

of Mauritania requests the Security Council to take all appropriate steps to ensure the immediate implementation of resolution 316 (1972), adopted on 26 June 1972, particularly paragraph 3, calling for the immediate release of these officers who have been abducted and detained by the Israeli authorities.

Any delay in the unconditional release of these officers would only serve to strengthen the contemptuous attitude of the Israeli authorities towards the relevant Security Council resolutions and would be a very serious threat to peace in the area and to international security.

(Signed) Moulaye EL HASSEN
*Permanent Representative of Mauritania
to the United Nations*

DOCUMENT S/10736

Letter dated 13 July 1972 from the President of the United Nations Council for Namibia to the President of the Security Council

[Original: English]
[14 July 1972]

I have the honour to transmit herewith, for the attention of members of the Security Council, a copy of the statement which was issued by the United Nations Council for Namibia in connexion with a recent announcement by the Government of South Africa to grant "self-rule" to Ovamboland in Namibia.

(Signed) H. DÍAZ CASANUEVA
*President of the
United Nations Council for Namibia*

TEXT OF THE STATEMENT ISSUED BY THE UNITED NATIONS COUNCIL FOR NAMIBIA AFTER A CLOSED MEETING OF THE COUNCIL ON 12 JULY 1972

The United Nations Council for Namibia is gravely concerned at the political developments in Namibia, especially the recent announcement that the South African Government has decided to "grant self-rule" to Ovamboland and proposes to impose self-government on the Damara people. Important Damara leaders have issued a joint statement of their refusal to discuss the proposals until they are allowed to hold talks with Prime Minister John Vorster on "profound policy problems".

The application of the "homeland" policy by the Government of South Africa to the international Territory of Namibia dates back to October 1968. At that time, the Council rejected any policy which would inevitably lead to the fragmentation of Namibia, and has since maintained that position.

The Council considers that the latest actions of the South African Government are calculated to accelerate

the process of destroying the unity of the people and fragmenting the territorial integrity of Namibia in violation of the advisory opinion of the International Court of Justice;⁹ of General Assembly resolutions, and in particular paragraph 7 of resolution 2145 (XXI), section I of resolution 2248 (S-V), paragraph 4 of resolution 2325 (XXII), paragraph 7 of resolution 2372 (XXII); and of Security Council resolutions, in particular paragraphs 5 and 6 of resolution 264 (1969), paragraph 2 of resolution 301 (1971) and also resolutions 309 (1972) and 310 (1972).

The Council for Namibia, having considered the recent political developments at its 141st meeting on 12 July 1972, reiterates the position it has consistently held on the question of Bantustans and expresses its serious and great alarm at the persistent efforts by the Government of South Africa to dismember the Territory of Namibia in defiance of the direct responsibility of the United Nations for the Territory.

The Council for Namibia draws the attention of the Secretary-General and the President of the Security Council to the grave events which are taking place in Namibia.

It strongly calls on the Government of South Africa to rescind all measures detrimental to the integrity of Namibia and to refrain in the future from taking any such action with regard to the Territory, which does not belong to it.

⁹ *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council resolution 276 (1970)*, Advisory Opinion, I.C.J. Reports 1971, p. 16.

DOCUMENT S/10738

Report of the Secretary-General on the implementation of Security Council resolution 309 (1972)

[Original: English]
[17 July 1972]

INTRODUCTION

1. At its 1638th meeting held in Addis Ababa on 4 February 1972, the Security Council adopted reso-

lution 309 (1972) by which the Council entrusted to me a mandate concerning the question of Namibia. The text of the resolution reads as follows:

The Security Council,

Having examined further the question of Namibia, and without prejudice to other resolutions adopted by the Security Council on this matter,

Recognizing the special responsibility and obligation of the United Nations towards the people and Territory of Namibia,

Reaffirming once again the inalienable and imprescriptible right of the people of Namibia to self-determination and independence,

Reaffirming also the national unity and the territorial integrity of Namibia,

1. *Invites* the Secretary-General, in consultation and close co-operation with a group of the Security Council, composed of the representatives of Argentina, Somalia and Yugoslavia, to initiate as soon as possible contacts with all parties concerned, with a view to establishing the necessary conditions so as to enable the people of Namibia, freely and with strict regard to the principles of human equality, to exercise their right to self-determination and independence, in accordance with the Charter of the United Nations;

2. *Calls on* the Government of South Africa to co-operate fully with the Secretary-General in the implementation of this resolution;

3. *Requests* the Secretary-General to report to the Security Council on the implementation of this resolution not later than 31 July 1972.

2. In carrying out my mandate, I have taken into account the discussions in the Security Council [1637th and 1638th meetings] leading to the adoption of the resolution and in particular the statements of the representative of Argentina, who sponsored and introduced the draft resolution which became resolution 309 (1972).

3. An account of the contacts initiated by me pursuant to operative paragraph 1 of the resolution is given in the sections which follow. As directed by the Security Council, I have carried out my task in consultation and close co-operation with the group of the Security Council composed of the representatives of Argentina, Somalia and Yugoslavia. I wish to express my deep appreciation of the valuable co-operation and assistance extended to me by them at all stages of my work.

4. The present report is submitted to the Security Council in accordance with operative paragraph 3 of resolution 309 (1972).

I. CONTACTS WITH THE GOVERNMENT OF SOUTH AFRICA

5. Immediately following its adoption by the Security Council on 4 February 1972, I transmitted the text of resolution 309 (1972) by cable to the Minister for Foreign Affairs of South Africa.

6. On 7 February, following my return to Headquarters from Addis Ababa, the Permanent Representative of South Africa to the United Nations visited me and informed me about a statement made by the Prime Minister of South Africa in the South African House of Assembly on 4 February 1972 in which he referred to a possible visit of the Secretary-General to South Africa. The information conveyed to me orally on 7 February was confirmed in writing in a letter dated 9 February addressed to me by the representative

of South Africa. The text of this letter is reproduced below:

"I thought I might usefully confirm in writing the information I gave you during our conversation in your office last Monday, 7 February 1972.

"You will recall that I mentioned that we had invited your predecessor in writing on a previous occasion to visit South Africa in connexion with South West Africa and that this invitation had been repeated by the Minister for Foreign Affairs of the Republic of South Africa in the Security Council on 27 September 1971, when he said: 'And, as an earnest of my Government's good faith, I again invite the Secretary-General of this Organization, or his representative, to visit the Territory and to see for himself the conditions that prevail there'.

"I mentioned further that the Prime Minister of the Republic of South Africa had also referred to this issue in a statement in the South African House of Assembly on 4 February 1972. I handed you a copy of the text of his remarks in this regard. They read as follows:

'While I am on the subject of foreign affairs, permit me, Sir, just in passing—as I am aware that there is great interest in the matter—to refer to the reports we have read in the press and heard on the radio about a possible visit of the Secretary-General of the United Nations to South Africa (that is to say, in connexion with South West Africa). In that connexion I wish to state that, as honourable members will readily understand, the Government has as yet heard nothing officially in this respect. On the contrary! It is still a question of discussions which are tentatively in progress and nothing connected with these discussions has thus far been brought to finality. I wish, however, to state that, if the Secretary-General of the United Nations should decide to come to South Africa, he would be received by us with the greatest courtesy and hospitality, just as we received Mr. Dag Hammarskjöld in his day and in the same way that we invited U Thant to come to South Africa. He did not, however, accept our invitation. I therefore do not wish, as will be appreciated, to anticipate this matter, except to say that if the Secretary-General of the United Nations wishes to come to South Africa to discuss also self-determination of non-white peoples with the Government among others, he will, as far as the Government is concerned, find us to be willing partners in the discussions since it is our policy to lead our peoples to self-determination. But if he wishes to come to South Africa to act as a mouthpiece for the extremists of the Organization of African Unity and others, and decisions taken in that connexion, he will nevertheless be welcome and still be very courteously received by us but I can tell him in advance that he will be wasting his time.'

"I said finally, that I had been instructed by the Government of the Republic of South Africa, in conveying the Prime Minister's remarks to you, to inform you that, within the framework of these remarks, you would be most welcome if you should wish to visit South Africa."

7. In a letter dated 17 February 1972 addressed to the Permanent Representative of South Africa, I

conveyed my decision to visit South Africa. I indicated, in the letter accepting the invitation of his Government, that my visit would be within the framework of Security Council resolution 309 (1972). The text of the letter is as follows:

"I wish to acknowledge your letter of 9 February, in which you referred to our conversation in my office on Monday, 7 February and in which you recalled the invitation extended to my predecessor on a previous occasion 'to visit South Africa in connexion with South West Africa'. Quoting from a statement made by the Minister for Foreign Affairs of South Africa in the Security Council last year, your letter went on to state that the Secretary-General of the United Nations was again invited to visit the Territory. Your letter concluded by informing me that within the framework of the remarks made by the Prime Minister of South Africa in the South African House of Assembly on 4 February 1972 I would be most welcome should I wish to visit South Africa.

"In accepting your Government's kind invitation I wish it to be understood that my visit should be seen in the light of the mandate given to me by the Security Council in its resolution 309 (1972), adopted on 4 February on the subject of Namibia, which calls for a report from the Secretary-General by 31 July 1972. It will be recalled that immediately following the adoption of the resolution by the Council, I transmitted the text of the resolution by cable to the Minister for Foreign Affairs of South Africa. Accordingly, I envisage my visit to South Africa in the framework of that resolution."

8. Subsequently, through informal consultations with the Permanent Representative of South Africa, it was agreed that my visit to South Africa would take place between 6 and 10 March. It was also agreed that the Government of South Africa would make the necessary arrangements for me to visit Namibia during this period.

9. Accordingly, with the co-operation of the Government of South Africa, I visited South Africa and Namibia between 6 and 10 March. I was accompanied on my visit by the following members of the Secretariat: Mr. M. E. Chacko, Director and Deputy to the Under-Secretary-General, Department of Political and Security Council Affairs;

Mr. M. Minchin, Deputy Director, Department of Trusteeship and Non-Self-Governing Territories;

Mr. M. Pedanou, First Officer, Executive Office of the Secretary-General;

Mr. D. Thomas, Personal Aide to the Secretary-General;

Miss K. S. Newell, Secretary.

10. I arrived in Cape Town, accompanied by my staff, at 4.30 p.m. on Monday, 6 March. Immediately after arrival we called on the Prime Minister of South Africa. Although this was essentially a courtesy call, some discussion took place concerning arrangements for my visit to Namibia.

11. My first formal meeting with the Prime Minister took place at 8.30 a.m. on 7 March. Following a welcoming statement by the Prime Minister, I explained the purpose of my visit. I stated, as I had said in my letter of 17 February 1972, that my visit was within the framework of Security Council resolution 309

(1972), which called for a report by 31 July 1972. I also drew attention to the fact that the text of the resolution had been cabled to the Minister for Foreign Affairs of South Africa immediately after its adoption on 4 February 1972.

12. After the formal meeting, I had a private meeting with the Prime Minister at which the Foreign Minister was also present. That meeting was devoted to a broad-ranging discussion of all aspects of the Namibian question. During the discussion the Prime Minister reaffirmed the South African Government's policy of self-determination and independence for the peoples of Namibia. I explained the position of the United Nations with regard to Namibia and, in particular, with regard to its national unity and territorial integrity. In the course of the conversation with the Prime Minister, the possibility of appointing a representative of the Secretary-General emerged. It was agreed that the talks would be continued on my return from the visit to Namibia.

13. At 11 a.m. on Tuesday, 7 March, immediately after this private meeting, I left by special aircraft on a visit to Namibia accompanied by my staff and by the Minister for Foreign Affairs and his staff. We returned to Cape Town at 3 p.m. on Thursday, 9 March. A brief account of my contacts with individuals and groups during my visit to Namibia is given in section II of this report.

14. While visiting Namibia, I had a number of conversations with the Minister for Foreign Affairs of South Africa. In the course of these conversations I explained to the Minister that any useful discussions concerning the future of Namibia would have to be based on self-determination and independence of the people of the Territory as a whole. Therefore, reaffirmation of South Africa's declared policy of self-determination and independence for the peoples of Namibia could not serve as a basis for continuing the contacts envisaged in resolution 309 (1972).

15. After our return to Cape Town from Namibia, I had three further meetings with the Prime Minister, at which the Minister for Foreign Affairs was also present. The first meeting took place at 5 p.m. on 9 March; the second took place during breakfast at the Prime Minister's residence at 8 a.m. on 10 March and the final meeting at the Prime Minister's office at 10 a.m. the same day. After leaving the Prime Minister, I had several further discussions with the Minister for Foreign Affairs. These discussions, both with the Prime Minister and the Minister for Foreign Affairs, were largely concerned with formulating in writing the points which had emerged during the conversations.

16. These points were embodied in the following text which I received from the Prime Minister through the Minister for Foreign Affairs shortly before my departure for New York at 6.45 p.m. on 10 March:

(1) With regard to the question of Namibia, the South African Government confirms that its policy is one of self-determination and independence.

(2) The Secretary-General of the United Nations, in consultation with the South African Government and the other parties concerned, will appoint a personal representative to assist in achieving this aim.

(3) The terms of reference of the personal representative will be the subject of consultations with the South African Government and the other parties concerned.

The Prime Minister also informed me that he would be willing to send the Minister for Foreign Affairs of South Africa to New York at any appropriate date for further contacts.

17. Upon my return to New York, I had extensive consultations with the group of the Security Council, composed of the representatives of Argentina, Somalia and Yugoslavia. In the course of these consultations, the group also presented to me a formal aide-mémoire. This aide-mémoire, together with my comments on the points raised therein, is attached as annex I.

18. While I continued my consultations with the group, contact was maintained and views were exchanged with the Government of South Africa through its Permanent Representative to the United Nations. By a letter dated 2 May 1972, the Permanent Representative informed me that the Minister for Foreign Affairs of South Africa would be prepared to proceed to New York at a mutually convenient date for further discussions. The text of the letter is reproduced below:

"Arising out of our further exchange of views, I am instructed to re-affirm the desire and willingness of the South African Government to co-operate fully with you in the search for a solution to the South West African problem.

"The South African Government believes that the reception accorded you and the full co-operation extended to you during your visit to South Africa are proof of the spirit in which it has embarked on the current contacts.

"In the light of the further exchange of views, the South African Government hopes that further progress can be made. To this end, it has instructed me to inform you that the South African Minister for Foreign Affairs will be prepared to proceed to New York at a mutually convenient date to discuss further with you the three points which emerged from the conversations in Cape Town."

19. After consultations with the group of the Security Council, I replied by a letter dated 4 May 1972, in which I accepted the proposal and suggested that the discussions begin in New York on 15 May. The text of my letter is as follows:

"I wish to acknowledge your letter of 2 May 1972 informing me that the South African Minister for Foreign Affairs will be prepared to proceed to New York at a mutually convenient date to discuss further with me the three points which emerged from the conversations in Cape Town.

"I am glad that my visit to South Africa and Namibia following my letter to you of 17 February 1972 and the initial contact with the Government of South Africa pursuant to resolution 309 (1972) of the Security Council and our subsequent conversations in New York have led to the offer of the South African Minister for Foreign Affairs to come to New York for further discussions.

"In this connexion I have noted with satisfaction the desire and willingness of the South African Government to co-operate fully with the Secretary-General in the search for a solution to the question of Namibia and its hope that further progress can be made in this matter.

"I wish to reciprocate the hope that progress can be made in regard to this question and to assure you that, for my part, I shall exert all possible efforts to that end, in consultation with all parties concerned. I therefore accept the offer of your Gov-

ernment and suggest that the discussions with the Minister for Foreign Affairs of South Africa begin in New York on 15 May 1972, if that date is convenient."

20. These further contacts with the Minister for Foreign Affairs of South Africa took place at United Nations Headquarters between 15 and 18 May and were attended, in addition to my own staff, by the Secretary-General of the South African Department of Foreign Affairs and the Permanent Representative of South Africa to the United Nations. Throughout these talks, I was in consultation with, and had the benefit of the advice and co-operation of the group of the Security Council. The members of the group also had the opportunity of meeting the Minister for Foreign Affairs of South Africa informally at a working luncheon on 16 May.

21. The following three points dealing with the terms of reference of a representative of the Secretary-General emerged as a result of the discussions between the Foreign Minister and myself in New York.

(a) The task of the representative of the Secretary-General will be to assist in achieving the aim of self-determination and independence and to study all questions relevant thereto.

(b) In carrying out his task, the representative may make recommendations to the Secretary-General, and, in consultation with the latter, to the South African Government. In so doing, he should assist in overcoming any points of difference.

(c) The South African Government will co-operate in the discharge of the representative's task by providing him the requisite facilities to go to South Africa and to Namibia as necessary and to meet all sections of the population of Namibia.

22. It was understood that the representative of the Secretary-General would have his headquarters in New York and would travel to Namibia and South Africa as necessary. He would be assisted by the necessary staff.

23. It was also understood that I would report to the Security Council on the points that emerged from my contacts with the Government of South Africa.

II. CONTACTS AND CONSULTATIONS WITH OTHER PARTIES

24. In carrying out the mandate entrusted to me by the Security Council I have, in addition to my contacts with the Government of South Africa, contacted and consulted other parties concerned. An account of these contacts is set out below.

(a) *Contacts with individuals and groups during my visit to Namibia*

25. The purpose of my visit to Namibia was to enable me to initiate preliminary contacts with a cross-section of individuals and groups inside the Territory. Prior to my visit, I prepared a list of persons, including prominent leaders, churchmen and representatives of Namibian political organizations, who I considered should be among those contacted. Of this list, all except one presented their views to me either in person or through accredited representatives. Two of these, the Reverend Colin Winter, Bishop of Damaraland, and the Reverend David de Beer, Treasurer of the Anglican Diocese of Damaraland, both of whom had been expelled from Namibia, met me in Cape Town, and I also

had a further meeting with Bishop Winter after my return to New York. The other persons included in the list were contacted in Namibia.

26. My visit to Namibia lasted from 3 p.m. on Tuesday, 7 March, when I arrived by air at Ondangwa in Ovamboland, until 1 p.m. on Thursday, 9 March, when I left Windhoek by air for Cape Town. During the intervening period, I was able to hold conversations with a total of 64 persons, including representatives of 20 organized groups. All those meetings took place without the presence of South African officials. The groups and individuals with whom I talked, many of whom had travelled from other parts of Namibia to meet me, included among others Chief Clemens Kapuuo, the paramount chief of the Hereros, representatives of the National Convention of Non-Whites, the South West Africa People's Organization, the National Unity Democratic Organization, the South West Africa National Union, the Voice of the People, the Rehoboth Volkspartei and the Rehoboth Baster Vereniging, the Federal Coloured People's Party of South West Africa, and delegations from the legislative and executive councils of the Ovambo, Kavango and Damara "homelands", the United Evangelical Lutheran Church, the Executive Committee of South West Africa and the leader of the Ovambo workers' committee in the recent strike. A list of the people I met is set out in annex II.

27. It should be noted however that since my visit to Namibia was limited to two days and was confined to three towns, there can be no guarantee that all Namibians who might have wished to make their views known to me had an opportunity of doing so. Furthermore, the short duration of my visit afforded me no opportunity of ascertaining the extent of popular support for the views expressed, the only indications of such support being the statements of those presenting them and the presence at Ondangwa in Ovamboland, and at Windhoek of groups of demonstrators, numbering approximately 80 and 200 respectively. All these demonstrators supported one or other of the non-white political movements which call for full implementation of United Nations resolutions in respect of Namibia and the creation of a united independent State.

28. In the course of these preliminary contacts, various views were expressed which may be classified into three broad categories:

(i) *Groups calling for a united independent Namibia*

29. The representatives of these non-white groups stated that they looked to the United Nations to fulfil its resolutions by obtaining the withdrawal of South Africa's presence from the Territory and the establishment of a unitary and popularly elected government either immediately or after a short interim period. These views, which are essentially similar to the official position of the South West Africa People's Organization (SWAPO) as conveyed in a memorandum presented to me [see para. 37 below] by Mr. Sam Nujoma, the President of that organization prior to my visit, were expressed by the spokesman for a group of about 80 demonstrators who met me on my arrival in Ovamboland and also by Mr. J. G. Otto, a former acting Secretary-General of SWAPO, and Mr. J. J. Nangutuuala, the leader of the Ovambo workers' committee in the recent territory-wide strike of contract workers. This group, which met with me at Oshakati, the administrative headquarters of the Ovambo "homeland", demanded unconditional withdrawal of the South African

administration on the grounds that it was repressive and denied Africans the right of free political expression and, moreover, that its continued presence in Namibia was illegal in the light of the decisions of the United Nations and the advisory opinion of the International Court of Justice.¹⁰ Both Mr. Otto and Mr. Nangutuuala, who said that they represented the opinion of the majority of the Ovambo people, insisted that the United Nations should assume direct responsibility for the Territory for a brief transitional period in order to enable the people of Namibia to exercise their right of self-determination and form a unitary government for the whole Territory. They opposed South Africa's policy of separate development of each ethnic group within its own "homeland" on the grounds that it would sow dissension among the people of Namibia.

30. Identical views were also expressed to me in Windhoek during a meeting with the recently established National Convention of Non-Whites. The Convention, which is headed, among others, by Chief Clemens Kapuuo, paramount chief of the Hereros, and by Mr. D. H. Meroro, national chairman of SWAPO, is an alliance of 10 groups which, according to Chief Kapuuo, represent the overwhelming majority of non-whites in Namibia. The 10 groups, all of which were represented in the 15 member delegations, include five political parties, namely SWAPO, the National Unity Democratic Organization, which is led by Chief Kapuuo, the South West Africa National Union (SWANU), the Voice of the People and the Rehoboth Volkspartei, as well as the headmen of the Berseba and Gibeon reserves, the Damara headmen of the Otjimbingue Reserve, and the headmen of the Hoachanas Reserve. The delegation, which was supported by approximately 200 demonstrators, presented a written memorandum in the name of the Convention calling for concerted action on the part of all Member States of the United Nations to obtain the immediate removal of South African administration from Namibia, the unconditional release of Namibian prisoners in South African jails, return of refugees, the immediate establishment of a United Nations presence in the Territory and the creation of a unitary government for the whole of Namibia within the shortest possible time. Separate memoranda were presented on behalf of SWAPO, SWANU, the Voice of the People, the Rehoboth Volkspartei and the headmen of the Berseba Reserve. They were unanimous in their basic demand for the immediate removal of South African administration from Namibia and their opposition to the policy of separate development for different ethnic groups. All called for the creation of a unitary Namibian State but, whereas the memorandum presented by the headmen of the Berseba Reserve called for immediate independence, the others were in agreement on the need for an interim administration by the United Nations until a representative government of Namibia was established. In their oral presentations to me, the members of the delegation protested against what they described as the discriminatory and oppressive treatment of non-whites in Namibia and strongly opposed *apartheid*, including the creation of separated ethnic "homelands".

31. A similar point of view was expressed by a delegation of the Evangelical Lutheran Ovambo-Kavango Church led by the Reverend Jason Amakutuwa, secretary to Bishop Auala, who met with me at Oshakati in Ovamboland. These representatives explained that

¹⁰ *Idem.*

they were speaking on behalf of their own church board and that of the Evangelical Lutheran (Rhenish) Church which have recently merged to form a United Lutheran Church with a combined membership of 330,000 non-whites. They said that their church, although not a political body, believed in self-determination for a united Namibia. Its members were strongly opposed to South Africa's policy of self-determination for the ethnic "homelands" because they were convinced that the *apartheid* policy of racial separation sowed distrust and fear between the racial groups who needed to work together for their common good. The leaders of the two churches, Bishop Auala and Moderator Gowaseb, after the announcement of the advisory opinion of the International Court of Justice, had both protested to the Prime Minister of South Africa against the discriminatory treatment of non-whites in Namibia and against South Africa's policy of racial separation which, they said, made it impossible for non-white political parties to work together to build the future of the whole of Namibia. They had also issued pastoral letters to their congregations explaining their position. Their views in this respect were very similar to those previously conveyed to me by the Anglican Bishop of Damaraland.

(ii) *Groups supporting self-government for the "homelands" and opposing a unitary State*

32. A different point of view was expressed by members of the Executive Committee of the Ovambo Legislative Council, led by the Chief Councillor, Mr. Philomen Elifas, and by members of the Executive Committee of the Kavango Legislative Council, led by Mr. Romanus Kampungu, the chairman of the Legislative Council. Both these delegations, who represented the governments of the two largest African "homelands", stated that the African tribal groups formed essentially different ethnic cultural and linguistic groupings which had always lived separately; they should be allowed to retain their separate identity and achieve self-determination and autonomy within their own "homelands". However, both these delegations believed that once this had been achieved the various autonomous entities could co-operate together within a federal system of government. The Kavango councillors considered that if the different tribal groups were forced to form a unitary state it would create dissension among them. They should first be given an opportunity to learn to work together through a committee for intertribal affairs and only when they had attained local self-government within their respective "homelands" should the next step, namely the creation of a federal government, be envisaged. The process would have to be gradual because a sufficient interval would be needed to educate and develop the different ethnic groups to the stage where a federal government would become a practicable possibility. No time-limits should be set therefore either for the creation of a federal government or for the attainment of full independence by the Territory. A similar view was expressed by the Reverend Peter Kalungula, an Anglican priest, who gave testimony at Oshakati.

33. A delegation of seven headmen and councillors of the Damaras, led by Mr. J. Garoeb, who met with me at Grootfontein, also believed that there should be self-determination for each ethnic group within its separate "homeland" and that the Territory should have a federal system of government. They were, however, fundamentally opposed to the allocation of the central

area of Namibia for occupation by whites. They were strongly critical of the South African authorities, charging them with racial injustice, intimidation, suppression of freedom of speech and, above all, with having alienated all the best land for settlement by whites, leaving only poor land for the non-whites. They accordingly believed that the most immediate requirement was for an equitable redistribution of land and that when this had been accomplished the "homelands" should become self-governing entities within an independent Namibia. They added that they looked to the United Nations to help the Namibian people to obtain their freedom.

34. Three other non-white groups, encountered at Windhoek, also supported the principle of separate self-determination for the "homelands" with a federal system of government at the territorial level. The first of these was the Federal Coloured People's Party of South West Africa, which is affiliated to a party of the same name in South Africa and which claims to represent 30,000 Coloured persons in Namibia. Its leader, Mr. A. J. F. Kloppers, said that to give independence immediately to a united Namibia would result in a government dominated by the more numerous Ovambos. He believed that South African administration should continue and that when the "homelands" had attained internal self-government consideration should be given to the possibility of federating with South Africa. Of the other two groups who supported the policy of separate self-determination for the "homelands", the first, represented by a delegation led by the Reverend B. J. Karuera, consisted of the supporters of a contender for the chieftainship of the Hereros now occupied by the Chief Kapuuo as the designated heir of the late Chief Kutako. The second group, represented by a spokesman, Mr. B. J. Africa, was the Rehoboth Baster Vereniging, the party which opposed the ruling Rehoboth Volkspartei. Mr. Africa, who was particularly critical of the decision of the Volkspartei to join the National Convention of Non-Whites, feared that the small Rehoboth community would lose its separate identity and rights in a unitary State.

(iii) *Views of the Executive Committee of South West Africa*

35. Opposition to the establishment of a unitary State came from members of the European Executive Committee of South West Africa, led by the Administrator of the Territory, Mr. B. J. van der Walt. They said that the situation was complex and not easily understood by outsiders. The problem was not simply one of a division between whites and non-whites, for there was an absence of unity also among the non-white population groups. Each of the African ethnic groups was a separate entity possessing its own culture and traditions and members of those groups tended to cling together to the exclusion of others. In a unitary State, these divisions would, in their opinion, lead to conflict, especially as the Ovambos outnumbered all other non-white groups; the same, they feared, would probably happen under a federal system of government. The important thing was not to proceed too fast; time was needed to work out a solution which would be acceptable to all ethnic groups and they wished it clearly understood that they were sincerely striving to find such a solution.

36. The members of the Executive Committee added that the whites who were born in the Territory had as

much right to be there as the non-whites. In their view, it was in the best interests of the Territory to maintain its ties with South Africa, among other things to ensure a satisfactory rate of economic expansion.

(b) *Contacts with Namibian leaders outside the Territory*

37. Before my visits to South Africa and Namibia, I met with Mr. Sam Nujoma, the President of SWAPO, in Geneva, on 29 February 1972. The meeting enabled me to explain the terms of the mandate entrusted to me by the Security Council and to obtain the views of SWAPO. In the course of the discussion, Mr. Nujoma furnished me with information concerning the situation in Namibia and suggested a number of persons whom I might wish to consult during my visit to the Territory, many of whose names already appeared on the list which I had prepared [see para. 25 above]. At the conclusion of our talk, Mr. Nujoma presented me with a written memorandum setting forth the views of SWAPO which, *inter alia*, contained the following comments concerning my visit to Namibia:

"The visit should not in any way be allowed to be interpreted as a softening of the United Nations attitude towards South Africa's illegal occupation of Namibia, nor acceptance of same. Furthermore, the visit must not become a reason for working out half-way measures and compromises with the South African authorities over Namibia.

"Your mission to Namibia should be carried out in accordance with the General Assembly resolution 2145 (XXI) of 1966 and other relevant resolutions.

"We can only accept full and total independence for Namibia now. The resolve to take up arms in 1966 came after the let-down by the international community. We want to emphasize that we will continue to fight for our freedom where international action leads to no results, until we have achieved independence."

38. At a second meeting with Mr. Nujoma, which took place on 22 May when he was visiting New York at the invitation of the Council's *Ad Hoc* Sub-Committee on Namibia, I informed Mr. Nujoma of the results of my contacts with the Government of South Africa and of my visit to Namibia. Mr. Nujoma subsequently conveyed to me the views of SWAPO, which were that a peaceful solution to the problem of Namibia could be found only on the basis of total withdrawal of South Africa's administration from the Territory and acceptance of Namibia's right to independence and national sovereignty as one entity.

39. I subsequently had further consultations with the President of SWAPO when I attended the Conference of Heads of State and Government of the Organization of African Unity in Rabat, Morocco, during June 1972.

40. The views of the South West Africa National United Front were conveyed to me in a letter dated 20 February 1972 from Mr. V. N. Mbaeva and Mr. M. Kerina. They also opposed any solution for Namibia based on the division of the Territory into separate ethnic "homelands". They insisted upon the withdrawal of South Africa's administration from Namibia and proposed that immediately thereafter a constitutional convention should be held under the auspices of the United Nations.

(c) *Consultations with United Nations bodies*

41. In accordance with the terms of paragraph 1 of resolution 309 (1972), I have, as stated elsewhere in this report, carried out the task entrusted to me, by the Security Council in full consultation and close co-operation with the representatives of Argentina, Somalia and Yugoslavia who comprise the group of three which the Security Council designated to assist me. I have also kept the President of the Security Council informed of the progress of my talks and he, in turn, has informed the other members of the Security Council of the progress.

42. In addition, I have informed and consulted the following presiding officers of United Nations bodies concerned with this question:

- (i) The Chairman of the *Ad Hoc* Sub-Committee on Namibia of the Security Council;
- (ii) The President of the United Nations Council for Namibia;
- (iii) 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.

(d) *Contacts with the Organization of African Unity*

43. By a letter dated 3 May 1972, I informed the Chairman of the Organization of African Unity, President Moktar Ould Daddah, of the results of my talks with the Prime Minister of South Africa in Cape Town and also furnished him with information concerning my visit to Namibia and the consultations which I had held following my return to New York.

44. Subsequently, by a letter dated 30 May 1972, I informed President Ould Daddah of the results of my talks in New York with the Minister for Foreign Affairs of South Africa and apprised him of the further consultations which I had undertaken.

45. While attending the Conference of Heads of State and Government of the Organization of African Unity, which took place in Rabat, Morocco, during June 1972, I personally furnished President Ould Daddah with detailed information concerning my efforts to discharge the mandate entrusted to me by the Security Council.

46. The Conference also provided an opportunity to inform and consult a number of the Heads of State and Ministers for Foreign Affairs who were present in Rabat concerning this question.

III. CONCLUSION

47. The results of my contacts so far with the Government of South Africa are outlined in paragraphs 5 to 23 of this report. According to what is stated therein, the next step should be the appointment, in consultation with the South African Government and the other parties concerned, of a representative of the Secretary-General. As indicated in paragraph 21, the task of the representative would be to assist in achieving the aim of self-determination and independence and to study all questions relevant thereto.

48. During my contacts and consultations with the other parties concerned, doubts were expressed to me about South Africa's readiness to co-operate in the implementation of resolution 309 (1972) and therefore about the possibility of any positive outcome as a result of my contacts with the Government of South

Africa. However, despite their doubts, they did not wish to raise any opposition to my efforts in pursuance of my mandate, if for no other reason than to show their readiness to explore all possible avenues for a peaceful solution to the question of Namibia.

49. In this context I wish to refer to the recent steps which the Government of South Africa has taken, or has announced its intention of taking, in respect of the Eastern Caprivi and Ovamboland in further application of its "homelands" policy. I have conveyed to the Government of South Africa my concern regarding these developments and have expressed the hope that the Government will not proceed with any measures which could adversely affect the outcome of the contacts which I have initiated pursuant to resolution 309 (1972).

50. The Security Council invited me "in consultation and close co-operation with a group of the Security Council, composed of the representatives of Argentina, Somalia and Yugoslavia, to initiate as soon as possible contacts with all parties concerned, with a view to establishing the necessary conditions so as to enable the people of Namibia, freely and with strict regard to the principles of human equality, to exercise their

right to self-determination and independence, in accordance with the Charter of the United Nations". On the basis of my discussions so far with the Government of South Africa, I believe that it would be worthwhile to continue the efforts to implement the mandate of the Security Council with the assistance of a representative of the Secretary-General. In saying this, I have particularly in mind the expressed willingness of the South African Government to co-operate in the discharge of the representative's task.

51. Since this involves the continuation of my responsibilities under the mandate entrusted to me in resolution 309 (1972), I propose to proceed with the appointment of a representative after necessary consultations, unless the Security Council indicates to me otherwise.

52. It is accordingly my intention to continue to discharge my mandate in consultation and close co-operation with the group of the Security Council composed of the representatives of Argentina, Somalia and Yugoslavia. I also intend to keep the Security Council informed as appropriate and in any case to report to it not later than 30 November 1972.

ANNEX I

Aide-mémoire presented to the Secretary-General by the group of three

The group established by paragraph 1 of Security Council resolution 309 (1972) understands that the above-mentioned resolution should be implemented taking into consideration the following points:

1. All resolutions adopted by the Security Council on the question of Namibia stand firm and nothing in resolution 309 (1972) should be interpreted as detracting from them or diminishing their full validity or in any way impairing the need for their implementation. Resolution 309 (1972) is trying a new approach without prejudice to other resolutions adopted on this matter as stated in its first preambular paragraph.

Resolution 309 (1972) is consequently linked to all other Security Council resolutions on Namibia and, through them, to relevant resolutions of the General Assembly and the advisory opinion of the International Court of Justice—which all together constitute one legal, political, organic whole.

2. Reaffirms that the United Nations has a special responsibility and obligation towards the people and Territory of Namibia.

3. The only purpose of resolution 309 (1972) is to enable the people of Namibia to exercise their inalienable and imprescriptible right to self-determination and independence.

Consequently, the processes of "self-determination" should be exercised by the people of Namibia in a manner agreed upon and approved by the United Nations.

4. The need to preserve the national unity and the territorial integrity of Namibia should be paramount in exercising those rights to self-determination and independence.

5. The mandate conferred upon the Secretary-General in paragraph 1 consists in initiating, as soon as possible, contacts with all parties concerned, and to pursue those contacts with a view to establishing the necessary conditions so as to enable the people of Namibia, freely and with strict regard to the principle of human equality, to exercise their right to self-determination and independence, in accordance with the Charter of the United Nations.

6. To this end the Secretary-General will consult and maintain a close co-operation with the group and the group will assist him in the fulfilment of his mandate.

Comments by the Secretary-General

The Secretary-General has noted that the mandate entrusted to him by resolution 309 (1972) is a new approach, "without prejudice to other resolutions adopted by the Security Council on this matter", as stated in the first preambular paragraph.

This has been noted.

This is stated in the second preambular paragraph of resolution 309 (1972).

This is stated in the third preambular paragraph of resolution 309 (1972).

This is understood.

This is stated in the fourth preambular paragraph of resolution 309 (1972).

The Secretary-General is fully aware of the mandate entrusted to him by the Security Council under paragraph 1 of resolution 309 (1972).

The Secretary-General will continue to consult and to maintain close co-operation with the group. He welcomes the offer of assistance by the group.

7. For "all parties concerned", as mentioned in paragraph 1, the group considers it should be understood to mean:

- (a) The Government of South Africa;
- (b) The United Nations Council for Namibia;
- (c) The *Ad Hoc* Sub-Committee for Namibia;
- (d) The representatives of the political organizations of the people of Namibia;
- (e) All those persons and entities which the Secretary-General, in his considered opinion, would like to consult in order to discharge his mandate successfully.

The group feels that the President and the Secretary-General of the Organization of African Unity should be included among those consulted.

8. As an initial step the Government of South Africa should inform the Secretary-General of its acceptance of resolution 309 (1972) so as to enable further efforts to be made on its basis.

9. The Secretary-General may also wish to draw the attention of the Government of South Africa to paragraph 2 of resolution 309 (1972).

10. Any substantive decision to be taken as a result of the implementation of resolution 309 (1972) would need the approval of the Security Council.

The Secretary-General has taken note of this definition of "all parties concerned".

The Secretary-General, in his letter dated 17 February addressed to the Permanent Representative of South Africa, stated that he was visiting South Africa in pursuance of the mandate entrusted to him by the Security Council in its resolution 309 (1972). This position was restated by the Secretary-General at his first meeting with the Prime Minister of South Africa in Cape Town on 7 March 1972. Further, in his letter dated 4 May 1972 to the Permanent Representative of South Africa in reply to the latter's letter of 2 May, the Secretary-General referred to his previous letter of 17 February and to his initial contact "pursuant to resolution 309 (1972)". (Copies of the relevant letters are attached for information.)^a The group will recall that, when consulted on this matter, it advised the Secretary-General, in the light of the exchange of letters, to continue his contacts with South Africa so long as the provisions of resolution 309 (1972) were not compromised in any way.

This has been done; the text of the resolution was transmitted to the Government of South Africa.

This is understood.

^a For the text of the letters, see paras. 7, 18 and 19 of the report.

ANNEX II

List of individuals and groups contacted by me during my visit to Namibia

(a) *Persons contacted at Oshakati in Ovamboland*

- (i) Members of the Executive Committee of the Ovambo Council: Chief Councillor, Mr. Philomen Elifas; Councillors: Mr. C. Njoba, Mr. F. S. Lipumbu, Mr. L. Mukwila, Mr. W. Shitala, Mr. A. Shaya, Mr. T. Kasamane and Mr. D. Sheehama.
- (ii) Representatives of the Evangelical Lutheran Ovambo-Kavango Church: the Reverend J. Amakutuwa (Secretary to Bishop Auala), the Reverend P. Shipena, the Reverend F. Shipanga and the Reverend F. Shikomba.
- (iii) Individuals: Mr. John G. Otto (Acting Secretary-General of SWAPO), Mr. J. J. Nangutuuala (Chairman of the Ovambo workers' strike committee), the Reverend P. Natangula, Mr. S. Ekandjo, Mr. A. Nukuwa, Mr. M. Amukongo, Mr. E. Shamen and Mr. L. Mukilongo.

(b) *Persons contacted at Grootfontein*

- (i) Headmen and councillors of the Damaras: Headmen: Mr. J. Garoeb, Mr. H. Hendriks, Mr. J. Hoseb, Mr. A. Garoseb. Councillors: Mr. S. I. Goba, Mr. K. Christy, Mr. J. Goaiseb.
- (ii) Members of the Kavango Executive Council: Mr. R. Kampunga (Chairman of the Legislative Council), the Reverend B. Haushika (Deputy Chairman of the Legislative Council), the Reverend E. Naromba, Mr. A. Kuduma, Mr. R. Kadurad, Mr. A. Mushambe.

(c) *Persons contacted at Windhoek*

- (i) Members of the National Convention of Non-Whites: Chief K. Kapuuo (paramount chief of the Hereros), Mr. K. H. Conradie (Chairman of the Executive Committee of the National Convention), Mr. R. Diergaadt (Chairman of the National Convention), Mr. D. H. Meroro (Chairman of SWAPO), Mr. J. Mutumbula (Secretary of SWAPO and Secretary of the National Convention), Mr. H. Beukes (Chairman, Rehoboth Volkspartei), Mr. J. Jager (Chairman, Voice of the People), Mr. J. Mundjua (SWANU), Mr. O. Khorasaeab (headman of the Damaras, Otjimbingue Reserve), Mr. D. Isaacs (headman of the Berseba Reserve), and Mr. R. Nazukuan, Mr. J. Karuaihe, Mr. N. Karuab and Mr. R. Cape.
- (ii) Members of the Executive Council of South West Africa: Mr. B. J. van der Walt (Administrator of South West Africa), Mr. D. Mudge, Mr. A. Brinkmann, Mr. E. van Zyl and Mr. K. Pretorius.
- (iii) Leaders of the Federal Coloured People's Party: Mr. A. J. F. Kloppers (President), Mr. J. Miller (Vice-President) and Mr. J. J. Julius, Mr. J. A. Phore, Mr. A. J. Titus, Mr. R. Abel and Mr. N. von Rooi.
- (iv) Rehoboth Baster Vereniging: Mr. B. J. Africa (President).
- (v) Representatives of the Association for the Preservation of the Tjamaah-Maharero Royal House: the Reverend B. G. Karuera, Mr. J. G. Kambesipa and Mr. J. C. Katjerunja.

(d) *Others*

The Reverend Colin Winter (Bishop of Damaraland) and the Reverend David de Beer (Treasurer of the Diocese of Damaraland), contacted at Cape Town.

ANNEX III

List of written communications addressed to me by Namibians and others relating to my visit to Namibia

(a) *Communications received in Namibia*

1. Memorandum presented by Mr. J. Nangutuuala, chairman of the Ovambo workers' strike committee, at Oshakati on 7 March 1972.
2. Letter dated 7 March 1972 from Bishop Auala of the Evangelical Lutheran Ovambo-Kavango Church and Moderator Gowaseb of the Evangelical Lutheran Church (Rhenish Mission), presented to me at Oshakati, on 7 March 1972. Enclosed with the letter were copies of the following:
 - (a) An open letter dated 30 June 1971 addressed to the Prime Minister of South Africa by Bishop Auala and Moderator Gowaseb;
 - (b) A joint pastoral letter dated 30 June 1971 to the congregations of both churches by Bishop Auala and Moderator Gowaseb;
 - (c) An address delivered by Bishop Auala at an interview with the Prime Minister of South Africa on 18 August 1971;
 - (d) An address delivered by Moderator Gowaseb at the same interview.
3. Letter dated 3 March 1972 and enclosed memorandum from Mr. J. J. Nangutuuala, presented by him at Oshakati on 7 March 1972.
4. Memorandum dated 8 March 1972 signed by Mr. J. Garoeb and six other headmen and councillors of the Damara Council, presented by Mr. Garoeb at Grootfontein on 8 March 1972.
5. Memorandum dated 5 March 1972 from the Central Committee of the National Convention of Non-Whites presented at Windhoek on 9 March 1972.
6. Undated communication signed by Mr. J. D. Mutumbulua and Mr. D. H. Meroro, on behalf of SWAPO, presented by Mr. Meroro at Windhoek on 9 March 1972.
7. Undated communication signed by Mr. K. H. Comradie, Senior Organiser of the Voice of the People, presented by him at Windhoek on 9 March 1972.
8. Unsigned communication presented by Mr. J. Mundjua, representative of SWANU, at Windhoek on 9 March 1972.
9. Undated letter signed by Mr. J. Links of Keetmanshoop, Mr. D. Isaacs, headman of the Berseba Reserve and two others of the Berseba Reserve, presented by Mr. Isaacs at Windhoek on 9 March 1972.

10. Undated communication from the Rehoboth Volks-partei, presented by Mr. H. Beukes at Windhoek on 9 March 1972.

11. Memorandum dated 8 March from the Federal Coloured People's Party of South West Africa, signed by seven members of its Executive, presented by the Chairman of the Party at Windhoek on 9 March 1972.

12. Memorandum dated 8 March 1972 from the Rehoboth Baster Vereniging, presented by its Chairman, Mr. B. J. Africa, at Windhoek on 9 March 1972.

(b) *Communications received before and after my visit to Namibia*

13. Letter dated 17 February 1972 from Mr. Mark William-Shope, General Secretary, South African Congress of Trade Unions, Morogoro, United Republic of Tanzania.

14. Letter and memorandum dated 18 February 1972 from Chief Clemens Kapuuo, Windhoek, Namibia.

15. Letter dated 18 February 1972, enclosing a memorandum, from Mr. Oscar Khorusaeb, headman, Damara Tribal Executive Council, Otjimbingue Reserve, Namibia.

16. Letter dated 20 February 1972 from Mr. V. N. Mbaeva and Mr. M. Kerina, representatives of the South West Africa National United Front, New York.

17. Letter dated 24 February 1972 from Mrs. Sybil Lookson, Chairman, British Section of Women's International League for Peace and Freedom, London.

18. Letter dated 25 February 1972 from Mr. A. Appel, General Secretary of the Lutheran Federation, Geneva, transmitting a letter and memorandum dated 14 February 1972 from Mr. John G. Otto (Acting Secretary-General of SWAPO) and Mr. J. J. Nangutuuala (Demokratisches Kop), Ovambo, Namibia.

19. Memorandum dated 25 February 1972 from Professor J. Carlson.

20. Memorandum presented by the President of the South West Africa People's Organization on 29 February 1972.

21. Cablegram dated 29 February 1972 from Mr. Otto Kersten, General Secretary, International Confederation of Free Trade Unions, Brussels, Belgium.

22. Letter dated 29 February 1972 from Mr. D. H. Meroro, National Chairman of SWAPO, Windhoek, Namibia.

23. Cablegram dated 29 February 1972 from Mr. Martin Ennals, Secretary-General, Amnesty International, London.

24. Letter dated 1 March 1972 and enclosures from the Reverend Michael Scott.

25. Letter dated 1 March 1972 from Judge W. H. Booth, New York.

26. Letter dated 3 March 1972 from Mr. T. N. Nghishongwa and Mr. S. Musialeba, Berlin.

27. Letter and memorandum dated 8 March 1972 from Mr. B. K. Simbwaye, former President of the Caprivi African National Union, Welwitschia, Namibia.

28. Memorandum dated 11 June 1972 from the President of SWAPO.

DOCUMENT S/10739

Letter dated 17 July 1972 from the representative of Israel to the President of the Security Council

[Original: English]
[18 July 1972]

On instructions of my Government, and further to my letter of 6 July 1972 [S/10732], I have the honour to request you to convene an urgent meeting of the Security Council to consider the mutual release of all prisoners of war, in accordance with the provisions of the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949.

(Signed) Yosef TEKOAH
Permanent Representative of Israel
to the United Nations