

GENERAL ASSEMBLY

**OFFICIAL RECORDS
TWENTY-THIRD SESSION**

Agenda item 64

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



UNITED NATIONS

GENERAL ASSEMBLY

**OFFICIAL RECORDS
TWENTY-THIRD SESSION**

Agenda item 64

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



UNITED NATIONS

New York, 1968

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.

CONTENTS

| | <u>Paragraphs</u> | <u>Page</u> |
|--|-------------------|-------------|
| LETTER OF TRANSMITTAL | | v |
| INTRODUCTION | 1 - 3 | 1 |
| I. THE INTRANSIGENT AND NEGATIVE ATTITUDE OF THE GOVERNMENT OF SOUTH AFRICA | 4 - 21 | 2 |
| A. The creation of "Bantustans" | 5 - 11 | 2 |
| B. Question of the forcible removal of Africans from the Old Location, Windhoek, to Katutura | 12 - 16 | 3 |
| C. Implementation of General Assembly resolution 2324 (XXII) on the illegal arrest, deportation and trial of thirty-seven South West Africans in South Africa | 17 - 19 | 5 |
| D. Arrest and killing of Namibians in the Caprivi Strip | 20 - 21 | 6 |
| II. ACTIVITIES OF THE COUNCIL | 22 - 42 | 7 |
| A. Working groups established by the Council | 23 - 24 | 7 |
| B. The question of travel documents | 25 - 27 | 7 |
| C. Consultations and co-operation with the specialized agencies and other organs of the United Nations | 28 - 31 | 8 |
| D. Education and training programme for Namibians . . . | 32 - 37 | 9 |
| E. Other questions under active consideration by the Council | 38 - 42 | 10 |
| 1. Review of the laws and practices established in the Territory by the Government of South Africa | 38 - 40 | 10 |
| 2. Participation of the people of Namibia in the work of the Council | 41 - 42 | 11 |
| III. CONCLUSIONS | 43 - 44 | 12 |
| IV. RECOMMENDATIONS | 45 | 13 |

LETTER OF TRANSMITTAL

14 November 1968

Sir,

I have the honour to transmit herewith the third 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 52nd meeting, on 13 November 1968.

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-third 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 to administer the Territory and entrusted to it certain specific functions to be discharged in 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. The Council has already submitted two reports to the General Assembly. 2/ This third report covers the period from 5 May to 13 November 1968.

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

2/ Ibid., documents A/6897 and A/7088.

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

4. In its second report,^{3/} the Council reported a significant number of important actions of the Government of South Africa in blatant violation of the resolutions of the General Assembly and of the Security Council. In the period which has intervened since the submission of the Council's last report, the Government of South Africa has further demonstrated its obstinate refusal to implement decisions of the United Nations and has persisted with and intensified actions calculated to consolidate its illegal control over Namibia and to destroy the unity of the people and the territorial integrity of the Territory. Major developments in this field are listed below.

A. The creation of "Bantustans"

5. The General Assembly, in paragraph 7 of resolution 2145 (XXI), had called upon the Government of South Africa forthwith to refrain and desist from any action, constitutional, administrative, political or otherwise, which would in any manner whatsoever alter or tend to alter the present international status of South West Africa. The General Assembly reiterated this position in resolution 2248 (S-V), section I, and in subsequent resolutions adopted during the twenty-second session.

6. In its previous report,^{4/} the Council informed the General Assembly that the South African Government, in defiance of General Assembly resolutions, had introduced a bill in the South African Parliament to empower it to implement its policy of establishing so-called separate homelands (Bantustans) in South West Africa.

7. Subsequently, on 27 May 1968, the President of the Council informed the General Assembly ^{5/} to the effect that the South African Government was proceeding with legislative action with a view to securing parliamentary approval of this bill. In the meantime, in anticipation of the enactment of such "legislation", the South African Government had already undertaken certain steps, including the forcible removal of large sections of the indigenous inhabitants of Namibia from their original homes despite their resolute opposition and resistance to these moves. It is envisaged that once the bill was adopted, some 59,000 Demaras and 24,000 Hereros would be uprooted from their present homes to be relocated elsewhere in the Territory. The bill became "law" on 6 June 1968.

^{3/} Ibid., document A/7088, section II.

^{4/} Ibid., document A/7088, para. 49.

^{5/} A/7101. For the printed text of this document, see Official Records of the Security Council, Twenty-third Year, Supplement for April, May and June 1968, document S/8600.

8. Under the "Act", six areas have been designated as "Areas for native nations", namely, Damaraland, Hereroland, Kaokoland, Okavangoland, Eastern Caprivi and Ovamboland. The Act further provides for the establishment of "Legislative Councils" and "Executive Governments" and other quasi-constitutional arrangements and procedures. The ultimate legislative and executive powers remain, however, vested in the State President of South Africa.

9. In implementation of this Act, the South African Government promulgated, on 2 October 1968, the constitution of a Legislative Council for Ovamboland, with an Executive Council headed by a Chief Councillor, by a proclamation in the Government Gazette Extraordinary. The Legislative Council met on 17 October 1968 at Oshakati.

10. In view of these developments, the Council on 10 October 1968 addressed a letter to the Security Council 6/ expressing its serious concern about the continuing efforts by the Government of South Africa to dismember the Territory in defiance of the direct responsibility of the United Nations for the Territory. The Council considered that the latest actions of the South African Government were calculated to destroy the unity of the people and the territorial integrity of Namibia in violation of paragraph 7 of resolution 2145 (XXI), section I of resolution 2248 (S-V), paragraph 4 of resolution 2325 (XXII) and paragraph 7 of resolution 2372 (XXII).

11. Mindful of its responsibilities under the relevant provisions of General Assembly resolutions 2145 (XXI), 2248 (S-V) and 2325 (XXII), as well as Security Council resolution 246 (1968) of 14 March 1968 by which the Security Council took cognizance of its special responsibility towards the people of the Territory of South West Africa (Namibia), the Council informed the Security Council that it had unanimously decided to draw 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.

B. Question of the forcible removal of Africans from the
Old Location, Windhoek, to Katutura

12. It will be recalled that the question of removal of non-whites from their homes in Windhoek to the segregated area of Katutura first arose in 1959 and was the subject of General Assembly resolution 1567 (XV) of 18 December 1960. Since that time, and particularly during the summer of 1968, the South African authorities continued with further legislative and administrative actions aimed at the complete removal and destruction of the Old Location of Windhoek. 7/

6/ Official Records of the Security Council, Twenty-third Year, Supplement for October, November and December 1968, document S/8846.

7/ A background paper concerning the forcible removal of non-white Namibians to Katutura is contained in the Official Records of the Security Council, Twenty-third Year, Supplement for July, August and September 1968, document S/8729, annex II.

13. On 24 July 1968, the President of the Council received a letter from the Secretary-General forwarding a message from Mr. Clemens Kapuuo, Chief Designate of the Hereros, to the effect that non-white Namibians were being forcibly removed from their homes in the Old Location and requesting the Secretary-General to convene a meeting of the Security Council "to take measures in order to prevent the South Africans from proceeding with this action ...". 8/

14. The Council considered this matter at its 34th to 36th meetings, on 25 July and 5 August 1968, and decided to bring the message of Mr. Clemens Kapuuo to the attention of the Security Council. In its letter of 5 August 1968 to the Security Council, 9/ the Council concluded that the latest actions of the South African Government constituted further evidence of South Africa's continuing defiance of the authority of the United Nations and a further violation of General Assembly resolutions 2145 (XXI), 2248 (S-V), 2325 (XXII) and 2372 (XXII). The Council considered that these actions by the Government of South Africa were designed to consolidate its illegal control over Namibia and to destroy the unity of the people and the territorial integrity of Namibia. It recalled that such actions had been specifically condemned under paragraph 7 of General Assembly resolution 2372 (XXII). Therefore, the Council, in accordance with its responsibilities under the relevant provisions of General Assembly resolutions 2145 (XXI), 2248 (S-V) and 2325 (XXI), as well as Security Council resolution 246 (1968) of 14 March 1968 by which the Security Council had taken cognizance of its special responsibility towards the people of the Territory, drew the attention of the Security Council to the serious situation which had arisen as a result of these illegal actions of the South African Government.

15. Subsequently, at its 37th meeting on 23 August, the Council, at his request, granted a hearing to Mr. Festus U. Muundjua, Chief Representative of the South West Africa National Union (SWANU) in the United States, concerning this matter. Mr. Muundjua suggested that the Council set up a legal defence fund to meet the legal expenses of persons arrested on grounds of refusal to move to Katutura and that emergency aid be provided in the form of food, medication and sanitation. 10/

16. On the eve of the day on which the deproclamation of the Old Location was to become effective, the Council authorized its President to issue a statement (see A/7198) which condemned in the strongest possible terms the forcible removal of non-whites to Katutura and called upon the South African authorities to desist forthwith from implementing the removal plan. In the statement the Council, at the same time, appealed to Member States to exert every possible influence to persuade South Africa to desist from pursuing its illegal plans, which would cause widespread suffering to a people already victims of the most inhuman oppression.

8/ Official Records of the Security Council, Twenty-third Year, Supplement for July, August and September 1968, document S/8729, annex I.

9/ Ibid., document S/8729.

10/ A/AC.131/SR.37.

C. Implementation of General Assembly resolution 2324 (XXII)
on the illegal arrest, deportation and trial of thirty-
seven South West Africans in South Africa

17. South Africa's illegal arrest, deportation, trial and conviction of Namibian patriots in flagrant defiance of the authority of the United Nations, as described in the last report of the Council, 11/ was censured and condemned by General Assembly resolution 2324 (XXII) of 16 December 1967 and Security Council resolutions 245 (1968) and 246 (1968), which inter alia called upon and demanded that the Government of South Africa forthwith release and repatriate the Namibians concerned.

18. In compliance with the General Assembly's and Security Council's request to report on the implementation of these resolutions, the Secretary-General, in his report of 30 March 1968, 12/ transmitted to the Security Council a communication dated 27 March 1968 in which the Minister of Foreign Affairs of the Republic of South Africa stated that the "convicted terrorists cannot be released nor can their release be discussed". Additional reports 13/ were submitted to the General Assembly and to the Security Council containing replies of Member States and international organizations on the implementation of the above-mentioned resolutions. A number of Member States maintaining diplomatic relations with the Government of South Africa informed the Secretary-General that they had made strong representations expressing their grave concern at the illegal trial; some of them had also addressed appeals to that Government to release and repatriate the Namibians concerned.

19. Despite these efforts the South African Government has failed to release and repatriate the Namibian patriots. Accordingly, the thirty-one Namibians convicted and sentenced earlier by the South African High Court appealed their sentences on the ground that a South African Court did not have jurisdiction over South West Africans since South Africa's Mandate over the Territory was terminated by the General Assembly of the United Nations. The Council has no information concerning the disposal of this appeal. The Council considered once again the question of the illegal arrest, deportation and trial of Namibians at its 44th meeting, on 27 September 1968, and authorized its President to issue a statement indicating that the Council, as the only legal authority charged with the administration of the Territory, reiterated and reaffirmed that after the adoption of General Assembly resolution 2145 (XXI) of 27 October 1966 Namibia

11/ Official Records of the General Assembly, Twenty-second Session, Annexes,
agenda item 64, document A/7088.

12/ Official Records of the Security Council, Twenty-third Year, Supplement for
January, February and March 1968, document S/8506, annex I.

13/ A/7045 and Add.1-26. For the printed text of these documents, see Official
Records of the Security Council, Twenty-third Year, Supplement for January,
February and March 1968, documents S/8357 and Add.1-20; *ibid.*, Supplement
for April, May and June 1968, documents S/8357/Add.21-25; and *ibid.*,
Supplement for July, August and September 1968, document S/8357/Add.26.

had come under the direct responsibility of the United Nations and 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 statement was forwarded to the President of the General Assembly for the information of its members (A/7249).

D. Arrest and killing of Namibians in the Caprivi Strip

20. The Council, at its 46th meeting on 25 October 1968, considered information it had received on the serious situation in the Caprivi Strip, to the effect that the South African police have killed forty-six Namibians and arrested 117 others in the Caprivi Strip. The Council condemned these atrocities and considered it imperative that urgent action should be taken to prevent the further massacre of Namibians struggling for their freedom. Accordingly, the Council, mindful of its responsibilities under the relevant provisions of General Assembly resolutions 2145 (XXI) of 27 October 1966, 2248 (S-V) of 19 May 1967 and 2325 (XXII) of 16 December 1967, as well as Security Council resolution 246 (1968) of 14 March 1968 by which the Security Council had taken cognizance of its special responsibility towards the people of the Territory, drew 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. 14/

21. The Council also brought these developments to the notice of the Secretary-General. The Council is considering the possibility of the International Red Cross rendering assistance with a view to alleviating the distress to which Namibians are being subjected by the South African authorities.

14/ Official Records of the Security Council, Twenty-third Year, Supplement for October, November and December 1968, document S/8867.

II. ACTIVITIES OF THE COUNCIL

22. During the period covered by this report, the Council held twenty-one meetings.

A. Working groups established by the Council

23. The Ad Hoc Committee established at the 6th meeting of the Council on 22 November 1967 is composed of the representatives of Guyana (Chairman), India, the United Arab Republic and Yugoslavia. The Ad Hoc Committee's mandate was further defined under the provisions of paragraph 2 of General Assembly resolution 2325 (XXII) and paragraph 4 (c) of resolution 2372 (XXII). It continued to study, with the assistance of the Acting United Nations Commissioner for Namibia, the political, legal and administrative aspects of the question of the issuance of travel documents for Namibians and submitted a number of reports to the Council (see section II B below).

24. At its 34th meeting on 25 July 1968, the Council established a Sub-Committee for the implementation of paragraph 4 (a) and (b) of General Assembly resolution 2372 (XXII) and appointed Colombia, Nigeria, Pakistan and Zambia as members. At its first meeting, the Sub-Committee elected the representative of Colombia as Chairman. Reference to its report is made in sections II C and D below.

B. The question of travel documents

25. The Council for Namibia considered a number of interim reports submitted by the Ad Hoc Committee on the Question of Travel Documents. The Council has proceeded on the basis that travel documents to be issued by the Council must ensure the right of return of the Namibians to whom they have been issued to a particular country if they are to be effective. The Council has approached the Governments of the United Republic of Tanzania and Zambia for necessary facilities in this regard in view of the fact that most Namibians abroad are currently resident in these countries. Consultations with the Governments of the United Republic of Tanzania and Zambia, which have agreed with the scheme in principle, are in progress. Since issues relating to the modalities for the issuance of travel documents and the grant of the right of return of Namibians to the United Republic of Tanzania and Zambia require to be examined in greater detail in consultation with the Governments of those countries, the Council has decided to depute a small delegation consisting of the Acting Commissioner for Namibia and one or two members of the Council to visit Dar es Salaam and Lusaka and other African capitals as appropriate for intensive discussions on the spot in order to achieve an expeditious solution to this pressing problem.

26. The Council, conscious that the responsibility for the grant of the right of return to Namibians cannot be confined to the Governments of the United Republic of Tanzania and Zambia, has decided, while pursuing discussions with these Governments on an urgent basis, to approach, as appropriate, other Governments

including those of countries in which Namibians are now resident, to consider the possibility of granting residence rights to Namibians.

27. The Council has at the same time, pending the finalization of these arrangements, requested the Secretary-General to address a communication to all Members of the United Nations and the 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, 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.

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

28. The General Assembly, in paragraph 4 (a) of resolution 2372 (XXII), decided that the Council would perform as a matter of priority, inter alia, the following function:

"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."

29. The Council, in considering the provisions of this directive of the General Assembly, noted that the Secretary-General on 24 June 1968 had transmitted the text of the resolution to the specialized agencies and to the United Nations High Commissioner for Refugees, drawing attention to this particular paragraph, which contained a reference to the role to be played by the specialized agencies and other appropriate organs of the United Nations in drawing up an emergency assistance programme.

30. The Secretary-General has so far received an acknowledgement of this communication from eight of the specialized agencies and the Office of the High Commissioner for Refugees. One of the specialized agencies, the World Health Organization, confirmed its assurance that it was ready to co-operate within its constitutional functions and capacities in the programme envisaged by the General Assembly when the specific requirements of that programme were known. A communication was also received from the United Nations Educational, Scientific and Cultural Organization declaring that it stood ready to extend co-operation where appropriate to assist the United Nations Council for Namibia. 15/

31. On the basis of a report of the appropriate Sub-Committee, the Council has concluded that, under the terms of the resolution, the initial and primary responsibility for establishing a co-ordinated programme rests with the Council

15/ A/7171, sections III and IV; and A/7171/Add.2. For the printed text of these documents, see Official Records of the Security Council, Supplement for July, August and September 1968, document S/8737, sections III and IV; and S/8737/Add.2.

and that the specialized agencies would merely be required to support this effort. The Council accordingly decided at its 44th meeting, on 27 September 1968, that an outline of a co-ordinated emergency programme should be prepared, and requested the Acting Commissioner to approach the specialized agencies and other organs of the United Nations to seek the assistance of experts in the preparation of this programme. Necessary action in this regard is in hand.

D. Education and training programme for Namibians

32. The Sub-Committee referred to in section II C above was also entrusted with the submission of proposals for the implementation of paragraph 4 (b) of General Assembly resolution 2372 (XXII) of 12 June 1968.

33. This Sub-Committee in discharge of its mandate considered the import of the relevant provisions of resolutions 2349 (XXII) and 2372 (XXII). Under the former resolution, adopted on 19 December 1967, the special educational and training programmes for South West Africa were consolidated with those for other territories in southern Africa. Under paragraph 4 (b) of resolution 2372 (XXII), the General Assembly had decided on 12 June 1968 that the Council for Namibia should, as a matter of priority, "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".

34. The Sub-Committee at its request received from the Office of Technical Co-operation a paper on the Consolidated Educational and Training Programme for Southern Africans giving the number of awards to Namibians during its period of operation as well as the present status of the Consolidated Programme. The Sub-Committee also met with the Director of the Programme. The documentation received was transmitted by the Sub-Committee to the Council.

35. The Council remains conscious of the need to establish a separate training programme for Namibians under the Council's control. However, the Council is also aware that the establishment of such a programme would raise certain administrative, financial and supervisory problems which would require to be examined and resolved. It authorized the Sub-Committee to continue its examination of these aspects of its mandate.

36. In the meantime, and pending the actual establishment of a separate education and training programme for Namibians by the Council and in order to avoid duplication of administrative machinery, the Council concluded that it would not be advisable at the present time to alter the existing administrative arrangements of the Consolidated Educational and Training Programme. In this connexion, the Council took into consideration the fact that the Consolidated Programme is itself experiencing financial difficulties. The Council would wish to recall paragraph 9 of resolution 2349 (XXII), under which the General Assembly decided that:

"as a transitional measure, provision shall be made under section 12 of the regular budget for the year 1968 to ensure the continuity of the Programme pending the receipt of adequate voluntary contributions".

In view of the need to ensure adequate training facilities for Namibians, the Council would strongly recommend that the General Assembly might make similar financial arrangements for 1969.

37. On the question of supervision of the Programme, the Council wishes to recall that in paragraph 44 of its second report to the General Assembly, 16/ it had indicated that it would clarify its responsibilities in relation to resolution 2349 (XXII). In this connexion, the Council for Namibia recommends that pending the establishment of a separate education and training programme for Namibians, it should be associated with the present administration of the Consolidated Programme in order to ensure that adequate provision is made for the award of scholarships and grants to Namibians. This could be achieved by the inclusion of a representative of the Council for Namibia in the Committee of seven Member States envisaged in paragraph 6 of resolution 2349 (XXII), under which the General Assembly requested the President:

"to nominate seven Member States, each of which should appoint a representative to serve on a committee which will advise the Secretary-General on the granting of such subventions".

The Council would recommend necessary action by the General Assembly to provide for such representation for the Council on the Committee to be established under resolution 2349 (XXII).

E. Other questions under active consideration by the Council

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

38. It will be recalled that, by paragraph 9 of resolution 2288 (XXII) of 7 December 1967, the General Assembly requested the Council "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".

39. During the period covered by this report, the Council gave further consideration to this matter. It concluded that, in addition to the detailed study of the questions involved requested from the Acting Commissioner, a digest and a review of the laws and practices should be undertaken, possibly with the assistance of an expert consultant. The Council also decided to establish a Sub-Committee to consider, with the assistance of the Acting Commissioner, the questions involved both in the review of the laws and practices and in the implementation of paragraph 9 of resolution 2288 (XXII).

40. At the completion of the review the Sub-Committee would make recommendations to the Council with regard to which laws and regulations in force prior to the termination of the mandate should be abrogated as being against the purposes and principles of the United Nations Charter. It will also make recommendations regarding the status of laws and regulations issued by the South African authorities after the termination of the Mandate.

16/ Official Records of the General Assembly, Twenty-second Session, Annexes, agenda item 64, document A/7088.

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

41. Under the provisions of section II, 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 has given consideration to the possibility of representatives of the Namibian people participating in the work of the Council. The question of participation was first discussed by the Council at its 7th meeting, on 30 November 1967, when it was decided to invite representatives of Namibia to be associated with the Council's work. At the same time, the Council decided to inquire from the Organization of African Unity (OAU) as to what organization or organizations were, in its opinion, most representative of the people of the Territory. The OAU informed the Council that they only recognized the South West Africa People's Organization (SWAPO). The Council considered a reply of the OAU and all other aspects of the question and decided at its 44th meeting, on 27 September 1968, 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.

42. The Council at the same time decided that it should continue to hold periodic consultations with Namibian representatives in order to ascertain their views on various aspects of the question of Namibia.

III. CONCLUSIONS

43. In paragraph 63 of its last report to the General Assembly, 17/ the Council expressed its conviction that it would not be able fully to discharge its functions and responsibilities unless effective measures were taken to ensure the immediate removal of South Africa's presence from the Territory. The Council had accordingly recommended that the General Assembly should reiterate its request to the Security Council to take the necessary steps to secure this objective. By resolution 2372 (XXII) the General Assembly recommended that the Security Council should take effective measures in accordance with the provisions of the Charter of the United Nations to ensure the immediate removal of the South African presence from Namibia and to secure for Namibia its independence in accordance with General Assembly resolution 2145 (XXI).

44. In the period which has intervened since the General Assembly adopted resolution 2372 (XXII), the South African Government has persisted with and intensified its defiance of all United Nations decisions on Namibia. It has continued to refuse to comply with the demand that it withdraw from Namibia unconditionally and without delay all its military and police forces and its administration. It has, on the other hand, sought by various means to consolidate its illegal control over the Territory. The most serious step in this direction has been the implementation of the decision to create separate homelands designed to destroy the territorial integrity of the Territory and to facilitate its illegal annexation. The Council has kept the Security Council regularly informed of these actions by the South African authorities. The Council reiterates its view that the trend of developments in the Territory points to the distinct likelihood of the outbreak of violence and racial war on an unprecedented scale. The Council accordingly remains concerned that this situation constitutes an aggravation of the already serious threat to international peace and security in the area. The Council reiterates its view that the responsibility of the United Nations to avert this threat must be exercised resolutely and without delay. The Council has been reinforced in its convictions on this basic aspect of the question by the growing impression it has gained of the disillusionment of the Namibian people with the failure of the United Nations to secure the effective and early independence of the Territory. The Council reiterates its view that it is only if all necessary measures are taken for the effective removal of South Africa's presence from the Territory that the Council can be expected to discharge its primary functions effectively. In the meantime, the Council remains seized of and will continue to devote urgent attention to the various problems which have been under its consideration.

17/ Ibid.

IV. RECOMMENDATIONS

45. In the light of the foregoing conclusions and bearing in mind the activities which it has been pursuing in accordance with its terms of reference under the provisions of the relevant General Assembly resolutions, the United Nations Council for Namibia recommends that the General Assembly adopt the following urgent measures:

- (1) Request the Security Council to take effective measures including, as appropriate, those provided for under Chapter VII of the Charter, 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 date;
- (2) Call upon all States to pursue all diplomatic, consular, commercial or other relations in regard to Namibia exclusively with the United Nations Council for Namibia;
- (3) Declare all transactions with the South African authorities in regard to Namibia undertaken or maintained after the termination of the Mandate to be illegal and invalid;
- (4) Call upon all States to co-operate fully with the Council for Namibia in its efforts to discharge effectively its responsibilities in accordance with its terms of reference;
- (5) Call upon all States to extend necessary assistance to the Council with regard to travel documents;
- (6) Call upon the Government of South Africa to respect the Geneva Convention of 12 August 1949 relative to the Treatment of Prisoners of War, 18/ with regard to the Namibian freedom fighters, and the Convention of the same date relative to the Protection of Civilian Persons in Time of War; 19/
- (7) Request the Administrative Committee on Co-ordination (ACC) 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);
- (8) Make adequate provisions in the regular budget of the United Nations for the following activities of the Council for Namibia:
 - (a) Establishment of a separate education and training programme for Namibians;
 - (b) Establishment of an emergency assistance programme in co-operation with the specialized agencies;
 - (c) Issuance of travel documents as outlined in the report;
 - (d) Meetings with the representatives of the Namibian people.

18/ United Nations, Treaty Series, vol. 75 (1950), No. 972.

19/ United Nations, Treaty Series, vol. 75 (1950), No. 973.

HOW TO OBTAIN UNITED NATIONS PUBLICATIONS

United Nations publications may be obtained from bookstores and distributors throughout the world. Consult your bookstore or write to: United Nations, Sales Section, New York or Geneva.

COMMENT SE PROCURER LES PUBLICATIONS DES NATIONS UNIES

Les publications des Nations Unies sont en vente dans les librairies et les agences dépositaires du monde entier. Informez-vous auprès de votre librairie ou adressez-vous à: Nations Unies, Section des ventes, New York ou Genève.

COMO CONSEGUIR PUBLICACIONES DE LAS NACIONES UNIDAS

Las publicaciones de las Naciones Unidas están en venta en librerías y casas distribuidoras en todas partes del mundo. Consulte a su librero o diríjase a: Naciones Unidas, Sección de Ventas, Nueva York o Ginebra.