chile, Colombia, Congo, Costa Rica, Cyprus, Denmark, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Finland, France, Gambia, Ghana, Greece, Guyana, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Khmer Republic, Lebanon, Liberia, Libyan Arab Republic, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, People's Democratic Republic of Yemen, Peru, Philippines, Poland, Romania, Rwanda, Senegal, Singapore, Spain, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Upper Volta, Uruguay, Venezuela, Yugoslavia, Zaire, Zambia.

Against: Portugal, South Africa.

Abstaining: Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Hungary, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

RECOMMENDATIONS OF THE FOURTH COMMITTEE

25. 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,

Having examined the report of the United Nations Council for Namibia,<sup>2/</sup>

Having examined the 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 relating to the question of Namibia,<sup>3/</sup>

Having heard the statements of the petitioners<sup>4/</sup> and bearing in mind the views expressed by the representatives of national liberation movements,<sup>5/</sup>

Recalling its resolutions 1514 (XV) of 14 December 1960, 2145 (XXI) of 27 October 1966, 2248 (S-V) of 19 May 1967 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, 276 (1970) of 30 January 1970 and 283 (1970) of 29 July 1970,

Recalling further the relevant provisions of its 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 direct responsibility of the United Nations with regard to the Territory of Namibia and its people,

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<sup>2/</sup> Official Records of the General Assembly, Twenty-sixth Session, Supplement No. 24 (A/8424).

<sup>3/</sup> A/8423/Add.2 (parts I and II) and Add.4.

<sup>4/</sup> A/C.4/SR.1921, 1922, 1945, 1947 and 1954; A/C.4/738 and Add.1 and A/C.4/740.

<sup>5/</sup> Official Records of the General Assembly, Twenty-sixth Session, Supplement No. 24 (A/8424), paras. 51-58; A/8423/Add.1, annex.

Noting with satisfaction the advisory opinion delivered by the International Court of Justice on 21 June 1971<sup>6/</sup> in response to the request addressed to it by the Security Council in its resolution 284 (1970) of 29 July 1970,

Noting also the provisions of Security Council resolution 301 (1971) of 20 October 1971,

Deeply concerned at South Africa's continued occupation of Namibia in defiance of General Assembly resolution 2145 (XXI) and in flagrant violation of its obligations under the Charter of the United Nations,

Deeply concerned also at the use of the Territory of Namibia by South Africa as a base for taking actions which violate the sovereignty and territorial integrity of independent African States,

Considering that the basic condition for the fulfilment of the responsibility of the United Nations towards Namibia is the removal of South Africa's presence from the Territory,

Mindful of the obligations of all Member States under Article 25 of the Charter,

Mindful also that the direct responsibility of the United Nations for Namibia includes the solemn obligation to protect and safeguard the rights and interests of the people of the Territory pending their exercise of self-determination and attainment of independence,

1. Reaffirms the inalienable right of the people of Namibia to self-determination and independence, as recognized in General Assembly resolution 1514 (XV) and subsequent resolutions, and the legitimacy of their struggle by all means against the illegal occupation of their territory by South Africa;
2. Welcomes the advisory opinion of the International Court of Justice of 21 June 1971, as expressed in paragraph 133 thereof;
3. Condemns the Government of South Africa for its continued refusal to put an end to its illegal occupation and administration of the Territory of Namibia, and to comply with the pertinent resolutions of the Security Council and the General Assembly;

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<sup>6/</sup> Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council resolution 276 (1970). Advisory Opinion, ICJ Reports 1971, p. 16.



4. Further condemns the Government of South Africa for its continued extension to the Territory of Namibia of the policies of apartheid, and for its policies aimed at destroying the unity of the people and the territorial integrity of Namibia through the establishment of separate "homelands" based on racial and tribal distinctions;

5. Deplores any support given by any State to South Africa, and by any financial, economic and other interests operating in Namibia, which enable South Africa to pursue its repressive policies in the Territory, and calls for the termination of all such support;

6. Calls upon all States:

(a) To respect strictly 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;

(b) To refrain from all direct or indirect relations, economic or otherwise, with South Africa, where those relations concern Namibia;

(c) Not to recognize as legally valid any rights or interests in Namibian property or resources purportedly acquired from the South African Government after 27 October 1966;

(d) To take effective economic and other measures designed to ensure the immediate withdrawal of the South African administration from Namibia, thereby making possible the implementation of General Assembly resolutions 2145 (XXI) and 2248 (S-V);

7. Invites the Security Council to take effective measures, in conformity with the relevant provisions of the Charter, to secure the withdrawal by South Africa of its illegal administration from Namibia, and the implementation of the resolutions of the General Assembly and the Security Council designed to enable the people of Namibia to exercise their right to self-determination;

8. Calls once again upon South Africa to treat Namibians 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,<sup>7/</sup> and to comply with the Geneva Convention relative to the Protection of Civilian

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<sup>7/</sup> United Nations, Treaty Series, vol. 75 (1950), No. 972.

Persons in Time of War of 12 August 1949<sup>8/</sup> and, in this regard, invites the International Committee of the Red Cross to exercise its good offices to secure South Africa's compliance with the above-mentioned Conventions;

9. Requests all States and the specialized agencies and other organizations within the United Nations system, in co-operation with the Organization of African Unity, to render to the Namibian people all moral and material assistance necessary to continue their struggle for the restoration of their inalienable right to self-determination and independence, and to work out, in active co-operation with the United Nations Council for Namibia and the Organization of African Unity, concrete programmes of assistance to Namibia;

10. Invites the specialized agencies to give full publicity, through all media, to the question of Namibia and to the conditions prevailing in the Territory to which their respective spheres of competence are related;

11. Recommends the report of the United Nations Council for Namibia<sup>9/</sup> to all States and to the subsidiary organs of the General Assembly and other competent organs of the United Nations, as well as the specialized agencies and other organizations within the United Nations system, for appropriate action, in conformity with the relevant resolutions of the General Assembly and the Security Council;

12. Reaffirms the direct responsibility of the United Nations in regard to the Territory of Namibia and its obligation to lead the Namibian people to self-determination and independence;

13. Requests the United Nations Council for Namibia, in accordance with the provisions of the relevant resolutions of the General Assembly, to continue to discharge its functions and responsibilities, and in particular:

(a) To represent Namibia whenever it is required;

(b) To continue its consultations, at United Nations Headquarters, in Africa or elsewhere, with the representatives of the Namibian people and the Organization of African Unity;

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<sup>8/</sup> Ibid., No. 973.

<sup>9/</sup> Official Records of the General Assembly, Twenty-sixth Session, Supplement No. 24 (A/8424).

(c) To assume responsibility for the urgent establishment of a short-term and long-term co-ordinated programme of technical and financial assistance to Namibia, as explained in the report of the Secretary-General,<sup>10/</sup> in line with the relevant provisions of resolution 2248 (S-V);

14. Notes with appreciation the recognition by a large number of States of the identity certificates and travel documents issued by the United Nations Council for Namibia to Namibians<sup>11/</sup> and once again calls upon all other States which have not yet done so to recognize those documents;

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

16. Requests the Secretary-General, bearing in mind the recommendation of the United Nations Council for Namibia concerning the enlargement of its membership with a view to ensuring broader representation on the Council, to hold consultations among the permanent members of the Security Council and other regional groups not represented on the Council and to report thereon to the General Assembly;

17. Urges the Secretary-General, in view of the recommendation of the United Nations Council for Namibia, to undertake the necessary consultations to nominate as soon as possible a full-time United Nations Commissioner for Namibia;

18. Requests the Secretary-General to continue to provide the necessary assistance and facilities to the United Nations Council for Namibia and to the United Nations Commissioner for Namibia for the discharge of their respective duties and functions;

19. Requests the Secretary-General to take the necessary steps to intensify publicity relating to Namibia, and to issue a series of United Nations commemorative postage stamps to publicize its direct responsibility for Namibia;

20. Requests the Secretary-General to transmit the present resolution to the competent subsidiary organs of the General Assembly, other organs of the United Nations, the specialized agencies and other organizations within the United Nations system;

21. Further requests the Secretary-General to report to the General Assembly at its twenty-seventh session on the implementation of the present resolution.

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<sup>10/</sup> A/8473.

<sup>11/</sup> A/AC.131/10/Add.1-8.

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,

Reaffirming its resolve 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 and prepare the people of the Territory for self-determination and independence,

Recalling further its resolution 2679 (XXV) of 9 December 1970, whereby the General Assembly decided to establish a United Nations Fund for Namibia to provide comprehensive assistance to the people of the Territory,

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,

Having examined the report of the Secretary-General on the development, planning, execution and administration of a comprehensive programme of assistance to Namibians in various fields,<sup>12/</sup>

Having considered the recommendations set out in that report and having noted that the assistance envisaged consists of:

(a) Short-term and intermediate-term assistance to those Namibians who are at present accessible to international aid,

(b) The drawing up of a plan of co-ordinated international assistance to be implemented within Namibia following the withdrawal of South Africa from the Territory,

Bearing in mind that the scope of the programme, as well as its financing and administrative machinery, will be subject to review by the General Assembly when South Africa's illegal occupation of Namibia is terminated,

1. Expresses its appreciation of the report of the Secretary-General and the conclusions and recommendations contained therein,<sup>13/</sup>
2. Reaffirms its previous decision, contained in resolution 2679 (XXV), to establish a United Nations Fund for Namibia for the purpose of putting into effect the comprehensive programme of assistance to Namibians outlined in the report of the Secretary-General;
3. Decides, as a transitional measure, to allocate to the Fund the sum of \$50,000 from the regular budget of the United Nations for 1972;
4. Authorizes the Secretary-General to appeal to Governments for voluntary contributions to the Fund;
5. Invites Governments to appeal to their national organizations and institutions for voluntary financial contributions to the Fund;
6. Authorizes the Secretary-General to implement the short-term and intermediate-term measures contained in his report as soon as the necessary funds are available;
7. Requests the Secretary-General to make the necessary arrangements for the administration of the Fund and for the comprehensive programme, in conformity with the proposals and suggestions set out in paragraphs 77 to 85 of the report;
8. Requests the United Nations High Commissioner for Refugees, the specialized agencies and other organizations within the United Nations system to render all necessary assistance to the Secretary-General in carrying out the tasks assigned to him under the present resolution;
9. Decides, pending the entry into full operation of the 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;
10. Requests the Secretary-General to undertake a study of the economic, social and cultural needs of Namibia, with a view to the formulation of a contingency plan of co-ordinated international and technical assistance, to be implemented in Namibia following the withdrawal of South Africa from the Territory;
11. Requests the Secretary-General to report to the General Assembly at its twenty-seventh session on the implementation of the present resolution.