

No. 12740

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

**Exchange of letters constituting an agreement concerning the
issuance by the Council of travel and identity documents
to Namibians. Kampala, 17 July 1970**

Authentic text : English.

Registered ex officio on 1 September 1973.

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

**Échange de lettres constituant un accord relatif à la délivrance
aux Namibiens, par le Conseil, de documents de voyage
et d'identité. Kampala, 17 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 UGANDA CONCERNING THE
ISSUANCE BY THE COUNCIL OF TRAVEL AND IDENTITY
DOCUMENTS TO NAMIBIANS

I

17 July 1970

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 Kampala on 16 and 17 July 1970, between a delegation of the Council and representatives of the Government of the Republic of Uganda.

Points of agreement

1. The Government of the Republic of Uganda 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.

2. In the exercise of its sovereign rights, the Government of the Republic of Uganda 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 Uganda;
- (b) Namibians enjoying first asylum in Uganda;
- (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 Uganda 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 issued by or on behalf of the Council for Namibia shall be submitted to the Government of the Republic of Uganda 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 Uganda 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 referred to in paragraph 4 above, the Government of the Republic of Uganda shall consult the United Nations Council for Namibia in every case, except when:

¹ Came into force on 17 July 1970, in accordance with the provisions of the said letters.

- (a) the Government decides not to grant the right of return on grounds of national security 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 paragraph 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 Uganda, provided that the Council secures for the applicant the right of return to a country other than Uganda 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 Uganda 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 Uganda, 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 Uganda should not be required, because of the country's geographical location which has already led to an influx of refugees from neighbouring States, to bear a disproportionate degree of the problems arising from the entry of refugees, 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 Uganda 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 Uganda on this matter.

Accept, Sir, the assurances of my highest consideration.

[Signed]

A. A. HAMID

Acting Commissioner
for United Nations Council for Namibia

Hon. V. K. Rwamwaro, M. P.
Deputy Minister of Foreign Affairs
Republic of Uganda

II

Ref. XC.1220

17th July 1970

Sir,

I have the honour to acknowledge receipt of your letter of today'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 Uganda which agrees that your letter and this reply shall constitute an agreement between the Government of the Republic of Uganda and the United Nations Council for Namibia, which shall come into force as of this date.

Accept, Sir, the assurances of my highest consideration.

[Signed]

V. K. RWAMWARO, M. P.
Deputy Minister of Foreign Affairs

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