

## Chapter III

## Namibia

The year 1990 was a historic one for United Nations efforts in the area of **decolonization**, as Namibia, the last remaining colony in Africa, attained its independence on 21 March. That event occurred nearly a quarter century after the General Assembly had acted to change the Territory's status to bring it under UN administration, and a dozen years after the Security Council laid out in resolution 435(1978) a detailed settlement plan for its independence. In his 1990 report on the work of the **Organization**, the **Secretary-General** said that the Namibian experience was a striking demonstration of the results that could be achieved by multilateral effort, by the active engagement of the principal organs of the United Nations and by members of the Security Council and other States undertaking a crucial role in negotiations.

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### Background

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Namibia, with 824,292 square kilometres (slightly larger than France and the United Kingdom combined), had a population of 1.7 million, about 1.8 persons per square kilometre, compared to 18 for Africa as a whole. Its landscape varied considerably from arid to lush; it exported diamonds, uranium oxide and other minerals, beef and **karakul** pelts for fur coats; it also had some of the world's richest fishing waters.

A **pre-First World War** German colony, known as South West Africa, the Territory had been administered by South Africa since 1920, first under a League of Nations Mandate, and then, illegally, since 1966 when the General Assembly voted to revoke its Mandate. In 1967, the Assembly created the United Nations Council for Namibia as the legal Administering Authority for the Territory until its independence. Nevertheless, South Africa refused to **recognize** the authority of the United Nations and continued to rule the Territory. In 1968, the Territory was renamed Namibia. The Assembly in 1976 **recognized** the South West Africa People's **Organization** (SWAPO), led by Sam Nujoma, as the sole authentic representative of the Namibian people, and decided that any independence talks must be

between South Africa and SWAPO. In 1978, the Assembly, at a special session, expressed support for the armed struggle of the Namibian people and for a settlement within the framework of the United Nations.

To end the stalemate, the five Western members of the Security Council—Canada, France, the Federal Republic of Germany, the United Kingdom and the United States—submitted to the Council in 1978 a proposal for settling the question of Namibia. By resolution 435(1978), the Council endorsed the UN plan for Namibia and established the United Nations Transition Assistance Group (UNTAG) to supervise its implementation.

In 1980, South Africa accepted the plan. However, it did not agree to a cease-fire. Negotiations were again stalled when South Africa decided to link the independence of Namibia to the withdrawal of Cuban troops from Angola. In December 1988, Angola, Cuba and South Africa signed an agreement which opened the way to implementation of the UN plan for Namibia. Elections for a Constituent Assembly were held in November 1989. The work of UNTAG, which had supervised the elections leading to the creation of the Constituent Assembly on 9 February 1990, came to an end.

On 21 March, shortly after midnight, the **Namibian** flag—a bright yellow sun on a blue, red, green and white background—was raised at the National Stadium in **Windhoek**, the capital of Namibia, and Secretary-General **Javier Pérez de Cuéllar** swore in Namibia's first President, Sam Nujoma, marking the culmination of years of intense efforts by the United Nations to promote a peaceful transition to democracy and independence. "The whole world, especially Africa, rejoices with Namibia. What is a triumph for Namibia is a triumph for Africa and, indeed, for the principles that are enshrined in the Charter of the United Nations", the Secretary-General told the crowd of 30,000. "Africa's last colony is, from this hour, liberated", President Nujoma, who had led a liberation struggle for 34 years, affirmed, expressing the hope that the statesmanship and realism shown by South Africa's President, **F. W. de Klerk**, over Namibia would "continue to unfold in South Africa itself".

The following month, the Council for Namibia held its final session, from 9 to 11 April in Windhoek, reviewing its activities in fulfilment of its mandate. In a declaration at the conclusion of the meeting, the Council stated that for more than two decades its mission had been inspired by the steadfastness of the Namibian people and the solidarity of the international community, and it was proud of the assistance it had been able to extend to the Namibian people throughout its existence. It decided to transfer those programmes and activities that had not been completed, as well as its assets, to the Government of Namibia, and recommended to the General Assembly its own dissolution. In September, the Assembly dissolved the Council and removed from the agenda of its forty-fifth session the item "Question of Namibia", thus ending an important chapter in the history of the Organization.

The newly independent nation of Namibia was admitted to the United Nations on 23 April as the 160th member. Despite a relatively developed infrastructure, skilled workers and local capital, Namibia was expected to need significant external assistance during its first years of independence, with a particular need for foreign loans to cover the expected \$200 million annual budget deficit due to the loss of South African fiscal aid.

In June, a donors' pledging conference for Namibia was held in New York. Some \$650 million was pledged for the period 1990-1993 for reconstruction and development. In September, the Assembly requested the Secretary-General to ensure the continued role of the United Nations in the reconstruction and development of Namibia through programmes of assistance.

At an independence day rally, Namibian President Nujoma declared that his Government was drafting a code to spell out an "open and inviting" attitude to investment and to set out the kind of commitment expected from investors towards national development goals. The World Bank described Namibia as having three main economic challenges: reactivation of the economy, reduction of income disparities, and restraint and redirection of public expenditures.

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## Independence

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On 28 March, the Secretary-General reported [S/21215] to the Security Council that shortly after midnight on 20/21 March, at the National Stadium in Windhoek, the flag of the Republic of South Africa was lowered and the flag of the Republic of Namibia was raised, thus marking Na-

mibia's accession to independence in accordance with Council resolution 435(1978) [YUN 1978, p. 915]. Immediately thereafter, the Secretary-General administered the oath of office to Sam Nujoma, leader of SWAPO, who had been elected President of the Republic of Namibia by the Constituent Assembly on 16 February. On 22 March, the South African Administrator General, Louis Pienaar, left Namibia. Thus, said the Secretary-General, the goal of independence for Namibia, for which the United Nations and its Member States had striven for so long, was achieved in dignity and with great rejoicing.

## Constitution

The Constituent Assembly of Namibia, elected in November 1989 following the successful holding of UN-supervised elections, met on 9 February 1990 in Windhoek and approved, by consensus, the Constitution for an independent Namibia. As the fundamental law of the sovereign and independent Republic of Namibia, the Constitution reflected the "Principles for a Constituent Assembly and for an independent Namibia", adopted by all the parties concerned in 1982 [YUN 1982, p. 1292]. In a 16 March 1990 report [S/20967/Add.2], the Secretary-General transmitted to the Security Council the full and definitive text of the Constitution, together with a comparison between the new Constitution and the 1982 constitutional principles. The Constitution entered into force on Independence Day, 21 March, as established by the Constituent Assembly.

The 148-article Constitution provided for a unitary State, with a National Assembly of 72 members, elected by proportional representation, and a National Council consisting of two members from each of Namibia's regions to review bills passed by the National Assembly. In its preamble, it was recalled that the rights of the Namibian people had long been denied by colonialism, racism and *apartheid* and it was asserted that the Namibian people were determined to adopt a Constitution that expressed for themselves and their children the resolve to cherish and protect the gains of the long struggle. Namibians were resolved to foster national unity and reconciliation in a sovereign, secular, democratic and unitary State, securing to all citizens justice, liberty, equality and fraternity. Fundamental human rights and freedoms were enshrined in its 148 articles. Article 23 stated that the practice of racial discrimination and the practice and ideology of *apartheid* from which the majority of Namibians had suffered for so long was prohibited and might be made a punishable offence by Act of Parliament. At the same time, pro-

vision was made for affirmative action by Parliament for those who had been disadvantaged by past discrimination and for achieving a balanced structuring of the public service, the police force, the defence force and the prison service.

### UN membership

On 6 April [S/21241], **Namibian** President **Nujoma** submitted to the Secretary-General an application for his country's membership in the United Nations, and requested that it be given priority consideration to enable Namibia to participate in the special session of the General Assembly devoted to economic development, to be held from 23 to 28 April.

On 17 April [S/PV.2917], the Security Council referred the application to the Committee on the Admission of New Members for examination and report [S/21251], waiving the time-limit for reporting in order to facilitate Namibia's early admission. On the same day [S/PV.2918], the Council, by resolution **652(1990)**, unanimously recommended to the General Assembly that Namibia be admitted to UN membership. It also adopted the proposal of the Committee that the item on admission of new Members be included in the agenda of the eighteenth special session of the Assembly.

On 23 April, the Assembly, at the first plenary meeting of its eighteenth special session, devoted to international economic co-operation (see PART THREE, Chapter I), adopted resolution **S-18/1**, admitting the Republic of Namibia to membership in the United Nations as its 160th member. (It later became the 159th member when the Yemen Arab Republic and the People's Democratic Republic of Yemen merged into a single State (see PART ONE, Chapter IV).)

Following Namibia's admission, the President of the General Assembly, **Joseph N. Garba** of **Nigeria**, paid tribute to the United Nations, which, he said, had worked tirelessly to help the people of Namibia achieve its independent nationhood, including the General Assembly, the Security Council, the Trusteeship Council, the Economic and Social Council, the Council for Namibia and the Secretary-General. He said that Namibia would forever be a reminder of what could be achieved when there was political will among nations. Namibia had shown that the path was open to negotiation for the achievement of a multiracial society committed to democracy, the rule of law and respect for inalienable human rights, ordered liberties and fundamental freedoms.

The Secretary-General said that the independence of Namibia and its admission to the United Nations had taken place at a moment of

great and creative change in the world. Old confrontations were crumbling and the search for a new harmony was visible in several areas that had been most plagued by conflict in recent decades. The United Nations, inspired by Namibia's admission to the Organization, looked to those emerging global opportunities with renewed hope and confidence.

Addressing the Assembly for the first time as a representative of a UN Member State, the Prime Minister of Namibia, **Hage Geingob**, expressed appreciation to the Organization of African Unity, the Movement of Non-Aligned Countries and all countries that had stood firm with Namibia in its struggle for freedom and justice. He also paid tribute to the UN system, particularly the Council for Namibia. He said that the new State would fulfil all obligations attendant upon its becoming a member of the world body. Namibia stood ready to take its place among the nations of the world to contribute positively towards the realization of world peace and harmony through the United Nations.

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## Post-independence activities

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### Council for Namibia

On 19 May 1967 [GA res. 2248(S-V)], the General Assembly, following its 1966 decision [GA res. 2145(XXI)] to terminate South Africa's Mandate over Namibia, established the United Nations Council for Namibia (then South West Africa), composed of 11 Member States and assisted by the Commissioner for Namibia, to administer the Territory. The Council held its first meeting on 16 August 1967; 23 years later, it was finally able to conclude its business at a final session in April 1990 in **Windhoek**, the first to be held within the territory of Namibia.

The activities of the Council were aimed primarily at bringing an end to South Africa's illegal presence in Namibia, achieving Namibia's independence, and protecting the rights and interests of Namibia and its people. In that connection, it **mobilized** international public opinion on, and disseminated information about, the political, military, economic and social aspects of the **Namibian** question by **organizing** conferences, seminars and symposia; by sending missions of consultation to various capitals; and by promoting Namibia's interests in the **specialized** agencies and other international organizations and conferences, and in intergovernmental and non-governmental organizations (NGOs).

In addition, the Council supervised the United Nations Fund for Namibia, providing assistance to Namibians through the three accounts of the Fund—the General Account for education, social and relief activities; the United Nations Institute for Namibia; and the Nationhood Programme for Namibia. Further, the Council disseminated information on the implementation of Decree No. 1 for the Protection of the Natural Resources of Namibia (see p. 957) and undertook activities in the legal sphere, most notably the institution of legal proceedings in the domestic courts of the Netherlands, and by supporting initiatives in various regions and countries to enact legislation imposing sanctions against South Africa. It also considered questions relating to the accession of Namibia to appropriate international conventions, covenants and agreements.

#### Special session

On 2 April 1990, the General Assembly, by decision **44/463**, noted the approval of the Committee on Conferences for the Council for Namibia to hold a special session in Namibia from 9 to 11 April.

The special session, held in the capital city of Windhoek at the invitation of the Government of Namibia, was to review the activities of the Council in fulfilment of its mandate as the legal Administering Authority for Namibia, and make recommendations to the Assembly concerning its dissolution and related matters arising as a consequence of Namibia's accession to independence.

Namibian President Sam Nujoma addressed the opening meeting. He expressed thanks and appreciation to all members of the Council, as well as observers, for their vital contribution and dedication to the struggle of the Namibian people. The Council's programmes and institutions, he said, had played a vital role in providing Namibians with the skills essential for the administration of an independent Namibia. The Council could therefore truly pride itself on having been part of the Namibian struggle against *apartheid* and colonialism.

The Council had before it a report on its activities since its establishment and a status report on the implementation of Decree No. 1 for the Protection of the Natural Resources of Namibia, and considered transitional arrangements for the United Nations Institute for Namibia and the Nationhood Programme for Namibia. It also had before it messages received on the occasion of the independence of Namibia by the Council President from countries and UN and other intergovernmental organizations [A/AC.131/324].

At the conclusion of the session, the Council issued a declaration [A/44/940-S/21270] in which it recalled the assumption 23 years before by the United Nations of direct responsibility for Namibia and the establishment of the Council as the legal Administering Authority for the Territory. That responsibility, it declared, was fulfilled on 21 March when Namibia attained independence. That achievement was a tribute to the heroism and determination of the Namibian people in their long struggle for national liberation in which SWAPO played a leading role. The struggle and the determination of the Namibian people was infused by international support, assistance and solidarity. The role played by the United Nations in that regard was unique and historic. The commitment of Member States to the Namibian cause was reflected in the activities of the United Nations, its specialized agencies and other intergovernmental organizations. The Council placed on record its appreciation of the support extended by the Organization of African Unity, the Movement of Non-Aligned Countries, the frontline States and many other nations, NGOs and individuals who had devoted themselves to the Namibian cause. It called on all to address with equal fervour and concern the immense challenges facing the new nation.

The Council decided to arrange, in consultation with Namibia, the smooth transfer of those programmes and activities that remained incomplete, as well as the assets of the Council, to the Government of Namibia. In the light of the fulfilment of its mandate, the Council recommended to the General Assembly its own dissolution.

The Council also adopted two resolutions: one thanking the Government and people of Namibia for the invitation to hold the special session in Windhoek and for the warm hospitality accorded to the participants; and the other paying tribute to Peter D. Zuze of Zambia, President of the Council.

#### GENERAL ASSEMBLY ACTION

On 11 September, at its resumed forty-fourth regular session, the General Assembly considered the agenda item "Question of Namibia". It had before it the report of the United Nations Council for Namibia [YUN 1989, p. 8091, and the section of the report [A/44/23 (Part V) & (Part V)/Add.1] 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 (Special Committee on decolonization) relating to Namibia.

Addressing the Assembly, the representative of Namibia, in the light of the forthcoming dissolu-

tion of the Council for Namibia, appealed to the international community to see that the ongoing programmes of the Council were not sacrificed. The Secretary-General should be given the means and the authority to oversee completion of those outstanding commitments, including the relocation of the United Nations Institute for Namibia and the satisfactory conclusion of its ongoing activities.

The Assembly, on 11 September, adopted resolution 44/243 A.

#### Dissolution of the United Nations Council for Namibia

The General Assembly,

Recalling its resolution 2248(S-V) of 19 May 1967, by which it decided to establish a United Nations Council for South West Africa as the legal Administering Authority for the Territory until independence,

Recalling also its resolution S-18/1 of 23 April 1990, by which it admitted the Republic of Namibia to membership in the United Nations,

Taking note of the declaration of the United Nations Council for Namibia adopted at its special plenary meetings, held at Windhoek from 9 to 11 April 1990, by which the Council decided to recommend to the General Assembly its own dissolution as a result of Namibia's attainment of freedom and independence,

Taking note also of the decision taken by the United Nations Council for Namibia at its special plenary meetings immediately to arrange, with the agreement of the Government of the Republic of Namibia, to co-ordinate the smooth transfer of the relevant programmes and activities of the Council to the Government of Namibia,

Taking note further of the decision of the United Nations Council-for Namibia requesting the Office of the United Nations Commissioner for Namibia and the United Nations Institute for Namibia to organize in Namibia a seminar on programme planning for the national reconstruction and development of Namibia,

1. Commends the United Nations Council for Namibia, as the legal Administering Authority for the Territory until independence, for the fulfilment of the important responsibilities entrusted to it by the General Assembly in its resolution 2248(S-V) and for its unrelenting efforts to ensure the attainment by the Namibian people of self-determination and national independence;

2. Decides that the United Nations Council for Namibia, having fulfilled the important mandate entrusted to it by General Assembly resolution 2248(S-V) relating to the Territory, is hereby dissolved;

3. Requests the Secretary-General to continue to provide the necessary resources in order to complete the implementation of the programme activities approved by the United Nations Council for Namibia for 1990, as set forth in annex I to the present resolutions;

4. Requests the Secretary-General immediately to arrange, in consultation with the Government of Namibia, to co-ordinate the transfer to the Government of Namibia of the programmes, activities and assets of the United Nations Council for Namibia, including archival collections consisting of, inter alia, major resolutions and decisions of the United Nations on the ques-

tion of Namibia and other relevant documents and official correspondence, as well as, in particular, those relating to the implementation of Decree No. 1 for the Protection of the Natural Resources of Namibia and to the accession to international conventions and representation of Namibia in specialized agencies of the United Nations and intergovernmental organizations;

5. Requests the Secretary-General, in recognition of the unique and direct responsibility that the United Nations had assumed over Namibia prior to independence, to ensure the continued role of the United Nations in the reconstruction and development of the newly independent State of Namibia by providing the necessary resources and staff within the Secretariat for the delivery of such programmes of assistance;

6. Also requests the Secretary-General to provide assistance as may be requested by the Government of Namibia in the preparation of a comprehensive national census in order to determine accurate demographic and other relevant socio-economic statistics on Namibia;

7. Further requests the Secretary-General to consider as a matter of priority the redeployment within the United Nations Secretariat and other organizations of the United Nations system of the staff of the Office of the United Nations Commissioner for Namibia.

General Assembly resolution 44/243A

11 September 1990 Meeting 96 Adopted without vote  
Draft by Council for Namibia (A/44/24/Add.1) & Add.1/Corr.1/Rev.1); agenda item 36.

Financial implications. 5th Committee, A/44/975: S-G, A/C.5/44/56/Rev.1. Meeting numbers. GA 44th session: 5th Committee 66; plenary 96.

After adopting resolutions 44/243 A and B, the Assembly deleted the item on the question of Namibia from the provisional agenda of its forty-fifth session.

Also on 11 September, the Assembly, in response to a request of the Special Committee on decolonization [A/44/974], by decision 44/469, decided, in the light of the independence of Namibia, to change the title of item 115 of the provisional agenda of its forty-fifth session regarding foreign economic interests impeding efforts to eliminate colonialism, apartheid and racial discrimination in southern Africa by deleting specific reference to Namibia.

#### Lifting of sanctions

On 1 March, Sam Nujoma, President-elect of Namibia, informed the Secretary-General that, in accordance with the Constitution of the Republic of Namibia, Walvis Bay now formed an integral part of Namibia. As of 21 March, he said, Walvis Bay should be recognized as a bona fide port of entry to Namibia for refined oil products and other goods. He recalled the international campaign to isolate South Africa because of its apartheid policy, which included a ban, since 1977 [GA res. 32/105 G], on the sale of oil and oil products with a destination to South African ports, includ-

ing Walvis Bay. He requested the Secretary-General to advise all oil-producing countries and trading nations to lift the ban of oil and other goods destined for Namibia and of the desire of the future Namibian Government to distance itself from South African influence by being able to trade freely in the world market.

On 5 March [A/45/159-S/21181], the Secretary-General transmitted to the President of the General Assembly the request of the President-elect of Namibia, and recommended that the Assembly be convened to take appropriate action.

The Assembly President, on 12 March [A/45/187-S/21221], informed the Secretary-General that he agreed that the most expeditious way of responding to the request would be for the Assembly to rescind its earlier decision on sanctions. He was, however, inclined to await the independence of Namibia before taking action to enable the new administration to assume and exercise full control of its territory before the sanctions were lifted and to ensure that, while lifting the ban on oil and other goods destined for Namibia, the Assembly did not undermine existing sanctions against South Africa. He would commence consultations to convene the Assembly so that action could be taken after Namibia's independence.

#### UN Transition Assistance Group

The United Nations Transition Assistance Group (UNTAG), the establishment of which the Security Council authorized by resolution 435(1978) [YUN 1978, p. 915] to ensure the early independence of Namibia through free elections under the control of the United Nations, began operations on 1 April 1989 [YUN 1989, p. 790]. Only after agreement was reached between Angola, Cuba and South Africa on the withdrawal of Cuban troops from Angola, did South Africa consent to co-operate with the Secretary-General to ensure Namibia's independence, and SWAPO agreed to a cessation of hostilities. UNTAG's tasks included keeping Namibia's borders under surveillance, preventing infiltration and intimidation, and ensuring the safe return of refugees and their free participation in the electoral process.

The mission successfully completed its work with the holding of elections from 7 to 11 November 1989 throughout Namibia, and the attainment of independence by Namibia on 21 March 1990. At the height of the mission, UNTAG numbered nearly 8,000 individuals from more than 100 nations who worked at more than 200 duty stations throughout the Territory. Of that

number, 17 persons lost their lives during the year-long mission.

In his final report [S/21215] on the implementation of resolution 435(1978), dated 28 March 1990, the Secretary-General stated that the goal of independence for Namibia, for which the United Nations and its Members had striven for so long, had been achieved. As a result, the mandate entrusted to UNTAG had come to an end. The remaining personnel were being withdrawn, with the exception of those who were to remain in Namibia for a limited period under bilateral arrangements negotiated between their Governments and Namibia. A small rear party was to remain to finalize the administrative aspects of UNTAG's withdrawal, including the disposal of assets.

#### Support programmes for Namibia

##### UN Fund for Namibia

The United Nations Fund for Namibia, for which voluntary contributions were the main financial source, over the years served as the main instrument through which the Council for Namibia, acting as its trustee, channelled assistance to Namibians. The Fund had three main programmes with special accounts: the Nationhood Programme for Namibia; the United Nations Institute for Namibia; and educational, social and relief assistance (General Account).

The Nationhood Programme provided manpower training and conducted surveys and analyses of Namibian economic and social sectors, including identification of development tasks and policy options. Under manpower training, hundreds of Namibians continued their training at various institutions, mostly in African countries. Some 23 projects under the Programme had been inactive for more than a year. Of the 11 remaining projects, 4 were about to be closed and 3 were being continued for about 5 students each. Training was also done through the United Nations Vocational Training Centre in Cuacra, Angola, and the Namibia Secondary Technical School in Loudima, Congo. The assistance project to the school was subject to review by the Governing Board of the Vocational Training Centre and negotiations with the Government of Namibia.

The United Nations Institute for Namibia, located in Lusaka, Zambia, trained middle-level skilled manpower for an independent Namibia and carried out applied research in various sectors of the Namibian economy. During 1990, it had become apparent that the resources of the Institute for Namibia Account were insufficient to meet the fi-

nancial requirements of the Institute. The Institute's revised budget for 1990 of \$5,300,800 exceeded income for the year and cash reserves carried forward from 1989 by some \$1.4 million. Accordingly, on 21 June, the Senate of the Institute requested an examination of the finances, and, at its thirty-first session (Windhoek, 28-29 August), it recommended the closure of the Institute. On 30 September, the Institute ceased operation and the Secretary-General appointed a senior official to undertake the liquidation of its assets and the discharge of its liabilities.

Educational, social and relief assistance, particularly in the form of scholarships, was the main activity financed by the Fund's General Account. It also financed vocational and technical training; provided assistance in health and medical care, nutrition and social welfare; acquired books and periodicals for Namibian refugee camps and SWAPO offices; and facilitated the attendance of Namibian representatives at international seminars, meetings and conferences.

The individual scholarship programme provided sponsorship for 185 Namibian students, the majority of whom were studying in the United States. It also supported six training projects similar to those of the Nationhood Programme and one project for financing the operating expenses of the Namibia Secondary Technical School in Loudima.

To support the work of the United Nations Trust Committee for the United Nations Fund for Namibia (see resolution 44/243 B below), the Secretary-General in December proposed the establishment of a Transitional Unit for Namibia in the Department for Special Political Questions, Regional Co-operation, Decolonization and Trusteeship. The Unit would implement residual programmes of the Council for Namibia, in particular activities financed by the Fund for Namibia, co-ordinate the transfer to Namibia of the Vocational Training Centre in Cuacra, and determine the status of the Namibia Secondary Technical School.

On 21 December, by resolution 45/248 B, section I, the General Assembly accepted the Secretary-General's proposal.

#### GENERAL ASSEMBLY ACTION

The General Assembly, on 11 September, adopted resolution 44/243 B.

#### United Nations Fund for Namibia

The General Assembly,

Having examined the parts of the report of the United Nations Council for Namibia relating to the United Nations Fund for Namibia,

Recalling its resolution 2679(XXV) of 9 December 1970, by which it established the United Nations Fund for Namibia,

Recalling also its resolution 3112(XXVIII) of 12 December 1973, by which it appointed the United Nations Council for Namibia trustee of the United Nations Fund for Namibia,

Recalling further its resolution 31/153 of 20 December 1976, by which it decided to launch the Nationhood Programme for Namibia, a comprehensive assistance programme within the United Nations system, covering both the period of the struggle for independence and the initial years of independence of Namibia,

Noting that the current programmes under the General Account, the United Nations Institute for Namibia Account and the Nationhood Programme Account of the United Nations Fund for Namibia should be completed,

1. Takes note of the relevant parts of the report of the United Nations Council for Namibia;

2. Takes note also of the declaration of the United Nations Council for Namibia adopted at its special plenary meetings held at Windhoek from 9 to 11 April 1990, by which the Council recognized that some of its current programmes and activities remain incomplete;

3. Decides that the United Nations Fund for Namibia shall continue to operate in order to ensure the orderly completion of all programmes and activities currently financed from it and as set forth in annex II to the present resolutions and that a report in this respect shall be made to the General Assembly at an appropriate time;

4. Decides also that the United Nations Fund for Namibia shall operate under the custody of the Secretary-General;

5. Decides further to establish the United Nations Trust Committee for the United Nations Fund for Namibia, the composition and guidelines of which shall follow the pattern of the Committee on the United Nations Fund for Namibia, to serve as the trustee of the Fund until its dissolution;

6. Requests the Committee, with the agreement of the Government of Namibia, to take the necessary measures to ensure the completion of ongoing programmes and activities currently financed from the United Nations Fund for Namibia;

7. Decides that the United Nations Institute for Namibia, having fulfilled its mandate to provide substantive support in its areas of competence in the struggle for freedom of the Namibians and the establishment of an independent Namibia and in view of the critical financial difficulties which it is experiencing, shall cease its operations on 30 September 1990;

8. Requests the Secretary-General, in consultation with the United Nations Trust Committee for the United Nations Fund for Namibia, and in co-operation with the Governments of Namibia and Zambia, to implement the closure of the United Nations Institute for Namibia as provided for in paragraph 7 above, and to liquidate its assets and discharge its liabilities and, having regard to the needs of Namibia and the successor institution to the Institute, to make available any residual net assets for utilization by such successor institution;

9. Expresses its deep appreciation to the Government of Zambia for accommodating the United Nations

Institute for Namibia prior to Namibia's independence and extending services, courtesies and privileges to facilitate the Institute's operations in Zambia;

10. Requests the Secretary-General, in co-operation with the Governments concerned, to co-ordinate the transfer to Namibia of the United Nations Vocational Training Centre for Namibia at Cuacra, Angola, and to determine the future status of the Namibia Secondary Technical School at Loudima, the Congo, and expresses its deep appreciation to the Governments of Angola and the Congo for the courtesies and hospitality that they have extended to these institutions;

11. Expresses its appreciation to all States, specialized agencies and other organizations and institutions of the United Nations system, and to governmental and non-governmental organizations that have made contributions to the United Nations Fund for Namibia, as well as to all individuals who have done so;

12. Requests the Secretary-General to appeal to Governments, intergovernmental and non-governmental organizations and individuals for voluntary contributions to the United Nations Fund for Namibia;

13. Invites Governments to appeal once more to their national organizations and institutions for voluntary contributions to the United Nations Fund for Namibia;

14. Expresses its appreciation to the United Nations Development Programme for its contribution to the financing and administration of the Nationhood Programme for Namibia and the financing of the United Nations Institute for Namibia, and calls upon it to continue its contribution to the United Nations Fund for Namibia;

15. Decides that Namibians currently benefiting from assistance through the United Nations Educational and Training Programme for Southern Africa and through the United Nations Trust Fund for South Africa shall continue to be eligible for such assistance until they complete their programmes;

16. Requests the Secretary-General to credit as soon as possible to the United Nations Fund for Namibia the sum of 1.5 million United States dollars already appropriated for 1990 under the regular budget;

17. Requests the Secretary-General to continue to provide the necessary resources for the performance of the activities financed from the United Nations Fund for Namibia.

#### ANNEX I

Programme activities approved by the United Nations Council for Namibia for 1990 to be carried out following the dissolution of the Council

The United Nations Council for Namibia approved the programme activities enumerated below for 1990:

1. Preparation of reports on the political, military and social situation in Namibia, and on the activities of foreign economic interests in the Territory, for the period from 1 April 1989 until independence;

2. Preparation of a report on contacts between Member States and South Africa to cover the period from 1 April 1989 until independence;

3. Preparation of a report on the activities of the Council for the period from 1 September 1989 until independence;

4. Organization of a seminar on programme planning for the national reconstruction and development of Namibia and preparation of its final report;

5. Preparation of draft chapters on Namibia for inclusion in the Yearbook of the United Nations for the years 1986 to 1990;

6. Preparation of a draft study of Article 81 of the Charter of the United Nations for inclusion in Supplement No. 7 of the Repertory of Practice of United Nations Organs,

7. Compilation of archival materials relating to United Nations action on Namibia and deemed to be of use or interest to Namibia, including major resolutions and decisions of the United Nations on the question of Namibia and other relevant documents and official correspondence;

8. Drafting of a historical account of the responsibilities and programmes undertaken by the Council since its inception.

#### ANNEX II

Programmes and activities financed from the United Nations Fund for Namibia

##### A. Nationhood Programme Account

1. The Nationhood Programme Account of the Fund finances sixteen training and education projects for Namibians in various fields of study. Two of these projects provide funding for the United Nations Vocational Training: Centre for Namibia at Cuacra, Angola, which is to be relocated to Namibia in late 1990 or early 1991.

##### B. General Account

2. The individual scholarship programme of the General Account provides sponsorship for one hundred eighty-five Namibian students, the majority of whom are studying at university level in the United States of America.

3. The General Account also supports six training projects similar to those of the Nationhood Programme and one project that makes a major contribution to the operating expenses of the Namibia Secondary Technical School at Loudima, the Congo.

4. The General Account provides social and medical assistance for expatriate Namibians in need, generally students, and covers the return travel expenses of scholarship holders who have completed their degrees.

##### C. Institute for Namibia Account

5. The Institute for Namibia Account of the Fund provided most of the funding for the budget of the United Nations Institute for Namibia at Lusaka. The Institute shall cease its operations on 30 September 1990.

General Assembly resolution 44/243 B

11 September 1990 Meeting 96 Adopted without vote  
Draft by Council for Namibia (A/44/24/Add.1 & Add.1/Corr.1/Rev.1); agenda item 36.

Financial implications. 5th Committee, A/44/975; S-G, A/C.5/44/56/Rev.1. Meeting numbers. GA 44th session: 5th Committee 66; plenary 96.

##### UN Educational and Training Programme

In a September report to the General Assembly [A/45/553], the Secretary-General stated that the United Nations Educational and Training Programme for Southern Africa, between 1 September 1989 and 31 August 1990, had granted 117 new scholarships to Namibians and extended 244



more, in addition to those financed by the United Nations Fund for Namibia.

The Programme was expected to continue to provide new scholarship awards to Namibian students for a transitional period of one year following Namibia's accession to independence.

## Economic and social matters

The Namibian economic picture showed some sharp contrasts: on the one hand, the country had a relatively high per capita income and well-developed physical infrastructure; however, a small minority enjoyed incomes and health and education services at levels comparable to those of a Western European country, while the vast majority endured living conditions that were barely above subsistence and suffered from highly inadequate public services.

Namibia had an expensive, fragmented and unbalanced public administration, with separate services for each of 11 ethnic groups through separate administrations. Prior to independence, as much as 30 per cent of public administration costs were covered by direct budget aid from South Africa. Now that such support had ended, the Namibian Government needed assistance while it reduced and rationalized administrative structures. An estimated 30 per cent of the Namibian labour force was out of work. The agricultural profile was characterized by skewed distribution and unequal development of land, as well as an emphasis on livestock rather than crop production. Some 30 to 40 per cent of school-age children did not attend classes, and 60 per cent of the teachers were unqualified, with another 30 per cent under-qualified, the vast majority of whom were to be found in the 10 black educational authorities. There were also problems in the areas of public health, water and sanitation. An acute housing shortage was compounded by the arrival of many returnees from exile and by demilitarization.

### Protection of natural resources

The UN Council for Namibia had adopted in 1974 [YUN 1974, p. 152] Decree No. 1 for the Protection of the Natural Resources of Namibia, by which no person or entity was permitted to explore, extract or export any natural resource of Namibia without the consent of the Council. Pursuant to General Assembly resolution 36/121 C [YUN 1981, p. 1163], authorizing the Council to take measures to ensure compliance with its De-

cre, including legal proceedings in the domestic courts of States, the Council in 1985 decided to commence legal proceedings in the Netherlands [YUN 1985, p. 1124].

On 10 April 1990, the Council heard a report by its Counsel, Willem Christiaan van Manen, on certain consequences of Namibia's independence regarding the litigation brought by the Council for Namibia against the Dutch firm Urenco Nederland Ultra-Centrifuze Nederland and the Government of the Netherlands on the protection of the natural resources of Namibia within the context of Decree No. 1. He said that in the litigation the Council was seeking a court order to prohibit Urenco from carrying out orders of enriched uranium and to instruct the State to supervise Urenco's compliance with the order by applying a system of "negative certificates of origin". The question raised was whether, in the light of Namibia's independence and the imminent dissolution of the Council, the litigation should be continued. Since 21 March, purchase contracts for uranium were being made with the consent of Namibia. The Council's claim would therefore seem to be lacking sufficient interest. However, there would seem to be sufficient interest in continuing the litigation for contracts made before that date. On the question of the substitution of Namibia for the Council in the litigation, if Namibia wished to continue the litigation or keep its option open to do so, certain arrangements would have to be made between the Council and Namibia before the Council ceased to exist. If that was sufficient under UN law, such an arrangement could take the form of an agreement or other instrument whereby the Council transferred certain assets to Namibia, including its right to claim the order sought in the litigation and all rights and obligations relating to the litigation and the period before the transfer. Such an agreement would be a normal arrangement in the course of winding up the Council's affairs.

In resolution 44/243 A, the General Assembly decided to transfer to the Government of Namibia all relevant documents and official correspondence, in particular those relating to the implementation of Decree No. 1.

### System-wide activities

In response to a 1989 request of the Governing Council of the United Nations Development Programme (UNDP) [YUN 1989, p. 81], the Administrator reported [DP/1990/3] that the 1989 mission to Namibia had estimated the population at 1.7 million and per capita gross domestic product (GDP) at \$1,044, lower than the World Bank estimate of

\$1,200. GDP showed a disparity ranging from \$14,650 annually for whites (5 per cent of the total population) to \$63 for non-whites supported by the traditional economy, representing 55 per cent of the total population.

On 22 June [E/1990/29 (dec. 90/32)], the Administrator's proposal to consolidate the funds available for the fourth cycle (1987-1991) indicative planning figure (IPF) for Namibia, which, including an independence bonus, totalled \$15.67 million, including the uncommitted portion of the IPF for national liberation movements available for SWAPO. It invited Governments to contribute generously at the donors' conference (see below) to the UNDP Trust Fund for Namibia, created in 1989.

The Administrative Committee on Co-ordination, at its October session [ACC/1990/DEC/15-22 (dec. 1990/18)], assigned to its Organizational Committee the responsibility for keeping under review the provision of assistance to Namibia by organizations of the UN system.

The Second United Nations Conference on the Least Developed Countries (Paris, 3-14 September 1990) [A/CONF.147/18] (see PART THREE, Chapter I) adopted a resolution on economic assistance and least developed country status for Namibia. The Conference encouraged the international community and the UN system to support the fledgling economic and social structures of the new nation and its development aspirations. It considered that Namibia should be given special consideration in support of its economic and social development and, accordingly, invited the General Assembly to include Namibia in the list of least developed countries.

The Assembly, in resolution 45/198 of 21 December, requested the Committee for Development Planning to consider including Namibia in the list of LDCs and decided to give Namibia special consideration in support of its economic and social development, in accordance with the resolution of the Conference. The international community and the UN system were encouraged to support the economic and social structures of Namibia and its development aspirations.

The UN programme of activities for the 1990-1991 biennium called for the holding of a seminar, subject to the agreement of Namibia, on programme planning for reconstruction and development. The seminar would undertake an in-depth analysis and assessment of programmes and projects, as well as resource requirements for assistance to Namibia.

## UN pledging conference

A donors' pledging conference to mobilize financial, material and technical support for the reconstruction and development of Namibia was held in New York on 21 and 22 June, under the auspices of UNDP. To assist the donor community in elaborating a support strategy, Namibia, with the assistance of the United Nations, had prepared a general policy statement on its reconstruction and development, a preliminary economic review, a private-sector policy paper and an investment programme, including project profiles.

Namibia's requirements for the period 1990-1992 were estimated at some \$810 million. At the conference, pledges were announced of more than \$200 million for 1990 for reconstruction and development, including \$60 million in the form of concessional grants or loans. That did not include possible credits or loans from international development banks. Further pledges totalling \$150 million per year for 1991-1993, of which some \$30 million would be in the form of concessional lending, were also announced.

## Transnational corporations

The Commission on Transnational Corporations (TNCs), at its sixteenth session in April 1990 [E/1990/2] (see PART THREE, Chapter V), considered the report [A/44/576-S/20867] and recommendations of the Panel of Eminent Persons established to conduct the second public hearings on the activities of TNCs in South Africa and Namibia. The Executive Director of the UN Centre on Transnational Corporations, referring to the independence of Namibia, stated that the new country would undoubtedly need continuing technical assistance in the formulation and implementation of appropriate investment policies. In that regard, the Centre was already engaged in the preparation of a new investment code at the request of the Government.

The Commission on TNCs took note of the Panel's report.

## Social issues

### Women and children

The Commission on the Status of Women, at its February/March session [E/1990/25] (see PART THREE, Chapter XIII), following consideration of a report by the Secretary-General on developments in the situation of women and children in Namibia [E/CN.6/1990/8] (see PART TWO, Chapter I), recommended a resolution for adoption by the Economic and Social Council.

## ECONOMIC AND SOCIAL COUNCIL ACTION

On 24 May, the Economic and Social Council adopted resolution 1990/6.

## Women and children in Namibia

The Economic and Social Council,

Welcoming the independence of Namibia, proclaimed on 21 March 1990,

Bearing in mind the tremendous responsibilities that the Government of that newly independent country will face,

Recalling the active role played by Namibian women in the struggle for liberation and independence,

1. Expresses its appreciation to the Commission on the Status of Women for its support in the struggle for Namibian independence;

2. Recognizes the sustained efforts of Namibian women to achieve full and equal participation with

men in political, social and economic activities and to continue their contribution to the construction of a free and independent Namibia;

3. Appeals to the international community to provide financial, technical and other forms of assistance to enable the Government of Namibia to implement measures aimed at improving the condition of women and children in that country;

4. Urges governmental, intergovernmental and non-governmental organizations to make resources available to assist in the rehabilitation and resettlement of returning Namibian women and children.

Economic and Social Council resolution 1990/6

24 May 1990 Meeting 13 Adopted without vote

Approved by Second Committee (E/1990/68) without vote, 8 May (meeting 8); draft by Commission on Status of Women (E/1990/25), orally amended by Chairman; agenda item 4.