



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

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**VOLUME I**

**GENERAL ASSEMBLY**

**OFFICIAL RECORDS: THIRTIETH SESSION**

**SUPPLEMENT No. 24 (A/10024)**

**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 from 12 October 1974 to 12 September 1975. Annexes I to IX to the report appear in volume II.



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LETTER OF TRANSMITTAL

12 September 1975

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 225th meeting, on 12 September 1975.

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 thirtieth session.

The Council for Namibia has asked me to draw Your Excellency's attention to the fraudulent nature of the so-called constitutional conference organized by South Africa, which opened in Windhoek on 1 September 1975, and to the need for condemnation of this conference by the international community.

Accept, Sir, the assurances of my highest consideration.

(Signed) Rupiah B. BANDA  
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. In 1966, the General Assembly terminated the mandate of South Africa over Namibia and placed the country under the direct responsibility of the United Nations. The responsibility of administering the country until it became independent was entrusted to a body which later became known as the United Nations Council for Namibia. 1/

2. Since 1966, the Council has striven to exert pressure on the Government of South Africa in order to bring about its withdrawal from Namibia, has endeavoured to ensure the implementation of United Nations resolutions on Namibia, has provided material and moral assistance to Namibians and has studied the political and economic situation in the country.

3. During the past year, the Council continued to work for the withdrawal of South Africa from Namibia and for compliance by States Members of the United Nations with United Nations resolutions on Namibia, and with the advisory opinion of the International Court of Justice of 21 June 1971. 2/ In this regard the Council, on the one hand, endeavoured to be represented in every international forum in order to promote the cause of Namibia and, on the other, took steps towards enforcement of Decree No. 1 for the Protection of the Natural Resources of Namibia, 3/ enacted by the Council on 27 September 1974 and approved by the General Assembly in its resolution 3295 (XXIX) of 13 December 1974.

4. The Council further recommended the establishment of an institute for Namibia in Lusaka, 4/ in order to increase its assistance to Namibians. This proposal was endorsed by the General Assembly in its resolution 3296 (XXIX) of 13 December 1974.

5. The Council also continued to mobilize world public opinion in support of the Namibian cause, and to expose the illegal and repressive acts of South Africa inside Namibia.

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1/ The organization of the Council is described in annex I to the present report (see vol. II).

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.

3/ Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 24A (A/9624/Add.1), para. 84. The Decree was issued in final form in the Namibia Gazette, No. 1.

4/ Ibid., para. 73.



6. To achieve its principal goal of the withdrawal of South Africa from Namibia, the United Nations Council for Namibia, in accordance with the Charter of the United Nations, relied mainly on the Security Council. In its most recent action on Namibia, the Security Council, in its resolution 366 (1974) of 17 December 1974, called on South Africa to give a solemn undertaking that it would withdraw from Namibia. The Security Council decided to review the situation on or before 30 May 1975. When no such undertaking was forthcoming, the Security Council met again at the end of May and, on 6 June 1975, considered a five-Power draft resolution calling for a complete and mandatory arms embargo on South Africa under Chapter VII of the Charter (S/11713). 5/ 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.

7. The tasks assigned to the United Nations Council for Namibia for the period under review were laid down by resolutions 3295 (XXIX) and 3296 (XXIX) and are summarized in annex I to the present report (see vol. II).

8. At its 225th meeting, on 12 September 1975, the Council decided to express its gratitude to the Secretary of the Council and his staff and to the United Nations Commissioner for Namibia and his Office for their excellent work throughout the year.

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5/ For the printed text, see Official Records of the Security Council, Thirtieth Year, Supplement for April, May and June 1975.



## PART ONE

### SITUATION IN NAMIBIA

#### I. POLITICAL DEVELOPMENTS

##### A. General political situation

"A Government elected by whites only in South Africa has absolutely no moral right to govern a vast Territory occupied mainly by blacks who have never been given any opportunity to express their opinions or wishes ... and who certainly would never vote in favour of being governed by a foreign racist clique who have never shown any desire to share power with even the blacks in their own country."

Statement on Namibia by the Anglican diocese of Kimberly, demanding that South Africa withdraw from Namibia, 26 November 1974.

9. The latter part of 1974 witnessed increased pressure by the international community on South Africa to withdraw from Namibia. The General Assembly voted to suspend South Africa from taking part in its twenty-ninth session. Subsequently, in its resolution 3207 (XXIX) of 30 September 1974, the Assembly referred the matter to the Security Council, with a request that it review South Africa's overall relationship with the United Nations.

10. Earlier in 1974, the political complexion of southern Africa had drastically changed: the new Government in Portugal announced its intention to expedite the process of decolonization in what had been buffer zones of long standing for South Africa: Angola and Mozambique. Against this background of changing environment, the South African Government attempted to give a semblance of legitimacy to its bantustan policy in Namibia by producing a plan for the holding of a so-called constitutional conference.

##### B. Constitutional conference on the future of Namibia

###### 1. South African proposals

11. In a letter dated 26 September 1974, Mr. Hilgard Muller, the Minister for Foreign Affairs of South Africa, transmitted to the Secretary-General a copy of a statement issued in Windhoek by the Executive of the National Party of South West Africa, which said in part that:

"... the time is now opportune for the whites of South West Africa, acting in a more positive and practical manner, to undertake discussions with



representatives of the other population groups of the Territory, more particularly on South West Africa's future pattern of constitutional development;

"The purpose is, first, in a spirit of voluntary consultation, to promote a better mutual understanding of each other's views on the constitutional future of the Territory and, flowing therefrom and on the same basis, to conduct more positive discussions on the Territory's future; it is trusted that these discussions will proceed in a spirit of goodwill to the point where final agreement can be reached between all the population groups."

12. Mr. B. J. Vorster, the Prime Minister of South Africa, had earlier emphasized in the South African Parliament, on 2 September 1974, that "neither the United Nations nor the South African Government could decide the future of the various peoples of South West Africa". He added that "in seeking a solution to the South West African question", he would proceed on the basis of "separate regions". He had also stated that "South Africa would never leave South West Africa in the lurch, and the peoples of South West Africa should have no reason to panic".

13. Mr. Dirk Mudge and Mr. Eben Van Zijl, both senior members of the Executive of the National Party of South West Africa and leading members of the Legislative Assembly of South West Africa, 6/ were appointed to conduct negotiations with leaders of ethnic groups and to convince them of the political advantages of holding the constitutional conference.

14. From the beginning, the efforts of the two National Party officials encountered stumbling blocks. Mr. A. H. du Plessis, the head of the party, acknowledged this during a press interview on 22 January 1975, saying that "difficulties in the National Party's consultations with ethnic groups in South West Africa are making it impossible for a time-table to be set for multiracial talks on the future of the Territory". According to Mr. du Plessis, difficulties were being experienced particularly with the Hereros, Namas, Damaras and Bushmen. These and other groups and leaders in Namibia were suspicious of the so-called constitutional conference and felt that the real intention of the white National Party officials was to divide the country into a quagmire of bantustans, with whites still very much in control of the machinery of government.

15. It should be noted that, while the Executive of the National Party of South West Africa was announcing the proposed constitutional conference on the future of South West Africa, certain South African officials, including Mr. J. de Wet, Commissioner General for the Indigenous Peoples of South West Africa, announced

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6/ It is necessary for information purposes to refer throughout this paper to legislation, parts of the governmental structure and to the titles of various members of the illegal minority régime in Namibia. The use of such terms as "constitution", "Administrator", "Executive Committee", "Legislative Assembly" etc., without quotation marks does not in any way imply recognition by the United Nations of the illegal régime.



a plan whereby Namibia would be partitioned into "independent black and white States". This plan, which Mr. de Wet announced on 13 October 1974, envisaged the detachment of the 440,000 Namibians in Ovamboland from the rest of the country and the possibility of joining the area with an independent Angola, or even the establishment of the area as a State on its own, combined with a portion of Angolan territory. Mr. de Wet also made it clear in his announcement that "the new initiative of the National Party of South West Africa, to hold multiracial talks in South West Africa, was not a rejection of separate development, but separate development in a more logical and modern way". This announcement caused some embarrassment to high-ranking South African officials and led the South African Prime Minister to rebuke Mr. de Wet by asking him to "stop making premature statements and speculations ...".

16. In the course of the same month, elections in the Ovamboland bantustan were announced. Their purpose was to elect representatives to the Ovamboland Legislative Assembly and thus to provide representatives for the so-called constitutional conference. These elections were set to take place 18 months after the 1972 elections which had been boycotted by the population.

## 2. Reactions of Namibians to the announcement of proposals for a constitutional conference in Namibia

17. On 26 September 1974, the South West Africa People's Organization (SWAPO) issued the following statement:

"At a press conference held in Windhoek, the capital of Namibia, on 24 September 1974, the so-called National Party of South Africa, led by racist John Vorster, has proposed multiracial talks between the 'peoples' of Namibia on the Territory's constitutional future.

— "The South West Africa People's Organization (SWAPO) of Namibia wishes to make it categorically clear that the announcement by the racist régime of South Africa - through its equally racist Nationalist Party - to hold so-called multiracial talks on Namibia's constitutional future at this time, is a well calculated and deliberate political manoeuvre aimed at misleading world public opinion.

### "Legal status of Namibia

"South Africa is currently illegally occupying Namibia:

"(a) General Assembly resolution 2145 (XXI) of 27 October 1966 and subsequent decisions of the United Nations, together with the advisory opinion of the International Court of Justice (1971), have declared that South Africa's presence in Namibia constitutes a flagrant violation of international law;

"(b) Legal authority over Namibia lies not with the South African régime, but with the United Nations Council for Namibia; arrangements negotiated with South Africa are therefore subject not only to challenge in courts of law, but repudiation by the authentic representatives of the people of Namibia;



"(c) SWAPO of Namibia is the authentic and legitimate representative of the people of Namibia and SWAPO justifiably maintains that South Africa has no legal interests or mandate in as far as the issue of Namibia is concerned.

"In 1972, John Vorster established a so-called multiracial advisory council for Namibia, composed of bantustan puppet chiefs and other quislings, and these traitors of the Namibian people are what racist South Africa refers to as 'the representatives of the people'. The so-called constitutional talks on the future of the Territory are strategically aimed at entrenching bantustans and subsequently annexing Namibia to white-minority-ruled South Africa. (The puppet chief and other traitors are currently meeting in Cape Town) ...

"We call upon the world community not to be misled or confused by South Africa's selfish and deliberate, desperate attempts."

18. SWAPO stated that it was not opposed to genuine talks with South Africa, but that in the light of the increased numbers of South African armed forces and reinforcements at the Namibia/Angolan border, SWAPO was determined and prepared to continue and intensify the armed national liberation struggle until freedom and genuine national independence under one central Government was achieved. Whites would be welcome to live in a free Namibia.

19. In a statement before the Fourth Committee of the General Assembly on 31 October 1974, 7/ Mr. Peter Mueshihange, External Secretary of SWAPO, declared that the Vorster régime must accept all United Nations resolutions, particularly resolution 2145 (XXI), and the advisory opinion of the International Court of Justice; it must withdraw from Namibia without delay, release all political prisoners, allow all exiles to return without reprisals and cease the "bantustanization" of Namibia. Acceptance of those conditions, he added, might indicate that the régime was seriously contemplating a genuine change.

20. In a statement dated 15 November 1974, SWAPO was reported to have called for a constitutional conference to which all, including whites, should be invited. This proposed conference should, however, be based upon the principle of one man, one vote.

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7/ Official Records of the General Assembly, Twenty-ninth Session, Fourth Committee, 2103rd meeting.



21. The statement listed various goals envisaged by SWAPO for Namibia, and it declared: "The white population, all commercial and industrial companies and property owners should have no fear that a black Government will be a threat to their future, as long as we remove all apartheid laws and live as brothers and sisters. White and black are in need of each other in a free Namibia."

22. Racial discrimination would not be tolerated in Namibia, the statement said, adding that minority groups would be protected by the constitution and all citizens would have equal rights before the law in a truly democratic country.

23. SWAPO's statement left no doubt that Namibia should become an independent, unitary State on the basis of the franchise for all. The statement said there would be only one nation. It called upon the South African Government, as a condition of the proposed constitutional conference, to release all Namibian political detainees and to give an assurance on freedom of speech.

24. On 17 January 1975, SWAPO released a further statement in which it clarified its position on talks with the South African Government on the future of Namibia. SWAPO stated that it was not opposed to such talks provided they would be meaningful. The statement went on to say:

"But SWAPO cannot trust Vorster. While saying that talks over the future of our country must take place, he is trying to destroy the possibility of any real talks by continuing his oppression of true Namibians and by furthering bantustan ideas. SWAPO of Namibia will not talk about the Mudge-du Plessis proposals which Mr. Vorster certainly knows are fraudulent, and which nobody accepts anyhow. We believe that even the Nationalists will agree that the bantustan policy is unacceptable to the Namibian people.

"If Mr. Vorster is sincere, he must show his sincerity:

"(a) South Africa must recognize, and state publicly, the right of the Namibian people to independence and national sovereignty;

"(b) Namibian territorial integrity is absolute and inviolable. It is not open to discussion in any quarter;

"(c) South Africa must accept the historic fact, otherwise universally acknowledged, that SWAPO of Namibia is the sole authentic representative of the Namibian people.

"Without the unconditional acceptance of these fundamental principles, SWAPO will not participate in any talks. We refused to have anything to do with the so-called multiracial council because it is only bantustan in another guise.

"Similarly, we now refuse to have anything to do with the currently proposed multiracial talks because they are tribally oriented and do not



involve the true leaders of the Namibian people. SWAPO has been absolutely consistent in its position. Our rejection of racialism in any of its forms is total and unqualified.

"Moreover, South Africa must meet certain conditions before we will meet it at any conference table:

"(a) All political prisoners must be released, whether they are held in Namibia or in South Africa;

"(b) The banning order on our acting President, Mr. Immanuel Gottlieb Nathanael Maxhuilili, must be set aside;

"(c) The so-called Emergency Proclamation No. R.17 (see para. 43 below) still operating in northern Namibia must be recalled;

"(d) All Namibians of whatever political organization, now in exile, must be able to return freely to their country, without fear of arrest or any other form of victimization;

"(e) South Africa must commit herself to the withdrawal of all her troops and police from Namibian territory.

"For our part, SWAPO of Namibia is willing to talk with anybody, black, white or brown.

"If there are no talks, then it must be obvious to all, in Namibia and in the outside world, that the struggle will continue and grow.

"The onus lies with the unlawful occupier to show his good faith."

25. Similarly, Mr. Gerson Veii, President of the South West Africa National Union (SWANU), rejected the invitation to attend the constitutional conference, saying that "South West Africa's blacks are prepared to suffer and even to die for their convictions rather than to sell out to cheap white propaganda which is aimed at keeping the blacks here in perpetual servitude". Mr. Veii added that his party, SWANU, rejected the "new deal". "The blacks have made it clear that they want a unitary State from the Orange to the Kunene and from the Atlantic to Botswana." Mr. Veii said that his party "refused to be called to the conference table for dialogue while whites are being warned to prepare against 'terrorists'." He said that the South African Government and its "henchmen" were illegally in South West Africa, because the mandate was terminated in 1966 by the United Nations and there was no point in deciding the future with an illicit body, so "pack up and go". Finally, Mr. Veii said that "if the whites are sincere, they should release all political prisoners and allow the exiled leaders to participate in the so-called 'new deal'".

26. Mr. U. M. R. Ndjoze, Secretary of Propaganda and Organizing of SWANU, issued a statement on 19 November 1974, saying that if South Africa were sincere about its concessions to the United Nations, it should not hesitate to implement United



Nations resolutions, release all political prisoners and remove all apartheid laws and practices in the bantustan system; otherwise SWANU's refusal to co-operate with the South West African administration would continue. Mr. Ndjoze concluded by stating that nothing less than freedom and independence could meet the aspirations of the black man in the Territory.

27. Mr. John Mundjwa of SWANU stated: "The sincerity of the National Party's proposal to hold multiracial constitutional talks for the future of the Territory is questionable as long as blue prints based on bantustan policies are still being pursued."

28. The Rehoboth Volkspartei released a statement saying that it would not take part in the proposed constitutional conference unless the United Nations were represented at the conference and political prisoners were released.

29. The rejection of the bantustan type of independence was dramatized by the action of five members of the Rehoboth Advisory Board who resigned in protest on 17 February 1975, because the Government had introduced a draft bill that would make Rehoboth a homeland, that is, a bantustan. Five members of the Advisory Board (all seven members belong to the Rehoboth Volkspartei) said that a bantustan type of independence for Rehoboth would lead to the fragmentation of the Territory as a whole. Many throughout the country felt that constructive and genuine talks would be virtually impossible while the structure of repression and intimidation was still operative.

30. Chief Oscar Kharuchab of the Damara Tribal Executive Committee released a statement on 26 November 1974 stating his group's conditions for a constitutional conference (see also para. 104 below). In his statement he made the following demands:

(a) Unconditional redress of grievances regarding equal rights for blacks and whites should be granted;

(b) Apartheid as a whole with all its unsavoury elements, and not only "petty apartheid", must be abolished;

(c) Black and white leaders must meet on an equal basis;

(d) Interested parties such as the United Nations, that sincerely intend to seek a peaceful solution to the Territory's problems must be consulted, and the existence of political parties in the country must be acknowledged.

31. Another reaction to the proposed constitutional conference was voiced by one of the leaders of the National Convention, a coalition of several Namibian parties (see also paras. 78-83 below), who asked:

"How can black Namibians be expected to talk at the multiracial conference when their mouths are gagged and their hands and legs shackled and chained by the laws of apartheid and its repressive machinery?"



32. Chief Clemens Kapuuu welcomed the proposal for a constitutional conference, provided that all government-appointed chiefs, headmen or leaders were excluded "because they are private individuals who represent nobody". Although another Chief, Mr. Hendrik Witbooi of the Namas, expressed approval of the plan, he disapproved of the stipulation that there should be no international interference in the discussions.

### 3. Position of the United Nations Council for Namibia concerning the constitutional conference

33. On 23 October 1974, the Council categorically rejected the decision of the Executive of the National Party of South West Africa to hold discussions on the constitutional development of Namibia with what it called representatives of the other population groups. The Council described the National Party's statement as being a continuation of its long-standing attempt to deny the existence of Namibia as a single State, by claiming that it is composed of areas occupied by various population groups. This was of course, the Council stated, the foundation of its policies of separate development, apartheid and bantustanization. The full text of the Council's statement is contained in paragraph 213 below.

### 4. Recent developments

34. According to the latest information made available to the Council, the South African authorities were able to gather together a group of 144 so-called representatives to take part in the constitutional conference, which was scheduled to commence on 1 September 1975 in Windhoek. SWAPO and the Namibia National Convention (NNC) (see paras. 78-80 below) refused to take part in the conference. A wave of opposition to the conference among Namibians was accompanied by a South African campaign of terror, intimidation and arrests. It was in this atmosphere that Chief Filemon Elifas, the Chief Minister of the Ovamboland bantustan, was fatally shot by unknown assailants on 16 August 1975. The opening of the conference was delayed by the demand of some participants to be accompanied by Mr. Stuart Schwartz, a constitutional lawyer from the United States. This demand was resisted by other, apparently pro-South African, participants. Further delay was caused by the discovery of a concealed microphone in a hotel room used for meetings by some participants.

### C. South Africa's response to the action of the Security Council

35. On 17 December 1974, the Security Council unanimously adopted resolution 366 (1974), in which it demanded: (a) that South Africa make a solemn declaration that it would comply with the resolutions and decisions of the United Nations and the advisory opinion of the International Court of Justice of 21 June 1971 in regard to Namibia; and (b) that it recognize the territorial integrity and unity of Namibia as a nation, such declaration to be addressed to the Security Council of the United Nations. The resolution also demanded that South Africa take the necessary steps to effect a withdrawal, in accordance with Council resolutions 264 (1969) of



20 March 1969 and 269 (1969) of 12 August 1969, of its illegal administration in Namibia and to transfer power to the people of Namibia with the assistance of the United Nations.

36. Pending the transfer of power, the Security Council demanded that South Africa:

(a) Comply fully, in spirit and in practice, with the provisions of the Universal Declaration of Human Rights;

(b) Release all Namibian political prisoners, including 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;

(c) Abolish the application in Namibia of all racially discriminatory and politically repressive laws and practices, particularly bantustans and homelands;

(d) Accord unconditionally to all Namibians currently in exile for political reasons full facilities for return to their country without risk of arrest, detention, intimidation or imprisonment.

37. The Security Council also decided to remain seized of the matter and to meet on or before 30 May 1975 to review South Africa's compliance with the terms of this resolution, and, in the event of non-compliance by South Africa, to consider the appropriate measures to be taken under the Charter of the United Nations.

38. The principal response by South Africa to this resolution, although it was never stated to be a response, was a stepping up by the illegal Administration in Namibia, of the campaign to organize the so-called leaders of ethnic groups or "population groups" in a way that would permit the convening of a constitutional conference. These efforts by South Africa have been described in paragraphs 11 to 14 above. Another response, equally negative, was the continuation of the campaign of repression against Namibians struggling for freedom and independence, which is described in paragraphs 41 to 65 below. The official South African response was delayed until almost the last minute, and is described in the following paragraphs.

39. On 20 May 1975, Mr. Vorster, while addressing a meeting of businessmen in Windhoek, referred to the following statement contained in the South West Africa Survey, 1967:

"... South Africa's task and solemn duty is to help the diverse peoples of the Territory advance economically, socially and politically, to the stage when they themselves will be able to decide their own future ..."



He added:

"I want to state that although we have never at any stage acknowledged that the United Nations has the right to exercise any supervision over our administration (of the Territory), we have over the years repeatedly tried to find an acceptable basis for negotiations with the United Nations with a view to solving the problem. We have always been willing to furnish information on the Territory and its peoples to anybody who was really interested in circumstances and living conditions in the Territory.

...

"... much emphasis is laid upon the separate international status of the Territory. We respect the separate status of the Territory. ... I again want to put it very clearly; we, that is to say South Africa, do not claim for ourselves one single inch of South West Africa's soil.

...

"... we do not occupy the Territory. We are there because the peoples of the Territory want us there. We do not force ourselves upon the peoples of the Territory and in this regard we take cognizance only of the wishes of the peoples of South West Africa.

...

"As far as OAU (Organization of African Unity) is concerned, in principle, and bearing in mind what I have already said, we have no quarrel with their points of view concerning self-determination, independence and the maintenance of the territorial integrity of the Territory. Where we do differ and very clearly differ, is in regard to the role claimed for the United Nations and SWAPO. ...

"... leaders of Africa who may be interested in visiting the Territory in order to acquaint themselves with conditions there, are very welcome to do so, either personally or through their representatives. I would also be prepared ... to exchange ideas with a committee of OAU, ... but ... I cannot accept the role which is proposed for SWAPO.

"If the African Chairman of the Council for South West Africa and the Special Committee of OAU are therefore really interested in discussing with me in South Africa the progress of the peoples of the Territory, I shall also ask the real leaders of the peoples of the Territory to talk to them. Furthermore, if they would like to receive these leaders in their own countries in order to obtain from them first-hand information, they are free to invite them, and we shall do all we can to help make the visit or visits possible.

"For the rest, we entered into an agreement with the Secretary-General that he would appoint a personal representative. Dr. Alfred Escher was appointed. We are still prepared to negotiate further with him or, if he is



no longer acceptable to Dr. Waldheim, to consult with the latter on the appointment of another acceptable person so that he may acquaint himself with the progress of the process of self-development here in South West Africa. It will be understood, however, that we will not accept United Nations supervision.

"The peoples of South West Africa have already chosen their own leaders or are in the process of doing so. They are rightly proud of their leaders, their institutions, their traditions, their identities and their rights. These cannot and may not be interfered with and South Africa will decidedly not be party to such interference - no matter by whom." 8/

This statement by the South African Prime Minister appeared almost on the eve of the Security Council debate on Namibia (see paras. 309-320 below).

#### D. Situation inside Namibia

40. During the period under review, the South African régime continued its repression of the Namibian people. The main objective of the régime was to ensure an appearance of support from the Namibians for the constitutional conference. Thus, during the elections in Ovamboland and in other areas, measures of intimidation were used. The South African police also continued to disrupt peaceful demonstrations, restrict political activities, arrest Namibians and deport clergymen. The repeal of the pass laws and the decision of the South African Supreme Court to stop the flogging gained after public pressure against this inhuman practice, did not fundamentally change the political situation of the Namibian people.

##### 1. Repression of the Namibian people

41. As in the past, the repression of Namibians took many forms, but always with the same goal, namely, the prevention of political activity of any kind.

##### Elections in the Ovamboland bantustan

42. Early in August 1973, the South African authorities organized what they called an election to fill 56 seats in the so-called Legislative Assembly of Ovamboland. SWAPO called on the people to boycott this election. As a result of that call, only 2.8 per cent of eligible voters went to the polls, and the South African régime and its agents in Ovamboland suffered a humiliating defeat.

43. Undaunted by this experience, the authorities devised a new plan. In October 1974, another election for the Ovamboland bantustan was announced and scheduled for January 1975. The election was to cover a five-day period. However, the announcement of the election did not include the lifting of Emergency Proclamation No. R.17, which prohibits the holding of public meetings in the area, except by permission of the police or tribal chiefs. Consequently, an attempted

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8/ Official Records of the Security Council, Thirtieth Year, Supplement for April, May and June 1975, document S/11701.



meeting by SWAPO on 5 January was broken up by the tribal police of the late Chief Elifas, the Chief Minister of the bantustan (see para. 34 above). SWAPO then took a decision to boycott the election.

44. In an early report on the election, The Times of London carried an article entitled "Ovambos boycott election", in which it was stated that SWAPO's campaign to persuade the estimated 120,000 Ovambo electorate to stay away from the polls "appeared initially ... to be having effect since only a trickle of people have gone to the polls".

45. On 20 January, however, it was claimed that 55 per cent of the registered electorate had voted. This turnout in the situation was the result of a "vote or starve" campaign mounted on Namibians in Ovamboland. Systematic intimidation had begun. Those who were unwilling to vote were told that they "would not be allowed to apply for work in the south if they did not vote". Two black church leaders, Bishops Leonard Auala and Kleopas Dumeni, confirmed that "there is evidence that Ovambos employed as contract workers by the South West Africa Administration were hustled to the polls regardless of whether they wanted to vote or not". Press reports quoted an informed source in Windhoek "who did not doubt the truth of the claims that coercion was widespread not only in Ovamboland itself but throughout South West Africa, wherever Ovambos were employed".

46. On 13 March, the International Commission of Jurists issued a statement accusing the South African Government of using threats to force electors to vote in the election in Ovamboland. According to the statement, the methods of intimidation used by the South African Government included the use of a special "election mark" on the back of identity cards; lack of privacy while voting; and the use of armed tribal police to coerce people to leave their homes to vote. Specific threats were also directed against various segments of the population, including labourers, rural inhabitants, public employees and elderly and handicapped persons. The full text of the statement is contained in annex II to the present report (see vol. II).

47. Representatives of three major churches in Namibia - Bishop Richard J. Wood of the Anglican Church (see also paras. 56-57 below), Bishop Lukas de Vries, head of the Evangelical Lutheran Church and Bishop Leonard Auala, head of the Evangelical Lutheran Church of Ovambo-Kavango 9/ - attempted, through a lawyer in Windhoek, to initiate an investigation into incidents of intimidation during the election in Ovamboland. Their efforts were frustrated by government officials who refused to grant the lawyer an entry permit to visit Ovamboland.

48. An effort by Mr. Samuel Shivute, a SWAPO official, was also thwarted by tribal officials in the area. In May 1975, Mr. Shivute was beaten and kicked and left for dead by tribal police who found him collecting data on election irregularities at Okahao in Ngandjera. Mr. Shivute intends to file suit in the Supreme Court to expose the corruption of the election.

#### Trials and imprisonment of Namibians

49. Mr. Ezriel Taapopi and Mr. Joseph Kashea, two SWAPO Youth League officials

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9/ Bishop Auala is also President of the United Evangelical Lutheran Church.



sentenced to five years' imprisonment in 1974, on charges of "incitement", 10/ were reported to have applied for permission to appeal on 4 March 1975. The application for appeal was said to have been turned down.

50. On 17 April, Mr. David H. Meroro, National Chairman of SWAPO, was convicted for possession of what the South African Government described as banned literature (a few copies of the magazine African Communist). He was sentenced to two months' imprisonment, which was conditionally suspended for one year. Mr. Meroro had already spent five months in solitary confinement, where he had been brutally treated by the South African security police. He told the court during his trial that he had experienced a continuous process of nightmares and hallucinations that impaired his judgement. His lawyer said that the nightmares were the "direct results of a continuous process of torture whereby Mr. Meroro's hands were tied behind his back and he was suspended on a rope. He was deprived of sleep and food, slapped and kicked repeatedly and forced to stand on his feet for days during his interrogation". In passing sentence, the judge observed that he had taken note of Mr. Meroro's long period of suffering during his detention.

#### Restrictions on political activities

51. SWAPO was reported to have been refused permission to hold political meetings at Berseba and at Gibeon in the Nama area and in March was refused a permit for a meeting in Otjiwarongo. No reasons were given for the refusals.

52. According to reports, the SWAPO Youth League was refused authorization to hold a political rally in the heart of Windhoek on 21 June. Mr. G. T. Kruger, the South African Minister for Justice and Police, decided to ban the rally, despite assurances by Youth League officials that the rally would be peaceful.

53. A vain attempt by NNC to seek permission to hold a demonstration on 28 June at Windhoek was also refused by the South African authorities and resulted in the adoption of a new municipal policy demarcating zones for political activity, whereby demonstrations by blacks were limited to black residential areas.

54. Other repressive actions included the banning in Pretoria of SWAPO stickers containing slogans demanding independence for Namibia; in Windhoek, on 14 June, 18 political demonstrators were arrested and a black man was fatally shot by police; and on 18 June, a representative of the South African Minister for Justice and Police prohibited a political rally scheduled to be held by the SWAPO Youth League in a car park. On 23 June, two men were shot by members of a parliamentary force at Rundu, in Kavangoland.

#### Deportation of clergymen

55. Pastor H. J. Messerschmidt of the Outjo congregation of the Evangelical Lutheran Church was expelled from Namibia on 30 March 1975.

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10/ See also Official Records of the General Assembly, Thirtieth Session, Supplement No. 23 (A/10023/Rev.1), chap. X, annex, paras. 75-79.



56. By an expulsion order served on 16 June, Bishop Wood, the Anglican Suffragan Bishop of Damaraland, his wife Catherine, and the Reverend Rolf Friede, a German religious figure and Director of the Christian Centre in Windhoek, were ordered to leave Namibia by 23 June. Many of their personal belongings, including letters from relatives, were confiscated. Bishop Wood had arrived in Namibia in February 1971 and, in July 1974, had been named Suffragan Bishop of Damaraland following the expulsion of Bishop Colin Winter, now living in the United Kingdom. Bishop Wood was known for his insistence on justice and correct treatment of Africans and for his support for the independence of the Territory.

57. Speaking on the expulsion of Bishop Wood, Bishop Winter said:

"Bishop Wood was not guilty of a crime and his guilt had been loving African people and standing up for their rights.

"Bishop-baiting is a national sport being practised by the South African authorities who have deported five Anglican bishops. Bishop Wood's expulsion order was a total offence against everything that the Western world stands for."

58. It should be noted that the Removal of Undesirables Act of 1920, under which many clergymen have been expelled, was originally designed to expel German nationals guilty of "immorality".

#### Police raids and other acts of repression

59. On 7 February 1975, a strong contingent of riot police was reported to have made a pre-dawn raid on the Ovambo hostel at Okahandja. The police "mopping-up" operation followed a riot staged by the 366 inmates of the hostel. Fourteen men were detained for questioning. Brigadier W. Louw, the Divisional Commissioner of Police, was reported to have said that the riot was sparked by grievances between the Ovambo inmates of the hostel and the Okahandja Municipal Police.

60. On 8 February, the Outjo Municipal Police Force was reported to have rounded up all participants in a SWAPO meeting at Outjo and arrested 39 SWAPO officers and supporters for holding a meeting. On 12 February, all of the detained persons were brought to court, charged with failure to produce "pass books", and were each fined R 10.00 11/ or 10 days in gaol.

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11/ At 12 August 1975, one rand (R 1.00) equalled \$US 1.40.



61. On 23 April, a riot erupted in the black township of Katutura in Windhoek when police raided the Ovambo hostel in order to check identity documents. The police were supposedly searching for loiterers who were living in the hostel illegally. During the riot, police opened fire, killing one person and seriously wounding several others. Subsequently, 295 people were arrested and charged with committing public violence. The charges were later dropped without explanation and all of the men were set free.

62. The riot followed a statement by Brigadier Louw, in which he said that he had ordered hundreds of special police to be on stand-by duty in Windhoek, in case there should be any kind of politically motivated uprising. He also said that a "massive force of police is available to deal with any contingency, and I can assure the /white/ public that law and order will be maintained".

#### Gun-volley and sirens heard in the periphery of Windhoek

63. On the morning of 11 February 1975, people living near the army office complex reported hearing about 15 or 20 shots fired and the sound of a siren. Army officials denied the allegation.

#### Political activists fired from jobs

64. On 20 February, Mr. Rahimise Kahimisa, a public supporter of SWAPO, was reportedly dismissed from his job. Mr. Kahimisa told the press that he had been fired for his political activities. He said that in 1974, his employer had warned him against his frequent press statements. Prior to his dismissal, he had issued a statement condemning the dismissal of Mr. Ndjoze, Secretary of Propaganda and Organizing and acting Secretary-General of SWANU, from his job (see below). Mr. Kahimisa warned employers that politically motivated dismissals might lead to bad feelings and eventual confrontation. Other incidents of this type have been reported throughout Namibia.

65. Mr. Ndjoze said that he had been dismissed because of his political activities. He said that "a black man in South West Africa was not even a beast, but simply a shadow of an animal".

## 2. Alleged repeal of pass laws in Namibia

66. According to local newspapers in Namibia, South West Africa's pass laws have been repealed (see also paras. 176-179 below). One report stated that the abolition of the identification pass would mean that every black person formerly classified as "extraterritorial", meaning that he came from the northern areas such as Ovamboland and Kavangoland, would not have to carry such a document in the future. The regulation, officially known as the Extra-Territorial and Northern Natives Control Proclamation No. 29 of 1935, required that "extraterritorial natives" carry the identification pass on their person at all times and produce it upon demand by a police officer or any authorized person. Failure to produce the pass meant arrest.

67. Another proclamation said to have been removed from the statutes was the



Masters and Servants Proclamation No. 34 of 1920, which enabled employer and servant to enter into a contract. Breach of contract by the servant was classified as a criminal offence for which he could be fined or gaoled.

68. More detailed information is available concerning Proclamation No. 3 of 1917. Section two of this proclamation, which dealt with the "Control and Treatment of Natives on Mines" has reportedly been repealed. This section called upon police officers "to arrest, or cause to be arrested, any native suspected of committing any offence under this or any other proclamation or law or regulation; and where the matter is one with which he is not competent to deal further, to cause the offender to be brought before a magistrate". Certain parts of the proclamation relating to the disobeying of orders and the definition of disobedience were also said to have been amended.

69. Reports indicate that section 19 of the Native Administration Proclamation No. 11 of 1922 has also been repealed. This section read "No person other than an official appointed by the Administrator shall recruit labourers in Ovamboland or the Kavango area for any purpose whatever".

70. Although the possession of travel documents for Damaras and Hereros living in the white area is still required, municipal officials have quietly dropped application of this regulation. However, visitors from any area must still report within 72 hours of arrival to the municipal authority in black and non-white townships.

71. On 29 May 1974, Mr. Vei, President of SWANU, responded to the reported repeal of the pass laws by saying that the abolition of the identification pass law was "just a sugar-coated pill used for bribery". He went on to say that his party was fighting for total and complete independence. There was no question of "more time" for the South African Government. He demanded the transfer of power to the right people and said that the special committee to investigate relations between blacks and whites was "just window dressing".

72. Mr. Vei concluded by stating that the South African Government might "bluff the international community, but not the Namibians who have lived under their tyranny for too long".

73. On 4 June, the United Nations Commissioner for Namibia issued the following statement concerning the repeal of the pass laws:

"South Africa's claim to have repealed Namibian pass laws is completely misleading - it is a mere pretence.

"In fact, only one law, affecting certain tribes, was repealed, according to information available in the Commissioner's Office. Numerous other laws - affecting those same tribes, as well as all others in the Territory - remain on the books.

"Pass laws include all measures which require blacks - but not whites - to carry identity documents, permits or receipts with them."

The Commissioner then enumerated some of the pass laws still in effect (see paras. 176-179 below).



74. With regard to Namibian press reports that municipal officials were not strictly enforcing certain provisions of one unrepealed pass law, the Commissioner pointed out that such provisions could be enforced again whenever local authorities or their superiors so decided; persons with long memories would recall the events that followed the Sharpeville Massacre in 1960. The South African pass laws had been temporarily suspended at that time; but as soon as the Government regained firm control, it reactivated the laws and tightened them further.

### 3. Resistance of the Namibian people

75. The Namibians continued to display firm resistance to open repression of political activity, the organization of fraudulent elections, attempts to divide their national liberation movement (SWAPO) by spurious offers to hold a constitutional conference, the continuation of bantustan policies and the concomitant strengthening of tribal authorities and tribal police.

76. On 24 February 1975, as a result of an application brought on behalf of a group of Namibians who had been flogged, the Appellate Division of the South African Supreme Court officially ordered an end to the practice of public flogging. The Court ordered the Ovamboland bantustan officials to stop arresting, detaining and flogging political opponents (mainly persons suspected of being members of SWAPO or the Democratic Co-operative Development Party (DEMKOP)).

77. In this connexion, Mr. Peter Katjavivi, the SWAPO representative in London, stated on 18 February that over 400 SWAPO members had been flogged and 600 had been arrested since 1971. He said that those arrested were being held indefinitely in specially built concentration camps.

### NNC overcomes split

78. The proposal to hold a constitutional conference put forward by the ruling National Party of South West Africa (see paras. 11-14 above), which is a component of the ruling party in South Africa, appeared to have partly achieved one of its goals by leading to the departure of a minority group from the National Convention.

79. The National Convention met unsuccessfully on 23 February in an effort to resolve long-standing differences. Finally, a group apparently led by Chief Kapuuo and consisting of the National Unity Democratic Organization (NUDO), the Herero Chiefs' Council and the Nama Chiefs' Council split away from the National Convention.

80. The majority of the National Convention regrouped itself as the Namibia National Convention (NNC), consisting of SWAPO, SWANU, the Damara Tribal Executive, the Nama People's Democratic Organization (NAPDO) and the Rehoboth Volkspartei.

81. The appointed officers of NNC are: Mr. Jephta Tjozongoro, President; Mrs. Martha Ford, Vice-President; Mr. Kuzuko Albertus Kangueshi, Chairman; and Mr. B. B. de Klerk, Vice-Chairman.

82. On 25 February, Mr. Tjozongoro announced that the aim of NNC was one Namibia



and the unity of the black people. He said that NNC was against federalism, multinationalism, separate development or any form of differentiation and that it opposed talks with members of the National Party of South West Africa.

83. On 28 February, NNC issued a statement calling once more on the South African Government to leave Namibia and enable Namibians to conduct talks under the auspices of OAU and the United Nations. The statement warned that nobody could stand in the way of NNC, which, if silenced, would go underground and would continue to make known the aspirations of the black man.

#### Activities of SWAPO inside Namibia

##### (a) SWAPO rallies

84. In defiance of prohibitions by the occupation régime, SWAPO held various mass rallies throughout the country. On 5 January 1975, SWAPO convened a rally at Ondangwa to deliver an address against the then proposed Ovamboland election (see paras. 42-48 above). The rally was brutally dispersed by the South African police and soldiers. Many people, including Mr. Mulenga, a member of the SWAPO executive, were seriously injured and subsequently hospitalized.

85. On 2 February, SWAPO was reported to have held a mass rally in the soccer field of the black township of Katutura. Attendance was estimated at 2,000 people. Among the many speakers, one, Mr. Reuben Hauwanga, told the audience that it was the task of SWAPO to convince the whites that it sought justice, not only for blacks, but for whites as well. He also said that fear and hatred had retarded the liberty of both blacks and whites in Namibia. He further stated:

"Dignity and freedom do not come easily and the road to freedom is full of hardship and obstacles.

"History and common experience have taught us that the time before the dawn is the darkest of all ... it is during this time that we in the struggle will face and fight against barriers to our freedom."

86. Mr. Hauwanga pointed out that many problems were rooted in fear, such as the fear of victimization, the fear by one race of another and the fear of domination:

"Wars are fought not because of hate, but because of fear. Racial injustice in Namibia and Vorster's reluctance to quit Namibia is rooted in the white man's fear for the black man's advance.

"The struggle which we are preaching and for which many of our leaders are suffering, is not to liberate the black man only but the white man as well.

"In freeing the blacks from servitude, oppression, injustice and inferiority complex, we will be freeing the white man from his injustice, his guilty conscience and his superiority complex, whereby he believes that he has a divine mandate to rule over us and to control our destinies.

"SWAPO is not fighting one evil only to replace it with another. In the



place of injustice, SWAPO promises justice and in the place of hatred it promises love, and hope ... for despair."

87. Mr. Axel Johannes, National Secretary of SWAPO, was another of the speakers. He said that the Ovamboland election was a fraud and that the presence of the police had induced the people to vote.

88. Various other SWAPO rallies were held during the first half of 1975 at Walvis Bay, Swakopmund, Otjimbingwe, Tsumeb, Grootfontein, Gobabis, Otjiwarongo and Karasburg. On each occasion, the occupation police stood by to harass those attending the rallies. Many other meetings were effectively prevented.

(b) SWAPO statement in Capetown

89. Mr. S. Hilundua, Northern Chairman of SWAPO, was reported to have told the University of Capetown Summer School Seminar on South West Africa that the South African Government had violated the terms of its mandate over Namibia by introducing separate development and promulgating legislation that was contrary to the wishes of the people in the Territory. He went on to say that SWAPO was not composed of one tribe, but all tribes and that it was also not an anti-white organization, since whites were welcome to join if they accepted its constitution.

90. Mr. Hilundua later told a group of South African correspondents that South Africa must not only withdraw its administration from Namibia but must also agree on independence for the Territory as a unified country. SWAPO rejected the proposals of the National Party for the holding of a constitutional conference based on tribal or ethnic lines and bantustan governments, which he said was part of a "carefully designed plot to delay the withdrawal of the South African Administration" from Namibia. SWAPO would not participate unless South Africa accepted the Territory's right to self-determination and independence as a unitary State within the framework of United Nations resolutions. He called for the immediate withdrawal of the South African Defence Force and police units, the release of all political prisoners and the abolition of apartheid legislation so that all could meet as equals.

(c) Slogan painting

91. Another form of political activity which has become popular in Namibia is what the government officials call "wall daubing". Since April 1975, public places have been painted with all forms of political slogans. Common amongst them are signs reading "one Namibia, one nation", "SWAPO of Namibia" and "Independence for Namibia". Police were reported to have launched a man-hunt for the perpetrators.



(d) Rioting

92. Riots and acts of violence were reported to have occurred in the Ovambo hostels of Windhoek and Walvis Bay during the night of 31 December 1974 and 1 January 1975. The inmates of the two hostels were said to have broken windows, opened huge holes through the brick walls of the compound, smashed their way to the municipal complexes and destroyed everything in their path. During the rioting, Mr. Gideon Gerhardus Strydom, the Deputy Director of Walvis Bay's Non-White Affairs Department, was killed. South African police units were called in to restore order.

SWAPO activities outside Namibia

93. On 21 January, Mr. Sam Nujoma, President of SWAPO, was reported to have addressed a press conference in Kinshasa, at which he said that "the United States has not been responsive enough to the Namibians' deep yearning for freedom and national independence". He went on to say that despite verbal support for United Nations resolutions and the advisory opinion of the International Court of Justice to the effect that the South African mandate over Namibia had been terminated, the United States had not taken concrete measures to compel the South African racist authorities to end their illegal occupation of Namibia.

94. Mr. Nujoma declared that "the United States can deny American companies in Namibia credit and other foreign investment protection as a demonstration of concrete support, sympathy and understanding of the Namibian people's struggle for freedom". United States companies, he said, were taking advantage of South Africa's apartheid laws and regulations to exploit African labour in Namibia. He mentioned American Metal Climax, Inc. (AMAX) and the Newmont Mining Corporation as two of the companies engaged in the ravaging of Namibian natural resources, and he added that these companies were paying taxes and royalties directly to the South African Government. He stated that, as a result, "the South African Government is financially enabled to reinforce its repression against the Namibian people in their just struggle for freedom and independence".

95. Mr. Nujoma concluded: "The United States, as a permanent member of the United Nations Security Council, can support effective action against South Africa vis-à-vis Namibia. Such action can include a military blockade and economic sanctions against the occupation régime in Namibia. Such pressure would not only help to end the South African occupation in Namibia, but will also help to abolish the crime of apartheid."

96. The President of SWAPO paid an official visit to Brazzaville on 13 March, where he met with Mr. Marien Ngouabi, the President of the People's Republic of the Congo. After the meeting, Mr. Nujoma gave a press conference at which he reiterated SWAPO's determination to continue the armed struggle against South Africa's illegal occupation of Namibia. He also noted with concern South Africa's contacts with some African Governments and stated that SWAPO should be consulted before anyone made any contact with South Africa concerning Namibia.



97. On another occasion, during a tour of West African States, Mr. Nujoma was reported to have said that South Africa's continued oppression of the African majority in its own country and in Namibia made nonsense of any attempts at rapprochement. He repeated his previous warnings that South Africa's failure to come to terms with the people of Namibia would mean the stepping up of the armed liberation struggle. He emphasized that SWAPO could never compromise the principle that Namibia should become independent as a unitary State.

98. Mr. Lucas Phamba, the SWAPO representative in East Africa, was reported to have issued a statement warning South Africa that, if the Vorster régime did not grant independence to Namibia, SWAPO would intensify its armed struggle. He said that Namibians wanted independence as one nation and not as a group of bantustans.

#### Other political activities

##### (a) SWANU

99. On 24 April, Mr. Veii, the President of SWANU, said that blacks were not interested in the proposed constitutional conference on Namibia's constitutional future, because they knew what they wanted and also how to achieve it. Mr. Veii referred to the whites as "those vampires assisted by warring imperialists, who grabbed the blacks' fatherland with violence and bribery".

100. He said that those whites professing to be citizens of Namibia had dual citizenship and were busy fighting for representation in the South African Parliament to make laws that would suppress and divide the blacks. He also said that he saw no ground for a joint or common struggle by blacks and non-blacks. He stated that "the non-blacks could not have their bread buttered on both sides, while the blacks remained in their weak position".

101. In another statement which Mr. Veii released to the press, he said that whites should have no illusions about holding constitutional discussions with the blacks in Namibia that were not intended to lead to the independence of the country as a unitary State. The principle of independence and freedom for the indigenous people in Namibia was not negotiable. Mr. Veii concluded by saying that blacks were striving to create a just and socialist society where the colour of a person's skin would play no role. Whites, he said, were welcome to live in peace with blacks if it were their desire to accept Namibian citizenship and abide by the concept of majority rule based on one man, one vote.

##### (b) Damara Advisory Council and Damara Tribal Executive Committee

102. The Damara Advisory Council, consisting of Damara chiefs and public leaders in Damaraland, was reported to have issued a statement on 21 March 1975, in which it challenged the South African Government to take over its duties and functions if it saw fit. The Advisory Council complained that because it had been critical of the unhealthy race relations which were harming chances for a peaceful



resolution of the Namibian problem, some of its members had been charged with crimes by the South African authorities and police in Namibia. The Advisory Council went on to say that attempts to invite South African officials to Damaraland to discuss their differences and the problems in the area had been refused, particularly by the Chief Commissioner of Police. The Council reportedly hinted that, if pushed far enough, they would join NNC and advocate "black power" as their goal.

103. On several occasions, the Damara Advisory Council has refused South African offers for the formation of a representative council for Damaraland only. The Council, which is recognized by the South African Government, also stated that it "rejected the so-called round-table summit proposed by the South African Government".

104. The Damara Tribal Executive Committee, based in Windhoek, has also rejected the establishment of a Damara homeland or bantustan on several occasions. In addition to its demands regarding the proposed constitutional conference (see para. 30 above), it set the following conditions to be met before it would participate:

(a) Whites should renounce their South African citizenship and assume that of Namibia, as Namibian problems could not be discussed with foreigners;

(b) As the only educated black people are those who are exiled or imprisoned, they should be allowed to return before the conference was held;

(c) The conference should be supervised by the United Nations.

The Committee also charged that South Africa was deceiving the Namibians and simply wished to partition the land.

105. It was also reported that the South African occupation régime was behind the organization of another group, the so-called Damara United Front.

(c) Namas

106. In July 1975, Nama Chiefs Hendrik Witbooi, D. Goliath and J. Stephens issued a statement calling for a unitary State of Namibia in which all people would enjoy equality, freedom of movement, freedom of speech, a share in the wealth of the land and unity in brotherhood. The statement rejected the "summit talks on South West Africa's constitutional future" and remarked that Mr. Vorster's "sweet-sounding words" that the people of Namibia were free to decide on their destiny was simply a delaying tactic designed to assist him in pushing through his bantustan policies.

107. On 28 July 1975, the Bondelswart Tribal Executive Committee issued a statement rejecting the constitutional conference and calling on South Africa to leave them alone in peace, despite their poverty-stricken condition.



## II. ACTIVITIES OF FOREIGN ECONOMIC INTERESTS AND ECONOMIC CONDITIONS OF NAMIBIANS 12/

108. The economic life of Namibia, a country immensely rich in minerals, is dominated by the mining industry, where all major companies are foreign owned. The principal minerals being exploited are diamonds, copper, lead, tin, uranium and zinc, with diamonds leading in terms of value of production. Namibia's two other important economic activities, stockraising and fishing, are also dominated by foreign ownership and investment. At the same time, industrial development of Namibia is negligible, being confined to food processing, production of a few mineral concentrates and a number of smelters to produce copper and lead. Manufacturing contributes only about one tenth of the gross domestic product.

109. Despite the termination of the mandate and notwithstanding resolutions of the General Assembly and the Security Council, as well as the advisory opinion handed down by the International Court of Justice on 21 June 1971, foreign companies, encouraged by South Africa, continue to exploit and exhaust the resources of Namibia. A large number of foreign companies have made new investments in Namibia since 1971 (see annex IX to the present report).

110. In 1972, the rate of investment in Namibia was estimated to be £25 million per annum, 60 per cent of which was invested for quick profits in the mining sector. The mining industry as a whole reportedly provides approximately 60 per cent of Namibia's exports, 50 per cent of the gross domestic product (R 615.6 million in 1973) and 70 per cent of Namibia's "public revenue" through taxation.

111. The South African régime undertook further efforts in 1973 and 1974 to attract new investments in the mining sector and to increase production. New legislation was adopted, making it easier for foreign investors to obtain mining concessions on more favourable terms. In particular, the South African Minister of Mines announced at the end of 1973 that foreign companies would be allowed to take a 75 per cent participation in any mining or prospecting grant instead of 50 per cent as previously. This resulted in an increase in exploration activity by foreign mining companies in 1974. According to reports, stripping operations in the diamond mining area north of Oranjemund had been considerably stepped up, partly in anticipation of Namibia's independence.

112. Prospecting for mineral resources, as well as geological and geophysical surveying, is being conducted on an increasing scale. Approximately 17,000 square kilometres have been mapped annually in the last few years (7,000 sq. km in 1964) and 21 prospecting permits have been granted since 1969/1970, 11 of these in 1972/1973.

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12/ In an attempt to conceal the true facts of the socio-economic situation in Namibia, the South African Government ceased publication of statistical data on Namibia in 1965, expressly prohibiting publication of information on the mining industry.



113. During the year under review, the Office of the Commissioner of Mines issued new mining concessions to such companies as the Tsumeb Corporation (which is controlled by AMAX and the Newmont Mining Corporation, both of the United States); Nord Mining Corporation of the United States; Falconbridge Nickel Mines, Ltd., of Canada; Rio Tinto Zinc Corporation, Ltd. (RTZ) of the United Kingdom; Société nationale des pétroles d'Aquitaine of France; and Anglo American Corporation of South Africa, Ltd., General Mining and Finance Corporation, Gold Fields of South Africa, Ltd., Johannesburg Consolidated Investment Company, Ltd. (JCI) and Messina (Transvaal) Development Company, Ltd., all of South Africa.

114. By 1974, a total of 569 temporary prospecting rights and 104 mining concessions (36 by 1969) had been granted. By May 1975, the area covered by concessions or temporary prospecting rights amounted to almost one third of Namibia.

115. In December 1974, one of the leading geologists in Namibia stated that it was "in the ranks of those countries extremely rich in mineral resources. In the span of 25 years, important mineral discoveries have been made". At the same time, he pointed out that for years South African authorities had not followed an active prospecting policy, owing partly to "uncertainty of the Territory's future". He said, however, that this attitude had now changed. He also indicated that only easily accessible areas had been studied and that the vast hinterland had not been geologically examined in detail.

116. The possibility of the withdrawal of capital from Namibia is a matter of deep concern to the South African régime. In April 1975, Sir de Villiers Graaff, the leader of the opposition United Party in South Africa, stated that people in the Territory were losing confidence because of events in Angola. This caused an immediate reply from the South African Prime Minister, who, in a clear attempt to forestall the further loss of capital from Namibia, stated that the people in the Territory need not fear and that he hoped they "would not sell their property and run away".

#### A. Foreign investment in Namibia

117. Most of the profits derived from foreign-owned companies are sent abroad. At least 30 per cent of Namibia's gross domestic product is repatriated as profits or wages by foreign companies and workers. It was estimated that by the beginning of 1975, this amount, as measured by the discrepancy between the gross domestic product and the gross national product would constitute about 50 per cent. At the same time, taxes paid to South Africa by foreign-owned companies serve to strengthen the illegal occupation régime in Namibia. As noted above, the rate at which the irreplaceable resources of Namibia are being depleted is very high.

118. On 10 April 1974, it was officially announced in South Africa that sales of Namibian base minerals in 1973 had shown an increase of 54 per cent over 1972. Diamonds were responsible for 64 per cent of mineral sales, followed by copper and lead. According to reports, diamond production increased by 7 per cent over 1972, while the value of sales rose by 66 per cent.

119. Mineral sales in 1973 amounted to R 230.0 million, compared with R 65.1 million in 1963. At the same time, expenditures by mining companies increased from R 42.7 million in 1963 to R 60.4 million in 1973.



## B. Exploitation of Namibian resources by foreign-owned companies

120. The following section summarizes the situation regarding foreign investment in the more important branches of the mining industry, which continues to be the strongest economic activity in Namibia as well as the main source of exports and the principal source of revenue for the South African régime. It has produced about 50 per cent of the gross domestic product in Namibia in recent years ranging up to 66 per cent when mineral prices were high. About 16,000 people were employed in mining in 1972 (down from 18,258 in 1970).

121. South African income derived from Namibia is heavily dependent on the mining industry, particularly the diamond sector, which pays most of the income taxes and special levies. More than one third of domestically generated revenue is received from the diamond mining companies; since April 1966, tax revenue derived from the sales of diamonds and base minerals has been paid directly to the South African Government.

122. Nine tenths of all mineral output is produced at present by only two companies: Consolidated Diamond Mines of South West Africa, Ltd. (CDM) (a South African company controlled by De Beers Consolidated Mines, Ltd., with extensive British participation) and the Tsumeb Corporation (see para. 113 above and annex IX to the present report).

123. As a rule, the active mines in Namibia are extremely profitable for their owners and shareholders (see annex IX to the present report). In every known instance original investments have been paid back many times over. However, owing to extended periods of mining it is estimated that the reserves are now limited and that the two major enterprises at Oranjemund and Tsumeb may be exhausted within the next 10 to 15 years. The United Nations Council for Namibia has already noted in previous reports the growing anxiety among black leaders that, by the time they gain control of their country, the resources will have been exhausted. Their anxiety is further justified by the increased rate of exploration in recent years, resulting from the granting of many new mining concessions.

### 1. Diamonds

124. Diamonds are the leading mineral product of Namibia (see para. 118 above), occurring in a 300-mile coastal belt, with the richest areas near the Orange River. About 95 per cent are gem stones (see table 1 below). Namibia is one of the world's leading diamond producers and recovery of diamonds from the sea-bed is increasing. Since 1971, CDM has become practically the sole producer of diamonds in the country and is a principal source of gem diamonds for its parent company, De Beers. Total sales of Namibian diamonds in 1973 amounted to R 147.0 million.



Table 1

Namibia: diamond production, 1970-1972  
(thousand carats)

<u>Year</u>	<u>Gem</u>	<u>Industrial</u>	<u>Total</u>
1970	1 772	93	1 865
1971	1 566	82	1 648
1972 (estimates)	1 516	82	1 598

2. Base metals

125. Base mineral sales amounted to R 83.0 million in 1973, compared with R 33.0 million in 1964.

126. Copper is the second largest mineral export in Namibia in terms of value (R 34.2 million in 1973) followed by refined lead (R 17.0 million). Copper comes almost exclusively from the Tsumeb mine. This mine, as well as the Kombat and Matchless mines, are owned by the Tsumeb Corporation, whose average annual net earnings during the period 1963-1972 amounted to R 12.9 million.

127. The Tsumeb Corporation/South West Africa Company, Ltd. (SWACO) consortium has continued to operate its lead/vanadate/zinc mine at Berg Aukas. It has resumed production at the Brandberg West tin/wolfram mine and has pressed ahead with new investments in Namibia (see also table 2 below).

128. Other minerals produced in Namibia are kyanite, vanadium, beryllium salt and manganese. 13/

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13/ For the full list of Namibian minerals, see Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 24 (A/9624), vol. I, para. 99, foot-note 11.



Table 2

Namibia: base mineral production, 1969-1973 a/

(In metric tons)

<u>Year</u>	<u>Copper</u>	<u>Lead</u>	<u>Zinc</u>	<u>Tin</u>	<u>Cadmium</u>
1969	...	...	38,100	700	...
1970	31,393	73,119	46,685	1,027	315
1971	32,039	71,498	43,696	949	266
1972 (estimates)	21,618	59,990	34,742	980	190
1973	...	63,200	52,600	800	...

a/ Recoverable metal content.

### 3. Uranium

129. South African mining legislation which has been extended to Namibia places the sole right to engage in all stages of uranium prospecting, mining, producing, selling, concentrating, refining and processing, as well as in atomic energy production, in the hands of the State through the South African Atomic Energy Board (AEB).

130. The first uranium plant in South Africa was opened in 1952. Since 1969, South Africa has been selling highly purified uranium to a number of countries, and is now one of the three largest uranium producers (together with the United States and Canada); only the United States has larger reserves. Since 1969, South Africa has, through technological successes, moved from producing crude-grade uranium to processing nuclear-grade uranium, thereby gaining possession of nuclear capability. On 20 July 1970, the South African Prime Minister announced development by South African scientists of a new process for uranium enrichment (later described as that of an aerodynamic type).

131. The implications are quite clear. Among other things, it means that South Africa will now be able to produce the type of material needed both for nuclear bombs and as fuel for atomic power stations. In June 1973, the South African Minister of Mines announced that a full-scale prototype plant for the economic enrichment of uranium would be established at a cost of R 550 million. A pilot plant costing R 39 million was to begin production in 1974.

132. In April 1974, a contract was signed between AEB and Steinkohlen Elektrizitäts, AG (STEAG), the major fuel-energy concern in the Federal Republic of Germany, to build a uranium enrichment plant in South Africa to carry out a joint feasibility study of two uranium enrichment processes. It was later stated that further undisclosed overseas interests were involved. About 50 per cent of the uranium to be used in this venture will come from the Rössing mine.

133. Rössing Uranium, Ltd., has continued work at Rössing, near Swakopmund, on the large-scale development of an open-cast uranium mine which is expected to start production in 1976 and build up to maximum production in 1980. The reserves are



estimated to be 100,000 tons, which, added to reserves already discovered in South Africa, would bring the total uranium ore reserves currently under the control of the South African régime to 300,000 tons, enough to satisfy one third of the anticipated world demand in 1985 (see also annex IX to the present report). Development of the huge mine at Rössing should be viewed in the context of the world energy situation in general. In the wake of latest developments regarding oil, nuclear power programmes may now be greatly stimulated. In May 1975, further low-grade uranium deposits were located in the vicinity of Swakopmund.

134. The principal contract for the sale of uranium ore mined at Rössing was signed in 1970 between RTZ, of which Rössing Uranium is a subsidiary, and the United Kingdom Atomic Energy Authority for the purchase of 7,500 tons valued at approximately R 75.0 million. It was reported that several Japanese electric power companies had also concluded a purchase contract with RTZ to buy 8,200 short tons of uranium ore from Rössing Uranium during the period 1975-1985.

135. In May, Sir Val Duncan, Chairman of RTZ, was reported to have stated at the corporation's annual meeting that RTZ would honour its contracts to provide the United Kingdom and other countries with uranium from Namibia, despite United Nations pressure. Before the meeting began, a SWAPO pamphlet was distributed stating that SWAPO would judge companies such as RTZ harshly when Namibia achieved its independence.

136. South Africa is technologically and financially capable of making a nuclear bomb for air delivery, for which South African Canberra bombers (4,000-mile range), British-supplied Buccaneers and French-supplied Mirages could be used. This means that, even operating from within its own borders, South African planes would be able to stage a nuclear attack against countries such as Mozambique, Southern Rhodesia, Zaire or Angola, as well as to reach far out into the Indian and Atlantic Oceans.

137. It should be pointed out that South Africa is one of the countries which has refused to sign the Treaty on the Non-Proliferation of Nuclear Weapons.

#### 4. Petroleum and natural gas

138. The activities in this sector, which has strategic importance for the South African régime, consist of vigorous prospecting for petroleum. Large areas of Namibia, including the entire off-shore area, have been leased for oil prospecting.

139. A deposit of natural gas was reported to have been found in February 1974 in the off-shore concession area held by the Chevron Oil Company, the Texaco Oil Company and the Southern Oil Exploration Corporation (South West Africa) (Pty.), Ltd. (SWAKOR), near the mouth of the Orange River. Details of the activities of other companies in this field are reported in annex IX to the present report.

140. So far there have been no other finds. As a result of fruitless prospecting and of international pressure (including activities by the Council) five petroleum prospecting companies have withdrawn from Namibia: Continental Oil Company, Getty Oil Company, Phillips Petroleum Company, Regent Petroleum Company and Texaco, all of the United States.



## 5. Fishing

141. The initial investments in the fishing industry, mainly centred at Walvis Bay, were made by capital from South Africa and Namibia. The industry represents a capital investment of R 49 million and includes about 15 factories canning lobster, pilchard, snook and other white fish, as well as fish-meal factories and fishing vessels. The profits from these investments accrue to shareholders in South Africa. Africans are involved only as migrant workers employed on contract as unskilled workers in the fish-processing factories, mainly at Walvis Bay. During the six-month fishing season, up to 6,000 Ovambo, Kavango and Damara migrant workers are employed at Walvis Bay where they live in a municipal compound. Some Coloured sailors are allowed to work on the fishing boats. The total number employed in the fishing industry is 7,000.

142. In the year under review, catches of all species of fish increased, partly as a result of previously adopted conservation measures. <sup>14/</sup> In 1973, some 730,000 tons of fish (pilchard, anchovy and mackerel) were landed, of which 64,000 tons were processed locally into canned fish, fish-meal and oil. About 62,000 cartons of local rock lobster (or crayfish) were also processed. In 1972, total fishing sales amounted to R 58.8 million (R 40.1 million in 1971).

## 6. Agriculture and livestock

143. Farming contributes 20 per cent of Namibia's gross domestic product. As in the case of mining and fishing, commercial agriculture and stockraising in Namibia are totally controlled by whites, with Africans employed as shepherds and farm labourers. As a result of the application of apartheid practices, most of the best farming land is reserved for white ownership. In the course of the last 60 years, Africans have been deprived of these lands and have systematically been confined to the generally unproductive and arid areas, situated mainly in the northern half of the country, where they are dependent on subsistence agriculture and cattle raising. The total land allocations of the 10 bantustans constitute about 25 per cent of the total land area of Namibia.

144. More than 60 per cent of the white farmers in Namibia are South African by origin; the rest are German by origin. Nearly one third of the white settlers are farmers. The commercial farming sector, functioning on land taken from Africans, is controlled by whites. Commercial agriculture consists of some 5,000 farms or ranches.

145. Non-whites own about 25 per cent of the Territory's 9 million head of sheep, cattle and goats. In 1971, there were 2.8 million head of cattle. The inoculation campaigns in the northern bantustans have so far not succeeded in wiping out endemic cattle diseases, particularly foot-and-mouth disease, which handicaps commercial exploitation of livestock owned by non-whites.

146. The South African régime has started implementation of a plan for establishing white farmers in "under-developed areas" in the Kavangoland and Ovamboland

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<sup>14/</sup> See Official Records of the General Assembly, Twenty-eighth Session, Supplement No. 24 (A/9024), para. 98.



bantustans, to build up ranching areas. It was reported that by January 1973, the South African régime had leased 16 blocks of grazing land in Kavangoland and Ovamboland to white farmers. The total area involved under the plan was reported to be a block of 300,000 hectares of grazing land. The white farmers will not pay for the use of the land, but will be required to develop the land "to the satisfaction of the Department of Bantu Administration", particularly by drilling bore-holes and following soil conservation programmes.

147. In 1972, cattle sales amounted to 583,168 head, almost 75 per cent of which were exported to South Africa; local consumption amounted to 32,000 head, or 5.5 per cent.

148. The second largest agricultural activity in Namibia is the production of the coat of the Karakul lamb marketed as "Swakara", "Persian lamb", "astrakhan" or "Karakul". Namibia produces over half the world's supply of this fur, mainly for export to countries other than South Africa. Its principal customers are France, Japan, the United Kingdom and the Federal Republic of Germany. Wool exports were valued at \$US 51 million in 1973. In 1973 cattle exports were valued at \$US 80 million (mostly to South Africa).

149. Agricultural sales in 1974 amounted to R 96 million, the major portion of which was made up of the following:

(million rand)

Wool	-	1.8
Karakul	-	27.6
Beef	-	53.2
Fresh milk	-	2.1
Agronomy	-	1.0

## 7. Tourism

150. In 1973, there were 280,000 visitors to Namibia's game parks and rest camps.

## 8. Trade

151. Since 1 January 1966, trade figures for Namibia have been incorporated into those of the Republic of South Africa (see foot-note 12 above).

152. About 90 per cent of Namibia's imports originate in South Africa, and about the same percentage of its exports go overseas, either directly or through South Africa. As a result, it is estimated that Namibia contributes about 10 per cent of the exports of the South African customs union and in 1966 earned about \$US 250 million in foreign exchange for the union.

153. According to the overseas trade statistics of the United Kingdom, in the 12-month period ended December 1974, United Kingdom imports from Namibia were valued at £21.8 million. This amounts to an estimated 25 per cent of Namibia's total



exports. The largest categories were hides, skins and furs, £15.2 million; animal food-stuffs, £2.5 million; meat and meat preparations, £1.5 million; and non-ferrous metals, £1.5 million. In the same period, United Kingdom exports to Namibia were valued at £1.7 million, comprising over 20 different categories of manufactured items. The most significant exports were non-electrical and electrical machinery and transport equipment for use in the mining industry. The United Kingdom has had a trade deficit with Namibia since the mid-1960s.

### C. Economic conditions of Namibians

154. Despite the fact that Namibia is one of the world's richest countries in terms of natural resources, most of its black population lives in abject poverty.

155. In accordance with the apartheid policies which have been transplanted from South Africa to Namibia, the economy of Namibia remains divided into two sectors: (a) a wealthy, white-owned sector based on intensive exploitation of the Territory's natural resources, in particular mineral and human resources; and (b) a separate subsistence sector, including most of the black population, which is forcibly restricted to bantustans and black townships in the white zone.

156. In Namibia, contrary to the situation in many countries which possess a dual economy and where the two sectors function fairly independently, the South African régime has continually maintained the subsistence sector by confining the Africans to bantustans and drawing the boundaries of the white area in such a way as to include all known deposits of the principal minerals. At the same time, the subsistence sector is essential to the money economy in its present form, as a source of abundant cheap labour. Africans are, in fact, forced to leave the bantustans for the express purpose of working as migrant labourers in the white areas, since the subsistence economy of the bantustans would be inadequate to support most of the black population.

157. The gross inequality in the standards of living is reflected in the per capita gross domestic product, which in 1972 was estimated to be \$US 5,525 for whites and \$US 325 for non-whites. Most black Namibians have a negligible share in the economy. Their level of income from employment in white-run businesses is adequate only for subsistence, and does not allow for the accumulation of capital. They cannot own land and cannot trade in the white zone. Commerce in the bantustans is handled by the South African State-owned Bantu Investment Corporation, whose management is entirely white. Africans are obliged to trade through this monopoly, and in this way, the sum total of African spending power is channelled back into the white-owned economy.

158. The arid bantustans cluster largely in the northern third of Namibia. It is significant that this area is without any known natural resources. In contrast, the white area incorporates the diamond fields, copper mines, rich agricultural lands and fishing ports and has a much better developed infrastructure.

159. In recent years, the attention of world public opinion has been drawn to the working conditions and wage levels of the Namibian workers. A number of studies have been undertaken and pressure actions initiated by various public, research, church and other non-governmental organizations throughout the world. The general conclusion drawn from those studies is that the wage levels of blacks in Namibia



remain considerably lower than the poverty datum lines defined in South Africa and that black workers can survive only through the extra payments of "amenities" (rations, accommodations and working clothes). Although the cost of living is generally higher in Namibia than in South Africa, wages for blacks in Namibia lag behind the levels of wages in industry in South Africa. Foreign-owned corporations in Namibia continue to take advantage of the low wage rates forced on Africans.

160. It was reported that since 1971 wages for black miners at Tsumeb have almost doubled from an average inclusive wage of \$US 63.95 (\$US 29.79 in cash) to almost \$US 120 (\$US 64 in cash). At the same time, the average cash wage for white workers has risen from \$US 494.11 (plus free family housing and amenities) to about \$US 750. This means that white workers are still receiving about 12 times more than their black counterparts.

161. In order to earn a livelihood and to be able to pay taxes, Africans must leave their families for up to two thirds of their married life and go to work in the white area. Generally speaking, migrant labourers on contract make up about 80 per cent of the labour force for the mining, agricultural, fishing and manufacturing industries in Namibia.

162. According to official statistics, in 1974, some 30,000 workers left their homes in the Ovamboland bantustan for work beyond its borders. Their employment by industry or sector was as follows:

Mining industry	-	9,769
Agricultural sector	-	6,433
Factories	-	3,800
Trade, wholesale and retail	-	4,682
Government services and municipalities	-	3,110
Civil engineering	-	1,018
Servants	-	1,129
Unclassified	-	153

163. The majority of contract workers employed in such towns as Windhoek, Walvis Bay and Lüderitz, as well as those employed by the larger mining companies in isolated areas, live in bleak concrete compounds. For example, the Ovambo compound in Katutura (Windhoek) houses 5,000 men and that in Walvis Bay houses 6,000. Eyewitnesses compared the conditions and appearance of the compounds to prisons. The Windhoek municipality has for a number of years referred to Katutura as a "powder keg". All Africans work under a migrant labour system which restricts residential rights to bantustans and specific urban locations or "townships" such as Katutura in Windhoek or Arandis in Rössing.

164. The migrant labour system is being operated in conjunction with the apartheid system of movement control through the medium of a "record book" or an "identification pass", which every black Namibian must have with him at any moment and which authorizes its holder to stay within a very limited area around his employer's premises. Special passes are required for travel (see also paras. 66-74 above and 176-179 below). This is a system of forced labour, the main



characteristics of which are the restriction of black Namibians to designated areas, control of their movements by the white authorities and the provision of labour for the needs of the white economy.

165. Worker dissatisfaction with the contract migrant labour system resulted in a territory-wide labour strike in late 1971 and early 1972. 15/ Wages were slightly increased and some of the harsher aspects of the system were removed, but the fundamental characteristics of the system remain.

166. The punishment for industrial action, including strikes, slowdowns, non-operation or any other such action is a fine of up to R 1,000, or imprisonment for up to three years, or both. Africans are not prohibited from forming trade unions, but it is illegal for either employers or the authorities to recognize an African trade union, which makes collective bargaining impossible. Individual bargaining is also excluded, since all requisitions for labour are channelled through the employers' associations to the labour bureaux in the bantustans and a potential migrant worker is always offered a contract on a take-it-or-leave-it basis.

167. Under the system of apartheid applied by South Africa to Namibia, it is thus impossible for Africans to improve their low status economically, educationally or socially.

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15/ For an account of the strike, see Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 24 (A/8724), vol. I, paras. 13-20.



### III. LEGISLATION

168. During the period covered by this report, South Africa continued, in defiance of United Nations resolutions, to enact legislation which purportedly applied to Namibia. This legislation can be divided into two categories: (a) laws continuing the process of integrating Namibia even more closely into the South African polity and economy; and (b) laws purporting to bring about the great social and constitutional changes in the Territory which the South African Prime Minister, in a statement delivered in Nigel, South Africa, on 5 November 1974, had promised to bring about within six months. The stated purposes of these two categories of laws appear to be mutually antagonistic.

169. A list of all legislation purportedly applied to Namibia since the last report of the Council for Namibia is contained in annex III to the present report.

#### A. Attempts to integrate Namibia into South Africa

170. As more and more early South African legislation is consolidated and replaced, there is less to be applied to Namibia by current legislation. Hence, only three existing South African Acts of Parliament were reportedly applied to Namibia during the second South African parliamentary session of 1974.

171. The Medical, Dental and Supplementary Health Service Professions Act, No. 56 of 1974, and the Pharmacy Act, No. 53 of 1974, both replaced portions of the Medical, Dental and Pharmacy Act, No. 13 of 1928, which had previously been applied to Namibia. Similarly, the Publications Act, No. 42 of 1974 (which became effective only in 1975), replaced the Publications and Entertainments Act, No. 26 of 1963, all but one provision of which was in effect in Namibia.

172. The new Publications Act restructured the entire governmental censorship system both in Namibia and South Africa. Under the earlier Act, it had apparently not been possible to cope with the flood of publications and films to be reviewed. Under the new Act, an appeal board has been created to hear appeals from adverse decisions of the committees established to review publications, objects, films and entertainments. It abolishes any right of appeal to the courts, except to correct certain procedural defects. (The predecessor Act had allowed an appeal to the courts except in the case of films, on which a ministerial decision was final.)

173. The most controversial provision of the Act is reported to be section 9, subsection (3), which empowers a committee considering a publication or object to prohibit not only its importation, display or sale, but also its "private possession" by any person. While government supporters in Parliament indicated that that provision would be used only against the most undesirable material, the power granted by the subsection is not limited in any way; and the violence of the attacks on political deviation by National Party members during debates on the Act in the South African Parliament suggests that private possession of any publication containing criticism of government policies might fall under section 9, subsection (3) of the Act.



174. The definition of "undesirable" in section 47 (2) includes the expression "offensive to the religious convictions or feelings of any section of the inhabitants of the Republic". It appears that the term "any section" in the definition might be read as "any white section".

B. Legislation announced as effecting political change in Namibia

175. Although major political changes were announced by the South African Prime Minister, none of these announcements had been implemented by substantial legislative action at the time of preparation of this report. A number of lesser changes were, however, put into effect (see also paras. 66-70 above).

176. A measure which was highlighted in a parliamentary question and answer session as advancing equity among Africans was passed on 8 November 1974. By Proclamation No. 218 of 1974, the State President of South Africa amended section 6 of the Native Administration Proclamation No. 11 of 1922. That section exempts Native policemen, messengers, missionaries, teachers and a few other persons from the requirement of carrying a pass when travelling in Namibia, although they have to carry a document to prove that they are exempt. The 1974 amendment added to the exempt list officials connected with the bantustan governments.

177. Several weeks after the official proclamation was issued, it was announced that the pass laws in Namibia had been repealed. An analysis of the proclamation involved (No. 105 of 1975) indicates that of all the pass laws in effect in Namibia, only the Extra-territorial and Northern Natives Control Proclamation No. 29 of 1935, was actually repealed. The following pass laws remained in effect:

(a) The Native Administration Proclamation No. 11 of 1922, which requires every non-exempt African to carry a pass when away from his location, farm, or place of residence;

(b) The Natives (Urban Areas) Proclamation No. 56 of 1951, which requires every African in an urban area to carry a permit to be in such area;

(c) The Employment Bureaux Regulations No. 323 of 1972, which inter alia:  
(i) require every employable African in the Police Zone 16/ to have or to seek employment or to be removed; and (ii) require every employed African to carry his employment authorization as a pass. Africans from bantustans which give their members identity documents must carry those documents in order to be eligible to seek employment through the employment bureaux.

178. In addition, numerous municipal by-laws require Africans to carry curfew passes, tax and rent receipts, occupational licences, etc. A penalty is levied

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16/ The "Police Zone", an expression dating from early colonial times when the zone was the only area which was policed, now comprises nearly the whole of Namibia, that is, the white area and the southern bantustans. Excluded are Ovamboland and the other northern bantustans. In fact, the South African police operate freely throughout Namibia.



... failure to produce any of these on demand. Some bantustans have enacted similar measures applicable to Africans in or from the areas concerned.

179. According to the Namibian press, municipal officials are not enforcing certain provisions of one or more unrepealed pass laws. Past South African history indicates, however, that administrative relaxation may be followed at any time by an administrative crack-down.

180. Proclamation No. 105 of 1975 also repealed in toto the Masters and Servants Proclamation No. 34 of 1920, which, inter alia, made refusal to work or disobedience a criminal offence. It also repealed sections 3-5, 14 (2), 15, 17 (1) (e) and 20 of the Control and Treatment of Natives on Mines Proclamation No. 3 of 1917, and amended sections 2 and 18 (1) and (2) of the same Proclamation. These changes effectively repealed the criminal sanctions for disobedience by black employees at mines and works. The administrative penalties found in the Employment Bureaux Regulations (see above) are sufficient to achieve the same purpose while not offending foreign sensibilities.

181. At the same time, Proclamation No. 105 repealed section 19 of the Native Administration Proclamation No. 11 of 1922, an obsolete provision dealing with labour recruitment.



#### IV. CULTURAL SITUATION

##### A. Educational policy as a tool of repression

182. The imposition on Namibia of the apartheid educational system practised by South Africa within its own borders had two outstanding results. First, it assisted the South Africans in their policy of fragmenting the black opposition into different so-called "population groups"; this was part of the openly expressed policy of "bantustanization". Second, it had the effect of keeping the black population educationally inferior to the whites and thus, in the view of white South Africans, less qualified to assert their right to freedom and independence. It was this situation which led the Council to establish the United Nations Institute for Namibia in Lusaka (see paras. 236-239 below).

183. The present chapter deals not only with the period covered by the present report, but with the situation as it has existed for some years.

##### B. Current educational system in Namibia 17/

184. Namibian education is permeated by apartheid. Schools and students are physically separated by so-called "nationality". 18/ Depending on "nationality", there are, inter alia, differences in curricula; teacher training and salary scales; teacher-pupil ratios and amounts spent per pupil on education; attendance rates; and laws and administering authorities.

185. Whites are in all cases treated differently from non-whites and non-whites are further subdivided into tribal groups. For administrative convenience, some groups of non-whites are combined, but the goal is still the same: completely separate education for each "nation".

##### 1. Education of whites

186. Education for whites goes through secondary school. It is divided into 12 grades, from substandards A and B through standard X. A junior certificate is obtained on satisfactory completion of standard VIII and matriculation after standard X.

187. In 1973, there were in Namibia 85 white schools of all types, with 1,232 teachers and 23,185 pupils, compared with 63 schools, 666 teachers and 16,257 pupils in 1960. The 1973 teacher-pupil ratio was 1:18.8.

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17/ The material which follows has been taken, with minor modifications, from the International Encyclopaedia of Higher Education, Asa S. Knowles, ed., to be published in 1976 by Jossey-Bass, Inc., Boston.

18/ According to the bantustan policy, each bantustan is supposed to be the homeland of a separate "nationality".



188. Pre-university education of white children is administered by territorial officials in accordance with the Territory's Education Ordinance. Education is free and is compulsory up to 16 years of age or the attainment of the junior certificate.

189. Despite the formidable difficulties posed by the widely scattered population of rural Namibia, virtually all educable white children are enrolled either in local day or boarding schools. In the latter case, the territorial Administration provides financial assistance to families which cannot afford hostel fees or have several children in hostels at the same time.

190. Section 4 (1) (c) of the Education Ordinance requires that education be planned so that: (a) "the education and upbringing shall have a Christian character forming the basis for ... a Christian way of life"; (b) "the principle of parental authority in the education of the child shall be accepted"; and (c) "a spirit of national unity be fostered and racial co-operation be promoted in the Territory". In furtherance of these prescriptions, chapter VII of the Ordinance requires religious instruction and daily prayers and Bible reading in all State schools; chapter II provides for the creation of an elected school committee of parents at every primary and secondary school to provide local supervision and liaison between the community and the Administration; and section 63 provides for refusing admission to, or for removing, any child found, upon private complaint, not to be white.

191. Afrikaans and English are official languages in Namibia, as in South Africa. Chapter VI of the Ordinance requires pupils to be educated in the language in which they are more proficient; the other official language must be taught as a subject in every standard. Instruction in German may be authorized where that language is widely used. In fact, Afrikaans and German predominate in Namibia. English is considered by many the language of radicals and subversives.

192. The Ordinance devotes its longest chapter to the "appointment and conditions of service of teachers". Its provisions are generally very conservative and effectively prevent opponents of apartheid from teaching. Salary scales are usually the same as in South Africa, with a cost-of-living adjustment.

193. Since Namibia has no university, students must pursue post-secondary education outside the Territory. Many German-speaking students go to the Federal Republic of Germany. Loans and scholarships are available to all qualified white students to attend universities, teacher-training colleges or technical institutions in South Africa.

## 2. Education of blacks

194. Pre-university education of blacks runs one year longer than white education to help blacks overcome deficiencies in early education. An extra grade, standard VIIA, is inserted after standard VII. Consequently, the junior certificate requires three years' study beyond the upper primary level and matriculation requires an additional two years.

195. The Government plans to drop the extra year in 1976 and to restructure black education so that the upper primary school will consist of two years instead of



the present four and so that there will be three years between the junior certificate and matriculation instead of two years, as at present. This rearrangement will make subsequent comparative data on drop-outs unreliable unless it is compiled on an annual basis.

196. Education for most blacks is governed by the Bantu Education Act. It is controlled by the South African Department of Bantu Administration and Development except to the extent that the Department has relinquished authority to certain bantustan governments. The education of Coloureds, Namas and Rehoboth Basters is governed by three separate but virtually identical laws and is administered by the South African Department of Coloured, Rehoboth and Nama Relations.

197. All of these laws have common features, including the following:

(a) Total control of education by the State. The laws are designed, inter alia, to bring an end to the mission schools, which formerly provided most of the education for blacks, by subjecting them to registration requirements and providing for refusal or withdrawal of registration at the Government's discretion. (The Anglican High School at Odibo, Ovamboland, the only English language secondary school in Namibia, has recently been threatened by closure.) The Bantu Education Act makes it a criminal offence to teach as few as two children at a time without being registered as a school and regulated accordingly.

(b) Parental involvement in education. The laws provide for elected school committees of parents with advisory and liaison functions, sometimes described as "supervisory".

(c) Mother tongue instruction. This is required, at least in the lower grades; the upper level for such instruction is constantly being raised. The two official languages are taught as subjects of instruction in the early years, after which one - normally Afrikaans - becomes the language of instruction. A survey of Namibian refugees in Zambia who had attended school in Namibia showed that few were able to function adequately in English without extensive remedial work.

(d) Emphasis on Christian education. The laws prescribe religious instruction and daily prayer and Bible reading.

(e) Rigorous control over teachers, students, books and ideas.

198. Implicit in the laws and their administration, although never explicitly stated, is the goal of training the vast majority of blacks for menial labour and servitude to white needs and desires, rather than for self-development. Thus, the curriculum for black students, which is almost identical with that for blacks in South Africa, emphasizes crafts and manual training at the expense of academic subjects; and mother tongue instruction is at the expense of competence in the two official languages in which secondary and advanced education and examinations are given. Numerous other factors, some of which are discussed below, discourage all but a handful of the most persistent students from continuing their education long enough to prepare themselves for better jobs.

199. Education is free for all non-white students in Namibia. Books, stationery and board and lodging at hostels are also provided without charge. In 1973/1974, the Government spent R 75.75 on the education of each African student in Namibia. Of this amount, approximately R 50 apparently represented the cost of books,



stationery and hostel accommodation, while the remainder covered teachers' salaries, school buildings and equipment and administration. This expenditure for Africans should be compared with the amounts spent per white child per year in South Africa in 1973/1974, running from R 387 in the Transvaal to R 557 in Natal. It is assumed that the amount spent on white children in Namibia falls somewhere in or near this range, that is, four to seven times the amount spent on African pupils.

200. It is possible that the amount spent on the education of each Coloured, Nama or Baster student in Namibia is somewhat but not much more than that spent on African students. In South Africa, the amount spent on each Coloured child in 1972/1973 was R 92.21 in primary school and R 124.52 in secondary school.

201. Although free, education is not compulsory for blacks. Recent government notices purporting to introduce compulsory education for Coloureds, Namas and Basters in fact merely require that any pupil enrolled in any standard at the beginning of the school year must continue attending throughout that year. It appears to be aimed at reducing the number of drop-outs, not at compelling the unschooled to enrol.

202. Government statistics indicate that the number of non-white children and young adults - many Africans start school long after the normal age of 6 or 7 years - enrolled in school increased by 300 per cent between 1960 and 1973, from 43,624 to 138,890. During that period, the non-white population increased by only some 60 to 110 per cent, depending on the population figures accepted. Assuming a black population of some 900,000, approximately 15.5 per cent of the black population is enrolled, compared with 25.8 per cent of all whites.

203. The significance of the increased enrolment is diminished by other data, however. In particular, the number of teachers increased during the same period by only 264 per cent, from 1,310 to 3,453. Thus, either the enrolment figures are inflated or the already high teacher-pupil ratio rose from 1:33.2 to 1:39.9. The number of schools increased during the same period from 313 to 592.

204. More important, if one may judge from the rather skimpy information available and extrapolate from South African figures, the drop-out rate is enormous, even at the lowest standards. Consequently, most black students do not remain in school long enough to become functionally literate. The South West Africa Survey shows that of the 138,890 blacks enrolled in 1973, only 2,664, or 1.92 per cent, were in the upper five standards, teacher training and vocational training combined. The Deputy Minister of Bantu Administration and Education stated in Parliament that as from March 1974, 31.3 per cent of all enrolled African pupils in Namibia were in substandard A and 18.5 per cent in substandard B; the percentage of children in each grade dropped steadily thereafter, with only 2.1 per cent in the upper five standards (forms I-V), of whom only 0.06 per cent were in the final year.

205. The Survey does not give any information about black students who pass the matriculation, undoubtedly because there are so few. On being questioned in Parliament, the Deputy Minister of Bantu Development gave the following information concerning African students in Namibia who wrote and passed various level examinations in 1973 and 1974:



<u>Year</u>	<u>Examination</u>	<u>Number taking examination</u>	<u>Per- centage</u>	<u>Number passing examination</u>	<u>Per- centage</u>
1973	Senior certificate	80	...	50	...
	Junior certificate	353	...	322	...
	Standard VI	4,081	...	2,817	...
1974	Senior certificate	73	91.3	48	60
	Junior certificate	341	87.7	301	77.4
	Standard VI	4,380	85.1	3,040	59.9

206. The Survey gives little information about teachers of non-whites beyond their numbers. Since, however, blacks may enter teacher training with no more than a standard VI certificate, it seems probable that Namibian teachers are no better, and possibly worse, qualified than their counterparts in the South African bantustans. It was stated in Parliament that, in 1973, there were 57,480 teachers in the South African bantustans, of whom 1.6 per cent had a university degree and teacher training; 10.5 per cent had the matriculation and teacher training; 46.3 per cent had a junior certificate with teacher training; 25.3 per cent had standard VI or other qualifications with teacher training; 0.8 per cent had a university degree, matriculation, or other special qualifications without teacher training; and 15.5 per cent lacked both teacher training and the matriculation or other special qualifications.

207. When questioned on teacher-training courses for Africans in Namibia, the Minister of Bantu Education replied that in 1974 there were 343 Africans enrolled in lower primary teacher-training courses, 149 in primary teacher-training courses, and 4 in special courses for teaching the deaf or the blind. There were none enrolled in the junior secondary teacher-training course, the diploma course for secondary teachers, the university diploma non-graduate course, the post-degree university course, the university diploma course taken concurrently with a degree course, special courses in art and homecraft, the course for trade instructors or the bachelor of pedagogy course.

### 3. Secondary education of blacks

208. Namibia has seven "centralized, comprehensive boarding schools" offering secondary education, teacher training and trade training. There is also an agricultural school in Ovamboland with 18 students, as well as St. Mary's mission school at Odibo, Ovamboland, which the authorities are threatening to close.

209. In principle, each school is limited to students from the "nation" where it is located. When, however, it was announced that Augustineum, which is located in Windhoek and has been open to students from all over the Territory, was to be restricted, widespread protests prevented full implementation. The school is still open to all, but is internally divided by "nation" for many purposes.

210. Students may enter teacher-training courses at these institutes at the end of standard VI or after completing the junior certificate or the matriculation.



Students who seek to learn a trade (e.g., tailoring) are supposed to enter after standard VI, but reports indicate that many have no more than a lower primary education.

211. Black students who pass the matriculation are eligible for scholarships or loans for university studies, teacher training or technical training in one of South Africa's university colleges or other institutions for non-whites. In 1974, there were 33 Africans from Namibia pursuing university studies in South Africa: 17 at Fort Hare, 13 at the University of the North and 3 at the University of Zululand. Twelve were enrolled in the arts faculties, 5 in law, 4 in economic sciences and 12 in science.



PART TWO: ACTIVITIES OF THE UNITED NATIONS COUNCIL FOR NAMIBIA

I. EXPOSURE AND CONDEMNATION OF SOUTH AFRICA'S  
ILLEGAL PRESENCE IN NAMIBIA

212. The United Nations Council for Namibia continued consideration of the situation in Namibia during the period covered by this report. On several occasions the Council condemned South Africa's presence in Namibia, emphasizing its illegality and exposing the repressive practices employed by the occupation régime.

A. Condemnation of constitutional conference

213. On 23 October 1974, the Council condemned the plan announced by South African agents in Namibia for the holding of a constitutional conference (see paras. 11-14 above), as follows:

"The United Nations Council for Namibia categorically rejects the statement recently issued by the so-called Executive of the National Party of South West Africa, according to which this whites-only party has decided to hold discussions on the constitutional development of Namibia with what they call representatives of the other population groups.

"The so-called National Party of South West Africa is neither a legal entity nor capable of taking any action independently, and its statement is a deliberate action taken on behalf of the illegal South African régime.

"This statement is simply a continuation of the long-standing attempt to allege that Namibia is not one country but consists of various so-called population groups. This is of course the foundation of policies of separate development, apartheid and bantustanization which have been repeatedly condemned by the Council.

"The Council notes the timing of the statement, coming as it does during a questioning by States Members of the United Nations of the right of the South African delegation to represent the people of South Africa and on the eve of the decision by the General Assembly to refer to the Security Council the matter of the repeated violations by South Africa of the principles of the Charter and of the Universal Declaration of Human Rights.

"It has become a tradition that, when under strong pressure, South Africa will produce some gimmick in a vain attempt to placate world opinion. When the International Court of Justice was seized, in 1971, with the Security Council's request for an advisory opinion, South Africa proposed a referendum. When the International Court of Justice confirmed the illegality of the South African presence in Namibia, South Africa proposed discussions with the United Nations Secretary-General. Threatened now with expulsion from the United Nations, South Africa is proposing sham constitutional discussions in Namibia.



"The Council for Namibia is fully in support of the statement made by the South West Africa People's Organization (SWAPO) which rejected this statement as a well-calculated manoeuvre aimed at misleading world public opinion. The statement reminds world opinion that the South African position has been decisively rejected on many occasions by the United Nations General Assembly and also by the Security Council. The South African presence in Namibia remains illegal. The illegality was confirmed by the International Court of Justice in 1971 and is not abated by these desperate South African attempts to prolong its duration.

"The road ahead for South Africa in Namibia is clear. It must state in unequivocal terms that it accepts the decisions of the United Nations and respects the advisory opinion of the International Court of Justice of 1971, and that it will terminate its illegal occupation immediately."

214. On 29 August 1975, shortly before the constitutional conference was scheduled to convene, the Council issued the following statement:

"Reports reaching the United Nations Council for Namibia reveal that a new wave of arrests and detentions of Namibians by the South African régime is now taking place in Namibia.

"The renewed and intensified suppression and oppression are connected with the convening of the so-called constitutional conference scheduled for 1 September 1975.

"During the last few days, arrests of SWAPO /South West Africa People's Organization/ and other leaders and harassment of the Namibian people have been stepped up. Many Namibians have been arrested or abducted, including, in particular:

Axel Johannes, Acting Secretary-General of SWAPO  
Othniel Kaakunda, Secretary for Internal Affairs of SWAPO  
Aaron Muchimba, National Organizer of SWAPO  
David Mugaro, Secretary for Foreign Affairs of SWAPO  
Samuel Shivute, Regional Secretary of SWAPO for Northern Namibia  
Reuben Hauwanga, Secretary for Information and Publicity of SWAPO  
Pastor Zepheniah Kameeta, Director of the Paulineum Theological Seminary at Otjimbingwe, and a staunch SWAPO activist  
Festus Naholo, SWAPO student activist at the Paulineum Theological Seminary  
Lazarus Guiteb, Branch Secretary of SWAPO in Otjiwarongo  
Kuzuko Albertus Kangueshi, Vice-President of SWANU /South West Africa National Union/ and Chairman of NNC /Namibian National Convention/

"In addition, the residence of Mr. David H. Meroro, National Chairman of SWAPO, was ransacked and his children terrorized. Many of these dastardly acts of terror were carried out by a marauding band of misguided individuals, working closely with the South African police.



"The South African régime justified this new wave of terror by the recent death of bantustan chieftain Filemon Elifas. However, the real purpose of these renewed acts of terror and brutality against the Namibian people is to arrest and imprison all the real and suspected political opponents of the régime in Namibia before the so-called constitutional conference, which is designed to divide the Namibian people and thereby perpetuate South African domination in the Territory.

"With this end in view, the South African occupation authorities manipulated fraudulent elections in the Ovamboland bantustan in January 1975 and in the Rehoboth Basters bantustan in April 1975.

"Well-known bantustan figures and other elements are being collected by South African authorities in an effort to hold the so-called constitutional conference. Such steps contravene the resolutions of the General Assembly and the Security Council, as well as the advisory opinion of the International Court of Justice of 21 June 1971, which requested the immediate and unconditional withdrawal of the South African Administration and its military personnel from Namibia.

"At the same time, the South African sponsored constitutional conference excludes the authentic representative of the people of Namibia, SWAPO, which is the political force heading the national liberation struggle of Namibia, and is recognized as such by the United Nations, the Organization of African Unity (OAU) and other international organizations. The NNC, which is an umbrella organization of various groups of Africans in Namibia, is also not participating. The second largest ethnic group in the Territory has refused to participate in the constitutional conference unless it is held under international supervision and political exiles are allowed to return to Namibia to participate.

"The United Nations Council for Namibia denounces the policy of the illegal South African régime in Namibia and condemns the arrests and intimidation of the Namibian people. It draws the attention of the General Assembly, the Security Council and the Secretary-General to the grave situation created in Namibia which constitutes a threat to international peace and security.

"The territorial integrity of Namibia is sacrosanct. The international community is committed to the maintenance of the territorial integrity of Namibia and the national unity of its people as well as to the implementation by the Namibian people of their right to self-determination and independence.

"The United Nations Council for Namibia urges 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."



## B. Exposure of human rights violations

215. On the occasion of Human Rights Day (10 December 1974), the Council issued the following statement condemning the illegal occupation régime:

"Although General Assembly resolution 3057 (XXVIII) designated the Decade for Action to Combat Racism and Racial Discrimination, commencing in December 1973, in Namibia an illegal occupation régime, set up by the Government of South Africa and its agents, continues to make racial discrimination in the particularly obnoxious form known as apartheid the official cornerstone of its administrative policies. This is a case of racism which has been assiduously fostered and developed at all levels of official and civil life.

"In Namibia, the best agricultural areas, formerly occupied by Africans, have been assigned to whites; all major economic activities are controlled by whites; all major urban centres are inhabited by whites; and Africans are not allowed to exist there except as migrant workers, bound by fixed-term contracts and living in compounds. Ownership of land and property in urban areas is denied to Africans, who are relegated to the obscure and least productive areas of the country. To perpetuate this system, restrictions of freedom of movement are rigidly enforced.

"Fearful of the unity of the African population, the illegal occupation régime is creating bantustans, attempting to spread about the notion that the Africans are composed of various groups that are unable to live together in harmony.

"In addition to these elaborate types of discrimination, elementary human rights are absent. Freedom of speech, freedom of movement, freedom of assembly, freedom to organize trade unions, all these freedoms are for whites only. On this day, let us rededicate ourselves to the task of the removal of the illegal South African occupation régime and thus bring to an end those gross violations of human rights occurring daily in Namibia."

216. On another occasion, at the formal opening of the Council's meetings for 1975, on 11 February, the President of the Council drew attention to the fact that developments in Mozambique and Angola offered both encouragement and great challenges in the struggle for the total liberation of southern Africa. The racist and minority régimes of southern Africa could not be oblivious to the inevitability of change affecting the entire region and they might resort to desperate and futile acts designed to protect the status quo. It would therefore be necessary to maintain supreme vigilance at all times. South Africa had always aimed at dividing the oppressed masses in order to perpetuate its rule over them, one of the fundamental purposes of apartheid being to weaken the Africans politically by dividing them into small groups, preferably along tribal lines. The illegal occupiers of Namibia had shamelessly initiated attempts to hold a constitutional conference with leaders of ethnic groups, to the exclusion of SWAPO and other political parties; that political chicanery had been aptly condemned by the Council and by SWAPO as a desperate effort by the racists to



blindfold world public opinion. The recent election in Ovamboland (see paras. 42-48 above) was another example of the attempts by South Africa to legitimize the entrenchment of the policy of "bantustanization" of Namibia. The way ahead for South Africa was clear; it must surrender the administration of Namibia to the Council.

217. The President went on to say that the Council should be prepared to co-operate with the Security Council in every possible way. Security Council resolution 366 (1974) was particularly important; so far, there had been no evidence of South African compliance with that resolution. If that should continue to be the case on 30 May 1975, it was to be hoped that the Security Council would take measures under Chapter VII of the Charter in order to compel South Africa to vacate Namibia. Effective action on the part of the Security Council was imperative. At the same time, the international community should be informed on a regular basis of police brutality, repression and harassment of the Namibian people. There had been numerous incidents of such treatment, and they did not lend credibility to South Africa's pronouncements to the effect that the people of Namibia would be allowed to decide their own future; for they could not do so in an atmosphere of intimidation and harassment and in the midst of a travesty of laws that impeded the very mechanism and nature of decision making.

218. The President concluded by saying that change was inevitable in the whole of southern Africa, and he hoped that, in the case of Namibia, South Africa would opt for a peaceful change, which could be assured only by a decision on its part to comply with the numerous United Nations resolutions calling upon it to vacate Namibia.

#### C. Denunciation of shooting in Katutura

219. On 25 April 1975, after news was received of the shooting of Namibians by police at a demonstration in Windhoek (see paras. 61-62 above), the Council issued the following statement:

"(1) The United Nations Council for Namibia has learned with profound shock and dismay of the unprovoked and cold-blooded murder of 1 Namibian and the serious wounding of 10 others when the South African police opened fire on defenceless and unarmed workers in the black township of Katutura (Windhoek) on 23 April 1975.

"(2) This dastardly act is one more result of the persistent attempts by South Africa to maintain its illegal occupation of Namibia by force. The true situation in Namibia is that South Africa occupies Namibia illegally and maintains that illegality by force of arms, intimidation, arrests, torture and public floggings.

"(3) In an effort to justify their murderous action, the police of the racist South African régime stated that 295 Africans had been arrested, '127 in connexion with the stone-throwing and 168 for being in the township illegally'. The United Nations Council for Namibia rejects this absurd



claim because no Namibian can be regarded as illegally resident in his own country. On the contrary, it is the racist régime of South Africa which is in illegal occupation of Namibia, as determined by the findings of the International Court of Justice set out in its advisory opinion of 21 June 1971.

"(4) The Council wishes to reiterate that South Africa's illegal régime must realize that its stepped-up repression and continued presence in Namibia will always increase the will to struggle of the people whom it is trying to repress. The struggle of the Namibians against such a régime is just and must be carried to its logical conclusion: complete removal of the occupying forces and their henchmen from Namibia. The United Nations Council for Namibia condemns in the strongest terms these cowardly acts and demands the immediate and unconditional release of all those arrested.

"(5) The United Nations Council for Namibia wishes to convey its heartfelt condolences to the members of the family of the murdered patriot and to assure them that their loss is felt and shared by the entire international community."



## II. ASSISTANCE TO NAMIBIANS

### A. Education, training and the United Nations Fund for Namibia

#### 1. United Nations Fund for Namibia

220. The United Nations Fund for Namibia continued to serve as the main vehicle through which the Council channels its assistance to Namibians. The Fund was established by the General Assembly in its resolutions 2679 (XXV) of 9 December 1970 and 2872 (XXVI) of 20 December 1971. The Council was appointed trustee of the Fund under General Assembly resolution 3112 (XXVIII) of 12 December 1973. The trustee function of the Council is exercised by its Committee on the Fund, which since 11 February 1975 has consisted of the permanent representatives of Finland, India, Nigeria, Senegal, Turkey and Yugoslavia and the United Nations Commissioner for Namibia. The President of the Council serves as chairman.

221. The guidelines for the orientation of the United Nations Fund for Namibia were adopted by the Council in 1974 and subsequently approved by the General Assembly in its resolution 3296 (XXIX) of 13 December 1974. 19/

222. During the period covered by this report, the Fund has received voluntary contributions and pledges totalling over \$US 281,000, of which \$US 25,500 has been earmarked by certain donors for the Institute for Namibia in Lusaka. A number of countries have offered scholarships for suitably qualified Namibian students.

223. As at 30 June 1975, some 28 Member States were contributing to the Fund; additional contributions were expected during the remainder of 1975 from Governments which had indicated their intention to make payments later in the year to both the Fund and the Institute. In addition, by its resolution 3296 (XXIX), the General Assembly decided to allocate to the Fund the sum of \$US 200,000 from the regular budget of the United Nations for 1975. The increase in the allocation was in support of the establishment of the Institute. In the same resolution, the Assembly requested the specialized agencies and other organizations within the United Nations system to render all necessary assistance to the Secretary-General and to the Council in implementing the work programme of the Fund; called upon them to assist the Institute, particularly by providing specialists, lecturers and researchers; and decided, pending the entry into full operation of a comprehensive programme, that Namibians should continue to be eligible for assistance through the United Nations Educational and Training Programme for Southern Africa and the United Nations Trust Fund for South Africa.

224. An estimated 150 Namibians are benefiting from assistance under the Fund through remedial training, technical and vocational training, primary and secondary education, as well as college and university education. It is expected that these programmes will eventually be co-ordinated and supervised within the context of the Institute. In addition to the 150 Namibians who have been awarded individual

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19/ The text of the guidelines is contained in Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 24A (A/9624/Add.1), para. 81.



scholarships or other educational support by the Fund, the Fund is also assisting the radio station "Voice of Namibia", operated by SWAPO, and is helping to train Namibian radio technicians and broadcasters.

225. A study commissioned by the Fund on the educational situation of Namibians outside the Territory has now been completed and will be published later in 1975. This study was designed to assess the existing and potential cadres that will be available when Namibia attains independence.

226. The Council is also concerned with the question of placement and further training of students who have graduated as a result of scholarships provided by the United Nations, by individual Member States or by organizations. It is making a financial contribution to the Bureau for the Placement and Education of African Refugees (BPEAR) of OAU with a view to the placement of Namibians in employment in OAU member States, in order to give them on-the-job experience. The United Nations has placed a number of Namibians within the Secretariat; the specialized agencies have been urged to initiate similar programmes.

227. In view of the improved financial situation of the United Nations Fund for Namibia, it has proved possible to concentrate on larger projects located in Zambia and Botswana; smaller country projects are in operation or projected in Ethiopia, Kenya, Uganda, the United Republic of Tanzania and Zaire. The country programmes are designed to provide vocational and trade training for Namibians in different fields. These programmes are being carried out in close co-operation with the Governments concerned and with the Office of the United Nations High Commissioner for Refugees (UNHCR).

228. The United Nations Fund for Namibia, in collaboration with the Government of Zambia and SWAPO, is concentrating on the establishment and operation of a farm-school complex to be located in Zambia. This project would consist of an agricultural school, a primary school and a health clinic. The original amount of \$US 40,000 set aside for this project has now been increased to \$US 100,000. Discussions have been held with UNESCO, WHO, UNICEF and UNHCR, as well as with certain interested Governments, concerning the provision of technical and other assistance. The FAO is prepared to undertake a feasibility study on the spot. Agreement has been reached between the Government of Zambia and SWAPO on the location of this project.

229. Agreement has also been reached with the Government of Botswana on the financing of a health clinic at Makunda in northern Botswana where a significant number of Namibian refugees are located. This clinic will serve the population of the area as well as Namibians. WHO and UNHCR are to provide technical assistance. The Fund has made a contribution of \$US 40,000 towards the project.

## 2. United Nations Educational and Training Programme for Southern Africa

230. The Council co-ordinates its own assistance programmes with the United Nations Educational and Training Programme for Southern Africa. Because of the relative financial position of the Fund, on the one hand, and that of the Programme, on the other, most of the United Nations scholarships awarded to Namibians are of necessity



awarded by the latter. A contributing factor in this circumstance is that a number of donor countries to the Programme have earmarked part or all of their contributions for Namibians.

#### B. Travel and identity documents

231. Since its last report to the General Assembly, 20/ the Council has continued to implement the scheme for the issue of its travel and identity documents to Namibians. Some 150 travel and identity documents have been issued to date and many have been presented for renewal. The scheme has worked satisfactorily since it became operative in December 1970 and Namibians have successfully obtained visas for travel on the basis of the documents.

232. The Council continues to receive requests for the documents from Namibians in Kenya to be used solely for identification purposes inside Kenya. As reported last year, 11 such applications were favourably considered. However, it was felt that further issue of documents for this purpose should be postponed until the Council had reviewed the question with the Government of Kenya.

233. The situation which arose in 1974 with the exodus of Namibians into Angola led the Council to make stand-by plans for the issue of travel and identity documents to this new group of Namibian refugees entering Angola and possibly Zambia. Travel and identity documents were issued to Namibians who qualified for education and training under the United Nations Fund for Namibia; arrangements for the travel and identification of other Namibian refugees were successfully worked out in a different form.

234. At the time of compilation of the present report, 88 countries had agreed to accept as valid the Council's travel and identity documents (see annex IV to the present report). The Council has concluded agreements with seven Governments: Ethiopia, Kenya, Nigeria, Uganda, United Republic of Tanzania, Zaire and Zambia. These agreements are similar in most of their provisions and set forth in detail the modalities under which the government of the host country will inscribe the right of return on the travel and identity documents issued to Namibians resident in their respective countries. During 1975, no new agreements were concluded. The Council is considering the conclusion of additional agreements with other interested Governments. The existing agreements have been registered with the Secretariat and are to be published in accordance with Article 102 of the Charter.

235. The Council has an ad hoc arrangement with the Government of one Member State whereby that Government inscribes the right of return in the Council's travel and identity documents issued to Namibians resident in that country, without formal agreement.

#### C. United Nations Institute for Namibia

236. On 28 May 1975, the Committee on the United Nations Fund for Namibia allotted 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.

20/ See Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 24 (A/9624), vol. I, 186-190.



237. The first two meetings of the Senate of the Institute took place at Lusaka on 24 and 25 July 1975. The Senate elected Mr. Adebayo Adedeji, Executive Secretary of the Economic Commission for Africa (ECA), as Chairman and Mr. Charles H. Thornicroft, Director of Technical Education and Vocational Training of Zambia, as Deputy Chairman. After establishing the qualifications for the post of Director of the Institute, the Senate appointed Mr. Hage-Gottfried Geingob, a Namibian staff member of the United Nations Secretariat, as Director.

238. The Senate also agreed that the post of Deputy-Director of the Institute and Head of the Constitutional, Legal and Judicial Affairs Department should be offered to Mr. Mark Bomani, Attorney-General of the United Republic of Tanzania. The Senate further established the general qualifications for the posts of Assistant Director and the procedures for their appointment. Guidelines for the admission of students and related questions were referred to the Management Committee which is to be established. The Senate decided that United Nations financial and administrative procedures would be followed as closely as possible and that the staff of the Institute would be governed by the Institute's rules and regulations and terms of reference. In some cases, staff might be seconded from the United Nations for limited purposes and periods of time. The Senate also accepted proposals for alterations to the proposed Institute building.

239. The United Nations Commissioner for Namibia, in consultation with the Director of the Institute, was requested to undertake negotiations with the Government of Zambia in regard to the legal status, immunities and privileges of the Institute. The Commissioner was also requested to continue his negotiations with UNDP for a grant to the Institute of \$US 1 million for the period ending in December 1976. A financial target of \$US 2 million was set out in the draft budget which was tabled by the Commissioner but on which the Senate took no action pending further study by its members.

#### D. Participation of Namibians in the work of the Council

240. Namibians participated in the work of the Council principally through their representative, SWAPO, which has been recognized by the General Assembly and OAU.

241. Representatives of SWAPO were invited to participate as observers in all meetings of the Council, its standing committees and other committees set up by the Council. Representatives of SWAPO also participated fully in activities of the Council involving the representation of Namibian interests in the specialized agencies, international organizations and conferences (see paras. 273-292 below).

242. During the period under review, the President of SWANU addressed a meeting of the Council and a representative of the Council took part in a series of meetings with Namibian students in Moscow. Two Namibians continued to work on the staff of the office of the United Nations Commissioner for Namibia.



### III. ACTION THROUGH MEMBER STATES

#### A. Action to ensure compliance of Member States with United Nations resolutions

243. The obligations of Member States on the question of Namibia have been set forth in no less than 40 resolutions adopted by the General Assembly and the Security Council since the Assembly, by its resolution 2145 (XXI) of 27 October 1966, terminated South Africa's right to administer Namibia and decided that the United Nations should assume thereafter direct responsibility for the Territory. On 21 June 1971, in its most recent advisory opinion on the problem of Namibia, the International Court of Justice held, among other things, that States Members of the United Nations were 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 or dealings with South Africa implying recognition of the legality of, or lending support for or assistance to, such presence and administration.

#### 1. Study on compliance

244. The General Assembly, by paragraph 9 (g) of resolution 3031 (XXVII) of 18 December 1972, requested the United Nations Council for Namibia to undertake a study on the compliance of Member States with relevant resolutions and decisions of the United Nations, taking into account the advisory opinion of the International Court of Justice of 21 June 1971. Accordingly, as a basis for the study, the text of a questionnaire to be addressed to Member States was adopted by the Council at its 174th meeting on 18 May 1973.

245. In a note verbale dated 12 June 1973, the Secretary-General transmitted the questionnaire 21/ to all States Members of the United Nations. Subsequently, in a note dated 16 April 1974, a reminder was circulated by the Secretary-General to those Member States which had not yet replied to the questionnaire and on the same date and on 7 January 1975, the questionnaire was sent to the six new Members of the United Nations. By 4 July 1975, the Council had received 47 replies (see A/AC.131/37 and Corr.1).

246. In the period under review, the Council decided to prepare a definitive study on the matter of compliance of Member States with United Nations resolutions and decisions relating to Namibia, using all available sources of information - in addition to official information contained in the replies to the questionnaire - including statements by representatives of Member States at meetings of the General Assembly and its Fourth Committee and factual information about the activities of the various foreign economic interests in Namibia.

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21/ Official Records of the General Assembly, Twenty-eighth Session, Supplement No. 24 (A/9024), annex II.



247. At the same time, the Council, on the recommendation of its Standing Committee II, studied the compliance of Member States in such concrete fields as trade relations involving Namibia between South Africa and its main trading partners; activities of the European Economic Community (EEC); the question of the termination of consular representation of States in Namibia; and the question of continued military co-operation, involving the interests of Namibia, between South Africa and Member States (see below).

## 2. Consultations with EEC

248. At its 218th meeting on 15 April 1975, the Council considered the report of Standing Committee II on proposed consultations with EEC (A/AC.131/L.23) and decided to send a mission of the Council to the headquarters of the European Economic Community to discuss any contacts or understandings which might exist between EEC and South Africa and which could be in violation of United Nations resolutions and decisions regarding Namibia and the advisory opinion of the International Court of Justice.

249. The Council, in particular, decided to initiate discussions with EEC on the following:

(a) The fact that any purported representation of Namibia by South Africa, or claim by the latter to act on behalf of or concerning Namibia was in fact an illegal act to be treated as such, whether or not any specific prejudice or damage could be shown to result. This would also include any purported transfer by South Africa to an importing State or purchase of title to Namibian properties;

(b) The Council's concern with the possible involvement of EEC in Namibian foreign trade, in particular trade relations in which South Africa purported to regulate or transact the purchase or sale of Namibian products or materials;

(c) The obligations of EEC and its member States vis-à-vis the United Nations to abstain from partnership with South Africa in trade and other economic and political linkages involving recognition of the legality of, or lending support or assistance to, South Africa's illegal presence and administration in Namibia;

(d) The necessity of excluding the imports and exports of goods originating in, or destined for, Namibia from the scope of existing trade agreements with South Africa;

(e) The role and responsibility of EEC in exerting pressure on South Africa for the termination of its illegal occupation of Namibia, and the violations of human rights and international law by the South African illegal régime in Namibia;

(f) The possibility of negotiating trade agreements concerning Namibian goods with legitimate authorities in the future;

(g) The extent to which trade relations between members of EEC and South Africa and agreements under the terms of the General Agreement on Tariffs and Trade (GATT) might be in contravention of relevant United Nations resolutions regarding Namibia.



250. The mission of the Council was requested to examine the following specific matters, among others:

(a) The question of whether EEC agreed that its obligations vis-à-vis the United Nations were not less than those of its member States in their capacity as States Members of the United Nations and that, therefore, EEC was bound to implement and not to circumvent the resolutions of the United Nations on Namibia and the advisory opinion of the International Court of Justice of 21 June 1971;

(b) The necessity of drawing the attention of EEC, as well as the Governments of the member States of EEC, to the scope and content of their obligations in respect to Namibia as they affect their relations with South Africa;

(c) The question of whether the accreditation of South Africa's diplomatic mission to EEC included the authority to represent Namibian interests, including economic interests, and if so, what steps EEC was taking to withdraw that authority;

(d) The question of whether the relations of EEC with the South African mission were affected in any way by the advisory opinion of the International Court of Justice of 21 June 1971;

(e) What action EEC has taken with regard to Decree No. 1 for the Protection of the Natural Resources of Namibia, and with regard to the obligations of its members under the Decree;

(f) The question of whether the conditions under which South Africa conducted its trade with members of EEC implicitly implied or presupposed any recognition of South Africa's purported authority over the trade matters and interests of Namibia;

(g) The question of whether EEC guarantees for private investments in non-member States, covering political risks which might affect investments by EEC companies in non-member States, applied to South Africa, and whether they extended to investments in Namibia;

(h) The question of whether the double-taxation agreements of EEC members with South Africa were applicable to profits earned by foreign firms operating in Namibia, and whether any action was being taken by EEC to discourage foreign investment in Namibia as long as it continued to be unlawfully occupied by South Africa;

(i) Since the Court of Justice of EEC and other EEC bodies had underlined the obligation of EEC and its members to comply with the international law for the protection of human rights, the question of whether EEC had made an assessment of the extent to which the illegal South African régime in Namibia violated the provisions of the international law of human rights and the legal and other consequences resulting from such violations for EEC and its member States;

(j) The nature, scope and mechanism of measures which could be taken by EEC to uphold relevant United Nations resolutions and decisions calling on



organizations within the United Nations system and other intergovernmental organizations to reject South Africa's membership where it purported to represent Namibia.

251. The Mission, composed of representatives of Australia, Bangladesh, Guyana and Senegal (Chairman), was accompanied by the United Nations Commissioner for Namibia, a representative of SWAPO and members of the United Nations Secretariat. On 3 July 1975, the Mission met with a delegation of the Commission of the European Communities, led by Mr. Maurice Foley, Deputy Director-General for Co-operation and Development, and consisting of several senior officials of the Commission. During its stay in Brussels, the Mission was also received by Mr. Claude Cheysson, a member of the Commission. Mr. Foley said that Decree No. 1 for the Protection of the Natural Resources of Namibia had been officially communicated to the member States of EEC. He stated that the Commission had not held any discussions or made any commitments with regard to assistance to the "bantustans" or to the Transkei, nor did it intend to do so. He added that the competent department of the Commission wished to give careful study to ways and means of providing technical assistance to the United Nations Institute for Namibia. He took note of the questions raised by the Mission and said that the Commission intended to consider them with the member States of EEC with a view to replying as satisfactorily as possible. A full account of the Mission is contained in annex VII to the present report.

### 3. Termination of consular representation in Namibia

252. At its 220th meeting, on 28 May 1975, the Council approved the report of Standing Committee II on the question of termination of consular representation of States in Namibia (A/AC.131/L.26 and Add.1). The Council took note of the information contained in that report, and particularly of the compliance of States with United Nations resolutions relating to Namibia in so far as the termination of consular representation in Namibia was concerned. The possibility was considered of communicating further with the States which were known to maintain consular representation in Namibia (Belgium, Denmark, France, Germany, the Federal Republic of, the Netherlands, and the United Kingdom of Great Britain and Northern Ireland).

### 4. Consultations with the North Atlantic Treaty Organization on the continued military co-operation, involving the interests of Namibia, between South Africa and States Members of the United Nations

253. At its 218th meeting, on 15 April 1975, the Council decided to contact NATO, conveying the desire of the Council to hold consultations with that body. In a letter dated 12 May, the Secretary-General of NATO invited the Council to send a mission to NATO. At its 221st meeting, on 11 June, the Council decided to authorize its mission to EEC (see paras. 248-251 above) to hold discussions with NATO as well. On 4 July, the Mission met with a delegation headed by Mr. J. Luns, Secretary-General of NATO. Mr. Luns explained that the powers of NATO were strictly defined, in terms of their purpose and of their geographical scope.



In that connexion, he indicated that the area covered by the North Atlantic Treaty, being bounded on the south by the Tropic of Cancer, did not extend to Namibia. He affirmed in particular that no relations existed between NATO and South Africa in any field and that none was contemplated. A full account of the Mission is contained in annex VII to the present report.

B. Action concerning the activities of foreign economic interests in Namibia

254. As in the previous years, action by the Council concerning the activities of foreign economic interests operating in Namibia was interrelated with the study on compliance referred to in paragraphs 244-247 above. The actions of the Council described below dealt specifically with the activities of foreign economic interests in Namibia.

1. Study of activities of foreign economic interests operating in Namibia

255. By paragraph 9 (h) 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. Pursuant to that decision, the Council has each year undertaken a study of the relationship between the operations of foreign companies and the preservation of the colonial status quo, as well as the social, economic, cultural and human aspects involved in this exploitation, the profits derived therefrom and the use which companies were making of these profits. 22/ The payment of taxes to South Africa and the role of taxation in the continuation of the illegal occupation of Namibia by South Africa was also studied. In 1974, a major study was prepared by a consultant and considered by the Council.

2. Study on the question of bilateral and multilateral treaties which explicitly or implicitly include Namibia

256. This study was requested by the Council pursuant to paragraph 9 (i) of General Assembly resolution 3031 (XXVII). The study has not yet been received by the Council, and therefore no action could be undertaken in this area.

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22/ Ibid., Supplement No. 24 (A/9024), paras. 57-118 and annex I; *ibid.*, Twenty-ninth Session, Supplement No. 24 (A/9624), vol. I, paras. 99-134; and *ibid.*, vol. II, annex VII. See also paras 108-167 above and annex IX to the present report.



### 3. Decree No. 1 for the Protection of the Natural Resources of Namibia

257. The Council has been active during the period under review in giving effect to the provisions of the Decree, intended to secure for the Namibian people adequate protection of the natural wealth and resources of the Territory. The United Nations Commissioner for Namibia reported to the Council that the Decree has had great impact on foreign companies that were considering making investments in Namibia (see annex VIII to the present report). Wide publicity has been given to the Decree, which has been published in Afrikaans, Arabic, Chinese, English, French, German, Russian and Spanish and distributed not only to Member States but also to corporations, shipping companies and others known to be engaged in the export of Namibian natural resources. In transmitting the text of the Decree to the foreign ministries of Member States, the Commissioner requested that they bring the contents of the Decree to the attention of other ministries of their Governments dealing with trade, commerce, shipping and fisheries.

258. The first result of the promulgation of the Decree was the withdrawal of a number of important United States petroleum companies from exploration in and around Namibia. Some of these companies acknowledged that their action was taken on the ground of insufficient legal safeguards for their investments.

259. The Commissioner considered it to be essential that the legality of the Decree be tested and confirmed in one or more courts of some of the States Members of the United Nations. To prepare for this, an International Consultation of Lawyers was convened at United Nations Headquarters on 24 and 25 May 1975 in which legal experts from Commonwealth countries as well as from Africa, the United States and western Europe participated. The group discussed the modalities of possible litigation and the most appropriate countries where this could be expected to be successfully pursued. As a result of this consultation, a number of lawyers were engaged to prepare the necessary papers required in the litigations; an expert was also engaged to report on the current shipping arrangements for the export of the natural resources of Namibia.

#### C. Consultations with Member States

260. Since its inception, the Council has sent missions to Europe and Africa for consultations with Governments in order to press for the withdrawal of South Africa from Namibia, to ensure compliance with United Nations resolutions, to increase assistance to the Namibian people and to generate wide international support for the Council in its efforts to secure the liberation of Namibia. These consultations have proved to be very useful. In 1974, the Council decided to accept invitations from the United Kingdom, the Federal Republic of Germany, Romania and Yugoslavia. In addition to a mission to Europe, the Council also sent a mission to Latin America. In 1975, the Council decided to send missions to Asia, EEC and NATO and France. An account of the missions to EEC and NATO is given elsewhere in the present report (see paras. 248-251 and 253 above and annex VII).



## 1. Mission to Asia

261. At its 217th meeting, on 1 April 1975, the Council considered the matter of dispatching a mission to Asia to hold consultations with Governments of Member States in order to seek their support in the implementation of United Nations resolutions on Namibia and to increase the dissemination of information. At the same meeting, the Council decided to accept the invitations addressed to it by the Governments of India, Indonesia and Japan and to dispatch a mission, at the end of April, to New Delhi, Jakarta and Tokyo.

262. The Mission to Asia was composed of the representatives of Colombia, India, Indonesia, Romania, Turkey and Zambia (Chairman and also President of the United Nations Council for Namibia). A representative of SWAPO accompanied the Mission, which was joined in Japan by the United Nations Commissioner for Namibia. The Mission departed from New York on 26 April 1975 and visited India from 29 April to 4 May, Indonesia from 5 to 9 May and Japan from 11 to 15 May, and returned to New York on 17 May.

263. During its visit to New Delhi, the Mission was received by Mr. B. D. Jatti, the Vice-President of India, and held a meeting with a delegation of the Indian Government headed by Mr. Bipinpal Das, the Deputy Minister for External Affairs. It also met with Mr. G. Parthasarathi, Chairman of the Policy Planning Committee, and held discussions with members of Parliament from the Indian National Congress Party, including Mr. D. K. Borooah, the President of the Party.

264. The representatives of the Government of India emphasized to the Council that the continued illegal occupation of Namibia and the suppression of the fundamental rights of its people by the racist Government of South Africa in violation of the Charter, the decisions and resolutions of the United Nations as well as the advisory opinion of the International Court of Justice, constituted a threat to international peace and security. At the conclusion of the Mission's stay, the Indian officials stated that their Government would provide training facilities to 150 people from Namibia immediately and would send experts, professors and lecturers to serve at the United Nations Institute for Namibia. The Government would also supply the Institute with whatever equipment could be made available. The two groups further agreed to remain in close touch regarding additional facilities and supplies which might be required.

265. In Jakarta, the Mission paid a courtesy call on General Suharto, the President of Indonesia. The Mission was also received by Mr. Adam Malik, the Minister for Foreign Affairs, Mr. Mashuri, the Minister for Information, and General Surono, Deputy Commander of the Armed Forces. The Mission held discussions with officials of the Ministry of Foreign Affairs, and met with representatives of the Committee for Defence and Foreign Relations of the Parliament. The Chairman of the Mission gave a press conference and was interviewed on Indonesia television.

266. In a statement issued at the end of the Mission's visit, the Indonesian Government announced that it would continue to avail itself of any international forum, or of the good offices of friendly countries, to bring diplomatic and economic pressure to bear on South Africa with a view to ending the latter's illegal occupation of Namibia.



267. The Mission was joined in Tokyo by the United Nations Commissioner for Namibia. It was received by Mr. Takeo Miki, the Prime Minister, and held lengthy discussions with Mr. Kiichi Miyazawa, the Minister for Foreign Affairs. It also met with Mr. T. Koomoto, the Minister for International Trade and Industry, and Mr. Daisuke Akita, the Vice-Speaker of the House of Representatives. The Mission exchanged views at the Ministry of Foreign Affairs with representatives of several Japanese ministries interested in the problem of Namibia and met with representatives of the Committee on Co-operation with Africa of Keidanren (Federation of Economic Organizations), the Africa Society of Japan and the United Nations Association of Japan. It also visited the Tokyo International Centre.

268. The officials of the Japanese Government expressed deep interest in the United Nations Institute for Namibia and took note of the request of the Council concerning financial contributions to the Institute. The Government of Japan assured the Council that it would bring to the attention of those companies trading in South Africa the contents of Decree No. 1 for the Protection of the Natural Resources of Namibia.

269. A full account of the Mission's visit is contained in annex V to the present report (see vol. II).

2. Meeting of the President of the Council with  
the Secretary-General of the Ministry of  
Foreign Affairs of France

270. On 13 February 1975, the President of the Council, accompanied by the United Nations Commissioner for Namibia, met with Mr. Geoffroy de Courcel, Secretary-General of the French Ministry of Foreign Affairs, at the French Foreign Office, during which the current situation in Namibia and France's attitude towards it was discussed. In particular, the President stated that those countries which seemed to have close connexions with South Africa, including France, the United States, the United Kingdom and the Federal Republic of Germany, should exert their influence on the South African Government to ensure that it would comply with the requests of the Security Council as early as possible and certainly well before 30 May, 1975. The President explained that unless satisfactory compliance was made by South Africa before that date, the Council and the African States would urge that strong action be taken.

271. Mr. de Courcel indicated that he understood the urgency of the situation and that the French Government had already exerted and would continue to exert its influence on the Government of South Africa to secure its compliance with the decision of the Security Council.

272. The United Nations Commissioner for Namibia also discussed the United Nations Institute for Namibia with Mr. de Courcel and the terms of reference under which the contribution of \$US 100,000 made by France could be utilized.



D. Representation of Namibian interests in the specialized agencies, international organizations and conferences

273. In conformity with General Assembly resolutions 2145 (XXI) of 27 October 1966, 2248 (S-V) of 19 May 1967 and other pertinent resolutions of the Assembly and the Security Council and in accordance with the advisory opinion of the International Court of Justice of 1971, the United Nations Council for Namibia has continued to protect the interests of Namibians and to represent Namibia in international organizations and meetings. In 1974, for the first time, the Council obtained associate membership in two of the specialized agencies, WHO and UNESCO. In 1975, the Council acquired observer status in WMO while South Africa was suspended from that organization. In the same year, the Council was invited to attend the sixtieth International Labour Conference of the ILO (see below).

274. At its 217th meeting, on 1 April 1975, the Council decided that it should be represented at all intergovernmental meetings in New York where the rights and interests of Namibians might be involved and that, as far as possible, all intergovernmental meetings outside New York should be attended whenever the rights and interests of Namibians might be involved. The Council decided that representation at meetings of non-governmental organizations would be decided on a case-by-case basis.

275. During 1975, representatives of the Council attended several conferences, which are described in the following paragraphs. The conclusions and recommendations formulated by the Council's representatives to the various conferences are included in the general conclusions and recommendations of the present report (see paras. 354-363 below).

1. Twenty-fourth session of the OAU Co-ordinating Committee for the Liberation of Africa (8-14 January 1975, Dar es Salaam)

276. On 17 December 1974, the Permanent Representative of the United Republic of Tanzania transmitted to the President of the Council an invitation from the Minister for Foreign Affairs of his Government to attend the twenty-fourth session of the OAU Co-ordinating Committee for the Liberation of Africa, to be held at Dar es Salaam from 8 to 14 January 1975. The Council considered the invitation at its 214th meeting, on 2 January 1975, and decided that the President should represent it at the meeting.

277. In his opening address at the session, Mr. Julius K. Nyerere, the President of the United Republic of Tanzania, stated, inter alia 23/ that, as a result of the decolonization of Guinea-Bissau, Mozambique and Angola, the circumstances in which the freedom struggle would now have to be waged in southern Africa had been completely transformed, and that the situation in Namibia, along with that in Southern Rhodesia, would inevitably take first place in Africa's efforts to liberate the continent. The objective for Namibia was simple: independence on the basis of majority rule for the whole of Namibia. Mr. Nyerere completely rejected all plans for dividing Namibia into bantustans or hiving some areas off and making them part of South Africa.

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23/ For the full text of his statement, see A/9998. For the printed text, see Official Records of the Security Council, Thirtieth Year, Supplement for January, February, and March 1975, document S/11598.



278. On 8 January, the President of the Council made a statement before the OAU Co-ordinating Committee in which he reviewed the situation in Namibia and the actions of the Council. He referred to South Africa's desperate, last-minute attempts to prevent its occupation régime in Namibia from crumbling. These included the replacement of police units by military forces in the northern border areas and attempts to organize a constitutional conference with leaders of ethnic groups and to hold bogus elections in order to exclude political parties and divide Namibians among themselves. The President also emphasized the position of the Security Council, which had unanimously adopted resolution 366 (1974) of 17 December 1974 calling on South Africa to declare its readiness to withdraw from Namibia by 30 May 1975.

279. On 14 January, the OAU Co-ordinating Committee approved a final document, entitled The Dar es Salaam Declaration on the New Strategy for the Liberation of Africa, the Consolidation of the Struggle and the Reconstruction of the Liberated Territories (see A/AC.131/L.20, annex II). In the Declaration it is stated that the current situation in Africa has radically altered the balance of forces in southern Africa in favour of freedom and justice, and that it has changed the political and strategic scene by extending the struggle to the gates of the racist and colonialist régimes in southern Africa. It is further stated that the experience of the victorious struggle of the people in the former colonial Territories of Portugal has confirmed that for the achievement of victory certain fundamental principles are indispensable, one of the most important of which is the unity of the people. The Declaration continues that it is imperative: (a) to properly identify the enemy and clearly differentiate between friend and foe; (b) to avoid equating the enemy with a particular people or racial group; and (c) to combat vehemently tribalism and separatism in all their forms and manifestations.

280. With specific regard to Namibia, the position of the OAU Co-ordinating Committee is stated as follows in the Declaration:

"The Liberation Committee, having paid special attention to the situation in Namibia, welcomes the intensification of the armed struggle led by SWAPO. The Committee urges the Government of South Africa to put an end to its illegal occupation of Namibia. It reiterates its total and unequivocal rejection of South Africa's policies of fragmentation and 'bantustanization' of the Territory and demands that the unity and territorial integrity of Namibia be scrupulously respected.

"The Committee considers the resolution unanimously adopted by the Security Council on 17 December 1974 as offering a possible peaceful solution to the problem. Should South Africa reject this option then there is no alternative but to intensify the armed struggle in Namibia. At the same time, the Security Council must live up to its responsibility and take all necessary measures including those specified under Chapter VII of the Charter of the United Nations, in order to enforce its decisions on the question. While the OAU Liberation Committee would warmly welcome a peaceful solution to the problem, it remains ready and mobilized to intensify its support of the armed struggle of the people of Namibia led by SWAPO. Thus the options on Namibia are clear. Either the apartheid régime of South Africa renounces its obstinacy and implements fully United Nations resolutions, thereby facilitating a peaceful solution, or it invites the intensification of the armed struggle and continued confrontation with the international community.



"The Liberation Committee welcomes with satisfaction the important victories scored on the international level, isolating the apartheid régime of South Africa. Of particular significance in this respect is the isolation of this régime at the United Nations as evidenced by the barring of its delegation from the work of the twenty-ninth session of the General Assembly. The Committee is of the view that such efforts at ostracizing the apartheid régime must be intensified. Simultaneously with such international action, the Committee has decided to increase its assistance to the liberation movements of South Africa."

2. Third United Nations Conference on the Law of the Sea  
(17 March-10 May 1975, Geneva)

281. The Council was represented at the First and Second United Nations Conference on the Law of the Sea. At its 216th meeting, on 13 March 1975, the Council decided to appoint the representative of Haiti to represent it at the Conference.

3. Ninth extraordinary session of the OAU Council of Ministers  
(7-10 April 1975, Dar es Salaam)

282. As a result of a decision taken at its 216th meeting on 13 March 1975, the officers of the Council decided to accept the invitation to attend the session and to appoint the President to represent the Council. The President delivered an oral report on his participation to the Council as its 218th meeting (see A/AC.131/SR.218/Add.1). After hearing the President's report, the Council decided to send a telegram to the Secretary-General of OAU, stating that the Council supported the decision of the OAU Council of Ministers contained in paragraph 3 of its resolution on Namibia to establish a special OAU Committee on Namibia, composed of African members of the United Nations Council for Namibia and the Secretary-General of OAU, which would deal with all matters related to Namibia and, if necessary, make contact with South Africa, after consultation with SWAPO, on the conditions stipulated in the resolution.

4. World Meteorological Conference of WMO  
(28 April-23 May 1975, Geneva)

283. Following receipt of an invitation to attend this Conference, the Council decided that the representative of Zambia should participate in the Conference on behalf of the Council. At the Conference, the representative of the Council outlined the activities of the Council, and emphasized the illegality of the South African presence in Namibia. The Conference decided to:

(a) Invite the Council to represent Namibia as an observer at every congress of WMO and at all appropriate meetings of WMO constituent bodies;

(b) Invite national liberation movements recognized by OAU to attend, as observers, every congress of WMO and all appropriate meetings of WMO constituent bodies;

(c) Suspend immediately the Government of South Africa from membership in WMO.



5. Mission of the Council to certain specialized agencies and UNHCR (7-9 May 1975, Geneva)

284. At its 218th meeting, on 15 April 1975 the Council decided to send a mission to Geneva to discuss matters of common interest with certain specialized agencies and UNHCR, including the question of the representation of Namibia in those agencies and the implementation of United Nations resolutions concerning Namibia by the specialized agencies. The mission would also seek an increase in concrete assistance to Namibians, particularly with regard to education and training and the Institute for Namibia.

285. The mission to the specialized agencies was composed of the representatives of Finland (Chairman), Liberia, Mexico and Pakistan. The United Nations Commissioner for Namibia and a representative of SWAPO accompanied the mission. The mission met with officials of the ILO, WHO, WMO, the United Nations Conference on Trade and Development (UNCTAD) and UNHCR. A full account of the mission is contained in annex VI to the present report.

6. Twenty-eight World Health Assembly and Executive Board of WHO (13-27 May 1975, Geneva)

286. On 16 May 1974, the twenty-seventh World Health Assembly unanimously decided "to admit Namibia as an associate member of WHO ... and to invite the United Nations Council for Namibia to designate a representative to participate in the work of WHO". In 1975, the Council decided that Namibian representation in the WHO Assembly should follow the procedures established in 1974 that, in accordance with the constitution of WHO, the representative of any State must be firstly a citizen of that State and, secondly, a medical doctor. Dr. Libertina Amathila, a representative of SWAPO, attended the twenty-eight World Health Assembly.

7. Twenty-fifth session of the OAU Co-ordinating Committee for the Liberation of Africa (9-13 June 1975, Rabat)

287. At its 220th meeting, on 28 May 1975, the Council decided to accept the invitation to attend this meeting. The President was appointed to attend the meeting on behalf of the Council.

8. Twentieth session of the Governing Council of the United Nations Development Programme (UNDP) (9-27 June 1975, Geneva)

288. As a result of a proposal put forward by the Council, the General Assembly, by its resolution 3295 (XXIX), called upon UNDP to establish an indicative planning figure (IPF) for Namibia. An IPF, if established, would provide substantial funds for assistance to Namibians. At its 218th meeting, on 15 April 1975, the Council decided that it should seek representation at the Governing Council of UNDP, 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. At its 221st meeting, on 11 June, the Council decided that it should be represented at the meetings of the UNDP Governing Council by a delegation consisting of the representatives of Finland and Zambia, led by the United Nations Commissioner for Namibia.



9. Sixtieth International Labour Conference of the ILO  
(14-26 June 1975, Geneva)

289. In November 1974, the Council was represented at the Fourth African Regional Conference of the ILO held in Nairobi. At its 221st meeting, on 11 June 1975, the Council decided to accept an invitation from the ILO to attend the sixtieth International Labour Conference and decided that the Council should be represented at the Conference by Mr. Solomon Mifima, the Secretary for Labour of SWAPO.

10. Twenty-fifth ordinary session of the Council of Ministers of OAU  
(18-25 July 1975, Kampala) and the twelfth session of the  
Assembly of Heads of State and Government of OAU  
(28 July-3 August 1975, Kampala)

290. The representative of Burundi participated in these conferences on behalf of the Council. The resolution on Namibia adopted by the Council of Ministers and subsequently endorsed by the Assembly of Heads of State and Government, inter alia, demanded that South Africa withdraw its illegal administration from the Territory of Namibia; that South Africa respect the rights of the Namibian people to self-determination and national independence; that South Africa respect Namibia's territorial integrity; and that the Pretoria racist régime recognize SWAPO as the sole representative of the Namibian people. <sup>24/</sup> By the same resolutions, the Council of Ministers condemned the imprisonment of SWAPO members and supporters without trial; condemned the so-called constitutional conference contrived on the basis of ethnic participation illegally organized by the administration of South Africa; condemned the military build-up in Namibia by South Africa; requested all OAU member States not to allow Namibian puppets of the illegal administration to pay visits to their respective countries; endorsed Decree No. 1 for the Protection of the Natural Resources of Namibia; and called on the Government of the Federal Republic of Germany to close its consulate in Windhoek immediately.

11. Fiftieth Session (First Part) of the Trade and Development Board  
of UNCTAD (5-15 August 1975, Geneva)

291. Noting that it had not been represented at the third session of the United Nations Conference on Trade and Development and that it would be desirable to take preparatory steps in order to be able to participate in the fourth session of the Conference in May 1976, the Council, at its 218th meeting, on 15 April 1975, decided to seek representation at UNCTAD. On the same day, the President of the Council addressed a letter to the President of the Trade and Development Board of UNCTAD conveying to him the Council's desire to participate in UNCTAD. The reply from UNCTAD stated that it had decided to place the matter on the Board's agenda as a priority item and that it was expected that the Board would take affirmative action.

12. Diplomatic Conference of the International Civil Aviation  
Organization (ICAO) (3-25 September 1975, Montreal)

292. In January and February 1973, the Council was represented by its President at the Fifth Africa Indian Ocean Regional Air Navigation Meeting of ICAO, held in Rome.

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<sup>24/</sup> A/10297, annex I, CM/Res.433 (XXV).



At its 218th meeting, on 15 April 1975, the Council decided to seek participation in the ICAO Council and in the ICAO Diplomatic Conference. On the same day, the President of the Council addressed a letter to the President of the ICAO Council, expressing the interest of the United Nations Council for Namibia in participating in the work of the ICAO Council and in the Diplomatic Conference.

#### E. Dissemination of information

293. During the period under review, the Council continued its efforts to acquaint more fully world public opinion and the mass media with United Nations decisions regarding Namibia, the situation in the Territory, the activities of the Council and the struggle of the Namibian people for inependence.

294. The Council followed a number of approaches to disseminate information to reach a wider public. It issued statements and press releases and arranged television interviews and press conferences at United Nations Headquarters and during its missions to Asia and Europe. The Council utilized all available opportunities to publicize the qusstion of Namibia in the various international conferences to which it was invited and raised the matter during direct negotiations with Governments of the countries visited by the representatives of the Council. The Council co-operated with the United Nations Postal Administration in the preparation of a commemorative stamp on Namibia and organized the setting up of a photographic display on Namibia. At the same time, publications on Namibia continued to be issued by the United Nations and special radio programmes continued to highlight the Namibian problem. The Council also made preparations to commemorate Namibia Day on 26 August to dramatize the situation in Namibia and express the solidarity of the international community with the Namibian people.

##### 1. Dissemination of information during missions of the Council

295. During the Council's missions to Asia and Europe (see annexes V-VII to the present report), members of the missions were interviewed on television and by the press. Press conferences were also organized. During the Council's visit to India, the President of the Council was interviewed by All India Radio. He participated in a programme on Indian television and arranged a press conference which was attended by foreign and Indian correspondents.

296. In Indonesia, similar activities were included in the programme of the Mission and the President of the Council, as well as the representative of SWAPO, participated in a television interview and in a press conference.

297. In Japan, the members of the mission appeared on "Studio 102", a television programme seen by some 7 million viewers. The President of the Council, the United Nations Commissioner for Namibia and the representative of SWAPO arranged a press conference which was widely reported inside and outside Japan. In addition to these activities, newspapers and radio covered the activities of the mission to Asia, and the United Nations information centres prepared daily press releases which were transmitted and reproduced in New York.



298. During the Mission to EEC and NATO, a press conference attended by local and foreign press correspondents was organized for the members of the Mission who gave information on their contacts with EEC and NATO.

299. Several other interviews were given by the President of the Council and the United Nations Commissioner for Namibia, on the occasion of these missions and on other occasions.

## 2. Commemorative stamp on Namibia

300. In 1975, the postage stamp "Namibia: United Nations Direct Responsibility" was produced by the United Nations Postal Administration for release on 22 September. The Council had participated in the selection of the design and had followed all steps in the preparation of the stamp. The issue of the stamp was announced worldwide by the Postal Administration at the end of 1974, and 60,000 copies of a fact sheet on the Namibia stamp were printed and distributed to the public. In addition, commemorative postage stamps were issued by the postal administrations of Guyana, India, Turkey and Zambia.

## 3. Photographic display on Namibia

301. By section V, paragraph 2 (c) of resolution 3295 (XXIX), the General Assembly requested the United Nations Office of Public Information to set up a photographic display in the public area of the United Nations Headquarters building. The Council and the Office of Public Information worked together in selecting the photographs and drafting the captions and accompanying text. On 15 July 1975, the display, consisting of 75 photographs spread over four panels, was unveiled by the President of the Council at a ceremony attended by the public and the press.

302. The President explained that the first panel of photographs showed the geographic setting of the Territory of Namibia in relation to the rest of the African continent, as well as its physical features. The second panel showed the wealth of Namibia, which was being exploited by the South African régime and foreign companies based in western countries. The wealth of the country contrasted sharply with the extreme poverty and squalor in which the indigenous population, confined to both urban and rural ghettos, was forced to live. The third panel illustrated South African repression of Namibians and the people's resistance through SWAPO, their liberation movement. The last panel showed action taken by the United Nations and assistance given to Namibians in their struggle for national liberation, freedom and independence. Some of the pictures, the President explained, had been taken under the most dangerous circumstances involving high risks.

303. The President concluded:

"When a situation which is acknowledged to be illegal continues for so long and when this situation involves massive exploitation of one group by another, coupled with gross racial discrimination, and when this situation is maintained solely by the military and police forces, it is clear that racial conflict can break out at any time.



"Furthermore, when two countries close to Namibia, namely Southern Rhodesia and South Africa, are governed by racially selective régimes which maintain themselves in power by force or the threat of force, it is clear that any outbreak of racial conflict in Namibia would soon spread to those countries. This then is the nature of the threat to international peace and security in Namibia.

"This display is clear evidence that there should be no mistake about who is the wrong doer should a bloody conflict erupt in Namibia. There should be no surprises.

"This display should convey a clear message to all visitors that the Government of South Africa is guilty of a crime of international trespassing and that it will continue to be guilty so long as it occupies Namibia illegally."

#### 4. Publications and radio and television programmes on Namibia

304. The United Nations continued to issue a number of publications and to organize radio and television programmes relating to Namibia as follows:

##### (a) Publications

- (i) During the period under review, the scope and distribution of the Namibia Bulletin was increased markedly from 2,600 to 31,000 copies. The Bulletin was published in three languages: English, French and Spanish.
- (ii) Decree No. 1 for the Protection of the Natural Resources of Namibia was published in Afrikaans, Arabic, Chinese, English, French, Russian and Spanish and transmitted to all States, all companies operating in or trading with Namibia and all shipping and insurance companies which might deal with cargoes destined for Namibia.
- (iii) The pamphlet entitled A Trust Betrayed: Namibia, was reprinted in four languages: English, French, German and Spanish.
- (iv) The pamphlet entitled The United Nations Council for Namibia: What it is, what it does and how it works was published in two languages (English and French) and used by the Council during its mission to Asia.
- (v) The quarterly magazine, Objective: Justice, published by the Office of Public Information, carried articles on Namibia with more regularity than in the past.
- (vi) The December 1974 issue of Decolonization (vol. 1, No. 3) published by the Department of Political Affairs, Trusteeship and Decolonization, was devoted to the question of Namibia.



(b) Radio, television broadcasts on Namibia

- (i) About 20 news items on the activities of the Council were broadcast in 19 languages on short wave from United Nations Headquarters by the Office of Public Information. In addition, some 120 radio and television correspondents accredited at Headquarters were provided with this news material.
- (ii) The United Nations 15-minute radio transcription programme, "Perspective" is devoted to a central United Nations theme featuring excerpts of statements made by delegates during United Nations discussions or interviews with them. During the period under review, three programmes in the series dealt with the question of Namibia in full and seven others discussed the subject in part.
- (iii) "The Week at the United Nations", a 15-minute news magazine, usually reflects the main developments of each week. The question of Namibia was dealt with in eight programmes during the past year. This programme is written and produced in English and used by over 1,000 broadcasting organizations and networks in the United States, Canada, the Caribbean, Africa, Asia and Oceania.
- (iv) Commemorating the Universal Declaration of Human Rights in 1974, the Office of Public Information focused its Human Rights Day programmes on the United Nations Commissioner for Namibia. The question of Namibia was the main theme discussed in this programme.
- (v) The film produced by the Office of Public Information, "Namibia - A Trust Betrayed", received wide circulation in colleges and universities in Canada and the United States through an organization based in Canada, known as the Liberation Support Movement. This film was also screened widely during the Council's mission to Latin America in 1974.

(c) Broadcasting to Namibia

- (i) From the information which the Office of Public Information received directly from African broadcasting organizations, as well as from their own inquiries, it was established that the following African broadcasting stations could best be heard by listeners in Namibia:
  - a. Radio Kinshasa, with a daily broadcast to Namibia in Damara, English, Herero and Ovambo;
  - b. Radio Zambia, with daily broadcasts of news items supplied by SWAPO in Afrikaans, Damara, English, Herero, Ovambo and Subia;
  - c. Radio Tanzania's External Service, with extensive programmes beamed to southern Africa, including Namibia.
- (ii) Among other stations broadcasting programmes to Namibia are Radio Ethiopia, Radio Cairo and the International Service of the Nigerian Broadcasting Corporation.



## 5. Commemoration of Namibia Day

305. In August 1973, the Council declared that 26 August was to be observed as an annual event for as long as necessary as a reminder of the critical time in August 1966 when the people of Namibia were forced to begin their armed resistance against the illegal occupation of their country by South Africa. On 26 August 1975, the Council held a special commemorative meeting to mark the third observance of Namibia Day (A/AC.131/SR.223).

306. Representatives of all Member States were invited to attend the meeting, along with representatives of the specialized agencies and non-governmental organizations. Participants observed a minute of silence "in memory of the fallen heroes of Namibia".

307. Statements were made at the meeting by representatives of the Security Council; the Commission on Human Rights; 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 Special Committee against Apartheid; the United Nations Council for Namibia; the Secretary-General; OAU; and SWAPO. 25/

308. Messages were read at the meeting from the President of Bangladesh; the President of the Philippines; the President of Senegal; the Prime Minister of India; the Prime Minister of Pakistan; the Prime Minister of Turkey; the Deputy Prime Minister and Minister for Foreign Affairs of Egypt; EEC; and the Solidarity Committee, the Peace Council, the Committee on Human Rights and the Committee for the Decade of Action to Combat Racism and Racial Discrimination of the German Democratic Republic.

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25/ A summary of the statements made on Namibia Day appears in the record of the meeting for that day (A/AC.131/SR.223).



#### IV. ACTION IN UNITED NATIONS ORGANS

##### A. Requests to the Security Council for action

309. In its last report to the General Assembly, the United Nations Council for Namibia invited the Security Council to consider taking effective measures, in accordance with the relevant Chapters of the Charter of the United Nations, to put an end to South Africa's illegal occupation of Namibia. <sup>26/</sup> By its resolution 3295 (XXIX), the General Assembly urged the Security Council to convene urgently in order to take without delay effective measures, in accordance with the relevant Chapters of the Charter and with resolutions of the Security Council and of the General Assembly regarding Namibia, to put an end to South Africa's illegal occupation of Namibia.

310. The Security Council met from 16 to 17 December 1974 to discuss the question of Namibia. The President of the United Nations Council for Namibia participated in the debate. On 17 December, the Security Council unanimously adopted resolution 366 (1974), in which it demanded that South Africa make a solemn declaration that it would comply with United Nations resolutions on Namibia, including the matter of respect for the territorial integrity of the country; demanded that South Africa take steps to withdraw from Namibia; and decided to reconvene not later than 30 May 1975 to review South Africa's compliance with the resolution. In accordance with this provision, the President of the Security Council announced that the Security Council would meet on 30 May 1975.

311. The United Nations Council for Namibia considered the matter at its 220th meeting, on 28 May 1975, and decided to be represented at the Security Council meeting by its President and by the representatives of Bangladesh, Colombia, Finland and Yugoslavia.

312. In a letter dated 27 May 1975, the Acting Permanent Representative of South Africa to the United Nations transmitted the text of a letter on this question addressed to the Secretary-General by Mr. Hilgard Muller, the South African Minister for Foreign Affairs (S/11701). <sup>27/</sup> Annexed to the letters were extracts from an address by Mr. B. J. Vorster, the Prime Minister, in Windhoek on 20 May 1975. In the letter, Mr. Muller said that his Government's approach to the matter was that:

"... it is for the peoples of South West Africa themselves to determine their own political and constitutional future in accordance with their own freely expressed wishes. This presupposes that they should exercise their choice freely and without interference from South Africa, the United Nations or any other outside entity. All options are therefore open to them - including that of independence as one State if that is what they should choose.

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<sup>26/</sup> Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 24 (A/9624), vol. I, para. 268, sect. B, para. 5.

<sup>27/</sup> For the printed text, see Official Records of the Security Council, Thirtieth Year, Supplement for April, May and June 1975.



"...

"As far as the question of South Africa's withdrawal from the Territory and arrangements for the transfer of power is concerned, it follows from the policy enunciated above that South Africa will remain in and continue to administer the Territory only as long as the inhabitants so wish.

"My Government has repeatedly stated that it recognizes the distinct international status of South West Africa and that it does not claim one inch of the Territory for itself ...

"...

"Nevertheless, and in spite of the fact that my Government is unable to accept United Nations supervision in respect of South West Africa, it remains prepared to negotiate with your personal representative - be it Dr. Escher or another mutually acceptable person - in order that he may acquaint himself with the development of the process of self-determination in the Territory.

"Similarly my Government also remains prepared to welcome leaders of Africa, either personally or through their representatives, who may wish to visit South West Africa in order to acquaint themselves at first hand with conditions in the Territory.

"Furthermore, if the African Chairman of the United Nations Council for South West Africa and the Special Committee of the Organization of African Unity are interested in discussing the progress and developments in the Territory with my Prime Minister, they are welcome to do so. The Prime Minister would in that case also be prepared to request the true leaders in the Territory to talk to them. On the other hand, should the Chairman and members of the Special Committee wish to receive these leaders in their own countries in order to obtain from them first-hand information on conditions and the progress of self-determination in the Territory, my Government will do all it can to make such visits possible."

313. In accordance with the provisions of its resolution 366 (1974), the Security Council met between 30 May and 6 June 1975 to review South Africa's compliance with the terms of the resolution (see S/PV.1823-1829).

314. Opening the Security Council debate on Namibia, the President of the United Nations Council for Namibia recalled that the Security Council was meeting to consider whether the South African Government had complied with the terms of Security Council resolution 366 (1974) and particularly with paragraphs 3 and 4. Paragraph 3 called for a solemn declaration by South Africa that it would comply with United Nations resolutions, particularly with regard to respect for the territorial integrity of Namibia. Paragraph 4 called on South Africa to take steps to withdraw from Namibia.



315. The President said that the United Nations Council for Namibia had carefully studied both the letter of Mr. Muller, the South African Foreign Minister, and the extracts from the statement of his Prime Minister (see para. 312 above). The relevant part of the statement of the Prime Minister delivered at Windhoek on 20 May had appeared to be couched in ambiguous terms - as was the letter from the South African Foreign Minister. As a consequence, the President of the Council, at a press conference held on 23 May, had immediately sought clarification on two cardinal points made by the Prime Minister: first, on the meaning of the term "territorial integrity" of Namibia, with which South Africa said it agreed, and second, on whether the pronouncement that South Africa "does not claim one inch" of Namibian territory meant that it was willing to withdraw. The need to ask those questions would not have arisen, the President said, if the South African authorities had been categorical and unequivocal in declaring their position.

316. The President further stated that on 27 May, the South African Foreign Minister had referred to his press conference and had issued a press release in Cape Town in which he had attempted to give some clarification. Mr. Muller had stated, with regard to territorial integrity, that that was just one of the options open to the Namibian people. With regard to withdrawal, Mr. Muller had stated that it would be highly irresponsible of his Government to withdraw without considering the wishes of the peoples concerned - "peoples in plural, I might add", remarked the President. The United Nations Council for Namibia had therefore concluded, after a patient analysis of the statements from South Africa, including the attempts to seek clarification, that "South Africa has in fact rejected paragraphs 3 and 4 of the Security Council resolution 366 (1974)".

317. Continuing, the President said that independence for Namibia was inevitable. The only question was whether it would come through violence or through peaceful means. Since, in the judgement of the United Nations Council for Namibia, South Africa had not complied with the provisions of resolution 366 (1974), the Security Council was under obligation to act decisively and, he hoped, with the same unanimity with which it had adopted its last resolution on the subject.

318. Summarizing the position of the United Nations Council for Namibia, the President said that South Africa must:

(a) Declare its unequivocal acceptance of self-determination and independence for Namibia;

(b) Accept the principle of territorial integrity of Namibia and prescribe a solution that would retain the unity of the Territory as a whole;

(c) Allow SWAPO total political freedom of movement so as to enable that organization to demonstrate that its support was not confined to the Ovambo tribe as had been alleged;

(d) Immediately and totally abandon all aspects of the extension of apartheid in Namibia, including police brutality;



(e) Implement with integrity and honour the decision to give independence to Namibia, and not grudgingly, for this could only result in the loss of good will throughout the world;

(f) Accept a United Nations role to ensure a fair national election in Namibia.

319. At its 1829th meeting, on 6 June 1975, the Security Council considered a draft resolution (S/11713), 28/ the operative part of which read as follows:

"The Security Council,

"...

"1. Condemns South Africa's failure to comply with the terms of Security Council resolution 366 (1974) of 17 December 1974;

"2. Condemns once again the continued illegal occupation of the Territory of Namibia by South Africa;

"3. Further condemns the illegal and arbitrary application by South Africa of racially discriminatory and repressive laws and practices in Namibia;

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

"5. Further demands that South Africa proceed urgently with the necessary steps to withdraw from Namibia and, to that end, to implement the measures stipulated in resolution 366 (1974);

"6. Reaffirms the legal responsibility of the United Nations over Namibia and demands that South Africa take appropriate measures to enable the United Nations Council for Namibia to establish its presence in the Territory with a view to facilitating the transfer of power to the people of Namibia;

"7. Declares that in order for the people of Namibia to freely determine their own future it is imperative that free elections be organized under the supervision and control of the United Nations as soon as possible and, in any case, not later than 1 July 1976;

"8. Affirms its support for the struggle of the people of Namibia for self-determination and independence;

"9. Acting under Chapter VII of the United Nations Charter,

"(a) Determines that the illegal occupation of the Territory of Namibia by South Africa constitutes a threat to international peace and security;

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28/ Ibid.



"(b) Decides that all States shall prevent:

- (i) Any supply of arms and ammunition to South Africa;
- (ii) Any supply of aircraft, vehicles and military equipment for use of the armed forces and paramilitary organizations of South Africa;
- (iii) Any supply of spare parts for arms, vehicles and military equipment used by the armed forces and paramilitary organization of South Africa;
- (iv) 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;

"...

"11. Decides that provisions of paragraph 9 (b) shall remain in effect until it has been established, to the satisfaction of the Security Council, that the illegal occupation of the Territory of Namibia by South Africa has been brought to an end;

"..."

320. The draft resolution was not adopted as a result of the negative votes of three permanent members of the Security Council (see para. 6 above). The Security Council did not take any other decision with regard to Namibia.

#### B. Representation of Namibia in United Nations organs

321. By section V, paragraph 3, of its resolution 3295 (XXIX), the General Assembly requested all its committees and subcommittees to invite a representative of the United Nations Council for Namibia and of SWAPO to participate in their meetings whenever the rights and interests of Namibia were discussed, and to consult closely with the Council and SWAPO regarding any draft resolution which might involve the rights and interests of Namibians. In accordance with this request, representatives of the Council were invited to participate in the meetings described below.



1. Special Committee against Apartheid

Special meeting of the Special Committee against Apartheid to commemorate the International Day for the Elimination of Racial Discrimination

322. At its 216th meeting, on 13 March 1975, the Council decided to accept the invitation of the Special Committee to the above meeting which was to be held at New York on 21 March 1975. The representative of Romania was appointed to represent the Council.

323. At the special meeting, (see A/AC.115/SR.301) the Secretary-General of the United Nations stated that, in southern Africa there was a close relationship between colonialism and racial discrimination, and that progress in one area could have a profound effect on developments in the other. He was glad to see that the recent dramatic changes in the colonial scene in the region had intensified pressures for a just solution to the remaining problems. That gave some grounds for hope that the international campaign against racial discrimination, like the campaign against colonialism, would achieve its objectives.

324. The Secretary-General pointed out that apartheid still endured, despite the efforts of the Special Committee against Apartheid and the overwhelming censure of the nations of the world. He continued to hope that a peaceful solution, based on the concept of genuine racial harmony, might be achieved. As the history of the present century had illustrated, however, there was a danger that, as freedom spread, those still deprived of it would no longer tolerate their state of subjugation.

325. The President of the Security Council said that racial discrimination was undoubtedly one of the most offensive of the still existing forms of human rights violations. It was therefore appropriate that, without any slackening of day-to-day efforts, the present occasion should be given over to the expression of the feelings uniting all mankind in its support of the principles embodied in the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, adopted by the General Assembly in its resolution 1904 (XVIII) of 20 December 1963. He added that the racist policy known as apartheid was one of the most degrading and contemptible forms of racial discrimination and that it was accordingly fitting to give evidence of solidarity with the oppressed people of South Africa and with their just struggle to free themselves from the nefarious policy of apartheid.

326. The representative of the United Nations Council for Namibia stated that the International Day for the Elimination of Racial Discrimination was a reminder to everyone that racial discrimination continued to embitter the lives of millions of human beings, among whom were the people of Namibia. It was in southern Africa that the principal bastion of colonialism had been erected, and it was also there that the last redoubt of racism was to be found; it was thus the home of the two evils that were being combated by the United Nations Council for Namibia.

327. Outlining the origin of the mandate over Namibia and the termination of the mandate in 1965, he said that from the beginning of its mandate, the South African régime had committed flagrant acts of discrimination and colonialism by putting white settlers on the best land and confining the indigenous inhabitants to unproductive reserves, which had later become known as bantustans and then, ironically, as homelands. As the international campaign to liberate Namibia intensified, the Pretoria régime resorted to new means of maintaining its domination.



On the pretext of establishing a so-called "federation of ethnic States", the racist régime was persisting in its plan to fragment the Territory and divide its inhabitants, as could be seen from the holding of spurious elections in Ovamboland and plans to do the same in other regions. Moreover, in Namibia there was still racial discrimination of the "classic" type, modelled on the South African pattern, a problem which had been analysed in depth by the Special Committee against Apartheid. On the other hand, the aspirations of the Namibian people, supported by the United Nations, made for the preservation of the Territory's integrity and the recovery of its freedom and independence.

328. The Assistant Executive Secretary of OAU stated that, although the vast majority of States Members of the United Nations had expressed their condemnation of apartheid and racial discrimination, the many resolutions on the subject were not being implemented. It was deplorable to recount that some influential members of the international community, and particularly some permanent members of the Security Council, were paying lip service to the principles enshrined in the Charter and in the Universal Declaration of Human Rights. OAU had always advocated the isolation of South Africa and was pleased that the General Assembly, at its twenty-ninth session, had rejected the credentials of the representatives of the Pretoria régime. It noted with regret, however, that three permanent members of the Security Council had opposed the recommendation to expel South Africa from the United Nations. Those who maintained relations with South Africa were preventing the effective application of United Nations resolutions against apartheid and racial discrimination.

329. OAU wished to express its gratitude to those institutions and individuals that had given their support to the struggle against apartheid and racial discrimination and to appeal to those who were frustrating those efforts to harmonize their policies and actions with those of the great majority of the nations of the world. He also appealed to those Members of the United Nations that had not yet done so to ratify the International Convention on the Suppression and Punishment of the Crime of Apartheid as the most eloquent testimony of their sincere dedication to the cause of humanity. Since mankind was one, the degradation of a single human being was an aggression against humanity as a whole.

International seminar of the Special Committee against Apartheid in consultation with OAU on the problems of South Africa and southern Africa

330. At its 218th meeting, on 15 April 1975, the Council decided to accept the invitation of the Special Committee against Apartheid to attend the seminar, to be held in Paris from 28 April to 2 May 1975, and appointed the representative of Botswana to participate in the seminar on behalf of the Council. The purpose of the seminar was to analyse the role played by South Africa in southern Africa, the economic interests and other forces which aided and abetted the South African régime in the pursuit of its policies and the misleading propaganda spread by them in order to thwart the efforts of the United Nations. The seminar also had the task of identifying the means to translate the widespread opposition to apartheid into meaningful action, and to develop the various national campaigns into a co-ordinated international effort under the auspices of the United Nations. The recommendations of the seminar are contained in document A/10103-S/11708, 29/ section B.

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29/ Ibid.



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

331. In response to an invitation extended to it by the Government of Portugal, the Special Committee decided to hold meetings at Lisbon between 12 and 19 June 1975 and invited the Council to participate. At its 218th meeting on 15 April, the Council decided to accept the invitation and requested the President to represent the Council. At its 1009th meeting, on 18 June, the Special Committee adopted a consensus on the question of Namibia, which reflected the views expressed in the debate on the item. 30/

3. Co-operation among United Nations organs dealing with the problems of decolonization and apartheid

332. Co-operation between the Council, 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 was continued in 1975 by means of regular, informal meetings between the presiding officers of the three bodies and by the participation of representatives of each body in the work of the other bodies.

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30/ For the text of the consensus, see Official Records of the General Assembly, Thirtieth Session, Supplement No. 23 (A/10023/Rev.1), chap. X, para. 13.



## V. ACTION THROUGH OTHER BODIES

333. By section VI, paragraph 7, of resolution 3295 (XXIX), the General Assembly invited all intergovernmental and non-governmental organizations, bodies and conferences interested in the liberation of Namibia to co-operate with the Council and SWAPO in the elaboration of programmes of assistance to Namibians and programmes for the dissemination of information. In this connexion, the Council was guided by the general principles described in paragraph 274 above. During the period under review, the Council participated in a number of meetings of non-governmental organizations, which are described below.

### 1. SWAPO students' seminar

334. The invitation to participate in the work of the SWAPO students' seminar, to be held from 25 to 29 January 1975 at Moscow, was received before the Council had commenced its work for the year. The President appointed the representative of Romania to participate in the work of the seminar on behalf of the Council. The programme of the seminar included consideration of the situation in Namibia and the role of multinational corporations. Both open and closed meetings were held. The open meetings were attended by all participants in the seminar. Only Namibian students took part in the closed meetings.

335. In his opening statement to the seminar, Mr. Homateni Kaluenja, head of the SWAPO Youth Directorate, Dar es Salaam, stated that the struggle against imperialism was gaining a greater momentum in all countries where there was oppression and that, although the Portuguese colonial empire had collapsed, colonialism was not yet a thing of the past. In Namibia, its people were enduring the greatest hardships in order to free themselves from the racist colonial yoke. Mr. Kaluenja described recent political events, dwelling on the manoeuvring of the illegal occupation régime and the struggle of Namibian youth for liberation. He pointed out that the creation of bantustans in Ovamboland, Kavangoland and East Caprivi was to serve both as a hindrance to the development of the liberation struggle and a strengthening of the economic dependence of the area on South Africa.

336. Mr. Kaluenja stressed the efforts of the SWAPO Youth League in the struggle for the independence of Namibia, outlining its activities in the fields of political and armed struggle, mass organization and education. He also pointed out the importance of organizing work among the youth inside Namibia. The present struggle in Namibia, he stated, although national in character, was a socio-economic struggle of an oppressed people to attain their total liberation. One of its most characteristic features was the active participation of SWAPO and its mass organizations, such as the SWAPO Youth League, the Namibian Women's Council and the National Union of Namibian Workers. During 1972 and 1973, the SWAPO Youth League had been in the front line in mobilizing the Namibian masses for political action throughout the country, even in prisons and detention camps.

337. On 25 January, the representative of the United Nations Council for Namibia made a statement, in which he described to the Namibian students the origin, composition, role and present activities of the Council. In the course of the



last two days of the seminar, he also met informally with Namibians participating in the seminar, and was able to inform them of various aspects of the activities of the Council and answer questions.

338. On 27 January, a Meeting of Solidarity of the Moscow Youth and Students with the Struggle of the People and Youth of Namibia for Independence and against Racism and Apartheid was held in the conference hall of the Yunost Hotel in Moscow. The resolution adopted by the meeting stated that the illegal occupation of Namibia by South African racists should be terminated and that all political detainees should be released. The resolution called on progressive world public opinion to widen the movement of solidarity with those who were fighting against racism and apartheid in southern Africa.

## 2. Meeting of French non-governmental organizations

339. The President of the Council and the United Nations Commissioner for Namibia attended, on behalf of the Council, meetings of 26 French non-governmental organizations, which took place at Paris from 13 to 15 February 1975. On 13 February, the President and the Commissioner also met with Mr. Geoffroy de Courcel, Secretary-General of the French Ministry of Foreign Affairs (see paras. 270-272 above). On the same day, the Commissioner was interviewed by the French radio and television network.

340. On 14 February, the President of the Council met with representatives of the Roman Catholic and Protestant churches in France at the United Nations Information Centre in Paris. The representatives of the churches stated that they would use their influence to press for the liberation of Namibia and to make the facts about Namibia better known throughout the world. Subsequently, there was a reception for the press at the Centre, at which the President and the Commissioner made statements to the press and replied to questions.

341. On 15 February, the President and the Commissioner attended a conference of all the French organizations which were fighting against apartheid and which were giving their support to the liberation of southern Africa. The President and the Commissioner gave detailed information concerning Namibia and the work which the non-governmental organizations could undertake.

342. At the closing meeting, the participants proposed a number of specific measures for the immediate future:

- (a) "Continued action by the body which organized the meeting;
- (b) "Intensification of the campaign for the liberation of prisoners and against torture;
- (c) "A public meeting, to be held shortly in Paris, in observance of the anniversary of the Sharpeville massacre;
- (d) "An approach by the 26 organizations to the South African diplomatic mission in Paris, asking the Government of that country to implement the measures called for by the Security Council;



(e) "Intensification of the pressure of public opinion on the French Government to induce it to stand by the commitments it made in the Security Council, in the vote on the resolution which called on South Africa to make a solemn commitment, by 30 May, with respect to the independence of Namibia."

3. Meeting of the Belgian United Nations Association and the Namibia International Conference Standing Committee

343. The United Nations Commissioner for Namibia represented the Council at the meeting, which was held at Brussels on 17 and 18 February 1975.

4. Tenth Congress of the International Association of Democratic Lawyers

344. At its 216th meeting, on 13 March 1975, the Council decided to accept the invitation of the International Association of Democratic Lawyers to attend its tenth Congress, to be held at Algiers from 2 to 6 April 1975, at which the problems of southern Africa were to receive special attention. The representative of Senegal was nominated to represent the Council at the Congress.

345. In his statement to the Congress, the representative of the Council drew attention to its activities, to its areas of particular concern and to what it expected from the International Association of Democratic Lawyers. He stressed the importance of the 1971 advisory opinion of the International Court of Justice on Namibia, which South Africa had refused to respect. He requested the Association to exert pressure on various countries, including Canada, France, the Federal Republic of Germany, Japan, the United Kingdom of Great Britain and Northern Ireland and the United States of America, to refrain from supporting the South African régime. He explained that the Council hoped for widespread acceptance of its travel and identity documents in order to facilitate travel for Namibians.

346. The Congress adopted a resolution on Namibia, in which it condemned the arrest, torture and detention of SWAPO members inside Namibia and the attempts by South Africa to fragment Namibia into bantustans. While condemning further the economic, military and political intervention of the capitalist countries in Namibia, the Congress specifically supported Decree No. 1 for the Protection of the Natural Resources of Namibia and called for the immediate removal from Windhoek of the consulates of the Federal Republic of Germany and France.

5. Fifth Assembly of the World Council of Churches

347. On 27 March 1975, the officers of the Council decided in principle, to accept the invitation from the World Council of Churches to be represented at its Fifth Assembly, to be held at Nairobi, from 23 November to 10 December 1975.



## PART THREE

### CONCLUSIONS, RECOMMENDATIONS AND ADMINISTRATIVE AND FINANCIAL IMPLICATIONS

#### I. CONCLUSIONS

348. During the period covered by the present report, the United Nations Council for Namibia continued to study and observe carefully the situation in Namibia in all its aspects, using the information which had been made available to it from various sources.

349. The Council feels that the question of Namibia has recently entered a new phase, which may be called a "phase of action" by the international community against the illegal régime in Namibia. This is characterized by the following positive factors:

(a) The insistence of the international community on applying some form of sanctions against the South African régime has been increasing, although the Council notes with regret that the Security Council failed to act against that régime in June 1975 because of the negative votes of three permanent members of the Security Council, which prevented the Security Council from reflecting the wishes of the majority of its members. In their statements, however, the three Powers condemned the South African régime and urged it to end its illegal occupation of Namibia. The Council believes that the Security Council should again take up the question of Namibia, which is still on its agenda, and act to give effect to its resolution 366 (1974).

(b) The isolation of the South African régime in the international arena has been furthered by its suspension from taking part in the twenty-ninth session of the General Assembly, because the South African régime does not represent the majority of the people of South Africa.

(c) The Council has played a more active role in generating pressure on the South African régime to withdraw from Namibia.

(d) The Council has enacted Decree No. 1 for the Protection of the Natural Resources of Namibia, which was approved by the General Assembly at its twenty-ninth session.

(e) The establishment of the United Nations Institute for Namibia at Lusaka enables Namibians to undertake research, training, planning and related activities, with special reference to the struggle for the freedom of Namibia and the establishment of an independent State of Namibia.

(f) The OAU has created a Special Committee on Namibia to be headed by the President of the Council.



350. The Council notes that the illegal South African régime in Pretoria continues in its policies of intransigence and defiance of decisions of the General Assembly and the Security Council, and the advisory opinion of the International Court of Justice of 21 June 1971.

351. In its ambiguous reply to Security Council resolution 366 (1974), the South African régime rejected the principles of independence, self-determination and territorial integrity for Namibia (see para. 312 above). It refused to recognize the authority of the United Nations over the Territory and continued to pursue its policy of apartheid and repression of SWAPO, the authentic representative of the Namibian people recognized by the General Assembly. Furthermore, the South African régime has continued its policies of bantustanization and has put forward a bogus plan for constitutional advancement under the guise of a so-called constitutional conference on Namibia (see paras. 11-14 above).

352. The Council notes that, despite all the repressive acts of the illegal South African régime, mass arrests, floggings and imprisonment of Namibians, the people of Namibia continue their struggle by all means available to them for their independence, freedom and unity.

353. The Council points out that in employment and education, the South African régime maintains its policies of apartheid and discrimination. These policies serve to keep the overwhelming majority of the population in abject poverty and ignorance. This situation, together with the untrammelled exploitation of natural resources, permitted and encouraged by the occupation administration, provides exceptional profits to the various foreign economic interests operating in Namibia.

354. Aware of its responsibilities towards Namibia, the Council draws the attention of the States Members of the United Nations to the grave situation in Namibia, which the Council considers a threat to international peace and security.

355. The Council considers that the position of the South African régime has been measurably weakened; colonialism in Africa is being eliminated, and the isolation of South Africa is almost complete. Further pressure is required to compel South Africa to withdraw from Namibia.



## II. RECOMMENDATIONS

356. The United Nations Council for Namibia intends to undertake the following tasks during 1976:

(a) To continue to carry out the tasks described in paragraph 268, subparagraphs (a) to (v), of its report to the General Assembly at its twenty-ninth session; 31/

(b) To prepare a study on the violation of human rights in Namibia, to be presented to the International Conference on Namibia and Human Rights, to be held at Dakar in January 1976.

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

### A

(1) Approve the report of the United Nations Council for Namibia, including the conclusions and recommendations contained in paragraphs 348-357 therein, and decide to make adequate financial provision for their implementation;

### B

(2) Demand the immediate withdrawal by South Africa of all its military and police forces and its administration from Namibia so as to enable the Namibian people to achieve freedom and independence, in accordance with General Assembly resolutions 1514 (XV) of 14 December 1960, 2621 (XXV) of 12 October 1970 and subsequent resolutions;

(3) Strongly condemn South Africa for its persistent refusal to withdraw from Namibia and for its efforts to consolidate its illegal occupation by organizing a so-called constitutional conference, with a view to creating divisions among ethnic groups and furthering its policies of bantustanization;

(4) Condemn the military build-up by South Africa in Namibia;

### C

(5) Call upon the Security Council to take up again the question of Namibia, which is still on its agenda, and to act to give effect to its resolution 366 (1974) of 17 December 1974;

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31/ Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 24 (A.9624), vol. I.



(6) Call once again upon all States 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; 32/

(7) Urge all States to break off economic relations with South Africa which concern Namibia and to take measures with a view to compelling that Government to withdraw immediately from Namibia in accordance with General Assembly resolutions 2145 (XXI) of 27 October 1966 and 2248 (S-V) of 19 May 1967 and subsequent resolutions;

(8) Call upon those States which have consular representation, whether ordinary or honorary, in Namibia to terminate such representation, and call upon those States which have consuls in South Africa operating in Namibia to withdraw such accreditation;

(9) Request once again that all Member States 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 national resources of Namibia;

(10) Condemn the exploitation of uranium in Namibia by organizations under the governmental control of Member States;

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

## E

(12) Request 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, the South West Africa People's Organization;

(13) Call upon the International Atomic Energy Agency to take all possible measures to prevent the exploitation of uranium in Namibia by organizations under the governmental control of its member States and, in any case, to issue a warning to its member States of the danger which may arise when uranium is enriched after its uncontrolled removal from a Territory which is illegally occupied;

## F

(14) Request the Secretary-General to continue to provide the necessary assistance and facilities to the United Nations Council for Namibia and to the

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32/ 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.



Office of the United Nations Commissioner for Namibia for the discharge of their respective duties and functions, and to report to the General Assembly at its thirty-first session on the implementation of the resolution on Namibia adopted by the Assembly at its thirtieth session, and, in particular, to request the Office of Public Information of the United Nations Secretariat, in co-operation with the United Nations Council for Namibia:

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

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

(15) Request the Secretary-General to direct and make adequate financial provision for the setting up in an African State of a United Nations radio transmitter, which would have the function of transmitting radio programmes in the various languages spoken in Namibia, informing the Namibian people of United Nations policies in regard to the liberation of Namibia, the protection of human rights and fundamental freedoms, the fight against racism and the steps being taken to achieve decolonization in Namibia and throughout the world;

G

(16) Appeal to all States, the specialized agencies and other organizations within the United Nations system and non-governmental organizations in consultative status with the Economic and Social Council, as well as other non-governmental organizations having a special interest in Namibia, to make financial contributions to the United Nations Institute for Namibia through the United Nations Fund for Namibia, and, in particular, to request the United Nations Development Programme to give priority to the allocation of funds and other material assistance to the Institute;

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

(18) Decide to continue to defray the expenses of a representative of the South West Africa People's Organization, the authentic representative of the people of Namibia, when on any mission approved by the United Nations Council for Namibia;

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

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

(21) Request all intergovernmental and non-governmental organizations, bodies and conferences to ensure that the rights and interests of Namibia are protected;



in this connexion, the United Nations Council for Namibia should participate as appropriate, whenever such rights and interests are involved:

H

(22) Express its appreciation to all those who have made voluntary contributions to the United Nations Fund for Namibia;

(23) Request the Secretary-General and the United Nations Council for Namibia to continue to appeal to Governments, intergovernmental and non-governmental organizations and private individuals for voluntary contributions to the United Nations Fund for Namibia;

(24) Decide to allocate to the United Nations Fund for Namibia the sum of \$US 200,000 from the regular budget of the United Nations for 1976;

(25) Request the specialized agencies and other organizations within the United Nations system to render all necessary assistance to the Secretary-General and to the Council in implementing the work programme of the United Nations Fund for Namibia.



### III. ADMINISTRATIVE AND FINANCIAL IMPLICATIONS OF THE RECOMMENDATIONS

358. Bearing in mind the foregoing conclusions and recommendations and subject to any further directives that might be given by the General Assembly at its thirtieth session, the United Nations Council for Namibia intends to continue to discharge its functions and fulfil its responsibilities in accordance with the relevant resolutions of the General Assembly. It should also be noted that during 1976, the Council intends to meet in continuous session throughout the year, and to be particularly active in two periods which would extend from January to June and from August to September.

359. The recommendations referred to in paragraph 357 above would have the following administrative and financial implications.

360. Paragraph 357 (1) would approve the report of the United Nations Council for Namibia, including the undertaking by the Council of the tasks described in paragraph 356 above. Among other things, the Council would:

- (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) Complete a detailed study of issues relating to the frontiers of Namibia, with particular reference to the status of Walvis Bay, the Caprivi Strip and the frontier with Angola;
- (h) Prepare a study on the violation of human rights in Namibia, to be presented to the International Conference on Namibia and Human Rights, to be held at Dakar in January 1976;
- (i) Provide wide dissemination of information on Namibia.

361. The Council intends to continue the policy, which it successfully followed in 1974 and 1975, of sending out missions comprised of a small group of members and, where necessary, to dispatch the full Council. The Council proposes to visit or 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.

362. Specifically, the Council has received an invitation to participate in the International Conference on Namibia and Human Rights in Dakar, and it is expected that the Council will receive an invitation to attend the formal opening of the Institute for Namibia at Lusaka. These events would take place in January 1976 and would entail a visit by the Council as a whole (25 members, the President, the United Nations Commissioner for Namibia and a SWAPO representative) to Africa for approximately two weeks, accompanied by a supporting secretariat staff of 8 (4 substantive officers, 1 administrative officer, 1 information officer and 2 secretaries). No interpreters would be provided. In Dakar, the Council would provide, for a duration of four days, at the request of the Government of Senegal and the organizers of the Conference, two interpreters, four translators and four consultants to serve as rapporteurs. Also at the request of the organizers of the Conference, who are contributing approximately \$US 75,000, the Council would contribute \$US 20,000 towards the general expenses of the Conference. It is estimated that the total cost of this visit to Africa would amount to approximately \$US 70,000. The contribution to the Conference would amount to approximately \$US 40,000.

363. In the first seven months of 1975, the Council held consultations away from Headquarters with Governments of three Member States and two international organizations (EEC and NATO). It is expected that the Council would conduct similar consultations in 1976, including the following: (a) a mission to European capitals, at a cost of about \$US 20,000; and (b) two missions to North American capitals, at a cost of about \$US 5,000 for both missions.

364. The cost of the studies described in paragraph 360 (g) and (h) above is estimated at \$US 4,000.

365. Paragraph 360 (i) would involve the continued publication of the Namibia Bulletin at present frequency and distribution. The Council also intends to acquire and give wide distribution to the films described in section V, paragraph 2 (d) of resolution 3295 (XXIX). The total amount is estimated at approximately \$US 15,000.

366. Paragraph 357 (14) would require expenditure by the Office of Public Information on radio and television programmes and advertisements in the news media at an estimated cost of approximately \$US 30,000.

367. The expenditure required for the establishment of the radio transmitter called for by paragraph 357 (15) will only be known when the study to be prepared as a result of section V, paragraph 1, of resolution 3295 (XXIX) is produced. The Council hopes that this study will be submitted shortly.

368. The implementation of paragraph 357 (17) would require an amount of \$US 100,000 to conduct research into cases and to bring action in the appropriate courts. The



actions for this purpose would be taken in accordance with paragraph 7 of Decree No. 1 for the Protection of the Natural Resources of Namibia. 33/

369. With respect to paragraph 357 (18), it should be noted that, in the first seven months of 1975, representatives of SWAPO accompanied six missions at the request of the Council. The cost of this travel is included in paragraph 373 below. It should also be noted that, in order to involve Namibians in the administration of Namibia, in accordance with the provisions of United Nations resolutions, the Council intends to invite representatives of SWAPO and petitioners to attend its meetings at United Nations Headquarters or elsewhere for the purpose of consultation and of obtaining relevant information. The travel of 10 such persons to New York for one week each with subsistence at Secretariat rates would cost an estimated \$US 18,000.

370. Paragraph 357 (19) would require continued financial assistance to the office of the SWAPO Observer to the United Nations, which has already been established in New York. This would cost \$US 65,000 for 12 months in 1976, to cover the salaries of one representative, one deputy representative and one secretary, as well as rental of office space.

371. With regard to paragraph 357 (21), it should be noted that, in the first seven months of 1975, the Council participated in the work of 15 international organizations and conferences, including three specialized agencies, away from Headquarters, as follows:

(a) Twenty-fourth and twenty-fifth sessions of the Co-ordinating Committee for the Liberation of Africa of OAU;

(b) SWAPO students' seminar;

(c) Meeting of 26 French non-governmental organizations;

(d) Namibian International Conference Standing Committee;

(e) Third United Nations Conference on the Law of the Sea;

(f) Tenth Congress of the International Association of Democratic Lawyers;

(g) Ninth extraordinary session of the OAU Council of Ministers;

(h) World Meteorological Conference of WMO;

(i) International seminar of the Special Committee against Apartheid in consultation with OAU;

(j) Twenty-eighth World Health Assembly;

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33/ Paragraph 7 reads as follows: "For the purposes of the preceding paragraphs ... and in order to give effect to this decree, the United Nations Council for Namibia hereby authorizes the United Nations Commissioner for Namibia, in accordance with /General Assembly/ resolution 2248 (S-V), to take the necessary steps after consultations with the President."



(k) Sixtieth International Labour Conference of the ILO;

(l) Twentieth session of the Governing Council of UNDP;

(m) Meetings 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 held at Lisbon; and

(n) Twenty-fifth ordinary session of the Council of Ministers of OAU and twelfth session of the Assembly of Heads of State and Government of OAU.

In addition, the Council sent a mission to Geneva, where it met with officials of the ILO, WHO, WMO, UNCTAD and UNHCR. The Council plans to increase such activities in 1976. This would involve: (a) representation of the Council, as in previous years, by one member of the Council, accompanied by one staff member of the Secretariat at at least two meetings of OAU (the OAU Co-ordinating Committee for the Liberation of Africa and the Assembly of Heads of State and Government of OAU, which is usually preceded by the Council of Ministers), at a cost of approximately \$US 12,000; (b) participation by one or two members of the Council for one week on each occasion in international organizations and conferences, mainly in Europe and Africa, at a cost of approximately \$US 22,000; and (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 8,000.

372. Paragraph 357 (24) would require the allocation of \$US 200,000 from the regular budget of the United Nations to the United Nations Fund for Namibia. 34/ The Fund would also be the vehicle for financing the Institute for Namibia. 35/ The Institute would maintain its own accounts and report thereon to the Committee on the United Nations Fund for Namibia.

373. The administrative and financial implications of the recommendations can be summarized to be approximately as follows. It is understood that the actions and levels of expenditure under each of the following items will be kept under the direct control of the Council.

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34/ The guidelines for the Fund are contained in Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 24A (A/9624/Add.1), paras. 74-81.

35/ Ibid., paras. 66-73.



(a)	Mission to Africa (International Conference on Namibia and Human Rights and the opening of the Institute for Namibia)	70,000
(b)	Contribution to the International Conference on Namibia and Human Rights and cost of interpreters, translators and consultants	40,000
(c)	Mission to European capitals	20,000
(d)	Mission to North American capitals	5,000
(e)	Studies on human rights violations and frontiers	4,000
(f)	<u>Namibia Bulletin</u> and acquisition of films	15,000
(g)	Press, radio and television advertising	30,000
(h)	Radio transmitter (amount to be determined)	-
(i)	Implementation of Decree No. 1 for the Protection of the Natural Resources of Namibia	100,000
(j)	Travel of Namibians and petitioners invited by the Council to United Nations Headquarters	18,000
(k)	Assistance to SWAPO office	65,000
(l)	Participation in OAU meetings	12,000
(m)	Participation in international organizations and conferences	22,000
(n)	Mission to specialized agencies	8,000
	Total	<hr/> 409,000



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