

No. 12739

**UNITED NATIONS (UNITED NATIONS COUNCIL
FOR NAMIBIA)
and
ZAMBIA**

**Exchange of letters constituting an agreement concerning
the issuance by the Council of travel and identity
documents to Namibians (with a note dated 12 December
1968). Lusaka, 10 July 1970**

Authentic text : English.

Registered ex officio on 1 September 1973.

**ORGANISATION DES NATIONS UNIES (CONSEIL
DES NATIONS UNIES POUR LA NAMIBIE)
et
ZAMBIE**

**Échange de lettres constituant un accord relatif à la délivrance
aux Namibiens, par le Conseil, de documents de voyage et
d'identité (avec note en date du 12 décembre 1968).
Lusaka, 10 juillet 1970**

Texte authentique : anglais.

Enregistré d'office le 1^{er} septembre 1973.

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹
BETWEEN THE UNITED NATIONS (UNITED NATIONS
COUNCIL FOR NAMIBIA) AND ZAMBIA CONCERNING THE
ISSUANCE BY THE COUNCIL OF TRAVEL AND IDENTITY
DOCUMENTS TO NAMIBIANS

I

Sir,

At the request of the United Nations Council for Namibia, I have the honour to refer to the following points of agreement and mutual undertakings which have resulted from meetings held in Lusaka in early February 1969, between a delegation of the Council and representatives of the Government of the Republic of Zambia, and from subsequent negotiations in New York.

Points of agreement

1. The Government of the Republic of Zambia recognises and accepts as valid the travel and identity documents issued to Namibians by the United Nations Council for Namibia and intends to so advise the Secretary-General of the United Nations, pursuant to his note verbale of 12 December 1968.

2. In the exercise of its sovereign rights, the Government of the Republic of Zambia agrees to grant the right of return to the following categories of Namibians who receive the travel and identity documents of the Council :

- (a) Namibians residing in Zambia;
- (b) Namibians enjoying first asylum in Zambia;
- (c) such other Namibians as the Government may determine.

3. The right of return will be inscribed and certified by the Government of the Republic of Zambia in the travel and identity documents issued by the United Nations Council for Namibia for the period of up to two years following the date of issue of the documents and this period may be extended.

4. Applications for travel and identity documents shall be submitted to the Government of the Republic of Zambia which shall examine such applications. A representative of the United Nations Council for Namibia shall be consulted, in accordance with the provisions of paragraph 5 below, and a representative of the Organization of African Unity may be consulted as appropriate. Representatives of the people of Namibia shall be requested to provide relevant information as required. In the event of the Government of the Republic of Zambia informing the United Nations Council for Namibia that it agrees to grant the right of return, the documents shall be issued by the Council. It is understood that, as a rule, the right of return shall be granted to individuals falling within the categories mentioned in paragraph 2 (a) to (c) above, unless compelling reasons of national security or public order otherwise require.

5. In its examination of applications for travel and identity documents, the Government of Zambia shall consult the United Nations Council for Namibia in every case, except when :

- (a) the Government decides not to grant the right of return on grounds of national security

¹ Came into force on 10 July 1970, in accordance with the provisions of the said letters.

or public order. Any determination made by the Government on such grounds shall be final.

(b) circumstances are such that the application requires immediate consideration, not permitting time for consultation, and the Government is satisfied, on the basis of the information available to it, with the *bona fides* of the applicant and is prepared to grant the right of return.

6. The provisions of paragraphs 4 and 5 shall not preclude the United Nations Council for Namibia from issuing travel documents, in cases where the right of return is not granted by the Government of the Republic of Zambia, provided that the Council secures for the applicant the right of return to a country other than Zambia or finds a country which would accept him without a return clause.

7. The present arrangements which are made in the interest of Namibians are subject to review on the request of the Government of the Republic of Zambia or of the United Nations Council for Namibia after a period of two years from the date of the present exchange of letters, or as may be decided by the Parties, and may be amended by agreement between the Parties.

Mutual undertakings

8. The Government of the Republic of Zambia, recognising:

(a) the international status of Namibia;

(b) the importance and necessity for Namibians to verify their identity and to be able to travel while abroad; and

(c) the special responsibilities of the Council for Namibia in matters within its competence; undertakes to extend its full co-operation with regard to the arrangements herein described.

9. The Council for Namibia, recognising that the Government of the Republic of Zambia should not be required, because of the country's geographical location, to bear to a disproportionate degree the problems arising from the entry of Namibians into Zambia, undertakes to make every effort to ensure that other Member States of the United Nations share in the granting of asylum and right of residence to Namibians.

10. Furthermore, the Council for Namibia, recognising that more important than the question of travel documents is the problem of the future welfare of Namibians who sought asylum in other countries, undertakes to give this problem serious attention.

I would be most grateful for your confirmation that the Government of the Republic of Zambia is in full agreement with the points listed above. In such case, I have the honour to propose that this note and your reply shall constitute an agreement between the United Nations Council for Namibia and the Government of the Republic of Zambia on this matter.

Accept, Sir, the assurances of my highest consideration.

[Signed]

A. A. HAMID
Acting Commissioner
for United Nations Council for Namibia

Hon. C. M. Mwananshiku
Minister of State for Home Affairs
Republic of Zambia

II

Sir,

I have the honour to acknowledge receipt of your letter of to-day's date which reads as follows :

[*See letter I*]

I have the honour to inform you that the foregoing is acceptable to the Government of the Republic of Zambia which agrees that your letter and this reply shall constitute an agreement between the Government of the Republic of Zambia and the United Nations Council for Namibia.

Accept, Sir, the assurances of my highest consideration.

[*Signed*]

Hon. C. M. MWANANSHIKU
Minister of State for Home Affairs

Mr. A. A. Hamid
Acting Commissioner for United Nations Council
for Namibia

ANNEX

TR 100(3) NAMI (1-1)

The Secretary-General of the United Nations presents his compliments to the Permanent Representative of Zambia to the United Nations and has the honour to refer to General Assembly resolutions 2248 (S-V) of 19th May 1967,¹ 2325 (XXII) of 16 December 1967² and 2372 (XXII) of 12 June 1968.³ As the Council for Namibia reported to the General Assembly (A/7088, para. 38), it had decided on 8 February 1968 that in the discharge of its functions under resolutions 2248 (S-V) and 2325 (XXII) it would in principle proceed with arrangements for the issuance of travel documents to Namibians who apply for such documents. Subsequently, the General Assembly, having considered the Council's report on the matter, decided that the Council "shall continue with a sense of urgency its consultations on the question of issuing to Namibians travel documents enabling them to travel abroad" [resolution 2372 (XXII), para. 4 (c)].

The Council is now actively pursuing this matter. In this connexion it has asked the Secretary-General to request Governments to undertake, as a step towards finalizing the arrangements for issuing these documents, to recognize and accept as valid the travel and identity documents issued by the Council to Namibians abroad, subject to its usual visa requirements, and to extend its full co-operation to the Council in this regard and afford all the necessary assistance normally accorded to the bearers of such documents.

The Secretary-General would appreciate it if the Permanent Representative would communicate the contents of this note to his Government and forward its reply as soon as possible.

12 December 1968.

¹ United Nations, *Official Records of the General Assembly, Fifth Special Session, Supplement No. 1* (A/6657), p. 1.

² *Ibid.*, *Twenty-second Session, Supplement No. 16* (A/6716), p. 3.

³ *Ibid.*, *Twenty-second Session, Supplement No. 16A* (A/6716/Add.1), p. 1.