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REPORT OF THE AD HOC SUB-COMMITTEE ESTABLISHED IN PURSUANCE OF
SECURITY COUNCIL RESOLUTION 276 (1970)

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I. ESTABLISHMENT AND TERMS OF REFERENCE OF THE AD HOC SUB-COMMITTEE

1. On 30 January 1970, the Security Council adopted resolution 276 (1970), the operative part of which reads as follows:

"The Security Council

...

"1. Strongly condemns the refusal of the Government of South Africa to comply with General Assembly and Security Council resolutions pertaining to Namibia;

"2. Declares that the continued presence of the South African authorities in Namibia is illegal and that consequently all acts taken by the Government of South Africa on behalf of or concerning Namibia after the termination of the mandate are illegal and invalid;

"3. Declares further that the defiant attitude of the Government of South Africa towards the Council's decisions undermines the authority of the United Nations;

"4. Considers that the continued occupation of Namibia by the Government of South Africa in defiance of the relevant United Nations resolutions and of the United Nations Charter has grave consequences for the rights and interests of the people of Namibia;

"5. Calls upon all States, particularly those which have economic and other interests in Namibia, to refrain from any dealings with the Government of South Africa which are inconsistent with operative paragraph 2 of this resolution;

"6. Decides to establish in accordance with rule 28 of the provisional rules of procedure an ad hoc sub-committee of the Council to study, in consultation with the Secretary-General, ways and means by which the relevant resolutions of the Council, including the present resolution, can be effectively implemented in accordance with the appropriate provisions of the Charter, in the light of the flagrant refusal of South Africa to withdraw from Namibia, and to submit its recommendations by 30 April 1970;

"7. Requests all States as well as the specialized agencies and other relevant United Nations organs to give the sub-committee all the information and other assistance that it may require in pursuance of this resolution;

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"8. Further requests the Secretary-General to give every assistance to the sub-committee in the performance of its task;

"9. Decides to resume consideration of the question of Namibia as soon as the recommendations of the sub-committee have been made available."

2. After consultations among all members of the Security Council, the President of the Security Council announced on 30 January 1970 that the Ad Hoc Sub-Committee, established under operative paragraph 6 of the above resolution, would be composed of all members of the Security Council.^{1/}

3. On 29 April 1970, the Ad Hoc Sub-Committee adopted an interim report^{2/} in which it stated that it was "not yet in a position to formulate specific recommendations and to submit them to the Security Council by 30 April 1970, as required by operative paragraph 6 of resolution 276 (1970)" and that it intended "to continue its work in accordance with its terms of reference and hopes to submit its report by the end of June 1970".

4. On 15 May 1970, the President of the Security Council issued a note in which, after recalling that on 30 April 1970 the Ad Hoc Sub-Committee had submitted an interim report to the Security Council, he stated:

"After consultations with all members of the Security Council the President states that they have taken note of the interim report and have agreed that the Ad Hoc Sub-Committee should continue its work in accordance with its terms of reference in order to be in a position to formulate its recommendations to the Security Council by the end of June 1970 at the latest." ^{3/}

II. REVIEW OF THE WORK OF THE AD HOC SUB-COMMITTEE

5. The Ad Hoc Sub-Committee held its 1st meeting on 4 February 1970 and elected Mr. Térence (Burundi) as its Chairman.

^{1/} S/9632; at the present time the members of the Security Council are the following: Burundi, China, Colombia, Finland, France, Nepal, Nicaragua, Poland, Sierra Leone, Spain, Syria, Union of Soviet Socialist Republics, United Kingdom, United States, Zambia.

^{2/} S/9771.

^{3/} S/9803.

6. At its 2nd and 3rd meetings, it discussed the organization of its work. It elected two Vice-Chairmen, the representatives of Finland and Nepal. It also decided that its meetings would be closed, and that decisions would be taken by consensus, with the opinions reflected in the report if differences arose.
7. At its 5th meeting on 9 March 1970, the Ad Hoc Sub-Committee decided to address requests for information relevant to its work to States, specialized agencies, the International Atomic Energy Agency and the United Nations Development Programme. It also decided to address similar requests to the United Nations Council for Namibia, the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa.
8. As of the date of the submission of this report, replies have been received from fifty-one States. The substantive parts of these replies are reproduced in annex I of this report.
9. The substantive parts of the replies received from the specialized agencies, the International Atomic Energy Agency and the United Nations Development Programme are reproduced in annex II.
10. The replies from the United Nations Council for Namibia, the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa are reproduced in annex III.
11. At its 8th meeting on 17 April 1970, the Ad Hoc Sub-Committee decided in principle to hear experts or petitioners. In pursuance of this decision, the Ad Hoc Sub-Committee heard the following persons:^{4/}
- (a) The Reverend Michael Scott, at the 9th meeting on 21 April 1970.
 - (b) Mr. Gidon Gottlieb, Professor at the New York University School of Law, at the 11th meeting on 22 May 1970.

^{4/} The summaries of the statements made by these persons are reproduced in S/AC.17/SR.9, 11, 14, 15 and 16.

- (c) Mr. Abdul S. Minty, Honorary Secretary of the Anti-Apartheid Movement, London, at the 11th meeting on 22 May 1970.
- (d) Mr. Sean MacBride, Secretary-General of the International Commission of Jurists, at the 14th meeting on 24 June 1970.
- (e) Mr. Sam Nujoma, President of the South West Africa People's Organization, at the 15th and 16th meetings on 29 and 30 June 1970.

12. Pursuant to resolution 276 (1970) of the Security Council, the Ad Hoc Sub-Committee undertook a study, in consultation with the Secretary-General, on the ways and means by which the relevant resolutions of the Security Council, including resolution 276 (1970), could be effectively implemented in accordance with the appropriate provisions of the Charter and in the light of the flagrant refusal of South Africa to withdraw from Namibia and in order to submit recommendations to the Council on the matter.

13. In the course of its deliberations, the Ad Hoc Sub-Committee has been guided primarily by the following three considerations:

First, resolution 276 (1970) and the establishment of an Ad Hoc Sub-Committee of the Council is to be regarded as an interim measure, the purpose of which is to help the Council make substantive decisions.

Second, the Security Council in resolution 276 (1970) has provided the Ad Hoc Sub-Committee with a broad enough mandate to allow it to examine all proposals and ideas for such effective and appropriate steps as might be taken by the Security Council to implement its relevant resolutions on the subject.

Third, while recognizing that it is the prerogative of the Security Council to decide on any action with regard to Namibia, the Ad Hoc Sub-Committee considers that it could best serve the Council by drawing its attention to such proposals as would be likely to command sufficiently broad support to ensure effective implementation. In view of this, the Ad Hoc Sub-Committee decided on 9 February 1970 (see paragraph 6 above) that "the report to the Council would contain any conclusions on which the Ad Hoc Sub-Committee has been able to reach agreement, at the same time as it would reflect the views expressed by members on questions where such unanimity had not been reached.

14. The Ad Hoc Sub-Committee has had before it a number of proposals presented by its members.^{5/} It has also heard several experts during the course of its work (see paragraph 11 above). The proposals have covered questions of a legal, commercial, industrial, financial, military, diplomatic and administrative character. They have covered suggestions that could be undertaken on the basis of existing decisions of the Council, as well as suggestions that would require action falling within the purview of Chapter VII of the Charter.

15. In view of the far-reaching aspects of some of these proposals, as well as the limited time at its disposal, the Ad Hoc Sub-Committee has not been in a position to study all the proposals in sufficient depth. In view of the primary considerations referred to above, the Ad Hoc Sub-Committee has, however, at this stage, decided to submit to the Security Council, for its early consideration, the recommendations contained in chapter III of this report.

16. Reservations to these recommendations were expressed by the delegations of France, Poland, Syria, the Union of Soviet Socialist Republics and the United Kingdom. The text of these reservations is contained in Annex IV.

17. At the same time, the Ad Hoc Sub-Committee wishes to emphasize that a thorough study and evaluation of all the proposals and suggestions made in the Ad Hoc Sub-Committee would necessitate an extension of the mandate of the Ad Hoc Sub-Committee.

III. RECOMMENDATIONS BY THE AD HOC SUB-COMMITTEE

Political

(1) The possibility of requesting all States to refrain from any relations - diplomatic, consular or otherwise - with South Africa, implying recognition of South African authority over the Territory of Namibia.

(2) The possibility of calling upon the Governments of all States maintaining diplomatic or consular relations with South Africa to issue a formal declaration to the Government of South Africa to the effect that they do not recognize any authority of South Africa with regard to Namibia and that they consider South Africa's continued presence in Namibia illegal.

^{5/} The summaries of the statements containing those proposals are reproduced in S/AC.17/SR.3 et seq.

(3) The possibility of calling upon the Governments of all States maintaining such relations to terminate existing diplomatic and consular representation extending to Namibia and to withdraw any diplomatic or consular mission or representative residing in the Territory.

Economic

(4) The possibility of

(a) calling upon all States to ensure that all companies and other commercial and industrial enterprises owned by, or under the direct control of the State, cease all dealings with respect to commercial or industrial enterprises or concessions in Namibia;

(b) calling upon all States to withhold from their nationals or companies of their nationality not under direct government control, government loans, credit guarantees and other forms of financial support that would be used to facilitate trade or commerce with Namibia;

(c) calling upon all States to ensure that companies and other commercial enterprises owned by the State or under direct control of the State cease all further investment activities including concessions in Namibia;

(d) calling upon all States to discourage their nationals or companies of their nationality not under direct governmental control from investing or obtaining concessions in Namibia, and to this end withhold protection of such investment against claims of a future lawful Government of Namibia.

Legal

(5) The possibility of requesting, in accordance with Article 96 (1) of the Charter, an advisory opinion from the International Court of Justice on "the legal consequences for States of the continued presence of South Africa in Namibia notwithstanding Security Council resolution 276 (1970)".

(6) The possibility of requesting all States to undertake without delay a detailed study and review of all bilateral treaties between themselves and South Africa in so far as these treaties contain provisions by which they apply to the Territory of Namibia.

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(7) The possibility of requesting the appropriate organs of the United Nations to undertake without delay a detailed study and review of all multilateral treaties to which South Africa is a party, and which either by direct reference or on the basis of relevant provisions of international law might be considered to apply to the Territory of Namibia.

Military

(8) The possibility of reaffirming its call upon all States to cease forthwith the sale and shipment of arms, ammunition and all types of military vehicles to South Africa (resolution 181/1963) as well as materials for the manufacture and maintenance of arms and ammunition to South Africa (resolution 192/1963) and of requesting all States to take more stringent measures to give effect to these resolutions.

Other

(9) The possibility of requesting the United Nations Council for Namibia

(a) To make available to the Security Council the results of its study and proposals with regard to the issuance of passports and visas for Namibians;

(b) To undertake a study and make proposals with regard to special passport and visa regulations to be adopted by States concerning travel of their citizens to Namibia.

(10) The possibility of calling upon all States to discourage the promotion of tourism and emigration to Namibia.

(11) The possibility of requesting the General Assembly at its twenty-fifth session to set up a United Nations Fund for Namibia to provide assistance to Namibians who have suffered from persecution and to finance a comprehensive education and training programme for Namibians with special regard to their future administrative responsibilities of the Territory.

* * *

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The Ad Hoc Sub-Committee considers that the States should be called upon to report to the Secretary-General on measures they have taken in order to implement such recommendations as may be adopted by the Security Council.

The Security Council might furthermore wish to consider the possibility of requesting the Ad Hoc Sub-Committee to study further effective recommendations on ways and means by which the relevant resolutions of the Council can be effectively implemented in accordance with the appropriate provisions of the Charter, in the light of the flagrant refusal of South Africa to withdraw from Namibia. The Ad Hoc Sub-Committee could also be requested to study replies and reports submitted by Governments, in response to such recommendations as may be adopted by the Security Council.

ANNEX I

REPLIES RECEIVED FROM GOVERNMENTS IN RESPONSE TO
THE REQUEST FROM THE AD HOC SUB-COMMITTEE a/

1. At its 5th meeting held on 9 March 1970, the Ad Hoc Sub-Committee established in pursuance of Security Council resolution 276 (1970) decided as follows:

"In accordance with operative paragraph 7 of Security Council resolution 276 (1970), the Sub-Committee requests the Governments of all States concerned to give it all necessary information relevant to its work. This should include, inter alia, as full and detailed information as possible on all dealings of a commercial (including shipping, aviation and other forms of transportation), industrial and financial nature (including investments and concessions), which they or their nationals, or companies of their nationality, may have with South Africa, its nationals or companies of its nationality, in the territory of Namibia or relating to it; any military co-operation; any diplomatic, consular, trade or other official representation that they may have in the territory or that may imply recognition of South African authority over the territory; any multilateral or bilateral treaties or other legal instruments between themselves and South Africa applying directly or otherwise to the territory of Namibia."

2. As of the date of the adoption of the report, fifty-one replies from States had been received. The substantive parts of the fifty-one replies are reproduced below.

ALBANIA

/Original: French/
23 June 1970

The Government of the People's Republic of Albania, consistent with its well-known policy of support for all peoples struggling against colonial oppression and fighting for their national and social liberation, has always supported the Namibian people and the people of South Africa in their national liberation struggle against the racist Pretoria clique.

a/ See paragraph 8 of this report.

The Albanian Government has persistently condemned the odious policies of apartheid and racial discrimination pursued by the racist Government of South Africa. It has also condemned the imperialist Powers and in the first instance the United States of America which, through their political, economic and military collaboration, are encouraging the racist Pretoria régime to continue its racial policies.

The Government of the People's Republic of Albania reaffirms that it has not had and never will have diplomatic, consular, trade, transport, industrial, financial or any other relations of any kind with the racist Government of South Africa.

BULGARIA

[Original: French]
29 April 1970

The Government of the People's Republic of Bulgaria has no economic, commercial, financial or other dealings of any kind with the Republic of South Africa or with private companies in that country. Neither have the Government, the commercial enterprises nor the relevant centres in Bulgaria any dealings with any enterprise in Namibia - a Territory illegally occupied by the racist Government of the Republic of South Africa.

Moreover, in compliance with United Nations resolutions, the People's Republic of Bulgaria maintains no direct, indirect or other relations with the Republic of South Africa or Namibia and has no diplomatic, consular or other representation in those countries.

The Government of the People's Republic of Bulgaria has never undertaken nor is it undertaking any action which might imply direct or indirect recognition of the régime of the Republic of South Africa or of its authority, illegally established over the occupied Territory of Namibia.

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BURUNDI

[Original: French]
12 May 1970

The Republic of Burundi does not maintain any trade or military relations with Namibia.

BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

[Original: Russian]
20 April 1970

The position of the Byelorussian Soviet Socialist Republic on the question of Namibia is well known. The Byelorussian SSR strongly condemns the Government of the Republic of South Africa for its criminal policy of apartheid and its refusal to implement United Nations decisions relating to Namibia. The Byelorussian SSR also condemns the policies of certain Western States, which are giving aid and support to the racist régime in the Republic of South Africa and thus bear direct responsibility for the situation which has developed in Namibia.

Acting in strict conformity with the decisions of the United Nations Security Council and General Assembly, the Byelorussian SSR does not maintain relations of any kind with the racist régime in the Republic of South Africa and has no interests in Namibia.

In accordance with its fundamental policy of supporting the national liberation movement, the Byelorussian SSR takes a position of complete solidarity with the people of Namibia in their legitimate struggle for freedom and independence and expresses its willingness to continue to co-operate with freedom-loving countries in Africa and elsewhere in giving all possible support to that struggle.

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CAMBODIA

/Original: French/
9 April 1970

... The Government of Cambodia does not maintain diplomatic, consular, commercial, industrial, financial or other relations with South Africa.

Accordingly, it regrets that it is unable to provide the information requested for the Ad Hoc Sub-Committee in accordance with Security Council resolution 276 (1970).

CANADA

/Original: English/
1 May 1970

Statistics of Canadian trade with Namibia are not maintained separately from statistics of Canadian trade with the Republic of South Africa and Canada cannot therefore provide accurate information on the volume of trade conducted with Namibia. Canadian trade with Namibia is regulated by a bilateral trade agreement signed in 1932 between Canada and the Union of South Africa and by the Canadian Customs Tariff Act.

The activities of Etosha Petroleum Company, a wholly-owned subsidiary of Brillund Mines of Canada, were discussed in paragraph 104 of the Annex to the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (A/7623/Add.2). While the headquarters of Brillund Mines Ltd. is in Toronto, Canada, its executive offices are in Mt. Vernon, N.Y. It is a holding company only and obtained a 100 per cent interest in Etosha Petroleum Company in 1966. Recently, Oamite Mining Company Limited was reported to be doing exploratory work in Namibia. This company is 75 per cent owned by Falconbridge Nickel Mines of Canada, Ltd., and 25 per cent owned by a South African company. Two Canadian life insurance companies, Manufacturers Life Insurance Company and Sun Life Assurance Company, write life insurance in Namibia. The latter maintains an office in Windhoek.

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Canada has no diplomatic, consular, trade or other official representation in Namibia, nor is there any military co-operation with the South African authorities in respect of Namibia.

COLOMBIA

[Original: Spanish]
30 June 1970

In accordance with information received from my Government, I am able to inform you that there are no trade or economic relations between Colombia and the Territory of Namibia; no technical assistance of any kind is provided and there is no form of military co-operation or consular representation in that territory.

CYPRUS

[Original: English]
25 June 1970

The Permanent Representative of Cyprus wishes to inform the Secretary-General that there are no shipping, aviation or any other forms of transportation between the Republic of Cyprus and Namibia. Also the Republic of Cyprus has absolutely no co-operation with the Government of South Africa on military matters and of course no diplomatic or consular representation in that country. Furthermore, between these two countries there does not exist any bilateral agreement or treaty of any nature.

DENMARK

[Original: English]
11 June 1970

1. In 1969, imports into Denmark of merchandise of Namibian origin amounted to 7.5 million Danish kroner, of which unworked lead represented

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7.1 million Danish kroner, purchased via the United Kingdom (6.6 million Danish kroner) and Hungary (0.5 million).

Danish exports to Namibia, covering a wide range of commodity groups, amounted to Danish kroner 0.4 million. Export credit guarantees have been granted for exports to Namibia. As of 31 January 1970, the guaranteed amount totalled Danish kroner 52.000.

2. Danmarks Nationalbank has neither received applications nor granted permits for direct Danish investments in commercial undertakings in Namibia in recent years. According to Danmarks Statistik (National Bureau of Statistics) there are no direct Danish investments in Namibia.

3. No technical assistance is given to Namibia in any form.

4. According to information received by the Ministry of Foreign Affairs, Danish merchant ships call at ports in Namibia only on rare occasions, and Danish shipowners have therefore very little contact with persons or corporations in Namibia.

On 28 March 1958, Denmark concluded an agreement in regard to air services with South Africa. Article I of that agreement contains the following definition of "territory" in relation to a party to the agreement: "The land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection, administration or trusteeships of that party". The air services agreement confers on the SAS only the right of operating a route to Johannesburg. The SAS has no plans of operating flights to Namibia and it has no office in the area.

5. Denmark has no military co-operation with Namibia, cf. Denmark's reply to the Secretary-General's inquiries in relation to the Security Council resolutions of 7 August 1963 and 4 December 1963, which were published in documents S/5438 of 11 September 1963, and S/5658/Add.2 of 6 May 1964. With regard to the former resolution, the Government of Denmark replied that it had already for some years refused to grant licenses for exports of arms and other military equipment to South Africa. In the reply of the Government of Denmark concerning the latter resolution it was stated that further measures had been adopted to tighten the formal rules governing these matters.

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6. Denmark has an honorary vice consul at Windhoek whose exequatur was granted prior to the adoption of General Assembly resolution 2145 (XXI) of 27 October 1966, terminating the mandate of South Africa over Namibia.

7. Only in the agreement referred to in paragraph 4 above is Namibia included in the territory covered by treaties concluded between Denmark and South Africa.

South Africa is not a party to any of the multilateral treaties with a limited number of contracting parties to which Denmark has acceded.

As to the question whether South Africa, on accession to any multilateral agreements concluded on a global basis, has referred to Namibia as being incorporated in the territory of South Africa, reference is made to the Secretariat of the United Nations, with which all international treaties are registered.

FINLAND

/Original: English/
5 May 1970

With reference to the request addressed by the Ad Hoc Sub-Committee established in pursuance of the Security Council resolution 276 of 9 March 1970 to the Governments concerned to give it all necessary information, inter alia, on all dealings of commercial, industrial and financial nature, which they or their nationals, or companies of their nationality, may have with South Africa, its nationals or companies of its nationality in the Territory of Namibia or relating to it; of any military co-operation; of any diplomatic, consular, trade or other official representation that they may have in the territory or that may imply recognition of South African authority over Namibia; of any multilateral or bilateral treaties or other legal instruments between themselves and South Africa applying directly or otherwise to the Territory of Namibia, the Government of Finland wishes to submit the following information.

/...

Trade

Finland has no direct trading connexions with Namibia, and an analysis of Finland's trade with South Africa, which in itself is limited, indicates that the amount of trade relating to the Territory of Namibia is virtually nil.

Transportation

No Finnish shipping companies maintain regular liner service to ports in the Territory of Namibia. Nor are any Finnish ships time-chartered to service to these ports. According to an investigation carried out by the Finnish Shipowners' Association, Finnish vessels in tramp traffic call on these ports very infrequently.

No Finnish airlines maintain regular scheduled traffic either to the Territory of Namibia or to South Africa. Finnish aircrafts have not been chartered on flights to Namibia in the last six years.

Industrial and financial relations

Information on these questions are based on a survey carried out by the Federation of Finnish Industries, The Central Board of Wood and Paper Industries in Finland, the Bank of Finland, and the National Board of Patterns and Registration of Trade Marks.

There are no Finnish industrial enterprises operating in the Territory of Namibia. The activities of Finnish business firms (chiefly commercial agents) presently operating in South Africa do not, according to available information, extend to or have any relation to the Territory of Namibia.

No Finnish investments have been made in the Territory of Namibia or in South Africa relating to the Territory, nor are any concessions being operated by Finnish firms in the Territory or relating to it.

Military co-operation

Reference is made to the replies of the Government of Finland to the Secretary-General's inquiries in accordance with Security Council resolutions 181 (1963) and 182 (1963), published in United Nations documents S/5438 of 11 October 1963 and S/5658/Add.3 of 8 June 1964. In the first reply the Government stated that it had not permitted exports of arms and military equipment to South Africa, and that it had no intention to allow such exports in the future. In the second reply the Finnish Government stated that it did not supply equipment and materials intended for the manufacture and maintenance of arms and ammunitions in South Africa.

Diplomatic, consular, trade, or other official representation

Finland is represented in South Africa by a Chargé d'Affaires. His duties as representative of Finland do not extend to the Territory of Namibia and since the termination of the mandate he has been under instructions not to visit the Territory. Finland has no career consular representation in Namibia. An honorary consulate is maintained in Walvis Bay.

Bilateral agreements and multilateral treaties

In his statement in the meeting of the Ad Hoc Sub-Committee on 27 February 1970, the representative of Finland drew attention to the legal implications of resolution 276 with regard to bilateral agreements between States and South Africa, as well as multilateral treaties to which South Africa is a party.

In so far as the agreements and treaties in question do not contain any explicit provision regarding their application to Namibia, the question of their applicability to the Territory must, in the view of the Government of Finland, be determined upon the basis of relevant provisions of international law.

Bilateral agreements between Finland and South Africa

Treaty Series
of Finland No.

Treaty for the extradition of criminals; 5 May 1924,
amended in 1925 and 1948. 40/1924
32/1925
35/1948

Agreement for the avoidance of double taxation on the
income derived from shipping and aircraft; 3 March 1952. 11/1952

Agreement between Finland and the Republic of South
Africa on Recognition of Tonnage Certificates of
Merchant Ships; 12 June 1964. (According to article 3
of the Agreement, the Government of the Republic of
South Africa may at any time declare by notification
in writing to the Government of Finland that the
Agreement shall extend to all or any of the
territories for whose international relations they
are responsible. No such a notification has been
received as of now.) 25/1964

Multilateral treaties to which Finland has acceded in
1948 and thereafter and to which the Republic of South
Africa is a party

Protocol amending the Agreements, Conventions and
Protocols on Narcotic Drugs concluded at The Hague on
23 January 1912, at Geneva on 11 February 1925,
19 February 1925 and 13 July 1931 at Bangkok on
27 November 1931 and at Geneva on 26 June 1936;
11 December 1946 5/1948

Decree on the re-entry into force of the treaties
between Finland and New Zealand and between Finland and
the Republic of South Africa; 10 December 1948. 35/1948

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Protocol bringing under international control drugs outside the scope of the Convention of 13 July 1931 for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, as amended by the Protocol signed at Lake Success on 11 December 1946. 1/1950

The General Agreement on Tariffs and Trade; 30 October 1947. 15/1950

Protocol to amend the Convention for the Suppression of the Circulation of and Traffic in Obscene Publications, concluded at Geneva on 12 September 1923; 4 September 1949. 9/1950

Protocol to amend the Convention for the Suppression of Traffic in Women and Children, concluded at Geneva on 30 September 1921 and the Convention for the suppression of the Traffic in Women of Full Age, concluded at Geneva on 11 October 1933; 12 November 1947. 26/1951

Protocol amending the International Agreement for the Suppression of the White Slave Traffic, signed at Paris, on 18 May 1904, and the International Convention for the Suppression of the White Slave Traffic, signed at Paris, on 4 May 1910; 4 May 1949. 25/1951

Convention on road traffic; 19 September 1949. 11/1959

Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; 7 September 1956. 17/1959

Agreement of the International Development Association; 24 September 1960. 2-3/1961

Berne Convention for the Protection of Literary and Artistic Works as revised in Brussels; 26 June 1948. 3/1963

/...

International Wheat Agreement; 10 March 1962.	33/1963
Convention on the Territorial Sea and the Contiguous Zone; Convention on the high seas; Convention on the Continental Shelf; 29 April 1958.	6-7/1965
Treaty banning nuclear weapon tests in the atmosphere, in outer space, and under water; 5 August 1963.	1/1964 50/1965
Constitution of the Universal Postal Union; 10 July 1964.	17/1967
International Telecommunication Convention; 12 November 1965.	40/1967
Customs Convention concerning welfare material for seafarers; 1 December 1964.	36/1968
International Grains Arrangement; 1967	48/1968
Convention on Fishing and the Conservation of the Living Resources of the High Seas; 29 April 1958	6/1969

FRANCE

[Original: French]
9 June 1970

1. Trade relations between France and South West Africa are extremely limited, as can be seen from the fact that there are only two establishments at Windhoek which represent in the territory small French companies selling in one case hardware and in the other light building equipment. The volume of the trade in question cannot be precisely determined, as the statistics include under a single head all member countries of the customs union between Botswana, Lesotho, the Republic of South Africa, South West Africa and Swaziland.

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2. The two French shipping companies which serve southern Africa make only very occasional calls - once or twice a year - at Walvis Bay. There is no air connexion between France and South West Africa.
3. Only two French industrial companies carry out prospecting operations in South West Africa. They are the Société des Pétroles d'Aquitaine, which prospects for hydrocarbons, and the Société minière et métallurgique de Pennaroya, which deals in non-ferrous ores and incidentally has only two geologists at Grootfontein.
4. France has no consular office in South West Africa, consular business for the Territory being handled by the Capetown office.
5. There is no military co-operation between France and South Africa or South West Africa.

FEDERAL REPUBLIC OF GERMANY

[Original: English]
18 June 1970

The Government of the Federal Republic of Germany is deeply disturbed by South Africa's policy of racial segregation and racial discrimination which, in violation of the resolution of the Security Council, are being extended to Namibia. As it is generally known, the Federal Republic of Germany rejects any form of racial discrimination and segregation. Accordingly it has already in 1963 endorsed the resolution of the Security Council against apartheid and has acceded to the International Agreement for the Elimination of Racial Discrimination. This attitude will also in the future govern the decisions of the Government of the Federal Republic of Germany.

In most cases statistics on German companies operating in South Africa or participating in foreign companies operating in South Africa do not distinguish between South Africa and Namibia. Therefore, statistics regarding German economic operations in, or relations with, Namibia are not available. In this connexion, it should be noted, however, that economic relations between the Federal Republic of Germany and South Africa represent only a minor factor in German foreign trade.

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In 1968, for instance, South Africa's share in the foreign trade of the Federal Republic of Germany amounted to only 1.3 per cent, while private German investments in South Africa in the same period represented but 3 per cent of all foreign investments in that country and recent observations show even a clearly decreasing tendency. Furthermore, the Federal Republic of Germany does not insure private German investors in Namibia against political risks.

As far as consular relations are concerned, the Federal Republic of Germany maintains a consulate in Windhoek (Namibia). This office had already been in existence from 1927 to 1939 and was reopened in 1953, i.e., a long time before South Africa's mandate over the Territory was revoked by General Assembly resolution 2145 (XXI). It should be noted, however, that consular representation of the Federal Republic of Germany is non-political and primarily serves the protection of German nationals abroad, which is of particular importance in Namibia, once a German dependent Territory, where one-third of the population of European descent is German or of German origin. The consular district of Windhoek covers only the Territory of Namibia. The embassy of the Federal Republic of Germany in Pretoria has neither consular jurisdiction in Namibia nor is the consulate in Windhuk subordinated to this embassy. Both, the consulate in Windhuk and the embassy in Pretoria, are directly subordinated to the Foreign Office in Bonn. This clear separation corresponds with resolution No. 2145 (XXI) of the United Nations General Assembly which terminated South Africa's mandate over Namibia.

There is no military co-operation whatsoever between the Federal Republic of Germany and South Africa. On the contrary - as was already stated in a letter of the Permanent Observer of the Federal Republic of Germany to the Secretary-General of the United Nations of 19 December 1963 and reaffirmed by a government spokesman on 8 May 1968 - the Government of the Federal Republic of Germany has faithfully and consistently observed the arms embargo against South Africa (and Namibia) in compliance with the decisions of the Security Council and has never authorized the export to South Africa of military weapons or ammunition or of special machinery for the production of such weapons or ammunition. This had been the Government's practice even before action was taken by the Security Council of the United Nations.

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As to transportation, only one German company, the "Deutsche Ostafrika-Linie", Hamburg, provides shipping services to Namibia. The German airline Lufthansa does not maintain either regular or charter flights to or from Namibia. No other German air companies are known to fly to Namibia.

The following bilateral and multilateral treaties are in force between the Federal Republic of Germany and South Africa:

(a) Exchange of Letters of 28 August 1951 between the Head of the Federal Republic's Delegation, Dr. van Scherpenberg, and the Secretary for Commerce and Industries of the Union of South Africa, Mr. de Waal Meyer ("Bundesanzeiger Nr. 216"). Paragraph 13 of this letter includes the Territory of South West Africa.

(b) Agreement between the United Kingdom of Great Britain and Northern Ireland, Canada, Australia, New Zealand, the Union of South Africa, India and Pakistan, the Federal Republic of Germany and the French Republic in Regard to German War Graves and Graves of German Prisoners of War of 5 March 1956 which includes the Territory of South Africa ("Bundesgesetzblatt 1957 ii, pages 474-477").

(c) Cultural Agreement between the Federal Republic of Germany and the Republic of South Africa of 11 June 1962 ("Bundesgesetzblatt 1964 ii, pages 14-17").

GHANA

[Original: English]
22 April 1970

Ghana has no commercial dealings with South Africa directly or indirectly.

GUATEMALA

[Original: Spanish]
29 May 1970

(a) As appears from the attached document, my country's commercial dealings with South Africa are insignificant;

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(b) Neither the Government of Guatemala, nor any individual or legal entity of Guatemalan nationality, has interests in the Territory of Namibia;

(c) There is no military co-operation, or diplomatic, trade or official representation, that might imply recognition of South African authority over the Territory of Namibia;

(d) Guatemala has concluded no treaties or legal instruments of any kind with South Africa.

Trade relations between Guatemala and South Africa

(in thousands of quetzales)^{1/}

Period	Exports FOB	Imports CIF	Balance
1965	2,429.2	40.9	+ 2,388.3
1966	2,823.6	56.3	+ 2,767.3
1967	600.8	80.6	+ 520.2
1968	2,492.1	55.6	+ 2,436.5
1969 ^{a/}	1,076.5	38.4	+ 1,038.1

a/ Up to May.

Source: General Statistical Office.

There is no trace in the records of the Trade Department of industrial or financial investments by Guatemalans in South Africa or vice versa. As regards commercial dealings in 1968 and the early months of 1969, exports consisted of green coffee. On the import side, there have been dealings of various kinds, involving fish, crustacea, molluscs and preparations thereof, whether in containers or not, preserved vegetables and vegetable preparations; roasted or ground coffee, and coffee beans, crude, inedible vegetable materials; inorganic chemicals, dyeing and tanning extracts, and synthetic tanning materials, leather and furskins, whether or not dressed tanned or dyed; manufactured rubber goods; articles made of paper pulp and or paperboard; glassware; manufactured metal goods, agricultural

^{1/} 1,12 quetzal : 1 US\$.

machinery and implements; office machines; machinery for mining construction and other industrial uses; electrical machinery, apparatus and appliances; road motor vehicles; manufactured articles (NES); crude, washed and ground asbestos and amianthusñ vegetable tanning extracts (NES).

GUYANA

[Original: English]
7 April 1970

The Government of Guyana, its nationals and companies of Guyanese nationality have no dealings, or relationships of the kind identified in his note under reference.

INDIA

[Original: English]
1 May 1970

The Government of India have no dealings of any sort with the Government of South Africa nor any contact with South Africa which would imply recognition of the authority of the South African Government over Namibia.

ITALY

[Original: French]
30 April 1970

1. Italy maintains no relations with South Africa which involve activities of a commercial, industrial or financial nature in the Territory of Namibia.
2. Italy has no regular shipping, aviation or other transport services in the Territory of Namibia.
3. Italy has no investments or concessions in the Territory of Namibia. A preliminary inquiry has revealed that no Italian nationals or companies have made investments for the purpose of exploiting Namibian resources or have concessions in that Territory.

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4. Italy is a party to no military co-operation involving the Territory of Namibia, and maintains no form of co-operation with South Africa in the military sphere.
5. Italy has no diplomatic, consular or commercial office and no other official representation in the Territory of Namibia.
6. Italy has concluded no multilateral or bilateral treaties and no other legal instruments of a political or economic nature with South Africa applying to the Territory of Namibia.
7. With regard more specifically to trade, an Exchange of Notes on commercial matters dated 21 May 1935 between Italy and South Africa, which also applied to the Territory of South West Africa, was revived by South Africa (Treaty Series, Vol. 225, No. 3087) in accordance with article 44 of the Treaty of Peace with Italy of 10 February 1947.

JAPAN

[Original: English]
20 May 1970

- (1) (a) Trade relations between Japan and Namibia during the period 1967-1969 are as follows:

(Source: Customs Clearance Statistics of the
Ministry of Finance, Japan)

<u>Calendar year</u>	<u>Exports from Japan</u>	<u>Imports into Japan</u>
1967	338 (1,000 dollars)	11,652 (1,000 dollars)
1968	451	17,762
1969	480	24,601

Major exports from Japan to Namibia are industrial products such as electric machines. Major imports from Namibia are raw materials or primary products such as copper ore and copper alloys.

(b) Between Japan and Namibia, a shipping line provides services regularly twice a month and there are also a few irregular services.

- (2) Japan has not been providing military assistance of any kind to Namibia.

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(3) Japan has no diplomatic, consular, trade or other official representation in Namibia. Neither has it any official institutions in any other area that may imply recognition of South African authority over Namibia.

(4) A Parcel Post Agreement between Japan and the Republic of South Africa, which entered into force on 1 October 1963, does not contain any provision which stipulates for the application of the Agreement to Namibia, nor was there any agreement to this effect during the negotiations for the conclusion of this Agreement. Also, while article 1, paragraph 2, of the Agreement provides for the possibility of sending parcels to or from a third country through Japan or through the Republic of South Africa, there is no agreement between the two parties that Namibia falls under the category of a third country.

KENYA

/Original: English/
5 May 1970

The Government of Kenya has no economic or political relations with South Africa in either Namibia or the Republic of South Africa itself.

KUWAIT

/Original: English/
20 March 1970

The State of Kuwait has no relation whatsoever or dealings with South Africa and ... its nationals or companies of its nationality have absolutely no dealings in the Territory of Namibia.

Furthermore, the State of Kuwait has no representation which may imply recognition of South African authority over Namibia and has no treaties or legal instruments with South Africa which apply to the Territory of Namibia.

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LAOS

[Original: French]
14 May 1970

The Royal Government of Laos maintains no relations, directly or indirectly, with South Africa.

LIBERIA

[Original: English]
18 March 1970

The Government of Liberia does not have any dealings whatsoever either directly or otherwise with the Republic of South Africa in so far as the Territory of Namibia is concerned.

LIBYA

[Original: English]
29 April 1970

The Government of the Libyan Arab Republic entertains no relations of any kind with the Government of South Africa. Neither the Government of the Libyan Arab Republic nor Libyan nationals have any trade or other kind of representation in the Territory of Namibia, as the Libyan Arab Republic does not recognize the authority of the Government of South Africa over that Territory.

LUXEMBOURG

[Original: French]
28 April 1970

Neither the Government of Luxembourg nor individuals or companies of Luxembourg nationality maintain commercial, industrial, financial or other relations with the Territory of Namibia.

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MADAGASCAR

[Original: French]
17 April 1970

The Government of Madagascar does not maintain any official relations of a diplomatic, consular or other nature with South Africa. There are no military agreements nor is there any military co-operation of any kind between the two States. Madagascar is not linked with South Africa by any legal instruments of a bilateral or multilateral nature.

The limited commercial exchanges and occasional air and maritime transport dealings between the two States are private activities for which the Government of Madagascar is not in any way responsible. For the most part, these dealings take the form of unavoidable technical stops by Malagasy ships and aircraft which are necessitated by the fact that Madagascar is an island; the closing of the Suez Canal as a result of the situation in the Middle East has had a particularly adverse effect on our communications.

MALDIVE ISLANDS

[Original: English]
29 April 1970

Neither the Maldivian Government nor its nationals have any contact whatsoever with any of the mentioned parties.

MALI

[Original: French]
9 May 1970

The Government of Mali wishes to state that it has never had any diplomatic, consular or trade representation in these territories.

In keeping with the principles of the United Nations and in deference to its decisions on the question, the Republic of Mali will spare no effort to assist the United Nations in its rightful efforts to overthrow the despicable system of apartheid prevailing in southern Africa.

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MONGOLIA

/Original: English/
23 April 1970

In accordance with the fundamental principles of its policy, the Government of the Mongolian People's Republic consistently supports the legitimate right of the people of Namibia to freedom and national independence and resolutely condemns the illegal occupation of Namibia by the South African authorities.

The views of the Mongolian People's Republic on the grave situation in Namibia have been expressed on many occasions both in the United Nations and outside it.

The Government of the Mongolian People's Republic has scrupulously complied and will comply with the relevant decisions of the United Nations Security Council and General Assembly having as their aim the eradication of the colonial and racist domination in the southern part of Africa.

Mongolia has never had relations of any kind whatsoever with the South African Republic and does not intend to do so as long as the latter continues to persist in its despicable policy of colonial oppression and apartheid.

The Government of the Mongolian People's Republic reaffirms its firm support for the just cause of the people of Namibia, now engaged in a courageous struggle for freedom and independence against the forces of colonialism and racism.

NEPAL

/Original: English/
8 April 1970

His Majesty's Government does not maintain diplomatic or consular relations with the Government of South Africa. Nepal has no dealings of a commercial, trade, industrial, financial and military nature or dealings of other nature with South Africa, either in the Territory of the Republic itself or in that of Namibia. There is no bilateral treaty relationship between His Majesty's Government and the Government of South Africa.

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NETHERLANDS

/Original: English/
19 June 1970

The Netherlands Government wishes to recall that the Netherlands voted in favour of General Assembly resolution 2145 (XXI) which terminated the mandate of South Africa.

Inquiries made by the Netherlands authorities have not produced any evidence of activities on the part of Netherlands subjects or Netherlands firms in or relating to the Territory of Namibia in the field of shipping, aviation or other means of transport. Nor have these investigations shown any evidence of Netherlands financial or industrial activities in or in connexion with that Territory.

There is no military co-operation between the Netherlands and South Africa.

The honorary consulate of the Netherlands at Windhoek, furthermore has been closed. The honorary consul received an honourable discharge as of 1 January 1970.

The question to what extent multilateral or bilateral agreements or any other legal instrument to which the Netherlands and South Africa are parties, are applicable to the Territory of Namibia, is still under consideration by the Netherlands Government.

NEW ZEALAND

/Original: English/
5 June 1970

New Zealand's dealings with South Africa in relation to Namibia are confined to a minimal amount of trade. During the 1968-1969 period imports from Namibia amounted to \$NZ8,438^{b/} (precious stones, fish preparations). There were no exports.

New Zealand has no diplomatic, consular, trade, or other official representation in Namibia, nor is there any military co-operation between South Africa and New Zealand.

NIGER

/Original: French/
5 May 1970

The Republic of Niger maintains no relations whatsoever with Southern Rhodesia. The same applies to the Territory of Namibia, under the administration of South Africa.

NORWAY

/Original: English/

Trade

The volume of trade between Norway and Namibia is small. In 1969, the import/export figures were approximately \$US340,000 and 90,000 respectively.

Transportation

No Norwegian shipping companies maintain regular liner service on Namibia. Calls at the Namibian port of Luderitz by Norwegian merchant vessels are very rare.

Industrial and financial relations

As far as can be ascertained, no Norwegian companies operate in Namibia.

Military co-operation

There is no military co-operation between Norway and South Africa or Namibia.

Official representation

Before the termination of South Africa's mandate over Namibia in 1966, the official district of the Norwegian Consul General at Cape Town included Namibia. The district has now been limited to the Republic of South Africa.

A honorary Norwegian vice-consulate is maintained at Windhoek.

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Bilateral agreements and multilateral treaties

The following bilateral treaties between Norway and South Africa are presumed to be applicable to Namibia:

1. Extradiction Treaty of 26 June 1873, extended to apply to the Territory of South West Africa by an exchange of notes dated 8 December 1927 and 13 December 1929.

2. Exchange of notes of 16 and 17 February 1956, constituting an agreement providing for the partial abolition of visas and for the granting of visas free of charge to Norwegian subjects for visits to South West Africa.

3. Agreement in regard to air services of 28 March 1958. According to article I, this agreement is applicable to "the land areas and territorial waters ... under the sovereignty, suzerainty, protection, administration or trusteeship" of the parties. In concrete terms, however, the agreement only gives the Scandinavian Airlines System the right to one flight per week to Johannesburg.

Norway is party to approximately 400 multilateral treaties. In the view of the Norwegian Government, a method of determining which of the existing multilateral treaties are applicable to Namibia would be to request each depositary to examine the treaties in their custody and to submit to the Secretary-General of the United Nations a list giving details on all such treaties to which South Africa is a party and which in particular have been extended to Namibia. This procedure would, it is believed, ensure the most comprehensive and reliable information on multilateral treaties with reference to Namibia.

South Africa is not a party to any treaty deposited with the Norwegian Government.

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PAKISTAN

/Original: English/
2 July 1970

Pakistan or its nationals, or companies of its nationality have no dealings whatsoever with South Africa, its nationals or companies of its nationality, in the Territory of Namibia or relating to it. Pakistan does not recognize the authority of South Africa over the Territory of Namibia. It, therefore, has no diplomatic, consular, trade or other official representations in the Territory, nor has any multilateral or bilateral treaties or other legal instruments with South Africa applying or otherwise to the Territory.

PHILIPPINES

/Original: English/
4 May 1970

The Philippine Government, with its imposition of economic and other sanctions and similar measures against South Africa in compliance with General Assembly resolutions on the matter, has had no dealings of a commercial (including shipping, aviation and other forms of transportation), industrial and financial nature (including investments and concessions) with South Africa, its nationals or companies of its nationals, in the Territory of Namibia; neither has it entered into any military co-operation or treaty applying directly or otherwise with the Territory of Namibia.

POLAND

/Original: English/
17 April 1970

The attitude of the Polish People's Republic towards South Africa conforms with the Polish Government's support of the United Nations General Assembly resolutions concerning both the question of Namibia and the policies of apartheid of the Government of South Africa. Consequently, the Polish People's Republic does not maintain any relations with South Africa.

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ROMANIA

[Original: French]
4 May 1970

Advocating, as it does, respect for the right of every people to choose its own destiny in accordance with its aspirations and its wishes, the Government of Romania has repeatedly expressed its whole-hearted support for the people of Namibia and its complete solidarity with that people's struggle for its national freedom and independence.

For that reason the Government of Romania condemns the illegal measures and actions of the South African Government against the people of Namibia and shares the widespread concern aroused by the persistent refusal of that Government to heed the many resolutions of the General Assembly and the Security Council on the subject of Namibia.

The Socialist Republic of Romania supports the provisions of resolution 276 (1970), adopted by the Security Council on 30 January 1970, and favours the immediate withdrawal of the South African authorities from that Territory in order that the people of Namibia may gain its freedom and independence.

For its part, the Government of the Socialist Republic of Romania, in compliance with the provisions of the General Assembly and Security Council resolutions concerning Namibia, has no diplomatic, consular, political, economic or other relations with the South African Government.

SAN MARINO

[Original: Italian]
27 March 1970

The Republic of San Marino has had in the past and has at present no commercial dealings, either directly or indirectly or through private citizens, with South Africa pertaining either to that country or to the Territory of Namibia. In view of the geographical situation of San Marino, no goods originating in or intended for South Africa directly or for Namibia have used or needed to use San Marino territory in order to reach their destination.

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The shipping register of the Republic of San Marino has not yet come into effect and San Marino has no air fleet of its own. Careful inquiries have revealed that no ships or aircraft have been chartered by any San Marino citizens or companies for the carriage of goods of any kind from or to South Africa intended for that State or Namibia, and no industrial or financial investments of any kind have been made or are in the process of being made.

In consideration of its small size and long-standing neutrality, the Republic of San Marino has no agreements and pursues no policy entailing military co-operation with any State.

The Republic of San Marino has no official relations, either diplomatic or consular, with South Africa, nor are there any consular missions between the two countries. San Marino is not bound to that country by any treaties.

SIERRA LEONE

/Original: English/
8 April 1970

Sierra Leone has no dealings with South Africa of a commercial nature including shipping, aviation and other forms of transportation. No South African aircraft can land in Sierra Leone nor can South African registered ships berth at our ports. There is a total boycott of South African goods. Sierra Leone nor its nationals have any industrial and financial dealings with South Africa.

Furthermore, Sierra Leone has consistently voted in the General Assembly and now in the Security Council for resolutions which have, in the first place, terminated the mandate of South Africa on Namibia, secondly, urged South Africa to withdraw from the Territory and thirdly, in urging other actions to ensure compliance with these resolutions. The Government of Sierra Leone does not therefore regard South Africa as having any sovereignty over Namibia and consequently does not have any dealings or agreements with South Africa which may imply recognition of South African authority over the Territory.

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SINGAPORE

/Original: English/
29 April 1970

The Government of Singapore will not recognize the illegal proclamation of republican status of the Territory by the illegal régime in Southern Rhodesia. Furthermore, the Singapore Government has imposed complete ban on imports from and exports to Southern Rhodesia since 1 December 1965.

SPAIN

/Original: Spanish/
22 April 1970

Spain - neither its Government, its nationals nor Spanish enterprises and companies - maintains no commercial, industrial or financial relations with South Africa which directly or indirectly affect Namibia and maintains no such relations with South African nationals and companies in that Territory. Spain also has no diplomatic, consular or commercial representation in the Territory which might imply recognition of South African authority over it.

Furthermore, neither the Spanish Government nor its nationals nor Spanish enterprises have signed any multilateral or bilateral agreements or other legal instruments with South Africa which are directly or indirectly applicable to Namibia.

SUDAN

/Original: English/
29 April 1970

The Government and nationals of the Democratic Republic of the Sudan have no commercial, industrial, financial or any other dealings with the Union of South Africa or with the Territory of Namibia. It is worth mentioning that the Sudan Government passed The South Africa Boycott Act in 1963 - copy of which is enclosed herewith.

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ANNEX: The South Africa Boycott Act, 1963 (1963 Act No. 30)

AN ACT to provide for the boycott and the prohibition of trade and other international intercourse with the Republic of South Africa.

In exercise of the powers conferred on him by Constitutional Order No. 1, the President of the Supreme Council for the Armed Forces hereby makes the following Act:

1. This Act may be cited as The South Africa Boycott Act, 1963.
2. The provisions of this Act shall be interpreted in the sense and spirit of the Charter of the Organization of African Unity; and notwithstanding anything hereinafter contained the prohibitions shall not include African nationals of African origin and their interests whether resident in or outside South Africa.
3. No person shall enter into any contract directly or indirectly with any person or body of persons resident in South Africa or whom he knows to be a South African subject or works for South Africa interests.
4. (1) No person shall import into the Sudan or trade therein in any South African goods, articles or products of any kind or of liquid assets originating directly or indirectly from South Africa.
(2) South African goods shall include all goods and articles manufactured or prepared in South Africa or all goods in the manufacture and preparation of which South African products have been used.
5. No person shall export from the Sudan any goods, articles or products to South Africa, or to any other country knowing that such goods, articles or products shall be re-exported to South Africa.
6. No person shall cause any goods, articles or products to enter the Sudan, or pass in transit through its territory which he knows to be destined to South Africa.
7. No person shall cause to be carried or agree to be carried any goods, articles or products to be loaded or unloaded in any Sudan harbour on any ship registered in South Africa, or which he knows to be owned by a person or body of persons resident in South Africa. And no such ship shall be permitted to enter any Sudan harbour or the Sudan territorial waters.

8. No person shall use or agree to use by being a passenger or by carriage of cargo of any description from or to any airport in the Sudan in any aircraft registered in South Africa or which he knows to be owned by a person or body of persons resident in South Africa. And no such aircraft shall be permitted to land in or fly over Sudan territory.

9. Any contract, dealing or transaction of import or export or of carriage by sea or air, made or entered into contrary to the provisions of this Act shall be null and void, except that such contract, dealing or transaction made or entered into before the coming into force of this Act shall if not before discharged, be and remain liable for discharge by performance or otherwise, if the consent of the Council of Ministers has been obtained thereto on the submission of the matter by the Minister of Commerce, Industry and Supply.

10. Any contravention of the provisions of this Act shall be an offence and any person committing such offence shall be punished with imprisonment which may extend to ten years and with fine. Any goods, articles or products and any means of conveyance being the subject matter of the offence and seized shall be forfeited.

11. An offence under this Act shall be tried by a court of a magistrate of the first class or by any higher court.

12. No magistrate shall take cognizance of an offence under this Act without the previous sanction of the Attorney-General.

SWEDEN

/Original: English/
23 June 1970

Trade

Official Swedish trade statistics give no separate account of trade with Namibia, since such trade would be covered by the statistics relating to Swedish trade with South Africa. Investigations indicate, however, that Swedish exports to and imports from Namibia, if any, amount to insignificant quantities.

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Industrial and financial relations

As far as has been possible to ascertain no Swedish investments have been made in Namibia either through the establishment of Swedish companies in the Territory or through any other means.

Transportation

According to the information obtained, calls by Swedish ships on Namibian ports are rare, keeping the rate of about one ship every second year. No air traffic exists between Sweden and Namibia. An agreement between Sweden and South Africa in regard to air services was concluded on 28 March 1958, which confers upon the Scandinavian Airlines System the right to operate a route to Johannesburg. According to article I of the agreement, the term "territory" in relation to a party includes "the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection, administration or trusteeship of that party". In view of the fact that the SAS has never operated in Namibia, the question of the applicability of the agreement to Namibia has not arisen.

Military co-operation

Sweden has no military co-operation with South Africa. Reference is made to Sweden's replies in letters of 16 September 1963 and 30 January 1964, to the Secretary-General's inquiries with regard to implementation of the Security Council resolutions of 7 August 1963 and 4 December 1963. As was stated in those letters, Sweden does not permit exports to South Africa of arms, ammunition or military vehicles nor of any machines and equipment intended for the manufacture and maintenance of such material.

Official representation

Sweden has no official representation in or extending to Namibia. A Swedish honorary consulate existed in Windhoek till 18 November 1966, but was withdrawn, following the General Assembly's decision on the status of Namibia (South West Africa) in its resolution 2145 (XXI) of 27 October 1966.

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Bilateral treaties

Sweden has concluded three bilateral treaties with South Africa. The first of those regards the above-mentioned agreement of 28 March 1958, concerning air services. The two remaining agreements, according to the text of the agreements, apply only to "the Union of South Africa".

Multilateral treaties

With regard to multilateral treaties to which South Africa is a party, it is assumed that an examination of such treaties may be undertaken centrally by the Secretariat of the United Nations on behalf of all the member countries.

SYRIA

/Original: English/
4 May 1970

The Government of the Syrian Arab Republic has no commercial dealings at all with South Africa and no shipping, no aviation and no transportation links. Neither it nor its nationals have any industrial or financial transactions nor do its companies have any investments or concessions. This is true as far as South Africa is concerned and as far as relates to the Territory of Namibia.

Furthermore, Syria does not entertain any military co-operation nor does it have any diplomatic, consular, trade or other relations with South Africa. It does not recognize South African authority over the Territory of Namibia and is not a part of any bilateral treaty concluded with South Africa.

The Syrian Government condemns the policy of apartheid of the Government of South Africa and its unlawful occupation of the Territory of Namibia. The Syrian delegation has persistently condemned the racist policy of South Africa before all organs of the United Nations and supported the right of the Namibians to their self-determination and independence. The Syrian information media seizes every opportunity to devote a lot of time and space to condemnation of racism in all its forms and to the mobilization of support to the liberation movements.

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UKRAINIAN SOVIET SOCIALIST REPUBLIC

/Original: Russian/
28 May 1970

The Ukrainian SSR has supported all United Nations decisions designed to ensure the application to the people of Namibia of the Declaration on the Granting of Independence to Colonial Countries and Peoples. The Ukrainian SSR voted for General Assembly resolution 2145 (XXI) terminating South Africa's mandate over Namibia. In pursuance of its basic policy of resolute support for the national liberation struggle of colonial peoples, the Ukrainian SSR is providing fraternal assistance to the African peoples in their struggle for independence and economic and social progress, and for final liberation from the yoke of colonialism and racism prevailing over southern Africa.

With regard to the provisions of Security Council resolution 276 (1970) and the decision taken by the Ad Hoc Sub-Committee on Namibia on 9 March 1970, the Permanent Mission has the honour to state that the Ukrainian SSR and its enterprises and nationals are not maintaining with the racist Government of South Africa any military, diplomatic, commercial, transport, industrial or financial relations (including investments and concessions) and do not have any military, diplomatic, consular, trade or other representatives in South Africa or in the Territory of Namibia. The Ukrainian SSR does not have any treaties with the Government of South Africa which might in any way conflict with the United Nations decision terminating South Africa's mandate over Namibia.

The Ukrainian SSR will continue to give whole-hearted support to international measures in support of the legitimate struggle by the people of Namibia for its freedom and independence.

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UNION OF SOVIET SOCIALIST REPUBLICS

/Original: Russian/
20 April 1970

The Soviet Union supports the legitimate aspirations of the people of Namibia for independence, and supports the basic decisions of the United Nations on the question of Namibia.

The Soviet Union voted for General Assembly resolution 2145 (XXI), terminating South Africa's mandate over Namibia, and for the Security Council resolutions recognizing the termination of the mandate and calling upon the Government of South Africa to withdraw its administration from Namibia. The Soviet Union supported Security Council resolution 276 (1970) in which the Council strongly condemned the Government of South Africa for its refusal to comply with the General Assembly and Security Council resolutions pertaining to Namibia.

With regard to the references in the Secretary-General's notes to operative paragraphs 5 and 7 of Security Council resolution 276 (1970), and to the decision taken on 9 March 1970 by the Ad Hoc Sub-Committee established in pursuance of resolution 276, the Permanent Mission would like to emphasize that the Soviet Union does not maintain diplomatic, economic, military or other relations with South Africa and does not have economic or other interests in Namibia.

As a member of the Ad Hoc Sub-Committee of the Security Council established in pursuance of Security Council resolution 276 (1970), the Soviet Union will make efforts to seek effective ways and means of contributing to the earliest possible liberation of the people of Namibia which is under the domination of the South African racists.

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UNITED KINGDOM

Original: English
26 June 1970

The Acting Permanent Representative of the United Kingdom has the honour to enclose as an annex the information requested in so far as the United Kingdom is concerned.

ANNEX

Shipping

1. There are no governmental shipping agreements. The Shipping Conferences to and from Europe do, however, have a formal agreement with the South African Government, called the Ocean Freight Agreement. In the preamble the following definitions occur:

"The Republic shall mean the Republic of South Africa and the Territory of South West Africa" and

"South African Berth Ports shall mean Walvis Bay and Luderitz Bay etc."

Under this Agreement, the South African Government undertake to ship all State cargoes (subject to certain exceptions) from the United Kingdom and continent by Conference ships. The Perishable Products Export Control Board undertake to ship perishables up to a specified tonnage to European and United Kingdom berth ports by Conference ships exclusively and to give Conference ships first refusal of cargoes over the specified tonnage. In return the rates of freight on all cargoes, especially those in a northbound direction, are subject to negotiation under an agreed procedure. The British Lines in the Conference are as follows:

Blue Star Line Limited
British India Steam Navigation Company Limited
The Clan Line Steamers Limited
Ellerman & Bucknall Steamship Company Limited
Hall Line Limited
Harrison Line Limited
Houston Line Limited
Union-Castle Main Steamship Company Limited

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Aviation

2. The Air Services Agreement of 1946 deals with Scheduled Services (Command 7858 of December 1949). The Annex to this includes the words:

"For the purposes of this Agreement the territory of the Contracting Party in relation to:

... (b) The Government of the Union of South Africa shall be regarded as including the mandated territory of South West Africa."

3. There are, however, no scheduled flights by British airlines to South West Africa.

4. Non-scheduled matters are normally arranged on an ad hoc basis by individual airlines. They are licensed in the United Kingdom by the Air Transport Licensing Board.

Trade

5. The full extent of United Kingdom trade with South West Africa cannot be fully ascertained because there is considerable transit trade between South Africa and South West Africa. The figures available are as follows:

	<u>United Kingdom exports to South West Africa</u>	<u>United Kingdom imports from South West Africa</u>
1968	£1.4 m	£24.5 m
1969	£2.0 m	£26.4 m

These figures are broken down as follows:

<u>United Kingdom exports to South West Africa 1968</u>	
<u>Commodity</u>	<u>Value</u> £
Live animals	1,470
Meat and meat preparations	9
Cereals and cereal preparations	17,887
Fruit and vegetables	1,246
Sugar products	4,038
Miscellaneous food products	782
Beverages (wines, spirits etc.)	61,298

/...

United Kingdom exports to South West Africa 1968

<u>Commodity</u>	<u>Value</u> £
Textile fibres	464
Crude fertilizers and minerals	1,308
Crude animal and vegetable materials	175
Petroleum products (distillate fuels - gas, oil, etc. - amounted to £128,484	139,455
Chemical elements and compounds	27,691
Dyeing and colouring materials	1,099
Medicinal and pharmaceutical products	713
Toilet preparations (including perfumes)	2,811
Explosives	1,005
Plastics	5,202
Chemical materials (not specified elsewhere)	5,959
Leather	336
Rubber manufactures	5,403
Wood and cork	70
Paper	3,127
Textiles (yarns, threads etc.)	60,491
Non-metallic mineral manufactures (tiles, glassware, pottery etc.)	15,857
Iron and steel	253,388
Non-ferrous metals	696
Manufacture of metal	43,520
Machinery (other than electric)	375,772
Electrical machinery	245,261
Transport equipment (including cars)	61,046
Plumbing and lighting equipment	4,601
Furniture	296
Travel goods (suitcases, handbags, etc.)	92
Clothing	1,792
Scientific instruments (including cameras, binoculars, optical instruments)	4,532
Miscellaneous manufactured articles	34,092

TOTAL £1,382,984

/...

United Kingdom imports from South West Africa 1968

<u>Commodity</u>	<u>Value</u> <u>£</u>
Meat and meat preparations	605,541
Fish and fish products (mostly pilchards)	2,312,852
Fish oils and fats	1,757,087
Fruit and vegetables	4,925
Feeding stuffs for animals (mostly fish meal and flour)	5,960,689
Hides and skins (lamb skins, karakul etc.)	11,609,503
Textile fibres	117,878
Crude fertilizers and minerals	50,506
Metalliferous ores and metal scraps	259,139
Crude animal and vegetable materials	2,575
Chemical elements and compounds	7,599
Chemical materials	2,556
Leather and leather products	21,562
Paper products	1
Textiles	681
Mineral manufactures	680
Non-ferrous metals (mostly lead)	1,745,272
Machinery (other than electric)	2,986
Electrical machinery	40
Travel goods	1
Clothing	130
Scientific instruments	178
Miscellaneous manufactured articles	788
Live animals	503
TOTAL	<u><u>£24,463,672</u></u>

/...

United Kingdom exports to South West Africa 1969

<u>Commodity</u>	<u>Value</u> £
Live animals (excluding zoo animals, dogs and cats)	2,515
Fish and fish preparations	1,195
Cereals and cereal preparations	3,010
Fruit and vegetables	33
Sugar, sugar preparations and honey	1,588
Coffee, tea, cocoa, spices and manufactures thereof	339
Miscellaneous food preparations	271
Beverages	77,643
Tobacco and tobacco manufactures	106
Oil seeds, oil nuts and oil kernels	202
Crude rubber (including synthetic and reclaimed)	970
Textile fibres not manufactured and their waste etc.	1,300
Petroleum and petroleum products	153,814
Chemical elements and compounds	17,950
Dyeing, tanning and colouring materials	286
Medicinal and pharmaceutical products	1,154
Essential oils and perfume materials etc.	2,979
Explosives and pyrotechnic products	2,008
Plastic materials and artificial resins	6,205
Chemical materials and products not elsewhere specified	10,517
Rubber manufactures, not elsewhere specified	4,650
Wood and cork manufactures (excluding furniture)	196
Paper, paperboard and manufactures thereof	9,107
Textile yarns, fabrics, made up articles etc.	19,529
Non-metallic mineral manufactures not elsewhere specified	27,066
Iron and steel	203,515
Non-ferrous metals	13,413
Manufactures of metal	36,723

United Kingdom exports to South West Africa 1969

<u>Commodity</u>	<u>Value</u> £
Machinery other than electric	721,647
Electrical machinery, apparatus and appliances	206,908
Transport equipment	40,221
Sanitary, plumbing, heating and lighting fixtures	1,839
Furniture	282
Travel goods, handbags and similar articles	165
Clothing, knitted articles, etc.	2,025
Scientific, photographic, horological goods, etc.	11,361
Miscellaneous manufactured articles not elsewhere specified	27,083
Other commodities and transactions	259
TOTAL	<u>£1,615,054</u>

United Kingdom imports from South West Africa 1969

<u>Commodity</u>	<u>Value</u> £
Meat and meat preparations	392,730
Fish and fish preparations	2,173,777
Fruit and vegetables	1,837
Feeding stuff for animals and food wastes	7,194,528
Hides, skins and fur skins, undressed	12,263,563
Crude rubber (including synthetic and reclaimed)	6,541
Textile fibres not manufactured and their waste	49,399
Crude fertilizers and minerals excluding fuels etc.	65,607
Metalliferous ores and metal scrap	549,395
Crude animal and vegetable materials not elsewhere specified	4,868
Animal oils and fats	1,832,543
Non-metallic mineral manufactures not elsewhere specified	4,122
Non-ferrous metals	1,877,524

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United Kingdom imports from South West Africa 1969

<u>Commodity</u>	<u>Value</u> <u>£</u>
Machinery other than electric	3,050
Scientific, photographic, horological etc.	461
Miscellaneous manufactured articles, goods not elsewhere specified	60
Other commodities and transactions	7,097
TOTAL	<u>£26,429,102</u>

NB

- (a) Statistics on the import of diamonds from South West Africa are not available; they are exported through the Central Selling Organization in South Africa. The value of diamonds mined in South West Africa in 1967 was R72.5m.; the United Kingdom was probably the largest customer. The bulk of the United Kingdom's imports of diamonds are re-exported.
- (b) The Government-assisted British National Export Council has a Committee concerned with promoting United Kingdom exports to southern Africa, including South West Africa. No special export promotion events have been arranged in South West Africa either by the BNEC or by Her Majesty's Government.

Investment

6. No statistics of investment held in South West Africa by the United Kingdom are available. It is known, however, that the following United Kingdom-based firms have interests in the territory:

Shell and British Petroleum are operating a concession to explore for petroleum and natural gas.

H.M. Mining and Exploration Company in association with Syracuse Oils of the United Kingdom hold concessions for exploration for petroleum and natural gas.

The South West Africa Company Limited is registered in London, although 90 per cent of their shares are owned by a syndicate consisting largely of the big South African mining interests.

Rio Tinto Zinc have said that their South African subsidiary, Rossing Uranium Limited, intend, subject to financing, to develop a large opencast uranium deposit at Rossing with production commencing in the mid-1970s. Initial contracts have been contracted with uranium users, including, in 1963, the Atomic Energy Authority.

The National Karakul Auctions Limited buy pelts on behalf of their parent United Kingdom company, Anning, Chadwick and Keever.

Eastwood and Holt Limited handle pelts for Boere Saamwerk Limited.

The Hudson's Bay Company handle pelts for the Farmers' Co-operative Union.

Barclays Bank DCO Limited have branches in the territory.

Wimpey's have an interest in George Wimpey South West (Pty) Limited. This company recently won a R5 million contract for road construction in South West Africa.

Military co-operation

7. The United Kingdom has not provided any form of military assistance or co-operation to the South African forces operating in South West Africa since 1964, when the British Government decided to operate an arms embargo in line with Security Council resolution 191 of 1964. Certain arms of British origin supplied prior to 1964 may still be in use with army units stationed in the Territory.

Official representation

8. There is no official British representation in South West Africa. Trade assistance to British companies concerning South West Africa is usually provided by Her Majesty's Consulate-General at Cape Town. In addition to this, there is a locally-engaged trade correspondent in South West Africa. His services are on a part-time basis and his work is very limited.

Treaties

9. The Agreements made on 20 August 1932 at the Imperial Economic Conference held at Ottawa, concerning the imports to be levied on goods passing between the United Kingdom and the other countries party to the agreement, made provision for certain rights of duty-free entry and for certain preferential margins. Article 13 of the United Kingdom-Union of South Africa Agreement reads as follows:

"for the purpose of this Agreement the mandated territory of South West Africa shall be deemed to be part of the Union of South Africa".

10. The following extensions and amendments of the 1932 Agreement have been made:

30 August 1935	Cmnd. 5012
10 March 1936 (supplementary to 30.8.35)	T 6931/384-1936 S.A. Treaties Series No. 4 (1936)
10 November 1938	A 9278/1/45-1938
23 May 1940	L 1735/1713/407-1941 S.A.T.S. No. 5 (1940)
3 June 1941	S.A.T.S. No. 5 (1941)
19 March 1942	S.A.T.S. No. 3 (1942)
31 March 1943	S.A.T.S. No. 2 (1943)
22 May 1943	S.A.T.S. No. 3 (1943)
30 March 1944	S.A.T.S. No. 2 (1944)
15 May 1944	S.A.T.S. No. 3 (1944)
29 March 1945	S.A.T.S. No. 1 (1945)
28 May 1945	S.A.T.S. No. 2 (1945)
20 November 1945	S.A.T.S. No. 8 (1945)
28 March 1946	S.A.T.S. No. 6 (1946)
4 September 1946	S.A.T.S. No. 11 (1946)
6 July 1949	S.A.T.S. No. 18 (1949)
21 May 1957	EC 2392/4/2 and T 2324/13
20 November 1958 and 9 February 1959	EC 2392/4/2

11. By virtue of South Africa's signature of the General Agreement on Tariffs and Trade, South West Africa is included in the GATT Secretariat's consolidated list of countries covered by the Agreement.

12. A double Taxation Agreement with South Africa was signed at Cape Town on 28 May 1962 (SI 1962 No. 2352), and this was extended to South West Africa by the exchange of notes with South Africa on 8 August 1962 (SI 1962 No. 2788). The Agreement was modified in the case of South Africa by a Protocol signed at Cape Town on 14 June 1967 (SI 1967 No. 1489); a similar modification in the case of South West Africa was achieved by notes exchanged on 14 June 1967 (SI 1967 No. 1490). Arrangements in the case of South Africa were subsequently codified in an Agreement signed in London on 21 November 1968 (SI 1969 No. 864).

13. The following treaties between the United Kingdom and South Africa also cover South West Africa:

26 October 1945	Air Traffic	Cmnd. 7358
16 October 1964	Boundary: N. Rhodesia and Angola	T.S. No. 18 (1965) Cmnd. 2568
15 November 1967	Privileges of Consular Officers and Employees	T.S. No. 13 (1968) Cmnd. 3589
21 November 1968	Taxation	T.S. No. 99 (1969) Cmnd. 4163

United Kingdom Sterling Area legislation

14. South West Africa benefits from the exchange control exemption enjoyed by South Africa as a result of the Exchange Control Act of 1947. Schedule I of this Act, as amended by the Exchange Control (Scheduled Territories) Order 1967, lists the countries which benefit, including:

"South Africa, the Republic of, and the Territory of South West Africa".

This means that the territory is automatically a part of the Sterling Area, as is South Africa.

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UNITED STATES

/Original: English/
30 June 1970

Specified activities of the United States Government and United States nationals and companies in Namibia (South West Africa):

I. Commercial

No figures are available on United States trade with Namibia as they are incorporated in trade figures for southern Africa. No United States-flag vessels or airlines regularly service Namibia.

II. Industrial and financial

There is no routine practice or requirement for United States nationals and companies to make available to the Government of the United States for general purposes detailed information regarding their operations in foreign countries. Information of the type requested by the Sub-Committee is, therefore, not readily available. However, as stated in the Department of State publication "Background Notes" on Namibia,

"the US-controlled Taumeb Corporation accounts for the bulk of base metal production and is the only sizeable United States investment in the territory."

The Government of the United States is making further inquiries regarding the industrial and financial activities of United States nationals and companies in Namibia and will forward any appropriate additional information as available.

On 20 May, the Government of the United States announced the following steps relative to future activities of United States nationals and companies in Namibia. Specifically:

(a) The United States will officially discourage investment by United States nationals in Namibia;

(b) United States nationals who, nevertheless, invest in Namibia on the basis of rights acquired through the Government of South Africa since adoption of United Nations General Assembly resolution 2145 (XXI), 27 October 1966, shall not receive the assistance of the Government of the United States in protection of such investments against claims of a future lawful government of Namibia; and

/...

(c) Export-Import Bank credit guarantees and other facilities shall not be made available for trade with Namibia.

III. Military

The Government of the United States has no military activities in Namibia and does not co-operate militarily with the authorities there.

IV. Representational

The Government of the United States does not maintain any diplomatic, consular, trade or other official representation in Namibia.

V. Treaties

Bilateral agreements

The attached Department of State publication "Treaties in Force" contains a listing of United States bilateral agreements (treaties and executive agreements) with South Africa.

The United States considers that since 27 October 1966, South Africa has lacked the capacity to enter into international agreements with effect for Namibia and that, since that time, the United Nations has had direct responsibility for the territory. The United States recognizes, therefore, that the following listing is not determinative of the question of applicability of its agreements with South Africa to Namibia. Applicability would be determined in accordance with international law.

Only one agreement with South Africa, an executive agreement entered into in 1956 relating to passport visas, is specifically applicable to Namibia (249 UNTS 395, TIAS 3544). (The agreement was amended 31 March 1958, 300 UNTS 382, TIAS 4076.) Another agreement, a treaty relating to tenure and disposition of real and personal property (TS 146, 31 Stat. 1939) specifically excludes Namibia in its application. Another executive agreement entered into in 1947 relating to air transport services (66 UNTS 233, TIAS 1639) contains a definition of "territory" broad enough to have been applicable to Namibia as

of its entry into force. (This Agreement was amended in 1953 and 1968. 206 UNTS 334, TIAS 2870; TIAS 6512.) In addition, the Extradition Treaty with South Africa entered into in 1951 (148 UNTS 85, TIAS 2243) was acceded to by South Africa on behalf of Namibia on 1 October 1951.

The remainder of the United States' bilateral agreements with South Africa contain no explicit references to Namibia.

Multilateral agreements

"Treaties in Force" also contains a listing of multilateral agreements to which the United States and South Africa are parties. The following have been specifically extended to Namibia by South Africa:

Convention on road traffic. Geneva, 1949. (125 UNTS 22, TIAS 2487)

Convention for unification of certain rules relating to international transport by air. Warsaw, 1929. (137 LNTS 11, TS 976)

Agreement on German external debts. London, 1953. (333 UNTS 3, TIAS 2792)

Convention of the World Meteorological Organization. Washington, 1947. (77 UNTS 143, TIAS 2052)

Additional regulations amending the international sanitary regulations. Geneva, 1965. (TIAS 5863)

Convention relating to the suppression of the abuse of opium and other drugs. The Hague, 1912. (8 LNTS 187, TS 612)

Convention for limiting the manufacture and regulating the distribution of narcotic drugs. (Geneva, 1931.) (139 LNTS 301, TS 863). (With protocol of signature which South Africa did not extend to South West Africa. New York, 1946. 12 UNTS 179, TIAS 1671).

Protocol bringing under international control drugs outside the scope of the above-mentioned Convention 139 LNTS 301 as amended by the above-mentioned protocol (12 UNTS 179). Paris, 1948. (44 UNTS 277, TIAS 2308)

Protocol for limiting and regulating the cultivation of the poppy plant, etc. New York, 1953. (456 UNTS 3, TIAS 5273)

/...

Agreement for the suppression of the circulation of obscene publications. Paris, 1910. (33 Stat. 1511, TS 859)

International telecommunication convention with annexes. Montreux, 1965. (TIAS 6267)

Telegraph regulations (Geneva revision 1958) annexed to the international telecommunication convention (Buenos Aires, 1952), with appendices and final protocol. Geneva, 1958. (TIAS 4390)

Partial revision of the radio regulations (Geneva, 1959), with annexes and additional protocol. Geneva, 1963. (TIAS 5603)

General Agreement on Tariffs and Trade, Protocol of Provisional Application. Geneva, 1947. (55-61 UNTS, TIAS 1700)

The remainder of the multilateral agreements to which the United States and South Africa are party contain no specific reference to Namibia in relation to the application of the agreement.

VENEZUELA

/Original: Spanish/
15 May 1970

The Government of Venezuela and its nationals and companies maintain no commercial, industrial or financial relations whatsoever with South African nationals or companies in Namibia or having dealings with Namibia.

YUGOSLAVIA

/Original: English/
23 April 1970

(1) The Federal Assembly of Yugoslavia, in pursuance of Security Council resolution 181 of 7 August 1963, enacted a special law on strict prohibition of economic relations and any other ties with the Republic of South Africa.

/...

(2) The Yugoslav Government consistently implementing General Assembly resolution 1761 (XVII) closed the Yugoslav Consulate in Johannesburg a number of years ago.

(3) Consistently implementing the above-mentioned and other pertinent decisions and recommendations of the General Assembly and of the Security Council, Yugoslavia does not maintain diplomatic, consular, trade or any other relations with the Republic of South Africa, conversely, it does not maintain any other form of relations which are mentioned in Security Council resolution 276 and which pertain to Namibia.

(4) The Yugoslav Government wishes to reiterate on this occasion also that it supports all actions of the United Nations having as their aim to put an end to the occupation of the Territory of Namibia by the Republic of South Africa, actions enabling the people of Namibia to exercise, as soon as possible, their legitimate right to freedom and independence.

(5) The Permanent Mission wishes once again to reaffirm the readiness of the Yugoslav Government to fully co-operate with the Ad Hoc Sub-Committee of the Security Council for Namibia so as to assist the Sub-Committee to discharge the mandate entrusted to it.

ZAMBIA

/Original: English/
15 June 1970

The Government of the Republic of Zambia has no commercial, industrial or financial dealings with the racist régime of South Africa in the international Territory of Namibia. The Government of Zambia would like to emphasize that it will consistently implement General Assembly and Security Council resolutions pertaining to Namibia.

...
/...

ANNEX II

REPLIES RECEIVED FROM INTERNATIONAL ORGANIZATIONS AND THE UNDP
IN RESPONSE TO THE REQUEST FROM THE AD HOC SUB-COMMITTEE a/

1. At its fifth meeting held on 9 March 1970, the Ad Hoc Sub-Committee established in pursuance of Security Council resolution 276 (1970) decided as follows:

"With reference to operative paragraph 7 of Security Council resolution 276 (1970), the Sub-Committee requests all specialized agencies, the International Atomic Energy Agency and the UNDP to give full and detailed information about any dealings which they have with South Africa that might have a bearing upon the territory of Namibia."

2. The substantive parts of the replies received are reproduced below.

GENERAL AGREEMENT ON TARIFFS AND TRADES

/Original: English/
10 April 1970

We have taken note of the decision taken by the Ad Hoc Sub-Committee.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

/Original: English/
31 March 1970

The institutions of the World Bank Group (the Bank, IFC and IDA) have no dealings with South Africa that might have a bearing upon the Territory of Namibia. The loans extended by the Bank to, or with the guarantee of, the Government of South Africa, the most recent of which was made in 1966, were for specific projects and the Bank, in accordance with its normal practice took appropriate steps to ensure that the proceeds of the loan would be used for these projects. I may add that neither IDA nor IFC have ever made financing available to, or for projects in, South Africa.

a/ See para. 9 of this report.

INTERNATIONAL CIVIL AVIATION ORGANIZATION

[Original: English]
26 March 1970

I shall be grateful if you will convey the following to the Sub-Committee.

1. With reference to the relevant resolutions of the General Assembly of the United Nations, ICAO has no dealings with South Africa that have a bearing upon the Territory of Namibia.

2. The ICAO regional air navigation plan for the African-Indian Ocean region contains requirements for certain air navigation services in the Territory of Namibia. These are listed in the plan under the name of Namibia. Information on the implementation of the services required is obtained from various sources and not by correspondence with South Africa.

[Original: English]
26 March 1970

The Council [of ICAO] also decided that ICAO was ready to give the Sub-Committee established by clause 6 of resolution 276 (1970) of the Security Council all the information and assistance it might be able to provide.

INTERNATIONAL LABOUR ORGANISATION

[Original: English]
9 April 1970

In 1961, the International Labour Conference had adopted a resolution in which it had condemned the racial policies of South Africa and had called upon her to withdraw from the membership of the organization until such time as it abandoned apartheid. On 11 March 1964, South Africa notified the Director-General of its decision to withdraw from the organization. The period of notice of withdrawal expired on 11 March 1966.

/...

Article 5 of the Constitution of the International Labour Organisation provides, inter alia, that "when a Member has ratified any international labour Convention, such withdrawal shall not affect the continued validity for the period provided for in the Convention of all obligations arising thereunder or relating thereto". Thus, despite the withdrawal of the Government of South Africa from the membership of the Organization, the ILO continued to request from that Government reports regarding the application of Conventions ratified on behalf of the territory of South West Africa. In this connexion, the Committee of Experts on the Application of Conventions and Recommendations reported in 1967, concerning a request made before the termination of the Mandate, as follows:

"The Committee notes that no report has been received for the period ending 30 June 1966, in respect of the implementation of Conventions applicable to South West Africa. It recalls that it has had occasion in previous years to point out discrepancies between the legislation of the territory and certain of the Conventions concerned (Conventions Nos. 42 and 89).

The Committee notes that the question of South West Africa is at present under consideration by the United Nations. It hopes that appropriate measures will be taken to ensure the full implementation of all Conventions which are applicable to the territory (namely, the Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19), the Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42), the Underground Work (Women) Convention, 1935 (No. 45) and the Night Work (Women) Convention (Revised), 1948 (No. 89)) and that reports concerning the application of these Conventions will be available to the Committee in future years."

Following the adoption of resolution 2145 (XXI) of 27 October 1966, by which the General Assembly of the United Nations terminated the Mandate for South West Africa and decided, inter alia, that South Africa had no other right to administer the Territory and that henceforth South West Africa came under the direct responsibility of the United Nations, the ILO ceased to address to the Government of South Africa requests for reports concerning international obligations assumed on behalf of South West Africa. Apart from the foregoing, the ILO has had no dealings with South Africa, which might have had any bearing on the territory of Namibia.

INTERNATIONAL MONETARY FUND

[Original: English]
27 March 1970

In response to your letter ... transmitting the request of the Ad Hoc Sub-Committee for "information about any dealings ... with South Africa that might have a bearing upon the Territory of Namibia", I can inform you that the Fund has not had any such dealings.

INTERNATIONAL TELECOMMUNICATION UNION

[Original: English]
7 April 1970

... the Administrative Council of the ITU resolved, in May 1967, that the Government of the Republic of South Africa no longer had the right to represent the Territory of South West Africa within the Union. The text of the pertinent resolution is attached to this letter.

Since then we have continued to receive occasional letters from the Republic of South Africa giving operational information relating to telecommunication installations in South West Africa. Such information has been published in the appropriate ITU service documents under the heading "South West Africa" rather than as previously "Republic of South Africa and Territory of South West Africa".

ANNEX:

Resolution No. 619 of the Administrative Council of ITU

The Administrative Council,

noting

that on 11 November 1966, the Government of the Republic of South Africa deposited with the General Secretariat an instrument of accession, on its own behalf and on behalf of the Territory of South West Africa, to the International Telecommunication Convention (Montreux, 1965);

...
/...

noting however

that on 27 October 1966, the General Assembly of the United Nations had adopted resolution No. 2145 (XXI) under which it decided:

"that the Mandate conferred upon His Britannic Majesty to be exercised on his behalf by the Government of the Union of South Africa is therefore terminated, that South Africa has no other right to administer the Territory and that henceforth South-West Africa comes under the direct responsibility of the United Nations.";

considering

that a majority of the members of the Union approved the proposal of the Council contained in circular-telegram 15/18 of 18 May 1967;

resolves

that the Government of the Republic of South Africa no longer has the right to represent the Territory of South-West Africa within the Union;

instructs the Secretary-General

to bring this resolution to the attention of members of the Union and to that of the Secretary-General of the United Nations.

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

/Original: English/
17 April 1970

... South Africa is no longer a member State of UNESCO, from which it withdrew on 31 December 1956. Furthermore, in operative paragraph 5 of resolution 9.12 concerning the liquidation of colonialism and racialism which it adopted at its fifteenth session, the General Conference of UNESCO reaffirmed "its decision to withhold assistance from the Governments of Portugal, the Republic of South Africa and the illegal régime of Rhodesia in matters relating to education, science and culture and not to invite them to attend conferences or take part in other UNESCO activities until such time as the authorities of these countries abandon their policy of colonial domination and racial discrimination".

/...

WORLD HEALTH ORGANIZATION

Original: English
8 April 1970

No assistance is rendered to South Africa by the World Health Organization in accordance with resolutions WHA16.43, WHA17.50 and WHA18.40 of the World Health Assembly.

Your attention is called to my letter of 3 October 1969 addressed to the Acting United Nations Commissioner for Namibia responding to his specific inquiries, a copy of which is attached. That letter covers the general situation which has not been modified in any way.

As indicated in my letter to you of 2 March 1970, the World Health Organization will be glad to provide any assistance within its competence to the Ad Hoc Sub-Committee.

Letter dated 3 October 1969 from the Director-General of WHO addressed to the Acting United Nations Commissioner for Namibia

I have the honour to refer to your letter of 28 August 1969 recalling section III, paragraph 2, of General Assembly resolution 2248 (S-V) of 19 May 1967, and paragraph 4 (a) of resolution 2372 (XXII) of 12 June 1968, as well as paragraph 45(7) of the report of the United Nations Council for Namibia to the twenty-third session of the General Assembly (A/7338), and to respond in a preliminary manner to the three specific inquiries concerning assistance to Namibia:

1. The World Health Organization is not currently engaged in any programme in, or benefiting, Namibia.
2. The Organization is engaged in programmes which are, or could be, of assistance to Namibians resident outside their home country. It is prepared to receive and consider requests for specific forms of assistance, including fellowships for training in the health professions, to Namibians residing outside their country. Authority for such assistance is found in Article 2 (e) of the Constitution of the World Health Organization which declares 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". Further the Organization is currently providing fellowships to refugees sponsored by the United Nations High Commissioner for Refugees.

3. Bearing in mind the Agreement between the United Nations and the World Health Organization, notably Articles IV, VII, VIII and IX thereof, and particularly the last mentioned, the World Health Organization stands ready to participate in the preparation of contingency planning for programmes of assistance to cover the situation at such time as the administration of Namibia should be transferred to the United Nations Council for Namibia as well as upon eventual independence.

It would seem advisable to arrange for consultations to discuss all of these questions in more detail and what is required in the field of health. I am ready at any time to designate a representative to initiate such discussions with you.

WORLD METEOROLOGICAL ORGANIZATION

/Original: English/
2 March 1970

In accordance with operative paragraph 7 of the resolution 276 (1970), WMO will be pleased to provide the Ad Hoc Sub-Committee with any available information relevant to this resolution. Additionally, the contents of the resolution and, in particular, its operative paragraph 7 will be brought to the attention of the WMO Executive Committee which will hold its twenty-second session in Geneva in September 1970. I shall inform you in due course of the decisions of the Executive Committee as regards this resolution.

/...

/Original: English/
23 April 1970

I should be grateful if you would convey for the consideration of the Ad Hoc Sub-Committee the information that the World Meteorological Organization does not provide any economic, financial, technical or other assistance to the Government of South Africa and does not have any dealings with that Government which would have any bearing upon the territory of Namibia.

As indicated in my letter of 2 March 1970, I shall not fail to provide the Ad Hoc Sub-Committee with any available information relevant to resolution 276 (1970) adopted by the Security Council concerning the situation in Namibia.

UNITED NATIONS DEVELOPMENT PROGRAMME

/Original: English/
17 April 1970

... with reference to Security Council resolution 276 (1970), and in particular paragraph 7 of that resolution, I wish to refer to my letter of 17 February 1970 ... with reference to General Assembly resolution 2555 (XXIV).

As stated in that letter, the UNDP has not entertained any requests from South Africa for UNDP assistance since the adoption of the General Assembly's first resolution, in December 1965, inviting specialized agencies to deny economic and technical assistance to South Africa. Consequently, the UNDP has no dealings with South Africa that might have a bearing upon the territory of Namibia.

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ANNEX III

REPLIES RECEIVED FROM UNITED NATIONS BODIES IN RESPONSE TO
THE REQUEST FROM THE AD HOC SUB-COMMITTEE a/

1. At its fifth meeting held on 9 March 1970, the Ad Hoc Sub-Committee established in pursuance of Security Council resolution 276 (1970) decided to address a request for information to the United Nations Council for Namibia, the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa.
2. The texts of the replies received in response to this request are reproduced below:

LETTER DATED 24 MARCH 1970 FROM THE ACTING CHAIRMAN OF THE UNITED NATIONS COUNCIL FOR NAMIBIA

I have the honour to acknowledge receipt of your letter of 12 March 1970 and am pleased to inform you that the United Nations Council for Namibia, in accordance with operative paragraph 7 of Security Council resolution 276 (1970), has decided to transmit to the Ad Hoc Sub-Committee all the relevant information at its disposal on the question of Namibia.

The Council has meanwhile decided, as a preliminary measure, to transmit to your Sub-Committee the reports of the Council for Namibia to the General Assembly (A/6897, A/7088 and Corr.1, A/7338 and Corr.1, A/7624/Rev.1). Copies of these reports have been annexed to this letter.

I shall shortly be contacting you regarding the form and substance of any other information which is subsequently to be transmitted by the Council for Namibia.

LETTER DATED 25 MARCH 1970 FROM THE CHAIRMAN OF THE SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

I have the honour to refer to your letter No. PO 230 SOAF (5) dated 12 March 1970 in which you forwarded on behalf of the Ad Hoc Sub-Committee established in pursuance of Security Council resolution 276 (1970) a request for all the information at my disposal which might be helpful to that Sub-Committee in its work.

a/ See para. 10 of this report.

... In response to that request, I transmit herewith a list of documents of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples which, in my judgement, might meet the purpose stated in your letter.

In conclusion I take this opportunity to inform you that the Special Committee stands ready to assist the Ad Hoc Sub-Committee as may be required, in accordance with operative paragraph 7 of the above-mentioned Security Council resolution.

Documents of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples which are relevant to the work of the Ad Hoc Sub-Committee established in pursuance of Security Council resolution 276 (1970)

- (a) Reports of the Special Committee to the General Assembly: chapters relating to Namibia
 - 1. Official Records of the General Assembly, Nineteenth Session, Annexes, Annex No. 8 (Part I) (A/5800/Rev.1), chapter IV.
 - 2. Ibid., Twentieth Session, Annexes, addendum to agenda item 23 (A/6000/Rev.1), chapter IV.
 - 3. Ibid., Twenty-first Session, Annexes, addendum to agenda item 23 (A/6300/Rev.1), chapter IV.
 - 4. Ibid., Twenty-second Session, Annexes, addendum to agenda item 23 (Part I) (A/6700/Rev.1), chapter IV.
 - 5. A/7200/Add.2 (report to the twenty-third session), chapter VII.
 - 6. A/7623/Add.2 (report to the twenty-fourth session), chapter VII.
- (b) Reports concerning activities of foreign economic and other interests which are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Southern Rhodesia, Namibia and Territories under Portuguese domination and in all other Territories under colonial domination and efforts to eliminate colonialism, apartheid and racial discrimination in southern Africa
 - 7. Official Records of the General Assembly, Nineteenth Session, Annexes, Annex No. 15 (A/5840).
 - 8. Ibid., Twenty-second Session, Annexes, agenda item 24 (A/6868 and Add.1, Appendix II).

9. A/7320 and Add.1 (report to the twenty-third session), Appendix II.
10. A/7752 and Add.1 (report to the twenty-fourth session), Appendix I.
- (c) Reports concerning military activities and arrangements by colonial Powers in Territories under their administration which might be impeding the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples
11. A/7200 (Part II) (report to the twenty-third session), chapter IV, Annex, Appendix I.
12. A/7623 (Part II) (report to the twenty-fourth session), chapter III, Annex, Appendix I.
- (d) Reports concerning implementation of the Declaration by the specialized agencies and international institutions associated with the United Nations
13. A/7200 (Part II) (report to the twenty-third session), chapter III.
14. A/7623 (Part III) (report to the twenty-fourth session), chapter V.

LETTER DATED 31 MARCH 1970 FROM THE ACTING CHAIRMAN OF THE SPECIAL
COMMITTEE ON THE POLICIES OF APARTHEID OF THE GOVERNMENT OF THE
REPUBLIC OF SOUTH AFRICA

I wish to acknowledge the receipt of your letter PO 230 SOAF (5) dated 12 March 1970 requesting information which might be helpful to the Ad Hoc Sub-Committee established in pursuance of Security Council resolution 276 (1970).

Inasmuch as the Ad Hoc Sub-Committee's mandate is to study ways and means of enforcing the Security Council resolutions concerning Namibia, particularly resolution 269 (1969) calling for the withdrawal of South Africa from Namibia, the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa wishes to draw the attention of the Ad Hoc Sub-Committee to the fact that since its establishment it has, in its annual reports to the General Assembly and the Security Council, recommended a number of measures, the implementation of which, it believed, would compel South Africa to abide by the United Nations resolutions calling for the abandonment of apartheid. A list of the Committee's reports containing the recommendations is attached herewith. These recommendations have been reflected in resolutions adopted by the Security Council and the General Assembly on the question of apartheid.

As you may note, the Special Committee has always advocated the implementation by the United Nations of mandatory measures under Chapter VII of the Charter as the most effective way to induce South Africa to abide by the United Nations resolutions. The Special Committee consequently believes that the Security Council would have to resort to such measures to secure

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the implementation of its resolutions relating to Namibia, particularly to ensure that South Africa withdraws from that territory.

In this connexion it should be recalled that the Security Council has not yet considered the report submitted to it by its own Expert Committee established in pursuance of resolution 191 (1964) "to undertake a technical and practical study and report to the Council as to the feasibility, effectiveness and implications of measures which could, as appropriate, be taken by the Council under the Charter of the United Nations".

The Special Committee has repeatedly emphasized the importance of full implementation of the arms embargo against South Africa, and pointed out that the continued military co-operation with South Africa encouraged the latter to resist the United Nations resolutions concerning the territory.

It noted in its last report:

"The South African Government has continued the build-up of military and police forces and has announced plans for massive expansion of its military power. It has received assistance from other countries, particularly France which, in spite of the resolutions of the Security Council, has continued to supply South Africa with aircraft and submarines and has assisted in the development of a ground-to-air missile. South African Government spokesmen have also announced plans for military co-operation with other countries in the Southern Hemisphere.

"This massive military build-up is a grave threat to the peace in the whole of southern Africa since it has emboldened South Africa to defy United Nations resolutions, to intervene militarily against the forces of the liberation movements in Southern Rhodesia, to assist Portugal in its colonial wars and to threaten independent African States."

The Security Council should therefore review the question of the provision of arms and military equipment to South Africa with a view to adopting mandatory measures to tighten its arms embargo against South Africa and stopping any type of military collaboration with that country.

South Africa has not only continued to occupy Namibia illegally, but it has also exported its apartheid policies to that territory and subjected its inhabitants to its vicious repressive laws such as the Suppression of Communism Act and the Terrorism Act. Namibians have been tried in South Africa under those laws. Urgent action is, therefore, required to secure the release of persons imprisoned for opposition to the policies of apartheid of the authorities in illegal occupation in Namibia.

The South African Government has showed its determination to extend its policy of racial separation and segregation to Namibia by passing, in June 1968, the Development of Self-Government for Native Nations in South West Africa Act providing for so-called self-governing native nations in Namibia. The

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Security Council should take the necessary steps to prevent the South African Government from implementing in Namibia such a law and all other measures of racial separation.

Turning to the economic and financial field, the Special Committee would like to point out that many South African companies in which foreign economic interests are involved operate in Namibia. It is, therefore, essential to end collaboration by such interests not only with companies registered in Namibia but also with companies registered in the Republic of South Africa.

Pursuant to its terms of reference, the Special Committee follows the various aspects of apartheid. It will keep the request of the Ad Hoc Sub-Committee under consideration and provide further information as appropriate.

List of reports of the Special Committee on the Policies of Apartheid
of the Government of the Republic of South Africa

- | | |
|---|---|
| A/5418-S/5310 | First interim report to the General Assembly and the Security Council, adopted on 6 May 1963 |
| A/5453-S/5353 | Second interim report to the General Assembly and the Security Council, adopted on 16 July 1963 |
| A/5497-S/5426
A/5497/Add.1
A/5497/Add.2 | Report to the General Assembly and the Security Council, adopted on 13 September 1963 |
| A/5692-S/5621 | Report to the General Assembly and the Security Council, adopted on 23 March 1964 |
| A/5707-S/5717 | Report to the General Assembly and the Security Council, adopted on 22 May 1964 |
| A/5825-S/6073
A/5825/Add.1 | Report to the General Assembly and the Security Council, adopted on 30 November 1964 |
| A/5932-S/6453 | Report to the General Assembly and the Security Council, adopted on 16 June 1965 |
| A/5957-S/6605 | Report to the General Assembly and the Security Council, adopted on 10 August 1965 |
| A/6356-S/7387 | Report to the General Assembly and the Security Council, adopted on 27 June 1966 |
| A/6486-S/7565 | Report to the General Assembly and the Security Council, adopted on 21 October 1966 |
| A/6864-S/8196
A/6864/Add.1 | Report to the General Assembly and the Security Council, adopted on 17 October 1967 |
| A/7254-S/8843 | Report to the General Assembly and the Security Council, adopted on 4 October 1968 |
| A/7625/Rev.1-
S/9473 | Report to the General Assembly and the Security Council, adopted on 13 October 1969 |

ANNEX IV

STATEMENTS MADE AT THE SEVENTEENTH MEETING OF THE AD HOC
SUB-COMMITTEE EXPRESSING CERTAIN RESERVATIONS a/

FRANCE

/Original: French/

Since this is a Committee established by the Security Council which reflects the composition of that organ, the statements of position could not be expected to be different from those adopted a few months ago in the open sessions of the Council.

Just as my delegation was not surprised by the suggestions made here since we began our work, no one will be surprised to hear it affirm the doubts which it expressed a few months ago when resolution 276 (1970) was adopted.

Since I have been assiduously attending the meetings of our Sub-Committee, I can gauge the effort made by several of our colleagues to enable it to fulfil its mandate within the time-limit. I also appreciate their endeavour to reach unanimous agreement on a list of recommendations and wish to assure them that I fully respect their efforts.

Furthermore, as my delegation has consistently stated, and as it observed last January in the Council, it has noted with the greatest apprehension that the law known as the "Terrorism Act" is being applied to a Territory under an international régime, and that the system of apartheid is being extended through the establishment of "autonomous areas".

But we do not find the United Nations approach to the serious problem of South West Africa which underlies the draft recommendation before us, as well as the actual content of the latter, either realistic or legally sound. What in fact do we all want? We want equality among men to be restored in the Territory without distinction as to race; we want the peoples of the Territory to be given back their rights and their dignity; we want them to accede freely to self-determination, thereby completing - there as elsewhere - the process of decolonization. There is no longer any disagreement regarding those objectives. In order to achieve them, my delegation holds the view, which has grown stronger in the recent past, that the course to follow involves going

a/ See para. 16 of report.

back to the spirit of dialogue which the General Assembly welcomed whole-heartedly in its resolution 2505 (XXIV) at its last session.

For the reasons I have given, I would request the Sub-Committee in the event that it should adopt the draft recommendation, to which my delegation cannot subscribe, to mention in the report the reservations expressed by the French delegation at the same time.

POLAND

[Original: English]

In view of the position taken by it in this Sub-Committee on 15 April 1970, the Polish delegation would like to make the following remarks:

We feel that several of the proposed recommendations, in particular the political and economic ones, concern only the Territory of Namibia without touching South Africa as a whole. This, in our view, is not sufficient and would not be effective enough to persuade South Africa to change its policy with respect to Namibia.

We had mentioned in our earlier statement in this Sub-Committee, the limitations that had been put in the way of effective action by the Security Council as a result of the position taken by the Western Powers. As we see it, those limitations could not be overcome because those Powers had not wished to take any steps that would hurt South Africa.

As far as the proposed economic measures are concerned, we consider them to be weak. We believe that they permit of many interpretations and, hence, they cannot be considered by our delegation as sufficiently effective.

In our previous statement, we had supported a proposal made by Zambia on the embargo on, among others, military and technical know-how to South Africa. We do not see that idea included in the present report.

As far as legal measures are concerned, we believe that they might constitute a positive step if taken in addition to strong political and economic measures that would force South Africa to withdraw from Namibia. Our delegation doubts, however, that in the absence of these other measures legal measures could lead

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to any positive effect. As was already pointed out in this Sub-Committee by the President of SWAPO, Mr. Nujoma, they could lead only to the illusion that something was being done.

As for the United Nations Special Fund for Namibia, our delegation completely shares the view expressed by the representative of the Soviet Union.

SYRIA

[Original: English]

My delegation appreciates the fact that agreement in the Sub-Committee was reached on a report based on a compromise. That is why we do not oppose the adoption of the draft report, for which we reiterate our thanks to the five delegations upon whose draft an agreement was reached.

We have, in the meantime, listened to the reservations expressed by the delegation of the USSR. In our view, they have merit and relevance; they deal with principles. We generally share their spirit, for nothing has changed the attitude of the Government of South Africa.

The report itself rightly points to this fact in its final paragraph. Actually, it recommends to the Council that it request the Sub-Committee to study further effective recommendations in the light of - and I quote the report - "... the flagrant refusal of South Africa to withdraw from Namibia". This is eloquent testimony that the measures suggested so far do not yet assure the desired goal of the independence of Namibia.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

[Original: English]

At the third meeting of the Ad Hoc Sub-Committee on 27 February 1970, I made a short statement on behalf of my delegation regarding the proposals which had been put forward by the distinguished representatives of Zambia and Finland. My remarks were included in the summary record in the following words:

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"Those proposals were based on Security Council resolutions - particularly resolution 276 (1970) - on which my Government had abstained for the reasons given on 30 January 1970 by its representative in the Security Council. Those reservations still stood and my delegation would have to take them into account when it studied the proposals which had just been put forward."

It is against this background and against the well-known background of my Government's position on the legal aspects of the question of South West Africa that my delegation has studied the proposals in the draft report before us today. There is, I regret to say, much in the draft which is unacceptable to my Government. We cannot be expected to support action based on resolutions the validity of which we continue to doubt. However, at this stage, I shall do no more than enter a general reservation on the whole report on behalf of my Government. I do not intend to go into any detail except on one point. My delegation will have an opportunity to make clear my Government's views on the specific proposals in the report if and when the report is discussed in the Security Council.

The one point on which I wish to make a brief comment is that in the fifth recommendation. My Government would be willing to go along with the proposal that an advisory opinion from the International Court of Justice should be sought, provided the Court was not debarred from considering the issue as a whole, including the competence of the General Assembly to assign to the United Nations responsibility for the administration of South West Africa, the legal status of which is central to the whole issue.

UNION OF SOVIET SOCIALIST REPUBLICS

[Original: Russian]

The Sub-Committee has before it for consideration the draft report to the Security Council. The delegation of the USSR has a number of comments to make on the specific recommendations contained in it. First, however, let me briefly set forth the considerations by which the Soviet delegation has been guided in its appraisal of the draft report.

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The Soviet Union, as we have already observed, has advocated and still advocates the granting of independence to the people of Namibia without delay. An essential pre-condition for this is the expulsion of South African troops and police forces from Namibia and the liquidation of the racist administration in that Territory.

The Government of South Africa, in flagrant violation of the Charter, is ignoring all United Nations decisions on Namibia, including the Security Council's resolution calling for the withdrawal of the South African administration from Namibia. In pursuing this policy, it is relying on the political, economic and military support received from the United States of America, the United Kingdom, the Federal Republic of Germany and other Western Powers, which are striving to maintain their economic, military and strategic positions in southern Africa. Therefore, in order to force the Republic of South Africa to comply with the Security Council's decisions on Namibia, it is essential first of all that the above-mentioned countries should cease providing political, economic and military aid to the Republic of South Africa, a State which is violating the provisions of the United Nations Charter. As long as Namibia is dominated by United Kingdom, United States, West German and South African monopolies, no radical changes can be made for the benefit of the people of Namibia and with a view to liberating it.

The Security Council, after condemning the Government of South Africa for its refusal to comply with the General Assembly and Security Council resolutions on Namibia, established an ad hoc sub-committee to study the ways and means by which the relevant Security Council resolutions could be effectively implemented.

The delegation of the USSR considers that in order to bring effective pressure to bear on South Africa and end the occupation of Namibia, it is essential to recommend the Security Council to demand that all States should comply strictly with the decisions of the Security Council and the General Assembly and cease completely all economic, trade, transport and other relations with the Republic of South Africa.

The Soviet delegation proposes, in particular, that the Security Council should adopt a decision to the effect that the Governments of countries whose nationals and companies are engaged in industrial, financial and trade activities

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in the Republic of South Africa and Namibia should take the necessary legislative, administrative and other steps to prohibit both private and State investment in any sector of the economy not only of Namibia but also of the Republic of South Africa as a whole, until such time as the Republic of South Africa complies with the resolutions on Namibia.

With regard to the specific recommendations contained in the draft report, the delegation of the USSR, considering that these recommendations are supported by the countries of Africa, which feel that their adoption might contribute in some measure to the solution of the question of Namibia - and also considering that the report includes a provision concerning the need for continued study of "further effective recommendations on ways and means by which the relevant resolutions of the Council could be effectively implemented" - does not, on the whole, object to the adoption of this draft report to the Security Council. At the same time the delegation of the USSR cannot refrain from making a number of observations on the recommendations contained in the report.

1. The Soviet delegation considers that, in order to drive South Africa out of Namibia, it would be necessary to propose the adoption of more effective measures than those which are recommended. In order to make these measures more effective, the Security Council should adopt decisions of a mandatory character on various ways of bringing political, economic and military pressure to bear on the Republic of South Africa, rather than merely "requesting" and "calling upon" States, as is suggested in recommendations 1, 4 and 8. Furthermore, in recommendation 4 (d) it is proposed that States should be called upon merely to discourage activities by trading and industrial companies in Namibia, and not to prohibit these activities entirely and declare them to be illegal.

Most of the recommendations deal with aspects of relations between other countries and South Africa which affect Namibia directly. However, the delegation of the USSR is profoundly convinced that measures of this kind are inadequate and ineffective. Since the Republic of South Africa is dominating Namibia and has established a régime of racist tyranny there, it is impossible to maintain any kind of political, economic, trade, military or other relations with the Republic of South Africa without these relations affecting Namibia too. Measures designed to solve the question of Namibia cannot be effective unless they are applied against the Republic of South Africa as a whole as a racist and fascist State.

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2. The delegation of the USSR has serious doubts as to the desirability of requesting an advisory opinion from the International Court of Justice on the legal consequences for States of the continued presence of South Africa in Namibia.

In this connexion it is impossible to forget the shameful judgement rendered by the International Court of Justice on 18 July 1966, when it rejected the justified complaint by Ethiopia and Liberia against the Republic of South Africa. Four years ago the pro-colonialist majority in the Court took the side - to all intents and purposes - of the South African racists; what guarantee is there that the same will not happen again if a new request is addressed to the Court?

The delegation of the USSR believes that the proposal to request an advisory opinion from the International Court of Justice cannot be regarded as an effective measure which would help to drive South Africa out of Namibia. What is needed in this case is not legal proceedings, which might only delay the solution of the problem, but the formulation and adoption by the Security Council of political decisions and the implementation of effective measures.

3. With regard to the points contained in recommendation 9, the delegation of the USSR would like to state that the development of events since the establishment of the United Nations Council for Namibia has fully confirmed the correctness of the position of the Soviet Union, which has declared from the very outset that the Council for Namibia cannot solve the problem of Namibia, in the interests of liberating its indigenous population, until the resistance of the imperialist Powers, which stand behind the South African racists - and are in fact supporting their domination of the Namibian people - is broken.

In recommendation 9 it is suggested, inter alia, that the Council for Namibia might be requested to undertake a study with regard to special passport and visa regulations to be adopted by States concerning travel of their citizens to Namibia. Quite apart from the fact that the Council for Namibia should not be dealing with passport and visa questions at all - since these are domestic matters, to be decided by individual States Members of the United Nations themselves - this recommendation implies a further extension of the powers of the Council for Namibia. Our delegation cannot agree with this. The activities of the Council for Namibia in this field, which involve considerable expenditure by the United Nations, do not

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produce any appreciable or tangible result in advancing the Namibian people on the road towards freedom and independence, and may therefore give rise only to deceptive illusions in the minds of the Namibian people.

The delegation of the USSR would like to repeat the reservations which it has expressed earlier, to the effect that the costs of the activities of the Council should be borne primarily by the Government of the Republic of South Africa itself, and also by its main supporters and protectors among the Western countries which, together with the South African régime, are responsible for the continuance of the illegal domination of South Africa in Namibia.

4. With regard to the recommendation for setting up a special United Nations Fund for Namibia, the delegation of the USSR believes that this fund might be financed by a special tax to be levied by States Members of the United Nations - particularly African States Members - on foreign companies operating in the territories of these States and also in Namibia and the Republic of South Africa at the same time. This would be in keeping with the spirit of the decisions adopted at the Sixth Summit Conference of the East and Central African States, in which certain of the sponsors of the draft report of the Sub-Committee - the Republic of Burundi and the Republic of Zambia - participated. In this connexion, it should be especially emphasized that the Soviet Union, as is known, has provided and will continue to provide all possible assistance and co-operation on a bilateral basis to peoples struggling for their national independence and freedom, including the people of Namibia.

In conclusion, I would like to point out that the basic obstacle to the solution of the question of Namibia is the resistance of the Republic of South Africa and the imperialist Powers which are supporting it. The Security Council must vigorously condemn these countries which are responsible for the colonialist and racist oppression of the people of Namibia; it must demand that the Western Powers should stop providing assistance to the Republic of South Africa; and it must take effective measures to liberate the Namibian people.
