

NAMIBIA

Special Action or Decisions Taken Re: Reporting, Including Urgent Action Procedure

CERD A/39/18 (1984)

IX. DECISIONS ADOPTED BY THE COMMITTEE AT ITS TWENTY-NINTH AND THIRTIETH SESSIONS

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B. Thirtieth session

1 (XXX). Initial report of Namibia

The Committee on the Elimination of Racial Discrimination,

Having examined the initial report of Namibia 14/ submitted by the United Nations Council for Namibia, as the legal Administrating Authority for Namibia until its independence,

Deeply concerned by references contained in the report regarding the inhuman policy of apartheid imposed in Namibia by the illegal administration of the Government of South Africa,

Gravely concerned by the continuous suffering of the Namibian people as a consequence of racism, racial discrimination, extension of apartheid, systematic human rights violations as well as the brutal repression carried out by the illegal and racist administration of the Government of South Africa,

Convinced that the self-determination and independence of Namibia are fundamental prerequisites for ending that untenable situation and that, to that end, the Government of South Africa must immediately comply with the pertinent United Nations resolutions and decisions, particularly General Assembly resolutions 1514 (XV) of 14 December 1960, 2145 (XXI) of 27 October 1966 and 2248 (S-V) of 19 May 1967, the advisory opinion of the International Court of Justice of 21 June 1971, 15/ Security Council resolutions 385 (1976) of 30 January 1976 and 435 (1978) of 29 September 1978, Council for Namibia Decree No. 1 for the protection of the Natural Resources of Namibia 16/ and the 1983 Paris Declaration on Namibia, 17/

14/ CERD/C/101/Add.7.

15/ 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.

16/ Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 24 (A/35/24), vol. I, annex II.

17/ Report of the International Conference in Support of the Struggle of the Namibian People for Independence, Paris, 25-29 April 1983 (A/CONF.120/13), part three.

Deeply concerned also by the statement contained in the initial report of Namibia to the effect that

international efforts for the elimination of racial discrimination, colonialism and racism have not been effective in Namibia because some governments, international organizations and institutions have persisted in maintaining links with South Africa despite United Nations resolutions against such collaboration,

Taking into consideration the provisions contained in article 9, paragraph 2, of the Convention, which empower the Committee to make suggestions and general recommendations based on the examination of the reports and information received from the States parties,

1. Expresses appreciation for the submission of the initial report of Namibia by the United Nations Council for Namibia as well as for the introductory statement of its representative before the Committee;
2. Commends the United Nations Council for Namibia for its significant work as the only legal Administering Authority for Namibia until independence;
3. Expresses great concern at the inability of the Council to apply the provisions of the Convention in Namibia owing to the policy of apartheid of South Africa;
4. Strongly condemns the policy of apartheid, racial discrimination and the continuous violations of human rights and fundamental freedoms inflicted by the Government of South Africa upon the people of Namibia;
5. Expresses furthermore its solidarity with, and support for, the people of Namibia in its struggle for complete liberation and national independence and calls for the implementation of the relevant United Nations resolution on Namibia;
6. Appeals to all the States parties which have not yet done so to suspend all diplomatic, cultural, economic, military, sporting and any other relations with the racist Government of South Africa;
7. Decides to keep under constant review the question of Namibia and to take any appropriate action in accordance with its mandate under the Convention and, in this connection, requests the United Nations Council for Namibia to provide the Committee with additional information on developments about the situation in Namibia at any time the Council deems it fit.

693rd meeting
20 August 1984

CERD, A/61/18 (2006)

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Chapter V. Review of the implementation of the Convention in States parties whose reports are seriously overdue

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C. Action taken by the Committee to ensure submission of reports by States parties

466. At its forty-second session, the Committee, having emphasized that the delays in reporting by States parties hampered it in monitoring implementation of the Convention, decided that it would continue to proceed with the review of the implementation of the provisions of the Convention by the States parties whose reports were overdue by five years or more. In accordance with a decision taken at its thirty-ninth session, the Committee agreed that this review would be based upon the last reports submitted by the State party concerned and their consideration by the Committee. At its forty-ninth session, the Committee further decided that States parties whose initial reports were overdue by five years or more would also be scheduled for a review of implementation of the provisions of the Convention. The Committee agreed that in the absence of an initial report, the Committee would consider all information submitted by the State party to other organs of the United Nations or, in the absence of such material, reports and information prepared by organs of the United Nations. In practice the Committee also considers relevant information from other sources, including from non-governmental organizations, whether it is an initial or periodic report that is seriously overdue.

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468. Following its sixty-eighth session, the Committee decided to schedule at its sixty-ninth session a review of the implementation of the Convention in the following States parties whose initial and periodic reports were seriously overdue: Malawi, Mozambique, Namibia, Seychelles and Saint Lucia...

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470. At its 1780th meeting (sixty-ninth session), held on 15 August 2006, the Committee held a preliminary debate with a delegation from Namibia and resumed its dialogue with the State party, which had been interrupted since 1996. Following the preliminary debate and the assurances given by the delegation, the Chairperson sent a letter to the State party requesting that the overdue report of Namibia be submitted to the Committee as soon as possible, and no later than 30 June 2007.

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509. Following its seventieth session, the Committee decided to schedule at its seventy-first session a review of the implementation of the Convention in the following States parties whose initial and periodic reports were seriously overdue: Malawi, Namibia, Nicaragua, Pakistan and Togo. Namibia, Nicaragua and Togo were withdrawn from the list prior to the seventy-first session following the submission of their overdue reports.

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