



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

GENERAL ASSEMBLY
OFFICIAL RECORDS : TWENTY-FOURTH SESSION
SUPPLEMENT No. 24 (A/7624/Rev.1)

UNITED NATIONS

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LETTER OF TRANSMITTAL

24 October 1989

Sir,

I have the honour to transmit herewith the fourth 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 seventy-eighth meeting, on 24 October.

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 twenty-fourth session.

Accept, Sir, the assurances of my highest consideration.

(Signed) Hadji Roeslan ABDULGANI
President
United Nations Council for Namibia

U Thant
Secretary-General of the
United Nations
New York

REPORT OF THE UNITED NATIONS COUNCIL FOR NAMIBIA

INTRODUCTION

1. By its resolutions 2145 (XXI) of 27 October 1966 and 2248 (S-V) of 19 May 1967, the General Assembly terminated the Mandate of South Africa over South West Africa and established the United Nations Council for South West Africa, composed of the representatives of Chile, Colombia, Guyana, India, Indonesia, Nigeria, Pakistan, Turkey, the United Arab Republic, Yugoslavia and Zambia, to administer the Territory until independence with the maximum possible participation of the people of the Territory. After considering the Council's first report, ^{1/} the General Assembly, by resolution 2325 (XXII) of 16 December 1967, requested the Council "to fulfil by every available means the mandate entrusted to it by the General Assembly".

2. On 12 June 1968, the General Assembly, in resolution 2372 (XXII), proclaimed further that, in accordance with the desires of its people, South West Africa should be known as "Namibia" and decided that the Council be called the "United Nations Council for Namibia" and that the Commissioner be known as the "United Nations Commissioner for Namibia". By the same resolution, the General Assembly also decided that the United Nations Council for Namibia should perform, as a matter of priority, the following functions:

"(a) In consultation and co-operation with the specialized agencies and other appropriate organs of the United Nations, which under section III, paragraph 2, of resolution 2248 (S-V) were requested to render technical and financial assistance to Namibia, the Council shall assume responsibility for establishing a co-ordinated emergency programme for rendering such assistance, in order to meet the exigencies of the present situation;

"(b) The Council shall organize a training programme for Namibians, in consultation with those Governments which indicate their interest and concern, so that a cadre of civil servants and of technical and professional personnel may be developed who would be in a position to undertake the public administration and the social, political and economic development of the State;

"(c) The Council shall continue with a sense of urgency its consultations on the question of issuing to Namibians travel documents enabling them to travel abroad."

3. On 16 December 1968, the General Assembly, in resolution 2403 (XXIII), inter alia, requested the United Nations Council for Namibia to continue to discharge by every available means the responsibilities and functions entrusted

^{1/} Official Records of the General Assembly, Twenty-second Session, Annexes agenda item 64, document A/6897.

to it, and commended to the appropriate organs of the United Nations acting in conformity with the relevant resolutions of the General Assembly for their consideration, the recommendations contained in the third report of the United Nations Council for Namibia. 2/ These recommendations concerned in particular the provision of ways and means to pursue effectively the activities detailed in paragraph 2 above.

4. The Council has already submitted three reports to the General Assembly. 3/ This fourth report covers the period from 13 November 1968 to 24 October 1969.

2/ Ibid., Twenty-third Session, agenda item 64, document A/7338 and Corr.1, section IV.

3/ Ibid., and ibid., Twenty-second Session, Annexes, agenda item 64, documents A/6897 and A/7088.

I. ACTIVITIES OF THE COUNCIL

A. Organization and methods of work of the Council

5. The procedures and organization of the Council remained unchanged during the period under review. However, in view of a generally felt need for an improvement in its operations, the Council, at its sixty-seventh meeting on 27 August 1969, established an Ad Hoc Committee on Organization composed of the representatives of Guyana, India, Indonesia and the United Arab Republic under the chairmanship of Ambassador Thompson (Guyana), the President of the Council for the month of September, and assisted by the Acting United Nations Commissioner for Namibia.

6. The terms of reference of the Committee, as set out in decisions taken by the Council at its sixty-seventh and sixty-eighth meetings, were to study and make recommendations concerning:

(a) The organization and methods of work of the Council;

(b) The desirability of holding open or closed meetings;

(c) The question of the participation of the Namibian people in the work of the Council.

7. On 29 September, the Ad Hoc Committee adopted an interim report in which it presented to the Council the following recommendations:

(a) The creation of two small standing committees, each comprised of not more than five members of the Council, the first to be responsible for planning the Council's work, screening incoming communications and dealing with questions relating to publicity and the second to be responsible for the detailed study of all questions of an administrative or legal nature concerning Namibia;

(b) The extension of the term of office of the presidency to a period of four months;

(c) The adoption of the following rule of procedure, namely, that (i) meetings of the Council at which political questions are discussed should be open unless otherwise decided, and (ii) meetings at which administrative questions are discussed should be closed unless otherwise decided.

8. The Ad Hoc Committee was, moreover, of the opinion that there might well be a need for the services of experts to assist the standing committees in some cases, perhaps by preparing basic studies. However, the Committee, while feeling that requests for experts might flow from the standing committees when they had had an opportunity to study in greater depth the problems referred to them by the Council, also felt that the Council itself might consider taking a prior decision, even before the actual establishment of the standing committees, to request experts in specific fields to prepare basic studies in the light of defined needs. It was also agreed that a representative of the Organization of African Unity should be invited to attend meetings of the Council as an observer.

9. The Committee further recommended that the Ad Hoc Committee on Travel Documents should continue until it had discharged its functions, but that the work of the other sub-committees should be transferred to the new standing committees.

10. The Council expressed its general approval of the report submitted by the Ad Hoc Committee on Organization. In addition to the need for the services of experts to prepare basic studies in specific fields, it was suggested that the Council, if necessary, might consider appointment of special rapporteurs, as appropriate.

11. Meanwhile, the Ad Hoc Committee on Travel Documents established at the sixth meeting of the Council, on 22 November 1967, and composed of the representatives of Guyana (Chairman), India, the United Arab Republic and Yugoslavia, assisted by the Acting United Nations Commissioner for Namibia, continued to study the political, legal and administrative aspects of the question of the issuance of travel documents for Namibians. Two of its members, together with the Acting Commissioner, proceeded to East Africa in February 1969, in furtherance of these objectives (see section E below).

B. Participation of the people of Namibia in the work of the Council

12. Under the provisions of section 2, paragraph 1, of General Assembly resolution 2248 (S-V), the Council is required "to administer South West Africa until independence, with the maximum possible participation of the people of the Territory". The Council, therefore, on 30 November 1967, decided to invite representatives of Namibia to be associated with the Council's work. In reply to the Council's inquiry as to which organization or organizations were most representative of the people of the Territory, the Organization of African Unity stated that it recognized only the South West Africa People's Organization (SWAPO). Thereupon the Council decided to convene, with the assistance of the Acting Commissioner, a meeting with the representatives of all Namibian political parties and organizations to discuss the matter with a view to working out final arrangements in this regard.

13. The mission of the Council to East Africa was given the mandate of holding consultations with Namibian representatives in order to ascertain their views, among other things, on the question of participation in the work of the Council. Reporting to the Council on its work, the mission said that SWAPO would like to appoint a representative to the United Nations Council for Namibia since it considered itself to be the most broadly based and the largest of the political parties which had branches throughout the country and members from all sections. It further said that it was the only organization which was helping the refugees regardless of their political affiliations. The representatives of the South West African National Union (SWANU) expressed the hope that some participation of Namibian representatives in the work of the Council would be effected. They were aware that several groups were attempting to receive recognition from the Council, but said that they recognized only two, their own organization, SWANU, and SWAPO. They recognized that SWAPO represented the largest and most densely populated part of the country and expressed the wish that the Council should use its best efforts to encourage collaboration between the two groups.

14. The Ad Hoc Committee on Organization referred to in section A above, was also entrusted with the examination of the question of participation of Namibians in the work of the Council. The Ad Hoc Committee has held consultations with representatives of organizations of the Namibian people present in New York concerning methods of enabling the Namibian people to participate in the work of the Council. These consultations are continuing. The Ad Hoc Committee will also meet at an early date with representatives of the Organization of African Unity on the question.

C. Hearings

15. During the period under review, the United Nations Council for Namibia granted a number of requests for hearings. At its meeting held on 24 January 1969, the Council heard the Reverend Markus Kooper of the South West Africa United National Independence Organization (SWAUNIO) on the Hoachanas question and Mr. Mbaeva of the South West Africa National United Front (SWANUF) on various issues pertaining to Namibia at its meeting held on 4 September at Headquarters.

16. Under the terms of reference of the Council's mission to East Africa adopted by the Council at its fifty-fifth meeting on 22 January, the latter would "while in the area, hold consultations with the representatives of the Namibian people in order to ascertain their views on various aspects of the question of Namibia". The mission accordingly held consultations with the representatives of SWAPO, SWANU and SWANUF in Lusaka and Dar es Salaam on 6, 7 and 12 February. Additional hearings were held in Nairobi and London on 15 and 24 February.

17. During the consultations in Dar es Salaam, the SWAPO representatives handed the mission a written memorandum in which they set out the recent activities of the South African Government in defiance of the resolutions of the United Nations. It outlined the following as the most flagrant acts of repression and genocide committed against the people of Namibia:

(a) The adoption by Parliament of the so-called Terrorism Act in June 1967;

(b) The announcement in February 1968 that more members of SWAPO would appear before the Pretoria High Court;

(c) The rounding up on 13 October 1968 of six traditional chiefs opposed to the creation of Bantustans. One of the chiefs was shot on the spot and the whereabouts of the others were unknown. Simultaneously, the memorandum went on to state, more than sixty-three villagers were massacred in cold blood. Dead bodies with bullet wounds of many more civilians had been found in the bushes. There were now 2,000 refugees who had fled from the Territory into Zambia and others into Botswana.

18. The representatives of SWAPO considered that the grave situation prevailing in Namibia today constituted a threat not only to the African continent, but also to the whole world.

19. The representatives presented to the mission the following statement:

"Preamble:

"The South West African Peoples Organization and the whole people of Namibia cannot help but strongly deplore the failure of the United Nations Council for Namibia to enter Namibia particularly at this stage when the people of Namibia are facing a monster identical to the Hitler era.

"Demands:

"We strongly demand that the United Nations Council for Namibia should fully play its international role and urge the United Nations to make its presence felt in Namibia by implementing fully the General Assembly resolution 2145 (XXI);

"The United Nations Council for Namibia to call an urgent meeting of the Security Council to put in effect the United Nations General Assembly's resolutions;

"The United Nations Council for Namibia should immediately proceed to Namibia." 4/

20. Other matters referred to during the consultations included the following: (a) the situation in the Caprivi Strip as well as the position of the refugees from Caprivi who had fled into Zambia and Botswana; (b) questions of education relating both to the United Nations scholarship programmes and SWAPO's own programme, which was now being elaborated; (c) questions relating to the issuance of travel documents by the Council; and (d) the legal status of Namibians residing in other countries.

21. In reply to a question put to them by a member of the mission, the representatives of SWAPO said that they had no objection to discussing with the South African authorities the transfer of power to the people of Namibia. In the meantime, they stated that the Council itself or the States Members of the United Nations should provide the material means for the carrying out of the liberation movement inside Namibia.

22. The discussions with the representatives of SWANUF dealt mainly with questions concerning the legal and material status of Namibians in their respective countries of refuge, scholarships and educational opportunities, and the question of travel documents, to which they reacted positively. SWANUF claimed to have 75,000 members inside Namibia, mainly in the Nama area in the central part of the Territory. Its membership abroad is largely concentrated in Botswana; there are some in Kenya, Ethiopia and a few other countries.

23. During the consultations with representatives of SWANU, the mission was informed that their policies differed basically from those of other Namibian political organizations in that they felt that the struggle should be conducted

4/ A/AC.131/R.1/Rev.1, para. 85.

from within the Territory. Their concern was with the freedom movement within Namibia which, in their view, must not be detracted from by introducing Namibian freedom-fighters from neighbouring countries or by concern for the well-being of refugees. In this connexion, they suggested that the Council's concern for the people in the Territory could be manifested in the following ways. The Council should promote the transfer of funds to political organizations in the Territory through available private or semi-official international organizations in order to finance the liberation movement and, instead of being concerned with the education of refugees, it should support the adult education programmes of the political parties within the Territory. Secondly, the Council should compile a register of political prisoners in Namibia and try to help them and their dependents.

24. On other subjects, the SWANU representatives indicated that, subject to minor reservations, they would support the travel documents scheme. With regard to the membership of SWANU, they stated that it was mainly concentrated in Namibia itself, and that there were approximately seventy members, mostly students in other countries, primarily in Sweden, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Eastern Europe and Zambia. The representatives of SWANU declared that they had no connexion with SWANUF.

25. In addition to the consultations held by the Council for Namibia with the representatives of the Namibian people, the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples has, under the provisions of General Assembly resolution 1805 (XVII), examined petitions relating to Namibia, in accordance with its established procedures. The Special Committee has reported separately on this to the General Assembly. ^{5/} The petitions which raised matters of concern to the Council for Namibia have been brought to the latter's attention by the Secretariat.

D. Consultations and co-operation with the specialized agencies and other organs of the United Nations

26. The question of the co-operation of the specialized agencies in regard to the Namibian question was first raised in General Assembly resolution 2248 (S-V), section III, paragraph 2, in the following terms:

"Requests the specialized agencies and the appropriate organs of the United Nations to render to South West Africa technical and financial assistance through a co-ordinated emergency programme to meet the exigencies of the situation;"

^{5/} Ibid., Twenty-fourth Session, Supplement No. 23 (A/7623/Rev.1), chapter VII, sections A and B.

27. The General Assembly, after considering the second report of the Council, 6/ adopted resolution 2372 (XXII), paragraph 4 (a) of which stated:

"In consultation and co-operation with the specialized agencies and other appropriate organs of the United Nations, which under section III, paragraph 2, of resolution 2248 (S-V) were requested to render technical and financial assistance to Namibia, the Council shall assume responsibility for establishing a co-ordinated emergency programme for rendering such assistance, in order to meet the exigencies of the present situation;"

28. Subsequently, a sub-committee established by the Council for the implementation of the above paragraph 4 (a), examined the question and reached certain conclusions which were included in the Council's report to the General Assembly 7/ at its twenty-third session. Its main conclusions were that (a) an outline of a co-ordinated emergency programme should be prepared, and (b) the Acting Commissioner should approach the specialized agencies and other organs of the United Nations to seek the assistance of experts in the preparation of this programme.

29. The Council has considered two main aspects of the question, namely, the preparation of the long-term plan for the economic and social development of the Territory to be implemented when the Council is enabled to discharge its powers and functions in the Territory, and secondly, the short-term emergency programme for rendering technical assistance to Namibians limited to meeting the exigencies of the present situation.

30. As regards the long-term plan, the Acting Commissioner, in consultation with the Office of Technical Co-operation of the United Nations Secretariat, examined, among other things, the financial implications of the preparation of an outline development plan for Namibia. The Office of Technical Co-operation undertakes projects only at the request of Governments. In this instance, the Office would be enabled to undertake projects at the request of the Council in its capacity as the legitimate administering authority.

31. It was further suggested that the Economic Commission for Africa, of which Namibia is an associate member, might be requested to examine published material on socio-economic conditions of the Territory available in United Nations documents and other published sources. For this purpose, a group of two or three consultants would suffice. The Economic Commission for Africa, which is equipped with a research section and maintains permanent liaison with important specialized agencies, could also be requested to co-ordinate the preparation of the outline.

32. The tentative long-term programme of study would include (a) the collection and assessment of existing economic data on the resources of the Territory, including a survey of possible mineral deposits, as well as data on the available trained manpower outside the Territory; (b) the preparation of a survey of foreign investments in Namibia; (c) the compilation of a list of facilities for technical

6/ Ibid., Twenty-second Session, Annexes, agenda item 64, document A/7088.

7/ Ibid., Twenty-third Session, agenda item 64, document A/7338 and Corr.1

training available outside the Territory. On the basis of such a study, a programme of technical assistance could be drawn up and the cost estimated.

33. The Council, in its previous report to the General Assembly, 8/ had further recommended that the Administrative Committee on Co-ordination (ACC) should also be requested to examine, in consultation with the Council for Namibia, the question of the implementation of section III, paragraph 2, of General Assembly resolution 2248 (S-V) and paragraph 4 (a) of resolution 2372 (XXII). The Acting Commissioner accordingly arranged that ACC should consider the matter at a future meeting in the light of a paper to be presented by the Council. In the meantime, in carrying out the duties assigned to him by the Council in the matter, the Acting Commissioner conferred in Geneva with representatives of the ILO, WHO, UNESCO, and FAO in order to examine with them what assistance these agencies might be able to give to Namibians abroad within their existing programmes. The Acting Commissioner addressed the following questions to the agencies concerned:

(a) Is your agency already engaged in any programme in, or benefiting, Namibia?

(b) Is your agency already engaged in programmes which are, or could be, of assistance to Namibians resident outside their home country, or would it be prepared to undertake such programmes?

(c) Is your agency prepared to undertake contingency planning for programmes of assistance to Namibia which could be implemented at such time as the administration of the Territory is transferred to the United Nations Council for Namibia and subsequently to the Territory attaining independence?

34. Replies to the Acting Commissioner's questions are summarized below:

UNESCO

(a) The UNESCO is not engaged, for the time being, in any programme in Namibia of benefit to Namibians. The General Conference of UNESCO, however, at its fifteenth session, instructed the Director-General to increase UNESCO's activities in favour of refugees, inter alia, in Africa;

(b) The UNESCO is not at present engaged in programmes of assistance to Namibians residing outside their home country. It is, however, participating in the United Nations Educational and Training Programme for Southern Africa (General Assembly resolutions 2349 (XXII) of 19 December 1967 and 2431 (XXIII) of 18 December 1968). There are many training facilities in African countries sponsored by the United Nations Development Programme (UNDP) and UNESCO which in principle are open to Namibians, subject to the authorization of the host Governments concerned.

(c) The Secretariat of UNESCO is willing to consider in due time the possibility of undertaking contingency planning for programmes of assistance to Namibia when its administration is transferred to the United Nations Council for Namibia and subsequently upon independence.

8/ Ibid.

ILO

(a) In 1964, the ILO Conference, at its forty-eighth session, adopted a declaration setting out recommendations for changes in South Africa as regards discrimination in the fields of admission to employment and training, freedom from forced labour, freedom of association and the right to organize. Each year the Director-General submits reports on the application of this declaration, and in the first special report he outlined some positive measures in the labour field which would be needed to complement the legislative changes called for in the original ILO programme. These legislative changes and positive measures could, mutatis mutandis, afford the general basis for a transition in Namibia in labour matters.

(b) The ILO is assisting in the United Nations Educational and Training Programme for Southern Africa, and is ready to furnish technical assistance within its field to Namibians outside the Territory, whether sponsored by Governments, the High Commissioner for Refugees or any other organization recognized for that purpose.

(c) The ILO is prepared to participate in emergency programmes of assistance to Namibia to be implemented when its administration is transferred to the United Nations Council for Namibia and subsequently upon independence.

FAO

(a) In 1968, FAO sanctioned emergency food aid from the resources of the World Food Programme to meet the needs of over 1,000 refugees from Namibia.

(b) Under an arrangement between FAO and the United Nations High Commissioner for Refugees, the former provides the latter with technical assistance whenever required and the United Nations Development Programme furnishes funds on an ad hoc basis for this purpose. The FAO can therefore assist in the settlement of refugees from Namibia in countries such as Zambia and Botswana. Refugees and other Namibian expatriates qualify, like other refugee communities, for technical assistance, food aid from the World Food Programme and for certain types of agricultural training.

(c) The FAO will be happy to undertake assistance to Namibia when facilities for such activity exist and, at such time, could rapidly mount a task force to carry out the on-the-spot preliminary survey necessary for detailed contingency plans. In addition, various global studies by FAO in agricultural development will in the long run benefit Namibia to some extent.

WHO

(a) The World Health Organization (WHO) is not currently engaged in any programme in, or of benefit to Namibia.

(b) Current WHO programmes are, or could be, of assistance to Namibians resident abroad. The Constitution of WHO states, in article 2 (e), that the

organization shall "provide or assist in providing, upon the request of the United Nations, health services and facilities to special groups, such as the peoples of trust territories". In this respect, WHO is prepared to receive and consider requests for specific forms of assistance, including fellowships for training in health professions. The WHO is also providing fellowships for refugees sponsored by the High Commissioner for Refugees.

(c) The WHO, in terms of its relationship agreement with the United Nations (articles IV, VII, VIII and IX), is prepared to participate in contingency planning for programmes of assistance when the administration is transferred to the United Nations Council for Namibia and subsequently upon independence.

35. In regard to the Economic Commission for Africa, the Council recalls, as mentioned in paragraph 31 above, that the Commission, by its resolutions 151 (VIII) of 21 February 1967 and 194 (IX) of 12 February 1969, established associate membership for Namibia. The Council hopes that in due course the Organization of African Unity will, after necessary consultation with the United Nations Council for Namibia, propose the name of a representative of Namibia to the Commission.

36. In regard to the specialized agencies of the United Nations, the Council has decided to seek associate membership for Namibia in accordance with the respective constitutions of these agencies.

E. Question of travel documents

37. It will be recalled that at its third meeting, on 16 November 1967, the Council, in view of the receipt of applications for a "United Nations passport" from a number of persons claiming to be citizens of South West Africa and residing outside the Territory, decided to establish an Ad Hoc Committee to study the question of travel documents.

38. After considering a report of the Ad Hoc Committee, the Council decided in principle to proceed with its own arrangements for the issuance of travel documents to Namibians instead of utilizing existing international machinery.

39. The Council noted, in this connexion, that the basic condition for international travel documents to be effective is that States accept such documents for the purpose of entry into and travel in their Territory. The Council considered that the inclusion of the right of return clause in the document would facilitate its wider recognition by States.

40. The decision set out in paragraph 37 above was communicated to the General Assembly in the Council's second report. ^{9/} The General Assembly thereupon decided, by resolution 2372 (XXII) of 12 June 1968, that:

^{9/} Ibid., Twenty-second Session, Annexes, agenda item 64, document A/7088.

"The Council shall continue with a sense of urgency its consultations on the question of the issuing to Namibians travel documents enabling them to travel abroad."

41. As related in its previous report, the Council approached the Governments of the United Republic of Tanzania and Zambia for their co-operation in view of the fact that most Namibians abroad are currently resident in these two countries. 10/ Consultations with the Governments of the United Republic of Tanzania and Zambia, which had agreed with the scheme in principle, proceeded during 1968 in New York. Both Governments suggested that the discussions be continued in their respective capitals directly with the Ministers of the Government immediately concerned.

42. The Council, at its fifty-fifth meeting on 22 January 1969, decided, therefore, to send a mission, composed of the representatives of Guyana and the United Arab Republic (both members of the Ad Hoc Committee on Travel Documents) and the Acting Commissioner for Namibia, with the following terms of reference:

(a) The primary purpose of the mission would be to finalize the necessary arrangements to enable the Council to issue travel documents to Namibians. Any arrangements arrived at would be ad referendum;

(b) The mission would visit Lusaka, Dar es Salaam and Addis Ababa, as well as the capitals of such other African countries as the mission might deem necessary;

(c) The mission would arrive in East Africa early in February. After having completed the negotiations with the Governments of the United Republic of Tanzania and Zambia, the mission would proceed to Addis Ababa for consultations on the question of travel documents, and other matters concerning Namibia, with the secretariat of the Organization of African Unity (OAU) and with individual Foreign Ministers attending the meeting of the Council of Ministers of the Organization of African Unity opening on 17 February 1969.

43. The mission visited Lusaka from 5 to 10 February and Dar es Salaam from 10 to 15 February 1969.

44. During its stay in both capitals, extensive consultations were conducted with the Ministers concerned of the two Governments on the modalities for issuing the travel documents to Namibians abroad either directly by the Council or on its behalf. Although most of the issues were resolved and others were narrowed down, there still remained some matters to be settled after the mission returned to New York. The Council remains hopeful that these issues will be satisfactorily resolved in the near future taking into full account the needs and requirements of the liberation struggle.

45. During its stay in Addis Ababa from 15 to 19 February 1969, the mission had a most useful exchange of views on the question of the travel documents with the Administrative Secretary-General of OAU and other high officials of that organization. The mission was given the benefit of the long experience of OAU with the problem of African refugees and was informed about the activities of OAU in this field.

10/ Ibid., Twenty-third Session, agenda item 64, document A/7338 and Corr.1, para. 25.

46. The mission also had occasion to discuss the question of movement and provisional settlement of Namibians with a number of Ministers attending the Conference of Ministers. These discussions related mainly to the problem of finding a country of asylum and suitable employment for Namibians after they had finished their studies abroad. The discussions were guided by the Council's view, already expressed in its previous report, that the responsibility for granting the right of return to Namibians could not be confined to the Governments of the United Republic of Tanzania and Zambia. 11/ Subsequently, the mission gave an assurance to these Governments that the Council would attempt to relieve their burden by seeking permission for Namibians who had resided in, but had left those countries without the right of return, to obtain residence in other countries. The response of the Ministers approached was generally favourable. It was emphasized in many cases, however, that acceptance of Namibians as residents would depend upon whether the Namibians concerned possessed the necessary qualifications to fill available employment vacancies or had other means of sustenance.

47. As indicated in paragraph 27 of its previous report, the Council, pending the finalization of arrangements with the two major host Governments, requested the Secretary-General to address a communication to all States Members of the United Nations and members of the specialized agencies requesting them to undertake to recognize, and accept as valid, the travel and identity documents issued by the Council to Namibians abroad, as subject to the usual visa requirements of each State concerned, and to extend their full co-operation to the Council in the effective implementation of the scheme for the issuance of travel documents to Namibians. A communication to this effect was sent by the Secretary-General to the Permanent Representatives of the Member States of the United Nations on 12 December 1968. 12/

48. Up to the present time, replies have been received from forty Governments. The majority of these signify their readiness to recognize, and accept as valid, travel and identity documents issued under the terms indicated in the Secretary-General's letter.

F. Education and training programme for Namibians

49. It may be recalled that the Special Educational and Training Programme for South West Africa originally established under the provisions of General Assembly resolution 1705 (XVI) of 19 December 1961 and which remained in operation until 1967, was consolidated with those of other dependent Territories in southern Africa under the provisions of General Assembly resolution 2349 (XXII) of 19 December 1967. At the same time, under paragraph 4 (b) of resolution 2372 (XXII), the Council for Namibia was asked to "organize a training programme for Namibians, in consultation with those Governments which indicate their interest and concern, so that a cadre of civil servants and of technical and professional personnel may be developed who would be in a position to undertake the public administration of the social, political and economic development of the State".

11/ Official Records of the General Assembly, Twenty-third Session,
agenda item 64, document A/7338 and Corr.1, para. 26.

12/ A/AC.131/10 and Add.1.

50. The Council still remains conscious of the urgent need to establish a separate training programme for Namibians under the Council's control. A sub-committee authorized by the Council to examine the necessary arrangements for establishing a separate training programme is engaged in examining in detail the various administrative, financial and supervisory aspects of the question.

51. During the period under review, the United Nations Educational and Training Programme for Southern Africa, so far as Namibians are concerned, has, according to the information presently available, received forty-one applications, granted awards to twenty and extended the awards of twenty-nine others, thus bringing to a total of forty-nine the number of Namibians at present in receipt of awards. ^{13/} This figure shows an increase of nineteen awards over last year. The representatives of the Namibian people, however, have indicated that they did not consider the United Nations scholarship awards to Namibians under the Programme as adequate. Noting the inadequacy of the existing Programme to meet the needs of Namibians, the Council considers that the establishment of a separate programme for Namibia will be a first step towards remedying the situation.

52. Other views expressed by representatives of the Namibian people are summarized below.

53. In their discussion with the Council's mission to East Africa, representatives of SWAPO declared that they were in the process of planning a programme of education for Namibians abroad, a copy of which would be submitted to the Council in due course. They said that at a later stage they would seek the financial support of the Council in the implementation of the programme. On the other hand, the representatives of SWANU suggested that the Council should support an adult education programme within the Territory.

54. With regard to the United Nations Educational and Training Programme for Southern Africa, the Council, in paragraph 37 of its previous report to the General Assembly had recommended that, pending the establishment of a separate educational and training programme for Namibians, it should be associated with the present administration of the Programme in order to ensure that adequate provision is made for the award of scholarships and grants to Namibians.

55. In accordance with the provisions of General Assembly resolution 2431 (XXIII), the Secretary-General established the Advisory Committee on United Nations Education and Training Programme for South Africans to be composed of the representatives of the following seven Member States: Canada, Democratic Republic of Congo, Denmark, India, United Republic of Tanzania, Venezuela and Zambia. In response to the Council's request, the Secretary-General also decided to recommend to the Advisory Committee that it provide for participation in its work, as appropriate, of the Council in an observer capacity (A/7496).

56. The Council, therefore, at its sixty-third meeting, held on 27 May 1969, decided officially to inform the Secretary-General that it would send an observer to the Advisory Committee.

^{13/} In accordance with operative paragraph 4 of General Assembly resolution 2431 (XXIII) on the United Nations Educational and Training Programme for Southern Africa, the Secretary-General submitted a separate report on the Programme (A/7735).

G. Review of the laws and practices established in the Territory
by the Government of South Africa

57. Under the terms of paragraph 9 of General Assembly resolution 2288 (XXII), the Council was requested by the General Assembly "to take urgent and effective measures to put an end to laws and practices established in the Territory of South West Africa by the Government of South Africa contrary to the purposes and principles of the Charter". The Council, as reported previously, requested the Acting United Nations Commissioner for Namibia to make a detailed study of the questions involved and subsequently decided that a digest and a review of the laws and practices should be undertaken.

58. The Acting Commissioner has reported to the Council that he has engaged the services of an expert consultant to assist him in this study, which he hopes to submit to the Council at an early date. The Council considers that this study will facilitate implementation of the General Assembly's decision that effective measures should be taken to put an end to laws and practices established in Namibia by the Government of South Africa contrary to the purposes and principles of the Charter of the United Nations.

II. ACTIVITIES OF THE LIBERATION MOVEMENT

59. During the period under review, the Namibian people have continued their struggle in opposition to the occupation of their country. The nature of the resistance activities varied from active to passive resistance, from armed activities to peaceful demonstrations.

60. Control of the Press and other information media has enabled the South African Government to withhold most of the relevant information from the outside world, but enough details have come out to confirm that the struggle for freedom and human dignity is continuing throughout the Territory.

61. In its previous report to the General Assembly at its twenty-third session, the Council for Namibia described the serious situation in the Caprivi Strip. Further information about these events was received by a mission of the Council, which visited East Africa in February 1969 and had occasion to visit a refugee reception camp at Senanga, about 300 miles from Lusaka, where almost 400 refugees from the Caprivi Strip are now located. During interviews with a number of the refugees, the mission was told how they had been threatened by the South African authorities because of their refusal to give information about the freedom-fighters in Caprivi and had been forcibly expelled from the Territory leaving behind their cattle and other possessions because of the intolerable situation prevailing in their country.

62. Further confirmation of increased activities of the freedom-fighters was given in a number of statements by the South African Minister of Police and the Interior in which he gave details of "terrorist" activities in the Caprivi Strip and announced the arrest of "agitators" and "terrorists". The Minister also acknowledged that South Africa was facing an increasing threat of "terrorism" in the area. Subsequently, the Minister announced that several of the forty-six Africans arrested earlier in Caprivi had been taken to Pretoria for questioning. He added that about 2,000 "terrorists" were being trained abroad by SWAPO and the African National Congress of South Africa, and that in anticipation of "terrorist" attacks from across its borders, the Republic was sending hundreds of policemen to help fight "terrorists" there. Earlier the South African House of Assembly had approved a supplementary appropriation for increased activities of the South African police along the borders of Namibia and South Africa.

63. According to information received from SWAPO, some of their leaders earlier this year visited the fighting areas in Namibia on a fact-finding mission in order to see with their own eyes the situation created by the intensified activities of the freedom-fighters in the northern part of the country which had led to atrocious retaliations by the South African Government, including the poisoning of water resources, the burning of large stretches of forest and the execution of sixty-three people who had refused to give information to the authorities, and the subsequent flight of thousands of people.

64. The SWAPO leaders also wanted to investigate the living conditions of the freedom-fighters in the area in order to take these conditions into account in future planning. They reported that during their stay they had met villagers and freedom-fighters and had held frequent meetings in camps and villages where

they were welcomed by the civilians. They found that the executions had not frightened villagers into inactivity, but that the population showed an increased determination to withstand the enemy and to make up for the deaths of their fellow Namibians by intensified action. The people in the villages were providing the fighters with food and shelter and continued to co-operate with them.

65. The SWAPO also reported that the freedom-fighters were maintaining some semi-administrative functions in large areas such as medical and social services and, though on a small scale, were also teaching people to read and to write.

66. Another sign of resistance to the occupying authority was a serious disturbance which occurred early in January at the railways goods sheds at Walvis Bay, which led to the trial of sixty-four Namibians in the Windhoek Magistrate's Court charged with public violence or, alternatively, assault with intent to commit grievous bodily harm, assault or disturbing the peace.

67. Elsewhere in this report details are provided concerning the Namibians' resistance against their forceful removal from their homes and against the establishment of so-called native Homelands (see paragraphs 86 to 89). The present objectives of the Namibian political parties, as made known to the Council during its hearings in Lusaka and Dar es Salaam, are recorded in another section (paragraphs 18 to 24). The main problem of the Namibians, as stated by them, is to receive the necessary material support from the outside world to continue and intensify their struggle for freedom. While expressing their appreciation of the support and sympathy which they have received from certain States, the Namibian parties hoped that they would receive similar contributions from other States.

68. In this connexion, the Council notes the view expressed by the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa in its report to the General Assembly that, "at the present stage, the United Nations and Member States can make the most significant contribution to the solution of the grave situation in South Africa, and in southern Africa as a whole, by providing effective material assistance to the oppressed people of South Africa and their movement for liberation in their legitimate struggle", 14/ and the Special Committee's recommendations for providing assistance to the organizations and institutions recognized by the Organization of African Unity.

14/ Official Records of the General Assembly, Twenty-fourth Session, Supplement No. 25 (A/7625/Rev.1), para. 146.

III. ACTIVITIES OF FOREIGN ECONOMIC AND OTHER INTERESTS IN THE TERRITORY

69. In 1964, the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples undertook, at the behest of the General Assembly, a detailed study of the implications of the activities of the mining industry and other international companies having interests in Namibia in order to assess their economic and political influence and their mode of operation. The results of the study were communicated to the General Assembly in a report submitted to it at its nineteenth session. ^{15/} Since then, the Special Committee has, at the request of the General Assembly, undertaken further studies of the activities of foreign economic and other interests in Namibia and has reported thereon to the General Assembly at its twenty-second and twenty-third sessions. ^{16/} A fourth report on the same topic was prepared by the Special Committee for submission to the General Assembly at its twenty-fourth session (A/7752 and Add.1).

70. The very extensive information contained in these reports and in the Secretariat working papers annexed to them reveals the dominant role played by South African and other foreign capital in Namibia's economy. Not only are the main sectors of production controlled by foreign enterprises or their subsidiaries, but the structure of the economy itself has been influenced by the concentration of outside investment in the development of a few highly profitable large-scale export industries, namely, mining, fishing and karakul farming, which exploit the Territory's rich natural resources, to the detriment of other sectors, such as manufacturing and industries, catering to the domestic market. Namibia's domestic requirements are largely filled by producers in South Africa. Another characteristic of this unbalanced economy is that most of the industrial development has taken place within what is known as the Police Zone, an area mainly devoted to "White" settlement. Outside this zone, more than half of the Africans of Namibia live on a subsistence basis supplemented by the earnings of migrants who enter the "White" area on temporary contracts to work for low wages as unskilled labourers or servants.

71. The lack of balance in the economy is illustrated by the fact that, of a reported gross domestic product amounting in 1967 to R260 million ^{17/} at market prices, approximately half, or R137 million, was attributed to exports of minerals, principally diamonds, lead and copper. Of the remaining R123 million, the fishing industry accounted for R50 million and agriculture, mainly karakul, dairy farming and cattle ranching, all predominantly "White" controlled industries, together accounted for about R40 million.

^{15/} Ibid., Nineteenth Session, Annexes, annex No. 15, document A/5840.

^{16/} Ibid., Twenty-second Session, Annexes, agenda item 24, document A/6866/Add.1, appendix II; and ibid., Twenty-third Session, Annexes, agenda item 68, documents A/7320 and Add.1, appendix II.

^{17/} One rand equals \$US1.40.

72. The two most important sectors of the economy, mining and fishing, are almost exclusively dominated by large enterprises, some of them South African, as in the case of the five principal fishing companies, and others international in character. The most important mining companies are Consolidated Diamond Mines, a subsidiary of the Anglo-American Corporation of South Africa and the Tsumeb Corporation, predominantly controlled by American Metal Climax and Newmont Mining Corporation, both of the United States of America, which together account for nearly 90 per cent of mining output. In 1967, these two companies reported net profits of R54.3 million and R14.3 million respectively. Other companies with mining interests in Namibia are: the South West Africa Company; the Iron and Steel Corporation of South Africa; the South African-owned Klein Aub Copper Company; Marine Diamonds Corporation; Tidal Diamonds, owned jointly by Consolidated Diamond Mines and the Getty Oil Company of the United States; and Etosha Minerals, a subsidiary of Brilund Mines of Canada.

73. During the past ten years, the economy as a whole, and the mining industry in particular, have undergone considerable expansion, the value of mineral exports more than doubling between 1962 and 1967. Recent discoveries of extensive new mineral deposits, especially copper, indicate that this trend will continue and, indeed, have produced a marked upsurge of prospecting activity.

74. Since October 1960, when the General Assembly terminated the Mandate, a number of new mining and prospecting concessions have been granted both to companies already operating in Namibia and to new enterprises. In 1968, a consortium composed of three South African companies, together with the South African-owned Klein Aub Copper Company, obtained a prospecting concession covering 8,500 square miles between Rehoboth and the Botswana border, which is believed to contain one of the largest copper deposits in the world. Other companies which are reported to have recently begun prospecting for base minerals include the Navarro Exploration Company, Kennecott Copper Corporation, Bethlehem Steel Corporation and Rio Tinto Mining Corporation, all of the United States of America, Anglo-Vaal and Klipfontein Organissasie Products-Korporasie Bpk., both of South Africa.

75. Since 1967, the intensive search for petroleum being carried on in South Africa was extended to Namibia and resulted in the granting, in 1968 and early 1969, of concessions covering a total of almost 90,000 square miles to the following international companies or groups of companies: Shell and British Petroleum of the United Kingdom; De Beers Consolidated Mines of South Africa and Societe Nationale des Pétroles d'Aquitaine of France; Gulf Oil of South Africa (a wholly-owned subsidiary of Gulf Eastern Oil Company of the United States of America); Chevron Oil (a subsidiary of Standard Oil of California, United States); and a consortium consisting of H.M. Mining Exploration Company in association with Syracuse Oils of the United Kingdom and Woodford Oil and Gas Company Ltd. of Canada. It should be noted that except for some indications in the area of the Etosha National Park, no positive evidence has been reported of the existence of petroleum in Namibia and it appears that the search is mainly stimulated by the existence of oilfields in neighbouring Angola.

IV. THE INTRANSIGENT AND NEGATIVE ATTITUDE OF THE GOVERNMENT OF SOUTH AFRICA

76. Since the Council submitted its last report to the General Assembly, there has been no apparent change in the policy or attitude of the Government of South Africa, which steadfastly refuses to implement the resolutions of the General Assembly and the Security Council pertaining to Namibia and has continued, in blatant violation of those resolutions, to consolidate its illegal control over Namibia. During the past year, the Government of South Africa took further action to carry out those recommendations of the notorious Odendaal report, which called for the division of the Territory into separate racial "homelands" and the transfer to South Africa of most of the executive and legislative powers hitherto exercised by territorial bodies. While taking this action in total disregard of the resolutions of the United Nations, especially the provisions of Security Council resolution 204 (1965), which declared such action to be illegal, the Government of South Africa has also, in violation of Security Council resolutions 245 (1968) and 246 (1968), continued its illegal application of the Terrorism Act, 1907 to the Territory and has taken further action to repress Namibian freedom-fighters seeking their legitimate rights. Details of such actions taken by the Government of South Africa since the submission of the Council's previous report are set out below.

A. Development of "homelands" and transfer of powers from the territorial government to the Republic of South Africa

77. In implementation of the recommendations of the Odendaal Commission, the South African Parliament, on 3 June 1968, had passed the Development of Self-Government for Native Nations in South West Africa Act, establishing six areas for "self-governing native nations" and providing for the establishment of so-called legislative councils and executive governments therein.

78. In October 1968, one of these "homelands", Ovamboland, was established with its own constitution, legislative council and executive government, and began exercising limited powers in several areas, subject to the approval of the State President of the Republic of South Africa. Steps for the establishment of Damaraland, Hereroland, Kaokoland, Okavangoland and Eastern Caprivi were also presumably being taken, although, possibly because of opposition among the people concerned, there were few new developments in that direction during the period under review.

79. A subsequent step taken by the South African Government towards the dismemberment of the Territory, virtually equivalent in its effects to the incorporation of that portion of the Territory allocated for settlement by "Whites" under the Odendaal Plan into the Republic of South Africa, was the enactment of legislation in March 1969 transferring a major part of the legislative, administrative and financial powers exercised by the territorial government to the Republic of South Africa.

80. By the terms of this legislation, the South West Africa Affairs Act, 1969, the powers of the territorial government were reduced to a level corresponding to those vested in the provincial governments of the Republic and restricted to matters dealing with the "White" population. All authority over the "non-White" groups not yet administered by the South African Government, namely, the Rehoboth Basters, the Coloureds and the Namas, was transferred to the Department of Coloured Affairs of the Republic of South Africa, which is to administer the three groups separately on the basis of their ethnic differences until the ultimate goal of the establishment of separate self-governing communities is attained.

81. Specifically, apart from matters dealing with the "non-White" population, the South West Africa Affairs Act prohibits the "Legislative Assembly of South West Africa" from passing ordinances in any of the following areas: justice; prisons or prisoners; mining; forestry; surveying of deeds; agriculture; companies; fishing; censorship; labour; taxes on income, except for personal income tax and taxes on foreign shareholders; riotous assembly and engendering feelings of hostility between various racial groups; and education, health and veterinary services for Africans. The Act transfers the administration of these matters to the appropriate minister in the Republic and vests the power to legislate for the Territory by proclamation in the State President of the Republic, who is also empowered to repeal or amend any law concerning these matters already in force in the Territory. The powers of the "Administrator" of the Territory and the "Executive Council" to deal with all matters except those delegated to the "Legislative Assembly" are similarly rescinded.

82. With regard to financial matters, the Act merges the financial affairs of the Territory with those of the Republic by authorizing taxes levied in the Republic to be extended to the Territory and establishing, within the Consolidated Revenue Fund of the Republic, a "South West Africa Account" consisting of all revenue from the Territory derived from sources over which the South African Government has legislative or administrative control.

83. Opponents of this policy, namely, the opposition parties in both Namibia and the Republic of South Africa, have criticized the combined effects of these two acts as economically calamitous to the Territory as a whole and to the "self-governing homelands" in particular. The latter are considered to be economically unviable, both because of the shortage of natural resources and smallness of the groups involved, who, apart from the Ovambos, range in numbers from 2,600 Tswana to 29,000 Okavangos.

84. Steps towards the implementation of the provisions of the South West Africa Affairs Act relating to the separate development of the Coloureds, Basters and Namas began to be taken by the South African Government upon final passage of the Act in the spring of 1969. On 30 May, the South African Government introduced a Bill providing for the establishment of an Investment and Development Corporation for the Rehoboth Gebiet in which the only shareholder would be the State. This body came into being on 1 September over strenuous objections by the Rehoboth Basterraad, the governing body of the community, to the effect that, contrary to existing law and custom, the Corporation would have the power to acquire, own and dispose of land and require Rehoboth burgers to own land in order to be acknowledged as citizens. The Basterraad stated that it was in no

way opposed to development, but that it could not accept legislation drawn up without its consent and which would reduce the Basters to a subordinate status in their own homeland.

85. In regard to the Namas, it was reported in September 1969 that the Government had finally relocated almost the whole Nama community, numbering 40,000, in "Namaland" and had drawn up plans for a legislative council and a chiefs council gradually to take over legislative authority and administrative functions from the Department of Coloured Affairs. The "Namaland" residents were described as being mainly subsistence farmers.

B. Hoachanas

86. In January 1969, information was received by the Council concerning the impending forced removal of 1,000 Rooinasie Nama residents of the Hoachanas reserve from their traditional homeland to a barren area some 200 miles away. According to a letter addressed to the Council by the Reverend Markus Kooper, representative of the South West Africa United National Independence Organization (SWAUNIO) and headman of the Rooinasie Namas, the South African Government had made this decision to remove the residents of Hoachanas in September 1968, immediately after the removal of the residents of the Windhoek Old Location to Katutura, which was referred to in the Council's previous report. ^{18/} He expected that the Government would force the Namas to move against their will by first removing the more than 200 school children and their eight teachers, probably during January 1969.

87. Mr. Kooper stated in his letter that the Hoachanas reserve, located in one of the best farming areas of the Territory, had been the home of the Rooinasie Namas since time immemorial and, during the time of the German colonial administration, had been proclaimed an inalienable reserve of 50,000 hectares. In 1925, a total of 36,000 hectares had been fenced off by the South African Government and given to "White" farmers, and attempts had since been made to acquire the remaining 14,000 hectares.

88. On 24 January 1969, the United Nations Council for Namibia granted the Reverend Kooper's request for an oral hearing. During the course of the hearing, he stated that the people of Hoachanas were afraid that, unless immediate steps were taken by the United Nations, bloodshed and violence might result. He appealed to the Council to reaffirm that the residents of Hoachanas were the true descendants of the original inhabitants of Hoachanas and could not be moved from that land without their freely expressed wish, and to call upon the South African Government to allow the children to remain. If the Government of South Africa disregarded that appeal and proceeded to remove the children, he asked that the matter should be referred to the Security Council. He also asked the Council to appeal to South Africa to restore to its original owners the 36,000 hectares at present occupied by "White" settlers.

^{18/} Official Records of the General Assembly, Twenty-third Session, agenda item 64, document A/7338 and Corr. 1, paras. 12-16.

89. Following the hearing, the Council authorized the issuance of a press release on 24 January stating that it had received information to the effect that the South African authorities were planning to remove children of the Rooinasie Namas from the Hoachanas reserve to a new location in "Namaland" in the belief that the parents would be forced to follow them. Recalling that the General Assembly, in its resolution 1357 (XIV) of 17 November 1959, had urged the Government of South Africa to desist from carrying out the removal of these people, the Council drew attention to the illegality of such action following the adoption of General Assembly resolution 2145 (XXI) of 27 October 1966.

C. Action taken with respect to the Terrorism Act, 1967

90. In its previous report, 19/ the Council informed the General Assembly of the appeal against their sentence by thirty-one Namibians, all members of the South West Africa People's Organization (SWAPO), who had been arrested in the Territory on charges under the illegal South African Terrorism Act, 1967, deported to South Africa and, after a long detention, tried and convicted in Pretoria for alleged "terrorist activities", in violation of General Assembly resolution 2324 (XXII) of 16 December 1967 and Security Council resolutions 245 (1968) of 25 January 1968 and 246 (1968) of 14 March 1968.

91. It will be recalled that the appeal was based on the fact that, since the Terrorism Act had been enacted after the adoption of General Assembly resolution 2145 (XXI), which terminated the Mandate, South Africa no longer had any authority in the Territory and no power to legislate therein.

92. In November 1968, in further defiance of the authority of the United Nations, the Appellate Division of the South African Supreme Court in Bloemfontein rejected the appeal on the grounds that it had no authority to pronounce on the legality of the application of the law to "South West Africa". On a secondary appeal for reduction of sentence by eleven of the convicted Namibians, the Court reduced the sentences of five of the Namibians from life to twenty years and confirmed the twenty-year sentence passed on the six others.

93. Following the Court's ruling, the United Nations Council for Namibia reiterated and reaffirmed the statement issued by its President on 27 September (A/7249) in which he indicated that, following the adoption of General Assembly resolution 2145 (XXI) of 27 October 1966, the Council was the only legal authority charged with the administration of the Territory, that South Africa had no right to legislate for or exercise any administration over the Territory and that, consequently, the thirty-one Namibians should be immediately released and repatriated. The Council's position was made known to the President of the General Assembly and the President of the Security Council. 20/

94. On 1 July 1969, in continued violation of the above-mentioned resolutions, eight more Ovambos were brought to trial before the Supreme Court in Windhoek on charges under the South African Terrorism Act of 1967 and two alternative charges under the Suppression of Communism Act, 1950. The accused were reported

19/ Ibid., paras. 17-19.

20/ Ibid., document A/7365, S/8908.

to have been detained in the Central Prison for periods up to three years, to have been informed of the charges against them only on 22 February 1969, and to have been subsequently returned to Windhoek for trial.

95. As set out in the indictment, the accused, between 27 June 1962 and 26 January 1968, were alleged to have received training in guerrilla warfare and, inter alia, solicited other persons to receive such training, conspired with SWAPO to cause or promote a violent revolution or violent opposition to the Government, conspired to kill three Ovambo chiefs, killed a chief's bodyguard and smuggled weapons, firearms and ammunition to "South West Africa" and to have committed arson, robbery and attempted murder.

96. All the defendants pleaded not guilty to the charges.

97. On 23 July, the President of the Council for Namibia addressed a letter to the President of the Security Council, 21/ inter alia, expressing great concern at the Government of South Africa's continued flouting of the Security Council's authority as evidenced by the steps it was continuing to take towards dismembering the Territory and by the illegal trials of Namibians under the Terrorism Act, 1967. The President stated that, in the circumstances, the United Nations Council for Namibia had unanimously concluded that the Security Council should take urgent measures to ensure the speediest possible implementation of its resolution 264 (1969).

98. On 20 August, six of the accused were found guilty as charged under the illegal Terrorism Act; five were subsequently sentenced to life imprisonment and the sixth Namibian sentenced to imprisonment for a term of eighteen years. An application by the six Africans for leave to appeal against their sentences and convictions was to be heard on 23 October by the Judge President of "South West Africa".

D. Question of refugees

99. In its last report to the General Assembly, the Council indicated the existence of a serious situation in the Caprivi Strip between June and December 1968. During these months, continuing clashes between South African police and freedom-fighters were believed to have resulted in the death of forty-six Namibians and the arrest of 117 others. At its meeting on 28 October 1968, the Council had condemned these atrocities and drawn the urgent attention of the Security Council to the serious situation which had arisen as a result of these illegal actions of the South African Government. 22/

100. According to reports subsequently received by the Council, as a result of the fighting, about 1,000 Africans from the area had been forcibly expelled to Zambia and about sixty others had sought asylum in Botswana.

21/ S/9352.

22/ S/8867.

101. On 25 November 1968, the United Nations High Commissioner for Refugees, with whom the Council is in close and continuous contact, informed the Executive Committee of the High Commissioner's Programme that he had granted a total of \$29,000 from his Emergency Relief Fund to the Government of the Republic of Zambia to permit that Government to provide relief measures for those Namibians in Zambia as well as some 3,600 Angolan refugees. The refugees being assisted under the grant would be settled in the existing Mayukwayukwa refugee settlement.

102. On 9 February 1969, while in East Africa, the mission of the Council for Namibia, with the agreement of the Government of Zambia and through the co-operation of the representative of the High Commissioner for Refugees in Zambia, visited a refugee reception camp at Senanga, about 300 miles from Lusaka, where about 400 refugees from the Caprivi Strip were located, and held interviews with a number of refugees. The refugees interviewed stated that they were well taken care of and satisfied considering the circumstances, but that they were determined to return to their own country as soon as it was free. It seemed to the mission that their accommodation, although provisional, was adequate.

103. In discussions with the representative of the United Nations High Commissioner in Lusaka and with government officials, the mission was given to understand that similar conditions prevailed in the two other camps in Zambia where refugees from the Caprivi Strip had been temporarily located.

V. IMPLEMENTATION OF RELEVANT RESOLUTIONS OF THE
GENERAL ASSEMBLY AND THE SECURITY COUNCIL

104. In paragraph 44 of its last report to the General Assembly, the Council drew attention to the implications of the continued and intensified defiance by South Africa of all United Nations decisions concerning Namibia. Expressing its concern that the trend of developments in the Territory had already aggravated the serious threat to international peace and security in the area and pointing to the distinct likelihood of an outbreak of violence and racial war on an unprecedented scale, the Council was convinced that the responsibility of the United Nations to avert this threat must be exercised resolutely and without delay. It accordingly recommended that the Assembly should request the Security Council to take effective measures, including, as appropriate, those provided for under Chapter VII of the Charter of the United Nations, to secure the withdrawal of South Africa from the Territory so as to enable the people of Namibia to achieve their independence at the earliest possible date.

105. After examining the Council's report, the General Assembly, by its resolution 2403 (XXIII), drew the attention of the Security Council to the serious situation prevailing in Namibia and recommended to the Security Council that it urgently take all effective measures, in accordance with the relevant provisions of the Charter, to ensure the immediate withdrawal of South African authorities from the Territory.

106. It will be recalled that the Security Council, in its resolutions 245 (1968) and 246 (1968), dealing with the illegal trial and sentencing of a group of Namibians in violation of the international status of the Territory and of the rights of the individuals concerned, had recognized that the United Nations, and the Council specifically, have a special responsibility towards the people and Territory of Namibia. The adoption by the Council in 1969 of two further resolutions (see below) dealing with the question of Namibia constituted a significant first step towards obtaining compliance by the Government of South Africa with the terms of resolutions 2145 (XXI), 2248 (S-V) and other relevant resolutions of the General Assembly, in particular resolution 1514 (XV), and thus averting the serious consequences of non-compliance to which the United Nations Council for Namibia has referred.

107. By resolution 264 (1969), adopted on 20 March 1969, the Security Council, inter alia, reaffirmed "its special responsibility towards the people and Territory of Namibia" and called upon the Government of South Africa "to withdraw immediately its administration from the Territory". In addition, the Security Council invited all States to exert their influence in order to obtain South Africa's compliance and decided that, "in the event of failure on the part of the Government of South Africa to comply with the provisions of the present resolution, the Security Council will meet immediately to determine upon necessary steps or measures in accordance with the relevant provisions of the Charter of the United Nations".

108. The response of the Government of South Africa to the above resolution was set out in statements by the South African Minister for Foreign Affairs and the Prime Minister, the texts of which were transmitted to the Secretary-General under cover of a letter from the Minister for Foreign Affairs dated 30 April 1969. This letter and the annexes thereto clearly indicated that the Government of South Africa was not willing to comply with resolution 264 (1969).

109. Following receipt of the Secretary-General's report on the implementation of resolution 264 (1969, 23/ which contained the response of the South African Government, the Security Council, at the request of the eleven Member States comprising the United Nations Council for Namibia, resumed its consideration of the question. On 12 August 1969, the Security Council adopted resolution 269 (1969) whereby it, inter alia:

"Condemns the Government of South Africa for its refusal to comply with resolution 264 (1969) and for its persistent defiance of the authority of the United Nations;

...

"Calls upon the Government of South Africa to withdraw its administration from the Territory immediately and in any case before 4 October 1969;

"Decides that in the event of failure on the part of the South African Government to comply with the provisions of the preceding paragraph of the present resolution, the Security Council will meet immediately to determine upon effective measures in accordance with the appropriate provisions of the relevant chapters of the United Nations Charter;...".

In other provisions of the resolution, the Security Council called upon all States to refrain from all dealings with the Government of South Africa purporting to act on behalf of Namibia and requested them to increase their moral and material assistance to the people of Namibia in their struggle against foreign occupation.

110. The Secretary-General's report on the implementation of resolution 269 (1969), which was submitted to the Security Council on 3 October 1969, 24/ contained a lengthy reply from the Minister for Foreign Affairs of South Africa in which he again set forth the arguments based on fallacious legal reasoning and the distortion of historical facts, which his Government had previously adduced for contesting the validity of General Assembly resolution 2145 (XXI) and added that the same reasons applied with equal force to all subsequent resolutions of the United Nations, including those of the Security Council, which were based on that resolution. In short, the reply made it clear that the Government of South Africa would not comply with Security Council resolution 269 (1969) and would not withdraw its administration from Namibia.

23/ S/9204 and Add.1.

24/ S/9463. See also S/9463/Add.1.

111. During 1969, the United Nations Council for Namibia, mindful of its responsibilities under General Assembly resolution 2248 (S-V), continued to apprise the Security Council of developments concerning Namibia which, in its opinion, required consideration or action by the latter. In the course of the year, the Council for Namibia has to date transmitted four communications to the Security Council. 25/ In a recent letter, dated 10 October 1969, 26/ the Council expressed its grave concern at the defiant and negative response of the Government of South Africa to Security Council resolution 269 (1969) and voiced its unanimous opinion that the persistent refusal by South Africa to comply with the decisions of the Security Council in violation of Article 25 of the Charter of the United Nations would inevitably aggravate a situation which already constitutes a serious threat to international peace and security in southern Africa. The Council for Namibia accordingly drew the attention of the Security Council to the urgent need for effective action by the latter to give effect to its resolution 269 (1969).

112. In addition to the above, the members of the Council for Namibia, acting in their individual capacities as representatives of Member States, have been active in bringing the question of Namibia before the Security Council and have participated in the latter's consideration of the question.

113. In the light of the foregoing information, it need scarcely be emphasized that the efforts of the United Nations, including those of the Security Council, have so far produced no change in the totally negative attitude of South Africa concerning the question of Namibia. The defiant refusal by that Government to comply with the provisions of resolution 2145 (XXI) and subsequent resolutions of the General Assembly and, even more particularly, with the resolutions of the Security Council, can only contribute to further aggravating the very serious threat to international peace in the area to which the United Nations Council for Namibia drew attention in its previous report.

25/ S/9032, S/9352, S/9420 and S/9471.

26/ S/9471.

VI. CONCLUSIONS

114. During the past year, the South African Government has continued its defiance of the United Nations and world public opinion. Such defiance has taken on new and dangerous dimensions as a result of South Africa's actions, particularly its enactment of the South West Africa Affairs Act, 1969, which violates the separate status of Namibia, thus purporting to incorporate the Territory into the Republic of South Africa.

115. In pursuance of its policies, South Africa has violated persistently the resolutions of the General Assembly, which required it not to destroy the national unity and territorial integrity of Namibia. At the same time and equally contrary to the expressed injunctions of the United Nations consonant with the expressed wishes of the people of Namibia, it has further implemented its policy of dismembering the Territory through its scheme for the creation of separate "bantustans" in Namibia.

116. Apart from these legislative measures, the general tenor of South Africa's actions in the Territory has become more and more oppressive of the people of Namibia. Tensions have mounted and punitive measures have increased in scope and severity. Thus the situation resulting from South Africa's recalcitrance is not only subversive of an international order based on law, but constitutes a denial of the human rights and fundamental freedoms of the people of Namibia.

117. In these circumstances, it is both understandable and gratifying to note that the activities of the liberation movement are increasing. Living under a most repressive régime, which employs military and police forces to oppress them, the people of Namibia have scored heroic deeds of resistance, particularly in view of the insufficient material means available to them. The sacrifices and losses of the people of Namibia are a constant reminder to the world that the assertions of the South African authorities that all is well in the Territory are not based on fact or reality. The forcible expulsion and flight of thousands of Namibians into neighbouring countries is an indication of the oppression and consequent unrest and tension prevailing in the Territory.

118. In its annual report last year, the United Nations Council for Namibia pointed to the danger of escalation of violence, racial war and to the threat to international peace and security in the area. Recent developments have confirmed this warning.

119. The Council for Namibia considers that an important development in regard to the Namibian question during 1969 has been the adoption by the Security Council of resolutions 264 (1969) and 269 (1969), which called for the immediate withdrawal of South Africa from Namibia. By the former, the Security Council, inter alia, recognized "that the United Nations General Assembly terminated the Mandate of South Africa over Namibia and assumed direct responsibility for the Territory until its independence" and, by the latter, it recognized "the legitimacy of the struggle of the people of Namibia against

the illegal presence of the South African authorities in the territory". By adopting these two resolutions, the Security Council took the first steps towards the fulfilment of its responsibilities towards the people and Territory of Namibia.

120. The Council for Namibia considers that the basic condition for the fulfilment of the United Nations responsibilities towards Namibia is the application of effective measures to ensure the immediate removal of South Africa's presence from the Territory.

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