



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

VOLUME I

GENERAL ASSEMBLY

OFFICIAL RECORDS: THIRTY - FIRST SESSION

SUPPLEMENT No. 24 (A/31/24)

UNITED NATIONS



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New York, 1976

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.

The present volume contains the report of the United Nations Council for Namibia covering the period 13 September 1975 to 20 October 1976. Volume II contains annexes I to XIII to the report and Volume III contains annex XIV.

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REPORT OF THE MISSION OF THE COUNCIL TO AFRICA

LETTER OF TRANSMITTAL

17 November 1976

Sir,

I have the honour to transmit herewith the tenth report of the United Nations Council for Namibia pursuant to section V of General Assembly resolution 2248 (S-V). This report was adopted by the Council at its 242nd meeting on 16 November 1976, and covers the period 13 September 1975 to 20 October 1976.

In accordance with the terms of the said resolution, I have the honour to request that the report be distributed as a document of the General Assembly at its thirty-first session.

Accept, Sir, the assurances of my highest consideration.

(Signed) Aarno KARHILO
Acting President
United Nations Council for Namibia

His Excellency
Mr. Kurt Waldheim
Secretary-General of the United Nations
New York

REPORT OF THE UNITED NATIONS COUNCIL FOR NAMIBIA

VOLUME I

INTRODUCTION

1. On 27 October 1966 the General Assembly adopted resolution 2145 (XXI), by which it terminated the mandate of South Africa over Namibia and placed the country under the direct responsibility of the United Nations. In the following year, the General Assembly, by resolution 2248 (S-V) of 19 May 1967, created the United Nations Council for South West Africa 1/ and entrusted it with the responsibility of administering the Territory until independence.
2. Since 1967, the Council has striven to exert pressure on the Government of South Africa in order to bring about the unconditional withdrawal by South Africa of all its military and police forces, as well as its administration from Namibia, to enable the Namibian people to achieve self-determination, freedom and national independence in a united Namibia. The Council has, furthermore, endeavoured to ensure the implementation of General Assembly and Security Council resolutions on Namibia, and continued to work for compliance by Member States with United Nations resolutions on Namibia and with the advisory opinion of the International Court of Justice of 21 June 1971. 2/ During 1976, the Council continued consultations with Governments on action to be undertaken in support of the Namibian people. In this respect, missions of the Council visited Peru, Brazil and Venezuela in Latin America and Angola, Botswana and Zambia in Africa.
3. The Council has been giving particular attention to the needs of the Namibian people and their liberation movement for material assistance. In this respect, the Council has benefited from the indicative planning figure established for Namibia by the United Nations Development Programme (UNDP).
4. During the past year, the Council, in the exercise of its responsibilities, continued to mobilize world public opinion in support of the withdrawal of South Africa from Namibia. It has provided material and moral assistance to Namibians and has followed closely political, military and economic conditions in the Territory. In particular, it has fully supported the activities of the South West Africa People's Organization (SWAPO), the authentic liberation movement of Namibia.
5. The Council strongly condemned the proposals of the so-called constitutional

1/ The General Assembly, by its resolution 2372 (XXII) of 12 June 1968, decided that South West Africa would be known henceforth as Namibia.

2/ 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.

conference in Namibia 3/ as totally lacking in legitimacy, ambiguous and equivocal. Through this so-called conference, the South African administration in Windhoek has been promoting tribal elements and supporters of apartheid in the National Party to speak for the Namibian people, totally excluding SWAPO, the authentic representatives of those people. The proposals do not even approach any of the requirements for genuine self-determination and independence laid down by the United Nations. They merely seek to perpetuate the apartheid legislation and the homelands (bantustan) policies with all their deleterious effects on the integrity and unity of the Namibian people.

6. The United Nations Institute for Namibia, proposed by the Council and endorsed by General Assembly resolution 3296 (XXIX) of 13 December 1974, was officially opened at Lusaka on Namibia Day, 26 August 1976, by Mr. Kenneth Kaunda, President of the Republic of Zambia.

7. The General Assembly, by its resolution 3399 (XXX) of 26 November 1975, urged the Security Council to take up the question of Namibia which was still on its agenda. The Security Council met in January 1976 and on 30 January approved resolution 385 (1976) by which it, inter alia, demanded that South Africa agree to hold free elections in Namibia under United Nations supervision and control. It also decided to review the situation on or before 31 August 1976. Inasmuch as South Africa failed to comply with the terms of resolution 385 (1976), the Security Council again took up the question on 31 August, and, on 19 October 1976, considered a seven-Power draft resolution calling for, inter alia, a complete and mandatory arms embargo on South Africa under Chapter VII of the Charter of the United Nations (S/12211). The resolution was not adopted as a result of the negative votes of three permanent members of the Security Council, namely, France, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

8. The programme of work of the United Nations Council for Namibia for the period under review was guided by General Assembly resolutions 3399 (XXX) and 3400 (XXX) of 26 November 1975.

3/ For background information on the constitutional conference, see Official Records of the General Assembly, Thirtieth Session, Supplement No. 24 (A/10024), vol. I, paras. 11-34.

PART ONE

ESTABLISHMENT AND ORGANIZATION OF ACTIVITIES OF THE UNITED NATIONS COUNCIL FOR NAMIBIA

I. ESTABLISHMENT OF THE COUNCIL.

9. The United Nations Council for South West Africa (later renamed the United Nations Council for Namibia) was established by the General Assembly pursuant to its resolution 2248 (S-V) (see also para. 1 above). In this resolution, the General Assembly, *inter alia*, reaffirmed the territorial integrity of South West Africa and the inalienable right of its people to freedom and independence, in accordance with the Charter of the United Nations General Assembly resolution 1514 (XV) of 14 December 1960 and all other resolutions concerning South West Africa. Among its responsibilities, the Council was entrusted with the powers and functions: (a) to administer South West Africa until independence, with the maximum possible participation of the people of the Territory; (b) to promulgate such laws, decrees and administrative regulations as were necessary for the administration of the Territory until a legislative assembly was established following elections conducted on the basis of universal adult suffrage; and (c) to transfer all powers to the people of the Territory upon the declaration of independence. The General Assembly further decided that the Council should entrust such executive and administrative tasks as it deemed necessary to a United Nations Commissioner for South West Africa and that, in the performance of his tasks, the Commissioner should be responsible to the Council.

10. The Council was to be comprised of 11 Member States. At its 1524th plenary meeting on 13 June 1967, the General Assembly elected Chile, Colombia, Guyana, India, Indonesia, Nigeria, Pakistan, Turkey, the United Arab Republic, Yugoslavia and Zambia as members of the Council.

11. At its twenty-second session, following its consideration of the report of the Council, the General Assembly adopted resolution 2325 (XXII) of 16 December 1967 by which it requested the Council "to fulfil by every available means the mandate entrusted to it by the General Assembly".

12. By resolution 2372 (XXII) of 12 June 1968, the General Assembly proclaimed that, in accordance with the desires of its people, South West Africa should be known henceforth as Namibia and that the Council should be called the United Nations Council for Namibia.

13. At its twenty-fifth session, the General Assembly adopted resolution 2679 (XXV) of 9 December 1970 by which it established a United Nations Fund for Namibia. Subsequently, by resolution 3112 (XXVIII) of 12 December 1973, the General Assembly appointed the United Nations Council for Namibia trustee of the Fund for Namibia.

14. At its twenty-seventh session, the General Assembly adopted resolution 3031 (XXVII) of 18 December 1972 by which it decided to enlarge the membership of

the Council. At its 2114th meeting, on 18 December, the General Assembly confirmed the nomination of Burundi, China, Liberia, Mexico, Poland, Romania and the Union of Soviet Socialist Republics as members of the Council.

15. At its twenty-ninth session, the General Assembly adopted resolution 3295 (XXIX) of 13 December 1974 by which it decided further to enlarge the Council. At its 2325th meeting, on 18 December, the Assembly confirmed the nomination of Algeria, Australia, Bangladesh, Botswana, Finland, Haiti and Senegal as members of the Council.

II. ORGANIZATION OF THE COUNCIL

16. At its 227th meeting, on 28 October 1975, the Council elected Mr. Dunstan W. Kamana, Permanent Representative of Zambia to the United Nations as its President for 1976.

17. At its 229th meeting, on 3 March 1976, the Council decided to elect three vice-presidents whose term of office would be the same as that of the President. The vice-presidents would also be members of the Steering Committee of the Council (see below).

18. At its 231st meeting, on 18 March 1976, the Council elected as vice-presidents:

Mr. Aarno Karhilo (Finland)

Mr. Rikhi Jaipal (India)

Mr. Roberto de Rosenzweig-Diaz (Mexico)

A. Standing Committees

19. At the 228th meeting of the Council, on 21 January 1976, the following members were elected chairmen of the three standing committees for the year 1976 on the proposal of the President:

Standing Committee I: Mr. Chérif Bachir Djigo (Senegal)

Standing Committee II: Mr. Hasan Mahmud (Pakistan)

Standing Committee III: Mr. Vladimir V. Pavicevic (Yugoslavia)

20. At the same meeting, the Council decided that the composition of the standing committees would be as follows:

Standing Committee I: Algeria, China, Colombia, Finland, Haiti, Indonesia, Nigeria, Poland, Senegal, Turkey, Union of Soviet Socialist Republics and Zambia.

Standing Committee II: Australia, Bangladesh, Botswana, Chile, Liberia, Mexico, Pakistan, Romania and Zambia.

Standing Committee III: Burundi, Egypt, Guyana, India, Yugoslavia and Zambia.

B. United Nations Fund for Namibia

21. At its 230th meeting, on 8 March 1976, the Council adopted resolution A/AC.131/45 (see para. 268 below), by which it decided to increase by one member the Council's Committee on the United Nations Fund for Namibia and to include the Rapporteur of the Committee on the Fund for Namibia as a member of the Steering Committee of the Council.

22. At its 231st meeting, on 18 March 1976, the Council elected Romania as a member of the Committee on the United Nations Fund for Namibia. Subsequently, Mr. Petre Vlasceanu (Romania) was elected Rapporteur of the Committee on the Fund.

23. The composition of the Committee on the United Nations Fund for Namibia thus included the following countries in 1976: Finland, India, Nigeria, Romania, Senegal, Turkey and Yugoslavia. The President of the Council served as chairman ex officio.

C. Steering Committee

24. The Steering Committee of the Council comprises the President, the three vice-presidents, the three chairmen of the standing committees and the Rapporteur of the Committee on the United Nations Fund for Namibia.

D. Organization of work

25. At its 230th meeting, on 8 March, the Council adopted resolution A/AC.131/42 (see para. 268 below), by which it approved the report of the President on the organization of work for 1976. 4/

E. Secretariat services

26. The secretariat of the United Nations Council for Namibia is a section of the Division of Secretariat Services of the Department of Political Affairs, Trusteeship and Decolonization. It services the United Nations Council for Namibia, its Steering Committee, the three standing committees, the Committee on the United Nations Fund for Namibia and the missions of the Council as required. 5/ Its activities include the following:

(a) Organization of the work of the United Nations Council for Namibia and its subsidiary bodies, including the preparation of missions;

(b) The provision of substantive secretariat servicing for the above-mentioned bodies and missions, including the preparation of working papers, reports and other documents, as well as the Council's annual report to the General Assembly;

4/ For the outline of the organization of work of the Council for 1976, see annex I to the present report.

5/ Official Records of the General Assembly, Thirtieth Session, Supplement No. 6 (A/10006) vol. I, pp. 3-31 to 3-32.

(c) Assistance to the President of the Council in his consultations with other United Nations bodies, the Organization of African Unity (OAU), the specialized agencies of the United Nations as well as with liberation movements and non-governmental organizations;

(d) Preparation of draft statements and other material for the President of the Council or for the Secretary-General and Under-Secretary-General concerning the Council's work on the question of Namibia;

(e) Provision of information regarding the activities of the Council.

27. Up to 31 August 1976, the secretariat serviced 45 meetings of the Council and its subsidiary bodies and organized and serviced the Council's missions to Africa and Latin America. The section also produced a substantial amount of documentation including the reports of the Council's missions and its report to the General Assembly.

28. As a result of the increased financial resources made available to the Council through the indicative planning figure of UNDP and additional contributions to the United Nations Fund for Namibia, the tasks related to the gathering of information and reporting were expanded significantly during 1976.

29. New responsibilities for the secretariat were defined by the Council through its decision to carry out an annual review of internal and international conditions affecting the struggle of the Namibian people for self-determination and independence (see para. 269 below). In this connexion, the Council requested the Secretary-General to prepare four annual reports on activities related to the following:

(a) Internal political developments in Namibia and international political developments with implications for self-determination and independence;

(b) The economy of Namibia;

(c) South African military activities in Namibia;

(d) Social conditions in Namibia.

30. The manning table of the secretariat of the Council currently consists of one P-5, one P-4, one P-3, two P-2 and two General Service posts. The Council considers it essential that adequate staff should be provided for the work of the secretariat of the Council, taking into account the development of United Nations efforts since 1967, the series of decisions by the General Assembly and the Council and the increasing complexity of the issues related to the self-determination and independence of the Namibian people.

III. PROGRAMME BUDGET OF THE COUNCIL

A. Programme budget for the biennium 1976-1977

31. At its thirtieth session, the General Assembly, in its resolution 3539 (XXX) of 17 December 1975, approved the allocation of \$US 308,200 for the programme of

work of the Council during the 1976-1977 biennium. 6/ Financial provision for the secretariat of the Council had originally been estimated in the proposed programme budget for 1976-1977 in an amount of \$US 146,000 for 1976 and \$US 156,000 for 1977. 7/

32. In the same resolution, the General Assembly approved for the 1976-1977 biennium the allocation of \$US 1,224,500 to the New York and Lusaka offices of the United Nations Commissioner for Namibia. 8/ Under the terms of resolution 2248 (S-V), the General Assembly had decided that the Council should entrust such executive and administrative tasks as it may deem necessary to a United Nations Commissioner for Namibia, appointed by the General Assembly on the nomination of the Secretary-General. In conformity with paragraph 4 of resolution 2248 II (S-V), in the performance of his tasks, the Commissioner is responsible to the Council.

33. In accordance with the same resolution, the expenses directly related to the operations of the Council and the Office of the Commissioner are met from the regular budget of the United Nations. These expenses include the travel and subsistence costs of members of the Council, the remuneration of the Commissioner and his staff and the cost of auxiliary facilities.

34. In its resolution 3539 (XXX), the General Assembly approved an allocation of \$US 133,500 for the financing of an office of SWAPO in New York, during the 1976-1977 biennium. 9/ By paragraph 2 of its resolution 3295 III (XXIX), the General Assembly had authorized the inclusion in the budget of the Council of adequate financial appropriations to finance such an office for SWAPO, to ensure the due and proper representation of the people of Namibia at the United Nations.

35. In addition, by its resolution 3539 (XXX), the General Assembly allocated \$US 200,000 for the 1976-1977 biennium to the United Nations Fund for Namibia. 10/

B. Medium-term plan for the period 1978-1981

36. Although it is the hope of the Council that Namibia will become independent and that the Council will conclude its work well before 1981, the budgetary exigencies of General Assembly resolution 3043 (XXVII) of 19 December 1972 require the submission of a plan for a five-year period. The medium-term plan for the period 1978-1981 11/ presents the activities of the Council as a subprogramme of the trusteeship and decolonization programme of the United Nations. In the plan, the structure of the subprogramme is analysed in terms of objectives, problems addressed, legislative authority, strategy and output and expected impact.

6/ Ibid., Supplement No. 6B (A/10006/Add.2), sect. 3.

7/ Ibid., Supplement No. 6 (A/10006), vol. I, sect. 3.C.

8/ Ibid., Supplement No. 6B (A/10006/Add.2), sect. 3.

9/ Ibid.

10/ Ibid.

11/ Ibid., Thirty-first Session, Supplement No. 6A (A/31/61/Add.1 and corrigendum), vol. I, paras. 216Z-216FF.

37. Accordingly, the objective of the subprogramme of Namibia is to obtain the withdrawal of the illegal administration of South Africa from the Territory of Namibia and to administer it, in order to establish the conditions for the transfer of power to the representatives of the Namibian people as rapidly as possible.

38. The problems encountered result from the fact that the Council has been unable to exercise its direct responsibility for the administration of Namibia, owing to the refusal by the Government of South Africa to withdraw its illegal administration from Namibia in compliance with the repeated resolutions of the General Assembly and the Security Council.

39. The legislative authority for the programme of work of the Council was established by General Assembly resolutions 2145 (XXI), 2248 (S-V), 2325 (XXII), 2372 (XXIII), 2517 (XXIV) of 1 December 1969, 2678 (XXV) of 9 December 1970, 2679 (XXV), 2871 (XXVI) of 20 December 1971, 2872 (XXVI), 3030 (XXVII) of 18 December 1972, 3031 (XXVII), 3111 (XXVIII) of 12 December 1973, 3112 (XXVIII), 3295 (XXIX), 3296 (XXIX), 3399 (XXX) and 3400 (XXX).

40. The strategy of the Council in carrying out its responsibilities includes:

(a) Mobilization of political support to press for South African withdrawal and to counter South African international propaganda;

(b) Support for the activities of SWAPO, the liberation movement of Namibia;

(c) Assistance to Namibians outside the Territory, for humanitarian reasons and to prepare them for administrative and professional activities after independence;

(d) Collection of information for the systematic review of political, military, economic and social conditions, in order to formulate appropriate recommendations to the General Assembly and to expose and counter the racist and exploitative legislation illegally imposed on the Territory by South Africa;

(e) Promotion of the international identity of Namibia, through representation of Namibia in international forums and the dissemination of information;

(f) Consultations with Governments to secure compliance with United Nations resolutions and receive support for the cause of Namibian independence.

41. As a result of the strategy carried out by the Council, the following significant outputs have been obtained:

(1) A United Nations Fund for Namibia has been established with increasing contributions by Member States;

(2) The UNDP has established an indicative planning figure for Namibia which increases the resources available for initiatives of the Council in support of Namibia;

(3) The United Nations Institute for Namibia has been established at Lusaka for the training of Namibians in public administration;

(4) Decree No. 1 for the Protection of the Natural Resources of Namibia 12/ has had international repercussions by affecting the expectations of foreign economic interests with regard to their investments in Namibia.

42. With reference to its expected impact, the activities of the Council have significantly increased the support of the international community for the independence of Namibia and for an increasing recognition that South Africa's presence in Namibia is illegal.

43. Support of the Council for the national liberation movement of Namibia has enhanced its ability to fulfil the legitimate aspirations of the Namibian people.

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

PART TWO

PROGRAMME OF WORK OF THE COUNCIL AS A POLICY-MAKING
ORGAN OF THE UNITED NATIONS

I. APPROVAL BY THE GENERAL ASSEMBLY OF THE
RECOMMENDATIONS OF THE COUNCIL

44. At its 2166th meeting, on 13 November 1975, the Fourth Committee adopted two resolutions relating to the question of Namibia and to the United Nations Fund for Namibia. These resolutions contained the recommendations proposed by the Council in its annual report to the General Assembly at its thirtieth session. 13/ The recommendations were adopted with little change by the General Assembly, in its resolutions 3399 (XXX) and 3400 (XXX) (see annex I to the present report).

II. ACTION IN SUPPORT OF SECURITY COUNCIL RESOLUTION
385 (1976) OF 30 JANUARY 1976

45. In its resolution 3399 (XXX), the General Assembly urged the Security Council to meet to consider the question of Namibia. The Security Council met in January 1976 and, as in previous years, the United Nations Council for Namibia participated in the debate on the question. 14/

46. At the conclusion of its debate, the Security Council adopted resolution 385 (1976) in which it, inter alia: (a) declared that, in order that the people of Namibia be enabled freely to determine their own future, it was imperative that free elections under the supervision and control of the United Nations be held for the whole of Namibia as one political entity; (b) demanded that South Africa urgently make a solemn declaration accepting the provisions of the resolution for the holding of free elections in Namibia under United Nations supervision and control, undertaking to comply with the resolutions and decisions of the United Nations and with the advisory opinion of the International Court of Justice on 21 June 1971 in regard to Namibia, and recognizing the territorial integrity and unity of Namibia as a nation; and (c) decided to meet again on or before 31 August 1976.

47. Subsequently, at its 230th meeting on 8 March 1976, the United Nations Council for Namibia adopted resolution A/AC.131/40 on the question (see para. 268 below).

48. On 18 August, the United Nations Council for Namibia issued a statement (S/12185), condemning the so-called constitutional conference organized in Namibia by the illegal South African administration and exposing its fraudulent nature (see para. 270 below).

13/ Official Records of the General Assembly, Thirtieth Session, Supplement No. 24 (A/10024), paras. 356 and 357.

14/ For the text of the statement by the President of the United Nations Council for Namibia, see S/PV.1880.

49. The Security Council again considered the question of Namibia at its 1954th to 1963rd meetings, from 31 August to 19 October. The President of the United Nations Council for Namibia made statements at the 1956th and 1963rd meetings, on 28 September and 19 October. At its 1962nd meeting, on 18 October, a draft resolution on the question was introduced (S/12211). At the 1963rd meeting, on 19 October, the Security Council voted on the draft resolution. The result of the vote was 10 to 3, with 3 abstentions. The draft resolution was therefore not adopted as a result of the negative votes of three of the permanent members of the Security Council, namely, France, the United Kingdom and the United States.

III. PARTICIPATION IN THE WORK OF THE SECURITY COUNCIL RELATING TO THE QUESTIONS OF ANGOLA AND ZAMBIA

50. The United Nations Council for Namibia participated in the debate in the Security Council on the complaint by Kenya on behalf of the African Group of States at the United Nations concerning the act of aggression committed by South Africa against Angola, on the grounds that the matter affected Namibia. The Security Council considered the question at its 1900th to 1906th meetings, between 26 and 31 March 1976. The President of the United Nations Council for Namibia addressed the Security Council at its 1903rd meeting on 30 March (S/PV.1903). At the conclusion of its consideration of the item, the Security Council adopted resolution 387 (1976) of 31 March 1976.

51. The United Nations Council for Namibia also participated in the debate in the Security Council on the complaint by Zambia that South African forces had entered its territory. The Security Council considered the question at its 1944th to 1948th meetings, between 27 and 30 July 1976. The Acting President of the United Nations Council for Namibia made a statement at the 1944th meeting, on 27 July (S/PV.1944) and at the 1946th meeting, on 29 July (S/PV.1946).

52. At the conclusion of its consideration of the item, the Security Council adopted resolution 393 (1976) of 30 July 1976 on the question.

IV. ANNUAL REVIEW OF POLITICAL, MILITARY, ECONOMIC AND SOCIAL CONDITIONS IN NAMIBIA

53. At its 230th meeting, on 8 March 1976, the Council decided to consider annually, reports containing detailed information and a comprehensive analysis of political, military, economic and social conditions in Namibia. These reports will be an invaluable, basic source to assist the Council in submitting its report to the General Assembly, and formulating its work programme and in establishing guidelines for the activities of the United Nations Commissioner for Namibia. In this respect, the Council adopted resolution A/AC.131/43 of 17 March 1976 (see para. 268 below), in which it requested the Secretary-General to prepare four annual reports on activities related to:

(a) Internal political developments in Namibia, with particular reference to the liberation struggle and the repressive policies of the South African authorities, including attempts to apply the policies of apartheid and homelands in Namibia, and international political developments and their implications for Namibians for self-determination and national independence;

(b) The exploitation of human and material resources in Namibia and its distorting effect on the economic development of the Territory, with particular reference to employment and wage policies and to South African support for the activities of foreign economic interests in Namibia;

(c) South African military activities in Namibia and their implications for international peace and security in southern Africa;

(d) Social conditions in Namibia, with particular reference to the educational system, social welfare and health policies, as affected by the apartheid laws and regulations applied in the Territory, and to the characteristics of South African housing and urban policies in Namibia, leading to the redistribution of the African population in accordance with the homelands policy.

V. REPRESENTATION OF NAMIBIA AND PROTECTION OF NAMIBIAN INTERESTS

54. In 1975 and 1976, the Council continued to represent Namibia in international organizations, conferences, and meetings and to protect the rights and interests of Namibians on every possible occasion. These responsibilities arose from the Council's fundamental role as laid down in General Assembly resolution 2248 (S-V) and from the advisory opinion of the International Court of Justice on 21 June 1971. Further, in its resolution 3111 II (XXVIII), the General Assembly specifically requests:

"... all specialized agencies and other organizations within the United Nations system and the member States thereof to take such necessary steps as will enable the United Nations Council for Namibia, as the legal authority for Namibia, to participate fully on behalf of Namibia in the work of those agencies and organizations;"

and further 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 and their liberation movement;"

These instructions were reaffirmed by the General Assembly in its resolution 3295 (XXIX).

55. The Council now enjoys associate member status in the United Nations Educational, Scientific and Cultural Organization (UNESCO); and the World Health Organization (WHO); it has observer status in the World Meteorological Organization (WMO); and in 1976 it participated in the sixty-first International Labour Conference of the International Labour Organisation (ILO) and in the Tripartite World Conference on Employment, Income Distribution, Social Progress and the International Division of Labour, known as the World Employment Conference, with the status of non-member State.

56. During the period under review, the Council represented Namibia in the specialized agencies and other organizations in the United Nations system, in

international conferences sponsored by the United Nations, and at other international meetings, as follows:

Dakar International Conference on Namibia and Human Rights

United Nations Conference on Trade and Development (UNCTAD)

Habitat: United Nations Conference on Human Settlements

Sixty-first International Labour Conference of ILO

Tripartite World Conference on Employment, Income Distribution, Social Progress and the International Division of Labour

International Seminar on the Eradication of Apartheid and in Support of the Struggle for Liberation in South Africa

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Third United Nations Conference on the Law of the Sea, fourth session

World Health Assembly, twenty-ninth session.

A. Dakar International Conference on Namibia and Human Rights
(5-8 January 1976, Dakar)

57. The Dakar International Conference on Namibia and Human Rights was organized jointly by the International Institute of Human Rights, the International Commission of Jurists, and the International Association of Democratic Lawyers, following an offer of the Government of Senegal to provide a conference centre and other facilities at Dakar. The objectives of the conference as announced by the organizers were to:

(a) Throw light on the human rights situation in Namibia and on the struggle for human rights in Namibia;

(b) Lay the foundations for the liberation of Namibia in the spirit of the Universal Declaration of Human Rights.

58. An invitation was extended to the Council, containing details of the proposed conference, on 25 June 1975. At its 224th meeting, on 10 September 1975, the Council decided to accept the invitation and further decided that, in view of the importance of the conference, the entire Council should attend. The administrative and financial implications of the decision to attend the conference were included in the Council's report to the General Assembly. 15/

59. Among the other participants in the conference were the representative of the Secretary-General of the United Nations; the Commissioner for Namibia; representatives of other United Nations bodies concerned directly or indirectly with Namibia, African countries, SWAPO, church organizations and non-governmental organizations.

15/ Official Records of the General Assembly, Thirtieth Session,
Supplement No. 24 (A/10024), vol. I, para. 373.

1. Plenary meetings

60. The opening session of the Conference, held in the morning of 5 January 1976, was presided over by Mr. Leopold Sédar Senghor, the President of Senegal, who also addressed the Conference. Statements were made by Mr. Amadou-Mahtar M'Bow, the Director-General of UNESCO; Mr. Issoufou Djermakoye, United Nations Commissioner for Technical Co-operation, speaking on behalf of the Secretary-General; Mr. Sam Nujoma, the President of SWAPO; Mr. Rupiah Banda, the Foreign Minister of Zambia. Mr. Durstan W. Kamana, the President of the Council, addressed the Conference at its second plenary meeting in the afternoon of the same day.

61. The Conference adopted as its rules of procedure rules similar to those commonly used at conferences of non-governmental organizations, and elected an executive committee (or bureau).

62. The Conference also decided to form two commissions with the following responsibilities: Commission I, dealing with Namibia and human rights: past and present; and Commission II, dealing with Namibia and human rights: present and future.

63. Commission I and Commission II each held two meetings on 6 January and two further meetings on 7 January.

64. The basis upon which representatives of the Council would sit in the commissions was the subject of discussion among the representatives present in Dakar of the United Nations Council for Namibia, the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Special Committee against Apartheid. At a meeting held on 6 January 1976 they agreed to convey to the Executive Committee of the Conference the following:

(a) The final report of the Conference should list the Council as one of the three United Nations bodies present at the opening and closing sessions of the Conference (see above) and should indicate that their views were presented in statements at the opening session.

(b) No reference to these three bodies should appear in the Programme of Action of the Conference, or its Declaration.

(c) In conformity with the rules of procedure of the Conference, the unpublished drafts of the final report of the Conference, the Programme of Action and the Declaration should be shown to representatives of the three bodies before being circulated.

2. Meeting with the President of Senegal

65. On 7 January 1976, President Senghor of Senegal received the members of the Council, thanked them for their efforts on behalf of Namibia, and urged them to be steadfast in their resolve. He also stated that it was essential that the problem of Angola should not impinge upon the problem of Namibia. In reply, Mr. S. Karim, the Permanent Representative of Bangladesh, on behalf of the Council, thanked the

President for the hospitality shown by the Senegalese Government and for the commitment of the Senegalese Government to the cause of Namibia.

3. Conclusions of the Commissions

66. On 8 January, the two commissions adopted their reports (see annex II to the present report). On the same day, Mr. Aboulaye Dieye of the United Nations Association of Senegal presented the general report of the Conference to the plenary meeting. The general report subsumed the conclusions and recommendations of Commissions I and II, with a number of additional elements. Following approval of the general report, the plenary meeting adopted the Declaration of Dakar on Namibia and Human Rights and a Programme of Action, which became the final documents of the Conference.

67. After a brief adjournment, the Conference held its closing session under the chairmanship of Mr. Abdou Diouf, the Prime Minister of Senegal.

4. Declaration of Dakar on Namibia and Human Rights

68. The Declaration of Dakar is a statement of general principles adopted by the Conference. The Declaration took into consideration the fact that the United Nations Security Council had declared that the presence of South Africa in Namibia was detrimental to the maintenance of peace and security in the region, that SWAPO had been recognized by the United Nations as the authentic representative of the people of Namibia and expressed the conviction that the armed struggle would triumph.

69. The Declaration laid down that the policies of "bantustanization" being undertaken by South Africa in Namibia were contrary to the principles of the Charter of the United Nations, that the so-called constitutional conference convened by South Africa should be condemned, and that South Africa had in fact displayed an annexationist intent with respect to Namibia. Furthermore, the people of Namibia were being subjected to the system of apartheid, which was a deliberate negation of the most elementary human rights, while the exclusion of the Black population from the White Zone, with the exception of migrant labourers who were separated from their families for this purpose, was a crime against humanity.

70. Maintenance of the occupation of Namibia by South Africa was a continuing threat to peace and security in southern Africa; however, the United Nations Security Council was being prevented from applying the sanctions provided for in Chapter VII of the Charter by the attitude of France, the United Kingdom and the United States - it was therefore high time for the States of Africa to make it clear to the countries which are supporting South Africa that they could not continue to do so while claiming the friendship of the peoples of Africa.

71. The diplomatic offensive launched by South Africa under the names of "ouverture", "dialogue", and "détente" was part of a global imperialist military and politico-economic strategy and should be rejected.

72. Economic or other measures of compulsion should be taken to oblige South Africa to comply with the decisions of the international community; in the

Conference on Employment, Income Distribution, Social Progress and the International Division of Labour, known as the World Employment Conference, which was being held concurrently.

92. The invitation was considered at the 41st meeting of Standing Committee I, on 13 April 1976 which recommended acceptance of the invitation. At the 232nd meeting, on 3 May 1976, the Council decided to accept the recommendation of Standing Committee I to attend the two conferences.

Mr. V. Montemayor Cantu (Mexico) was appointed to represent the Council at the conferences.

93. Mr. Montemayor Cantu addressed a plenary meeting of the World Employment Conference on 12 June.

94. The report of the representative of the Council, including the text of his statement is contained in annex V to the present report.

E. International Seminar on the Eradication of Apartheid and in Support of the Struggle for Liberation in South Africa (24-28 May 1976, Havana)

95. At its 230th meeting, on 8 March 1976, the Council decided to send a delegation to the International Seminar on the Eradication of Apartheid and in Support of the Struggle for Liberation in South Africa.

Mr. Dunstan Kamana (Zambia), the President of the Council, attended the Seminar as the representative of the Council.

96. Mr. Kamana made a statement at the opening session. 21/

97. The Seminar adopted a Declaration (see A/31/104-S/12092) and a Programme of Action. The Declaration urged Governments, organizations and peoples to join in concerted international action in support of the southern African liberation movements in the struggle for the total emancipation of Africa.

98. In its Programme of Action, 22/ the Seminar urged the international community to take effective action to remove South Africa's illegal administration in Namibia. The Seminar condemned the increasing ruthlessness of the Pretoria régime and rejected the so-called constitutional talks directed and controlled by the South African authorities. It also condemned the role of transnational corporations which continue their operations in Namibia in defiance of United Nations decisions.

F. Co-operation with the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

99. During the annual special meeting of the Special Committee, held in observance

21/ An account of the Seminar and the full text of Mr. Kamana's statement are contained in annex VI to the present report.

22/ The section of the Programme of Action dealing with Namibia is reproduced in annex VI to the present report. For the full text of the Programme, see A/31/104-S/12092.

of the Week of Solidarity with the Colonial Peoples of Southern Africa Fighting for Freedom, Independence and Equal Rights, on 19 May 1976, the Acting President of the Council addressed the Committee (A/AC.109/PV.1032).

100. As in previous years, the Council participated in the Committee's consideration of the question of Namibia. The President of the Council addressed the Committee at its 1037th meeting, on 14 June (A/AC.109/PV.1037). At the same meeting, the representative of SWAPO, participating as an observer, also made a statement (A/AC.109/PV.1037).

101. At its 1040th meeting, on 17 June, the Special Committee adopted a consensus on the question of Namibia, in which it, inter alia, fully endorsed the position of SWAPO; strongly recommended contributions to the United Nations Fund for Namibia; appealed for assistance to the United Nations Institute for Namibia; and endorsed the policies and programmes of the Council. 23/

G. Fourth session of the Third United Nations Conference on the Law of the Sea (15 March-17 May 1976, New York)

102. On 10 February 1976, the Council received an invitation to attend the fourth session of the United Nations Conference on the Law of the Sea. The Council had previously been represented at the first, second and third sessions of the Conference. The invitation was referred to Standing Committee I which decided, at its 38th meeting, on 3 March 1976, to recommend that the invitation should be accepted. At its 229th meeting, on the same day, the Council adopted the recommendation of Standing Committee I and decided to send a delegation to the Conference.

103. The delegation consisted of Mr. D. W. Kamana (Zambia), the President of the Council, Chairman; Mr. A. K. Budhiraja (India); Mr. J. K. Umar (Nigeria) and Mr. Theo Ben-Gurirab (SWAPO).

H. World Health Assembly of the World Health Organization (WHO) (29 May 1976, Geneva)

104. In 1974, the Council became an associate member of WHO as the representative of Namibia, and subsequently participated in the twenty-eighth World Health Assembly in May 1975. In 1976, the Council was invited to participate in the twenty-ninth World Health Assembly. The invitation was referred to Standing Committee I which decided, at its 39th meeting, on 8 March 1976, to recommend that a representative of SWAPO attend the Assembly. At its 230th meeting, on the same day, the Council adopted the recommendation of Standing Committee I.

105. At the meeting of the World Health Assembly, agenda items of particular interest to the Council for Namibia included: reports on specific technical matters such as community water supply and waste water disposal; health manpower development; health technology relating to primary health care; and rural development and assistance to newly independent and emerging States in Africa.

23/ For the full text of the consensus, see A/31/23/Add.2, para. 14.

106. Under the heading of "Assistance to Liberation Movements", the contribution of WHO and SWAPO was discussed. Mention was made of an agreement recently signed, although reduced from its original form, for a health project to be carried out with WHO assistance channelled through UNDP. During the discussion of the item, the newly independent countries in particular emphasized the need for prompt assistance. A resolution was adopted urging WHO to give assistance at the time that it was required. In the case of health assistance for SWAPO, the delegation of the Council reported that the project had not yet been initiated, although the agreement had been signed and the project had been proposed early in 1975.

107. During the meeting, considerable interest was expressed by delegations and WHO secretariat members in the United Nations Institute for Namibia. It was stated that the WHO secretariat was prepared to send experts or teaching staff, as required, to the Institute or, in the case of institute staff visiting Geneva, to discuss and assist where possible with any medical or programme needs.

I. Co-operation with the Special Committee against Apartheid

108. The Council participated in the 320th meeting of the Special Committee against Apartheid, held on 19 March 1976, to commemorate the International Day for the Elimination of Racial Discrimination. The President of the Council made a statement at the meeting (see annex VII to the present report).

PART THREE

PROGRAMME OF WORK OF THE COUNCIL AS THE LEGAL ADMINISTERING AUTHORITY OF NAMIBIA

I. IMPLEMENTATION OF PROGRAMMES BY THE COUNCIL

A. Consultations with Member States on compliance with United Nations resolutions on Namibia

109. In order to ensure the implementation of United Nations resolutions on Namibia and to increase the pressure on South Africa to withdraw from Namibia, the Council has, over the past several years, been involved in extensive consultations with Governments.

110. During 1974, the Council sent missions to Colombia, the Federal Republic of Germany, Guyana, Mexico, Romania, the United Kingdom and Yugoslavia for consultations. In 1975, the Council sent similar missions to France, India, Indonesia and Japan, as well as to the European Economic Community (EEC) of the European communities and the North Atlantic Treaty Organization (NATO). In 1976, the Council visited Africa and Latin America.

1. Mission to Latin America

111. At its 234th meeting, on 17 June 1976, the Council decided to send a visiting mission to Latin America in conformity with its programme of work and in accordance with its mandate as set forth in General Assembly resolution 2248 (S-V) and subsequent resolutions on Namibia.

112. The purpose of the Mission was to hold consultations with Governments in order to intensify joint action in support of the implementation of United Nations resolutions on Namibia and to increase the dissemination of information concerning the situation in Namibia.

113. The Mission to Latin America was composed of Mr. Roberto de Rosenzweig-Diaz (Mexico), Chairman; Mr. Arun Kumar Budhiraja (India); Mr. Hasan Mahmud (Pakistan) and Mr. Chérif Bachir Djigo (Senegal). The Mission visited Peru, Brazil and Venezuela from 13 to 29 July 1976. 24/

114. In Peru the Mission held two working sessions with a delegation from the Ministry of Foreign Affairs headed by Mr. Gustavo Silva Aranda, Director for International Organizations in the Ministry of Foreign Affairs. The Mission

24/ During an earlier mission to Latin America, in 1974, representatives of the Council visited Colombia, Guyana and Mexico (Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 24A (A/9624/Add.1), paras. 38-60.

was also received by General Miguel Angel de la Flor Valle, Minister for External Relations; General Luis Arias Graziani, Minister for Commerce; General Raul Miranda Ampuero, Minister for Education and General Enrique Gallegos, Minister for Agriculture. The Mission met with Mr. Luis Marchand Stens, Secretary-General of the Ministry of External Affairs and with Colonel José Sarango Ojeda, President of the Peruvian Information System (ESIPERU). A communiqué was issued at the end of the Mission's visit to Peru (see para. 271 below).

115. In Brazil the Mission held two working sessions with a delegation of the Ministry of External Relations headed by Mr. Ramiro Saraiva Guerreiro, Secretary-General of the Ministry, and including Mr. Marcos Castrioto de Azambuja, Chief of the United Nations Division in the Ministry of External Relations. The Mission was also received by Mr. Antonio F. Azeredo da Silveira, Minister for External Relations. A communiqué was issued at the end of the Mission's visit to Brazil (see para. 271 below).

116. During its visit to Venezuela, the Mission held two working sessions with a delegation from the Ministry of Foreign Affairs headed by Mr. Germán Nava-Carrillo, Director of the International Politics Division, and by Mr. José Luis Martínez, Assistant Director of the Division. The Mission was also received by Mr. Escovar Salom, Minister for Foreign Affairs, and Mr. Gonzalo Barrios, President of the Venezuelan Congress. A communiqué was issued at the end of the Mission's visit to Venezuela.

117. The Mission received substantial publicity in all three countries visited. 25/

2. Mission to Africa

118. At its 234th meeting, on 17 June 1976, the Council decided to undertake consultations regarding a visiting mission to Africa in order to obtain the views of the Governments of the neighbouring States of Namibia, namely, Angola, Botswana, and Zambia, with respect to current developments in Namibia. Such consultations would be aimed at the prospects of intensifying joint action in order to support effectively the struggle of the Namibian people for self-determination, freedom and national independence in a united Namibia.

119. The decision of the Council was based on the mandate established for the Council under General Assembly resolution 2248 (S-V) to administer Namibia until independence and in particular, paragraphs 5 and 6, of General Assembly resolution 3295 IV (XXIX).

120. The membership of the Mission to Africa as constituted by the Council on the nomination of its Chairman, was as follows: Mr. Dunstan W. Kamana (Zambia), President of the Council, Chairman; Mr. Thebe Mogami (Botswana); Mr. Leslie Robinson (Guyana); Mr. David Wilson (Liberia); Mr. Jonathan Umar (Nigeria); Mr. Vladimir Pavicevic (Yugoslavia); Mr. Nchimunya J. Sikaulu (Zambia); and Mr. Theo-Ben Gurirab (SWAPO). The Mission travelled to Lusaka, Gaborone and Luanda between 21 August and 7 September 1976.

25/ For the full report of the Mission, see annex XII to the present report.

121. During its first stay in Lusaka, from 24 to 28 August, the Mission participated in the opening ceremony of the United Nations Institute for Namibia and in the fourth meeting of the Senate of the United Nations Institute for Namibia. It also held consultations with Mr. Sam Nujoma, President of SWAPO, and other leaders.

122. From 28 August to 1 September, the Mission visited Botswana. In Gaborone, Sir Seretse Khama, the President of the Republic of Botswana, received the members of the Mission. Also present were Mr. A. M. Mogwe, Minister for External Affairs; Mr. D. K. Kwelagobe, Minister for Information and Public Service; Mr. L. M. Mpototwane, Administrative Secretary, Office of the President; Mr. M. C. Tibone, Secretary for External Affairs, and other officials of the Government.

123. At the end of the consultations a joint communiqué was issued (see para. 271 below).

124. The Mission visited Zambia from 1 to 5 September. During its stay in Lusaka, the Mission was received by Mr. Kenneth D. Kaunda, President of the Republic of Zambia. On that occasion, the President reaffirmed the support of his Government for the liberation of the people of Namibia and the creation of a free and independent Namibia under their liberation movement, SWAPO. The Mission also paid courtesy calls on Mr. A. G. Zulu, Secretary-General of the United National Independence Party; Prime Minister Elijah H. K. Mudenda; and Mr. R. C. Kamanga, member of the Central Committee of the Party and Chairman of the Political, Constitutional, Legal and Foreign Affairs Committee of the Party.

125. The Mission held consultations with a group of senior officials of the Zambian Government headed by Mr. P. M. Ngonda, Permanent Secretary in the Ministry of Foreign Affairs. These consultations were centred on examining ways and means of intensifying the joint action of the Government of Zambia and the Council in the United Nations and in other international forums whenever possible, with a view to achieving the speedy implementation of the United Nations resolutions which have consistently affirmed for over a decade the inalienable and imprescriptible right of the people of Namibia to self-determination, freedom and national independence in a united Namibia.

126. At the conclusion of the meetings, the Government of Zambia and the Mission issued a joint communiqué (see para. 271 below).

127. The Mission visited Angola from 5 to 7 September.

128. In Luanda, the Mission was received by Mr. Lucío Lara, Secretary of the Political Bureau of the Central Committee of the Movimento Popular de Libertação de Angola (MPLA) and members of the Department of External Affairs of MPLA. The Mission also held consultations with a delegation of officials headed by Mr. Roberto de Almeida, Director-General of the Ministry of External Affairs, and including Mr. Paulo Jorge, Secretary of the Presidency for External Affairs and Mr. Garcia Neto, Director for Co-operation and Economic Affairs.

129. The purpose of the Mission was to hold consultations with the Government of Angola to examine ways and means of intensifying the joint action of that Government and of the Council with a view to achieving the speedy implementation of United Nations resolutions concerning Namibia. At the end of the visit a joint communiqué was issued (see para. 271 below).

130. In all three countries visited, the Mission received extensive press, radio and television coverage. Members of the Mission also held press conferences.

B. Consultations with OAU and participation in its meetings

131. In accordance with the provisions of General Assembly resolution 2678 (XXV) which, inter alia, requested the Council to hold consultations with OAU, the Council was represented by its President at the twenty-seventh regular session of the Council of Ministers of OAU and the Assembly of the Heads of State and Government of OAU, held at Port Louis, from 24 June to 3 July 1976.

132. In its resolution CM/Res.477 (XXVIII) (see A/31/196, annex), adopted at its twenty-seventh regular session, the OAU Council of Ministers urged co-operation between the United Nations and the OAU secretariat to expedite the process of the elimination of colonialism and apartheid from the continent of Africa.

133. In its resolution CM/Res.500 (XXVII) concerning Namibia (A/31/196, annex), the Council of Ministers strongly deplored the militarization of Namibia by the illegal occupation régime of South Africa. The text of the operative paragraphs of the resolution reads as follows:

"1. REAFFIRMS the right of the people of Namibia to self-determination and independence;

"2. APPROVES the Declaration and Programme of Action of the Conference held in Dakar, Senegal, from 4 to 8 January 1976 on Namibia and Human Rights;

"3. CONDEMNS the continued illegal occupation of Namibia by South Africa and the arbitrary application of racial discriminatory and repressive laws and practices in the territory;

"4. CONDEMNS the balkanization of Namibia and demands that South Africa put an end forthwith to its policy of bantustans and so-called homelands aimed at violating the national unity and the territorial integrity of the territory;

"5. CONDEMNS the South African military build-up in Namibia and its utilization of the territory as a base for attacks on neighbouring countries and considers the use of Namibia for extra-territorial incursions into neighbouring countries is a flagrant violation of international law and constitutes a serious threat to peace and security of the African continent;

"6. CONDEMNS the so-called Constitutional Talks in Windhoek aimed at rubber-stamping the obnoxious policy of bantustans and so-called homelands;

"7. CONDEMNS South Africa illegal administrations recent brutal sentences of two SWAPO officials to death and demands the unconditional release of all political prisoners and detainees currently held on Robben Island and other South African jails;

"8. REAFFIRMS, once again, that SWAPO is the only authentic representative of the people of Namibia;

"9. DEMANDS that South Africa withdraws its illegal administration in Namibia and transfer power to the people of Namibia under the leadership of SWAPO;

"10. FIRMLY RESOLVES to increase material and financial assistance to SWAPO in order to intensify the armed struggle and maintain its vigilance;

"11. CALLS ON the General Assembly and the Security Council to remain seized of the matter.

134. The Council intends to send delegations to meetings of the OAU in 1977 to ensure continued close co-operation and co-ordination between the work of the Council and that of OAU with regard to the liberation of Namibia and the attainment of freedom and independence for its people.

C. Action concerning foreign economic interests in Namibia

135. By paragraph 9 of resolution 3031 (XXVII) the General Assembly requested the Council to examine the question of foreign economic interests operating in Namibia and to seek effective means to regulate such activities as appropriate. The position of the Council in this matter was further supported by the fact that the General Assembly has for some years been considering the question of foreign economic interests in colonial countries in general and since 1968 has adopted eight resolutions on the subject.

136. In its resolutions, the General Assembly has repeatedly stressed that any administering Power which deprives the colonial peoples of the exercise of their legitimate rights over their natural resources violates the solemn obligations it has assumed under the Charter of the United Nations. The Assembly has furthermore reaffirmed that, by their depletive exploitation of natural resources, the continued accumulation and repatriation of huge profits and the use of those profits for the entrenchment of colonial domination over the Territories, foreign economic and other interests operating at present in the colonial Territories constitute a major obstacle to political independence and to the enjoyment of the natural resources of those Territories by the indigenous inhabitants.

137. The General Assembly has also condemned the policies of the colonial Powers and other States which have continued to support or collaborate with those foreign economic and other interests engaged in exploiting the natural and human resources of the Territories, thus obstructing the full and speedy implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

138. The position of the Council was further strengthened by Security Council resolution 283 (1970), which called for specific action requesting all States to refrain from any economic or other relations with South Africa implying recognition of the authority of South Africa over Namibia, and declared that franchises, rights, titles or contracts relating to Namibia granted to individuals or companies by South Africa after the adoption of General Assembly resolution 2145 (S-V) were not subject to protection or espousal by their States against claims of a future lawful Government of Namibia. Further, in a number of resolutions adopted since 1968, the Security Council has repeatedly called upon all States to refrain from dealings with South Africa in which South Africa purported to act for Namibia.

139. In 1971, the position taken by the Security Council on the question of foreign economic interests operating in Namibia was embodied in a ruling of the International Court of Justice which, on 21 June 1971, handed down its advisory opinion to the effect 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;"

140. The Council assigned the question of foreign economic interests to its Standing Committee II, which continued to seek ways and means to implement United Nations resolutions on the subject. The Council made recommendations to the General Assembly on the question and, through its Standing Committee II, continued to gather information on the subject. Two major undertakings were accomplished: the enactment of the Decree No. 1 for the Protection of the Natural Resources of Namibia, in 1974, and the mission to the European Economic Community (EEC) of the European Communities, in 1975, to discuss the compliance of member States of EEC with United Nations resolutions on Namibia.

141. In 1973, on the recommendation of Standing Committee II, the Council decided to undertake an in-depth study of the problem, first by requesting a compilation of information available on the activities of foreign companies in Namibia; and second, by requesting an analytical study of the data available, taking into consideration the replies to the questionnaire on compliance circulated to Member States. The Council also decided to approach the Office of Legal Affairs of the United Nations to ascertain whether it could institute legal proceedings in connexion with foreign investments in Namibia.

142. In 1974, the action of the Council on this question was related to the questionnaire on compliance distributed to all Member States. Pursuant to paragraph 9 (i) of General Assembly resolution 3031 (XXVII), the Council also requested a study on the question of bilateral and multilateral treaties involving South Africa to ensure that they conform to the advisory opinion of the International Court of Justice of 21 June 1971.

143. In 1975, the Council was active in giving effect to the provisions of Decree No. 1 for the Protection of the Natural Resources of Namibia. The Decree was distributed to the foreign ministries of Member States and was given wide publicity. Its continuing impact was reflected in the fact that some companies have withdrawn from the Territory, notably the Continental Oil Company, the Getty Oil Company, the Phillips Petroleum Company and the Texaco Oil Company. Missions of the Council discussed the implementation of the Decree in consultations with Governments. Discussions were also held with churches and non-governmental organizations.

144. In 1976, Standing Committee II again considered the question of foreign economic interests operating in Namibia. After appointing a sub-committee to study the matter, Standing Committee II submitted its conclusion that, by virtue of the termination of the mandate of South Africa over Namibia and the assumption of direct responsibility for the Territory by the United Nations and by virtue of

the legal authority vested in the Council pursuant to General Assembly resolution 2248 (S-V) to administer the Territory until independence, it was clear that all foreign corporations active in Namibia under the authority of the illegal South African administration were operating illegally. Standing Committee II also produced a number of other recommendations which appear in the recommendations of the present report (see para. 272 and ff. below).

D. Participation of the representatives of the Namibian people in the work of the Council

145. For some time, representatives of SWAPO have participated as observers in the work of the Council. Following a proposal of the Council, the General Assembly, in its resolution 3295 (XXIX), authorized financial provision for a SWAPO office in New York, to ensure the proper representation of the people of Namibia at the United Nations. By its resolution 3399 (XXX), the Assembly continued this authorization, and allocated \$US 65,000 for the SWAPO office for the year 1976, together with \$US 18,000 for the travelling expenses of Namibians and petitioners invited by the Council to United Nations Headquarters.

146. In the period under review, representatives of SWAPO, including the Representative and Deputy Representative of SWAPO to the United Nations, continued to participate fully in the work of the Council, taking an active part in all of its discussions and providing valuable information on the situation in Namibia.

147. Mr. David H. Meroro, National Chairman of SWAPO inside Namibia who had just left the country by clandestine means, participated in the 226th meeting of the Council on 16 October 1975. At that meeting, Mr. Meroro told the Council that following the assassination on 16 August 1975 of Chief Filemon Elifas of the Ovamboland bantustan, South Africa had promptly begun a campaign of brutal repression, and had indiscriminately arrested many of the leaders and members of SWAPO inside Namibia. Besides the dozens of SWAPO members who were still under arrest, countless other SWAPO members had disappeared. Those still in the hands of the South African administration were undergoing daily torture and assault (see also annex VIII to the present report).

148. In his statement before the 230th meeting of the Council, on 8 March 1976, Mr. Reuben Hauwanga, SWAPO Secretary for Information and Publicity in Northern Namibia, who had recently escaped from the South African campaign of repression, described the conditions inside Namibia. According to Mr. Hauwanga, the South African authorities were trying to crush all resistance to their illegal colonial rule in Namibia and to destroy SWAPO. Mr. Hauwanga also related his own experience of torture in a prison in Namibia after his arrest on 17 August 1975, and stated that the majority of the people of Namibia were looking to SWAPO, with the generous help of the United Nations and Namibia's friends throughout the world, to liberate them from South Africa's colonial yoke. More people were joining or associating themselves with SWAPO every day (see also annex IX to the present report).

149. Mr. Mishake Muyongo, the Vice-President of SWAPO, appeared before the 234th meeting of the Council, on 17 June 1976. In his statement to the Council, Mr. Muyongo, expressed his deepest gratitude to the Council and the whole of the United Nations community for their prompt action in condemning the death sentences

passed by the illegal administration in Namibia on two SWAPO militant patriots - Aaron Mushimba and Hendrik Shikongo, and in rejecting and denouncing the "tribal talks" being conducted by the South African régime at Windhoek. Clearly, he said, those talks had been instigated and were being manipulated by the illegal rulers in Namibia to implement their policy of "bantustanization" (see also annex X to the present report).

150. At the 233rd meeting, on 13 May 1976, Mr. Tulinane Emvula, Deputy Representative of SWAPO to the United Nations, made a formal statement before the Council during its consideration of the death sentences passed by the illegal South African occupation régime upon the two Namibian patriots referred to above. Mr. Emvula stated that SWAPO condemned and rejected the illegal trial and sentencing to which the two Namibians had been subjected, calling it another flagrant manifestation of South African defiance of the United Nations and of the opinion of the international community.

151. Mr. Sam Nujoma, the President of SWAPO, made a statement before the Council at its 237th meeting, on 27 September 1976. He spoke following the hearing of a petitioner, Mr. Bill Anderson, a former member of the South African armed forces assigned to Namibia, who had testified regarding acts of torture and other atrocities carried out by those forces against Namibians.

152. Mr. Nujoma commented on the recent talks between Mr. Henry Kissinger, the United States Secretary of State and Prime Minister John Vorster of South Africa and said that the talks involved Namibia as well as Zimbabwe. He thought it obvious that the Windhoek talks, aimed at making Namibia into a series of bantustans, would resume on 5 October and that SWAPO would be invited to participate. Mr. Nujoma stated categorically that SWAPO continued to oppose the constitutional talks and would go on with its liberation struggle.

153. The situation in Namibia was explosive, Mr. Nujoma declared. The enemy was using delaying tactics involving deceptive manoeuvres. He asked the Council to support the liberation struggle, as it had been doing over the years, and to expose any imperialist machinations, including the diabolical plan of racist South Africa to partition the country on a tribal basis. He specially requested that, during the forthcoming Security Council meetings, the Council should press for sanctions against South Africa under Chapter VII of the Charter, particularly Article 39, inasmuch as South Africa had failed to respond to Security Council resolution 385 (1976) of 30 January 1976.

154. Mr. Nujoma paid tribute to the petitioner, Mr. Anderson, for the courage he had shown in testifying, and thanked him for the valuable information he had provided about atrocities and barbaric methods of repression which, as SWAPO had been saying for years, were being carried out against Namibians by South African troops and security forces. Mr. Nujoma stated that there was large-scale torture being carried out in Namibia. He also referred to reports that South Africans were planning to introduce a poisonous plant, which they called Mexican sisal, in the buffer zone they wished to establish in northern Namibia along the border with Angola. Since April 1976, 50,000 families had been moved about 100 miles from their homes to concentration camps.

155. Finally, Mr. Nujoma expressed appreciation for the work done by the Council, including the establishment of the United Nations Institute for Namibia.

E. Inauguration of the United Nations Institute for Namibia

156. The first proposal for a training institute for Namibians was made by the Secretary-General in his first report on the United Nations Fund for Namibia submitted to the General Assembly at its twenty-sixth session (A/8473). He put forward the idea of a college of further education for Namibians as one of the intermediate-term measures of assistance to Namibians.

157. The Council took up the question of the proposed Institute at its 198th meeting, on 9 May 1974. At the 199th meeting, on 13 May, a decision was taken in principle to establish such an Institute, and the bureau of the Council was requested urgently to prepare the project on the basis of a five-year plan. 26/

158. Pursuant to the above request, a draft plan for the proposed Institute was prepared and was considered by the Council at its 209th meeting, on 27 September 1974. At the same meeting, the Council adopted the draft plan, thus approving the establishment of the Institute, which it described as a major step forward in the implementation of Security Council resolution 283 (1970) of 29 July 1970, in which the Council had requested the General Assembly to set up a United Nations Fund for Namibia, and General Assembly resolution 2679 (XXV), which approved the establishment of such a fund.

159. It was agreed that the Institute would be closely supervised by the Council. In addition, the Council would be represented in the senate of the proposed Institute. The Council would examine the budget of the Institute and give general direction to its work. In this connexion, the Council considered that the five-year period was purely for budgetary purposes and that every effort should be made to achieve independence for Namibia at an earlier date.

160. It was also understood that, on the one hand, the proposed Institute would assist both the Council and the liberation movement, and, on the other, that the plan for the Institute adopted by the Council would not bind the future Government of an independent Namibia or prevent it from taking any action necessary in the interests of its people. The Institute was to be located in Lusaka. The purpose of the Institute, in accordance with the Council's decision, was:

"To enable Namibians, under the aegis of the United Nations Council for Namibia, to undertake research, training, planning and related activities with special reference to the struggle for freedom of the Namibians and the establishment of an independent State of Namibia." 27/

161. On 28 May 1975, the Committee on the United Nations Fund for Namibia allocated the sum of \$US 300,000 towards the establishment of the Institute as a first instalment of the contributions to be made by the Fund to the Institute. At its 234th meeting, on 17 June 1976, the Council considered the draft report of the Rapporteur of the Committee on the United Nations Fund for Namibia

26/ Official Records of the General Assembly, Twenty-sixth Session, Supplement No. 24A (A/9624/Add.1), para. 69.

27/ For the full text of the plan adopted by the Council see Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 24A (A/9624/Add.1), paras. 66-73.

relating to the 1976-1980 budget estimates of the United Nations Institute for Namibia, (A/AC.131/L.35 and Add.1). At the same meeting, the Council, in its resolution A/AC.131/48 (see para. 268 below) approved the report of the Rapporteur on the above-mentioned budget estimates and, subject to certain provisions, further approved the Institute's estimates of expenditure for 1976 and, in principle, those for 1977-1980.

162. On 26 August 1976, Namibia Day, at a ceremony in Lusaka, the United Nations Institute for Namibia was formally inaugurated. Participating in the opening ceremony were Mr. Kenneth D. Kaunda, President of Republic of Zambia, his Cabinet, party officials, the diplomatic corps, representatives of the States, members of the Council, members of SWAPO and other distinguished guests. Statements were made by President Kaunda; Professor A. Adedeji, Chairman of the Senate of the Institute for Namibia; Mr. Sean MacBride, United Nations Commissioner for Namibia, Dr. Vladimir Pavicevic, of Yugoslavia, speaking as representative 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; Mr. Sam Nujoma, President of SWAPO and Mr. Hage G. Geingob, Director of the Institute.

163. In the statements, the interrelationship of the Institute and the liberation struggle was emphasized, as was the importance of the training of cadres. Appreciation was expressed for the contributions received from many countries, and the hope was voiced that more contributions would be forthcoming. 28/

F. Meetings of the Governing Council of UNDP

164. As a result of a proposal put forward by the Council, and subsequently approved by the General Assembly in its resolution 3295 (XXIX), the Governing Council of UNDP established an indicative planning figure for Namibia of \$US 1 million for 1975-1976 and decided to provide funds for projects submitted by the Council.

165. At its 218th meeting, on 15 April 1975, the Council decided that it should seek representation in the Governing Council and on the same day, the President of the United Nations Council for Namibia addressed a letter to the Chairman of the UNDP Governing Council. The Deputy Administrator of UNDP subsequently invited the United Nations Council for Namibia to participate in meetings of the Governing Council.

166. On 25 May 1976, the Council was invited to participate in the twenty-second session of the UNDP Governing Council to be held in Geneva in June and July. The invitation was referred for consideration to Standing Committee I, which decided at its 44th meeting, on 27 May, to recommend acceptance of the invitation. At its 234th meeting, on 17 June, the Council decided to send Mr. Chaidir Anwar Sani (Indonesia) as the representative of the Council, accompanied by the United Nations Commissioner for Namibia.

28/ For a full account of the ceremonies, see annex XIV to the present report.

167. During their participation in the meetings of the Governing Council, Mr. Anwar Sani and the Commissioner raised the question of an increase in the indicative planning figure for Namibia, and held consultations on this topic with representatives of a substantial number of countries (see also annex XI to the present report).

168. At its twenty-second session, the UNDP Governing Council took the following decisions concerning Namibia:

"The Governing Council,

"Taking note of the respect by the Administrator (DP/199), as well as the views expressed by members of the Council on that subject,

(a) Decided, for purposes of forward planning by Governments and the UNDP Administration, to confirm the 1977-1981 country and intercountry indicative planning figures (IPFs), totalling \$2,455 million, ... that were endorsed in principle at the twenty-first session;

(b) Decided, further that within the above-mentioned financial planning level:

(i) Each recipient country that has gained independence since the start of 1973 should have its IPF increased in the amount of \$500,000 plus 15 per cent of the IPF as shown in DP/199, table 1, and totalling \$12.5 million, and that the same approach should be taken immediately in the case of Namibia, totalling \$1 million, and, in the future, to other recipients as they achieve their independence;

(ii) National liberation movements recognized by the Organization of African Unity in accordance with the relevant decisions of the UNDP Governing Council should have an IPF not to exceed \$6 million." 29/

G. Administration and Management of the United Nations Fund for Namibia

169. By its resolution 2679 (XXV) the General Assembly established the United Nations Fund for Namibia. This decision was based on the consideration that the United Nations, having terminated South Africa's mandate over Namibia and having itself assumed direct responsibility for the Territory until independence, had incurred a solemn obligation to assist and prepare the Namibian people for self-determination and independence and to this end to provide them with comprehensive assistance.

170. By paragraph 2 of the same resolution, the General Assembly requested the Secretary-General to make a detailed study and report to the Assembly at its

29/ See E/5846 for the full text of this decision. See also DP/199 for the recommendation of the Administrator of UNDP.

twenty-sixth session "on the development, planning, execution and administration of a comprehensive programme of assistance to Namibians in various fields".

171. The Assembly's decision was taken after consideration of a request by the Security Council, contained in its resolution 283 (1970), that a fund should be created to provide assistance to Namibians who had 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.

172. In its resolution 2872 (XXVI) of 20 December 1971, the General Assembly reaffirmed its previous decision 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 Secretary-General's report. In his report to the General Assembly at its twenty-seventh session (A/8841 and Corr.1), the Secretary-General announced that the Fund had become operative during 1972.

173. By General Assembly resolution 3112 (XXVIII), the Council was appointed trustee of the Fund. The trustee function of the Council is exercised by its Committee on the Fund, which now consists of Finland, India, Nigeria, Romania, Senegal, Turkey and Yugoslavia, under the chairmanship of the President of the Council. The guidelines for the orientation of the Fund were adopted by the Council in 1974 and subsequently approved by the General Assembly in its resolution 3296 (XXIX). 30/

174. In a resolution adopted by the Council at its 230th meeting, on 8 March 1976 (A/AC.131/45, see para. 268 below), the Council decided to increase by one member the Council's Committee on the United Nations Fund for Namibia. It further decided that the Rapporteur of the Committee on the Fund would be a member of the Steering Committee of the Council. It also requested the Committee on the Fund to submit to the Council a detailed annual report on the activities of the Fund, including allocations for specific items and a general plan of expenditure. In the implementation of this decision, at a meeting of the Committee on the Fund held on 19 March 1976, Mr. Petre Vlasceanu (Romania) was elected Rapporteur and charged with the preparation of the report (see annex XIII to the present report).

H. Exposure and condemnation of the illegal acts of South Africa in Namibia

175. During the period covered by this report, the Council continued to give attention to the illegal acts carried out by agents of the South African occupation régime in Namibia. On a number of occasions, the Council issued formal statements condemning these illegal acts, particularly acts of repression, violations of human rights, and acts related to the promoting by South Africa, of a bogus constitutional conference and to attempts to gain international recognition for this conference.

176. The Council made arrangements for the publication of a paper on legislation purportedly promulgated by South Africa in Namibia in the belief that a wider distribution of the paper would assist in exposing the illegal acts of South Africa.

30/ For text of the guidelines see Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 24A (A/9624/Add.1), para. 81.

177. The Council was assisted in its work by the information provided in a working paper on the situation in Namibia prepared by the Secretariat at the request of the Council. The working paper concentrates on two areas of particular importance, namely, acts of repression carried out by the illegal South African régime, and details of the so-called constitutional conference. In view of the importance of these matters, the working paper has been included in the present report (see paras. 290-399 below).

1. Exposure and condemnation of so-called constitutional conference

178. In a statement issued on 29 August 1975, which was reproduced in its last report to the General Assembly, 31/ the Council condemned the so-called constitutional conference and related acts of repression.

179. The Council followed this up on 16 October 1975 with a further statement (see para. 270 below) dealing with the visit to the United States, the United Kingdom and the Federal Republic of Germany, of a group composed of alleged representatives of the ethnic groups attending the so-called constitutional conference organized by the illegal South African occupation régime.

180. In the statement it was pointed out that the members of the visiting group had not been elected by the people of Namibia but had been hand-picked by the South African authorities. Furthermore, their visit to the three countries had been planned, organized and financed by the South African régime. South African agents had followed and shepherded them everywhere they went.

181. The Council urged all States Members of the United Nations to refrain from any dealings with the group.

182. Officials in all three countries visited made clear to the group that they considered the South African presence to be illegal (see also para. 270 below).

183. On 18 August 1976, the so-called constitutional conference issued a statement outlining its plans for the future of Namibia. These plans were transmitted to the Secretary-General in a letter dated the same day from the Permanent Representative of South Africa (S/12180).

184. On 18 August 1976, the Council issued a statement (A/31/181, see para. 268 below) condemning the plans as a strategem of the South African administration in Windhoek, totally lacking in legitimacy, ambiguous and equivocal, and drawing attention to the demands on South Africa made by the Security Council in its resolution 385 (1976). The Council pointed out that the proposals of the so-called constitutional conference did not even approach any of the requirements for genuine self-determination and independence laid down by the United Nations. They made no mention of the elimination of apartheid legislation, and merely sought to perpetuate the homeland (bantustan) policies with all their deleterious effects on the integrity and unity of the Namibian people. They were

also silent about free elections under United Nations supervision and control, and totally ignored SWAPO, which had been recognized by OAU and the United Nations as the authentic representative of the Namibian people.

2. Condemnation of repression in Namibia

185. On 24 October 1975, the Council issued a statement reporting that South African military activities in Namibia had gone so far that Namibia was being used as a base from which to launch aggression against Angola (see paras. below).

186. In May 1976, the illegal South African régime sentenced two SWAPO members to death. On 13 May 1976, the Council issued a statement condemning the death sentences (see para. below).

3. Exposure of laws and practices illegally established by South Africa in Namibia

187. This item has been under consideration by the Council for a number of years. In pursuance of General Assembly resolution 2288 (XXII) of 7 December 1967, the Council considered this matter in 1968 and decided to obtain a study of the laws and practices of South Africa established in Namibia. In 1969, a consultant was engaged to assist in the preparation of the detailed study requested by the Council on the questions involved in the review of the relevant laws and practices. The Council considered that such a study would assist it in discussions on the matter.

188. In 1970, the Council entrusted Standing Committee II with the preparation of a detailed study of legal questions and issues involved, in view of the complexity of the matter and the special responsibility of the Council as the legitimate administrative authority for Namibia.

189. Subsequently, the Council decided to limit the scope of the study to laws and practices which were so blatantly and totally repugnant to the spirit and the letter of the Charter of the United Nations that they could be repealed or abolished even in the absence of any substitute legislation covering the same subject-matter. Owing to the restricted scope of the study, some laws enacted by South Africa in Namibia were not to be included in the review and digest, although all such enactments were considered void, owing to the fact that South Africa no longer had a legal right to legislate for Namibia.

190. In addition to the review and digest of laws warranting repeal, the study was intended to provide the Council with information and an analysis of the legal implications of so-called constitutional changes put into effect in Namibia to implement the Odendaal Plan. 32/

32/ For a summary of the recommendations of the Commission of Enquiry into South West African Affairs (the Odendaal Commission), see Official Records of the General Assembly, Nineteenth Session, Annexes, annex No. 8 (part 1), (A/5800/Rev.1), chap. IV, paras. 18 et seq.

191. The first draft of the review and digest of laws and practices established in Namibia by the Government of South Africa was submitted to the Council at the end of 1973. In 1974, on the recommendation of Standing Committee II, the Council approved the report, on the understanding that certain revisions would be made. The Council also requested that the report be updated to cover the period up to December 1974.

192. Subsequently, at its 224th meeting, on 10 September 1975, the Council decided, on the recommendation of its Standing Committee II, that the report would be published by the United Nations Institute for Namibia subject to its own procedures and financial regulations. The Council also requested the Institute to undertake on a continuing basis studies on the unlawful legal practices of South Africa in Namibia.

193. During 1976, the Council, through its Standing Committee II, reviewed the revised version of the report which had been modified in accordance with the Council's requirements and updated to mid-1975.

194. On 16 September 1976, at the 33rd meeting of Standing Committee II, the revised and updated text, comprising some 500 pages, 33/ was approved by the Standing Committee and the President of the Council, in accordance with the decision referred to in paragraph 192 above transmitted the text to the Institute for publication.

33/ Elizabeth S. Landis. Laws and Practices established in Namibia by the Government of South Africa which are contrary to the Purposes and Principles of the Charter of the United Nations and to the Universal Declaration of Human Rights.
Issued by the Office of the United Nations Commissioner for Namibia,
31 December 1975 (mimeographed).

I. DISSEMINATION OF INFORMATION

195. During the period covered by the present report, the Council continued its efforts, on the one hand to disseminate information to Governments, and, on the other, to provide information directly to the public, so that public opinion, when mobilized, could urge Governments - particularly those which had been reluctant to do so - to support the cause of Namibia.

196. To increase the dissemination of information on Namibia, the Council acted largely through its Standing Committee III which in turn, worked closely with the Office of Public Information of the Secretariat on a number of specific projects.

1. Television advertising

197. In its resolution 3399 (XXX) approving the report of the Council, the General Assembly allocated \$US 30,000 for expenditure on press, radio and television advertising under the supervision of the Council.

198. At its 18th meeting, on 12 March 1976, Standing Committee III considered the question of the dissemination of information. A representative of the Office of Public Information, who had been invited to attend the meeting, participated in the discussion on the production of a television advertisement which the General Assembly, in its resolution 3399 (XXX), had requested Member States to place with their news media in order to promote the cause of Namibian independence. The television advertisement was later produced in four languages and sent to all United Nations information centres. The Council believes that the television advertisement programme will be an effective means of disseminating information on Namibia.

2. Action through United Nations information centres

199. The Office of Public Information operates to a large extent through its network of 56 United Nations information centres situated throughout the world. Dissemination of information on Namibia, as in past years, takes place on a continuing basis. Following is a summary of the regular activities of the information centres.

200. During the period covered by the present report, some 30 special or circular memoranda were sent to the information centres, drawing their attention to pertinent developments and documents in the area of decolonization, with emphasis on Namibia. The subject was also featured in some 20 circular cables to the information centres.

201. Additional impetus was given to the activities of the information centres concerning Namibia during the visits of missions of the Council in various parts of the world. While tendering logistical and other assistance to these visits, the information centres concerned also responded to the public interest in Namibia which the visits generated.

202. The information efforts undertaken by the centres ranged over the entire spectrum of available media and covered publications, press releases, audio-visual material, special observances, lectures, seminars and panel discussions. Progress

reports received at Headquarters indicated that gratifying results had been achieved in a number of States, in deepening public awareness of the situation in Namibia and in increasing public knowledge of United Nations efforts in this area.

203. In addition, it should be noted that during the same period the Office of Public Information had set in motion a major publicity campaign on United Nations efforts in the field of decolonization as a whole, including efforts related to Namibia. The campaign took as its starting point the fifteenth anniversary of the adoption by the General Assembly of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

3. Publications

204. Two of the regular publications of the Office of Public Information - the quarterly magazine Objective: Justice and the bi-monthly news bulletin United Nations and Southern Africa (both issued in English and French) - repeatedly highlighted the situation in Namibia and United Nations activities in support of the struggle for the Territory's self-determination and independence. For example, Objective: Justice featured articles on the Dakar International Conference on Namibia and Human Rights, on the so-called constitutional conference, held in Windhoek, and on foreign investment in Namibia, as well as statements by the President of the United Nations Council for Namibia, the President of SWAPO and others.

205. The work of the Council and of other United Nations organs concerned with the situation in the Territory was also covered regularly in the monthly UN Chronicle, published in English, French and Spanish.

4. Press

206. From September 1975 through July 1976, 35 press releases pertaining to Namibia were issued at Headquarters. They carried news on the activities of the Council, including its sessions away from Headquarters, as well as on contributions to the United Nations Fund for Namibia. Other press releases summarized debates on Namibia in the Security Council and the General Assembly. The daily press briefings conducted by the Office of Public Information provided a further vehicle for drawing the attention of media representatives to items related to Namibia.

5. Radio news programmes

207. Namibia has been a major topic in United Nations radio scripts and programmes in a number of languages over the past 12 months.

208. The radio news roundup Weekly Summary, which is sent to radio stations and also is used as basis for news programmes produced by the Office of Public Information regularly and prominently reported developments related to Namibia. These developments included the Dakar International Conference on Namibia and Human Rights; the proceedings in the General Assembly, the Security Council, the Commission on Human Rights and the United Nations Council for Namibia; the International Day for the Elimination of Racial Discrimination; the Week of Solidarity with the Colonial

Peoples of Southern Africa; Namibia Day; and statements by the officers of the United Nations bodies concerned and by the Secretary-General. Among the news programmes utilizing this material was The Week at the United Nations, a news programme with hundreds of outlets in North America and good distribution in other regions.

209. Furthermore, several editions of the analytical weekly radio programme Perspective were devoted to these developments. The same programme also featured specially recorded round-table discussions on Namibia by officers and members of United Nations bodies.

210. In addition to adaptation of the above programmes into other languages, original radio programmes on Namibia were also produced in French (Perspectives 1976) and Spanish (Zona Internacional and Puntos Cardinales).

6. Television news programmes

211. A one-minute television spot on Namibia was produced by the Office of Public Information and distributed in English, French and German versions.

212. In the area of television news, videotaped or filmed highlights of Namibia Day observances and the Security Council meetings on Namibia were provided to national television organizations and international television news distributors.

7. Films

213. The film Namibia: A Trust Betrayed, produced by the Office of Public Information, was distributed in English, French and Spanish versions; an Arabic version was also completed.

8. Photos and exhibits

214. The Office of Public Information undertook regular photographic coverage of United Nations activities related to Namibia and provided the resulting material to international wire services and other organizations.

215. A four-panel exhibit on Namibia was installed in the lobby of the General Assembly building. Five duplicate sets were sent to Dakar for the Dakar International Conference on Namibia and Human Rights, and to Lusaka for the opening of the United Nations Institute for Namibia.

9. Non-governmental organizations

216. In December 1975, approximately 120 representatives of non-governmental organizations received an in-depth briefing from a senior officer in the Office of the United Nations Commissioner for Namibia.

217. The film Namibia: A Trust Betrayed was repeatedly screened for audiences of non-governmental organizations. The one-minute television spot on Namibia produced

by the Office of Public Information was also brought to the attention of non-governmental organizations for use in their communities.

218. Documents and other materials relating to Namibia were widely distributed to non-governmental organizations and also prominently displayed for them at Headquarters. During the week of International Day for the Elimination of Racial Discrimination, contributions were received from non-governmental organizations for the United Nations Fund for Namibia.

10. Guided tours

219. The over 600,000 visitors who took guided tours at Headquarters during the last 12 months were briefed on Namibia in the context of United Nations efforts at decolonization, and their attention was drawn to the Namibia exhibit in the lobby of the General Assembly building.

11. Group programmes

220. During the past year, three special briefings on Namibia were arranged at Headquarters for visiting groups. In addition, the film Namibia: A Trust Betrayed was regularly shown to visitors.

12. Public inquiries

221. Over the recent 12-month period, a total of 224 requests were received from the public for information on United Nations activities concerning Namibia. In filling these requests, the Office of Public Information provides United Nations publications on Namibia as well as press releases on the activities of the Council. The annual appeal for contributions by the public to the United Nations Fund for Namibia was also widely distributed.

13. Public speakers

222. The mimeographed publication Suggestions for Speakers, prepared each year by the Office of Public Information for use in conjunction with United Nations Day, continued to provide background material on United Nations actions with respect to Namibia.

14. Dissemination of information during missions of the Council

223. During the mission of the Council to Latin America, members of the mission made a special effort to give publicity to the question of Namibia in the areas visited.

224. In Peru, members of the mission made four local television appearances and in addition, the Spanish version of the film, Namibia: A Trust Betrayed, was screened on local television. The mission held press conferences and also distributed

several United Nations documents on Namibia such as the special issue of Decolonization on Namibia. 34/ Local newspapers carried full feature articles on Namibia.

225. In Brazil, the mission held two press conferences, in Rio de Janeiro and Brasilia. In addition, local newspapers gave extensive coverage to the situation in Namibia. Brazilian authorities indicated their interest by showing the film Namibia: A Trust Betrayed on local television.

226. In Venezuela, the mission held a press conference and appeared on a local television interview in the programme - La Entrevista del Dia (The Interview of the Day). The 60-second spot on Namibia was screened five times on Channel 8 in Caracas. The Chairman of the mission gave a radio interview followed by the presentation of the film Namibia: A Trust Betrayed on local television.

227. During the mission of the Council to Africa, it received extensive press, radio and television coverage in Angola, Botswana and Zambia.

15. Radio transmitter

228. In order to give effect to the Council's proposal to set up a radio transmitter, it was hoped that the appropriate studies, called for by General Assembly resolution 3295 (XXIX), would be prepared in time for the thirty-first session.

229. At its 24th meeting, on 1 July 1976, Standing Committee III took up the recommendations of the Council in its annual report to the thirtieth session of the General Assembly 35/ to the effect that a United Nations radio transmitter should be set up in an African country adjacent to Namibia, in order to transmit 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. The recommendation was approved by the General Assembly in its resolution 3399 (XXX) which requested the Secretary-General to report on the implementation of the recommendation at the thirty-first session.

230. Standing Committee III recommended that, in addition to a feasibility study to determine the cost, suitability of the site and the technical, financial and legal as well as political implications of the project, consultations with Governments of States adjacent to Namibia should be conducted in order to determine which State would be willing to accept the radio transmitter. The Standing Committee recommended consultations with the Governments of Angola, Botswana, Mozambique, and Zambia because of their proximity to Namibia. The matter was discussed during the Council's mission to Zambia, Botswana and Angola in August and September 1976.

34/ Vol. 1, No. 3 (December 1974).

35/ Official Records of the General Assembly, Thirtieth Session, Supplement No. 24 (A/10024), vol. I, para. 356 (15).

16. Commemoration of Namibia Day - 26 August 1976

231. In August 1973, the Council declared that 26 August was to be observed annually as Namibia Day for as long as necessary, as a reminder of the critical time in August 1966 when the people of Namibia, under the leadership of SWAPO, were forced to begin their armed resistance against the illegal occupation of their country by South Africa. In December 1973, the General Assembly affirmed the Council's decision in its resolution 3111 (XXVIII).

232. Moreover, General Assembly resolution 3295 (XXIX) requested all States Members of the United Nations to commemorate and publicize Namibia Day on 26 August, and to issue special postage stamps for the occasion.

233. On 26 August 1976, as in the past, the Council held a special commemorative meeting at United Nations Headquarters, to mark the fourth observance of Namibia Day (A/AC.131/SR.236). Representatives of all Member States were invited to attend the meeting, along with representatives of the specialized agencies, the organizations within the United Nations system, non-governmental organizations, Namibians and other individuals. Namibia Day was celebrated in Lusaka by the official inauguration of the United Nations Institute of Namibia.

234. Statements at the commemorative meeting at Headquarters were made by the Acting President of the Council, the representative of the Secretary-General, the President of the Security Council, the Vice-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, the Vice-Chairman of the Special Committee against Apartheid, the Vice-Chairman of the Commission on Human Rights, and representatives of OAU, SWAPO and by the Chairman of the African Group of countries at the United Nations.

235. Messages of solidarity with the people of Namibia were received and read during the meeting. Among those received were messages from the Prime Minister of India, the President of Mexico, the Prime Minister of Pakistan, the President of Senegal, the Prime Minister of Sri Lanka and the Vice-President of the Federal Executive Council and Federal Secretary for Foreign Affairs of Yugoslavia.

236. Other messages were received from the President of Guinea, the Deputy Prime Minister and Minister for Foreign Affairs of Egypt, the Secretary of Foreign Affairs of the Philippines, and the Foreign Ministers of Finland, New Zealand, Jamaica, Sudan and the Netherlands.

237. Messages were also received from the Governments of Brazil, Venezuela, Indonesia and Comoros.

238. The following organizations also sent messages of solidarity: Soviet Afro-Asian Solidarity Committee; the Solidarity Committee of the German Democratic Republic; and German Democratic Republic Committee for Action to Combat Racism and Racial Discrimination.

239. At the end of the meeting, two films on Namibia were shown.

17. Commemorative stamps on Namibia

240. At its 25th meeting, on 21 July 1976, Standing Committee III invited the representatives of the United Nations Postal Administration to speak on the issuance of the commemorative stamp on Namibia. They informed the Standing Committee that they had not planned to issue new series of Namibia stamps for the years 1976 and 1977 because of technical reasons; also it had been the policy of the Postal Administration to keep commemorative stamps on sale for one year. However, at the request of Standing Committee III, the representatives of the Postal Administration agreed that the stamp on Namibia which would have gone off sale on 22 September 1976, should remain on sale until such time as the new stamp was issued. It was anticipated that the new stamp would appear in 1978.

241. Accordingly the Postal Administration issued the following press release on 27 July:

"Contrary to a previous announcement by the United Nations Postal Administration that the last day of sale of the 'Namibia: United Nations Direct Responsibility' stamp would be 22 September 1976, this commemorative issue will now remain on sale for an indefinite period. The exception is being made in response to a request from the United Nations Council for Namibia which is entrusted by the General Assembly with the task of administering the Territory until independence."

18. Namibia Bulletin

242. In 1976, the Namibia Bulletin published a list of companies doing business illegally in Namibia, as well as the names of countries which maintained consular representation in Namibia in violation of United Nations resolutions. The Council attaches extreme importance to the Namibia Bulletin as a vehicle of publicity for the Council.

243. Standing Committee III also prepared new guidelines for the Namibia Bulletin which were adopted by the Council.

II. ACTIVITIES OF THE UNITED NATIONS
COMMISSIONER FOR NAMIBIA

244. In accordance with the terms of General Assembly resolution 2248 (S-V), which decided that the Council should entrust such executive and administrative tasks as it deemed necessary to a Commissioner for Namibia, certain programmes have been implemented by the Commissioner.

245. The Commissioner submitted to the President of the Council a report on his activities for the period 2 September 1975 to 1 October 1976. Following is a short summary, based on the Commissioner's report, of the specific programmes in which the Commissioner was involved.

A. Implementation of Decree No. 1 for the Protection of the Natural Resources of Namibia

246. In his report, the Commissioner stated that he had been active in the two fields in which work had to be done in order to successfully implement the Decree: (a) tracing the exportation of natural resources from Namibia to their final destination; and (b) preparation of the legal and judicial climate necessary for the enforcement of the Decree through the orders of domestic courts in countries to which Namibian products were likely to be traced.

247. With regard to (a), the Commissioner found specialists and employed them to trace the exact origin of natural resources shipped from Namibia, to determine the port of export and the route and destination of such shipments, and to identify the shipping companies, brokerage firms and insurance companies involved. Much information has been accumulated on this matter.

248. In view of the anticipated exportation of uranium from Namibia, the specialists employed by the Commissioner were placing special emphasis on developing and analysing data relating to the Rössing uranium mine in Namibia.

249. In so far as (b) is concerned, the Commissioner continued to inform legal, judicial, and trading groups about the Decree in both written and oral presentations; copies of the Decree were disseminated directly as well as through non-governmental organizations and private groups interested in Namibia.

250. The Commissioner held two conferences of lawyers to familiarize them with the Decree and to discuss implementation procedures and problems. The first, held in New York, involved lawyers from a number of Anglo-American Common Law jurisdictions. The second, in Brussels, was attended by Benelux and lawyers from Member States of Benelux and EEC. In addition, the Commissioner consulted with individual lawyers and small groups of jurists during his various travels in Europe and Africa. He also encouraged private consultations among concerned lawyers.

B. United Nations Institute for Namibia

251. The Institute was inaugurated on Namibia Day, 26 August 1976. As its operations did not cover the whole of 1976, the funds required for 1976 were considerably less than the planned annual average. According to the report of the Commissioner, he was active in seeking contributions and the year 1976 was covered

financially. The Institute was being financed by contributions from the United Nations Fund for Namibia as well as from the indicative planning figure for Namibia established by UNDP, the Government of Zambia and from other sources.

252. At the time of preparation of the present report, the staff of the Institute was reported to consist of: 10 senior professional staff; 11 junior professional staff; 5 administrative staff (part of professional staff); and 45 other staff, making a total of 66. The number of students enrolled was stated to be 100, all Namibians.

253. According to the report, there are six United Nations officials on loan to the Institute; otherwise the staff of the Institute has been entirely recruited by the Institute and is wholly African. Wherever possible, preference was given to the employment of Namibians; seven Namibians are employed on the staff of the Institute.

C. Assistance to Namibians

254. In his report, the Commissioner stated that in view of the large number of Namibians requiring assistance, he had felt it necessary to draw up country programmes, as well as preparing specific projects.

1. Country programmes

255. Country programmes were established in Kenya, Uganda, the United Republic of Tanzania, Zaire and Zambia; assistance was given to 97 Namibians. 36/

2. Health clinic in Botswana

256. In Botswana, the Commissioner reported that the United Nations Fund for Namibia made a subvention of \$US 40,000 towards the construction of a health clinic under the auspices of the Office of the United Nations High Commissioner for Refugees (UNHCR), with the condition that the clinic be available for use by Namibians. Later during the year, about 100 Namibian refugees, members of the South West Africa National Union (SWANU), arrived in Botswana and it became necessary for the Fund to make a subvention of \$US 15,000 to UNHCR to assist with their resettlement. This group was classified as refugees by UNHCR and refugee support from UNHCR sources was made available to them. Consequently UNHCR reimbursed the Fund in the amount of \$15,000.

3. Refugee support

257. The Commissioner reported that in the early part of 1975 large groups of Namibians, initially about 3,000, had come by way of Angola and Zaire into Zambia.

258. The Committee on the United Nations Fund for Namibia approved a sum of \$US 200,000 to cover the costs of resettlement of these Namibians. It is clear

36/ It should also be noted that 27 Namibians not covered by other programmes were receiving primary, secondary and university education in Canada, Ghana, Liberia, the Netherlands, Sweden, Switzerland, the United Kingdom and the United States. The scholarships for these students which were financed by the United Nations Fund for Namibia at a cost of \$US 119,494, were administered by the United Nations Educational and Training Programme for Southern Africa.

from the Commissioner's report that a sum of \$US 50,523 was actually spent to assist members of this group with their education in the form of travel to and from schools, or grants in the form of tuition, allowances, etc.

D. Preparation of special studies

259. According to the Commissioner's report, his office authorized the preparation in 1976 and earlier years of a number of specialized reports on the following topics:

(a) A Review and Digest of Laws and Practices Established in Namibia by the Government of South Africa which are contrary to the Purposes and Principles of the Charter of the United Nations;

(b) Foreign investments in Namibia;

(c) Register of political prisoners from Namibia illegally held by the South African régime;

(d) Study of South African military operations and installations in Namibia;

(e) Legal status of Walvis Bay;

(f) Namibia's uranium implications for the South African occupation régime;

(g) Human rights in Namibia.

The report on human rights in Namibia has been published by the Institute of Human Rights in Strasbourg.

E. Travel and identity documents for Namibians

260. At the beginning of 1976, the Commissioner's report continued, the Government of Zambia reviewed with the Commissioner's office procedures for the issuance of travel and identity documents and established new guidelines for the processing of the documents. A total of 659 travel and identity documents have been issued by the Commissioner's office since December 1970 of which 487 were issued from January 1975 to July 1976. All except three of the documents were issued from Zambia. The documents are issued after they have been approved by the Government of Zambia which endorses the right of return clause in the travel documents for a maximum period of validity of two years following issuance of the documents by the Regional Office of the Commissioner for Namibia in Lusaka.

F. Feasibility study on the installation of a United Nations transmitter

261. Proposals have been made by the Council and by the General Assembly concerning the possibility of establishing a United Nations radio transmitter "which would have the function of transmitting radio programmes in various languages spoken in

Namibia, informing the Namibian people of the United Nations policies regarding 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".

262. In pursuance of this recommendation, the Commissioner reported that he had caused to be prepared preliminary estimates for the establishment of such a transmitter and had made certain proposals to the Secretary-General which were under examination.

G. Travel of the Commissioner

263. During the period under review, the Commissioner attended numerous international conferences in different parts of the world. He took the opportunity on these occasions to make contacts with the Governments of the countries he was visiting and to publicize the cause of liberation of Namibia.

264. The countries visited were Angola, Austria, Belgium, Congo, Cuba, Finland, France, Ireland, Kenya, Mozambique, the Netherlands, Nigeria, Senegal, Spain, Switzerland, Union of Soviet Socialist Republics, United Kingdom, United Republic of Tanzania, United States and Zambia.

265. Among the principal activities of the Commissioner in the course of these missions were the following:

Address to the World Federation of the United Nations Association
Assembly, Moscow;

Meeting with trade unions, Blackpool (United Kingdom)

Address to Inter-Parliamentary Union, London

Address to the United Nations Association, Spain

Address to the members of the French Bar, Paris

Address at Sorbonne University, Paris

Address to the NGO Committee on Human Rights, Geneva

Address to the Conference of NGO's at UNESCO, Paris

Address to the Amnesty International Conference, St. Gallen (Switzerland)

Address to the United Nations Association, Dublin

Lecture at Chatham House to Minority Rights Group, London

Address to the meeting of World Peace Forces, Vienna

Lecture to the Belgian Bar Association, Brussels

Lectures at different universities in Belgium

Address to the World Assembly of Youth, Nairobi

Address to the Wingspread Conference on Namibia, Milwaukee,
(United States)

266. In the course of the year, the Commissioner gave a large number of television and radio interviews in different parts of the world concerning Namibia. In addition, he held numerous press conferences and gave individual interviews to newspapers and press agencies.

III. RESOLUTIONS, DECISIONS AND FORMAL
STATEMENTS OF THE COUNCIL, AND
JOINT COMMUNIQUE

267. The following section of the report contains the texts of resolutions, decisions, formal statements of the Council, usually issued concurrently as press releases and documents of the Council for Namibia, and also, in some cases, as documents of the General Assembly and the Security Council. Also to be found in this section are the texts of joint communiqués issued on the occasion of visits by missions of the Council to various countries.

A. Resolutions

268. The Council adopted the following resolutions during the period covered in the present report.

1. ORGANIZATION OF WORK*

Resolution adopted by the Council at its
230th meeting on 8 March 1976

The United Nations Council for Namibia,

Having considered the report of the President on the organization of work of the Council for 1976, 37/

Decides to approve the organization of work of the Council for 1976.

2. ORGANIZATION OF WORK: ANNUAL REVIEW OF POLITICAL, MILITARY, ECONOMIC AND SOCIAL CONDITIONS AFFECTING THE STRUGGLE OF THE NAMIBIAN PEOPLE FOR SELF-DETERMINATION AND INDEPENDENCE**

Resolution adopted by the Council at its 230th meeting on 8 March 1976

The United Nations Council for Namibia,

Recalling General Assembly resolution 2248 (S-V) of 19 May 1967, by which it decided to establish a United Nations Council for Namibia and to entrust it with the responsibility of administering Namibia until independence,

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

Recognizing the need for adequate information and documentation on which the formulation of appropriate policies by the Council should be based,

* Previously issued under the symbol A/AC.131/42.

** Previously issued under the symbol A/AC.131/43.

37/ See annex I to the present report.

1. Decides to carry out an annual review of internal and international conditions affecting the struggle of the Namibian people for self-determination and independence; 38/

2. Requests the Secretary-General to prepare four annual reports, to be submitted to the Council by 30 June 1976, on activities related to:

(a) Internal political developments in Namibia, with particular reference to the liberation struggle and the repressive policies of the South African authorities, including attempts to apply the policies of apartheid and homelands in Namibia, and international political developments and their implications for Namibian self-determination and national independence;

(b) The exploitation of human and material resources in Namibia and its distorting effect on the economic development of the Territory, with particular reference to employment and wage policies and to South African support for the activities of foreign economic interests in Namibia;

(c) South African military activities in Namibia and their implications for international peace and security in southern Africa;

(d) Social conditions in Namibia, with particular reference to the educational system, social welfare and health policies, as affected by the apartheid laws and regulations applied in the Territory, and to the characteristics of South African housing and urban policies in Namibia, leading to the redistribution of the African population in accordance with the homelands policy;

3. Further requests the Secretary-General to provide the Department of Political Affairs, Trusteeship and Decolonization with the necessary assistance and facilities for the discharge of its tasks.

3. ORGANIZATION OF WORK: ACTIVITIES OF THE COMMITTEE ON THE UNITED NATIONS FUND FOR NAMIBIA*

Resolution adopted by the Council at its 230th meeting
on 8 March 1976

The United Nations Council for Namibia,

Recalling General Assembly resolution 2679 (XXV) of 9 December 1970, by which it decided to establish a comprehensive United Nations Fund for Namibia,

* Previously issued under the symbol A/AC.131/45.

38/ Ibid., paras. 23-24.

Recalling further General Assembly resolution 3112 (XXVIII) of 12 December 1973, by which the Council was appointed trustee of the Fund, 39/

Affirming its responsibility for the effective management of the Fund, in order to give maximum assistance to the Namibian people in their struggle for self-determination and national independence,

1. Decides to increase by one member the Council's Committee on the United Nations Fund for Namibia;

2. Further decides that the Rapporteur of the Committee on the Fund will be a member of the Steering Committee of the Council;

3. Requests the Committee on the Fund to submit to the Council by 30 June 1976 a detailed annual report on the activities of the Fund, including allocations for specific items and a general plan of expenditure.

4. ORGANIZATION OF WORK: REPORT OF THE UNITED NATIONS COMMISSIONER FOR NAMIBIA*

Resolution adopted by the Council at its 230th meeting
on 8 March 1976

The United Nations Council for Namibia,

Recalling General Assembly resolution 2248 (S-V) of 19 May 1967, by which it decided that the Council would entrust such executive and administrative tasks as it deemed necessary to a United Nations Commissioner for Namibia who, in the performance of his tasks, would be responsible to the Council,

Having examined the report submitted to the Council by the Commissioner,

1. Takes note with appreciation of the report of the United Nations Commissioner for Namibia;

2. Commends the Commissioner for his activities in carrying out the policies of the Council for the benefit of the people of Namibia;

3. Requests the Commissioner to include in his annual report to the Council to be submitted by 15 July 1976, information on the following:

(a) Activities of the regional office of the Commissioner in Lusaka, in particular the issuance of documents of the United Nations and activities related to the approved scheme for travel and identity documents, 40/ including negotiations with Governments concerning agreements on the "right-of-return" clause and their general acceptance, the issuance and renewal of such documents and negotiations with Governments concerning individual cases;

* Previously issued under the symbol A/AC.131/46.

39/ Ibid., paras. 99-104.

40/ Ibid., para. 80.

(b) Implementation of projects, as well as activities of the specialized agencies, related to assistance to Namibians;

(c) Utilization of the funds made available through the indicative planning figure for Namibia, approved by the Governing Council of the United Nations Development Programme; 41/

(d) Finances and activities of the United Nations Institute for Namibia in Lusaka; 42/

4. Further requests the Commissioner to submit to the Council by 1 May 1976 a detailed report on the implementation of Decree No. 1 for the Protection of the Natural Resources of Namibia. 43/

5. DAKAR INTERNATIONAL CONFERENCE ON NAMIBIA AND HUMAN RIGHTS*

Resolution adopted by the Council at its 230th meeting on 8 March 1976

The United Nations Council for Namibia,

Recalling General Assembly resolution 2248 (S-V) of 19 May 1967, by which it decided to establish a United Nations Council for Namibia and to entrust it with the responsibility of administering Namibia until independence,

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,

Expressing its satisfaction at the success of the Dakar International Conference on Namibia and Human Rights, held at Dakar from 5 to 8 January 1976, under the auspices of the Government of Senegal,

Taking into consideration the Declaration of Dakar and the Programme of Action adopted by the Conference, 44/

Welcoming the increasing and active awareness of international public opinion in support of self-determination and independence for the Namibian people,

1. Takes note with appreciation of the Declaration of Dakar and the Programme of Action adopted by the Dakar International Conference on Namibia and Human Rights;

* Previously issued under the symbol A/AC.131/41.

41/ Ibid., para. 48.

42/ Ibid., para. 87.

43/ Ibid., paras. 64-66.

44/ A/31/45-S/11939, annex.

2. Expresses its thanks to the Government of Senegal for having convened the International Conference.

6. ESTABLISHMENT OF AN INDICATIVE PLANNING FIGURE FOR NAMIBIA
BY THE UNITED NATIONS DEVELOPMENT PROGRAMME*

Resolution adopted by the Council at its 230th meeting
on 8 March 1976

The United Nations Council for Namibia,

Recalling General Assembly resolution 2248 (S-V) of 19 May 1967, by which it decided to establish a United Nations Council for Namibia and to entrust it with the responsibility of administering Namibia until independence,

Recalling further General Assembly resolutions 3295 (XXIX) of 13 December 1974 and 3400 (XXX) of 26 November 1975 which referred, inter alia, to the establishment of an indicative planning figure for Namibia by the United Nations Development Programme,

Notes with appreciation the decision of the Governing Council of the United Nations Development Programme to establish an indicative planning figure for Namibia. 45/

7. BUDGET OF THE UNITED NATIONS INSTITUTE FOR NAMIBIA**

Resolution adopted by the Council at its 234th meeting
on 17 June 1976

The United Nations Council for Namibia,

Bearing in mind General Assembly resolution 2679 (XXV) of 9 December 1970, by which the Assembly decided to establish a comprehensive United Nations Fund for Namibia,

Recalling General Assembly resolution 3112 (XXVIII) of 12 December 1973, by which the Council was appointed trustee of the Fund,

* Previously issued under the symbol A/AC.131/44.

** Previously issued under the symbol A/AC.131/48.

45/ See annex I to the present report.

Recalling further General Assembly resolution 3296 (XXIX) of 13 December 1974, by which the Assembly endorsed the decision of the Council to establish an institute for Namibia at Lusaka,

Having considered the report of the Rapporteur of the Committee on the United Nations Fund for Namibia relating to the 1976-1980 budget estimates of the United Nations Institute for Namibia, 46/

Expressing its satisfaction at the forthcoming inauguration of the Institute on 26 August 1976,

1. Approves the report of the Rapporteur of the Committee on the United Nations Fund for Namibia relating to the 1976-1980 budget estimates of the United Nations Institute for Namibia;

2. Further approves, subject to the availability of funds, the estimates of budgetary expenditures of the Institute for the year 1976 and, in principle, approves the estimates of budgetary expenditures for the period 1977-1980, subject to the submission of reports on the estimates of forthcoming financial contributions.

B. Decisions

269. The Council adopted the following decisions during the period covered by the present report.

1. ELECTIONS

(a) Chairmen of Standing Committees

The United Nations Council for Namibia

Decides to elect the following representatives as chairmen of the standing committees of the Council:

Chairman of Standing Committee I: Mr. Cherif B. Djigo (Senegal)

Chairman of Standing Committee II: Mr. Hasan Mahmud (Pakistan)

Chairman of Standing Committee III: Mr. Vladimir V. Pavicevic (Yugoslavia)

Chairman of the Committee on the Fund for Namibia: Mr. Dunstan W. Kamana (Zambia), President of the Council

228th meeting
21 January 1976

(b) Vice-Presidents

The United Nations Council for Namibia

Decides to establish three posts of Vice-President whose terms of office will be concurrent with that of the President.

229th meeting
3 March 1976

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The United Nations Council for Namibia

In implementation of decision No. 229/1,

Elects as Vice-Presidents Mr. Rikhi Jaipal (India); Mr. Aarno Karhilo (Finland); and Mr. Roberto de Rozensweig-Diaz (Mexico).

231st meeting
18 March 1976

2. CONSIDERATION BY THE SECURITY COUNCIL OF THE SITUATION
IN NAMIBIA, PURSUANT TO GENERAL ASSEMBLY RESOLUTION
3399 (XXX) OF 26 NOVEMBER 1975

The United Nations Council for Namibia

Decides to be represented at the forthcoming Security Council debate on Namibia by a delegation headed by the President of the United Nations Council for Namibia, representatives of Finland, Indonesia, Poland and Mexico;

The delegation will also act as a contact group to negotiate with Security Council members and representatives of other interested States.

228th meeting
21 January 1976

3. REPORT BY THE UNITED NATIONS COMMISSIONER FOR NAMIBIA

The United Nations Council for Namibia

Requests the United Nations Commissioner for Namibia to submit to the Council, at the earliest possible date, the texts of four public statements which he made recently in Dublin, Dar es Salaam, Lusaka and Nairobi.

229th meeting
3 March 1976

4. REPRESENTATION OF NAMIBIA AT INTERNATIONAL
ORGANIZATIONS AND CONFERENCES

(a) Third United Nations Conference on the Law of the Sea

The United Nations Council for Namibia

Decides to accept the invitation of the Special Representative of the Secretary-General to the fourth session of the Third United Nations Conference on the Law of the Sea to attend the Conference, to be held from 15 March to 17 May 1976 at New York;

Further decides to designate a delegation comprising two members of the Council and a representative of the South West Africa People's Organization (SWAPO).

229th meeting
3 March 1976

(b) United Nations Conference on Trade and Development (UNCTAD)

The United Nations Council for Namibia

Decides to accept the invitation of the Secretary-General of UNCTAD to attend the fourth session of the Conference, to be held from 5 to 28 May 1976, at Nairobi;

Further decides to designate a delegation comprising two members of the Council and a representative of SWAPO.

229th meeting
3 March 1976

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The United Nations Council for Namibia

Decides to take note with appreciation of the report of the delegation of the Council to the fourth session of UNCTAD to be held in Nairobi from 5 to 28 May 1976;

Further decides to take note of the statement made by the United Nations Commissioner for Namibia in connexion with the above-mentioned report.

235th meeting
7 July 1976

(c) International Day for the Elimination of Racial Discrimination

Report of Standing Committee I

The United Nations Council for Namibia

Decides to be represented by its President at the observance of the International Day for the Elimination of Racial Discrimination on 19 March 1976. The President would make a statement.

230th meeting
8 March 1976

(d) World Health Assembly

Report of Standing Committee I

The United Nations Council for Namibia

Decides that a representative of SWAPO, preferably Dr. Libertina Amathila, should participate in the twenty-ninth World Health Assembly, to be held in May 1976 in Geneva, and should submit a report.

230th meeting
8 March 1976

(e) International Seminar on the Eradication of Apartheid and in Support of the Struggle for Liberation in South Africa

Report of Standing Committee I

The United Nations Council for Namibia

Decides to be represented by its President at the International Seminar on the Eradication of Apartheid and in Support of the Struggle for Liberation in South Africa, to be held from 24 to 28 May in Havana.

230th meeting
8 March 1976

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Report of the President

The United Nations Council for Namibia

Decides to take note with appreciation of the report of the President on the International Seminar.

234th meeting
17 June 1976

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

The Council for Namibia

Having heard the recommendation of Standing Committee I,

Decides to participate in the meeting of the UNESCO Committee charged with preparing a draft protocol to the Agreement on the Importation of Objects of an Educational, Scientific and Cultural Nature, to be held from 22 to 31 March, at Paris. The Council will be represented at the meeting by a representative of the South West Africa People's Organization (SWAPO) based in Europe, who will submit a report to the Council on his participation in the meeting.

231st meeting
18 March 1976

(g) Sixty-first International Labour Conference and the Tripartite World Conference on Employment, Income Distribution, Social Progress and the International Division of Labour

The United Nations Council for Namibia

Decides to accept the invitation to the sixty-first session of the International Labour Conference and the World Employment Conference, which will be held at Geneva from 2 to 22 June 1976.

232nd meeting
3 May 1976

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The United Nations Council for Namibia

Decides to take note with appreciation of the report of the delegation of the Council to the sixty-first International Labour Conference and the World Employment Conference, held at Geneva from 2 to 22 June 1976.

238th meeting
4 October 1976

(h) Report of Standing Committee I on invitations

The United Nations Council for Namibia

Decides to approve the report of Standing Committee I dealing with:

(a) Acceptance of the invitation from Habitat: United Nations Conference on Human Settlements, held at Vancouver from 31 May to 11 June 1976, and appointment of the representative of Finland to attend on behalf of the Council;

(b) Acceptance of the invitation from the United Nations Development Programme (UNDP) to participate in the twenty-second session of the Governing Council, to be held at Geneva from 15 June to 12 July, and appointment of the representative of Indonesia as the Council's representative. The representative of Indonesia would be accompanied by the United Nations Commissioner for Namibia;

(c) Acceptance of the invitation from the Non-Governmental Organization's Committee on Human Rights in Geneva, to attend a symposium on political prisoners in southern Africa on 5 and 6 July 1976. 47/

234th meeting
17 June 1976

- (i) Report of the delegation to Habitat: United Nations Conference on Human Settlements 48/

The United Nations Council for Namibia

Decides to take note with appreciation of the report of the delegation of the Council for Namibia to Habitat, held at Vancouver, from 31 May to 11 June 1976.

235th meeting
7 July 1976

- (j) Status of the Council in international organizations and conferences

Decides to suggest that the Secretariat prepare a draft paper on the status of the Council in international organizations and conferences.

235th meeting
7 July 1976

- (k) Twenty-second session of the Governing Council of the United Nations Development Programme (UNDP) 49/

The United Nations Council for Namibia

Decides to take note with appreciation of the report of the delegation of the Council to the twenty-second session of the Governing Council of UNDP, held at Geneva from 15 June to 2 July 1976.

238th meeting
4 October 1976

47/ After consultations, it was subsequently decided that the representative of SWAPO should participate in the symposium on behalf of the Council.

48/ See also sect. (h) above.

49/ See also sect. (h) above.

(1) Dakar International Conference on Namibia and Human Rights

The United Nations Council for Namibia

Decides to take note with appreciation of the report of the delegation of the Council to the Dakar International Conference on Namibia and Human Rights, held at Dakar, from 5 to 8 January 1976.

238th meeting
4 October 1976

5. STUDIES

(a) Recommendation of Standing Committee II

The United Nations Council for Namibia

Having heard the recommendation of Standing Committee II,

Decides that all studies requested by it shall, upon completion, be submitted to the Council which will forward them to the relevant standing committee for examination. The standing committees will make recommendations, in particular, with regard to what conclusions should be drawn from the studies, and whether and in what form they should be published.

231st meeting
18 March 1976

(b) United Nations Commissioner for Namibia

The United Nations Council for Namibia

Decides to request the Commissioner for Namibia to submit to the Council a report on all studies requested from his office, including:

- (a) Reports on the activities of all experts engaged to carry out studies;
- (b) The cost of each study;
- (c) The current status of each study.

231st meeting
18 March 1976

6. ORGANIZATION OF WORK: ACTIVITIES OF THE COMMITTEE ON
THE UNITED NATIONS FUND FOR NAMIBIA

The United Nations Council for Namibia

In implementation of its resolution A/AC.131/45, 50/

Elects the representative of Romania as an additional member of the Committee on the United Nations Fund for Namibia.

231st meeting
18 March 1976

7. VISITING MISSIONS

The United Nations Council for Namibia

Decides to carry out consultations regarding the implementation of its programme of visiting missions for 1976.

232nd meeting
3 May 1976

8. NAMIBIA BULLETIN

The United Nations Council for Namibia

Approves the guidelines for the Namibia Bulletin as recommended by Standing Committee III.

232nd meeting
3 May 1976

9. TERMINATION BY MEMBER STATES OF CONSULAR REPRESENTATION WITH
NAMIBIA THROUGH THE GOVERNMENT OF SOUTH AFRICA OR THE SOUTH
AFRICAN ILLEGAL ADMINISTRATION IN THE TERRITORY

The United Nations Council for Namibia

Decides:

(a) In order to consider the extent of compliance with United Nations resolutions on the matter, to request the President of the Council to renew contacts with the Governments of those Member States namely, Belgium, France, the Federal Republic of Germany, the Netherlands and the United Kingdom of Great Britain and Northern Ireland which, as reported in the last report of the Council

50/ See para. 268 above.

to the General Assembly 51/ continue to maintain diplomatic or consular representation in Namibia or whose representatives in South Africa either extend their diplomatic activities to Namibia or hold an exequatur extending their consular jurisdiction to Namibia;

(b) To request Standing Committee II to keep the question under review and to submit to the Council further conclusions and recommendations, in connexion with the implementation of the relevant United Nations resolutions requiring termination of consular representation in Namibia:

(c) To publish in the Namibia Bulletin the names of those States which are reported to maintain consular representation in or with Namibia.

232nd meeting
3 May 1976

10. QUESTION OF POLITICAL PRISONERS FROM NAMIBIA ILLEGALLY HELD BY THE SOUTH AFRICAN OCCUPATION REGIME

The United Nations Council for Namibia

Decides:

(a) To request the Secretariat to prepare a brief report on the question of political prisoners in Namibia, to be considered at a forthcoming meeting of the Council;

(b) To issue a declaration on political prisoners on the occasion of Namibia Day, 26 August 1976;

(c) To request the Security Council to circulate the declaration on political prisoners as a document of the Security Council during its forthcoming debate on Namibia.

232nd meeting
3 May 1976

11. REPORT OF DEATH SENTENCE FOR TWO MEMBERS OF THE SOUTH WEST AFRICA PEOPLE'S ORGANIZATION (SWAPO)

The United Nations Council for Namibia

Decides to issue a statement on the announced death sentence passed by the illegal administration of South Africa in Namibia on two members of SWAPO. 52/

233rd meeting
13 May 1976

51/ Official Records of the General Assembly, Thirtieth Session, Supplement No. 24 (A/10024), vol. I, para. 252.

52/ See A/31/92-S/12079, annex.

(a) Budget estimates for 1976-1980

The United Nations Council for Namibia

Decides to request the President to write to the Chairman of the Senate of the Institute to convey to him the points raised at the 234th meeting of the Council concerning the Institute. 53/

234th meeting
17 June 1976

(b) Third session of the Senate, 6-7 April 1976

The United Nations Council for Namibia

Decides to take note with appreciation of the report of the President.

234th meeting
17 June 1976

13. SITUATION IN SOUTH AFRICA

The United Nations Council for Namibia

Decides to issue a statement on the death resulting from the repressive measures of the South African authorities against student protesters in the township of Soweto.

234th meeting
17 June 1976

C. Formal statements

270. The Council issued the following formal statements during the period covered by the present report.

1. STATEMENT ISSUED BY THE COUNCIL ON 16 OCTOBER 1975
CONCERNING THE VISIT OF REPRESENTATIVES FROM THE
SO-CALLED CONSTITUTIONAL CONFERENCE ORGANIZED BY
SOUTH AFRICA IN NAMIBIA

At a meeting which the Council held this morning, the Council discussed the visit to the United States, the United Kingdom and the Federal Republic of Germany, of a group composed of alleged representatives of the ethnic groups attending a

53/ In its resolution of 17 June 1976 (A/AC.131/48) the Council gave conditional approval to the budget estimates (see para. 268 above).

so-called constitutional conference organized by the illegal occupation régime of South Africa in Namibia. The Council heard in particular a statement by the representative of the South West Africa People's Organization (SWAPO), which is recognized by the United Nations and the Organization of African Unity (OAU) as the authentic representative of the Namibian people, denying the claim of this group to represent the Namibian people.

The members of the visiting group were not elected by the people of Namibia but were hand-picked by the South African authorities. Their visit to the United States, the United Kingdom and the Federal Republic of Germany was planned, organized and financed by the South African régime. South African agents follow and shepherd them everywhere they go.

The Council for Namibia would like to recall its statements of 23 October 1974 and 29 August 1975, in which the Council categorically rejected the so-called conference organized by South Africa in Namibia and "urged the international community to frustrate the South African manoeuvre in Namibia and to exercise pressure on the South African racist régime in order to compel it to withdraw from the Territory, which is under the authority of the United Nations".

The Council for Namibia would also like to remind the international community of the resolution passed by the Organization of African Unity summit conference held in Kampala, Uganda, this year, which "condemned the so-called constitutional conference contrived on ethnic participation and illegally organized by the illegal administration of South Africa".

The Council urges all States Members of the United Nations to refrain from any dealings with this group. In the view of the Council each dealing can only encourage South Africa in its illegal occupation of Namibia. In this regard, the Council would like to recall that the International Court of Justice, in its advisory opinion of 21 June 1971, stated among other things 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 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 ...". This decision was subsequently endorsed by the General Assembly and the Security Council.

The United Nations Council for Namibia once again calls on Member States to oppose any manoeuvre aimed at the fragmentation of Namibia and the division of its people. It calls on all States to safeguard the territorial integrity of Namibia and to respect its national unity. Finally it appeals to the international community to intensify its efforts to compel South Africa to withdraw from Namibia.

2. STATEMENT ISSUED BY THE COUNCIL ON 24 OCTOBER 1975 RELATING TO POLITICAL DEVELOPMENTS IN NAMIBIA*

The United Nations Council for Namibia has learnt with dismay and indignation that South African army units, under the pretext of "hot pursuit", crossed into Angola and attacked what they alleged to be the bases of the South West Africa People's Organization (SWAPO) in Angola. This arrogant violation of the territorial

* Previously issued under the symbol A/AC.131/39.

space of Angola by South Africa is a malicious act of aggression. At the same time, the South African authorities had ordered a huge withdrawal of Namibian civilians and the removal of entire villages, kraals and businesses along the border with Angola.

The Council and the international community have repeatedly condemned South Africa's illegal presence in Namibia and demanded that it withdraw from the international Territory forthwith.

South Africa's continued presence in Namibia poses a threat to peace and security in southern Africa. Its avowed intent to continue the policy of "hot pursuit" threatens the future existence of Angola as an independent State.

The Council once more calls on the international community to denounce South Africa's illegal presence in Namibia and to condemn its acts of aggression in Angola.

The Council supports the legitimate struggle of the Namibian people, under the leadership of SWAPO, for national independence and a free Namibia as a unitary State.

The Council once more calls on the international community to condemn South Africa's illegal actions of repression and intimidation and to support the legitimate struggle of the Namibian people until their independence is achieved.

3. STATEMENT APPROVED BY THE COUNCIL AT ITS 233rd PLENARY MEETING ON 13 MAY 1976, CONCERNING THE ANNOUNCED DEATH SENTENCE PASSED BY THE ILLEGAL ADMINISTRATION OF SOUTH AFRICA IN NAMIBIA ON PATRIOTS IN NAMIBIA*

The United Nations Council for Namibia has learnt with great concern and indignation of the report according to which two members of the South West Africa People's Organization (SWAPO), Aaron Mushimba and Hendrik Shikongo, have been sentenced to death by the illegal South African administration in Namibia, and two women, Rauna Nambinga and Anna Nghihoundjwa, have been sentenced to seven and five years' imprisonment, respectively.

The United Nations Council for Namibia strongly condemns this action of the South African Government which is clearly intended to establish, among other things, an atmosphere of intimidation and terror to impose upon the Namibian people a bogus constitutional conference aimed at destroying the territorial integrity and unity of Namibia, under a ruthless policy of racial segregation. These acts by the illegal administration of South Africa in Namibia are in flagrant contradiction with the spirit of Security Council resolution 385 (1976) of 30 January 1976. If allowed to be carried out, the illegal death sentence would create a dangerous precedent in Namibia.

The United Nations Council for Namibia demands the immediate and unconditional release of Aaron Mushimba, Hendrik Shikongo, Rauna Nambinga, Anna Nghihoundjwa and all other Namibian patriots.

* Previously issued under the symbol A/31/92.

Namibia is an international Territory under the administration of the United Nations, according to General Assembly resolution 2248 (S-V) of 19 May 1967. The United Nations Council for Namibia denounces the illegal presence of the South African régime in Namibia and condemns the arrests and intimidation that are being perpetrated against the Namibian people. South Africa has no right whatsoever to attempt to exercise jurisdiction over Namibia. The Council reaffirms that any act aimed at suppressing the Namibian people is an affront to the international community.

The United Nations Council for Namibia reiterates its full support of the legitimate struggle of the Namibian people under the leadership of its liberation movement SWAPO, to achieve self-determination and national independence for Namibia. The legitimacy of this struggle has been recognized by several resolutions of the General Assembly.

The United Nations Council for Namibia draws the attention of the General Assembly, the Security Council and the Secretary-General to the threat to international peace and security created by the illegal occupation of Namibia by the racist régime of South Africa, in defiance of the resolutions and decisions of the General Assembly and the Security Council.

The United Nations Council for Namibia urges the international community to repudiate the acts of violence of the South African illegal administration in Namibia by exercising pressure on the South African racist régime in order to compel it to release the above-mentioned prisoners without delay.

4. STATEMENT BY THE COUNCIL ON 18 AUGUST 1976 ON THE SO-CALLED PROPOSALS OF SOUTH AFRICA FOR THE FUTURE OF NAMIBIA*

The United Nations Council for Namibia has learnt with profound concern and serious misgivings of the document which the Government of South Africa has addressed to the Secretary-General of the United Nations containing the views of the so-called Constitutional Committee of the South West African Constitutional Conference of representatives, who were hand-picked by the illegal South African administration in Windhoek. This document attempts to mislead the Namibian people and world public opinion regarding the future political status of Namibia.

The United Nations Council for Namibia recalls its earlier statement, issued on 29 August 1975 (A/AC.131/L.31), 54/ with reference to the so-called constitutional conference in Namibia in which the South African-sponsored tribal elements and National Party supporters of apartheid, intended to speak for the Namibian people, totally excluding the authentic representatives of those people, that is, SWAPO. The United Nations Council for Namibia condemned on that occasion the so-called constitutional talks and demanded the immediate and unconditional withdrawal of South African administration and its military personnel from Namibia, in accordance with the often repeated decisions of the United Nations.

* Previously issued under the symbol A/31/181.

54/ Transmitted to members of the Security Council under the symbol S/11834.

The United Nations Council for Namibia further recalls its statement of 13 May 1976 (A/31/92-S/12079) by which it strongly condemned the death sentences passed by the illegal South African administration in Namibia against Namibian patriots. These actions were clearly intended to establish, among other things, an atmosphere of intimidation and terror, to impose upon the Namibian people a bogus constitutional solution aimed at subverting the territorial integrity and unity of Namibia and perpetuating a ruthless policy of racial segregation.

The United Nations Council for Namibia reaffirms in the strongest possible terms its condemnation of these persistent treacherous attempts to perpetuate South African colonial exploitation of the people and resources of Namibia by misrepresenting the genuine aspirations of the Namibian people. The continuous police violence and acts of intimidation by the security forces of the illegal administration bear witness to this misrepresentation.

The United Nations Council for Namibia reiterates its full support of the legitimate struggle of the Namibian people under the leadership of its liberation movement, SWAPO, to achieve self-determination and national independence for Namibia. The legitimacy of the struggle has been solemnly proclaimed by resolutions of the General Assembly and the Security Council. In particular, the General Assembly reaffirmed, in resolution 3399 (XXX) of 26 November 1975, the inalienable and imprescriptible rights of the Namibian people to self-determination and independence, in accordance with General Assembly resolution 1514 (XV), and urged the United Nations Council for Namibia to take all necessary measures for the implementation of its mandate under General Assembly resolution 2248 (S-V). By its resolution 264 (1969) of 20 March 1969, the Security Council recognized that the General Assembly had terminated the mandate of South Africa over Namibia and had assumed direct responsibility for the Territory until its independence. It termed the continuing presence of South Africa in Namibia as illegal and contrary to the principles of the Charter and previous decisions of the United Nations and detrimental to the interests of the population of the Territory and those of the international community. In the same resolution, the Security Council declared, in addition, that the actions of the Government of South Africa designed to destroy the national unity and territorial integrity of Namibia through the establishment of homelands (bantustans) were contrary to the provisions of the Charter and called upon the Government of South Africa to withdraw immediately its administration from the Territory. In its resolution 385 (1976) of 30 January 1976, the Security Council condemned once again the continued illegal occupation of the Territory of Namibia by South Africa as well as the arbitrary application of racially discriminatory and repressive laws and practices in Namibia. It also demanded that South Africa urgently make a solemn declaration accepting the provisions of the resolution for the holding of free elections in Namibia under United Nations supervision and control and that South Africa undertake to comply with the resolutions and decisions of the United Nations as well as with the advisory opinion of the International Court of Justice of 21 June 1971 in regard to Namibia.

The United Nations Council for Namibia strongly condemns the latest ill-advised stratagem of the South African administration in Windhoek as totally lacking in legitimacy, ambiguous and equivocal. The proposals of the so-called Constitutional Conference do not even approach any of the requirements for genuine self-determination and independence laid down by the United Nations. These proposals make no mention of the elimination of apartheid legislation. They merely seek to perpetuate the homelands (bantustans) policies with all their deleterious effects on the integrity and unity of the Namibian people. They are also silent

about free elections under United Nations supervision and control. They totally ignore SWAPO, which has been recognized by the Organization of African Unity and the United Nations as the authentic representative of the Namibian people. There is no undertaking to release political prisoners or to allow the return of political exiles. The date suggested, that is, 31 December 1978, constitutes an unjustifiable prolongation of the illegal South African occupation. The reference to "unity" is couched in ambiguous terms without specifically recognizing the territorial integrity of Namibia as a unitary State. The references to the rejection of any attempt to solve the problems of Namibia by force are, to say the least, paradoxical in the light of the institutionalized brutality under the Repression of Terrorism Act and other rules and regulations, which give a free rein to the most blatant and ruthless violation of all principles of human rights and freedoms as proclaimed by the Charter of the United Nations and the Universal Declaration of Human Rights.

The United Nations Council for Namibia is firmly convinced that South Africa has failed to comply with the terms of Security Council resolution 385 (1976) and therefore requests the members of the Security Council to consider appropriate measures to be taken under the Charter.

D. Communiqués and press releases

271. The Council issued the following communiqués during the period covered by the present report:

1. PRESS RELEASE ISSUED AT LIMA ON 19 JULY 1976 BY THE MISSION OF THE COUNCIL TO LATIN AMERICA 55/

...

Peru, through its representatives, declared that its position on the question of Namibia is consistent with the humanistic and independent character of its revolution, which is against all forms of colonialism and discrimination. In this connexion, emphasis was given to Peru's support for the efforts of the Namibian people to uphold their right to self-determination and independence and for the work of the United Nations Council for Namibia.

Peru reaffirmed its support for the General Assembly and Security Council resolutions on Namibia and the advisory opinion of the International Court of Justice, and in particular, for General Assembly resolutions 2145 (XXI) and 2248 (S-V) and Security Council resolutions 269 (1969), 282 (1970) and 283 (1970), which terminated the mandate of the Republic of South Africa over Namibia and placed the Territory under the direct responsibility of the United Nations, through the Council.

The Mission, on behalf of the Council, thanked Peru for its contribution to the United Nations Fund for Namibia. With regard to the United Nations Institute for Namibia, the possibility of Peruvian technical co-operation with the Institute, in consultation with the Council, was discussed.

55/ See also annex XII to the present report.

The Mission of the Council expressed its gratitude to the Peruvian authorities for the hospitality and attention shown to it and its satisfaction at the interest displayed by the news media and the Peruvian people in the cause of Namibia.

2. COMMUNIQUE ISSUED AT BRASILIA ON 23 JULY 1976 BY THE
MISSION OF THE COUNCIL TO LATIN AMERICA 56/

...

In the course of its conversations with senior officials of the Ministry of External Relations, the Mission explained at length the latest developments in Namibia, in particular, the convening without any legal authority of a so-called constitutional conference without the participation of SWAPO, the authentic representative of the Namibian people; the intensification of South Africa's repression in the Territory, exemplified by the latest illegal trials of Namibian nationalists; South Africa's military build-up in Namibia; the establishment of a no-man's zone on the Territory's border with Angola; and South Africa's persistent refusal to withdraw from the Territory, despite unanimous calls by various United Nations organs.

The Mission also drew the attention of the Brazilian Government to the deliberate attempts by the South African Government to mislead world public opinion by a perversion of the principle of self-determination, consisting of the establishment of semi-autonomous units in the poorest areas of the Territory on the basis of so-called ethnic groups and in fomenting a policy of "divide and rule" with a view to undermining the national unity of Namibia in violation of the principles of the Charter of the United Nations and of General Assembly resolution 1514 (XV).

The Government of Brazil reiterated its support for the various United Nations resolutions on Namibia, in particular General Assembly resolutions 2145 (XXI), 2248 (S-V) and 3399 (XXX) and Security Council resolutions 269 (1969), 276 (1970), 283 (1970), 301 (1971) and 385 (1976) of the Security Council as well as the advisory opinion of the International Court of Justice of 21 June 1971, which terminated the mandate of South Africa over Namibia and placed the Territory under the direct responsibility of the United Nations, through the Council; established the illegality of South Africa's presence in the Territory and demanded its withdrawal from Namibia; and affirmed the legitimacy of the struggle of the people of Namibia for self-determination and independence under the leadership of SWAPO as recognized by OAU and by the United Nations.

The Government of Brazil, in keeping with the advisory opinion of the International Court of Justice, subsequently endorsed by the Security Council in resolution 301 (1971), reiterated its non-recognition of any form of South African authority over the Territory of Namibia and the legal consequences flowing therefrom, such as the lack of validity of any treaty with the Republic of South Africa as extending to the Territory of Namibia; and its abstention from any economic, commercial or any other relations with South Africa on behalf of or concerning Namibia. In this connexion, the Government of Brazil restated its approval, given at the twenty-ninth session of the General Assembly, of Decree No. 1 for the Protection of the Natural Resources of Namibia and stated that it had already brought the Decree to the attention of the sectors concerned.

The Brazilian Government recalled that it had notified the Secretary-General of the United Nations on 17 February 1971 of its recognition of the validity of Namibian travel and identity documents issued by the Council.

The Brazilian Government reiterated its acceptance of the legal authority of the United Nations Council for Namibia over the Territory, as recognized by an overwhelming majority of States Members of the United Nations in adopting several General Assembly resolutions without dissent.

The Mission announced the forthcoming inauguration of the United Nations Institute for Namibia at Lusaka on 26 August 1976, on the occasion of Namibia Day and stated that it had been entrusted by the Council to express its appreciation to the Government of Brazil for its contribution of \$US 10,000 to the Institute in 1975. The Brazilian Government, for its part, pledged a contribution of \$US 10,000 to the Institute and \$US 5,000 to the United Nations Fund for Namibia in 1976.

The Mission thanked the Brazilian Government for its very kind invitation to visit Brazil and for the generous hospitality extended to the Mission in the course of its stay.

3. COMMUNIQUE ISSUED AT CARACAS ON 29 JULY 1976 BY THE
MISSION OF THE COUNCIL TO LATIN AMERICA 57/

A thorough review was made of the latest events in Namibia, particular attention being given to the convening, without any legal authority, of a so-called "constitutional conference", without the participation of the legitimate representative of the Namibian people, the South West Africa People's Organization (SWAPO); the intensification of repressive policies in the Territory by the authorities of the Pretoria régime, underscored by the recent illegal trials of and death sentences imposed on Namibian nationalists; the increase of the South African military presence in Namibia and the establishment of a security zone in the Territory of Namibia in the area of the border with Angola; and South Africa's persistent refusal to withdraw from the Territory despite the repeated calls by the various organs of the United Nations.

The parties reaffirmed their condemnation of the policies of racial segregation and apartheid which continued to be applied by South Africa in the Territory, reducing an entire people to slavery and constituting a challenge to world public opinion, an affront to human dignity and a violation of the most elementary human rights proclaimed in the Universal Declaration of Human Rights and other international instruments of the United Nations, and agreed that the situation in Namibia constituted a threat to international peace and security and called for the application of the measures provided for in Chapter VII of the Charter of the United Nations.

The Government of Venezuela and the Mission agreed on the importance of drawing the attention of the international community to the deliberate manoeuvres of the racist régime of South Africa in fraudulently applying the principle of self-determination through the establishment of semi-autonomous units in the poor areas of the Territory on the basis of so-called ethnic groups with the firm intent

of undermining the national integrity of Namibia in open violation of the principles of the Charter and of the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960.

The Government of Venezuela, which from the very beginning had recognized the United Nations Council for Namibia as the only legitimate authority over the Territory, reiterated its support for the United Nations resolutions on Namibia, particularly General Assembly resolutions 2145 (XXI) of 27 October 1966, 2248 (S-V) of 19 May 1967 and 3399 (XXX) of 26 November 1975 and Security Council resolutions 269 (1969), 276 (1970), 283 (1970), 301 (1971) and 385 (1976), as well as the advisory opinion of the International Court of Justice of 21 June 1971, which, inter alia, terminated the mandate of South Africa over Namibia and placed the Territory under the direct responsibility of the United Nations through the Council; established the illegality of South Africa's presence in the Territory and demanded its withdrawal from Namibia; and recognized the legitimacy of the struggle of the people of Namibia for self-determination and independence. The Government of Venezuela reaffirmed its support for the struggle of the Namibian people for self-determination and independence under the leadership of SWAPO, the authentic representative of the people of Namibia.

The Government of Venezuela, in accordance with the advisory opinion of the International Court of Justice, which was endorsed by the Security Council in its resolution 301 (1971), reiterated its non-recognition of any form of authority of South Africa over the Territory of Namibia. Accordingly, it reaffirmed that it did not recognize the validity of any treaty or agreement with South Africa as applicable to Namibia and stated that, as regards commercial and economic relations, its policy was to refrain from such relations or any others with South Africa whenever the Government of South Africa purports to act on behalf of the Territory or in connexion with it. In this respect, it expressed its support for Decree No. 1 for the Protection of the Natural Resources of Namibia, adopted by the Council, and its intention of giving it wide publicity.

The Government of Venezuela also recalled that it had never maintained diplomatic or consular relations with the Government of South Africa and pointed out that it had notified the Secretary-General of the United Nations on 29 August 1969 that it would recognize travel and identity documents issued by the Council.

The Mission announced that the United Nations Institute for Namibia would be inaugurated at Lusaka on 26 August 1976 and expressed its hope that the Government of Venezuela would offer a contribution to the Institute for 1977. The Mission was informed that the Government would give full consideration to the possibility of such a contribution. With regard to the United Nations Fund for Namibia, the Government of Venezuela stated that it would also consider the possibility of a contribution for 1977.

The Mission was received by the President of the National Congress, the Minister for Foreign Affairs, the Chairmen of the foreign affairs committees of the Senate and the House of Deputies and the Director of the International Politics Division of the Ministry of Foreign Affairs. The Mission also had two working sessions with senior officials of the Venezuelan Ministry of Foreign Affairs.

The Mission thanked the Government of Venezuela for its hospitality and for the assistance it received in the performance of its tasks.

4. JOINT COMMUNIQUE ISSUED ON CONSULTATIONS BETWEEN THE GOVERNMENT OF THE REPUBLIC OF BOTSWANA AND THE MISSION OF THE UNITED NATIONS COUNCIL FOR NAMIBIA, GABORONE, 1 SEPTEMBER 1976* 58/

...

The Government of Botswana and the Mission of the United Nations Council for Namibia reaffirmed their conviction that the immediate withdrawal of the illegal South African administration from Namibia constitutes the only political solution for Namibia which will allow the free and unfettered exercise by the Namibian people of their right to self-determination and independence within a united Namibia in accordance with resolution 2145 (XXI) of 27 October 1966 of the General Assembly of the United Nations.

The Government of Botswana and the United Nations Council for Namibia denounce the illegal presence of the South African régime in Namibia and condemn the arrests and acts of intimidation that are being perpetrated against the Namibian people.

The Government of Botswana and the Mission of the United Nations Council for Namibia reiterate their full support for the Namibian people under the leadership of their liberation movement, the South West Africa People's Organization (SWAPO), to achieve self-determination, freedom and national independence in a united Namibia. The legitimacy of the struggle has been solemnly proclaimed by resolutions of the General Assembly and of the Security Council of the United Nations.

The Security Council, in its resolution 385 (1976) of 30 January 1976, condemned the continued illegal occupation of the Territory of Namibia as well as the illegal and arbitrary application of racially discriminatory and repressive laws and practices in Namibia. It also demanded that South Africa urgently make a solemn declaration accepting the provisions of the resolution related to the holding of free elections in Namibia under United Nations supervision and control and undertaking to comply with the resolutions and decisions of the United Nations as well as with the advisory opinion of the International Court of Justice of 21 June 1971 in regard to Namibia.

The Government of Botswana and the Mission of the United Nations Council for Namibia reaffirm the statement of 18 August 1976 approved by the United Nations Council for Namibia on the so-called proposals of South Africa on the future of Namibia (A/31/181-S/12185) and reject the statement transmitted by the Government of South Africa to the Secretary-General of the United Nations (S/12180) on the future political status of Namibia as totally lacking in legitimacy and containing propositions riddled with ambiguities and equivocations. The proposals of the so-called constitutional conference do not meet any of the conditions laid down by the United Nations, such as those which pertain to the holding of free elections under United Nations supervision and control. The statement prepared by the so-called constitutional conference of tribal elements and supporters of apartheid hand-picked by the illegal South African administration does not make any provisions for the elimination of the apartheid legislation nor of the homeland or bantustan

* Previously issued under the symbol A/31/213-S/12201.

58/ See also annex XIV to the present report.

policies. Indeed the so-called constitutional conference is an attempt to perpetuate both policies with all their deleterious effects on the integrity and unity of the Namibian people.

The Government of Botswana and the Mission of the United Nations Council for Namibia are of the view that, in the light of non-compliance by South Africa with the terms of resolution 385 (1976), the Security Council should consider the appropriate measures to be taken under the Charter of the United Nations.

The Government of Botswana and the Mission of the United Nations Council for Namibia are of the view that the struggle of the people of Namibia for self-determination and independence under the leadership of their liberation movement SWAPO, the authentic representative of the Namibian people, has reached a new and critical stage. In the light of recent developments, the Government of Botswana and the United Nations Council for Namibia will support in the forthcoming session of the General Assembly all efforts to strengthen the role of the United Nations Council for Namibia in carrying out its responsibilities as the legal administering authority of the Territory until independence.

The Government of Botswana and the Mission of the United Nations Council for Namibia shall endeavour to encourage all possible assistance of the specialized agencies and other United Nations bodies in support of SWAPO, the authentic representative of the Namibian people.

The Government of Botswana and the Mission of the United Nations Council for Namibia agreed to carry on further consultations on projects to increase direct assistance to the Namibian people in their efforts to achieve self-determination, freedom and national independence in a united Namibia.

The Mission of the United Nations Council for Namibia thanked the Government and people of Botswana for the warm welcome extended to it and for their generous hospitality and expressed its appreciation for the firm and consistent position taken by the Government of Botswana with respect to the efforts of the United Nations Council for Namibia in support of self-determination, freedom and national independence for the Namibian people.

5. JOINT COMMUNIQUÉ ISSUED ON CONSULTATIONS BETWEEN THE GOVERNMENT OF THE REPUBLIC OF ZAMBIA AND THE MISSION OF THE UNITED NATIONS COUNCIL FOR NAMIBIA, LUSAKA, 5 SEPTEMBER 1976* 59/

...

The Government of the Republic of Zambia and the Mission of the United Nations Council for Namibia solemnly reaffirm their conviction that the immediate and unconditional withdrawal by South Africa of all its military and police forces and its administration from Namibia constitutes the only political solution for Namibia which will enable the Namibian people to achieve self-determination,

* Previously issued under the symbol A/31/213-S/12201.

59/ Ibid.

freedom and independence in a united Namibia in accordance with resolution 2145 (XXI) of 27 October 1966 of the General Assembly of the United Nations.

The Government of the Republic of Zambia and the Mission of the United Nations Council for Namibia solemnly denounce the illegal presence of the South African régime in Namibia and condemn the continuous police violence and acts of intimidation by the security forces of the illegal administration which by these means attempts to perpetuate the odious exploitation of the people of Namibia through the policies of apartheid and homelands.

The Government of the Republic of Zambia and the Mission of the United Nations Council for Namibia solemnly denounce the military adventurism of South Africa. The acts of aggression which South African troops have committed against neighbouring African States constitute dangerous violations of international peace and security with the most ominous implications for the future of southern Africa. These acts of aggression are a sign of the desperate mood of the racist and colonialist Pretoria régime.

The Government of the Republic of Zambia and the Mission of the United Nations Council for Namibia endorse the relevant provisions of the resolutions of the Organization of African Unity with respect to Namibia and support all necessary measures to strengthen co-operation between the United Nations and the Organization of African Unity in accordance with the resolutions of the General Assembly, particularly those provisions in support of self-determination, freedom and national independence for Namibia.

The Government of the Republic of Zambia and the Mission of the United Nations Council for Namibia solemnly recognize that the national liberation movement of Namibia, SWAPO, is the authentic representative of the Namibian people and support its efforts to mobilize the Namibian people in their national struggle to achieve self-determination, freedom and independence in a united Namibia. They furthermore solemnly reaffirm the legitimacy of the struggle of the Namibian people by all means at their disposal against the illegal occupation by South Africa of their country.

The Security Council, in its resolution 385 (1976) of 30 January 1976, condemned the continued illegal occupation of the Territory of Namibia as well as the illegal and arbitrary application of racially discriminatory and repressive laws and practices in Namibia. It also demanded that South Africa urgently make a solemn declaration accepting the provisions of the resolution related to the holding of free elections in Namibia under United Nations supervision and control and undertaking to comply with the resolutions and decisions of the United Nations as well as with the advisory opinion of the International Court of Justice of 21 June 1971 in regard to Namibia.

The Government of the Republic of Zambia and the Mission of the United Nations Council for Namibia reaffirm the statement of 18 August 1976 approved by the United Nations Council for Namibia on the so-called proposals of South Africa on the future of Namibia (A/31/181-S/12185) and reject the statement transmitted by the Government of South Africa to the Secretary-General of the United Nations (S/12180) on the future political status of Namibia as totally lacking in legitimacy and containing propositions riddled with ambiguities and equivocations. The proposals of the so-called constitutional conference do not meet any of the conditions laid down by the United Nations, such as those which pertain to the

holding of free elections under United Nations supervision and control. The statement prepared by the so-called constitutional conference of tribal elements and supporters of apartheid hand-picked by the illegal South African administration does not make any provisions for the elimination of the apartheid legislation nor of the homeland or bantustan policies. Indeed, the so-called constitutional conference is an attempt to perpetuate both policies with all their deleterious effects on the integrity and unity of the Namibian people.

The Government of the Republic of Zambia and the Mission of the United Nations Council for Namibia are of the view that, in the light of non-compliance by South Africa with the terms of resolution 385 (1976), the Security Council should consider the appropriate measures to be taken under the Charter of the United Nations.

The Government of the Republic of Zambia and the Mission of the United Nations Council for Namibia are of the view that the struggle of the people of Namibia for self-determination and independence under the leadership of their liberation movement SWAPO, the authentic representative of the Namibian people, has reached a new and critical stage. In the light of recent developments, the Government of the Republic of Zambia and the United Nations Council for Namibia will support in the forthcoming session of the General Assembly all efforts to strengthen the role of the United Nations Council for Namibia in carrying out its responsibilities as the legal administering authority of the Territory until independence.

The Government of the Republic of Zambia and the Mission of the United Nations Council for Namibia shall endeavour to encourage all possible assistance of the specialized agencies and other United Nations bodies in support of SWAPO, the authentic representative of the Namibian people.

The Government of the Republic of Zambia and the Mission of the United Nations Council for Namibia agreed to carry on further consultations on projects to increase direct assistance to the Namibian people in their efforts to achieve self-determination, freedom and national independence in a united Namibia.

The Mission of the United Nations Council for Namibia thanked the Government and the people of Zambia for the warm welcome extended to it and for their generous hospitality and expressed its appreciation for the firm and consistent position taken by the Government of the Republic of Zambia with respect to the efforts of the United Nations Council for Namibia in support of the struggle for self-determination, freedom and national independence of the Namibian people, under the leadership of their liberation movement, SWAPO.

6. JOINT COMMUNIQUÉ ISSUED ON CONSULTATIONS BETWEEN THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF ANGOLA AND THE MISSION OF THE UNITED NATIONS COUNCIL FOR NAMIBIA, LUANDA, 7 SEPTEMBER 1976* 60/

...

The Government of the People's Republic of Angola and the Mission of the United Nations Council for Namibia solemnly reaffirm their conviction that the

* Previously issued under the symbol A/31/213-S/12201.

60/ Ibid.

immediate and unconditional withdrawal by South Africa of all its military and police forces and its administrations from Namibia constitutes the only political solution for Namibia which will enable the Namibian people to achieve self-determination, freedom and independence in a united Namibia in accordance with resolution 2145 (XXI) of 27 October 1966 of the General Assembly of the United Nations.

The Government of the People's Republic of Angola and the Mission of the United Nations Council for Namibia solemnly denounce the illegal presence of the South African régime in Namibia and condemn the continuous police violence and acts of intimidation by the security forces of the illegal administration which, by these means, attempts to perpetuate the odious exploitation of the people of Namibia through the policies of apartheid and homelands.

The Government of the People's Republic of Angola and the Mission of the United Nations Council for Namibia solemnly denounce the military adventurism of South Africa. The acts of aggression which South African troops have committed against neighbouring African States constitute dangerous violations of international peace and security with the most ominous implications for the future of southern Africa. These acts of aggression are a sign of the desperate mood of the racist and colonialist Pretoria régime.

The Government of the People's Republic of Angola and the Mission of the United Nations Council for Namibia endorse the relevant provisions of the resolutions of the Organization of African Unity with respect to Namibia and support all necessary measures to strengthen co-operation between the United Nations and the Organization of African Unity in accordance with the resolutions of the General Assembly, particularly those provisions in support of self-determination, freedom and national independence for Namibia.

The Government of the People's Republic of Angola and the Mission of the United Nations Council for Namibia solemnly recognize that the national liberation movement of Namibia, SWAPO, is the authentic representative of the Namibian people and support its efforts to mobilize the Namibian people in their national struggle to achieve self-determination, freedom and independence in a united Namibia. They furthermore solemnly reaffirm the legitimacy of the struggle of the Namibian people by all means at their disposal against the illegal occupation by South Africa of their country.

The Government of the People's Republic of Angola and the Mission of the United Nations Council for Namibia reaffirm the statement of 18 August 1976 approved by the United Nations Council for Namibia on the so-called proposals of South Africa on the future of Namibia (A/31/181-S/12185) and reject the statement transmitted by the Government of South Africa to the Secretary-General of the United Nations (S/12180) on the future political status of Namibia as totally lacking in legitimacy and containing propositions riddled with ambiguities and equivocations.

d The statement prepared by the so-called constitutional conference of tribal elements and supporters of apartheid hand-picked by the illegal South African administration does not make any provisions for the elimination of the apartheid legislation nor of the homeland or bantustan policies. Indeed, the so-called constitutional conference is an attempt to perpetuate both policies with all their deleterious effects on the integrity and unity of the Namibian people.

The Government of the People's Republic of Angola and the Mission of the United Nations Council for Namibia are of the view that, in the light of non-compliance by South Africa with the terms of resolution 385 (1976) of 30 January 1976, the Security Council should consider the appropriate measures to be taken under the Charter of the United Nations.

The Government of the People's Republic of Angola and the Mission of the United Nations Council for Namibia are of the view that the struggle of the people of Namibia for self-determination and independence under the leadership of their liberation movement SWAPO, the authentic representative of the Namibian people has reached a new and critical stage. In the light of recent developments, the Government of the People's Republic of Angola and the United Nations Council for Namibia will support in the forthcoming session of the General Assembly all efforts to strengthen the role of the United Nations Council for Namibia.

The Government of the People's Republic of Angola and the Mission of the United Nations Council for Namibia shall endeavour to encourage all possible assistance of the specialized agencies and other United Nations bodies in support of SWAPO, the authentic representative of the Namibian people.

The Government of the People's Republic of Angola and the Mission of the United Nations Council for Namibia agreed to carry on further consultations on projects to increase direct assistance to the Namibian people in their efforts to achieve self-determination, freedom and national independence in a united Namibia.

The Mission of the United Nations Council for Namibia thanked the Government and the people of Angola for the warm welcome extended to it and for their generous hospitality and expressed its appreciation for the firm and consistent position taken by the Government of the People's Republic of Angola with respect to the efforts of the United Nations Council for Namibia in support of the struggle for self-determination, freedom and national independence of the Namibian people, under the leadership of their liberation movement, SWAPO.

PART FOUR

RECOMMENDATIONS AND FINANCIAL IMPLICATIONS

I. RECOMMENDATIONS

272. The Council intends to continue to undertake, where applicable, the tasks set out in the recommendations of its previous reports to the General Assembly.

273. The United Nations Council for Namibia recommends that the General Assembly should:

SITUATION IN NAMIBIA RESULTING FROM THE
ILLEGAL OCCUPATION OF THE TERRITORY BY
SOUTH AFRICA

- (1) Reaffirm the inalienable right of the people of Namibia to self-determination, freedom and national independence in a united Namibia, in accordance with the Charter of the United Nations and as recognized in General Assembly resolution 1514 (XIV) and resolution 2145 (XXI) and subsequent resolutions, and the legitimacy of their struggle by all means at their disposal against the illegal occupation of their Territory by South Africa;
- (2) Recognize that the national liberation movement of Namibia, the South West Africa People's Organization, is the sole and authentic representative of the Namibian people;
- (3) Support the armed struggle of the Namibian people led by South West Africa People's Organization to achieve self-determination, freedom and national independence in a united Namibia;
- (4) Appeal to all States Members of the United Nations to grant all necessary support and assistance to South West Africa People's Organization in its struggle to achieve independence and national unity for Namibia;
- (5) Request all specialized agencies and other organizations within the United Nations system, in consultation with the United Nations Council for Namibia, to prepare within their respective spheres of competence programmes of assistance to the people of Namibia and their liberation movement, the South West Africa People's Organization;
- (6) Decide to increase financial provisions in the budget of the United Nations Council for Namibia to finance the office of the South West Africa People's Organization in New York, to ensure the due and proper representation of the people of Namibia through the South West Africa People's Organization at the United Nations;
- (7) Decide to continue to defray the expenses of a representative of the South West Africa People's Organization, whenever the United Nations Council for Namibia so requires;
- (8) Strongly condemn South Africa for its persistent refusal to withdraw from Namibia and for its manoeuvres to consolidate its illegal occupation of the Territory;
- (9) Strongly condemn the illegal South African administration for its aggression against the Namibian people and their national liberation movement;
- (10) Strongly condemn the illegal South African administration for its massive repression of the liberation movement and people of Namibia with the intention of establishing among other things, an atmosphere of intimidation and terror to impose upon the Namibian people a bogus constitutional structure with the aims of subverting the territorial integrity and unity of Namibia and of perpetuating a ruthless policy of racial segregation;

- (11) Strongly condemn South Africa for its military build-up in Namibia, its threats and acts of aggression against independent African countries and the forceful removal of Namibians from the northern border for military purposes;
- (12) Strongly condemn South Africa for organizing the so-called constitutional talks at Windhoek, which seek to perpetuate the apartheid and homelands policies as well as the colonial oppression and exploitation of the people and resources of Namibia by misrepresenting the genuine aspirations of the Namibian people for self-determination, freedom and national independence in a united Namibia;
- (13) Urgently call upon the international community, especially all States Members of the United Nations, to refrain from according any recognition to, or co-operation with, any authority which the illegal occupation régime may install under the current fraudulent constitutional talks or any other circumstances in Namibia.
- (14) Strongly condemn the activities of all foreign corporations operating in Namibia under the illegal administration of South Africa which are exploiting the human and natural resources of the Territory, and demand that such exploitation cease forthwith;
- (15) Reaffirm that the activities of those corporations are illegal;
- (16) Decide that any independence talks regarding Namibia must be between South Africa and the South West Africa People's Organization under the auspices of the United Nations for the sole purpose of discussing the modalities for the transfer of power to the people of Namibia;
- (17) Request all Member States to co-operate fully with the United Nations Council for Namibia in discharging the mandate entrusted to it by the General Assembly;
- (18) Demand that South Africa put an end to extending apartheid in Namibia and to its policy of "bantustanization" of the Territory, aimed at destroying the national unity and the territorial integrity of Namibia;
- (19) Demand that South Africa release all Namibian political prisoners, including all those imprisoned or detained in connexion with offences under so-called internal security laws, whether such Namibians have been charged or tried or are held without charge and whether held in Namibia or South Africa;
- (20) Demand that South Africa accord unconditionally to all Namibians currently in exile for political reasons full facilities for their return to their country without risk of arrest, detention, intimidation or imprisonment;
- (21) Condemn South Africa for its failure to comply with the terms of Security Council resolution 385 (1976) of 30 January 1976;
- (22) Reiterate that the illegal occupation of Namibia and the war being waged there by South Africa constitute a threat to international peace and security;
- (23) Urge the Security Council to take up again the question of Namibia, which is still on its agenda, and in view of South Africa's failure to comply with Security Council resolution 385 (1976), to impose a mandatory arms embargo against South Africa;

- (24) Request all States to cease and desist from any form of direct or indirect military consultation, co-operation or collaboration with South Africa;
- (25) Request all States to take effective measures to prevent the recruitment of mercenaries for service in Namibia or South Africa;
- (26) Request all States to take steps to ensure the termination of all arms licensing agreements with South Africa and to prohibit the transfer to South Africa of all information relating to arms and armaments;
- (27) Request all States to cease and prevent:
- (a) Any supply of arms and ammunition to South Africa;
 - (b) Any supply of aircraft, vehicles and military equipment for use of the armed forces and paramilitary or police organizations of South Africa;
 - (c) Any supply of spare parts for arms, vehicles and military equipment used by the armed forces and paramilitary or police organizations of South Africa;
 - (d) Any supply of so-called dual-use aircraft, vehicles or equipment which would be converted to military use by South Africa;
 - (e) Any activities in their territories which promote or are calculated to promote the supply of arms, ammunition, military aircraft and military vehicles to South Africa and equipment and materials for the manufacture and maintenance of arms and ammunition in South Africa and Namibia;
 - (f) Any co-operation or activities by public or private corporations with South Africa in the field of development directly or indirectly of nuclear technology and capability of the racist régime in South Africa;

B

PROGRAMME OF WORK OF THE UNITED
NATIONS COUNCIL FOR NAMIBIA

- (28) Approve the report of the United Nations Council for Namibia including the recommendations contained therein and decide to make adequate financial provisions for their implementation;
- (29) Decide that, the United Nations Council for Namibia, in the implementation of General Assembly resolution 2248 (S-V), shall continue to exercise the following functions and responsibilities:
- (a) As an organ of the United Nations, the United Nations Council for Namibia shall:
 - (i) Review annually the political, military, economic and social conditions affecting the struggle of the Namibian people for self-determination, freedom and independence in a united Namibia, and submit reports on the above with appropriate recommendations for consideration and action by the General Assembly;

- (ii) Represent Namibia to ensure that the rights and interests of Namibia are protected, as appropriate, in all intergovernmental and non-governmental organizations, bodies and conferences;
- (iii) Consult with Member States to encourage compliance with United Nations resolutions on Namibia;
- (iv) Co-ordinate aid for Namibia provided by United Nations agencies and other bodies of the United Nations system;
- (v) Act as trustee of the United Nations Fund for Namibia and in this capacity administer and manage the Fund;

(b) As Administering Authority for Namibia, the United Nations Council for Namibia shall:

- (i) Examine periodically the deleterious consequences of illegal South African administration in Namibia;
- (ii) Formulate projects and programmes of assistance to Namibians;
- (iii) Consult with the South West Africa People's Organization, as appropriate, in the formulation and implementation of its programme of work;
- (iv) Propose to the United Nations Development Programme projects of assistance to Namibians in accordance with the resources made available through the indicative planning figure for Namibia;
- (v) Review and approve the annual budget of the United Nations Institute for Namibia in Lusaka, submitted to the Council by the Senate of the Institute, and make recommendations on the general direction of its work;
- (vi) Formulate a policy of intensive dissemination of information on Namibia, in consultation with the United Nations Office of Public Information of the Secretariat.

(30) Request the Secretary-General, in consultation with the President of the United Nations Council for Namibia, to strengthen the units which service the Council in accordance with its requirements so that it may fully discharge all additional tasks and functions arising out of the new situation in Namibia;

(31) Request the Council for Namibia to authorize the United Nations Commissioner for Namibia to appoint a resident representative of the Commissioner in Botswana in order to enhance the effectiveness of assistance to Namibians by the United Nations Council for Namibia;

INTENSIFICATION AND CO-ORDINATION OF UNITED NATIONS
ACTION IN SUPPORT OF NAMIBIA

- (32) Call 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;
- (33) Urge 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 the Government of South Africa to withdraw immediately from Namibia in accordance with General Assembly resolutions 2145 (XXI), 2248 (S-V) and subsequent resolutions;
- (34) Request 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, 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 natural resources of Namibia;
- (35) Request the Secretary-General to prepare updated lists of foreign corporations operating in Namibia, accompanied by a summary of the major operations, including a historical note on their involvement in Namibia;
- (36) Commend the inauguration of the United Nations Institute for Namibia in Lusaka and request all States and specialized agencies of the United Nations system to make adequate financial contribution to the United Nations Fund for Namibia so that the United Nations Council for Namibia can meet the additional costs of the Institute;
- (37) Authorize the United Nations Council for Namibia to hold hearings and to continue to seek information regarding the exploitation and purchase of Namibian uranium and to report on this matter to the thirty-second session of the General Assembly;
- (38) Authorize the United Nations Council for Namibia to notify the Governments of States whose corporations, whether public or private, operate in Namibia of the illegality of such operations and the position of the Council in this regard;
- (39) Authorize the United Nations Council for Namibia to contact administering and managing bodies of foreign corporations operating in Namibia, with particular emphasis on those which are not under direct governmental control, to warn them of the illegal basis on which they are operating in Namibia and of the position of the Council in this regard;
- (40) Call upon those States which have resident or non-resident consular representation in Namibia, whether ordinary or honorary, to terminate such representation;

ACTION BY INTERGOVERNMENTAL AND
NON-GOVERNMENTAL ORGANIZATIONS

(41) Express its appreciation to the United Nations Development Programme for the indicative planning figure granted to Namibia and request it to continue to co-operate with the United Nations Council for Namibia in the elaboration of programmes of assistance to Namibians;

(42) Request 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 may participate in that capacity as the Administering Authority for Namibia in the work of those agencies, organizations and conferences;

(43) Request the specialized agencies and other organizations within the United Nations system 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;

(44) Request all intergovernmental and non-governmental organizations, bodies and conferences to ensure that the rights and interests of Namibia are protected and to invite the United Nations Council for Namibia to participate, in its capacity as the Administering Authority for Namibia, whenever such rights and interests are involved.

E

DISSEMINATION OF INFORMATION ON NAMIBIA

(45) Request the United Nations Council for Namibia to send a mission to specialized agencies and non-governmental organizations to discuss the question of dissemination of information and assistance to Namibians;

(46) Request the Secretary-General to direct the Office of Public Information of the Secretariat, in co-operation with the United Nations Council for Namibia to:

(a) Acquire and distribute appropriate films on Namibia, including the new film on Namibia which was shown at Headquarters on Namibia Day, 26 August 1976;

(b) Authorize the Office of Public Information of the Secretariat, in consultation with the United Nations Council for Namibia and the South West Africa People's Organization, to prepare a film on the contemporary situation inside Namibia and the struggle of the Namibian people for genuine national independence;

(c) Continue publicity through television, radio and other media;

(d) Continue to give publicity to the United Nations Council for Namibia and the South West Africa People's Organization on television in the United States and other major Western countries in order to mobilize support in those countries for the genuine national independence of Namibia;

(47) Request Member States and the United Nations Postal Administration to issue commemorative stamps on Namibia until genuine national independence for Namibia is achieved;

(48) Further request 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;

(49) Decide to make adequate budgetary provision in order to meet the additional costs that are required to expand the editions of the Namibia Bulletin and to add German to the languages in which it is published;

(50) Decide to observe the week of 27 October as the week of solidarity with the people of Namibia and its liberation movement, the South West Africa People's Organization, as proposed by the President of Senegal at the Dakar International Conference on Namibia and Human Rights, held in Dakar from 5 to 8 January 1976 and request the United Nations Council for Namibia to prepare a programme for such a commemoration;

(51) Request the Secretary-General to urgently undertake in consultation with the Council for Namibia the preparation of a comprehensive United Nations map of Namibia reflecting therein the territorial integrity of the Territory of Namibia.

II. ADMINISTRATIVE AND FINANCIAL IMPLICATIONS
OF THE RECOMMENDATIONS OF THE COUNCIL

274. Bearing in mind the foregoing conclusions and recommendations and subject to any further directives that might be given by the General Assembly at its thirty-first session, the United Nations Council for Namibia intends to continue to implement the resolutions of the General Assembly. It should also be noted that during 1977, the Council intends to meet in continuous session throughout the year.

275. The recommendations referred to above would have the following administrative and financial implications:

276. With the approval of its report by the General Assembly, the United Nations Council for Namibia would undertake, amongst others, the following activities:

- (a) Represent Namibia wherever required;
- (b) Continue its consultations at United Nations Headquarters or elsewhere with Governments of Member States;
- (c) Continue to meet with Namibians at United Nations Headquarters and in Africa and Europe;
- (d) Maintain and strengthen its co-operation with OAU and attend its meetings;
- (e) Establish close co-operation with the specialized agencies and other institutions and obtain, as the legal authority of Namibia, representation in all their deliberations where appropriate;
- (f) Co-operate with other organizations and conferences interested in Namibia where appropriate;
- (g) Provide wide dissemination of information on Namibia.

277. The Council intends to continue its policy of sending missions comprised of a small group of members and of the full Council whenever necessary. The Council proposes to send missions to Africa, Europe and North America to meet with officials of Governments in order to gain support for the activities of the Council and to disseminate information about Namibia. During these visits, the Council would require full secretariat services, including political, administrative and public information staff;

278. It is expected that the Council, during 1977, will conduct consultations with Governments including the following:

- (a) A mission to European capitals at a cost of approximately \$US 21,520;
- (b) Two missions to North American capitals at a cost of about \$US 7,560 for both missions.

279. The expansion of dissemination of information on Namibia would involve the continued publication of the Namibian Bulletin and include a German edition;

280. The Council also intends to acquire and give wide distribution to films on Namibia at an estimated cost of \$US 18,000;

281. The Council considers desirable that a new film on Namibia be made and for that purpose recommends an allocation of \$US 50,000;

282. The policy of dissemination of information through the media would require expenditure by the Office of Public Information of the Secretariat on radio and television programmes and advertisements in the news media at an estimated cost of approximately \$US 30,000;

283. The Council for Namibia proposes to increase the financial assistance to the Office of the SWAPO Observer Mission to the United Nations, which has already been established in New York, in order to meet the additional activities in relation to Namibia at United Nations Headquarters. This would cost \$US 85,000 for 12 months in 1977, to cover the salaries of one representative, one deputy representative and one secretary, as well as rental of office space;

284. The Council intends to invite representatives of SWAPO and petitioners to attend its meetings at United Nations Headquarters or elsewhere for the purpose of consultations and of obtaining relevant information. The travel of 20 such persons to New York for one week each with subsistence at Secretariat rates would cost an estimated \$US 42,540;

285. The Council intends to carry out the following missions with respect to participation in international organizations and conferences:

(a) Representation of the Council as in previous years by the members, accompanied by the secretariat staff at the OAU Co-ordinating Committee for the Liberation of Africa and at the Council of Ministers and the Assembly of Heads of State and Government of OAU at a cost of approximately \$US 12,380;

(b) Participation by one or two members of the Council for one week on each occasion at international organizations and conferences, at a cost of approximately \$US 21,230;

(c) A mission to the headquarters of certain specialized agencies in Europe composed of three members of the Council and accompanied by one secretariat staff member at a cost of approximately \$US 7,550.

286. In order that the United Nations Fund for Namibia may continue, under the responsibility of the Council, to give assistance to Namibians, it is necessary that the General Assembly allocate the annual sum of \$US 300,000 from the regular budget of the United Nations to the United Nations Fund for Namibia;

287. It is understood that the actions and level of expenditures under each of the items mentioned above will be kept under the direct control of the Council;

288. A summary of the financial implications of the programme of work of the Council is set out below;

Table

United States dollars

(a) Mission to North American capitals	7,560
(b) Mission to European capitals	21,520
(c) Mission to Africa	
(d) Hearings on the uranium exploitation in Namibia.	
(e) Participation in international organizations and conferences	21,230
(f) Mission to specialized agencies	7,550
(g) Participation in OAU meetings	12,380
(h) Assistance to SWAPO office	85,000
(i) Travel of Namibians and petitioners invited by the Council to United Nations Headquarters . . .	42,540
(j) Publication of <u>Namibia Bulletin</u>	30,000
(k) Press, radio and television advertising	30,000
(l) Acquisition of films	18,000
(m) Preparation of a new film on Namibia	50,000
(n) Allocation in the regular budget for the United Nations Fund for Namibia	<u>300,000</u>
Total	<u>625,780</u>

PART FIVE

SITUATION IN NAMIBIA

I. GENERAL

289. This paper is the first of the series of reports requested by the Council at its 230th meeting, on 8 March 1976 and deals with internal political developments in Namibia, namely the liberation struggle and the repressive policies of the South African authorities, and the so-called constitutional conference illegally held in the Territory under the auspices of the South African Government.

II. WORKING PAPER PREPARED BY THE SECRETARIAT

A. The struggle for national liberation

1. SWAPO's military activities

290. The People's Liberation Army of Namibia (PLAN), the military wing of SWAPO, has been waging an armed struggle for the liberation of Namibia since August 1966. By 1972, SWAPO reported that it had begun to introduce its struggle, originally centred in the northern and eastern parts of the Territory, namely Ovamboland, Kavangoland and East Caprivi, to the southern and central regions. By the beginning of 1973, SWAPO reported that it had established underground units in every region, and that its forces were concentrated in the Caprivi Strip, Kavangoland and eastern Ovamboland, with some operations in Kaokoveld and in the area near the eastern border with Botswana. SWAPO strategy consisted of establishing guerrilla strongholds in key regions by means of small-unit sabotage, ambush and harassment of South African military posts.

291. As an indication of the extent and nature of military activities by SWAPO during the early 1970s, it may be noted that during 1973 SWAPO reported that PLAN fighters attacked a South African military camp at Kamenga in East Caprivi, set fire to a petroleum store and ammunition dump, destroyed a radio communication tent and five military transport vehicles, captured an arms and ammunition depot in the East Caprivi and launched attacks in the Kavango Basin.

292. In the spring and summer of 1975, SWAPO intensified its military offensive against South Africa's occupation of Namibia. According to South African sources, by that time PLAN forces had grown to between 2,000 and 3,000 men, of whom 500 had completed their training and were armed with "the latest weapons". Between April and July 1975, at the opening of the new offensive, PLAN forces fought three major battles with South African troops in East Caprivi and Kavangoland, in the course of which South African troops suffered many casualties and a large quantity of South African military equipment and supplies were taken by the Namibian patriots.

293. Since October 1975, PLAN forces have centred the struggle in Ovamboland, where the majority of subsequent military actions have occurred, and have intensified the struggle in the Grootfontein district, an area of white settlement and site of the largest South African military air base. Between October and December 1975, SWAPO patrols attacked two border posts in Ovamboland, killing six South African soldiers. There were also numerous landmine explosions in Ovamboland and East Caprivi, and attacks on several white settler establishments.

294. During 1976, SWAPO military activities further increased, as reflected in a recent statement by Mr. Lucas Pohamba, SWAPO representative in the United Republic of Tanzania, in which he described several successful SWAPO actions, including: (a) an attack on a communications centre in northern Namibia on 15 January, resulting in the partial destruction of the centre, South African troop losses and the destruction of three troop transport vehicles and a jeep; (b) an attack on a large agricultural estate near Tsumeb on 20 February, which led to the liberation of African farm labourers who were working in conditions of virtual slavery; (c) a series of confrontations with South African troops patrolling the Angolan border between 7 and 10 March, resulting in many casualties amongst South African troops and the destruction of three helicopters and a military aircraft; and (d) a half hour-long battle on 22 April in the border area between the Ovamboland and Kavangoland bantustans during which the South African army units suffered some casualties.

295. According to testimony by an officer of the South African Security Police, from December 1975 to May 1976 SWAPO forces had clashed with security forces at least eight times. In addition, there had been over 20 landmine explosions as well as other attacks.

2. South African measures of repression

296. South Africa has responded to SWAPO's political and armed struggle by constantly increasing its military presence in the Territory and by enacting increasingly harsher and more repressive "security" legislation.

297. In late 1975 and early 1976, SWAPO reported that the militarization of Namibia had become total and complete, that "a state of terror" prevailed and that hundreds of civilians had been killed or injured or had disappeared, especially as a result of the demolition of villages and the resettlement of their populations in specially guarded villages.

298. Scores of other Namibians have been detained under security legislation, particularly the Terrorism Act of 1967, which is illegally applied to Namibia by the South African authorities.

South Africa's military presence

299. South Africa began rapidly to accelerate the pace of militarization in Namibia in 1974 following the announcement of the impending independence of Mozambique and Angola.

300. In June 1974, Mr. P. W. Botha, the South African Minister of Defence, disclosed that South African army units specially trained in "counter insurgency" attacks had already replaced police in patrolling the northern border of East Caprivi which had theretofore been the scene of the most intense SWAPO activity. Press reports indicated that the army units, which were estimated to comprise about 5,000 men, were stationed at strategic points throughout the area, from which patrols, accompanied by local African trackers, and guided by helicopters, were sent out for extended reconnaissance missions.

301. During 1975, South Africa was reported to have relocated some 2,500 policemen transferred from Southern Rhodesia to Namibia and to have sent additional army and police reinforcements from South Africa to Namibia. South Africa also attempted to carry out under a veil of secrecy the expansion of the military air base at Grootfontein in order to make it capable of handling jets of any size. Underground shelters for mobile weapons and other war equipment, as well as aircraft hangars, storage depots, and a transportation complex for the sixteenth support command were also being constructed. According to SWAPO, during 1974 and 1975 South Africa also established smaller military bases at Onuno, Ondangwa, Ruacana Falls, Fenhana, Gobabis, Ohangwerra and Nkonjo.

302. In March 1976, following the withdrawal of South African troops from Angola, SWAPO officials reported that the total number of troops in the Territory had risen to 11,000, stationed at six military bases.

Terrorism Act

303. Shortly after the outbreak of the armed struggle, the South African Parliament enacted the so-called Terrorism Act in 1967, which has been an important instrument of South African repression in Namibia. It may be noted that the Terrorism Act is illegal in Namibia because it was made applicable to Namibia after the revocation of the mandate by the General Assembly.

304. The vast majority of all political prosecutions in Namibia have been carried out under section 6 of the Terrorism Act, which empowers any high ranking police officer to arrest any person suspected of being or having aided a "terrorist" or having withheld information about a "terrorist", and have him detained for interrogation anywhere in Namibia or South Africa until the commissioner of police is "satisfied" that he has "satisfactorily replied to all questions and that no useful purpose will be served by his detention".

305. Section 6 also forbids a court to order the release of a person detained under its provisions and provides that detainees shall be held in solitary confinement and that no one except police and prison officials shall have access to them, except that a magistrate may visit such a detainee in private once every two weeks "if circumstances so permit".

306. In order to give the South African Government virtually unlimited power to arrest any opponent of the régime under section 6, the Terrorism Act defines "terrorism" to mean the commission of "any act" anywhere in the world "with intent to endanger the maintenance of law and order in the Republic", and establishes a presumption of guilt against the accused if his act "had or was likely to have had any of ... [12] results". These results include "embarrassing the administration",

promoting general disturbance or disorder, or causing financial loss to any person or to the State. Thus, under this definition, any quasi-political action, such as participating in a strike for higher wages, can be construed as terrorist activity. Furthermore, unless he proves beyond a reasonable doubt that he did not intend any of the enumerated results, the accused may automatically be found guilty and sentenced to death by hanging, or, at the least, to imprisonment for five years.

307. Namibians have also been tried and sentenced under the Suppression of Communism Act of 1950 and the Sabotage Act of 1962. The former Act, which defines "communism" to include any doctrine which aims, inter alia, at bringing about political or social change through disorder, unlawful acts or threats, enumerates 22 "crimes" with penalties ranging from one year in prison to death. "Crimes" under the Act include advocating the achievement of the objects of "communism" by foreign or international intervention (including advocating the imposition of economic sanctions against South Africa by the United Nations) or undergoing "guerrilla" training. The Sabotage Act, which is considered to be a forerunner of the Terrorism Act, defines sabotage, inter alia, as committing any wrongful act which injures, destroys or endangers public health, public utilities, law and order or free movement of traffic, carries the same penalty as the Terrorism Act: a minimum of five years' imprisonment and a maximum of death.

308. No accurate information is available as to the total number of Namibians arrested under the Terrorism Act and not brought to trial. Available information indicates that the Terrorism Act has been applied against hundreds of Namibians, who have either been released or have continued to remain in detention without charges being brought. According to one source, since August 1975, 200 SWAPO leaders have been detained.

309. Since 1967, some 50 SWAPO members have been brought to trial under the Terrorism Act. Over half the accused have been gaoled and tried in South Africa, thousands of miles from their homes; all have been denied access to counsel until immediately before the opening of the trial and have thus been unable to adequately prepare cases for their defence.

310. The first trial of Namibians under the Terrorism Act was held in Pretoria from August to December 1967. The accused, 37 men, including Mr. Nathaniel Maxuiriri (Acting President of the internal wing of SWAPO), Mr. John Ja Otto (Acting Secretary-General), Mr. Jason Mutumbulua (Secretary for Foreign Affairs) and Mr. Toivo Ja Toivo (Regional Secretary for the North), had all been arrested since the beginning of fighting in Ovamboland in 1966 and had been transferred to prisons in South Africa and held incommunicado for many months before being charged or brought to trial.

311. Specifically, the prosecution charged that the men had entered Namibia armed after having received training in "terrorism" in various countries; that they had set up training camps in Ovamboland; and that they were responsible for attacks on white and African government officials and farmers between June 1966 and May 1967.

312. Verdicts in the trial were handed down in January 1968, at which time 30 of the accused were found guilty as charged; 3 others were found guilty under alternative charges under the Suppression of Communism Act; and 2 were found not guilty (of the remaining 2 of the original defendants, 1 had died during the course of the trial and another had become ill). Subsequently 19 of the 30 men convicted

under the Terrorism Act were sentenced to life imprisonment; 9 to 20-year terms and 2 to 5-year terms. The 3 found guilty under the Suppression of Communism Act received 5-year suspended sentences. On 21 November 1968, the Appellate Division of the South African Supreme Court rejected the appeal against their conviction by 31 of the accused. The appeal was based on the fact that the Terrorism Act was enacted after the adoption of resolution 2145 (XXI) terminating the mandate and declaring that South Africa no longer had any authority in the Territory of Namibia (then called South West Africa). In its opinion, the Court said that the South African Constitution Act deprived it of any jurisdiction to pronounce on the validity of the Terrorism Act in so far as it applied to South West Africa. However, the Court reduced the sentences of five defendants from life to 20 years.

313. Further trials under the Terrorism Act were held in 1969, 1974 and 1976.

314. In 1969, eight Namibians, who reportedly had been imprisoned in Pretoria for as long as three years, went on trial at Windhoek on charges similar to those in the first Pretoria trial. Their court-appointed lawyers admitted the guilt of five of the men, who were sentenced to life imprisonment. A sixth received an 18-year term and two were acquitted.

315. In January and February 1974, South African police detained 10 members of the SWAPO executive and the SWAPO Youth League under section 6 of the Terrorism Act, on charges ranging from the possession of banned publications to the printing of slogans and incitement to commit murder. The latter charge was founded on a letter by two of the accused addressed to Mr. Sam Nujoma, President of SWAPO. After being held in solitary confinement for several months, the Namibian patriots finally came to trial in June and July 1974, at which time two (Mr. Ezriel Taapopi and Mr. Josef Kashea, Acting Chairman and Acting Secretary respectively of the SWAPO Youth League), were sentenced to five-years imprisonment (of which three years were conditionally suspended); and four (Mr. David H. Merero, National Chairman of SWAPO, Mr. Axel Jackson Johannes, Acting Secretary-General, Mr. Lot Zacharias and Mr. Thomas Kamati) were released on bail. Subsequently, Mr. Merero and Mr. Kamati escaped from Namibia. According to available information, three other Namibians arrested during the same period may still be in detention, including Mr. Shihepo Muili and Mr. Daniel Shiwangula.

316. The trial of three Namibian men and three women on charges under the Terrorism Act was held at Swakopmund in 1976. Of the six, one was accused of having knowingly provided transportation to the alleged assassins of Chief Elifas of Ovamboland on 16 August 1975; 61/ the others were accused of having given financial or material aid - in three cases R 10 62/ - to persons whose intentions were the violent overthrow of the South African territorial administration in Namibia. On 12 May, two of the accused, Mr. Hendrik Shikongo and Mr. Aaron Mushimba, were sentenced to death by hanging, and two of the women were sentenced to five and seven years' imprisonment. Permission to appeal the sentences was refused. In handing down the death sentences, the presiding judge said that although the men had no previous convictions, their ideology had led to

61/ It should be noted that the assassins of Chief Minister Elifas have never been identified by the South African authorities.

62/ In September 1975, one rand (R 1.00) equalled approximately \$US 1.15.

acts of "terrorism" that could not be allowed to continue and that "terrorists" had no right to exist. Subsequently, it was reported that the State-appointed lawyers for the defence had given to the security police confidential documents relating to the accused.

317. The imposition of death sentences has been protested by groups and individuals within the Territory and by the international community. At its 233rd meeting, on 13 May 1976, the Council approved a statement (A/31/92-S/12079) in which it strongly condemned the imposition of death sentences "which is clearly intended to establish, among other things, an atmosphere of intimidation and terror to impose upon the Namibian people a bogus constitutional conference aimed at destroying the territorial integrity and unity of Namibia, under a ruthless policy of racial segregation". The Council demanded the immediate and unconditional release of the Namibian patriots and drew the attention of the General Assembly, the Security Council and the Secretary-General to the threat to international peace and security created by the illegal occupation of Namibia by the racist régime of South Africa. Condemnation of the death sentences has also been voiced, *inter alia*, by the World Federation of Lutheran Churches; the World Council of Churches; the Roman Catholic Church; the Methodist Church; the Anglican Church; the German Evangelical Lutheran Church and the Evangelical Lutheran Church of Namibia; Amnesty International; the Organization of African Unity and the Secretary-General of the Commonwealth.

318. In its statement condemning the sentences and appealing for them to be commuted, the World Federation of Lutheran Churches expressed dismay that the death sentences had been passed in a case where the defendants were not accused of having themselves committed any act of violence. It said that the conviction rested solely on inferences of association with unknown persons allegedly involved in violence and that the imposition of the death sentences would only escalate violence, making reconciliation even less likely, with terrible consequences for all.

319. The statement signed by the Namibian churches expressed fear that the death sentences, described by the presiding judge as a deterrent, could be the cause of new unrest and the spilling of blood and could lead to the miscarriage of the policy of détente, which the churches supported. In its statement, SWAPO challenged South Africa's right to prosecute and sentence citizens of an international Territory "illegally occupied by a racist régime".

320. On 21 May 1976, 10 Namibians were charged under the Terrorism Act for having allegedly participated, directly or indirectly, in the murder of four white civilians and an African policeman. The accused were remanded until 25 June, when their summary trial was scheduled to begin. It may be noted that although police were reported to be continuing their investigation in order to aid the State Prosecutor in preparing his case, no counsel would be appointed for the accused until the trial begins.

Internal security amendment bill

321. In May 1976, new security legislation, known as the Internal security amendment bill, was introduced in the South African Parliament. The bill, which seeks to increase the powers of arrest and detention already exercised by the Minister of Justice under the Suppression of Communism Act, would make South Africa, and by extension Namibia, a fully-fledged police State.

322. In particular, the bill would empower the Government to arrest anyone, including "non-communists", suspected of "endangering State security or the maintenance of public order" and to keep him in detention for at least as long as one year, without charges, bail, trial or legal counsel. Furthermore, although the bill would establish a review committee to consider, in secret, the facts of all detentions as well as submissions by detainees, and to make recommendations regarding an individual's continued detention, it provides that the Minister of Justice, who is the sole authority in cases of detention, need not abide by its recommendations. Thus, as the bill does not establish any limit to the number of times a one-year period of detention may be renewed, a person might be detained indefinitely without ever being informed of the charges against him or being required to answer them.

323. The bill would also allow the Government to ban any organization or publication expressing opposition to its policies, such as the press; amend the Terrorism Act to delete provisions relating to release on bail; and extend the Riotous Assemblies Act of 1956 to Namibia. The Riotous Assemblies Act enables the authorities to ban any assembly or gathering which the police consider to constitute a threat to State security.

324. The bill has been criticized in South Africa by the opposition Progressive Reform Party. Mrs. Helen Suzman, a member of the party, has stated that "within the ambit of the provisions of this bill, it will mean the end to the principle of habeas corpus and it will mean the unrestrained exercise of arbitrary power ...". Mrs. Suzman also charged that the bill would take South Africa "a long way further down the slippery slope away from the rule of law and towards a police state".

325. The Christian Institute, an organization based in South Africa, has charged that "security" legislation is "overwhelmingly" used against Africans "who are increasingly voicing the true aspirations of their people".

Other repressive measures

(a) State of emergency in Ovamboland

326. As another means of strengthening its repression of the Namibian people, in February 1972 the South African Government imposed a state of modified martial law in Ovamboland (Emergency Proclamation No. R.17 of 1972), which is still in effect. The emergency proclamation, inter alia, prohibits all unauthorized political meetings, restricts entrance into and departure from homelands, and permits native commissioners or police officers to arrest and detain indefinitely, any person suspected of having committed or having the intent to commit offences, including: (a) making any statement or committing any act "subverting or interfering with authority"; (b) threatening boycott or "violence, loss, disadvantage or inconvenience to anyone"; (c) organizing or taking part in a boycott; (d) refusing to obey any "lawful order of a chief or headman"; and (e) treating a chief or headman with "disrespect, contempt or ridicule".

327. Furthermore, since August 1973, the homeland authorities have also been authorized by the South African Government to employ corporal punishment, primarily public floggings, against Namibians who have allegedly violated the so-called emergency regulations. According to available information, the principal victims of public floggings have been supporters of SWAPO and the Democratic Co-operative Development Party (DEMKOP), which is also opposed to the South African occupation.

In his testimony before the Fourth Committee of the General Assembly on 4 November 1974, 63/ Mr. John Ja Otto, Chairman of SWAPO in Ovamboland, said that between September and November 1973, 66 persons had been flogged; 105 people had been arrested at political rallies, 20 SWAPO members had had to pay fines to the chiefs for their political activities and several teachers and nurses had lost their jobs for political reasons. According to Reverend Richard Wood, Anglican Bishop of Damaraland, who was subsequently expelled from the Territory, as many as 300 to 400 floggings in all may have been administered in 1973 and 1974.

328. Beginning in June 1974, in response to these repressive measures, some 2,000 Namibians, including SWAPO leaders and most of the small number of educated Ovambos, fled across the border into Angola, in some cases to join with SWAPO forces-in-exile. In order to stem the flight, the Ovamboland Minister of Justice announced that persons found guilty of helping Namibians to leave the country without a passport would be fined the equivalent of \$US 6,000 or sentenced to one year in prison or both. Namibian patriots undertaking activities to recruit Ovambos for military training would be sentenced to death.

(b) Creation of a "no-man's land"

329. In February 1975, in order to facilitate the pursuit of liberation fighters, South Africa began the clearing of a so-called free-fire zone or no-man's land, approximately 8 kilometres deep, running the length of the Namibia/Angola border from Ruacana Falls to Kavangoland, a distance of 450 kilometres. Creation of the zone was reported to entail the evacuation of thousands of Ovambos and the devastation of the evacuated area in order to prevent SWAPO forces from operating in the area.

330. In a statement before the Security Council on 27 January 1976, Mr. Moses Garoeb, Administrative Secretary of SWAPO, reported that South African troops had killed hundreds of Namibians in the process of clearing the strip and that some villages in the border area had been totally destroyed on the pretext that they were harbouring SWAPO guerrillas (S/PV.1880).

331. In May 1976, in view of the growing success of SWAPO, the South African Government extended martial law to East Caprivi and Kavangoland and authorized security forces to transfer the population from a 1 kilometre-wide zone extending along the entire 1,600 kilometre border between Namibia and Angola. According to The Star (Johannesburg), the emergency regulations bring 376,000 people, or 55.3 per cent of the total population of the Territory, under quasi-emergency rule, in anticipation of a "widening guerrilla onslaught".

332. The new regulations give the military forces the same powers of search, seizure, arrest and interrogation as formerly exercised only by the police; provide for the sealing off and systematic searching of any area in the "security area" where the presence of guerrillas and "terrorists" is suspected; and provide for the forced removal of the residents of a given area, without the right to return.

333. The regulations also empower the Minister of Bantu Administration and Development to declare an area bordering on a "security district" to be a prohibited area, accessible only to security forces, and to establish a curfew in Ovamboland.

334. The Ovamboland curfew regulations provide that no person may leave Ovamboland unless he is in possession of a permit signed by a native commissioner or is an employee of either the South African, territorial or Ovamboland Governments. They also provide that non-residents may not enter Ovamboland without similar authorization. A non-resident, in terms of the regulations, is any person absent for the purpose of employment or for the exercising of any trade, calling or profession, or who permanently or habitually resides outside the area. According to The Windhoek Advertiser (19 May 1976), the definition clearly applies to Ovambos who have crossed the border into Angola.

335. In addition to the above, the regulations define failure to report the presence of "insurgents" as a criminal offence, punishable by arrest without a warrant and indefinite detention without trial or access to legal counsel. Africans tried and convicted for failure to report are liable to a fine of R 600, three years' imprisonment or both.

(c) Press censorship of SWAPO's military activities

336. The South African Government has attempted to conceal the truth of the military situation from the Namibian population by censorship of the press. On 7 May, The Windhoek Advertiser reported that the press had received a "friendly request" from the "highest authority" to refrain from publishing any further reports on "terror activities". The newspaper commented that although journalists might of course refuse to comply, it was a foregone conclusion that all newspapers would acquiesce since, if they did not, more severe legislation would be enacted.

337. On 22 June, The Windhoek Advertiser was published with a large blank space on the front page, across which was printed the word "censored". The following day the newspaper reported that a "highly-placed" government official telephoning from Pretoria had warned that unless the article, which contained "classified" information, were omitted, police would confiscate the edition in question and legal action would be taken against both the responsible journalist and the publishers. It was also reported that the Government had begun legal action in Windhoek Supreme Court to stop distribution of the 22 June edition of the Allgemeine Zeitung, a German-language newspaper, which had reported that nationalists had succeeded in "infiltrating white areas" and that reserve units had been called up. The State was said to be arguing that the report fell under article 118 of the Defence Act, which provides that there can be no publication of any defence matters without prior approval of the Minister of Defence, since it could cause "despondency among the general public". The application to stop further distribution of the newspaper was later rejected on the grounds that there was no direct reference to the Defence Force. The Judge President agreed, however, that readers of the article could have inferred that the security forces no longer had control of the military situation.

338. On 24 June, The Windhoek Advertiser reported that, by order of the Minister of Defence, it would no longer receive official dispatches from the Department of Defence.

(d) Testimony of a former South African soldier

339. At its 237th plenary meeting on 27 September 1976, the Council heard a statement by Mr. Bill Anderson, a former South African soldier assigned to Namibia, where he had taken part in "Operation Cobra", a major security sweep involving five battalions of infantry, helicopters and paratroops (A/AC.131/SR.237).

340. In his statement, Mr. Anderson stated that the information which he had originally provided to The Guardian (London) had now been verified by other witnesses.

341. Mr. Anderson stated that orders had been given to the troops to capture every male over the age of puberty and to kill those who ran away. All those captured had been tortured during interrogation. Mr. Anderson saw men being tortured with water to the point of drowning, beatings of blindfolded and manacled young children and repeated and regular burnings with cigarettes. All troops, he stated, were encouraged to participate in the beatings by their officers, some of whom boasted of using electric shock torture.

342. "Operation Cobra" took place in June 1976 in Ovamboland, in the north of Namibia, along the frontier with Angola. One of the purposes of the operation was to establish a 1 kilometre-wide free-fire zone along the frontier.

B. So-called constitutional conference: an attempt at political manipulation

343. In response to an invitation from the representatives in Namibia of the National Party of South Africa in September 1974, five sessions of the so-called constitutional conference to decide on the future of Namibia were held under the auspices of the illegal South African administration: 1-12 September 1975; 10-13 November 1975; 2-19 March 1976; 2-4 June 1976; and 3-18 June 1976.

1. Underlying purposes of the conference

344. The decision to hold the so-called constitutional conference was made in the context of the policy of détente to which the South African Government turned when faced with further isolation in the international community as a result of the changes in Portugal and the progress of decolonization in southern Africa. According to press reports, the South African Government is attempting to find a formula for the future of Namibia, according to which it may protect its interests and reduce international pressure against its policies.

345. According to one source, ^{64/} South Africa is buying time and attempting to replace the white buffer zone once provided by the former Portuguese Territories and Southern Rhodesia with a black buffer zone which would preserve apartheid within South Africa. South Africa would only be prepared for formal changes within

^{64/} Jack Spence, "South Africa's foreign policy following the Portuguese coup", in Change in Southern Africa - Three Studies in Power Politics (London, Miramoor Publications), 1975.

southern Africa which would have the effect of preserving the status quo. With regard to the future of Namibia, this view has been confirmed by the statement of the Executive Committee of the National Party of South West Africa dated 24 September 1974 proposing the holding of multiracial talks on the future of the Territory (see A/9775-S/11519). The statement said that although the party's position on what it considered the best way of "ensuring peaceful coexistence" between the various population groups of the Territory was well known ("separate development"), it intended to approach the proposed consultations "in a spirit of goodwill in terms of which standpoints will be weighed against each other and misconceptions eradicated".

346. On 24 September 1974, the same day on which the National Party announced the proposals for a multiracial conference, the South African Government convened the first meeting in 13 months of the Prime Minister's multiracial Advisory Council, which includes tribal chiefs and representatives of white settlers and which SWAPO has characterized as consisting of "hand-picked stooges" and as a "move to frustrate the people's demand for independence". At the conclusion of the meeting, the Advisory Council unanimously endorsed the proposed talks. The Council also was said to have rejected United Nations intervention in the Territory.

347. On 22 November, the Territory's all-white Legislative Assembly, especially convened for this purpose, adopted a motion approving the holding of multiracial talks. By the motion, the Legislative Assembly, inter alia, (a) endorsed Prime Minister Vorster's position that the inhabitants of the Territory should decide their own future without the interference of the United Nations or South Africa; (b) acknowledged that there were various population groups in the Territory and that the right of each to its culture and language should be recognized; (c) expressed the opinion that non-whites were less interested in political rights than in the recognition of human dignity; (d) noted that law and order should be maintained in "South West Africa" during the process of moving towards self-determination and that South Africa should not withdraw from the Territory because that would lead to chaos; (e) barred participation in the talks by non-white political parties on the pretext that "there were many political parties in the ranks of the non-whites and no one knew precisely who was represented", assuming, however, that each non-white "population group" would be separately represented; and (f) noted that no solution on the basis of majority rule could be expected at the talks which were designed only to reach agreement on a political pattern. The motion also excluded the white opposition party, the United Party, from the talks on the grounds that the white population would be represented by the Legislative Assembly.

2. Participation in the conference

348. In a letter dated 27 January 1976, addressed to the Secretary-General (S/11948), the Permanent Representative of South Africa to the United Nations said that representatives of groups constituting 74 per cent of the population (Coloureds, East Caprivians, Kavangos, Ovambos, Rehoboth Basters and whites) had been chosen to attend the conference "in accordance with established electoral machinery and by way of free elections witnessed by the press" and that representatives of the remaining groups (i.e. Bushmen, Damaras, Hereros, Kaokovelders, Namas and Tswanas), although designated "by more traditional means

None the less represent a majority of the rest of the inhabitants". As a result, he claimed, the conference was "as broadly representative as is possible at this time". As a result of the decision of the Legislative Assembly to ban non-white political parties, both SWAPO and NNC were excluded from sending representatives to the talks. Moreover, although South Africa claimed that the conference was widely representative, significant elements within several of the "population groups" rejected the conference as not being representative of the people of Namibia. According to press reports, many of the group's leaders were tribal appointees and even where elections took place, as in Ovamboland, the results were bitterly disputed. In the case of the Damaras, the members of the delegation were from a "splinter faction" which was only recognized after the Damara Tribal Executive Committee and the Damara Advisory Council, the traditional leaders of the group, refused to participate in the conference unless, inter alia, it was held under international supervision. Members of the Rehoboth Baster, Nama and Herero communities also challenged the legitimacy of their accredited delegates.

349. During its second phase, the conference decided to decrease the total number of representatives from 156 to 136; to increase the size of the white delegation from two to six members, including Mr. A. H. du Plessis of the National Party of South West Africa and theretofore Minister of Public Works and Community Development in the South African Government; and to permit political parties to submit "evidence", provided they espoused a "peaceful solution" to the Territory's future and were approved by the plenary session.

3. Activities of the conference

First phase

350. The first phase of the so-called constitutional conference, attended by 156 delegates representing all the "other population groups" in the Territory as well as whites, was held in closed session at Windhoek from 1 to 12 September 1975. According to conference sources, the purpose of this phase was to decide generally on the form of the Territory's future independence.

351. On 10 September, an 11-member sub-committee presented to the plenary meeting a draft declaration of intent which, according to press reports, had been drafted by the two white delegates, both members of the ruling National Party of South West Africa. The Declaration of Intent was adopted with only minor modification on 12 September.

352. In the Declaration, the representatives, claiming that they were the "true and authentic representatives of the inhabitants of South West Africa", exercising their right to self-determination and independence: (a) condemned the use of force "or any improper interference" to overthrow the existing order; (b) resolved to create a form of government which would guarantee "to every population group the greatest possible say in its own and national affairs"; and (c) called for the drafting of a "constitution for South West Africa" within a period of three years. No mention was made of independence or of a unitary State, majority rule or a central parliament. One article in the press suggested that although the Declaration did not postulate sovereign independence for each of the so-called population groups, it did in essence envisage the attainment of independence by Namibia as a loose confederation of ethnic States with whites retaining the most valuable land areas. Thus, the Declaration was only a more subtle way of restating South Africa's official policy of separate development.

353. In September 1975, following the adjournment of the first phase of the conference, 34 delegates representing all of the so-called population groups, accompanied by officials of the South African Ministry of Foreign Affairs, visited the United States, the United Kingdom and the Federal Republic of Germany in an effort to obtain international support for the proposals embodied in the Declaration and recognition of themselves as the true and authentic representatives of the Namibian people. Members of the delegation included Herero Chief Clemens Kapuuo, Mr. B. J. Africa, Chairman of the Baster Advisory Board, Mr. A. J. F. Kloppers, Chairman of the Coloured Representative Council, Mr. Peter Kulungulu, of Ovamboland, and Mr. Dirk Mudge, a white delegate.

354. At the time, SWAPO denounced the delegation as an "unrepresentative group" which was "clearly working in collusion with the enemy against the true aspirations and legitimate interests of our country". On 6 October, the Chief Representative of the SWAPO observer mission to the United Nations, in a telegram addressed to the Secretary-General, urged him not to receive the delegation.

355. In a statement issued on 16 October 1975, the Council drew attention to the non-representative character of the delegates and to the fact that they were "handpicked" by the South African authorities; and again urged the international community to "frustrate the South African manoeuvre" (see para. 270 above).

356. After two days at Washington, D.C., the delegation met with Representatives Edward Beister, Jr. of Pennsylvania, a member of the House of Representatives, and Mr. Roy T. Haverkamp, Director of the Office of Southern African Affairs at the United States Department of State. Subsequently, The New York Times reported that both Mr. Beister and Mr. Haverkamp had expressed the view that the constitutional conference was not genuinely free of South African influence and had reiterated the position of the United States Government which did not recognize South African administration of the Territory.

357. At London, on 21 October, following a meeting with the delegation, Mr. David Ennals, Minister of State at the Foreign and Commonwealth Office, issued a statement in which he reiterated his Government's view that the Territory's constitutional future must be decided by an internationally supervised nation-wide election or referendum in which all political parties should take part. Mr. Ennals also repeated his Government's belief that South Africa's occupation of Namibia was illegal; expressed regret that political parties had not been involved in the talks; and deplored the lack of freedom in the Territory and detention without trial.

358. On 29 October, the Permanent Representative of the Federal Republic of Germany to the United Nations sent a letter to the President of the United Nations Council for Namibia on the talks held by the Federal Foreign Office with the delegation. In his letter, the Permanent Representative said that, as a matter of principle, the Federal Government was always willing, in the interests of a peaceful solution, to talk with all parties involved in a conflict and had taken advantage of the delegation's presence to explain the following views of his Government: (a) South Africa's presence in Namibia had no foundation in international law; (b) the population must be allowed to determine its political future through free elections under United Nations supervision; (c) Namibia must attain its independence without delay while preserving its territorial integrity; and (d) the political groups in Namibia must be allowed to take part in the process, since a solution on ethnic lines alone would not hold out any hope of success.

Second phase

359. On 10 November, the so-called constitutional conference resumed after a two-month recess purportedly to consider questions of discriminatory practices and the establishment of a new social and economic order. Although initial press reports suggested that the session would last at least two to three weeks, the conference met for only four days and adjourned until March 1976. During the four days, separate committees were established to study the following aspects of discrimination: (a) discrimination in employment and the abolition of pass laws (first committee); (b) economic advancement of non-whites with special reference to the possibility of granting African property rights in urban and rural areas (second committee); (c) the social advancement of non-whites in the areas of housing and public amenities (third committee); and (d) education and educational facilities (fourth committee). The four committees subsequently adjourned until January 1976.

Third phase

360. By 19 March 1976, the end of the third phase of the conference, reports had been tabled by all except the second committee, which informed the conference that it required additional expert assistance in drawing up a comprehensive development plan. According to press reports, the recommendations of the first and fourth committees were unanimously adopted by the plenary session; the report of the third committee had been tabled on the last day of the conference and was therefore not discussed.

361. During the session, the conference also appointed two additional committees: a constitutional committee headed by Mr. Dirk Mudge, a member of the white delegation; and a finance committee, headed by Mr. Eben van Zijl, also white. According to press reports, the mandate of the constitutional committee was to arrive at "certain guidelines" on which the future political pattern of "South West Africa" was to be based; the finance committee was to consider the financial implications of decisions taken by the conference and ways and means to meet current expenditures.

362. The principal recommendations of the three committees were as follows:

(a) First committee: (i) abolition of the present pass laws and their replacement by a system under which every resident of the Territory would be issued a uniform identity card, denoting his ethnic group in code and carrying the phrase "citizen of South Africa" with "resident of South West Africa" in brackets if desired; (ii) retention of influx control; (iii) establishment of a minimum wage for unskilled workers within one year, amounting to R 54 per month in cash if benefits (food, lodging, etc.) were included, or R 106 without benefits; (iv) equalization within three years of the wages of non-white professionals, artisans and other skilled workers with those of whites; (v) levying of an income tax on all residents; and (vi) introduction of a compulsory pension scheme for all workers. The committee recommended that none of its recommendations concerning wage increases should be made compulsory; compliance by employers in the private sector should be strictly on a voluntary basis.

(b) Third committee: all dwellings occupied by non-whites in the Territory should be equipped with ceilings, bathroom facilities, flush toilets and electricity and higher rents would be charged for any improvements made.

(c) Fourth committee: (i) consideration should be given to the gradual introduction of compulsory education for non-whites, depending on the availability of facilities; (ii) separate school systems for whites, Africans and other non-whites should be retained, although standards and curricula should be uniform; and (iii) priority should be given to establishing non-white schools in rural areas.

363. Available information indicates that the recommendations of the conference were purely of an advisory nature and had no binding effect either on the South African Government, the territorial administration or the private sector.

364. Prior to the first phase of the conference, the Herero delegation, headed by Chief Clemens Kapuuo, had insisted that the South African Government must meet the following eight pre-conditions: (a) declare that it would abandon all schemes of "bantustans" and the dismemberment of the Territory; (b) acknowledge the right of the people of Namibia to a united Namibia "from the Kavango River in the north to the Orange River in the south"; (c) undertake to negotiate on the basis of total freedom and independence for the Territory; (d) release all political prisoners regardless of their place of detention; (e) respect Namibian sovereignty; (f) withdraw all elements of coercion and subversion from the Territory; (g) undertake to proceed at once with negotiations to transfer power to the Namibian people; and (h) permit all exiles to return and to participate freely in the work of their choice, and guarantee them immunity against prosecution for any part in current political activities.

365. Chief Kapuuo's self-appointment as head of the Herero delegation and his appointment of the other members had already caused dissension in the ranks of the Herero community, some of whom continued to oppose him. From the beginning of the conference, Chief Kapuuo's participation brought about further controversy. During the first phase of the conference, his attempts to obtain approval for Mr. Stewart Schwartz to attend the sessions were disputed by several delegations including Caprivians, Kavangos, Ovambos and two white delegates. Mr. Schwartz, a United States constitutional lawyer retained by Chief Kapuuo as an adviser, was accused during the conference of being an agent of the United States Central Intelligence Agency (CIA) and of collaborating with the South African Government. Nevertheless, a compromise was reached allowing for his admission to the conference. Following the adjournment of the first phase, some members of the Herero community formally dissociated themselves from the conference (see below).

366. The controversial participation of Chief Kapuuo's delegation in the conference attracted renewed public attention with his submission to the third phase of the conference of a document containing constitutional proposals. The document, reportedly intended to be a blueprint for the future of Namibia was compiled in New York by a number of constitutional lawyers headed by Mr. Schwartz.

367. The basis of Chief Kapuuo's proposals is a one man, one vote system for all the inhabitants of Namibia 18 years of age and above. Although there is no mention of "whites", the proposals provide that a person born in Namibia is a citizen of the country and those who have resided for three years in the Territory also may

qualify as citizens on application. The proposals provide for the establishment of a 100-member bicameral legislature, one house to represent East Caprivi, Kavangoland and Ovamboland, and the other the Police Zone and the Kaokoveld, and for a Supreme Court binding even on the political rulers. The executive would be based on a ministerial cabinet system, and the prime ministership would be offered to the principal leader from either the northern or southern chamber, depending on which of them was successful in assembling the coalition receiving the largest number of votes. The document also proposed that the South African Government recognize the so-called constitutional conference as the true representative of the Namibian people and empower it to arrange within one year for democratic elections, under international supervision for a constituent assembly and, pending the election, to grant the conference total legislative competence with respect to Namibia.

368. According to an article in the British press, Chief Kapuuo's constitutional proposals would give each tribal or racial group its own representation in the legislature and would, thereby, enshrine apartheid, although in a less rigid form. An article in The Windhoek Advertiser claims that the proposals make it clear that ethnic considerations in the future elections of Namibia will have a role only to the extent that the political parties have an ethnic base. It also claims that no partition of any kind is contemplated for Namibia, although the intention to safeguard the southern communities from domination by the numerically stronger northern areas of Namibia is evident from the proposals.

Fourth phase

369. The fourth phase of the conference was convened with the objective of working out a constitution for the Territory "in the shortest possible time". According to one report, observers saw the new urgency as dictated by military pressure from SWAPO and international pressure resulting from the unanimous adoption of Security Council resolution 385 (1976). The conference met for only three days, from 2-4 June 1976, to allow its 35-member constitutional committee to work during the following weeks on a draft constitution for the Territory. It was expected that by the end of June the broad outline and basic principles of a draft constitution would be drawn up.

370. Despite growing pressure from various quarters in Namibia and South Africa, including significant sectors of the white population, to seek SWAPO's participation in the so-called constitutional conference, the South African Government has remained adamant in its position not to hold discussions with SWAPO. Mr. D. P. de Villiers, who led South Africa's legal team on the Namibia issue at the International Court of Justice in 1971, reportedly said that "it would be regrettable if the Conference delegates arrived at a new order which was not recognized by the world and other African States, simply because SWAPO had no participation in it". Mr. Dirk Mudge, the Chairman of the constitutional committee, however, maintained at the closing of the fourth phase of the conference that "political developments in South West Africa have now reached a watershed, with the militant organizations, such as SWAPO, on the one hand, and those who seek a peaceful solution on the other". He also stated that, in his view, the conference and organizations such as SWAPO could never come to a true agreement. He was not prepared to compromise with SWAPO. He believed, however, that "reasonable" countries would be prepared to accept a "just, constitutional set-up in South West Africa".

371. The fourth phase of the conference took no action on the question of participation in the conference by political parties, including SWAPO, or on the abolition of the Immorality Act, consideration of which had been requested by the Coloured delegation. According to the reports available, the only action taken by the conference was the issuance of further recommendations relating to the modification of racial segregation as follows: (a) that all hotels, restaurants and recreation resorts controlled by the illegal South African administration should be allowed to admit Africans; (b) that all signs and partitions segregating races in public buildings and facilities should be removed; (c) that prisoners of all races should receive the same diet and wear uniforms of the same quality and colour; and (d) that African prisoners should be provided with beds. The recommendations were expected to be acted on by the Legislative Assembly.

372. Following the adjournment of the conference, its constitutional committee continued in session until 28 June. According to a press report, a framework for the political future of the Territory was agreed upon. No single contribution submitted by a particular delegation was accepted. The policy adopted by the committee was to take from each set of proposals submitted, certain principles agreed upon by the conference. Thus, the constitutional proposals submitted by Chief Kapuuo (see para. 367 above) were reportedly included in their entirety.

Fifth phase

373. According to press reports, the so-called constitutional conference resumed on 3 August 1976. On 18 August, the conference issued a statement outlining its plans for the future of the Territory.

374. According to the statement, the conference had agreed that 31 December 1978 could "with reasonable certainty" be fixed as the date for the independence of "South West Africa", and it envisaged the creation of an interim Government as soon as agreement had been reached on a constitutional foundation and negotiations had been completed with South Africa on matters of mutual interest. The interim Government would manage the transfer of functions and establish a permanent Government. Although the form of government had not been determined, provision would be made for the adequate protection of minority groups. The conference also rejected any attempts to solve Namibia's problems by violence and appealed "to all civilized nations to oppose with all the strength at their disposal any attempt to solve our problems by force".

4. Reactions to the conference

375. From its very beginning, the so-called constitutional conference has been denounced inside and outside Namibia.

Condemnation by the Council

376. The Council's first statement on the so-called conference was issued on 23 October 1974 and is contained in the Council's report to the General Assembly 65/

65/ Official Records of the General Assembly, Thirtieth Session, Supplement No. 24 (A/10024), para. 213.

at its thirtieth session. The Council rejected the South African proposal, pointing out that it was simply another attempt to allege that Namibia was not one country and characterized it as a gimmick designed to placate world public opinion.

377. On 29 August 1975, the Council condemned the wave of arrests taking place in Namibia and indicated that they were part of a South African plan to impose the constitutional conference on the people by force.

378. On 13 May 1976, the Council condemned the death sentences passed on two Namibians (see para. 270 above) and stated that the sentences were part of a campaign intended to establish an atmosphere of intimidation and terror, so that the "bogus conference" could be forced upon the people.

379. Finally, when the South African Government transmitted to the Secretary-General of the United Nations the constitutional proposals emanating from the so-called conference (S/12180), the Council issued a lengthy statement condemning the proposals for having no legal foundation, for being part of a fraudulent plan to perpetuate bantustans and for failing to even approach the requirements of the United Nations and called for action by the Security Council (see para. 270 above).

Condemnation by SWAPO

380. SWAPO has consistently condemned the so-called constitutional conference as a "well-calculated and deliberate political manoeuvre" aimed at entrenching "bantustanism" and subsequently annexing Namibia to "white-minority-ruled South Africa". SWAPO called on Africans in Namibia to boycott any elections held for the purpose of choosing representatives to the conference. SWAPO also called upon the world community not to be misled or confused by these "selfish and deliberate, desperate attempts" and announced its intention to continue and intensify its armed national liberation struggle until freedom and genuine national independence under one central government were achieved.

381. At a press conference at Windhoek on 17 January 1975, SWAPO spokesmen reiterated the organization's refusal to participate in the proposed multiracial talks "because they are tribally oriented and do not involve the true leaders of the Namibian people". They indicated, however, that SWAPO was not opposed to talks "provided /they/ can be meaningful" and provided that Prime Minister Vorster unconditionally accepted three principles: (a) the right of the Namibian people to independence and national sovereignty; (b) the absoluteness and inviolability of Namibian territorial integrity; and (c) SWAPO's role as the sole authentic representative of the Namibian people. Before talks were held, SWAPO would further insist that the South African Government: (a) release all political prisoners, whether they were held in Namibia or in South Africa; (b) set aside the banning order on Mr. Immanuel Macuilili, the acting President of SWAPO; (c) recall the Emergency Regulations still in effect in Ovamboland; (d) enable all Namibians currently in exile to return freely to their country without fear of arrest or any other form of victimization; and (e) commit itself to the withdrawal of all South African troops and police from Namibian territory.

382. Stressing that the onus lay with the "unlawful occupier" to show his good faith, the spokesmen emphasized that if talks were not held the struggle for national liberation would continue and grow.

383. South Africa has unsuccessfully attempted to stifle SWAPO's opposition to the conference by prohibiting the holding of public meetings and, more importantly, by arresting key SWAPO leaders under the Terrorism Act. Despite South African repression, a few days before the opening of the conference, SWAPO issued a discussion paper on the constitution of an independent Namibia in which it advocated the establishment of a republic, headed by a directly elected president, with a directly elected legislature of 100 members; a comprehensive bill of rights; the enactment of comprehensive and effective anti-discrimination legislation; and the retention of a national system of local government. An article published in The Star (Johannesburg) noted in particular that these proposals provided comprehensive safeguards against domination by the Ovambo of a unitary independent State, a development allegedly feared by minority groups.

384. On conclusion of the first phase of the conference, SWAPO issued a statement in which it said that the talks had simply served "to put a rubber stamp on the South African Government's bantustan policy" and were a "monumental exercise in Boer bad faith".

385. On 3 March 1976, the SWAPO representative for West Africa, based at Dakar, issued a statement condemning the conference as illegal because it was "organized, supervised, and controlled by the illegal South African administration" and because it encouraged tribalism. He also said that the talks were being organized purely and simply in the interests of the white minority and were far from meeting demands for immediate majority rule.

386. In April 1976, Mr. Lucas H. Pohamba, SWAPO representative in the United Republic of Tanzania, said that through the so-called constitutional talks, which were aimed at partitioning Namibia into bantustans, an attempt was being made to legalize the presence of South Africa in Namibia. A few chiefs had opposed resumption of the talks unless SWAPO participated. SWAPO had refused to take part in the talks because it rejected tribalism and sought the establishment of a united, independent Namibia. Mr. Moses Garoreb, SWAPO's Administrative Secretary, said that the talks were nothing but a farce, because their primary objective was to divide Namibia into bantustans which could easily be controlled from Pretoria. Moreover, the so-called delegates attending the talks were handpicked stooges of the South African Government. They did not represent the Namibian people. The basic objective of SWAPO was the attainment of a united independent Namibia. SWAPO would never succumb to neo-colonialist control from Pretoria in any form.

387. At the close of its fifth phase, on 18 August 1976, the so-called constitutional committee of the constitutional conference issued its proposals (see para. 373 above); Pastor Festus Naholo, a SWAPO leader inside Namibia, stated at Windhoek that the whole international community should condemn that decision by South Africa through their puppets. Nothing that had emerged from the constitutional conference represented the wishes of the people, he said. The so-called interim Government for Namibia had only been provided for to diminish the pressures on South Africa, he continued, adding that the conference delegates were merely supporting apartheid. South Africa should withdraw from the Territory and agree to United Nations supervised elections.

Opposition by others

388. The Namibia National Convention (NNC), an umbrella body including SWAPO, has actively opposed the holding of the conference on an ethnic basis. Two weeks before the opening of the conference, key leaders of the organization were detained under the Terrorism Act.

389. On the first day of the conference, 60 members of NNC staged a silent demonstration in front of the conference hall, during which they carried placards calling on South Africa to withdraw from Namibia.

390. In a statement to journalists, Mr. Jephtha Tjozongoro, President of NNC, said that his organization had rejected the conference because its delegates represented only a minority of the population of Namibia; therefore, NNC could not agree to any settlement for independence reached at the meeting. He added that NNC would consider participating in future constitutional talks, provided the South African Government met certain conditions, including: (a) the release of all political prisoners; (b) allowing all political exiles to return to Namibia without fear of persecution; (c) revocation of the quasi-emergency regulations in effect in Ovamboland; (d) the immediate cessation of all moves to establish homelands; (e) recognition of the territorial integrity of Namibia, including Walvis Bay and East Caprivi; and (f) withdrawal of all South African police.

391. Following the adjournment of the first phase of the conference, the Damara Advisory Council and other opponents of the conference, including the Damara Tribal Executive Committee, members of the Herero and Nama communities and representatives of the Voice of the People (a political party representing Namas and Damaras) met at Okahandja in what is known as the Okahandja Summit to issue a statement officially dissociating themselves from the conference and expressing their intention to strive for a unitary State based on a universal declaration of human rights. They also announced their intention to seek a hearing at the United Nations during the thirtieth session of the General Assembly.

392. On 22 September, eight leaders of the Okahandja Summit addressed a telegram to the Secretary-General urgently appealing for an oral hearing in order to "give personal evidence against the forces of the South African Government" (A/C.4/784/Add.1). The request for a hearing was subsequently granted by the Fourth Committee.

393. The petitioners failed to appear, and it was reported at the end of December that 10 of the members of the Okahandja Summit had just received their passports after a delay of more than three months since submitting their applications. The other members of the group had not yet received an acknowledgement from the South African Government concerning their applications.

394. In a statement on 26 September 1974, Mr. Bryan O'Linn, Vice-Chairman of the all-white United Party, the official opposition party in the South African Parliament, said that although he welcomed the premise that the solution to the problems of the Territory must be found by all the peoples, the document issued by the National Party was none the less a "masterpiece in evasion, self-contradiction and obscurity". Among other things, he noted that the insistence on one voice for the whites but separate ethnic representation for each black and brown ethnic group gave the appearance of the "ganging up" of white against non-white and

exposed the National Party to the accusation by the "blacks" that this was another badly disguised effort to perpetuate separate development. If the Government was sincere, he said, it would withdraw all the legislative and other obstacles created in the "homelands" which made normal, peaceful and responsible political activities impossible. Mr. O'Linn proposed, among other things, that the quasi-emergency regulations in Ovamboland should be lifted; that simultaneous country-wide elections should be held among all the population groups to elect representatives to the talks, and that urgent steps should be taken to eliminate discrimination based exclusively on race in the fields of education, training and social relationships.

Protests by participants

395. Despite the appearance of consensus achieved by the adoption of the recommendations of two committees, press reports on the session indicated that, in fact, many non-white delegates felt that the conference was moving too slowly and was being manipulated by the white delegation in order to delay the drafting of an "independence" constitution.

396. It was also reported that many delegates were dissatisfied with specific recommendations, especially those on education, and that two Rehoboth delegates had resigned in protest over the recommendation that new identity cards would identify all inhabitants of the Territory as "citizens of South Africa".

397. On the last day of the session, members of the Coloured and Rehoboth delegations issued separate statements criticizing the conference. The statements had been specifically provoked by the tabling some days previously in the South African Parliament of a Rehoboth self-government bill which would give the Rehoboth Gebiet status equivalent to a homeland.

398. In their statements, the Coloured delegates said that the introduction of the Rehoboth self-government bill before the conference had decided on a future constitutional pattern gave the impression that the South African Government was attempting to buy time while continuing to implement the Odendaal Plan. It also called on the Government to keep its "hands off" the Territory if it wanted to avoid totally destroying the credibility of the conference.

399. The Rehoboth delegates stated that the only achievement of the conference had been to give apartheid and discrimination a new mask, while pretending that Namibia had entered a new era. The delegates also said that the appearance of consensus had been achieved by allowing only the 11 so-called leaders, some of whom were in fact representatives of the South African Government, to vote, and that the conference had wasted time by investigating small matters rather than working on the formulation of a constitution in which such issues could have been finally resolved.

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