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LETTER DATED 19 MARCH 1969 ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL BY THE CHAIRMAN 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

In accordance with a decision taken by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples at its 661st meeting, on 19 March 1969, I have the honour to transmit herewith the text of the statement made by me concerning the question of Namibia at that meeting.

In accordance with the same decision, I have the honour to request you to bring to the attention of the Security Council the statements made by members of the Special Committee on the question at the above-mentioned meeting (A/AC.109/FV.661).

Accept, Sir, etc.

(Signed) Mahmoud MESTIRI
Chairman
Special Committee on the
Situation with regard to
the Implementation of the
Declaration on the Granting
of Independence to Colonial
Countries and Peoples

STATEMENT ON THE QUESTION OF NAMIBIA MADE BY THE CHAIRMAN 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 AT THE 661ST MEETING, HELD ON 19 MARCH 1969

1. Developments relating to Namibia which have occurred since early 1968, reveal a progressively deteriorating situation and give cause for grave concern. The Government of South Africa has not only persisted in its blatant defiance of the United Nations, of which it is a founding Member, by refusing to comply with the decisions of the General Assembly and the Security Council and by continuing to deny to the people of Namibia their right to self-determination and independence in accordance with General Assembly resolution 1514 (XV), but it has taken further measures aimed at destroying the unity and territorial integrity of Namibia and incorporating that Territory within South Africa.
2. Despite the resolutions adopted by the General Assembly at its resumed twenty-second session and at its twenty-third session calling upon the Government of South Africa to comply with resolution 2145 (XXI) of 27 October 1966, the latter has persistently refused to relinquish its illegal control over the Territory or to allow the United Nations Council for Namibia to enter the Territory in order to discharge the tasks assigned to it. The South African Government has also refused outright to implement the resolutions adopted unanimously by the Security Council in January and March 1968.
3. At the same time, the Government of South Africa has taken far-reaching measures in accordance with the recommendations of the notorious Odendaal Commission to extend its system of apartheid to Namibia and to partition the Territory by creating "bantustans" or so-called "self-governing homelands" for the non-white population groups. In June 1968, in further violation of General Assembly resolution 2145 (XXI) which stripped it of all authority in Namibia, South Africa enacted "legislation" providing for the creation of six of the proposed "homelands" and by the end of the year, it had already brought one of these, Ovamboland, into being. Measures recently taken to set up others have included the appointment of the first Herero Affairs Commissioner, further development of "Damaraland", and a plan for the forcible removal of the Nama inhabitants of Hoachanas to their "homeland".

4. At the same time that it is pushing forward with its plans for partitioning the Territory, South Africa has been accelerating the process of integrating the Territory into South Africa. After announcing its intentions with regard to the transfer of governmental functions in a White Paper issued in mid-1968, the South African Government later incorporated them in a bill which it moved for adoption by the South African Parliament in February 1969. Under the bill, known as "the South West Africa Affairs Bill, 1968", a major part of the administrative, legislative and financial powers currently vested in the Territory would be transferred to South Africa, thereby leaving to the local authorities essentially the same limited functions as those exercised by the provincial governments in South Africa. According to recent reports the bill has passed its third reading in the South African Parliament and is expected to become effective on 1 April 1969. Also in February, another bill, entitled the Land Bank Amendment Bill, was introduced in the South African Parliament; it provides for the incorporation of the "Land and Agriculture Bank of South West Africa" into the Land and Agriculture Bank of South Africa. Racial segregation in urban areas has also been progressively intensified, one particularly telling example being the forcible removal of the indigenous people from the Old Location in Windhoek to a new African township at Katutura.

5. It will also be recalled that earlier, South Africa had extended the South African Terrorism Act, 1967 to the Territory, and that a group of Namibians, all members of the South West Africa People's Organization (SWAPO), were arrested in the Territory, deported to South Africa and, after a long detention, tried and convicted in Pretoria for alleged "terrorist activities" in violation of resolution 2324 (XXII) of the General Assembly and of resolutions 245 (1968) and 246 (1968) adopted unanimously by the Security Council. In further defiance of the authority of the United Nations, the Appellate Division of the South African Supreme Court at Bloemfontein in November 1968 rejected an appeal by thirty-one of these Namibians. The appellants based their appeal on the fact that all of South Africa's illegal actions referred to above, including the enactment of the Terrorism Act under which they had been charged, had occurred after the adoption of General Assembly resolution 2145 (XXI) which terminated the Mandate and declared that South Africa no longer had any authority in the Territory. They

therefore claimed that South Africa's authority to legislate for the Territory had been nullified by the decision of the General Assembly.

6. In the absence of any legitimate redress, the people of Namibia have intensified their armed struggle to exercise their legitimate right to self-determination and independence. On several occasions between June and December 1968, freedom fighters reportedly clashed with South African police mainly in the Eastern Caprivi Strip. According to reports, as of October 1968, the South African police had killed forty-six Namibians and arrested 117 others in operations there. As a result of the fighting, about 1,000 Africans from the area fled to Zambia and about sixty others sought asylum in Botswana. During the same month, South Africa's Minister of Police and of the Interior said in a speech that in anticipation of increased "terrorist" attacks from across its borders, the Republic was sending hundreds of policemen to help fight "terrorists" there.

7. In previous resolutions, the General Assembly has recommended that the Security Council should urgently take effective measures, in accordance with the provisions of the United Nations Charter, to ensure the immediate withdrawal of the South African presence from Namibia so as to enable the Territory to attain independence in conformity with General Assembly resolutions 1514 (XV) and 2145 (XXI). Bearing in mind the increasing gravity of the situation in Namibia and taking into account the growing intransigence of the South African Government as regards the legitimate aspirations of the people of the Territory, the Special Committee considers that the Security Council should take urgent action in the spirit of the recommendations of the General Assembly.
