



**REPORT
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**

VOLUME II

GENERAL ASSEMBLY

OFFICIAL RECORDS: THIRTY-SECOND SESSION

SUPPLEMENT No. 23 (A/32/23/Rev.1)

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New York, 1978

NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

The report of the Special Committee is divided into four volumes. The present volume contains chapters VII to XI;* volume I, chapters I-VI; volume III, chapters XII-XXV; and volume IV, chapters XXVI-XXXII.

* The present version of chapters VII to XI is a consolidation of the following documents as they appeared in provisional form: A/32/23/Add.1 of 12 September 1977, A/32/23/Add.2 of 9 September 1977 and A/32/23/Add.3 of 23 September 1977.

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* The Territory acceded to independence as the Republic of Djibouti on 27 June 1977.

CHAPTER VII
(A/32/23/Add.1)
SOUTHERN RHODESIA

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CHAPTER VII

SOUTHERN RHODESIA

A. CONSIDERATION BY THE SPECIAL COMMITTEE

1. The Special Committee considered the question of Southern Rhodesia at its 1071st, 1072nd, 1074th to 1076th, 1078th, 1086th, 1089th and 1090th meetings, between 19 April and 8 August 1977.
2. In its consideration of the item, the Special Committee took into account the provisions of the relevant General Assembly resolutions, including in particular resolutions 31/154 A and 31/154 B of 20 December 1976 on the question of Southern Rhodesia and resolution 31/143 of 17 December 1976 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. By paragraph 12 of resolution 31/143, the General Assembly requested the Special Committee "to continue to seek suitable means for the immediate and full implementation of General Assembly resolution 1514 (XV) in all Territories which have not yet attained independence and, in particular: ... to formulate specific proposals for the elimination of the remaining manifestations of colonialism and to report thereon to the General Assembly at its thirty-second session". The Special Committee also paid due attention to the relevant resolutions of the Security Council concerning Southern Rhodesia.
3. During its consideration of the item, the Special Committee had before it a working paper prepared by the Secretariat (see annex to the present chapter) containing information on developments concerning the Territory.
4. The question of Southern Rhodesia was also given extensive consideration at the International Conference in Support of the Peoples of Zimbabwe and Namibia, held in pursuance of General Assembly resolution 31/145 of 17 December 1976, at Maputo, from 16 to 21 May 1977. At the conclusion of its work, the Conference adopted the Maputo Declaration in Support of the Peoples of Zimbabwe and Namibia and Programme of Action for the Liberation of Zimbabwe and Namibia, the text of which, together with an account of the proceedings of the Conference, is set out in the report of the Conference to the General Assembly (A/32/109/Rev.1-S/12344/Rev.1). 1/ The Committee took due account of the Declaration and Programme of Action in connexion with its consideration of the item.

1. Participation of the national liberation movement

5. In conformity with the provisions of the relevant General Assembly resolutions and in accordance with established practice, the Special Committee, in consultation with the Organization of African Unity (OAU), invited the national liberation movement of Southern Rhodesia to participate in an observer capacity in its consideration of the item. Accordingly, the national liberation movement was represented during the relevant proceedings of the Special Committee (see para. 7 below).

1/ For the printed text, see Official Records of the Security Council, Thirty-second Year, Supplement for July, August and September 1977, document S/12344/Rev.1.

2. General debate

6. At the 1071st meeting, on 19 April, the representative of the United Kingdom of Great Britain and Northern Ireland made a statement as the administering Power (A/AC.109/PV.1071). At the same meeting, following a statement by the representative of the Ivory Coast, the representative of the United Kingdom made a further statement (A/AC.109/PV.1071).

7. The representatives of the national liberation movement made statements as follows: Chakanyuka Chikosi, at the 1071st meeting (A/AC.109/PV.1071); Callistus Nkobi Ndlovu, at the 1072nd meeting, on 21 April (A/AC.109/PV.1072); and Mukudzei Mudzi, at the 1074th meeting, on 28 April (A/AC.109/PV.1074).

8. The general debate on the item took place at the 1071st, and 1074th to 1076th meetings, between 19 April and 2 May, in which the following Member States took part: Australia, Czechoslovakia, India, Iraq and the United Republic of Tanzania at the 1074th meeting (A/AC.109/PV.1074); Yugoslavia, the Syrian Arab Republic, Norway, China and Bulgaria at the 1075th meeting (A/AC.109/PV.1075); and Ethiopia, Iran, Sierra Leone and the Union of Soviet Socialist Republics at the 1076th meeting (A/AC.109/PV.1076). At the 1074th meeting, the representatives of Australia and Czechoslovakia made statements in exercise of the right of reply (A/AC.109/PV.1074). At the 1078th meeting, on 6 June, a further statement relating to the item was made by the representative of Australia (A/AC.109/PV.1078).

3. Hearing of Garfield Todd

9. In the context of its programme of work for 1977, as approved by the General Assembly in paragraph 5 of resolution 31/143, the Special Committee invited Garfield Todd, former Prime Minister of Southern Rhodesia, to address the Committee. In response to the invitation, Mr. Todd addressed the Committee at the 1078th meeting (A/AC.109/PV.1078) and replied to questions put to him by the representatives of India, Mali and Australia and by the Chairman (A/AC.109/PV.1078).

4. Statements issued by the Chairman

10. On 1 June, the Chairman, on behalf of the Special Committee, issued a statement (A/AC.109/545) in connexion with the invasion of Mozambican territory by the armed forces of the illegal racist minority régime (see para. 18 below), to which reference was made by the Chairman at the 1078th meeting (A/AC.109/PV.1078).

11. On 19 July, the Chairman, on behalf of the Special Committee, issued a statement in connexion with the announcement by the illegal régime concerning the proposed elections (see para. 19 below), to which reference was made by the Chairman at the 1086th meeting on 1 August (A/AC.109/PV.1086).

5. Draft resolutions

12. At the 1089th meeting, on 4 August, the representative of Sierra Leone introduced a draft resolution relating to general aspects of the question (A/AC.109/L.1195), which was finally sponsored by Bulgaria, the Congo, Cuba, Czechoslovakia, Ethiopia, India, Iraq, Mali, Sierra Leone, the Syrian Arab Republic, Trinidad and Tobago, Tunisia, the United Republic of Tanzania and Yugoslavia.

13. At the same meeting, the representative of Sierra Leone, also on behalf of the above-mentioned sponsors, introduced another draft resolution relating specifically to sanctions (A/AC.109/L.1194).

14. At the 1090th meeting, on 8 August, the Special Committee adopted the two draft resolutions without objection (A/AC.109/554 and A/AC.109/555) (see paras. 16 and 17 below).

15. On 9 August, the text of resolution A/AC.109/555 was transmitted to the President of the Security Council (S/12380). On 11 August, the text of the two resolutions was transmitted to the Permanent Representative of the United Kingdom to the United Nations for the attention of his Government. Copies of the resolutions were also transmitted to all States and to the specialized agencies and other organizations within the United Nations system and to OAU.

B. DECISIONS OF THE SPECIAL COMMITTEE

16. The text of resolution A/AC.109/554, adopted by the Special Committee at its 1090th meeting, on 8 August, to which reference is made in paragraph 14 above, is reproduced below:

The Special Committee,

Having considered the question of Southern Rhodesia (Zimbabwe),

Having heard the statements of the representative of the administering Power, 2/

Having heard the statements of the representatives of the national liberation movement, who participated in an observer capacity in its consideration of the item, 3/

Taking into account the Maputo Declaration in Support of the Peoples of Zimbabwe and Namibia and Programme of Action for the Liberation of Zimbabwe and Namibia, 4/ adopted by the International Conference in Support of the Peoples of Zimbabwe and Namibia, held at Maputo from 16 to 21 May 1977,

2/ A/AC.109/PV.1071.

3/ A/AC.109/PV.1071, 1072 and 1074.

4/ For the printed text, see Official Records of the Security Council, Thirty-second Year, Supplement for July, August and September 1977, document S/12344/Rev.1, annex V.

Recalling the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960, and the programme of action for the full implementation of the Declaration, contained in General Assembly resolution 2621 (XXV) of 12 October 1970, as well as all other resolutions relating to the question of Southern Rhodesia adopted by the General Assembly, the Security Council and the Special Committee,

Bearing in mind that the Government of the United Kingdom of Great Britain and Northern Ireland, as the administering Power, has the primary responsibility for putting an end to the critical situation in Southern Rhodesia (Zimbabwe) which, as repeatedly affirmed by the Security Council, constitutes a threat to international peace and security,

Reaffirming that any attempt to negotiate the future of Zimbabwe with the illegal régime on the basis of independence before majority rule would be in contravention of the inalienable rights of the people of the Territory and contrary to the provisions of the Charter of the United Nations and of resolution 1514 (XV),

Condemning the deliberate sabotage by the illegal racist minority régime of the numerous, intensive efforts made to secure a negotiated settlement in Zimbabwe on the basis of majority rule,

Bearing in mind the resolutions on Zimbabwe adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its fourteenth ordinary session held at Libreville from 2 to 5 July 1977, 5/

Stressing the grave responsibility of the international community to take all possible measures in support of the people of Zimbabwe in their liberation struggle and in minimizing the hardship and suffering of Zimbabweans in that regard,

Indignant at the arbitrary imprisonment and detention of political leaders and others, the illegal execution of freedom fighters and the continued denial of fundamental human rights, including in particular the wanton beating, torture and murder of innocent villagers, arbitrary criminal measures of collective punishment and measures designed to create an apartheid State in Zimbabwe,

Commending the firm determination of the people of Zimbabwe, under the leadership of their national liberation movement, to achieve freedom and independence and convinced that their unity and solidarity is fundamental to the rapid attainment of that objective,

1. Reaffirms the inalienable right of the people of Zimbabwe to self-determination, freedom and independence and the legitimacy of their struggle to secure by all the means at their disposal the enjoyment of that right as set forth in the Charter of the United Nations and in conformity with the objectives of General Assembly resolution 1514 (XV);

2. Condemns the continued war of repression and the intensified oppressive measures against the people of Zimbabwe by the illegal racist minority régime;

3. Condemns the illegal racist minority régime for the repeated acts of aggression and threats against the People's Republic of Mozambique, the Republic of Zambia and the Republic of Botswana;

4. Condemns South Africa for its continued support of the illegal racist minority régime in contravention of the provisions of all the resolutions and decisions of the United Nations on this question;

5. Reaffirms the principle that there should be no independence before majority rule in Zimbabwe and that any settlement relating to the future of the Territory must be worked out with the full participation of the people of the Territory, and in accordance with the true aspirations of the people of Zimbabwe;

6. Calls upon the Government of the United Kingdom of Great Britain and Northern Ireland, in the discharge of its primary responsibility as the administering Power, to take all effective measures to enable Zimbabwe to accede to independence in accordance with the aspirations of the majority of the population and not under any circumstances to accord to the illegal régime any of the powers or attributes of sovereignty;

7. Firmly supports the people of Zimbabwe under the leadership of their national liberation movement in their struggle to achieve majority rule, and emphasizes the importance of maintaining a united leadership within the liberation movement;

8. Reaffirms the relevant provisions of the Maputo Declaration in Support of the Peoples of Zimbabwe and Namibia and Programme of Action for the Liberation of Zimbabwe and Namibia, in particular those provisions which call for assistance to those front-line States which are victims of the repeated acts of aggression by the racist minority régime; 6/

9. Demands:

(a) The termination forthwith of all repressive measures perpetrated by the illegal racist minority régime against the people of Zimbabwe and in particular the wanton killings and executions of Africans and their freedom fighters carried out by that régime, the brutality committed in "the operational area", the arbitrary closure of African areas, the eviction, transfer and resettlement of Africans and the creation of concentration camps;

(b) The unconditional and immediate release of all political prisoners, detainees and restrictees, the removal of all restrictions on political activity and the establishment of full democratic freedom and equality of political rights, as well as the restoration to the population of fundamental human rights;

6/ Official Records of the Security Council, Thirty-second Year, Supplement for July, August and September 1977, document S/12344/Rev.1, annex V, paras. 21 and 39.

(c) The cessation of the influx of foreign immigrants into the Territory and the immediate withdrawal of all mercenaries therefrom;

(d) The immediate cessation of all acts of aggression and threats against the neighbouring African States;

10. Appeals to all States to take all necessary and effective measures to prevent advertisement for, and recruitment of, mercenaries for Southern Rhodesia;

11. Requests all States to give immediate and substantial material assistance to enable the Government of the People's Republic of Mozambique to strengthen its defence capability in order to safeguard effectively its sovereignty and territorial integrity;

12. Requests all States, directly and through their action in the specialized agencies and other organizations within the United Nations system of which they are members, as well as the non-governmental organizations concerned and the various programmes within the United Nations, to extend, in consultation and co-operation with the Organization of African Unity, to the people of Zimbabwe and their national liberation movement, all the moral, material, political and humanitarian assistance necessary in their struggle for the restoration of their inalienable rights;

13. Invites all Governments, the specialized agencies and other organizations within the United Nations system, the United Nations bodies concerned and non-governmental organizations having a special interest in the field of decolonization, as well as the Secretary-General, to take steps, as appropriate, to give widespread and continuous publicity through all the media at their disposal to information on the situation in Zimbabwe and on the relevant decisions and actions of the United Nations, with particular reference to the application of sanctions against the illegal régime;

14. Decides to keep the situation in the Territory under review.

17. The text of resolution A/AC.109/555, adopted by the Special Committee at its 1090th meeting, on 8 August, to which reference is made in paragraph 14 above, is reproduced below:

The Special Committee.

Strongly deploring the continued collaboration which certain States, particularly South Africa, in violation of Article 25 of the Charter of the United Nations and of the relevant decisions of the United Nations, maintain with the illegal racist minority régime, thereby seriously impeding the effective application of sanctions and other measures taken so far against the illegal régime,

Deeply disturbed at widespread violations of United Nations sanctions, including the operation of Southern Rhodesian aircraft for international

passenger and cargo traffic, as well as the continued functioning of information and airline offices of the illegal régime outside Southern Rhodesia and the resultant influx of foreign tourists into the Territory,

Convinced that developments in the area call in particular for positive, concerted international action with a view to imposing maximum isolation on the illegal régime,

Deeply concerned that the measures approved by the Security Council have so far failed to bring to an end the illegal régime and convinced that sanctions cannot put an end to that régime unless they are comprehensive, mandatory and strictly supervised and unless measures are taken against States which violate them,

Reaffirming the provisions of the Maputo Declaration in Support of the Peoples of Zimbabwe and Namibia and Programme of Action for the Liberation of Zimbabwe and Namibia ^{7/} and in particular those provisions relating to sanctions against the illegal régime,

Conscious of the urgent and special economic needs of Mozambique arising from its full implementation of the relevant decisions of the Security Council,

1. Strongly condemns the policies of the Governments, particularly the Government of South Africa, which, in violation of the relevant resolutions of the United Nations and in open contravention of their specific obligations under Article 25 of the Charter of the United Nations, continue to collaborate with the illegal racist minority régime, and calls upon those Governments to cease forthwith all such collaboration;

2. Condemns all violations of the mandatory sanctions imposed by the Security Council, as well as the continued failure of certain Member States to enforce those sanctions strictly, as being contrary to the obligations assumed by them under Article 25 of the Charter;

3. Condemns South Africa for its continued support of the illegal racist minority régime in Southern Rhodesia in contravention of Security Council resolutions on sanctions against that régime;

4. Calls upon all Governments which so far have not done so:

(a) To take stringent enforcement measures to ensure strict compliance by all individuals, associations and bodies corporate under their jurisdiction with the sanctions imposed by the Security Council and to prohibit any form of collaboration by them with the illegal régime;

^{7/} Ibid., annex V, paras. 16-17 and 46-47.

(b) To take effective steps to prevent or discourage the emigration to Southern Rhodesia (Zimbabwe) of any individuals or groups of individuals under their jurisdiction;

(c) To discontinue any action which might confer a semblance of legitimacy on the illegal régime, inter alia, by forbidding the operation and activities of Air Rhodesia, the Rhodesia National Tourist Board and the Rhodesian Information Office, or any other activities which contravene the aims and purposes of the sanctions;

(d) To invalidate passports and other documents for travel to the Territory;

5. Requests all States, directly and through their action in the specialized agencies and other organizations within the United Nations system of which they are members, and the various programmes within the United Nations to extend to the Government of Mozambique all forms of financial, technical and material assistance in order to enable it to overcome economic difficulties in connexion with its application of economic sanctions against the illegal régime and the severe economic loss and destruction of property brought about by the acts of aggression committed by the régime, and requests the Security Council to undertake a periodic review of the question of economic assistance to that Government as well as to the Government of Zambia;

6. Deems it imperative that the scope of sanctions against the illegal régime must be widened to include all the measures envisaged under Article 41 of the Charter and reiterates its request that the Security Council consider taking the necessary measures in that regard as a matter of urgency.

C. STATEMENTS BY THE CHAIRMAN

18. The text of the statement (A/AC.109/545) issued by the Chairman on 1 June, to which reference is made in paragraph 10 above, is reproduced below:

(1) As Chairman of the Special Committee, I have learned with the utmost concern and disgust of the outright aggression being perpetrated by the illegal racist minority régime in Southern Rhodesia against the People's Republic of Mozambique. This dastardly armed invasion of Mozambique territory by forces of the illegal racist régime, which, since Sunday, 29 May 1977, have extended their aggression, is the latest and most serious of a long series of deliberate acts of aggression by the Smith régime, and has included repeated attacks against Botswana, Mozambique and Zambia. These acts of aggression symbolize the continued determination of the Smith régime to maintain its ruthless, illegal rule in Zimbabwe. They are also undoubtedly designed to intensify the threat to the peace and security of the region and constitute a desperate attempt to internationalize the conflict in Zimbabwe, while camouflaging the régime's growing internal disintegration.

(2) Coming immediately after the conclusion of the historic International Conference in Support of the Peoples of Zimbabwe and Namibia, 8/ held at Maputo, which drew attention to the serious consequences of any such development for international peace and security and approved a programme of concerted international action aimed at securing a speedy transfer of power to the people of Zimbabwe on the basis of majority rule, this blatant, arrogant and provocative aggression is clearly a deliberate act of defiance thrown in the face of the international community. It must be seen as a last-ditch effort by the illegal régime to stave off its inevitable downfall. It must also be seen as a clear indication of the growing vulnerability of the illegal régime inside Zimbabwe in the face of the mounting, heroic resistance of the Zimbabwe freedom fighters.

(3) Coming at a time when the United Kingdom of Great Britain and Northern Ireland, as the administering Power, is engaged in renewed efforts to bring about a negotiated settlement, the present aggression by the Smith régime is a further testimony of that régime's determination to block all avenues towards such a negotiated settlement. In fact, the attitude of the Smith régime towards efforts at arriving at a negotiated solution has already been manifested by its continued attacks against neighbouring States, even while the Maputo Conference was in session.

(4) It is incumbent upon the entire international community, not merely to condemn this latest and most blatant act of aggression by the Smith régime in the strongest possible terms, but also to take positive measures in conformity with the Declaration and Programme of Action approved at Maputo. In this respect, there are at least three areas in which immediate action is called for.

(5) First, the international community must continue and intensify support for, and assistance to, the freedom fighters in Zimbabwe and their national liberation movement in their struggle for liberation.

(6) Second, every possible support and assistance must be given to Mozambique in resisting this naked aggression against its territorial integrity and sovereignty. The Government of Mozambique, which has faithfully adhered to, and fulfilled the provisions of, United Nations resolutions in respect of Zimbabwe, has the right to expect full solidarity and unreserved support from the international community in carrying out its obligations.

(7) Third, the entire international community must take action to bring about the total isolation of the illegal racist minority régime. This is indeed the most appropriate time to put into effect the call of the Maputo Declaration for the enforcement of existing mandatory sanctions and the widening of the scope of sanctions to include all the measures envisaged under Article 41 of the Charter of the United Nations. The Smith régime must be left in no doubt of the international community's determination to ensure its speedy downfall.

8/ See foot-note 1 above.

(8) As Chairman of the Special Committee, I wish to emphasize that the situation of Zimbabwe has now entered its most critical phase. The current developments make it clear that the United Kingdom, as the administering Power, bears an increasingly heavy responsibility to do its utmost to bring about a solution consistent with United Nations principles with the least possible delay. The international community, for its part, must bring concerted pressure to bear not only on the illegal racist minority régime itself, but also, and at the same time, on those foreign economic and other interests which, through their co-operation with the illegal minority régime, encourage it to persist in its repression of the Zimbabwean people, its systematic acts of aggression against independent African States and its arrogant defiance of the international community.

(9) I wish to stress once again the gravity of the situation brought about by this latest act of aggression against Mozambique. The international community has a solemn responsibility to put an immediate end to the serious threat to international peace and security in the region. This can only be done by the removal of the illegal racist minority régime, which is the cause of conflict in Zimbabwe, and the realization of the legitimate aspirations of the people of Southern Rhodesia for an independent Zimbabwe under majority rule.

(10) This is the first, significant test of the commitment made at the International Conference in Support of the Peoples of Zimbabwe and Namibia at Maputo. I appeal to all concerned to respond decisively to the challenge confronting us all.

19. The text of the statement issued by the Chairman on 19 July, to which reference is made in paragraph 11 above, is reproduced below:

(1) The most recent announcement by the chief rebel of the illegal racist minority régime in Zimbabwe, proposing further spurious elections in Zimbabwe, should come as no surprise to anybody. It is a part of Smith's systematic policy of using every possible ploy to preserve his illegal and repressive control of the country.

(2) His so-called elections are based on a restrictive and extremely limited franchise and his suggestions of bringing some Zimbabweans into his illegal régime are designed merely to bring in a few people representing nobody to assist him in perpetuating his rapidly loosening grip over the country.

(3) Whatever Smith may do, his days are numbered. There will be, and soon, a Government in an independent Zimbabwe, representative of the people and based on majority rule.

(4) As Chairman of the Special Committee on decolonization, I appeal to all States to continue to be vigilant to this and any other new manoeuvre by Smith. There can be, and there will be, no solution to the problem of Zimbabwe that is not based on majority rule. There will be no compromise on this principle which has been repeatedly endorsed by the United Nations.

SOUTHERN RHODESIA

1. LAND AND PEOPLE

A. Geography

1. The Territory of Southern Rhodesia, comprising an area of 242,720 square kilometres, lies between latitude 15° 36' S and 22° 30' S and longitude 25° 13' E and 33° 4' E. It shares borders with Zambia on the north-west, with Botswana on the south-west, with South Africa on the south and with Mozambique on the east.

B. Population and immigration

2. At 31 December 1975, the total population of Southern Rhodesia was estimated at 6.4 million, composed of Africans, Europeans, Asians and Coloureds (see table 1 below). According to the estimates, between December 1974 and December 1975, the African population increased by 210,000 and the European population by 4,000, an increased ratio of 52:1.

3. During the first seven months of 1975, Southern Rhodesia had a net influx of 1,780 European, Asian and Coloured immigrants. Between August and December of the same year, however, the net influx dropped to 130. By 1976, the flow of migration had reversed and between January and April the net emigration rose to 870. Between November 1975 and April 1976 therefore (see table 2 below), Southern Rhodesia experienced a net loss of (mainly European) immigrants.

Table 1

Southern Rhodesia: estimated population, 1968-1975

(thousands)

<u>Date</u>	<u>Africans</u>	<u>Europeans</u>	<u>Asians</u>	<u>Coloureds</u>	<u>Total</u>
1968	4,790	226	8.9	15.0	5,040
1969	4,960	234	9.1	15.7	5,220
1970	5,130	243	9.2	16.5	5,400
1971	5,310	255	9.4	17.3	5,590
1972	5,490	267	9.6	18.1	5,780
1973	5,700	271	9.7	19.0	6,000
1974	5,900	274	9.9	19.9	6,200
1975	6,110	278	10.0	20.9	6,420

Source: Southern Rhodesia, Monthly Digest of Statistics, May 1976. .

Table 2

Southern Rhodesia: migration of Europeans, Asians
and Coloureds, 1974-1976

	Europeans			Asians and Coloureds			Total
			Net			Net	net
Month	Immigrants	Emigrants	migration	Immigrants	Emigrants	migration	migration
A. 1974							
January	804	760	+40	9	11	-2	+40
February	705	390	+320	12	9	+3	+320
March	788	610	+180	16	1	+15	+190
April	804	1 090	-290	1	11	-10	-300
May	864	690	+170	6	5	+1	+170
June	628	690	-60	23	8	+15	-50
July	809	700	+110	8	8	-	+110
August	872	660	+210	9	14	-5	+210
September	831	1 000	-170	4	26	-22	-190
October	949	670	+280	18	4	+14	+290
November	770	620	+150	6	3	+3	+150
December	825	1 170	-340	3	9	-6	-350
B. 1975							
January	1 089	1 070	+20	12	20	-8	+10
February	875	530	+340	8	10	-2	+340
March	955	740	+220	3	10	-7	+210
April	1 266	890	+370	10	4	+6	+380
May	1 178	880	+300	9	7	+2	+300
June	1 210	870	+340	13	8	+5	+340
July	1 132	930	+200	8	10	-2	+200
August	903	1 190	-290	7	15	-8	-300
September	982	850	+130	17	28	-11	+120
October	1 005	640	+370	16	4	+12	+380
November	796	830	-30	12	8	+4	-30
December	1 034	1 080	-40	12	9	+3	-40
C. <u>January-April 1976</u>							
January	1 040	1 020	+20	10	10	-	+20
February	841	880	-40	6	7	-1	-40
March	973	1 010	-40	10	9	+1	-40
April	653	1 470	-820	9	2	+7	-810

Source: Southern Rhodesia, Monthly Digest of Statistics, May 1976.

4. It may be recalled that Southern Rhodesia's immigration figures in 1975 were high partly because of the influx of Europeans from Mozambique during the period preceding that Territory's independence. a/ By August 1975, however, the population movement in Mozambique had stabilized, and Southern Rhodesia began to experience a net loss in migration rates. The exodus of whites from Southern Rhodesia is reported to be directly related to the intensification of guerrilla warfare in the Territory. In August 1976, The Rhodesia Herald reported that the exodus was continuing.

C. Land distribution

5. As stated in a previous report of the Special Committee, b/ the Land Apportionment Act, which was in force from 1930 until it was replaced by the Land Tenure Act c/ in 1969, had provided the mechanics for the allocation of land according to race. Under the earlier Act, 17.8 million hectares were allocated to Africans and 16.6 million hectares to Europeans, despite the fact that the population ratio between Africans and Europeans was 16:1 at that time. In addition, about 4.0 million hectares were allocated to national parks and forests. Under the Land Tenure Act, 1969, the area allocated to Africans was increased by about 2 per cent, to 18.2 million hectares, and the area reserved for national parks and forests was reduced by about 33 per cent, to 2.7 million hectares.

6. Under the Land Apportionment Act, the land allocated to Africans had included lands for Native reserves, Native purchase areas and African townships. Under the Land Tenure Act, the area allocated to Africans includes land for Tribal Trust lands, African purchase areas, African townships, African schools and hospitals. Under the Land Tenure Act (unchanged from the earlier Act), the area allocated to Europeans includes land for European farms, corporate farms, urban centres, European schools and hospitals. Under the new Act, however, the area allocated to Europeans was increased despite the fact that the population ratio between Africans and Europeans has been increasing steadily and by 1974 had reached 21:1. In terms of this ratio, the area allocated to the two population groups breaks down to an average of 2.8 hectares (maximum) for each African and 67.2 hectares for each European. In March 1977, the Land Tenure Act was amended to enable Africans to own property in the white area of the Territory (see also para. 13 below).

a/ Official Records of the General Assembly, Thirty-first Session, Supplement No. 23 (A/31/23/Rev.1), vol. II, chap. VIII, annex, para. 3.

b/ Ibid., Thirtieth Session, Supplement No. 23 (A/10023/Rev.1), vol. II, chap. IX, annex, para. 5.

c/ The use of such terms as "republic", "constitution", "minister" etc., without quotation marks does not in any way imply recognition by the United Nations of the illegal régime in Southern Rhodesia.

2. DEVELOPMENTS IN THE ZIMBABWE LIBERATION MOVEMENT PRIOR TO SEPTEMBER 1976

7. It will be recalled that, on 7 December 1974, the African National Council of Zimbabwe, the Front for the Liberation of Zimbabwe (FROLIZI), the Zimbabwe African National Union (ZANU) and the Zimbabwe African People's Union (ZAPU) signed the Zimbabwe Declaration of Unity at Lusaka, by which they agreed to merge into a new, enlarged African National Council of Zimbabwe (ANC (Zimbabwe)) under the leadership of Bishop Abel Muzorewa. d/ However, in 1975 differences again emerged in the ranks of the leadership of ANC (Zimbabwe) and in September Joshua Nkomo, the former President of ZAPU, established a movement inside Southern Rhodesia (with himself as president) which he claimed to be the authentic ANC (Zimbabwe). e/ As a result, there are now two separate organizations, each calling itself ANC (Zimbabwe) and claiming to be the authentic representative of the African masses in the Territory.

8. By the end of 1975, press reports began to indicate that some Zimbabwe guerrillas had become disillusioned with the continued differences among the political leaders. One group of guerrillas was reported to have formed a "third force" composed of nine cadres formerly members of ZANU and nine formerly members of ZAPU. It was also reported that the "third force" had rejected the leadership of Bishop Muzorewa, Mr. Nkomo, the Reverend Ndabaningi Sithole and James Chikerema, preferring a leader who would emerge from their own ranks.

9. Both factions of ANC (Zimbabwe) condemned the emergence of the "third force" and claimed that it was a manipulation of the Zimbabwe guerrillas by some non-Zimbabweans. Both leaders claimed that members of the "third force" were exterminating each other and that those behind the "third force" were "merely complicating matters by promoting it".

10. While differences continued between the two factions of ANC (Zimbabwe) on the one hand and the "third force" on the other, another nationalist party was formed in Southern Rhodesia on 5 August 1976. Calling itself the Zimbabwe Reformed African National Council, the party claimed Robert Mugabe, former Secretary-General of ZANU, as its leader and stated that it would be prepared to enter into negotiations with the illegal régime for the purpose of ending the 11-year Southern Rhodesian political crisis. Mr. Mugabe, however, in a telegram to his supporters in London, denounced the new party and dissociated himself from it.

11. Because of the continuing divisions within the Zimbabwe liberation movement, the Presidents of the five front-line States - Angola, Botswana, Mozambique, the United Republic of Tanzania and Zambia - called a meeting with the delegations of ANC (Zimbabwe) led by Bishop Muzorewa; ANC (Zimbabwe) led by Mr. Nkomo; a group claiming to be ZANU, led by Mr. Mugabe; and the "third force", led by Rex Nhongo. The meeting was held at Dar es Salaam on 7 and 8 September 1976.

d/ Official Records of the General Assembly, Thirtieth Session, Supplement No. 23 (A/10023/Rev.1), vol. II, chap. IX, annex, para. 86.

e/ Ibid., Thirty-first Session, Supplement No. 23 (A/31/23/Rev.1), vol. II, chap. VIII, annex, para. 13.

12. According to reports, attempts made at the meeting to unite all the factions into a single Zimbabwe liberation movement were unsuccessful. On 9 September, the Reverend Sithole announced that he would revive ZANU and break away from ANC (Zimbabwe) (led by Bishop Muzorewa). It was also reported that Mr. Mugabe, as well as other guerrillas, had rejected the attempt by the Reverend Sithole to resume the leadership of ZANU.

3. DEVELOPMENTS IN THE RHODESIA FRONT

13. When the illegal régime of Southern Rhodesia amended the Land Tenure Act in March 1977 to enable Africans to own property in the white area of the Territory (see para. 6 above), 12 members of the Rhodesia Front in Parliament voted against the amendment. The members included Ted Sutton-Pryce, Deputy Minister in the Prime Minister's Office. On 30 April, the 12 members were expelled from the Rhodesia Front and soon afterwards they formed a new party, the Rhodesia Action Party, dedicated to the "permanency of the white man in Rhodesia". On 4 July, Des Frost, the Chairman of the Rhodesia Front, resigned from the party and accused Ian Smith of ineffective and negative leadership.

14. Since the expulsion of the 12 members, the Rhodesia Front has been faced with resignations from the party and rumours of pending resignations of ministers.

4. ATTEMPTS AT A PEACEFUL SETTLEMENT

A. Background

15. A formal meeting between the Zimbabwe nationalists and representatives of the illegal régime was held on 25 August 1975 on the Victoria Falls Bridge. f/ The purpose of the meeting was to seek a peaceful settlement to the problem of the transfer of power to the majority of the people of the Territory. The meeting failed, however, primarily because the participants disagreed on a venue for a formal constitutional conference. The Zimbabwe nationalists insisted that all meetings of such a conference should be held outside Southern Rhodesia, while the illegal régime insisted that all initial meetings should be held within the Territory and that only the last meeting to adopt the final agreement should be held outside the Territory.

16. After the split in ANC (Zimbabwe) (see para. 7 above), Mr. Nkomo resumed contacts with the illegal régime. Starting on 15 December 1975, a series of 13 formal meetings as well as several committee meetings were held at Salisbury between the delegations of Mr. Nkomo and Mr. Smith. Subsequently, on 19 March 1976, the delegations announced that the talks had reached an impasse and were being broken off. The impasse arose on the question of the distribution of seats in the National Assembly of an independent Southern Rhodesia and on the duration of an interim Government before majority rule would be attained. g/

f/ Ibid., paras. 24-30.

g/ Ibid., paras. 36-38.

B. Anglo-American initiative

17. On 20 March, Mr. Smith called on the Government of the United Kingdom of Great Britain and Northern Ireland to plan an active part in the attempt to resolve the impasse in the talks. In response, the United Kingdom Government, on 22 March, proposed a two-stage plan to Mr. Smith. The plan required prior agreement by all principal parties to the Southern Rhodesia dispute on the following four points: (a) acceptance of majority rule; (b) elections for majority rule to take place within 18 months to two years; (c) no independence before majority rule; and (d) preclusion of lengthy negotiations to reach a constitutional settlement. According to James Callaghan, then United Kingdom Secretary of State for Foreign and Commonwealth Affairs, once those pre-conditions were accepted, the second stage of negotiating the actual terms of an independence constitution could begin.

18. On 23 March, Mr. Smith rejected the British plan, stating that it offered "no hope of real progress". Tim Gibbs of the Rhodesia Party and Pat Bashford of the Centre Party, both of whom rejected the plan, considered that an interim period of two years prior to elections for majority rule was too brief. Bishop Muzorewa and Mr. Nkomo rejected the British plan on the basis that an interim period of 18 months prior to elections for majority rule was too long.

19. In a speech at Lusaka at the end of April 1976, Henry Kissinger, then Secretary of State of the United States of America, indicated that his Government supported the British plan. He further said that the whites in Southern Rhodesia should not expect help from the United States in their conflict with the Zimbabwe nationalists.

20. Between June and September, United States officials held consultations with representatives of some of the front-line African States, as well as with officials of the Governments of the Federal Republic of Germany, France, South Africa and the United Kingdom concerning southern African issues.

21. While in South Africa in September 1976, Mr. Kissinger met with Mr. Smith, who had received a mandate by the Congress of the Rhodesia Front to negotiate for a settlement for Southern Rhodesia (see paras. 32-34 below). After the meetings, Mr. Kissinger announced that a plan had been agreed to by all parties concerned that would bring a peaceful settlement to Southern Rhodesia, and that the plan would be announced by Mr. Smith after consultations with his colleagues at Salisbury.

22. In a radio broadcast on 24 September, Mr. Smith announced what he described as the agreement he had reached with Mr. Kissinger who had, he said, assured him that the same terms had been accepted by the five front-line African States. According to Mr. Smith, the accepted plan was as follows:

(a) The Southern Rhodesian régime would agree to majority rule within two years;

(b) Representatives of the Southern Rhodesian régime would meet immediately with African leaders at a mutually agreed place to organize an interim Government to function until majority rule was implemented;

(c) The interim Government would consist of a council of state and a council of ministers: half the members of the council of state would be black and half white, with a white chairman without a special vote. The European and African sides would nominate their representatives. The responsibilities of the council of state would include the enactment of legislation; general supervisory responsibilities; and supervision of the drafting of the constitution. The council of ministers would have a majority of Africans and an African first minister. The Minister of Defence and the Minister of Law and Order would be white. Decisions of the council of ministers would be taken by two-thirds majority. Its functions would include delegated legislative authority and executive responsibility;

(d) The Government of the United Kingdom would enact enabling legislation for the process of majority rule. Upon enactment of that legislation, the Southern Rhodesian régime would also enact such legislation as might be required for the process;

(e) Upon the establishment of the interim Government, sanctions would be lifted and all acts of war, including guerrilla warfare, would cease;

(f) Substantial economic support would be made available by the international community to provide assurance to Southern Rhodesians concerning the economic future of the country. Such measures would include the following:

(i) A trust fund would be established outside Southern Rhodesia, which would organize and finance a major international effort to respond to the economic opportunities of the country and to the effects of the changes taking place. The fund would, inter alia, support the internal and external economic policies of the country and provide development assistance, guarantees and investment incentives for a wide variety of projects. The aim of the fund would be to expand the industrial and mineral production of the country, enhance its agricultural potential by suitable land utilization and development programmes and provide the necessary training and educational facilities to ensure the flow of essential skills;

(ii) Individual pension rights, home and/or farm investments and remittances overseas of liquid resources, within levels yet to be stipulated, would be guaranteed by the interim and subsequent Governments. These specific measures would be underwritten by the trust fund, thereby giving a firm international base to the government guarantee.

23. Mr. Smith ended his broadcast by quoting Winston Churchill: "Now is not the end; it is not even the beginning of the end; but it is, perhaps, the end of the beginning".

C. African reaction to Anglo-American initiatives and
convening of the Geneva conference

24. The Presidents of the five front-line States (see para. 11 above) met at

Lusaka soon after Mr. Smith's broadcast, and, on 26 September, announced that to accept the plan outlined by Mr. Smith would be "tantamount to legalizing colonialist and racist structures of power". They called on the United Kingdom to convene a conference outside Southern Rhodesia to establish a transitional Government and to discuss the convening of a conference to work out a constitution for Southern Rhodesia's independence.

25. According to reports, the Zimbabwe nationalist leaders, Bishop Muzorewa, Mr. Nkomo and Mr. Mugabe, also found many parts of what Mr. Smith had announced as the Kissinger plan unacceptable. They particularly objected to the composition and functions of the council of state, the control of the ministries of defence and law and order by whites and the two-year interim period before the attainment of majority rule. They also objected to the economic guarantees proposed for the white population. In their view, the plan would legalize the present land distribution in the Territory, which was favourable to the white settlers.

26. On 29 September, the late Anthony Crosland, then United Kingdom Secretary of State for Foreign and Commonwealth Affairs, announced that his Government had accepted the suggestion of the front-line Presidents that the United Kingdom should convene a conference on Southern Rhodesia and that, in the view of the United Kingdom, the purpose of the conference would be to set up an interim Government for the Territory.

27. On 8 October, Mr. Crosland announced that a conference on Southern Rhodesia would be held at Geneva starting on 25 October and that the delegations would arrive on 21 October in order to begin informal consultations. The United Kingdom had previously announced that Ivor Richard, its Permanent Representative to the United Nations, would preside as chairman of the conference.

28. On 10 October, Mr. Nkomo and Mr. Mugabe announced the formation of the Patriotic Front which would send a joint delegation to the conference. They requested that the conference be postponed for at least two weeks to allow more time for preparations (see para. 37 below) and they called on the United Kingdom to transfer power to the people of Zimbabwe immediately, release all political prisoners and abolish all protected villages. They also announced that they would talk to Mr. Smith only if he were part of the United Kingdom delegation.

29. On 12 October, Mr. Crosland announced in the House of Commons that the United Kingdom had invited Bishop Muzorewa, Mr. Nkomo, Mr. Mugabe and Mr. Smith to send delegations to the conference. Although the Reverend Sithole, who had recently resigned from the faction of ANC (Zimbabwe) headed by Bishop Muzorewa (see para. 12 above), was not included in the announced list, at the request of the front-line States, the United Kingdom invited him to participate in the conference.

30. On 15 October, Mr. Nkomo announced that the Patriotic Front would send two delegations to the Geneva conference under a joint leadership. Bishop Muzorewa stated that he had chosen his own delegation for the conference and that during the four days of informal consultations at Geneva, he expected certain issues to be dealt with, including the release of political prisoners, the future of the

Zimbabwe guerrillas and the abolition of protected villages. Gordon Chavunduka, the Bishop's spokesman, said that if those issues were not dealt with to its satisfaction, their delegation reserved the right to withdraw from the conference. Mr. Smith also announced that he would head a delegation of cabinet ministers to the conference.

D. Reactions by the white parties to the Anglo-American initiatives

31. The Anglo-American initiatives on southern Africa developed at a time when Mr. Smith was faced with dissatisfaction within the Rhodesia Front, his Cabinet and the armed services. In order to strengthen his bargaining position, however, Mr. Smith had to present a united front.

32. Because of the deteriorating situation in Southern Rhodesia, dissatisfaction had developed both among members of the Rhodesia Front, who favoured negotiations, and the right-wing elements who wanted Mr. Smith to take a stronger stand against the guerrillas. To appease the former, it had been planned to replace Mr. Frost, then party leader (see para. 13 above), who opposed negotiations, with Lieutenant-Colonel Mac Knox, a supporter of Mr. Smith. Mr. Smith also removed Mr. Van der Byl from the post of Minister for Defence, in order to nullify any support he might give to a possible rebellion among the armed forces.

33. As a result of these changes, the Rhodesia Front Congress unanimously adopted a resolution, in which it: (a) reaffirmed support for the basic principles of the party; and (b) gave Mr. Smith and his delegation full backing to negotiate on its behalf for the future of all the peoples of the Territory. Thus, in the first part of the resolution, the Congress reaffirmed the party's white supremacist principles, thereby satisfying the extreme right wing, and, in the second part, the Congress satisfied the Smith supporters by giving Mr. Smith a free hand in negotiations.

34. Armed with the unanimous backing of his party, Mr. Smith went to South Africa to meet Mr. Kissinger, and returned with what he described as the Anglo-American proposals (see para. 22 above), which were accepted by both his Cabinet and his parliamentary caucus.

35. It is apparent from press reports that Mr. Smith accepted the Kissinger plan on the basis of his own interpretation. In his view, the purpose of the Geneva conference was to discuss how that plan was to be implemented. Moreover, he apparently saw room for manoeuvring within the plan. He also considered that it would be to his advantage to go along with the plan because, according to his interpretation, Mr. Kissinger had promised his régime material support if the Geneva conference failed as a result of lack of co-operation from the African nationalists. The United States Government has denied that Mr. Kissinger ever assured Mr. Smith of any such support.

36. There are also indications that the position of the white parties may possibly have been influenced by a belief that economic sanctions would be lifted during the interim administration of the Territory and that, during that period, the Territory could obtain much needed military supplies. Mark Patridge, Minister of

Land and Natural Resources of the illegal régime, is reported to have said that Southern Rhodesia had been given assurances to that effect by several Governments.

E. Geneva conference

37. The United Kingdom, having taken into consideration the request by Mr. Nkomo and Mr. Mugabe to delay the opening of the conference (see para. 28 above), formally convened the conference at Geneva on 28 October under the chairmanship of Mr. Richard. The five delegations participating in the conference were led respectively by: (a) Mr. Mugabe, representing ZANU; (b) the Reverend Sithole, also representing ZANU; (c) Bishop Muzorewa, representing ANC (Zimbabwe); (d) Mr. Nkomo, also representing ANC (Zimbabwe); and (e) Mr. Smith, representing the illegal régime.

38. After each delegation had presented a general statement concerning its position on the Southern Rhodesian question, the conference attempted to establish a date for the attainment of independence for the Territory. The African nationalists first suggested that the Territory should attain independence within one year and proposed 1 December 1977 as the independence date. The illegal régime insisted that the Territory should attain independence after 23 months, while the United Kingdom suggested that the Territory should attain independence not later than 1 March 1978. After extensive discussions, the delegations agreed to proceed to the consideration of other issues.

39. At the end of November, discussions began on the structure of the interim Government. The African nationalists proposed that the United Kingdom should send a governor or a commissioner to play a major role in the interim Government, and further proposed that there should be a council of ministers headed by a Prime Minister. The delegations of Mr. Nkomo, Mr. Mugabe and the Reverend Sithole suggested that the Prime Minister and the ministers should be appointed. Bishop Muzorewa's delegation recommended that the Prime Minister should be elected by universal franchise and that, thereafter, the Prime Minister should appoint the ministers.

40. Based on the suggestions of the African nationalists, the council of ministers would have both executive and legislative functions.

41. Mr. Smith refused to submit any proposals, insisting that only the Anglo-American plan, which he termed the Kissinger plan, should be the basis for discussion of the setting up of the interim Government.

42. The United Kingdom subsequently announced that it was prepared to play a direct role in the transitional Government (see para. 44 below). Owing to the lack of progress in discussions on this question, however, Mr. Crosland announced on 14 December that the conference would adjourn for reflection and would reconvene on 17 January at a mutually agreed place.

43. Following the adjournment of the conference, Mr. Smith said that if the Geneva conference failed to reach agreement, he would attempt to carry out negotiations

with other Africans who were interested in a peaceful settlement of the Territory's problems. On 28 December, Mr. Richard flew to southern Africa on a visit that took him to Botswana, Mozambique, South Africa, Southern Rhodesia, the United Republic of Tanzania and Zambia.

F. Question of British participation in the
proposed interim Government

44. It had become evident at the Geneva conference that some form of British participation in the interim Government would be essential. On 2 December, therefore, while the conference was still in session, Mr. Crosland announced that the United Kingdom Government was ready to play a direct role in the transitional Government before the attainment of majority rule, if it was the general view of the conference that such an arrangement would be helpful. He indicated that the nature of a British presence would depend on the structure of the interim Government. Although the African nationalists had proposed at the conference that the United Kingdom should send a resident commissioner to the Territory to exercise certain powers, the various parties at the conference could not agree on the powers of the commissioner or on the control of the ministries of defence and law and order.

45. On the other hand, while the illegal régime had at one time given the impression that it would accept a United Kingdom resident commissioner, it had always maintained that the commissioner's powers should be very limited since to do otherwise would be to give him "power without responsibility". After the United Kingdom announced its willingness to play a direct role in the interim Government, Mr. Smith became opposed to any significant British participation.

46. According to press reports, it had been suggested earlier that the United Kingdom appoint British ministers to be in charge of defence and law and order. The illegal régime rejected this suggestion because it wished to retain control of the two ministries. The United Kingdom was also reported to have rejected that suggestion as it would be unable to control the two ministries without the backing of either British troops or a Commonwealth force. Previously, the United Kingdom had categorically stated that it would not send troops to the Territory.

47. Thus, when the Geneva conference adjourned in December 1976, it appeared that its success would depend on an agreement by all delegations on the nature of the role of the United Kingdom in the proposed interim Government.

48. During his consultations in Africa in January 1977 with the leaders of the front-line States, the nationalists and the illegal régime, Mr. Richard is reported to have put forward new proposals involving British participation in an interim Government. According to press reports, one of the proposals would place defence and law and order under the control of a national security council comprising both black and white members; in the event of a deadlock, the final decision would rest with the resident commissioner.

49. On 24 January, the illegal régime rejected the new British proposals and

declared that it would seek an internal settlement with some of the Africans within the Territory.

50. Mr. Crosland and Mr. Richard both deplored the illegal régime's position. In their view, rejection of the proposals by the illegal régime could lead to a racial war in the Territory that would have far-reaching consequences in southern Africa. Faced with the intransigent attitude of the illegal régime, the African nationalists declared that the guerrilla war would be intensified, and they called on all friendly States to support their cause. Nevertheless, they insisted that the Geneva conference should be resumed with or without representatives of the illegal régime.

51. By late January, there was still hope that the Geneva conference could be saved. William Eteki Mboumoua, Administrative Secretary-General of the Organization of African Unity (OAU), emphasized that the United Kingdom Government should play a more decisive role in settling the Southern Rhodesian problem.

52. On 31 January, Cyrus Vance, the new United States Secretary of State, warned the illegal régime not to expect help from the United States. He reiterated United States support for the British proposals and called for negotiations to be resumed. At the same press conference, Mr. Vance called on the United States Congress to repeal the Byrd Amendment (sect. 503 of the United States Military Procurement Act of 1971), which allowed United States companies to import chrome and other minerals from Southern Rhodesia (see paras. 103-107 below). Various observers had suggested that such action by the United States could help to persuade Mr. Smith to continue the negotiations.

53. In February, Andrew Young, the new Permanent Representative of the United States to the United Nations, visited Nigeria and the United Republic of Tanzania. It was reported that he had held consultations with several African leaders on the question of Southern Rhodesia.

G. Recent developments

54. After the failure of the Geneva conference in December 1976, David Owen, United Kingdom Secretary of State for Foreign Affairs, visited southern Africa to consult with all those concerned on how best to proceed in dealing with the Southern Rhodesian problem. Shortly after this visit, Mr. Owen announced the setting up of an Anglo-American mission composed of John Graham, Under-Secretary in the United Kingdom Foreign and Commonwealth Office, and Stephen Law, the Ambassador of the United States to Zambia.

55. The purpose of the mission was to continue the consultations in southern Africa with all the parties concerned. The mission made two visits to southern Africa in May and July 1977.

56. On 18 July, however, Mr. Smith announced that his régime had rejected the Anglo-American plan, mainly because the plan insisted on the acceptance of a "one-man-one-vote constitution". He also announced that the Southern Rhodesian

Parliament had been dissolved and elections had been called for 31 August 1977. He stated that he envisaged the formation of a broadly based Government after the elections, and hoped that such a Government would have African members. It was also reported that Mr. Smith had told the Foreign Minister of South Africa that negotiations with the United Kingdom on the settlement issues would continue during the election campaign.

57. All the nationalist leaders of Zimbabwe denounced Mr. Smith for what they described as his refusal to face reality. They said that the calling of the elections was irrelevant to the struggle of the people of Zimbabwe.

58. Mr. Owen said that Mr. Smith's manoeuvres would not end Anglo-American attempts to find a peaceful settlement to the Southern Rhodesian problem. He said that the calling of the elections might lead to a "pause" in the attempt to find a peaceful settlement, but he expected the attempts to be resumed as soon as possible.

59. It should be noted that in the elections which Mr. Smith has called for 31 August, only 85,000 of the 270,000 whites and 7,500 of the 6.1 million Africans in the Territory will be eligible to vote.

5. ARMED LIBERATION STRUGGLE

Guerrilla activities in the Territory

60. Press reports indicate that the entire Territory has been engulfed in determined guerrilla warfare. Guerrilla activities have been reported in many parts of Southern Rhodesia, including urban centres such as Salisbury, Umtali and Bulawayo. It will be recalled that prior to June 1975, guerrilla activities were limited largely to the north-eastern part of the Territory. After June 1975, as operational conditions proved favourable, the guerrillas were able to execute bolder plans. Now the war is being fought in the north-east, the north, the east and the south-east of the Territory, including some incursions in all the major cities. For example, in October, guerrillas operated at Marandellas, 72 kilometres from Salisbury.

61. In response to the extensive guerrilla activities, the illegal régime established what it termed operational zones or theatres dividing the Territory into the northern, eastern and southern zones. Each zone has its own command, integrated into what is known as the Joint Operations Command System (see chap. V of the present report, annex I (A/32/23/Rev.1, vol. I)).

62. During 1976, there was increased activity against the Territory's railway system, which is the lifeline of Southern Rhodesia. From May to July 1976, the illegal régime was forced to close the railway line between Salisbury and Umtali in the east, the line which passes through Plumtree in the south-west, connecting Salisbury and Johannesburg, and the line connecting with the South African railway system through Beitbridge, in the south. These lines are Southern Rhodesia's only rail outlets and they have been among the major targets of guerrilla activities.

63. Guerrilla activities have also been directed against major highways. In September, the illegal régime was several times forced to close the Bulawayo-Beitbridge road and the Salisbury-Umtali road. In October, the Matetsi railway bridge, 48 kilometres from Victoria Falls, was destroyed by explosives.

64. These guerrilla activities caused a number of casualties and, as a result, the illegal régime imposed restrictions on the use of the major roads in the Territory. Motorists have been informed that they should not use the highways at night and those wishing to use the highways during the day have been advised to travel in convoys accompanied by security forces.

6. SOUTHERN RHODESIAN AGGRESSION AGAINST MOZAMBIQUE

65. On 9 August 1976, the air force of the illegal régime attacked a refugee camp at the village of Nhagomia, in Mozambique, killing 618 defenceless people, including women and children. It was reported that the Southern Rhodesian troops had arrived at the camp disguised in uniforms of the Frente de Libertação de Moçambique (FRELIMO), with their faces painted black and singing Mozambican revolutionary songs.

66. In late October and mid-November, the illegal régime perpetrated further acts of aggression against Mozambique. It was reported that troops of the illegal régime had used tanks, cannon, mortar, infantry, fighter bombers and cavalry in their invasion of the provinces of Gaza and Tete, killing more than 300 people. The Mozambican authorities condemned the invasion and announced that their forces had repulsed the invaders.

7. BRUTALITY IN SOUTHERN RHODESIA

A. Operational area

67. In response to the growing opposition and intensified armed strength of the national liberation forces, the illegal régime has resorted to acts of brutality against the African population of the Territory. These acts have increased both in number and severity as the guerrilla warfare has intensified.

68. In September 1976, the Catholic Commission for Justice and Peace in Rhodesia, which had previously reported acts of brutality and atrocities by the illegal régime (The Man in the Middle: torture, resettlement and eviction), h/ published another document entitled Civil War in Rhodesia: abduction, torture and death in the counter-insurgency campaign.

69. According to reports, the document reveals that electric shocks were given to Africans suspected of having information about guerrilla activity. It also gives an account of a number of cases of assault on African civilians, and even of deaths of so-called "curfew breakers".

h/ Ibid., para. 65.

70. The document reportedly states that "there cannot be racial reconciliation in Rhodesia until whites realize just what has been taking place during the guerrilla war in which nearly 3,000 lives have been lost, mainly guerrillas and black civilians".

71. Following publication of the document, Bishop Donald Lamont, President of the Commission, was brought to trial and found guilty on two counts of failing to report the presence of guerrillas and two counts of counselling others to commit the same offence. He was sentenced to 10 years' imprisonment with labour. The Roman Catholic church in Southern Rhodesia, supported by other churches in the Territory, condemned the illegal régime for its action.

B. Protected villages

72. Available information indicates that conditions in the so-called protected villages have continued to deteriorate. The Chiweshe Residents' Association, a welfare organization formed by Chiweshe workers at Salisbury, issued a report in April 1976 which reveals the intense suffering of the people living in the so-called protected villages. According to articles in the press, the report indicates that owing to neglect and deteriorating conditions, people in the villages are dying of intestinal problems, including diarrhoea and dysentery.

73. Further reports indicate that the rigid enforcement of curfew hours on the residents of the so-called protected villages has led to a reduction in African productivity. Thus, the residents are finding it difficult to meet their day-to-day needs. The illegal régime has ignored all requests of the Chiweshe Residents' Association for material relief and assistance.

74. As previously reported, by mid-1974 the illegal régime had established 21 protected villages. i/ Reports indicate that more than 39 additional protected villages have been established. In April 1976, an article in The Observer (London) estimated that about 200,000 Africans were living in such villages. The Zimbabwe nationalists have called for the immediate abolition of the villages.

i/ Ibid., para. 78.

8. ECONOMIC CONDITIONS

A. General

75. It is not possible to obtain accurate data on the economy of Southern Rhodesia. Most available statistics are provided by the illegal régime and are often misleading. Nevertheless, there are indications that the Territory's economy has suffered from the frequent military call-ups to which the illegal régime has resorted in order to combat the increased guerrilla activity. The July 1976 issue of Rhodesia Acceptances' Executive Guide to the Economy states that the frequent military call-ups have reduced labour productivity. The economy has also been affected by the high rate of emigration (see para. 3 above).

76. All sections of the economy of the Territory have experienced a drop in production. The hardest hit sector has been the transport industry, which experienced a 16 per cent fall in productivity in the first six months of 1976. Among the other industries showing a decline in production were the printing and publishing industry (13.9 per cent); the chemical and petroleum industry (13.5 per cent); the clothing and footwear industry (11.6 per cent); and the food-stuff industry (5.1 per cent).

77. The economy of the Territory was further affected by two measures taken by South Africa in August 1976, one of which was the announcement by South Africa that, owing to congestion in its ports, it would have to restrict traffic from Southern Rhodesia. It was reported that at one time Southern Rhodesia traffic was being rationed to one train a day through the Reef area of the Transvaal to the port of Durban. The second announcement was that all South African importers would henceforth be required to deposit within the country, in cash, 20 per cent of the total value of goods they intended to buy from abroad before placing their orders. The application of this measure is expected to have far-reaching implications for Southern Rhodesia because South Africa is now the chief market of the Territory's manufactured goods. It is reported that this new measure is likely to diminish the volume and slow down the flow of the Territory's export earnings.

78. The illegal régime attributes the economic deterioration in the Territory to the effects of the general world-wide economic decline. It admits, nevertheless, that the effects of sanctions over the past 11 years are beginning to be reflected in the economy. Lack of high-level investments and export markets and the continued need for government subsidization of the declining economy have contributed to the present situation.

79. Conditions have become more difficult since the illegal régime was compelled to increase financial allocations to the defence and police establishments because of the guerrilla war. Such allocations have deprived economic sectors of much-needed resources. In addition, the mass mobilization of Europeans into the armed forces has stripped the economy of its vital manpower, which at the same time is being depleted by a high level of emigration from the Territory.

80. The total earnings of African employees in the Territory from 1968 to 1975 is shown in table 3 below.

B. Gross domestic product and foreign exchange situation

81. According to the Economic Survey of Rhodesia, which is published by the illegal régime, the gross domestic product of the Territory in 1975/76 rose by 7.7 per cent in money terms (20 per cent in 1974/75), but because of inflation, the real domestic product (after adjustment for inflation) fell by 1.5 per cent compared with the previous year. This was the first such decline since 1965. The industrial origin of the gross domestic product for the Territory since 1966 is shown in table 4 below.

82. The decline is said to have resulted from the slowdown in the productive sectors of the Territory, namely agriculture, mining and manufacturing. In the Economic Survey, it is stated that the output of these three sectors rose by only 4 per cent in 1975/76, compared with 34 per cent in 1974/75 (see tables 5-7 below). In the first six months of 1976, the volume of manufacturing production fell by 9 per cent, compared with the same period in 1975.

83. During 1975/76, Southern Rhodesia experienced its worst deficit since 1965. According to published reports, the current account of the balance of payments showed a deficit of \$R 128 million ^{1/} compared with \$R 96 million in the previous year. The Economic Survey explains that the deficit was caused partly by a decline in the trade surplus, from \$R 51 million in 1974/75 to \$R 33 million in 1975/76, and by a growing increase in the deficit on invisibles (see table 8 below). Nevertheless, according to the Economic Survey, the Territory experienced a net capital inflow of over \$R 101 million, which reduced the deficit on both the current and capital accounts to \$R 26.6 million. If these statistics are credible, the 1975/76 deficit would be reduced to a lower figure than the \$R 33 million deficit of 1974/75. No explanation is given as to the source of Southern Rhodesia's net capital inflow.

84. The illegal régime has also had to face the problem of the loss of foreign exchange in the Territory caused by the high rate of emigration. In August, it was announced that any family emigrating from the Territory could only take out up to \$R 1,000 instead of the \$R 5,000 originally authorized as the ceiling. The amount that Southern Rhodesians going on holiday outside the Territory could take with them was reduced from £358 to £224.

85. Referring to this latest measure to control the outflow of wealth from the Territory, The Times (London) stated that no other government action since the unilateral declaration of independence had evoked such bitter resentment and indicated so pointedly to the quarter of a million whites the Government's desperate position and the predicament in which that placed the white population. The white population was described as having become "financial detainees".

86. In September 1976, the illegal régime announced that the Reserve Bank of Rhodesia had suspended until 29 October dealings in external shares and Southern

^{1/} One Southern Rhodesian dollar (\$R 1.00) equals approximately \$US 1.60.

Table 3

Southern Rhodesia: total earnings of African employees
(million Southern Rhodesian dollars)

	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1975</u>
Agriculture and forestry	34.6	36.9	36.8	39.8	44.5	49.5	56.1	63.4
Mining and quarrying	15.6	16.9	18.4	19.0	19.6	21.0	25.4	30.4
Manufacturing	36.6	43.1	48.0	51.2	59.9	68.8	83.6	97.4
Electricity and water	1.6	1.6	1.9	2.0	2.2	2.6	3.0	3.5
Construction	14.3	15.2	18.3	23.0	26.2	28.8	36.6	41.5
Finance, insurance and real estate	1.6	1.7	2.0	2.1	2.3	2.7	3.4	4.4
Distribution, restaurants and hotels	16.8	18.6	20.2	22.6	25.1	27.9	30.9	37.2
Transport and communications	9.8	10.4	10.7	14.0	15.0	16.8	19.8	23.0
Services								
Public administration	10.0	11.6	12.2	14.0	16.5	19.2	23.1	29.3
Education	13.9	15.1	16.0	18.5	19.1	21.4	25.1	29.9
Health	3.9	4.1	4.3	4.9	5.5	6.0	6.9	8.6
Domestic services	26.6	27.8	30.0	33.0	37.3	37.9	42.1	48.3
Other	<u>8.2</u>	<u>8.9</u>	<u>10.4</u>	<u>10.9</u>	<u>12.4</u>	<u>13.9</u>	<u>16.6</u>	<u>19.0</u>
Total	193.4	211.8	229.1	255.1	285.4	316.6	372.5	435.7

Source: Southern Rhodesia, Monthly Digest of Statistics, May 1976.

Table 4

Southern Rhodesia: industrial origin of the gross domestic product, 1966-1975
(million Southern Rhodesian dollars)

Item	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975 (provisional)
Agriculture and forestry:										
European, Asian and Coloured	85.8	82.3	76.4	100.6	95.7	122.5	144.2	149.9	200.0	216.3
African	49.0	69.7	44.7	65.5	53.7	72.8	83.2	59.3	113.8	95.2
Mining and quarrying	45.2	46.2	48.4	62.6	67.2	70.2	70.8	97.6	128.1	132.5
Manufacturing	122.9	142.1	157.2	182.4	220.3	261.7	306.5	349.2	438.3	474.5
Electricity and water	24.2	25.8	26.2	29.7	30.6	32.9	35.9	39.5	41.2	49.1
Construction	32.6	40.3	50.4	57.7	58.8	64.5	81.3	91.1	99.2	106.7
Finance and insurance	13.0	15.5	15.1	20.0	21.7	24.2	27.1	31.7	34.8	40.9
Real estate:										
Imputed rent for owner-occupied dwellings	9.2	10.2	11.5	13.4	15.3	16.9	18.7	20.8	22.0	21.8
Other	8.5	9.2	11.0	14.3	16.6	18.1	19.9	21.8	23.6	23.2
Distribution, hotels and restaurants	89.5	101.2	111.6	124.8	138.2	155.5	175.6	201.1	243.5	260.5
Transport and communications	54.5	50.5	58.4	71.0	67.8	78.0	86.7	85.2	89.7	102.6
Public administration	44.8	48.0	51.4	57.4	61.6	69.9	77.9	91.0	106.5	122.8
Education services	25.8	26.8	29.2	31.9	34.1	39.5	43.0	48.0	55.0	64.9
Health services	12.5	13.0	14.2	15.2	16.4	18.9	20.8	22.4	25.9	30.5
Private domestic services	23.7	25.0	27.0	28.2	30.5	33.5	37.8	38.4	42.6	48.8
African rural household services	10.3	13.4	9.2	12.9	9.8	14.1	15.1	9.1	19.4	17.4
Other services	36.9	39.5	45.3	50.6	56.6	60.5	66.4	78.2	89.0	101.9
Gross domestic product	688.5	758.6	787.2	938.2	994.9	1 153.7	1 311.1	1 434.6	1 772.5	1 909.5

Source: Southern Rhodesia, Monthly Digest of Statistics, May 1976.

Rhodesian shares quoted outside the Territory. There is no indication that the suspensions were lifted after that date. The Reserve Bank stated that anyone wishing to buy or sell such shares could only do so with the specific approval of the Exchange Control.

87. Although the above new measures were intended to control the outflow of foreign exchange from the Territory, reports in Johannesburg indicate that the measures will have little effect since dealings on Southern Rhodesian shares "are down to virtually nothing".

88. David Smith, Minister of Finance of the illegal régime, has also admitted that the money credit system and the capital markets of Southern Rhodesia have become unstable and are operating under disorderly conditions. The illegal régime is therefore searching for ways to re-establish stability and orderly conditions in the money and capital markets.

89. Press reports suggest that the illegal régime, in accepting the so-called Kissinger plan, was influenced by the economic assistance it had expected to receive under the plan. There was hope that such economic aid would revitalize the economy and also assure the Europeans of a "fair" share of recompensation, should they decide to leave the Territory.

Table 5

Southern Rhodesia: agricultural output, 1954-1975

(million Southern Rhodesian dollars)

European agriculture

African agriculture

<u>Year</u>	<u>Gross output</u>	<u>Production for rural household consumption</u>	<u>Approximate total production</u>
1954	72.8	23.7	33.3
1955	76.2	21.9	31.1
1956	87.6	26.8	41.2
1957	90.6	26.9	38.7
1958	94.0	24.1	33.5
1959	103.4	23.7	33.4
1960	111.8	19.1	30.1
1961	129.4	29.1	38.7
1962	126.6	30.1	39.6
1963	133.6	27.3	35.6
1964	138.2	26.5	35.0
1965	140.3	25.7	34.0
1966	144.6	40.8	50.6
1967	145.1	59.4	71.3
1968	136.8	39.1	45.8
1969	171.5	54.2	67.7
1970	168.9	45.0	55.8
1971	208.4	59.4	75.7
1972	233.7	61.6	86.5
1973	247.3	42.1	64.1
1974	320.2	88.0	119.6
1975 ^{a/}	351.0	71.3	101.3

Source: Southern Rhodesia, Monthly Digest of Statistics, May 1976.

a/ Provisional.

Table 6

Southern Rhodesia: mineral output, 1968-1975
(million Southern Rhodesian dollars)

<u>Year</u>	<u>Value</u>	<u>Volume index</u>	<u>Unit value index</u>
1968	67.4	108.9	115.7
1969	87.7	132.4	123.8
1970	98.7	145.1	127.2
1971	101.2	157.6	120.0
1972	107.4	171.8	116.7
1973	135.9	191.2	133.0
1974	165.2	183.0	168.7
1975	169.8	186.6	169.5

Source: Southern Rhodesia, Monthly Digest of Statistics, May 1976.

Table 7

Southern Rhodesia: manufacturing production, 1968-1975

(million Southern Rhodesian dollars)

<u>Year</u>	<u>Number of establish- ments</u>	<u>Gross output</u>		<u>Total purchases and changes in stocks</u>		<u>Net output</u>	
		<u>Including sales of goods not produced on the premises</u>	<u>Excluding sales of goods not produced on the premises</u>	<u>Including sales of goods not produced on the premises</u>	<u>Excluding sales of goods not produced on the premises</u>	<u>Including sales of goods not produced on the premises</u>	<u>Excluding sales of goods not produced on the premises</u>
1968	1 068	468.9	434.6	286.0	258.1	182.9	176.5
1969	1 119	551.3	512.2	336.7	305.8	214.7	206.4
1970	1 161	649.4	604.0	389.8	352.8	259.6	251.1
1971	1 246	757.7	698.8	452.4	406.7	305.2	292.1
1972	1 286	866.8	801.8	520.1	469.1	346.7	332.8
1973	1 302	1 012.9	940.2	610.1	554.4	402.9	385.8
1974	1 323	1 249.5	...	756.5	...	493.0	...
1975 <u>a/</u>	...	1 388.9	...	843.1	...	545.9	...

Source: Southern Rhodesia, Monthly Digest of Statistics, May 1976.

a/ Provisional.

Table 8

Southern Rhodesia: balance of payments, 1966-1975
(million Southern Rhodesian dollars)

<u>Year</u>	<u>Merchandise, net</u>	<u>Invisible transactions, net</u>			<u>Net balance on current account</u>	<u>Capital transactions, net</u>	<u>Net inflow on current and capital accounts</u>
		<u>Services</u>	<u>Investment income</u>	<u>Transfers</u>			
1966	27.0	- 8.0	-19.2	- 4.1	- 4.3	-4.6	- 8.9
1967	12.3	-15.5	-13.4	- 0.1	- 16.7	23.7	7.0
1968	-26.0	- 8.2	-14.9	- 1.0	- 50.1	39.5	-10.5
1969	27.7	- 2.0	-17.8	- 4.3	3.6	9.9	13.4
1970	23.1	-13.5	-21.0	- 2.6	- 14.0	26.3	12.3
1971	- 1.6	-22.1	-30.4	- 3.3	- 57.4	30.5	-26.9
1972	58.2	-19.5	-35.1	- 2.8	0.7	-2.3	- 1.6
1973	83.0	-55.1	-38.5	- 6.9	- 17.4	51.6	34.2
1974	50.8	-74.8	-52.7	-18.8	- 95.7	62.6	-33.1
1975	33.1	-89.3	-42.7	-29.1	-127.9	101.3	-26.6

Source: Southern Rhodesia, Monthly Digest of Statistics, May 1976.

9. EVASION OF SANCTIONS

90. The question of the violation of sanctions has continued to engage the attention of the General Assembly and the Security Council, as well as the Special Committee. By paragraph 4 (a) of its resolution 31/154 B of 20 December 1976, the General Assembly called on all Governments which thus far had not done so "to take stringent enforcement measures to ensure strict compliance by all individuals, associations and bodies corporate under their jurisdiction with the sanctions imposed by the Security Council and to prohibit any form of collaboration by them with the illegal régime". By paragraph 9 of the same resolution, the Assembly requested the Special Committee to follow the implementation of that resolution.

91. According to various reports, there have been numerous instances of possible violations of sanctions against Southern Rhodesia. The present paper concentrates on four situations concerning the question of sanctions: (a) an "oil conspiracy", as reported by the Center for Social Action of the United Church of Christ (CSA); k/ (b) a report issued by the United Kingdom Department of Trade concerning Lonrho and the possible violation of sanctions by British companies; (c) the Byrd Amendment (see para. 52 above), under which United States companies imported chrome ore and other minerals from Southern Rhodesia; and (d) the plans of the illegal régime in the event of the lifting of sanctions.

A. Oil conspiracy

92. In June 1976, CSA published a report on its investigation into the measures taken by transnational oil companies to meet Southern Rhodesia's oil needs. CSA concluded that five oil companies, the Mobil Oil Corporation, the Royal Dutch/Shell Group, the British Petroleum Company, Ltd., Total-Compagnie française des pétroles and the Caltex Petroleum Corporation (a joint venture of the Standard Oil Company of California and Texaco, Inc.), had "set up a 'paper-chase' of intermediary companies, through which Genta /(Pvt.), Ltd., a Southern Rhodesian government agency/ could import all of Rhodesia's gasoline and diesel requirements" from their subsidiaries in South Africa.

93. CSA reproduced copies of "secret documents", including correspondence and invoices, to substantiate its claims. According to the report, the illegal régime established Genta in 1966 to be responsible for the importation of all fuel products into the Territory. Genta, in turn, allocated the responsibility for the importation of gasoline, diesel oil and aviation turbine fuel to Mobil Oil Southern Rhodesia (Pvt.), Ltd. The responsibility for importing non-fuel oil, such as lubricants, was allocated to the other four oil companies.

94. In order to meet their responsibilities to supply Southern Rhodesia with fuel products, each of the oil companies has established "bogus" subsidiary companies in South Africa which exist only on paper. For example, Mobil Oil Southern Rhodesia

k/ The Oil Conspiracy (New York, Center for Social Action of the United Church of Christ, June 1976).

entered into an agreement with Freight Services, Ltd., a South African company to establish bogus companies such as Minerals Exploration, Ltd., Rand Oils, Ltd., and the Western Transvaal Development and Exploration Company.

95. The ordering and billing procedure is very complicated. Simplified, it would appear to be as follows: Mobil Oil Southern Africa (Pty.), Ltd., obtains the oil from abroad and sells it to one of the bogus subsidiary companies which bills the Genta account at the Netherlands Bank (South Africa). The fuel is then shipped to Genta in Southern Rhodesia and not to the oil company in whose name the bogus company acts in South Africa. Genta then distributes the fuel to all oil companies in the Territory.

96. The CSA report states that Mobil Oil Southern Africa is wholly owned by the Mobil Oil Corporation, which is registered in the United States. The report claims that by establishing bogus companies, Mobil Oil Southern Africa was attempting to appear not to be involved in any trade with Southern Rhodesia.

97. In September 1976, a foreign relations sub-committee of the United States Senate conducted an inquiry into allegations that subsidiaries of the Mobil Oil Corporation were involved in the evasion of sanctions by selling petroleum products to Southern Rhodesia. The corporation denied the charges, stating that since 1966 it had been corporation policy to bar any sales to Southern Rhodesia.

98. According to newspaper reports, the CSA study drew considerable attention, not only to the Mobil Oil Corporation, but also the Royal Dutch/Shell Group, the British Petroleum Company, the Caltex Petroleum Corporation and Total-Compagnie française des pétroles.

B. Lonrho report

99. In 1976, it was reported that the United Kingdom Department of Trade had issued a report on Lonrho, Ltd. (formerly the London and Rhodesian Mining and Land Company), which owns a number of mining and agricultural companies in Southern Rhodesia. In the report, it was suggested that Lonrho had lent its "authority and approval" to its subsidiaries in Southern Rhodesia. It was also stated that in 1968, three years after the unilateral declaration of independence, Lonrho had acquired a South African company, Edmundian Investments, which owned a mine near Umtali in Southern Rhodesia. The report went on to say that "the available evidence suggests that the group /Lonrho/ acquired its interest in Edmundian Investments partly with the aim of facilitating the export of Rhodesian copper".

100. In response, Lonrho revealed that the British Petroleum Company, Ltd., the Rio Tinto Zinc Corporation, Ltd., Cadbury Schweppes, Ltd., and British Insulated Callender's Cable, among many other British companies, had also been involved in violating sanctions against Southern Rhodesia. Lonrho added, "As a result, British banking continues to be the commercial backbone of Rhodesia and British companies are the dependent ribs".

101. After investigating the claims made by Lonrho, the United Kingdom Foreign and Commonwealth Office stated that it had no knowledge of the evasion of sanctions by British companies, except possible violations by Lucas Services Overseas, the world-wide servicing subsidiary of Lucas Industries, whose activities "appear to merit closer examination".

102. Most of the companies named by Lonrho as violating sanctions against Southern Rhodesia have denied the allegations.

C. Byrd Amendment

103. On 16 March 1977, President Jimmy Carter of the United States signed into law the Rhodesian Sanctions Bill which repealed the Byrd Amendment (see para. 91 above). The bill had been approved by both houses of the United States Congress earlier in the month. It may be recalled that, under the Byrd Amendment, United States firms had been permitted to import certain minerals from Southern Rhodesia since 1971. The shipments of minerals, including asbestos, chrome ore and nickel, to United States companies between 1 October 1975 and 30 June 1976 are shown in table 9 below.

104. Between 1 July and 30 September 1975, 17 shipments of minerals with a total weight of 37,062 short tons were imported into the United States; 1/ between 1 October and 31 December, 21 shipments with a total weight of 74,743 short tons were imported; and between 1 January and 30 June 1976, 23 shipments with a total weight of 45,607 short tons were imported (see table 9 below).

105. Analysis of the shipments by commodity indicates that between 1 October and 31 December 1975, United States companies imported from Southern Rhodesia 45,159 short tons of chrome ore, 26,729 short tons of high carbon ferro-chrome, 1,362 short tons of electrolytic nickel cathodes and 460 short tons of chrysotile asbestos fibre. Between 1 January and 30 June 1976, these companies imported from Southern Rhodesia 22,906 short tons of chrome ore, 8,258 short tons of low and high carbon ferro-chrome, 665 short tons of electrolytic nickel cathodes and 488 short tons of asbestos fibre and chrysotile asbestos fibre.

106. Thus, United States imports from Southern Rhodesia under the Byrd Amendment were not limited to chrome ore, but included a variety of minerals which, according to some United States supporters of the repeal of the amendment, were not "an important element in United States security or in the over-all foreign economic policy" of the United States. m/

107. On 31 January 1977, Mr. Vance, United States Secretary of State, appealed to

1/ See Official Records of the General Assembly, Thirty-first Session, Supplement No. 23 (A/31/23/Rev.1), vol. II, chap. VIII, annex, table 8.

m/ Diane Polan and Anthony Lake, Irony in Chrome: The Byrd Amendment Two Years Later (New York, Carnegie Endowment for International Peace, 1973).

the United States Congress to repeal the Byrd Amendment so that the United States could continue to fulfil its international obligations. Mr. Young, Permanent Representative of the United States to the United Nations, also urged Congress to repeal the amendment, a measure which, as indicated above, has now been approved.

D. Action by the Security Council Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia

108. As previously reported, n/ on 6 April 1976, on the recommendation of the Security Council Committee, o/ the Council unanimously adopted resolution 388 (1976), by which it decided that all Member States should take appropriate measures to ensure that their nationals and persons in their territories do not insure: (a) any commodities or products exported from, or intended for importation into, Southern Rhodesia; and (b) commodities, products or property in Southern Rhodesia of any commercial, industrial or public utility undertaking in Southern Rhodesia. The Council also decided that all Member States should take appropriate measures to prevent their nationals and persons in their territories from granting to any commercial, industrial or public utility undertaking in Southern Rhodesia the right to use any trade name or from entering into any franchising agreement involving the use of any trade name, trade mark or registered design in connexion with the sale or distribution of any products, commodities or services of such an undertaking. The Council urged States not Members of the United Nations to act in accordance with the provisions of the resolution.

109. In considering the expansion of sanctions, the Security Council Committee had before it a number of proposals from various members, including a proposal that sanctions be expanded so that Article 41 of the Charter of the United Nations be applied in its entirety. This proposal failed to obtain the unanimous approval of the Committee. If it had been accepted, it would have led to rail, sea, air, postal, telegraphic, radio and other communications sanctions being applied against the Territory. Other proposals which were put forward but failed to receive the unanimous approval of the Committee included: (a) a request that Member States deny landing rights in their respective territories to flights scheduled to include stopovers in Southern Rhodesia for the purpose of loading or unloading passengers and/or goods to and from Southern Rhodesia; (b) a recommendation that the Security Council decide to request Member States which have consular services or posts in southern Africa not to renew or issue passports to their nationals whom they believe to be residing in Southern Rhodesia; (c) a recommendation that the Security Council decide to request Member States to enact legislation making it illegal for their citizens to travel to Southern Rhodesia; and (d) a proposal to extend sanctions to include South Africa.

n/ Official Records of the General Assembly, Thirty-first Session, Supplement No. 23 (A/31/23/Rev.1), vol. II, chap. VIII, annex, paras. 110-113.

o/ Official Records of the Security Council, Thirtieth Year, Supplement for October, November and December 1975, document S/11913.

110. Since 1966, a number of cases of possible violations of sanctions against Southern Rhodesia have been before the Security Council Committee. p/ Among these have been the importation from the Territory of metallic ores, metals and their alloys, tobacco, cereals and meat; the exportation to Southern Rhodesia of fertilizers, ammonia, machinery and transport equipment; and violations in connexion with sports activities and other international competitions and in banking, insurance, tourism and related matters.

E. Plans of the illegal régime in the
event of the lifting of sanctions

111. According to the illegal régime's interpretation of the Anglo-American proposals for a peaceful transfer of power in Southern Rhodesia to the African majority (see paras. 15-59 above), sanctions against the Territory would be lifted as soon as an interim Government is established in the Territory.

112. The illegal régime recognizes that sanctions have hurt the economy of the Territory and have to some extent crippled its armed forces. On 26 October 1976, R. T. R. Hawkins, Minister of Transport and Power of the illegal régime, revealed that if sanctions were lifted, efforts would be made by Western countries "to inject the economy to permit industrial, commercial and agricultural activity to the fullest". Speaking of a fund that would be established if the proposals were accepted, he said that a portion of it "could be used to purchase weapons etc.". He went on to say "we do desperately need more sophisticated weapons of war. There would also be no objection to our recruiting from other English-speaking countries. It was also indicated that if we believe it necessary to have deeper penetration into Mozambique once we were a legal entity, then criticism from other countries would not apply". He concluded his speech by saying: "At worst we would be in a better position to fight the war than at present. We would have two years' trading on an open market and to revive the economy with the \$US 2 billion development fund. Two years to build up arms and war materials and the armed forces. The market for recruiting into the forces would be widened".

p/ See Official Records of the Security Council, Thirty-second Year, Special Supplement No. 2 (S/12265), vol. 1.

Table 9

United States imports of strategic materials from Southern Rhodesia
from 1 October 1975 to 30 June 1976

<u>Commodity</u>	<u>Quantity</u> (short tons)	<u>Port of</u> <u>embarkation</u>	<u>Port of</u> <u>debarcation</u>	<u>Estimated date of</u> <u>arrival</u>	<u>Vessel</u>	<u>Country of</u> <u>registry</u>
Chrysotile asbestos fibre	163	Durban, South Africa	Charleston, South Carolina	26 September 1975 ^{a/}	African Meteor	United States
Chrome ore	18 385	Beira, Mozambique	New Orleans, Louisiana	7 October	Columbia	United States
High carbon ferro-chrome	6 936	Durban	New Orleans	7 October	Columbia	United States
Electrolytic nickel cathodes	284	Durban	Baltimore, Maryland	13 October	Mormacpride	United States
Electrolytic nickel cathodes	122	Durban	Baltimore	21 October	Sealand Resource	United States
Chrome ore	6 341	Beira	New Orleans	30 October	Yellowstone	United States
High carbon ferro-chrome	9 932	Maputo, Mozambique	New Orleans	30 October	Yellowstone	United States
Electrolytic nickel cathodes	276	Durban	Baltimore	30 October	Mormacscan	United States
Electrolytic nickel cathodes	364	Port Elizabeth, South Africa	Baltimore	30 October	Mormacscan	United States
Chrome ore	4 984	Maputo	Charleston	30 October	Kaderbaksh	Pakistan
High carbon ferro-chrome	8 208	Maputo	Baltimore	3 November	Kaderbaksh	Pakistan
Asbestos fibre	90	Durban	Philadelphia, Pennsylvania	4 November	Austral Pilot	United States
Beryl ore	43	Maputo	Philadelphia	8 November	African Sun	United States
Chrome ore	15 449	Maputo	Charleston	16 November	Ocean Envoy	Pakistan
High carbon ferro-chrome	1 653	Durban	Cleveland, Ohio	16 November	African Sun	United States
Electrolytic nickel cathodes	129	Durban	Baltimore	20 November	Mormacglen	United States
Electrolytic nickel cathodes	187	Port Elizabeth	Baltimore	25 November	Mormacglen	United States
Chrysotile asbestos fibre	67	Port Elizabeth	Boston, Massachusetts	4 December	Austral Pilot	United States
Wolfram ore	900	Durban	Philadelphia	8 December	African Comet	United States
Chrysotile asbestos fibre	150	Port Elizabeth	Houston, Texas	11 December	Christopher Lykes	United States
Chrysotile asbestos fibre	80	Port Elizabeth	Charleston	29 December	Austral Pilot	United States
Electrolytic nickel cathodes	220	Port Elizabeth	Baltimore	11 January 1976	Mormaccove	United States
Electrolytic nickel cathodes	163	Durban	Baltimore	11 January	Mormaccape	United States
Asbestos fibre	55	Port Elizabeth	Philadelphia	21 January	African Neptune	United States
Ferro-chrome silicon	3 326	Maputo	Burnside, Louisiana	25 January	Adabelle Lykes	United States
Low carbon ferro-chrome	2 207	Durban	Burnside	25 January	Adabelle Lykes	United States
Low carbon ferro-chrome	553	Durban	Burnside	25 January	Adabelle Lykes	United States
Charged chrome	597	Maputo	Burnside	27 January	Gulf Shipper	United States

Table 9 (continued)

<u>Commodity</u>	<u>Quantity (short tons)</u>	<u>Port of embarkation</u>	<u>Port of debarkation</u>	<u>Estimated date of arrival</u>	<u>Vessel</u>	<u>Country of registry</u>
Charged chrome	2 215	Maputo	Burnside	27 January	Gulf Shipper	United States
Chrysotile asbestos fibre	138	Port Elizabeth	Charleston	27 February	African Dawn	United States
Asbestos fibre	74	Port Elizabeth	Philadelphia	6 March	Austral Pilgrim	United States
Chrome ore	9 849	Maputo	Charleston	9 March	Phaedra-E	Greece
Chrome ore	2 419	Maputo	Burnside	9 March	Phaedra-E	Greece
Chrome ore	1 699	Maputo	Burnside	9 March	Phaedra-E	Greece
Chrome ore	7 257	Maputo	Burnside	9 March	Phaedra-E	Greece
Chrome ore	1 682	Maputo	Charleston	19 March	Phaedra-E	Greece
Asbestos fibre	115	Port Elizabeth	Philadelphia	2 April	Austral Patriot	United States
Chrysotile asbestos fibre	106	Port Elizabeth	New York	10 April	Austral Patriot	United States
Electrolytic nickel cathodes	110	Port Elizabeth	Baltimore	18 April	Mormaclynx	United States
Electrolytic nickel cathodes	71	Durban	Baltimore	3 May	Mormacsan	United States
Low-carbon ferro-chrome	3 862	Maputo	Burnside	12 June	Yellowstone	United States
High carbon ferro-chrome	1 636	Durban	Burnside	12 June	Yellowstone	United States
Ferro-chrome silicon	7 152	Maputo	Burnside	12 June	Yellowstone	United States
Electrolytic nickel cathodes	101	Port Elizabeth	Baltimore	22 June	Mormaclake	United States

Source: Official Records of the Security Council, Thirty-second Year, Special Supplement No. 2 (S/12265), vol. II, annex III, sect. B, para. 8, table.

a/ Not previously reported.

CHAPTER VIII
(A/32/23/Add.2)

NAMIBIA

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CHAPTER VIII

NAMIBIA

A. CONSIDERATION BY THE SPECIAL COMMITTEE

1. The Special Committee considered the question of Namibia at its 1062nd and 1064th to 1069th meetings, between 25 February and 14 March 1977.
 2. In its consideration of the item, the Special Committee took into account the provisions of the relevant General Assembly resolutions, including in particular resolution 31/146 of 20 December 1976 on the situation in Namibia resulting from the illegal occupation of the Territory by South Africa and resolution 31/143 of 17 December 1976 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. By paragraph 12 of resolution 31/143, the General Assembly requested the Special Committee "to continue to seek suitable means for the immediate and full implementation of resolution 1514 (XV) in all Territories which have not yet attained independence and, in particular: ... to formulate specific proposals for the elimination of the remaining manifestations of colonialism and to report thereon to the General Assembly at its thirty-second session". The Special Committee also followed closely the related work of the United Nations Council for Namibia.
 3. During its consideration of the item, the Special Committee had before it a working paper prepared by the Secretariat (see annex to present chapter) containing information on developments concerning the Territory.
 4. The question of Namibia was also given extensive consideration at the International Conference in Support of the Peoples of Zimbabwe and Namibia, held in pursuance of General Assembly resolution 31/145 of 17 December 1976, at Maputo, from 16 to 21 May 1977. At the conclusion of its work, the Conference adopted a "Maputo Declaration in Support of the Peoples of Zimbabwe and Namibia and Programme of Action for the Liberation of Zimbabwe and Namibia", the text of which, together with an account of the proceedings of the Conference, is set out in the report of the Conference to the General Assembly (A/32/109/Rev.1-S/12344/Rev.1). 1/
1. Participation of the national liberation movement
5. In conformity with the provisions of the relevant General Assembly resolutions and in accordance with established practice, the Special Committee, in consultation with the Organization of African Unity (OAU), invited the national liberation movement of Namibia, the South West Africa People's Organization (SWAPO), to participate, in an observer capacity, in its consideration of the item. In response to the invitation, a representative of SWAPO participated in the relevant proceedings of the Committee (see para. 7 below).

1/ For the printed text, see Official Records of the Security Council, Thirty-second Year, Supplement for July, August and September 1977, document S/12344/Rev.1.

2. General debate

6. In accordance with established practice, the President of the United Nations Council for Namibia participated in the work of the Special Committee relating to the item. The President of the Council addressed the Committee at its 1062nd meeting, on 25 February (A/AC.109/PV.1062).

7. Mishake Muyongo, Vice-President of SWAPO, made a statement at the 1062nd meeting (A/AC.109/PV.1062).

8. The general debate on the item took place at the 1062nd and 1064th to 1068th meetings, between 25 February and 9 March, in which the following Member States took part: Sierra Leone, at the 1064th meeting (A/AC.109/PV.1064); Yugoslavia, India and Chile at the 1065th meeting (A/AC.109/PV.1065); Norway, the United Republic of Tanzania, Czechoslovakia, Afghanistan, China, Australia and Iraq at the 1066th meeting (A/AC.109/PV.1066); Mali, the Union of Soviet Socialist Republics, the Syrian Arab Republic, Indonesia, Bulgaria, Trinidad and Tobago, Tunisia, the Congo and Cuba at the 1067th meeting (A/AC.109/PV.1067); and Fiji, Iran, the Ivory Coast and Ethiopia at the 1068th meeting (A/AC.109/PV.1068).

3. Draft consensus

9. At the 1069th meeting, on 14 March, the Special Committee considered a draft consensus on the item (A/AC.109/L.1144 and Corr.1), prepared by the Chairman on the basis of consultations.

10. At the same meeting, the Special Committee adopted the draft consensus without objection (see para. 12 below). The representative of Australia made a statement (A/AC.109/PV.1069).

11. On 14 March, the text of the consensus (A/AC.109/544) was transmitted to the President of the Security Council (S/12297). On the same date, the text of the consensus was transmitted to the Permanent Representative of South Africa to the United Nations for the attention of his Government. Copies of the consensus were also transmitted to the President of the United Nations Council for Namibia, to all States and to OAU.

B. DECISION OF THE SPECIAL COMMITTEE

12. The text of the consensus (A/AC.109/544) adopted by the Special Committee at its 1069th meeting, on 14 March, to which reference is made in paragraph 10 above, is reproduced below.

(1) Having considered the question of Namibia within the context of the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960, and having heard the statements by the President of the United Nations Council for Namibia 2/ and by the Vice-President of the South

2/ A/AC.109/PV.1062.

West Africa People's Organization, 3/ participating as an observer, the Special Committee reaffirms its previous resolutions and decisions on the question. The Special Committee emphatically denounces the South African régime for its continued illegal occupation of Namibia in defiance of repeated demands for its withdrawal by the Security Council, its outright violation of its obligations under the Charter of the United Nations in respect of Namibia and its attempt to perpetuate its domination over the Namibian people by creating an atmosphere of terror and intimidation throughout the Territory and by employing tactics which have as their objective to destroy the national unity and territorial integrity of Namibia and deny the genuine aspirations of its people.

(2) Disregarding world-wide condemnation and the manifest opposition of all sections of the Namibian people, the South African régime is continuing its efforts to fragment the Territory in accordance with its policy of "bantustanization". The tribal talks being held at Windhoek, among hand-picked "representatives" chosen from various tribal groups, are nothing less than an attempt by the South African régime to perpetuate its apartheid and bantustan policies which have been repeatedly denounced by the United Nations. Proposals reportedly submitted to these tribal talks seek to give a semblance of validity to South Africa's continued illegal occupation of the Territory, but would in fact result in the establishment of a "government" in Namibia based on apartheid principles and wholly dependent upon South Africa.

(3) The true aspirations of the Namibian people are evidenced by widespread demonstrations of support for the South West Africa People's Organization, the sole, authentic representative of the people, which is totally opposed to any political settlement that does not lead to genuine self-determination and independence and is not based on the territorial integrity and unity of Namibia. In its efforts to suppress these manifestations of almost unanimous opposition to its illegal presence in Namibia and also in an attempt to combat the growing strength and successes of the People's Liberation Army of Namibia, the South African régime has resorted increasingly to arrests, intimidation and violence. Large areas of Namibia have been placed under military rule and there is ample evidence of widespread brutality and ill treatment of civilians by units of the South African armed forces and security police.

(4) The Special Committee strongly condemns this increasing resort to violence and intimidation by the South African régime in Namibia. In particular, it deplores the arrest and sentencing of Namibians for opposing South Africa's occupation of the international Territory of Namibia by courts having no legal jurisdiction in the Territory. It once again demands the unconditional release of Aaron Mushimba, Hendrik Shikongo and all other Namibian political prisoners.

(5) The Special Committee also strongly condemns the activities of all foreign corporations operating in Namibia under the illegal administration of South

3/ Ibid.

Africa which are exploiting the human and natural resources of the Territory, and demands that such exploitation cease forthwith. It reaffirms that the activities of those corporations are illegal.

(6) Given the facts of the massive military build-up by South Africa in Namibia, its increasing resort to force in order to perpetuate its illegal domination of the Territory, and its flagrant refusal to comply with the terms of Security Council resolution 385 (1976) of 30 January 1976, the Special Committee requests the Security Council to consider taking all appropriate measures under the Charter, including those provided for under Chapter VII, with a view to securing the speedy compliance by that Government with the decisions of the Security Council. In this connexion, the Special Committee is mindful not only that Namibia, as an international Territory, is a special responsibility of the United Nations which has a duty to do everything possible to terminate South Africa's illegal occupation, but also that the war being waged there by South Africa constitutes a threat to international peace and security.

(7) Taking these factors into account, the Special Committee calls upon all States to terminate and abstain from entering into, in the future, military arrangements of any kind which, directly or indirectly, involve collaboration with the South African régime in respect of Namibia. In particular, it calls upon all States to desist forthwith from the sale or supply of all arms and military matériel to South Africa, including civil aircraft, ships and other means of transport capable of being used for transporting military matériel and personnel, as well as supplies, equipment and material for the manufacture or maintenance of weapons and ammunition which South Africa uses to perpetuate its illegal racist occupation of Namibia. In this connexion, the Special Committee recommends to the Security Council that it declare mandatory the arms embargo against South Africa without any qualifications whatsoever.

(8) The Special Committee further calls upon all States to take effective measures to prevent the recruitment of mercenaries for service in Namibia or South Africa.

(9) The Special Committee reaffirms that the only political solution for Namibia must be one based on the free and unfettered exercise by all the Namibian people of their right to self-determination and independence within a united Namibia, in accordance with resolution 1514 (XV). To this end, the Special Committee reaffirms the need to hold free elections under the supervision and control of the United Nations in the whole of Namibia as one political entity. Furthermore, any negotiations leading to the independence of Namibia must be entered into by the South African régime with the South West Africa People's Organization, as the only authentic representative of the Namibian people, under the auspices of the United Nations. Such negotiations must be for the sole purpose of deciding the modalities of the transfer of power to the people of Namibia.

(10) Accordingly, the Special Committee categorically rejects and denounces all manoeuvres, such as the tribal talks, by which the South African régime may

seek to impose its will upon the Namibian people. The Special Committee strongly urges all States to refrain from according any recognition to, or co-operation with, any authority or régime which the South African régime may seek to install in Namibia by such means. Should the Government of South Africa seek to transfer any powers to such a puppet interim régime, the Special Committee is of the opinion that the General Assembly should meet in special session to determine what action may be required.

(11) The Special Committee reaffirms its continued support for, and solidarity with, the people of Namibia, led by their national liberation movement, the South West Africa People's Organization, in their courageous and unyielding struggle against the ruthless repression by the South African illegal régime. Now, more than ever, it is the clear responsibility of the international community to render all possible moral and material support and assistance to the Namibian people and their national liberation movement in the conduct of their legitimate struggle for freedom and independence and to deny to the South African régime any recognition or co-operation which may encourage it to continue its illegal occupation of Namibia in defiance of United Nations decisions.

(12) Mindful of the direct responsibility of the United Nations for Namibia and its people, the Special Committee appeals to all States Members of the United Nations which have not already done so to contribute to the United Nations Fund for Namibia and through it to the Institute for Namibia, in order that the latter may continue and expand the valuable work which it is doing in training Namibians in the skills needed for an independent Namibia. The Special Committee commends the example of those States which are already contributing to the Fund and the Institute and expresses the hope that they will increase their contribution.

(13) The Special Committee, conscious of the mandate of the United Nations Council for Namibia as the only legal authority for Namibia until independence, reaffirms its support for the activities of the Council and endorses the policies and programmes defined by the Council in co-operation with the South West Africa People's Organization to promote the cause of self-determination and independence of the Namibian people.

(14) The Special Committee decides to keep the situation and developments in the Territory under continuous review.

ANNEX*

WORKING PAPER PREPARED BY THE SECRETARIAT

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* Previously issued under the symbols A/AC.109/L.1138 and Add.1.

NAMIBIA

1. LAND AND PEOPLE

A. Geography

1. Namibia, formerly known as South West Africa, lies along the South Atlantic Ocean between the 17th and 29th parallels of south latitude. It is bound on the north by Angola and Zambia, on the east by Botswana and on the south-east and south by South Africa. An elongated piece of land in the north-east corner, the East Caprivi (also known as the Caprivi Strip), runs east as far as the juncture of Zambia and Southern Rhodesia.

2. The area of Namibia is approximately 824,296 square kilometres, including the Walvis Bay region (1,124 square kilometres) which, although formally part of South Africa, is geographically part of Namibia and has been administered by the South West Africa Administration a/ since 1922.

B. Population

3. According to the 1974 official estimates, the population of Namibia was 852,000, of whom 738,000 were classified as non-whites, 99,000 as whites and 15,000 as "others". As shown in table 1 A below, these estimates indicate a total population increase of 325,996 in the period 1960-1974, of which whites accounted for 25,536, and Ovambos, the largest of the non-white groups, for 156,637, or about 50 per cent. It may also be noted that between 1960 and 1974 the percentage of whites to the population as a whole actually decreased by over 2 per cent, from 14.0 to 11.6 per cent.

C. Land distribution

4. Since 1968, the South African Government, in accordance with the recommendations of the Odendaal Plan, b/ has sought to entrench apartheid, retain the African population as a reservoir of cheap labour and destroy the territorial integrity and national unity of Namibia by fragmenting it into separate areas for white and non-white occupation along the line of South African bantustans. Under the terms of this plan, whites, who form less than 12 per cent of the total

a/ The use of official titles or such terms as "ethnic group" (based on South African classifications), "homeland", "bantustan", "homeland government" etc without quotation marks does not in any way imply recognition by the United Nations of the status quo.

b/ For a summary of the recommendations of the Commission of Enquiry into South West African Affairs (the Odendaal Commission), see Official Records of the General Assembly, Nineteenth Session, Annexes, annex No. 8 (part 1), (A/5800/Rev.1), chap. IV, paras. 18 et seq.

population, are to receive 43 per cent of the total area, including the best agricultural land, most mineral deposits and the port of Walvis Bay. Non-whites, who outnumber whites by 8 to 1, are to be relegated to a total of 40 per cent of the least arable and least developed land, divided into 10 discontinuous homelands on an ethnic (tribal) basis. The remaining 17 per cent of the Territory, including all unsurveyed lands and the diamond areas on the south-west coast, is to revert to direct South African control.

5. The areas of land allocated to the 10 groups for which homelands are to be provided range from 5.9 million hectares (Hereros) to 155,400 hectares (Tswanas) (see table 1 B below). However, as pointed out in a study on Namibia published in 1974, c/ the fact that some areas are larger than others is not significant because the homelands are largely uninhabitable owing to low rainfall and unhealthy living conditions. All of the homelands would have to sustain a much larger population on the available arable land than the white area; only the land in Basterland would compare favourably in quality with that of most of the white area.

c/ Roger Murray and others, The Role of Foreign Firms in Namibia (Uppsala, Sweden, Africa Publications Trust, 1974).

Table 1

A. Namibia: ethnic distribution of population, 1960, 1970 and 1974

<u>Ethnic group</u>	<u>1960</u> (census)	<u>1970</u> (census)	<u>1974</u> (estimate)
Total	526 004	762 184	852 000
Whites	73 464	90 583	99 000
Non-whites	452 540	671 601	753 000
Ovambos	239 363	352 640	396 000
Damaras	44 353	66 291	75 000
Hereros	35 354	50 589	56 000
Kavangos	27 871	49 512	56 000
Namas	34 806	32 935	37 000
Coloureds	12 708	28 512	32 000
East Caprivians	15 840	25 580	29 000
Bushmen	11 762	22 830	26 000
Rehoboth Basters	11 257	16 649	19 000
Kaokovelders	9 234	6 567	7 000
Tswanas <u>a/</u>	9 992	4 407	5 000
Others <u>a/</u>	...	15 089	15 000

Sources: 1960 data from the 1960 population census; 1970 and 1974 data from the South West Africa Survey, 1974 (see Official Records of the Security Council, Thirty-first Year, Supplement for January, February and March 1976 (S/11948/Add.1)).

a/ Of the total classified as Tswanas in 1960, an unspecified number comprised extraterritorial migrant labourers or "others"; in 1970 and 1974, the numbers for Tswanas and "others" were given separately.

B. Allocation of land by ethnic group

<u>Ethnic group</u>	<u>Population</u> (1970)	<u>Area of homeland</u> (hectares)
Ovambos	352 640	5 600 000
Damaras	66 291	4 800 000
Hereros	50 589	5 900 000
Kavangos	49 512	4 200 000
Namas	32 935	2 200 000
East Caprivians	25 580	1 200 000
Bushmen	22 830	2 400 000
Rehoboth Basters	16 649	1 400 000
Kaokovelders	6 567	4 900 000
Tswanas	4 407	155 400
	Total	32 755 400

Sources: Population data from the South West Africa Survey, 1974, op. cit.; data on homeland areas from the report of the Odendaal Commission (see para. 4 above).

2. STRUGGLE FOR NATIONAL LIBERATION

6. The South West Africa People's Organization (SWAPO) was founded as a political organization in 1960 by Sam Nujoma, its present president, who is in exile, and Herman Ja Toivo, who has been in detention on Robben Island since 1968. In 1966, having been unable to achieve the liberation of the Territory by peaceful means, SWAPO began the armed struggle which has become the main form of resistance to illegal South African rule. Recognizing that only an organization supported by all classes of the population could succeed, the SWAPO leadership established branches in different parts of the country, especially in the industrial areas of Windhoek, Otjiwarongo, Tsumeb, Walvis Bay and Oranjemund. At present, SWAPO estimates that it has the support of 60 to 70 per cent of the Namibian people, although expression of this support is suppressed by South African authorities.

A. Political developments

Activities of SWAPO in the Territory

7. Despite persecution by South African authorities, SWAPO has continued to hold political meetings in the Territory, organize boycotts of homeland elections and mobilize opposition to the so-called constitutional conference (see paras. 57-89 below). At the end of May 1976, SWAPO held a three-day meeting at Walvis Bay to decide on a programme and steps to be taken to further the aims and objectives of the people. Following the meeting, the 100 delegates announced their decision to step up the campaign to win independence by peaceful means. They also reaffirmed SWAPO's decision not to participate in the so-called constitutional talks, challenged South Africa to hold a general election under international supervision and decided that foreign companies in Namibia should pay taxes to the United Nations Council for Namibia.

Meeting of the Central Committee

8. From 28 July to 1 August 1976, the Central Committee of SWAPO, which consists of members based both inside and outside Namibia, met at Lusaka and adopted a political programme setting out conditions for ending the military struggle, defining its present and future tasks and clarifying SWAPO policy on international affairs.

9. As stated in the programme, SWAPO is determined to continue and intensify the liberation struggle both politically and militarily until South Africa abandons its bantustan plan for Namibia, allows the Namibian people to proceed to genuine independence and meets six pre-conditions: (a) public acceptance of the right of the Namibian people to independence and national sovereignty; (b) public recognition that Namibian territorial integrity is absolute and non-negotiable; (c) release of all political prisoners, including Mr. Ja Toivo; (d) permission for all political exiles to return without fear of arrest or intimidation; (e) a commitment to remove its army and police from Namibia and to stop using the Territory as a base for aggression against neighbouring independent African

countries; and (f) agreement that any constitutional talks on Namibia must take place under United Nations supervision and should aim at the holding of free elections in Namibia under United Nations supervision and control.

10. The SWAPO programme gives priority to the immediate liberation of Namibia, by all possible means, and to the establishment of a popular democratic government. Once independence is attained, SWAPO would devote its efforts to the following goals: (a) realization of genuine and total independence in the spheres of politics, economy, defence and social and cultural affairs; (b) the mobilization and organization of the Namibian people to participate actively in the national liberation struggle; (c) the moulding of a national and political consciousness; (d) a campaign to combat tribalism, regionalism, ethnic orientation and racial discrimination; and (e) the unification of all the Namibian people into a vanguard party capable of safeguarding national independence and building a classless, non-exploitative society. SWAPO would also work in solidarity with other national and social liberation movements; sever all relations with South Africa until it established a democratic form of government based on majority rule; and support all efforts to realize unity on the African continent.

11. Under the heading "Policy on International Affairs", the programme expresses SWAPO's commitment to the cause of African and international, anti-imperialist solidarity. Specifically, SWAPO pledges itself to support and promote the ideals of African unity as provided for in the charter of the Organization of African Unity (OAU); to co-operate closely with all authentic liberation movements fighting remnants of colonial, neo-colonial and imperialist domination in Africa, and with progressive Governments, organizations and other forces for the total emancipation of the African continent; to combat reactionary manoeuvres from any quarter which are contrary to the total liberation of Namibia; and to foster anti-imperialist unity for the strengthening of socialist, progressive and peace-loving forces.

12. During the meeting, the Central Committee also amended the SWAPO draft constitution for an independent Namibia to reflect more closely the principles set out in the political programme. The new text specifies that SWAPO would exercise effective control over all means of production and distribution and pursue a policy to facilitate social ownership of all natural resources; work to unite all the people of Namibia into a cohesive, representative, national political entity; combat all reactionary tendencies of individualism, tribalism, racism, sexism and regionalism; and work towards the creation of a non-exploitative, non-oppressive, classless society.

Growing support for SWAPO inside the Territory

13. During 1976, developments in the Territory indicated that SWAPO was rapidly gaining further strength among the Namibian people as a whole. Between August and November 1976, SWAPO won the open support of nine other non-white political groups which had previously withheld their commitment, owing to fear of Ovambo domination and in order to preserve their own political identities.

14. Among the political organizations that disbanded during the year in order to join SWAPO were the Rehoboth Volkspartei; four Nama groups, numbering from 8,000 to 10,000 people and comprising a substantial part of the Nama population; the Namibian African Peoples' Democratic Organization (NAPDO) (mainly Damaras); and the Caprivi African National Union (CANU).

15. The growing support for SWAPO is viewed with considerable concern in South Africa. In particular, as pointed out in The Star (Johannesburg) of 6 November 1976, the move towards SWAPO by the "floating vote" (that portion of the population pledged to diverse parties and tribes) threatens to undermine the so-called constitutional conference (see below) and to turn it into a "nightmare". According to the article, the white leaders had hoped that the conference could be welded into a political union to outflank SWAPO and pre-empt its goals, but the dangerous ground swell of opposition has indicated that, to many non-whites, SWAPO appears to be the winning side.

16. In a statement welcoming the decision of the four Nama groups to join SWAPO, Daniel Tjongarero, Secretary for Publicity and Information in Namibia, said that the decision was proof of the people's growing mistrust of the so-called constitutional conference and its activities.

B. Armed struggle

17. During 1976, the People's Liberation Army of Namibia (PLAN), the military arm of SWAPO, continued to expand the armed struggle. Beginning in the spring, PLAN units, while continuing to intensify the struggle in the north, particularly in Ovamboland, were reported to have successfully opened new operational fronts in the Police Zone, which led to the mobilization of additional South African army units (see paras. 22-24 below). In May 1976, unofficial sources estimated that PLAN had from 6,000 to 8,000 troops available, of whom 800 were in Ovamboland where they were being aided by the civilian population in ever-growing numbers.

18. During the summer of 1976, Mr. Nujoma, President of SWAPO, said that the national liberation forces had scored several victories against South African forces, killed several hundred soldiers and seized a large quantity of military equipment. Mr. Nujoma reported that between 25 May and the end of June alone, PLAN forces had killed 76 South African soldiers, attacked enemy installations in the vicinity of Grootfontein, Okahandja, Windhoek, Ondangwe and Onuno, and brought down three enemy helicopters. Other SWAPO sources reported that during military operations in June and July, PLAN troops killed three South African officers and destroyed seven army trucks, one armoured personnel carrier and two other military vehicles. In a statement on 5 October, Mr. Nujoma said that PLAN forces "have liberated and almost control" areas in the north, north-east, east and north-central parts of the Territory.

19. Press reports indicate that, during 1976, SWAPO received pledges of continuing support from a number of African States, including Angola and Nigeria, as well as offers of military equipment from other countries. In statements

during the year, Mr. Nujoma welcomed political and diplomatic support as well as sophisticated armaments, but stressed that PLAN had sufficient manpower and would not require outside intervention.

20. On 6 August, Africa Confidential reported that the Government of Angola had emphasized its commitment to SWAPO's military offensive and that the movement was already receiving training and supplies from the armed forces of the Movimento Popular de Libertação de Angola (MPLA). It also reported that an increased flow of arms and ammunition would be channelled through the SWAPO offices in Luanda and Moçâmedes.

3. SOUTH AFRICAN POLICY OF REPRESSION

A. Militarization of the Territory

21. In order to suppress the growing armed struggle for national liberation, South Africa further strengthened its troop build-up in the Territory during 1976 and expanded the string of military bases along its northern border. In October The Times (London) estimated the number of South African troops stationed in the north of the Territory (the so-called border operational zone) at some 50,000 men. The repressive South African military complex also includes heavy military equipment (tanks and armoured cars), helicopters, sophisticated communications systems and air weapons and an early-warning satellite station. Paratroops and a mechanized brigade are reported to be stationed at Grootfontein, a motorized infantry brigade of 5,000 men at Okahandja, a police unit at Oshakati and reserves at Ombalantu.

22. South Africa has attempted to conceal the extent of the armed conflict and of its own military presence in the Territory by prohibiting the Namibian and South African press from publishing unauthorized reports concerning defence matters. In June 1976, following the penetration of the Police Zone by SWAPO units, P. W. Botha, the South African Minister of Defence, censored an article in The Windhoek Advertiser, which would have revealed details of troop reinforcements in the Territory, and tried to impound an edition of a German-language newspaper which had published a similar report. Subsequently, both papers were refused access to official military communiqués for several months.

23. Despite South Africa's efforts to conceal the situation, reports in the international press confirm that the struggle is not only spreading but is also imposing strains on South Africa's resources. In July 1976, for example, The Times (London) said that although "recent cryptic communiqués issued by Pretoria" had given few facts, it was clear from the casualty figures released that the war had intensified considerably in recent months and that there were few people in South Africa who did not believe that their troops were very actively involved in a fierce campaign against SWAPO. According to the report, South Africa claimed that its forces had killed 18 freedom fighters between May and early June and 26 between 10 and 30 June. Subsequently, The Times reported that reservists were being called up for longer periods of service, increasing the drain on the country's resources.

24. On 22 November, the South African Minister of Defence said that unless all able-bodied male citizens who were not actually serving in the Defence Force or in the reserves enrolled as volunteers, particularly in the commandos, the period of compulsory service might be extended from one year to 18 months or even two years.

B. Imposition of martial law and creation of a no-man's land

25. In May 1976, the state of emergency (Emergency Proclamation No. R.17), which had existed in Ovamboland since February 1972, was extended to Kavangoland and

East Caprivi. The northern third of the Territory was declared a security district, bringing 376,000 Africans, or 55.5 per cent of the non-white population, under martial law. The emergency regulations, among other things: (a) make any African liable to arbitrary arrest and interrogation and to indefinite detention without trial; (b) ban all public meetings and boycotts; (c) empower the security forces to remove permanently an entire community from a given area and to take punitive action against anyone refusing to comply; (d) authorize the South African Minister of Bantu Administration and Development and of Education to seal off any area in order that it may be systematically searched; and (e) define failure to report the presence of insurgents as a criminal offence, punishable by arrest without a warrant and indefinite detention without trial or access to legal counsel. Africans tried and convicted for failure to report are liable to a fine of R 600, d/ three years' imprisonment or both.

26. The emergency regulations also contain certain restrictive provisions applicable only to Ovamboland: (a) no person may leave the homeland unless he is in possession of a permit signed by a native commissioner or is an employee of either the South African, territorial or Ovamboland Governments; (b) non-residents may not enter Ovamboland without authorization; and (c) all chiefs, headmen and other adults must report the presence of any strangers to a native commissioner or the police. According to The Windhoek Advertiser of 19 May 1976, the injunction against the return of non-residents is intended to prevent the repatriation of Ovambos who have crossed the border into Angola since 1974, in some cases to join PLAN.

27. An editorial in The Star (Johannesburg) of 22 May described the state of emergency regulations as "Draconian", and commented that their enactment was an admission by South Africa of its failure to win the hearts and minds of the Namibian people.

28. In May 1976, South Africa also authorized security forces to begin depopulating and devastating a 1-kilometre wide zone (18 metres of which is being totally denuded of vegetation) along the entire 1,600-kilometre border between Namibia and Angola in order to create a free-fire zone. Clearance of the area was reported to involve the forcible removal of up to 50,000 Africans. Under the regulations, any African who violates the boundaries of the cleared strip may be shot on sight by the security forces, and movement across the border is restricted to a civilian checkpoint at Oshikango, and a crossing at Ruacana-Calueque for workers at the Cunene hydroelectric plant.

29. In October 1976, faced with the failure of the above measures to deter PLAN, the South African Government announced that it planned to erect a security fence 2.6 metres high and 420 kilometres long, stretching from Ruacana to the Kavangoland border along the southern boundary of the cleared area.

d/ One rand (R 1.00) equals approximately \$US 1.15.

C. Reports of brutal treatment and torture of
civilian population

30. Since the spring of 1976, there have been reports from various sources, including former South African soldiers, that the clearing of the free-fire zone has been accompanied by widespread and indiscriminate torture of the civilian population.

31. At its 237th plenary meeting, on 27 September 1976, the United Nations Council for Namibia heard a statement by Bill Anderson, a former member of the South African Defence Force, describing South Africa's brutality in northern Namibia (A/AC.131/SR.237). Mr. Anderson's statement concerned a major security sweep, known as "Operation Cobra", in the cleared area in June 1976, during which extreme forms of torture and cruelty had been employed by South African troops with the knowledge and consent of their superior officers.

32. Mr. Anderson reported that a total of five battalions including helicopters and paratroopers, had been involved in the operation. His own battalion had swept 100 square kilometres and had brought in 1,000 men, about 40 of whom were eventually charged under the Terrorism Act of 1967. All of the arrested men, including some boys of 13 years of age, had been beaten, tortured and interrogated without exception at battalion headquarters and then taken to Ondangwa, in north-western Ovamboland, which had been designated as the military centre for north-western operations. Mr. Anderson said that at least 90 per cent of the troops in his battalion had co-operated and had taken part in beatings and that he had regularly seen beatings with fists, boots and rifles, as well as the inflicting of burns with cigarettes.

33. Information concerning torture has also been received from other sources. In an article on 31 August, The Guardian (Manchester), quoted another national serviceman who said that he had been involved in an offensive, code-named "Eagle-Op", which had included helicopter sweeps on kraals in Ovamboland to check that inhabitants had identity cards. He charged that those Ovambos who could not produce documents had been arrested and sent to the military camp at Oshakati, which included a detention centre where torture was used to extract information.

34. SWAPO has also issued reports of torture and crimes against Namibians. In September 1976, The Namibia News, a monthly publication issued by SWAPO, reported that since early 1976, South African troops in the north of Namibia had been raping Namibian women and making widespread arbitrary arrests. Those detained were being placed in military camps where they were forced to live in primitive conditions and were subjected to torture. South African forces had also indiscriminately shot, killed or abducted Namibian civilians, including children, and had regularly stolen cattle, produce and money from villagers.

D. Arrest and imprisonment of nationalists

Arrests under the Terrorism Act during 1976

35. Among South Africa's principal means of maintaining control over the Namibian people is the continued persecution of dissenters under various repressive acts,

particularly the Terrorism Act of 1967. This Act empowers any high-ranking police officer to arrest any person suspected of being or having aided a terrorist (as classified under the Act) or having withheld information about so-called terrorist activities. The Act also provides that once charged, a detainee may be automatically found guilty and sentenced to death unless he can prove himself innocent of intent.

36. No information is available as to the total number of Namibians who have been detained under the Terrorism Act since 1967 and never brought to trial. According to SWAPO, more than 40 of its leaders are serving life sentences on Robben Island under the Act; others are either in prison or under house arrest.

37. In April 1976, three men and three women who had been arrested in 1975 and placed in solitary confinement were brought to trial under the Terrorism Act. Of the six, one was accused of having knowingly provided transportation to the assassin of Chief Filemon Elifas, Chief Minister of Ovamboland, on 16 August 1975, who has never been identified, and the others were accused of having given financial or material aid - in three cases R 10 - to persons whose intentions were alleged to be the violent overthrow of the South African administration in Namibia.

38. On 12 May, after a summary trial, during which a member of the South African Defence Force testified for the State with respect to PLAN's military activities, two of the men (Aaron Mushimba and Hendrik Shikongo), both active SWAPO members, were sentenced to death by hanging and two of the women were sentenced to five and seven years' imprisonment respectively. Victor Nkandi and Axel Jackson Johannes, also members of SWAPO, were sentenced to one year's imprisonment for refusing to testify against the accused. In sentencing the two men, the presiding judge said that although neither had had any previous convictions, their ideology had led to acts of "terrorism" that could not be allowed to continue.

39. After the close of the trial, it was revealed that the state-appointed lawyers for the defence had given confidential information received from the accused to the security police. In July 1976, on the basis of those irregularities, the Appellate Division of the Supreme Court reversed the decision of the lower court to deny a request for appeal and ruled that Messrs. Mushimba and Shikongo could appeal both their conviction and sentence to the Appellate Division in Bloemfontein.

40. On 21 May 1976, 10 Namibians were charged at Windhoek for having allegedly participated, directly or indirectly, in the killing of four white civilians and an African policeman. The accused were originally remanded for trial until 25 June, but by the end of the year had not appeared in court. In September 1976, it was reported by one source that the site of the trial had been moved to Keetmanshoop, about 480 kilometres south-west of Windhoek, in what appeared to be a deliberate tactic by South Africa to make it difficult for the defendants to organize their case or to receive visits from their families and lawyers.

41. On 24 May, police reported that 10 more Africans had been arrested at Windhoek on unspecified charges. No further information is available on this matter.

Internal Security Amendment Act, 1976

42. In June 1976, new security legislation, known as the Internal Security Amendment Act, was enacted by the South African Parliament and illegally applied to Namibia. The Act has been denounced as making South Africa, and, by extension, Namibia, a police State.

43. The Internal Security Amendment Act amends the Suppression of Communism Act, 1950, e/ to give the South African Minister of Justice unlimited power to detain indefinitely anyone suspected by him of "endangering State security or the maintenance of public order". Under the original Act, the Minister's power in this respect had been restricted to holding those suspected of supporting communism, which it defined as including any doctrine aimed, inter alia, at bringing about political and social change through disorder, unlawful acts or threats.

44. Specifically, the Internal Security Amendment Act empowers the Minister of Justice to detain an individual for at least three months without revealing his name or the fact of his arrest and to keep him in custody for at least one year without charges, bail, trial or legal counsel. As the Act specifies that the one-year period of detention is subject to renewal, a detainee may be imprisoned indefinitely without being informed of the charges against him or being allowed to face his accuser.

45. The Act provides that no later than two months after its commencement, each detention is to be reviewed in secret by a three-member committee, which may recommend the release of the detainee. The Act exempts the Minister of Justice, however, from giving effect to recommendations for the release of a detainee, or from giving any reason for his lack of compliance, and stipulates that no court has any jurisdiction with regard to the release on bail of a detainee or to any other aspect of his detention.

46. Other provisions of the Act empower the Minister of Justice to detain any witness for up to six months "whenever he deems it to be in the interests of such person or of the administration of justice" and to ban any organization or publication expressing opposition to government policies. The provisions also amend the Terrorism Act of 1967, to delete sections relating to release on bail. The Act also extends to Namibia the Riotous Assemblies Act, 1956, which enables the Government to ban any assembly or gathering which the police consider would constitute a threat to state security.

e/ Under the new Act, the Suppression of Communism Act has been retitled the Internal Security Act, 1950.

4. POLICY OF FRAGMENTATION

A. Background

47. As noted above, in 1968, the South African Government, in accordance with the recommendation of the Odendaal Commission, began the fragmentation of the Territory into tribal homelands. As in South Africa, the net effect of the policy is to deprive Africans of political rights and to confine them to sterile, undeveloped and, in many cases, undevelopable areas from which they are forced to migrate as temporary labourers in order to earn a cash income. An equally important effect of this policy has been the creation of a group of homeland officials who tend to support the South African Government.

48. Under its Development of Self-Government for Native Nations Act, 1968, as amended, South Africa has created 3 of the 10 homelands proposed for the Territory and has given them the status of so-called self-governing Native nations under the names of Ovambo (1973), Kavango (1973) and Caprivi (1976). Under the terms of the Act, self-governing Native nations differ from homelands in that their Governments include elected as well as appointed members and may adopt enactments which theoretically have the force of law.

49. Each of the homeland Governments comprises a legislative council and a cabinet composed of a chief minister elected from among the members of the legislative council. The chief minister appoints the other members of the cabinet. These Governments are assigned limited legislative responsibilities by the State President of South Africa, who has the ultimate power to legislate for the homelands by proclamation and to repeal or amend any enactment of the legislative councils. By law, the scope of the functions of the legislative councils is confined to 22 scheduled matters, including education, administration of civil and criminal justice according to tribal and customary law, farming and agriculture, industry, taxation and the administration of revenue funds. Defence and police matters continue to be controlled by South Africa.

B. Intensification of the policy of fragmentation during 1976

50. During the period under review, the South African Government took steps towards the establishment of three additional homelands (Bushmanland, Namaland and Basterland); held the first elections in East Caprivi; and further consolidated the separation of Ovamboland and Kavangoland.

Application of the policy of fragmentation to Bushmanland and Namaland

51. The South African Government authorized the establishment of a Nama Advisory Council in May 1976 and a Bushman Advisory Board in October. f/ The advisory bodies

f/ No information is available concerning the difference, in South African terms, between a board and a council.

are the first quasi-governmental structures established in either of the proposed homelands and are widely considered to foreshadow the further fragmentation of the Territory. As noted in The Guardian (Manchester) of 15 August 1976, Hennie H. Smit, South African Minister of Coloured, Rehoboth and Nama Affairs, gave support to this view at the opening of the new Nama Advisory Council by stressing the need of each "nation" for its own fatherland.

52. No information is available about the powers granted to the Nama Advisory Council, which consists entirely of appointed members. The Bushman Advisory Board, which will have from 10 to 20 elected members, has been authorized to make representations to the South African Minister of Bantu Administration and Development and of Education "with regard to any matter affecting the material, spiritual, moral and social welfare of the Bushman nation".

53. Also in May 1976, the South African Government authorized the establishment of tribal authorities and village management boards in Namaland and published regulations for the establishment of a Namaland employment bureau to recruit Namas for work in the Police Zone. According to The Financial Mail, a liberal South African journal, the employment bureau will serve the function of further entrenching the migrant labour, pass and influx control systems.

Elections in the Rehoboth Gebiet

54. Although the formation of a Baster homeland has been strongly opposed by a large segment of the Baster population, g/ in May 1976, the South African Government announced that it had completed plans to hold elections in the Rehoboth Gebiet, which is scheduled to receive limited self-government in 1978 under the name of Basterland. According to South African sources, elections for a kaptein, or chief counsellor, are to be held in June 1977 and elections for a legislative council are to be held in September.

Elections in East Caprivi

55. In July 1976, elections were held for 12 members of the Legislative Council in East Caprivi. According to South African officials, 83 per cent of the registered voters cast ballots. As pointed out by SWAPO, however, homeland elections are always carried out in the presence of members of the South African police and army. The homeland cabinet, headed by a chief minister, was nominated on 22 September, and holds portfolios on finance, justice, health, works, education and agriculture and forestry.

Ovamboland

56. In 1976, as part of its plan to consolidate the fragmentation of Namibia, the South African Government granted two further areas of legislative competence (health and road and motor transport) to the Ovamboland Legislative Assembly and created separate development corporations in Ovamboland and Kavangoland (see para. 140 below).

g/ Official Records of the General Assembly, Thirtieth Session, Supplement No. 23 (A/10023/Rev.1), vol. II, chap. X, annex, paras. 58-64.

5. FUTURE STATUS OF NAMIBIA

A. Developments relating to the so-called constitutional conference during 1976

57. During 1976, South Africa sought to mislead world public opinion by stressing the importance of the so-called constitutional conference as a step in determining the future of the Territory. h/ In general, South Africa's policy has been to persuade the international community that the delegates to the conference are representative of the Namibian people as a whole; that their decisions with respect to the Territory's constitutional status truly represent the views of the people; and that the Territory would become independent if the various population groups so decide.

58. From the outset, the United Nations and OAU have denounced the conference as a manoeuvre by South Africa to fragment the Territory, perpetuate white minority rule and maintain control over the country. The United Nations and OAU have also denounced the exclusion from the conference of representatives of SWAPO and other political parties known to oppose the homelands policy.

59. As will be discussed below, available information indicates that both the white minority in Namibia and the South African Government have actively manipulated and controlled the non-white delegates to the conference to ensure that the conference arrives at decisions that will enable South Africa to maintain control over the Territory, while giving the impression that it has agreed to grant the Territory independence. These actions are in open violation of South Africa's assurances to the United Nations that it was for the people of the Territory to determine their own political and constitutional future.

Control of the conference by the white delegates

60. Although the conference numbers 136 participants, the three-member white delegation, all members of the National Party of South West Africa, which forms part of the South African governing party, has exercised effective control of the conference by preventing the adoption of decisions which would lead to the establishment of a unitary State with an effective black majority in the central Government. According to the Namibian press, the white delegation, headed by A. H. du Plessis, leader of the National Party of South West Africa, and Eben van Zijl, both described as conservatives to whom the idea of multiracial rule is an anathema, has been able to dominate the conference by virtue of a "subtle veto power" firmly entrenched in the conference proceedings and because of the white-initiated, tacit understanding that all decisions had to be reached by consensus.

h/ For details on the composition of the constitutional conference and on its previous decisions see Official Records of the General Assembly, Thirty-first Session, Supplement No. 23 (A/31/23/Rev.1), vol. II, chap. IX, annex, paras. 31-56.

61. During the year, the conference was marked by continuing dissension between the white delegation and the non-white delegates, many of whom threatened on several occasions to withdraw permanently from the meeting unless more rapid progress was made towards the establishment of a multiracial interim Government and the creation of a unitary State. Walkouts were only averted by the tactics of Dirk Mudge, a member of the white delegation who assumed a more moderate posture than either of the delegations' leaders and voiced support for black aspirations. Despite speculation during the year that Mr. Mudge, with the support of Prime Minister B. J. Vorster, might officially break with the National Party of South West Africa and form his own multiracial party to challenge Mr. du Plessis, Mr. Mudge not only remained with the National Party but also lent his support to proposals that would effectively perpetuate white minority rule.

62. Nevertheless, despite the manipulatory tactics of the white delegation, growing non-white militancy and unity prevented the adoption of any final constitutional proposals for submission to Prime Minister Vorster (see below).

Activities of the conference

63. The constitutional conference held its last plenary session in June 1976, at which time it authorized its 44-member constitutional committee, headed by Mr. Mudge, to draw up a draft constitution "within the shortest possible time".

64. On 18 August, the constitutional committee issued a statement setting 31 December 1978 as the target date for the Territory's independence and providing for the formation of an interim Government as soon as agreement had been reached on a constitution and negotiations had been completed with South Africa on matters of mutual interest (Walvis Bay, the control of South Africa Railways, water and electricity supplies and monetary and financial arrangements). According to the statement, the interim Government would "manage" the transfer of functions and establish a permanent Government in which, particularly in the central body, provision would be made for the adequate protection of minority groups. The committee also reaffirmed the interdependence of the various population groups, reiterated its firm desire to maintain "South West Africa" as a unit and rejected any attempts to solve Namibia's problems by violence. In this connexion, the committee appealed to all civilized nations to "oppose with all the strength at their disposal any attempt to solve our problems by force".

65. The statement failed to meet the demands of the United Nations and contained no concrete proposals. According to press reports, the timing of the statement suggested that it had been issued at the urging of South Africa, in an effort to give the impression that progress was being made prior to the expiration of the 31 August 1976 deadline, set by the Security Council in its resolution 385 (1976) of 30 January 1976, for South Africa to declare its intention to hold free elections in the Territory under United Nations supervision and control.

66. In a statement issued on 18 August, the United Nations Council for Namibia pointed out the short-comings of the proposals. i/ Describing the proposals as

i/ Official Records of the General Assembly, Thirty-first Session, Supplement No. 24 (A/31/24), vol. I, para. 270 (4).

the latest ill-conceived strategem of the South African Government, the Council noted that they did not approach any of the requirements for genuine self-determination and independence laid down by the United Nations and were totally lacking in legitimacy. The Council also pointed out that, among other omissions, the proposals made no mention of the elimination of apartheid legislation, were silent about free elections under United Nations supervision and control and totally ignored SWAPO, which had been recognized by OAU and the United Nations as the authentic representative of the Namibian people. The Council further noted that the reference to "unity" was couched in ambiguous terms without specifically recognizing the territorial integrity of Namibia as a unitary State.

67. Reports in the Namibian press indicated that the statement of the constitutional committee had also failed to obtain the approval of several non-white delegations. According to these reports, the Herero, Coloured, Damara and Tswana delegations had previously submitted recommendations to the effect that the statement should: (a) expressly stipulate that the interim Government should be multiracial and that it should be established by 1 January 1977; (b) accept Namibian territorial integrity and the concept of a unitary State; and (c) contain an offer to hold talks with SWAPO on the composition of an interim Government. The recommendations had not been adopted owing to the opposition of Mr. du Plessis.

68. In mid-September, following further dissension between the white and non-white participants, The Windhoek Advertiser reported that the constitutional committee, under the guidance of Mr. van Zijl and Mr. du Plessis, had agreed to the establishment of a three-tier Government.

69. According to various reports the first, or national level, comprising representatives of all ethnic groups, would deal with problems of general concern; the second, or local level, comprising 11 legislatures whose members would be elected by the respective ethnic groups, would be responsible for matters affecting each group individually; and the third, or municipal level, would be elected by the residents of the towns.

70. Following the announcement of the decision in principle to establish a three-tier Government, there were reports of growing controversy among the delegates, particularly regarding the division of functions between the first and second tier, and of the possibility of a crisis developing, leading to a walkout of the non-white delegates.

71. Commenting on the crisis, an article in The Financial Times (London) of 9 November 1976 noted that the non-white delegates had clearly hoped that the powers of the regional assemblies would be confined to education, roads, health and tourism and that decision-making policies affecting the national economy, the division of wealth and its equitable redistribution would be entrusted to the

central Government. The whites, however, in order to maintain the status quo in which they (and foreign interests) monopolized more than 90 per cent of established and potential means of production, intended to ensure that the central Government would be no more than a figurehead.

72. It was reported that, in addition, whites and non-whites were divided over the questions concerning the third level of government and of property rights for non-whites. Non-whites were insisting that they should be allowed to buy land in any area and that there should be a single municipal council for each urban area, while the whites were pressing for restriction of the right of non-whites to buy land and for the establishment of separate municipal councils for white, Coloured and African towns, which would in effect entrench apartheid.

Efforts by South Africa to manipulate the conference

73. Despite its efforts to persuade world public opinion that the constitutional conference would be free to decide upon the future of the Territory, press reports indicate that South Africa, in fact, largely controls the conference through the white delegation. In addition, South Africa has appointed so-called legal advisers to the Damara, Tswana, Coloured, Ovambo, East Caprivi and Nama delegations, who, according to various sources, including The Windhoek Advertiser of 5 January 1977, are South African citizens paid directly by the South African Government. These advisers, it may be noted, were appointed following the decision of the conference to admit Stewart Schwartz, a United States constitutional lawyer, as an adviser to Herero Chief Clemens Kapuuo, leader of the Herero delegation. During the early part of the conference, Mr. Schwartz was accused of being an agent of the United States Central Intelligence Agency (CIA) and of collaborating with the South African Government.

74. In November 1976, because of the deadlock, the 44 members of the constitutional committee asked for a meeting with Prime Minister Vorster. According to one source, non-white delegates had hoped that Mr. Vorster would undertake to persuade the whites to take a more flexible position with regard to the structure of a three-tier Government.

75. During the meeting, Prime Minister Vorster told the delegates that in view of the fact that South Africa was under strong international pressure to be seen as divesting itself of the Territory, he wanted the conference to "stop dragging its feet" and to form an interim Government as soon as possible. He was also reported to have warned the delegates that if the delays continued, South Africa itself might impose a constitution on the Territory. Mr. Vorster added that once proposals for an interim Government had been submitted, he would take immediate steps to put the Territory on the road to independence.

76. In early December, the constitutional committee unanimously adopted a resolution calling for the rapid establishment of an interim Government and ordered the legal advisers to draw up constitutional proposals based on a three-tier Government before the plenary reconvened on 18 January 1977. In defiance of United Nations resolutions, the committee formally requested South Africa to maintain its army and police in the Territory until a sovereign

Government could be established, thereby ensuring that South Africa would be able physically to control the Territory and continue its repression of the African population.

Reactions to the conference

(a) Condemnation by SWAPO

77 During 1976, SWAPO continued to condemn the so-called constitutional conference as a South African manoeuvre to deceive the international community and rejected its successive recommendations as further evidence of South Africa's intention to fragment the Territory and deny the Namibian people their right to self-determination.

78. Following the announcement of the constitutional committee on 18 August (see para. 64 above), statements by SWAPO leaders reflected the organization's total opposition to the appointment of an interim Government and its determination to continue the national liberation struggle until genuine independence had been achieved.

79. On 18 August, Pastor Festus Naholo, Secretary for Foreign Affairs of SWAPO, said that SWAPO totally rejected everything that had emerged from the talks because the decisions did not represent the wishes and desires of all the people of the Territory; furthermore, the establishment of the so-called interim Government was only intended to reduce the pressures on South Africa. He said that the conference delegates were merely supporting apartheid and he called on black African States and the international community to condemn the decision of South Africa through its puppets.

80. In another statement, Mr. Tjongarero, Secretary for Publicity and Information of SWAPO in Namibia, said that the idea of an interim Government was motivated not only by a desire to ease the mounting pressure on South Africa, but also by an attempt to fool the outside world into satisfaction. He noted that adding a few "stooges" to an already "rotten system", such as the proposed interim Government, did not make the system acceptable, but only corrupted those so added.

81. Following the meeting between Prime Minister Vorster and the constitutional committee (see paras. 74 and 75 above), Peter Katjavivi, Secretary for Publicity and Information for SWAPO, said that if South Africa imposed an interim Government, SWAPO reserved the right to call in military support from friendly countries.

(b) Protests by delegates to the conference

82. Despite the control exercised by South Africa, non-white delegates have continued to register their dissatisfaction with the position of the white delegation and have expressed their awareness that the conference is being used to subvert their goals.

83. An indication of the attitude of non-white delegates may be gathered from statements quoted in the press. On 15 August 1976, for instance, The Guardian (Manchester) quoted a Coloured delegate as saying that non-whites were being driven into a corner and that they would be presented with a fait accompli of separate development and told that a multi-ethnic federation was the only option. Subsequently, another source quoted A. J. F. Kloppers, leader of the Coloured delegation, as saying that the white delegation still had a master-servant attitude and that the whole conference was on an unequal basis. Mr. Kloppers added that whites "fight from a power base and we /non-whites/ have no base at all. The power is with the all-white legislative assembly here and the all-white South African Government, and we have no say at all".

84. As late as the end of November 1976, shortly before it was announced that the constitutional committee had unanimously agreed to the use of the legal advisers to resolve the differences between whites and non-whites relating to the establishment of a three-tier Government (see paras. 68 and 69 above), a report in The Windhoek Advertiser said that delegates to the conference had again threatened to walk out unless whites agreed to their demands, especially with regard to the right to buy land anywhere in the Territory.

85. The support for SWAPO demonstrated by previously non-committed political parties (see paras. 13-16 above) has been another indication of widespread dissatisfaction with the so-called constitutional conference.

86. Statements by leaders of these parties indicated that they had decided to join SWAPO because they felt the need for national unity and recognized that SWAPO was the only organization capable of unifying diverse elements. The chairman of NAPDO explained that his party had decided that only SWAPO, as a national liberation movement and the vanguard of the people, could unite the Namibian people to oust South Africa. The leader of the Rehoboth Volkspartei said that his organization had become aware of the need for parties with similar policies but differing only in name to work together for the liberation of Namibia as a whole, and had dissolved itself and joined SWAPO in order to set an example for other parties.

(c) Views of the white community

87. Available information indicates that the white community is divided on the question of the Territory's future constitutional status. According to a report in The New Statesman of 3 September 1976, for instance, the 30,000-member German community, which dominates farming and the retail trade, has become increasingly critical of the political monopoly exercised by the National Party at the conference. Members of that community have urged the white delegation to adopt a more moderate position and to work out a constitutional settlement which would provide for a national Government that would meet the demands of the United Nations and SWAPO, while not, however, seriously challenging the economic status quo.

88. Editorials in The Windhoek Advertiser have also consistently attacked the position of the white delegates to the conference and deplored the decisions taken

by the conference as a refinement of the bantustan policy, which would result in violence. In an editorial on 12 November, the newspaper described the proposals for a three-tier Government based on a federation of ethnic states as a "corpse with a facelift", and said that the plan had enhanced the spectre of political disorder, bloodshed and even death. The editorial warned "Southwesters" to prepare themselves for a hard time ahead because the perpetuation of apartheid was destined to trigger the powder keg.

89. Other reports indicate, however, that the moderates are a small minority of the white population and that 70 per cent of the whites support the National Party.

B. Efforts by the United States of America to
promote a peaceful settlement

90. During 1976, the United States initiated diplomatic moves to bring about a constitutional settlement in Namibia based on majority rule. According to press reports, the United States initiative was prompted by a desire to avoid an escalation of armed conflict in southern Africa, which might lead to the intervention of non-African Powers (as in the case of Angola) and in turn result in the alienation of Namibia from the West. An article in The New York Times of 2 September 1976 noted that the United States would consider such alienation disastrous not only politically, but also economically and strategically.

91. United States initiatives with respect to Namibia were foreshadowed in a statement by Henry Kissinger, then United States Secretary of State, at Lusaka on 27 April 1976. At that time, Mr. Kissinger said that his Government was convinced that a solution could be found which would embody equal rights for the entire population of Namibia and at the same time protect the interests of all who lived and worked there. To achieve that goal, Mr. Kissinger called on the South African Government to permit all the people and groups in Namibia to express their views on their political future freely and under United Nations supervision and urged South Africa to announce a definite time-table for the achievement of self-determination. He also said that the United States was prepared to work with the international community, especially with African leaders, to determine which steps would improve the prospects for a rapid transition to independence and that, once concrete movement was under way, the United States would be ready to provide the Territory with economic and technical assistance.

92. In an attempt to find a peaceful solution, Mr. Kissinger met with Mr. Vorster in June and in September. According to press reports, Mr. Kissinger's objective was to persuade South Africa to negotiate with SWAPO and to hold free elections under United Nations supervision. Following the second meeting, it was reported that, although South Africa had agreed to attend talks with SWAPO at Geneva, it would do so only in an observer capacity. South Africa had also refused to release political prisoners prior to the proposed conference. SWAPO, on the other hand, demanded that any talks on the Territory's future should be directly between its representatives and those of South Africa and should deal only with the transfer of power. SWAPO also insisted that South Africa must agree to withdraw its troops from the Territory and to release all political prisoners prior to the start of a conference.

93. After a meeting with Mr. Nujoma, President of SWAPO, at New York on 29 September, Mr. Kissinger reportedly announced that progress had been made and that the United States was operating on the assumption that a meeting at Geneva would eventually emerge. Mr. Nujoma, however, was reported as saying that Mr. Kissinger's efforts had yielded "no progress at all" and that his talks with Mr. Vorster had been "completely negative". Mr. Nujoma warned that SWAPO would intensify guerrilla operations unless negotiations led to a peaceful transfer to majority rule. He said that SWAPO was ready to enter into constitutional negotiations at Geneva provided its conditions were met.

94. As at the end of 1976, no progress had been made in arranging talks between the representatives of South Africa and SWAPO.

C. Efforts by South Africa to establish
an interim Government

95. In early 1977, press reports indicated that South Africa was increasingly anxious to have the so-called constitutional conference adopt final constitutional proposals as soon as possible and to install an interim Government by mid-1977. An article in The Financial Times of 18 January pointed out that the need for the conference to reach a positive result was becoming increasingly urgent, in view of the failure of United States efforts to arrange genuine constitutional talks with SWAPO participation (see paras. 90-93 above). According to the article, Mr. Vorster appeared to be relying on the Turnhalle to enable him to outmanoeuvre both the United Nations and OAU and thus SWAPO. It suggested that if Mr. Vorster could persuade the participants to agree to a "suitably attractive, and ostensibly multiracial, independence package", which would provide for a form of elections in the Territory, he hoped "simultaneously to nullify the popular support of SWAPO and its guerrillas and win international backing for the end product".

96. In January 1977, it was reported that South Africa, through the National Party, had put forward its own proposals for the future constitution of Namibia and would apply its influence to ensure their acceptance.

97. The proposals issued by the National Party recommended that the Territory should become a Western-style democratic State to be known as "the Republic of South West Africa" with a three-tier Government, which would retain the present system of separate local governments on an ethnic basis. Although the proposals include a bill of rights intended to prohibit discrimination "based on origin, sex, language, race, faith or political conviction", non-whites would continue to be barred from owning or occupying land in white areas. According to a report in The Christian Science Monitor, the proposals also contain a stipulation that "Marxist-Leninist" parties should not be allowed to participate in any election (another report said that Marxist-Leninist parties would be banned). Commenting on this stipulation, The Christian Science Monitor said that "the South African solution would effectively eliminate SWAPO from any part in the new government".

98. The National Party's proposals as reported in The Windhoek Advertiser are summarized below.

First-tier (central Government)

99. The first-tier, or central Government, would comprise, as the executive branch, a president and a council of ministers.

100. The president would also be the chairman of the council of ministers and would be nominated annually from that body on a rotating basis. The members of the council of ministers would be elected, one by each ethnic group; thus a representative of each ethnic group would have the opportunity to hold the office of president and chairman of the council for one year. All decisions of the council would be taken by consensus.

101. The president and the council of ministers would have responsibility for "most of the important and effective powers". These would include foreign affairs, defence, national transportation and communications, higher education, water and power, mines, national resources and revenues derived from their exportation, finance and police and high courts.

102. The central Government would also include a 55-member national assembly, composed of 5 members from each ethnic group. These members would be appointed by an electoral college composed of members of the second-tier governments. The proposals envisage that the assembly would meet at least once a year, but it is not clear from press reports what its legislative functions would be.

Second-tier (ethnic groups)

103. The second-tier would comprise separate governments for each ethnic group. These governments would be responsible within their own areas for agriculture and forestry, agricultural credit and land tenure, social welfare, pensions, community development, education, finance (on the secondary level), mining rights and public works, and would have the authority to grant loans. It appears that the territorial authorities which have already been established for the whites, Basters, Bushmen, East Caprivians, Kavangos, Namas and Ovambos, would be retained as second-tier governments for those groups; in the case of the Damaras, Tswanas and Hereros, who have no territorial authorities, new bodies would be created.

Third-tier (municipal level)

104. The proposals envisage the maintenance of the present separate white, African and coloured towns. Each town would have its own town council, elected by those having voting rights in the area of its jurisdiction. The franchise would be determined in separate legislation and there would be "no discrimination on the basis of race, colour, sex or creed". Nevertheless, since the present towns are formed on racial lines, the proposals would perpetuate apartheid at this level also. For towns bordering one another, an umbrella organization is to be established to co-ordinate matters with special reference to planning, and presumably to deal with interracial problems.

Property rights

105. The proposals envisage the determination of a basis on which "all citizens will be entitled to enjoy property rights and to have the right to occupy premises in any town". However, the procuring of property rights in a specific town would be subject to the rules of the town council and the second-tier Government.

106. In the proposals, it is stated that "established rights" in existing towns must be recognized and protected; financial loss must be prevented; the interests of the minority groups must be protected; and "undesirable social conditions" and "a lowering of social standards" must be prevented. Furthermore "no one will be entitled to obtain rights, or the right to occupy a premise in a municipal area which is governed in terms of traditional customs". According to The Windhoek Advertiser, "this means that a black man would not be entitled to buy a house in a 'traditional' white area".

Bill of rights

107. The bill of rights would declare that human dignity is inviolable and it would outlaw discrimination based on "origin, sex, language, race, faith or political conviction". It would also guarantee the freedom of the press "within the normal limits" and the right to possess property. The bill of rights has been criticized by Bryan O'Linn, leader of the Territory's Federal Party, on the grounds that many of the guarantees, especially that referring to the right to possess property, are vague and are qualified with the same terminology being used to render rights and freedom ineffectual.

108. Following the receipt of these proposals, a 12-member working group of the constitutional committee comprising one member from each ethnic group, with Mr. Mudge as chairman, set itself a four-week deadline to attempt to iron out remaining differences and to produce a definitive and final draft constitution for submission to Prime Minister Vorster.

109. According to press reports, the non-white delegates have objected to the proposals regarding property rights and other areas of conflict have also arisen, including the question of a prime minister and the issue of proportional representation in the council of ministers and the national assembly. The whites have proposed that the position of prime minister be scrapped, while non-white delegates have insisted that the position be retained, on the grounds that a Government without a head would be "weak and lame". As regards the proposed council of ministers, the Ovambo delegation has proposed that the Ovambos as the largest ethnic group (46 per cent of the population) should be accorded two representatives on that body and 30 per cent of the seats in the national assembly. This proposal is said to be supported by the white delegation, but it is opposed by the Coloureds, Damaras, Hereros, Dama's and Basters, who insist on equal representation. According to The Windhoek Advertiser, the non-white delegations are suspicious that, in supporting the Ovambo proposal, the whites hope to set a precedent which would enable them to claim more representation at a later stage, on the grounds that they are the second largest ethnic group.

D. Status of Walvis Bay

110. In August 1976, Mr. Vorster announced that legislation would be introduced in the South African Parliament early in 1977 to return Walvis Bay to South African administrative control. Walvis Bay has the largest port in the Territory and is the centre of the fishing industry as well as the home of the majority of the Coloured population. The announcement overrode the decision taken by the constitutional conference on 18 August (see above) that the question of the future status of the area would be among the matters negotiated between it and South Africa prior to the establishment of an interim Government, and ignored the demand of the non-white population, represented by SWAPO, that Walvis Bay be recognized as an integral part of the Territory.

111. Since Mr. Vorster's announcement, spokesmen for non-white groups throughout the Territory have protested the proposed disannexation of Walvis Bay as destructive to the economic viability of the Territory, which is dependent on the fishing industry for about 25 per cent of its gross domestic product, and as inimical to the interests of the Coloured population which, under the new arrangement, would be governed "by remote control". South Africa has indicated, however, that it will proceed with the disannexation as planned.

E. Further decisions by the Turnhalle conference

112. On 17 March 1977, the Turnhalle delegates unanimously approved a draft constitution for an interim Government embodying the proposals put forward by the National Party of South Africa (see paras. 95-107 above). Shortly afterwards, the draft constitution, in the form of a "Petition for the Establishment of an Interim Government" was submitted to the South African Government, which was expected to enact legislation putting the constitution into effect and establishing an interim Government by June 1977.

113. The only significant difference between the draft constitution and the National Party proposals concerned the structure of the National Assembly (see para. 102 above). Instead of comprising 55 members, 5 from each ethnic group, as originally proposed, the Assembly, according to the Turnhalle draft, would comprise a total of 60 members, 4 from each ethnic group, with the remaining 16 seats to be distributed proportionally according to the population figures for each ethnic group (1970 census).

F. New initiatives by Western Powers to reach a peaceful settlement

114. In April 1977, the five Western members of the United Nations Security Council (Canada, France, Federal Republic of Germany, United Kingdom and United States) undertook new moves aimed at reaching a peaceful settlement consistent with Security Council resolution 385 (1976).

115. Subsequently, on 10 June 1977, following the third of a series of talks with the ambassadors of the five Western States, it was reported that Prime Minister Vorster had announced that his Government would abandon plans to establish an interim Government based on the Turnhalle proposals and would instead appoint an administrator-general to govern the Territory until elections were held for a constituent assembly. It was also reported that South Africa would accept participation by SWAPO in the elections and some form of United Nations presence and had agreed to withdraw its troops prior to independence, although not before elections. Later, on 21 June, The Guardian (Manchester) reported that South Africa had also agreed that the release of political prisoners should be decided by a panel of four jurists, two South Africans and two others to be appointed by the Secretary-General. Reports indicated, however, that South Africa had remained adamant with respect to the question of resuming direct control over Walvis Bay.

116. On 6 July, Prime Minister Vorster's office announced that Justice M. T. Steyn of the Free State Division of the South African Supreme Court had been appointed as Administrator-General and that the date of his assumption of office, as well as his powers and functions, would be set out later by proclamation.

G. Reaction of SWAPO to the Western initiative

117. On 2 July 1977, The Times (London) reported that Mr. Nujoma, President of SWAPO, had said in an interview that SWAPO would participate in elections under United Nations supervision, provided that South African troops were first withdrawn. Mr. Nujoma was also reported to have agreed to the notion of an administrator-general, provided that he was appointed by the United Nations.

H. Position of OAU

118. The Council of Ministers of OAU, at its twenty-ninth ordinary session, held at Libreville from 23 June to 3 July 1977, adopted a resolution (CM/Res.551(XXIX)) on the question of Namibia, whereby it reaffirmed that any agreement negotiated to lead Namibia to genuine independence must be based on the following preconditions: (a) withdrawal of all the military and paramilitary forces of South Africa; (b) unconditional release of all political prisoners and the return of all Namibians in exile; (c) that any interim authority in the Territory "be of the United Nations Council for Namibia"; and (d) accession of the Territory to independence in its present limits, including Walvis Bay.

6. EXPLOITATION AND CONTROL OF ECONOMIC RESOURCES

A. General

119. According to reports throughout 1975 and 1976, the intensification of the military struggle and the uncertainty over the Territory's future status have considerably affected the white-dominated Namibian economy. Articles in the press have noted, among other things, that there has been a substantial outflow of cash reserves, increased emigration of whites, increasing unemployment and a decline in foreign investment. In September 1976, the President of the all-white Windhoek Chamber of Commerce said that his organization was faced with problems it had never before encountered in its 55 years of existence, because no one seemed to know what the future held.

120. Nevertheless, as reported in The Christian Science Monitor of 3 August 1976, various economic interests are waiting to exploit the Territory's untapped reserves of minerals. The article said that "men with money in their pockets were perched, ready to fly into Namibia" as soon as it was clear that the Territory was moving to genuine political independence under a predominantly black Government which would create a stable climate for investment. It also said that ever since the first series of talks between Mr. Kissinger and Mr. Vorster in June 1976 (see para. 92 above), businessmen from the United States, the United Kingdom, Switzerland, France, and the Federal Republic of Germany had visited Windhoek to investigate prospects and that many were eager to invest, provided that they received a guarantee of political security. In the article, it was noted, however, that effective exploitation of natural resources depended on sufficient infrastructural development, particularly roads, railroads and water; it appeared inevitable, therefore, that even after Namibia had attained independence under a majority Government, it would have to continue to rely on South African assistance, as well as foreign capital, although the role of whites would eventually be that of technicians.

121. The Namibian press has echoed a similar view regarding the need for continued economic dependence. According to an editorial in The Windhoek Advertiser of 4 August 1976, the idea of future economic dependence could be compatible with Namibian independence, provided that whites no longer used the relatively undeveloped state of Namibia's economy as a justification for holding on to South Africa's "apron strings" politically. The editorial also charged that South Africa's policy of forcing Namibia to depend on South African imports had been the cause of the Territory's failure to develop more rapidly, particularly in the field of secondary industry.

B. Mining

122. The interest of South Africa and the international business community in Namibia lies mainly in its known and potential mineral deposits. Namibia is the largest producer of gem diamonds in the world, an important source of copper, lead,

zinc, lithium and cadmium, and potentially the largest source of uranium in the world for the remainder of the century.

123. During 1976, it was reported that significant new mineral discoveries had been made, including deposits of marine phosphates and glauconite "of industrial importance" near the mouth of the Cunene River, which forms the border between Namibia and Angola. Satellite photos had also revealed an amphibolite belt full of uranium and other minerals along the coast, compared to which known uranium reserves at the Rössing mine (see para. 129 below) were "just a drop in the bucket".

124. According to press reports, the uncertain political situation contributed to the lag in the economy during the period under review. The mining industry bore the brunt of the slowdown. No major new investments were made and the output of base metals, particularly copper, appeared to have declined significantly. However, the diamond industry, which normally accounts for well over half the total value of mining output, was reported to have largely recovered from the effects of the economic recession of 1974.

125. The decline, according to reports, was also due to a variety of other factors, including the slowdown in the prospecting rate in 1975 compared with past years, the drop in the world price of copper and a shortage of labour. For instance, it was reported that the Tsumeb mine, the largest single producer of copper and lead, had lost an estimated 20 per cent of its white labour force owing to its proximity to SWAPO's main area of operation.

Diamonds and base metals

126. No statistical data are available on the production and sales of diamonds or base metals for 1975. In 1973, the last year for which data are available, the total value of minerals sold amounted to R 230.0 million, of which diamonds accounted for R 147.0 million (64 per cent) and base metals R 83.0 million (36 per cent). Blister copper (R 34.2 million) and refined lead (R 17.0 million) were the principal base metal exports.

127. During 1975, De Beers Consolidated Mines, Ltd., of South Africa, which owns Consolidated Diamond Mines of South West Africa, Ltd. (CDM), the only diamond-producing company in the Territory, reported profits after tax of R 220.7 million, an increase of R 19.7 million over 1974. During the year, De Beers also increased its dividend by 5 cents (South African) per share to 61 cents, an increase of 9 per cent. According to reports, De Beers derives from one quarter to one third of its income from the Namibian operations of CDM.

128. During 1976, the Tsumeb Corporation, Ltd., the largest producer of base metals, reportedly closed two of its four mines as a result of falling copper prices on the world market. The mines involved were the Kombat mine, the company's second largest, and the Asis Ost mine which had only been opened in 1974. The Kombat mine had produced approximately 3,800 metric tons of copper and 5,900 metric tons of lead annually. An article in The Windhoek Advertiser of 15 March 1976 described

the closing of the Kombat mine, which had employed 140 whites and 700 Africans, as one of the greatest shocks to the Territory's business community. Tsumeb is expected to continue preparations for the exploitation of a high-grade ore body at Asis West, an extension of the Kombat mine, and to begin operations in 1979.

Uranium

129. As previously reported, the large uranium deposits at Rössing have attracted increasing world attention. j/ The mine has estimated reserves of 100,000 metric tons, and is expected to require a total investment of £750 million. It is anticipated that the mine will provide a significant portion of the world's uranium needs during the 1980s at the rate of 5,000 metric tons a year. The output is considered to be of special importance to South Africa as well as to the United Kingdom, Japan and France, which have already concluded sales contracts for substantial amounts of the ore. During 1976, mine officials stated that South Africa was not expected to receive uranium from the mine for some time since the expected output until the mid-1980s had already been sold abroad. Under the terms of its Atomic Energy Act of 1948, however, South Africa has sole rights to search for, prospect or mine uranium and it may at any time, even in the absence of a contract, claim legal rights over the entire operation. SWAPO has charged that the implications of South Africa's direct access to Namibian uranium are of grave concern, in view of its capacity to produce enriched uranium, which in turn enhances its potential ability to produce nuclear weapons. In this connexion, it may be pointed out that an article in The New York Times of 5 December 1976, on the production of atomic bombs using spent fuel from nuclear reactors, estimated that South Africa would be able to produce nuclear bombs in three years.

130. Owing to the secrecy imposed by South Africa under the Atomic Energy Act, no definitive information on the ownership of the Rössing uranium mine is available. As noted previously, shares in the mine are believed to be held by the Rio Tinto Zinc Corporation, Ltd. (RTZ) of the United Kingdom; Rio Algom, Ltd., an RTZ subsidiary; the Industrial Development Corporation (IDC) of South Africa, a para-statal body; Total-Compagnie minière et nucléaire (CMN) of France; and the General Mining and Finance Corporation of South Africa.

131. Although RTZ was originally the majority shareholder, it was reported during 1976 that in order to complete the financing of the mine, RTZ had reduced its holdings from 54 to 45.2 per cent and had retained only 25.7 per cent of the voting rights. As a result, according to a document prepared by Christian Concern for Namibia, an organization based in the United Kingdom, Rössing policy decisions would in the future be strongly influenced or even controlled by South African interests and "for all intents and purposes, by the South African Government". The document also pointed out that the earnings of the mine, which, in view of rising uranium prices on the world market, could amount to £100 million per year, would provide "little, if any, benefit to the Namibian community".

j/ Ibid., Supplement No. 23 (A/31/23/Rev.1), vol. II. chap. IX. annex, paras. 143-152.

132. In October 1976, RTZ announced that, owing to technical difficulties the mine would not reach full production in early 1977 as originally planned. In a statement issued by the company, it was said that although the problems had been identified and rectified, certain modifications to the plant would have to be made, and that full production would be delayed by about 18 months. None the less, limited production had been started and some uranium oxide was being produced. According to The Times (London), the delays at Rössing were of importance to RTZ, not only in terms of loss of immediate revenue, but in the larger sense that any delay would cut down the total sum RTZ could expect to earn before a SWAPO Government acceded to power and either expropriated the mine or imposed a punitive level of taxation on the owners.

133. Other press reports during the year indicated that RTZ might, in fact, be attempting to speed up production before a SWAPO Government was installed. In July, the Daily Mail (London) noted that although it had so far been believed that Rössing contained only low-grade deposits suitable for opencast mining, RTZ had recently run advertisements to recruit underground mining engineers. In view of the fact that the cost of underground mining is twice that of opencast mining, the advertisements, according to the report, had raised speculation that either the underground ore body was much richer than had originally been thought or that "RTZ is going in now for pockets of rich ore, bearing in mind the political uncertainties".

C. Fishing

134. During 1976, it was reported that the fishing sector, the second most lucrative area being exploited by white interests, was facing a severe crisis owing to a sharp decline in the availability of both pilchards and anchovies, the two species on which the industry is based. In view of the situation, for which no satisfactory explanation had yet been found, the South African Government had ordered fishery scientists immediately to undertake a scientific investigation and to submit a report not later than February 1977, when regulations for the 1977 fishing season were to be made.

135. During 1974, the last year for which information is available, the fishing industry produced 10.3 million cartons of canned fish and 161,766 metric tons of fishmeal. Earnings exceeded R 100 million in 1974.

D. Agriculture and livestock

136. Cattle ranching and karakul farming remain the principal agricultural activities by whites in Namibia, normally accounting for 98.5 per cent of the total agricultural output (R 96.0 million in 1974). Traditionally, almost all the cattle marketed are exported live to South Africa, whereas karakul pelts are auctioned off at sales in the United Kingdom and sold largely under the trade name "Swakara".

137. Early in 1976, it was reported that the livestock industry was being

reorganized so that a larger proportion of cattle could be slaughtered at the three local factories, which are owned by South African companies, and exported in a frozen state, either to South Africa or abroad if markets were found. To finance the expansion of the factories to accommodate 200,000 head of cattle annually, the South West Africa Meat Producers' Association, a farmers' co-operative, would borrow R 2 million from the South African Government, with which it would form a central company together with the factory owners. The Association would also have the option to take full control of all marketing activities in the Territory for 10 to 15 years.

E. Homelands

138. In order to gain acceptance of its separate development policy, South Africa has intensified its propaganda about homeland development in Namibia. The propaganda is based on the purported advantages which it claims have resulted from the establishment of a token number of industrial and agricultural projects, particularly in Ovamboland and Kavangoland. k/ Such projects have been financed by the Bantu Investment Corporation (BIC) of South Africa, a state-owned, white-directed body, whose official objectives are to provide funds and technical assistance to Africans for the purpose of establishing or improving their own undertakings. At the same time, however, BIC is authorized to establish and carry on industrial, commercial, mining and financial enterprises on its own account. Although the BIC charter provides that these enterprises may eventually be sold to Africans, few Africans have been able to accumulate the necessary capital for such purchases and most ventures have remained with BIC.

139. Between 1964 and 1973, BIC invested a total of R 15.0 million in various enterprises in the homelands, most of which it still operates and controls, and created a total of 1,450 jobs. By 1977, BIC plans to invest a further R 22.5 million and to increase the number of jobs to 5,000. As the number of jobs created and envisaged is negligible compared with the total homeland populations, such so-called development is consistent with one of the basic aims of the homeland policy: to ensure a large reserve of Africans who, by virtue of the absence of employment opportunities in the homelands, are forced to become low-paid migrant labourers. It may be noted as an example that since BIC was established in 1964, the number of Africans who have been forced to work as low-paid contract labourers has remained relatively constant (about 43,000) and that subsistence agriculture has remained the occupation of the majority of homeland residents.

140. As noted above, in order further to entrench its homeland policy, the South African Government established separate development corporations in 1976 for Ovamboland and Kavangoland, which are intended eventually to take over the development functions previously exercised by BIC. According to a report in the Namibian press, the corporations are each headed by a board of directors composed equally of whites and Africans, headed by white chairmen. In addition, BIC gave

k/ Ibid., paras. 169-175.

considerable publicity during the year to the establishment in Hereroland of the first homeland enterprise involving foreign economic interests. Available information regarding new developments in Kavangoland and Hereroland is summarized below.

Kavangoland

141. Kavangoland is one of the four homelands in Namibia which, the Odendaal Commission admitted, could never be fully viable economically. 1/ Although the area is less densely populated than Ovamboland, there is also less ground water, with only 30 per cent of the land suitable for grazing. As a result of the aridity of the area, agriculture, the principal occupation of the inhabitants, is reported to be mainly on a bare subsistence level.

142. Under BIC, two agricultural projects were set up in Kavangoland: a 250,000 hectare cattle-ranching scheme for 10,000 head of cattle, most of which will be marketed; and an irrigated farming scheme at Mukwe, which is planned eventually to consist of 480 hectares planted with maize and vegetables for local consumption and possibly cash crops such as cotton and tobacco. During 1976, it was reported that the Kavango Development Corporation had initiated work on a third irrigation project in the western part of the homeland near Mosese.

143. Although these projects have been given considerable publicity in South African publications and in the Namibian press, available data indicate that relatively few Kavangos will actually be involved and that their role will be limited to providing labour.

144. As regards the cattle-ranching scheme, it has been reported that Kavangos, initially to number no more than 300, are to be involved only as trainees, and that the project will be controlled by the Agricultural Division of BIC in "partnership" with the Kavangoland homeland Government. White farmer agents, on the other hand, will be allowed to use the land without payment.

Hereroland

145. In March 1976, it was reported that BIC, together with the Walter Rau Company of the Federal Republic of Germany, the second largest manufacturer of margarine in Europe, and Delcor (Pty.) Ltd., a South African company, was planning to establish an oil press at a cost of R 500,000 in Hereroland, at Karara. The factory which will only employ Hereros as labourers, is planning to export its entire output, with the exception of oil cakes for stock feed. It appears that Namibians will derive neither direct nor indirect benefits from the factory and that, as usual, profits will be either retained by the South African Government or repatriated.

1/ The others are Tswanaland, Namaland and Kaokoveld.

F. Public finance

146. It will be recalled that under the terms of the South West Africa Affairs Act, 1969, m/ South Africa assumed the power of direct taxation in the Territory. As a result, South Africa collects all taxes on mines and mining, which normally account for at least one third of total revenues; company taxes; undistributed profits taxes; customs and excise taxes; and fees for stamps, transfers and rents.

147. No official estimates of South Africa's revenue from Namibia for 1976/77 have become available. According to press reports, South Africa's expenditure is estimated at R 192.4 million, of which Bantu administration and development will receive R 51.1 million; water affairs, R 30.0 million; Coloured, Rehoboth and Nama Relations, R 14.0 million; and Bantu education, R 3.7 million. It may be noted that of the R 30.0 million appropriated for water affairs, only R 8.0 million, or less than 30 per cent, will be spent on water supplies for the homelands.

148. The territorial Administration collects taxes in the form of personal income taxes, business licences, dog and game licences, wheel taxes, motor vehicle taxes and certain fines. It also receives a statutory payment from the South African Government.

149. According to press reports, the revenue of the territorial Administration in 1976, including the statutory payment from South Africa, would amount to R 105.7 million, which, together with an estimated surplus of R 21.5 million from 1975/76, would bring the total revenue to R 127.2 million. Expenditure was estimated at R 119.6 million, of which R 15.4 million would be allocated for white education; R 13.7 million for health services; R 34.5 million for road construction; R 16.0 million for the building account; and almost R 11 million to a fund which provides low-interest loans to white municipalities. The allocation for white education voted by the territorial Administration is 416 per cent greater than that voted by the South African Government for Bantu education.

m/ The financial provisions of the South West Africa Affairs Act, 1969, are summarized in greater detail in Official Records of the General Assembly, Thirtieth Session, Supplement No. 23 (A/10023/Rev.1), vol. II, chap. X, annex, paras. 180-191.

CHAPTERS IX-XI
(A/32/23/Add.3)

WESTERN SAHARA, EAST TIMOR AND GIBRALTAR

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CHAPTER IX

WESTERN SAHARA

A. CONSIDERATION BY THE SPECIAL COMMITTEE

1. The Special Committee considered the question of Western Sahara at its 1089th meeting, on 4 August 1977.

2. In its consideration of the item, the Special Committee took into account the provisions of the relevant General Assembly resolutions, including in particular resolution 31/143 of 17 December 1976 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. By paragraph 12 of this resolution, the Assembly requested the Special Committee "to continue to seek suitable means for the immediate and full implementation of General Assembly resolution 1514 (XV) in all Territories which have not yet attained independence". The Special Committee also took into account General Assembly resolution 31/45 of 1 December 1976 concerning the question of Western Sahara.

3. During its consideration of the item, the Special Committee had before it the working paper prepared by the Secretariat (see annex to the present chapter) containing information on developments concerning the Territory.

B. DECISION OF THE SPECIAL COMMITTEE

4. At its 1089th meeting, on 4 August, following a statement by the Chairman (A/AC.109/PV.1089), the Special Committee decided, without objection, to give consideration to the item at its next session subject to any directives which the General Assembly might give in that connexion at its thirty-second session and, in order to facilitate consideration of the item by the Assembly, to authorize its Rapporteur to transmit to the Assembly all available information on the question.

ANNEX*

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* Previously issued under the symbols A/AC.109/L.1185 and Add.1 and 2.

WESTERN SAHARA

1. BACKGROUND

1. It will be recalled that on 14 November 1975, the Governments of Spain, Morocco and Mauritania agreed upon a Declaration of Principles also known as the Madrid Agreement, a/ with respect to the Territory of Spanish Sahara. According to the Declaration, Spain was to terminate its presence in the Territory no later than 28 February 1976, and would, during the interim period, transfer its powers to a temporary administration, comprising the current Governor-General and two Deputy Governors to be nominated by Morocco and Mauritania. The Agreement also provided that the Jema'a (General Assembly), which would express the views of the Saharan population, would collaborate with that administration.

2. The Madrid Agreement was opposed by the Government of Algeria, which accused the Spanish Government of repudiating its obligations with respect to the decolonization of the Territory, violating international law and giving in to external pressures in agreeing to hand over the Territory to Morocco and Mauritania. b/

3. Subsequently, at its thirtieth session, the General Assembly adopted two resolutions on the question of Spanish Sahara. By resolution 3458 A (XXX) of 10 December 1975, the General Assembly reaffirmed the inalienable right of the people of Spanish Sahara to self-determination, in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960; requested the Government of Spain as the administering Power, to take immediately all necessary measures so that all Saharans originating in the Territory might exercise fully and freely, under United Nations supervision, their inalienable right to self-determination; requested the Secretary-General, in consultation with the Government of Spain and the Special Committee, to make the necessary arrangements for supervision of the act of self-determination; and urged all parties to exercise restraint and to desist from any unilateral or other action outside the decision of the Assembly.

4. By resolution 3458 B (XXX) of 10 December 1975, the General Assembly took note of the tripartite Agreement concluded at Madrid; reaffirmed the inalienable right to self-determination of all Saharan populations originating in the Territory; and requested the interim administration to take all necessary steps to ensure that all the Saharan populations originating in the Territory would be able to exercise their inalienable right to self-determination through free

a/ Official Records of the Security Council, Thirtieth Year, Supplement for October, November and December 1975, document S/11880, annex III.

b/ Official Records of the General Assembly, Thirty-first Session, Supplement No. 23 (A/31/23/Rev.1), vol. II, chap. XI, annex I, para. 34.

consultations organized with the assistance of a representative of the United Nations appointed by the Secretary-General.

5. In accordance with the Madrid Agreement, the Spanish Government completed the withdrawal of its presence in Spanish Sahara on 26 February 1976, without the exercise of the right to self-determination by the population of the Territory as called for by the General Assembly. The withdrawal of Spain and the transfer of authority to Morocco and Mauritania were, however, endorsed by the Jema'a. c/

6. In replies to invitations from the Governments of Morocco and Mauritania to send a representative to attend the deliberations of the Jema'a on the transfer of authority, the Secretary-General said it was evident that "the essential conditions for the implementation of resolutions 3458 A (XXX) and 3458 B (XXX)" have not been fulfilled". d/

7. On 14 April 1976, Morocco and Mauritania signed an agreement in Rabat establishing a joint Moroccan-Mauritanian commission to carry out the demarcation of the frontier between the two countries. According to the agreement, the frontier between Mauritania and Morocco would be defined by the straight line linking the point of intersection of the 24th parallel north and the 13th meridian west.

8. The above-mentioned arrangements were opposed by Algeria and by the Frente Popular para la Liberación de Saguia el Hamra y Río de Oro (Frente POLISARIO), which was reported in March 1976 to have declared the creation of the "Saharan Arab Democratic Republic (SADR)". e/ SADR was recognized by Algeria on 7 March following which both Morocco and Mauritania broke off diplomatic relations with Algeria. Subsequently SADR was recognized by nine other States. f/

9. Developments concerning the Territory during the period under review are summarized briefly below.

2. CONSIDERATION BY THE GENERAL ASSEMBLY AT ITS THIRTY-FIRST SESSION

10. During the general debate in the General Assembly at its thirty-first session, reference to the question was made by the representatives of Mauritania, Morocco and Algeria.

c/ Ibid., para. 51.

d/ Ibid., paras. 47-48.

e/ Ibid., para. 60.

f/ Angola, Benin, Burundi, Guinea-Bissau, Democratic People's Republic of Korea, Madagascar, Mozambique, Rwanda and Togo.

11. In his statement at the 20th meeting, on 6 October 1976, g/ the representative of Mauritania said that Morocco and Mauritania had enabled the Saharan population to exercise their right to self-determination in accordance with the procedure defined by paragraph 3 of the Madrid Agreement /that the opinion of the population would be expressed through the Jema'a/, which had been endorsed by the General Assembly /resolution 3458 B (XXX)/.

12. Thus, for Morocco and Mauritania, which considered that they had acted in accordance with the right recognized as theirs and with the resolution of the United Nations, the principle of self-determination could no longer be invoked for the population of the Territory, as they clearly had chosen to be Moroccan or Mauritanian.

13. At the 21st meeting, on 7 October, h/ the representative of Morocco said that the question of Spanish Sahara had been solved in a just and equitable way, but that it had been replaced by the equally delicate and more dangerous question of the relations among the various States of the area arising from diametrically opposed assessments of the question. These differences were creating tensions that were increasingly becoming a matter of concern. Morocco, however, while anxious to reach a peaceful solution had no intention of accepting any renunciation of its legitimate rights. He considered that any discussion of the question of the Sahara at that session would be dangerous, premature and inappropriate, and suggested that the General Assembly should address itself to the problem of the refugees at Tindouf, who he said were there against their will. In his view, the only objective and humane solution to that problem lay in the repatriation of all Tindouf refugees who were natives of the Sahara and that any other solution would tend to increase the state of tension.

14. In a statement before the General Assembly at the 32nd meeting, on 14 October, i/ the representative of Algeria maintained that, first, there had been no authentic consultation of the Saharan people in accordance with the decisions of the United Nations; second, the Tindouf refugees had not been prevented from returning home by the Algerian Government, but by the situation created by the military occupation of their country; and third, the tension in the region had developed precisely because the Sahara question had not been solved. His Government was therefore convinced that the only guarantee for a true and lasting solution to the problem would be the exercise by the Saharan people of their right to self-determination on the basis of the territorial integrity and inviolability of frontiers and by means of an authentic referendum monitored and guaranteed by the United Nations.

15. The question of Western Sahara was subsequently considered by the Fourth Committee. On 11 November 1976, at its 22nd meeting, the Committee heard a

g/ Official Records of the General Assembly, Thirty-first Session, Plenary Meetings, 20th meeting, paras. 90-91.

h/ Ibid., 21st meeting, paras. 123-144.

i/ Ibid., 32nd meeting, paras. 185-188.

statement by Mr. Mohamed Abdelaziz, Secretary-General of the Frente POLISARIO. j/ In his statement. Mr. Abdelaziz said that the Moroccan and Mauritanian claims to the Sahara were invalid and he accused the two countries of taking over the country by military force in disregard of the international status of the Territory, the right of the Saharan people to self-determination and the decisions of the United Nations. He said that the Madrid Agreement was completely illegal and invalid by virtue of its nature, and also because Spain, as the administering Power, was not competent to sign with third States an agreement affecting the destiny of a Territory which did not belong to it. Mr. Abdelaziz said that it was the task of the General Assembly, inter alia, to reaffirm the right of the Saharan people to self-determination and independence; to vigorously condemn Moroccan and Mauritanian aggression; and to urge the two Governments to withdraw their challenge to the international community.

16. On 1 December 1976, the General Assembly, acting on the report of its Fourth Committee, adopted resolution 31/45 on the question of Spanish Sahara. By this resolution, the General Assembly reaffirmed its commitment to the principles of self-determination; took note of the decision taken by the Assembly of Heads of State and Government of OAU to convene an extraordinary session with a view to finding a just and lasting solution to the problem of Western Sahara; decided to postpone consideration of the question until its thirty-second session; and requested the Administrative Secretary of the OAU to inform the Secretary-General of the progress achieved in implementing the decision of OAU concerning Western Sahara.

3. CONSIDERATION BY THE ORGANIZATION OF AFRICAN UNITY

17. At its thirteenth ordinary session, held at Port Louis from 2 to 6 July 1976, the Assembly of Heads of State and Government of OAU adopted a resolution on the question of Western Sahara by which it invited all parties concerned and interested to co-operate with a view to achieving a peaceful solution of the conflict in the interest of peace, justice and good neighbourliness. It also decided to hold a special session at the level of Heads of State and Government with the participation of the people of the Western Sahara for the purpose of finding a just and lasting solution to the problem. k/ In April 1977, however, the Frente POLISARIO in a letter to the Chairman of OAU said that it was "disagreeably surprised" about the delay.

18. At its fourteenth ordinary session, held at Libreville from 2 to 5 July 1977, the Assembly of Heads of State and Government adopted a decision regarding the holding of an extraordinary summit meeting on the problem of the Sahara (A/32/310, annex II, AHG/Dec. 110 (XIV)).

j/ Ibid., Fourth Committee, 22nd meeting.

k/ For the text of the resolution see A/31/136-S/12141, annex II, and A/31/138-S/12143; for the printed text, see Official Records of the Security Council, Thirty-first Year, Supplement for July, August and September 1976, document S/12141, annex II, and ibid., document S/12143.

4. ARMED CLASHES

19. Press reports indicate that several armed clashes have taken place between the forces of the Frente POLISARIO and those of Morocco and Mauritania. Although these reports are conflicting, on the basis of the available official and non-official accounts, it appears that several localities have been affected by armed confrontations: Smara, Angala, Argoud, Bu Craa, Bir Moghreïn, Dakhla, Mahbes and Lemsaid. In the reports of these confrontations, estimates of losses in personnel and equipment varied widely.

20. A significant example of these clashes took place on 1 May 1977 on Mauritanian soil at the mining centre of Zouerate, the credit for which was claimed by the Frente POLISARIO. According to various press reports, two French citizens, members of the French community working for the Mauritanian enterprise Société nationale industrielle et minière (SNIM) were killed in an attack by guerrillas of the Frente POLISARIO who were reportedly armed with rockets, machine guns and submachine guns. In addition, six members of this French community, including a woman, were abducted by the attackers and their whereabouts remains unknown. The incident evoked a strong public reaction in France and was the subject of several statements by Mr. Louis de Guiringaud, the Foreign Minister of France. These statements emphasized that France had nothing to do with the Sahara problem and that the Government of France could not accept the use of civilian hostages as a means to pressure France to support the Frente POLISARIO quest for Saharan "independence".

21. Following the Zouerate incident, Mr. Moktar Ould Daddah, the President of Mauritania, who had condemned the attack, sent delegations to meet with King Hassan II of Morocco and with Mr. Giscard d'Estaing, President of France, at Paris. According to press reports the participants in these meetings sought to find ways to secure the release of the six French hostages unharmed.

22. Subsequently it was reported that 276 French employees, out of a total of 700 engaged in work in the mining enterprises in and around Zouerate, had been evacuated from Mauritania.

23. Reports from the Frente POLISARIO stated that the Zouerate operation had been planned and executed successfully to accomplish two objectives, one military and one psychological, in order to attract world-wide attention to their "struggle".

24. In conjunction with these developments, which are indicative of a heightening of tension in the area, the Deputy Permanent Representative of Algeria, in a letter dated 9 May 1977, transmitted to the Secretary-General the text of a message from Mr. Abdelaziz Bouteflika, Minister for Foreign Affairs of Algeria (A/32/86, annex). In his message, Mr. Bouteflika, said that "the multiplication and intensification of the fighting is evidence, if further evidence were needed, of the determination of the people of Western Sahara and demonstrates to the whole world that there cannot be peace as long as the legitimate and fundamental rights of the Saharan people to self-determination are not achieved". Mr. Bouteflika also stated in his letter to the Secretary-General that "Algeria wishes to reiterate that it is ready for any initiative you may take in association with the

administering Power, the legitimate representatives of the people of Western Sahara and the other concerned and interested parties. Action along these lines will provide a solid basis for the advent of a just and durable peace and fruitful co-operation for all the peoples of the region".

25. In June 1976, it was reported that Mr. Sayed el-Wali, the Secretary-General of Frente POLISARIO, had been killed in a confrontation with Mauritanian troops. Frente POLISARIO confirmed his death but left the circumstances of the death unclear.

26. According to press reports from Madrid, in June 1977, units of the Frente POLISARIO attacked the mine installations of FOSBUCRAA, at Bu Craa. Ten Moroccan soldiers and a Spanish workman were reported to have died during the attack. It was also reported that, following the attack, 129 workmen and technicians of Spanish origin were withdrawn from the site and that all operations at the phosphate mines had been stopped.

27. These reports have been denied by the Moroccan authorities.

28. It will be recalled that the phosphate mines have reserves estimated at 1.7 billion tons. The phosphate is transported by means of a 160-mile conveyor belt from the mines of Bu Craa to the port city El Aaiún.

29. In a letter dated 7 July 1977, addressed to the President of the Security Council, l/ the Permanent Representative of Mauritania to the United Nations stated that on 3 July, Nouakchott, the capital of Mauritania had again been attacked. The attack had caused casualties among the civilian population. The Permanent Representative of Mauritania went on to say that this new "act of aggression" had been conceived and prepared by the Algerian authorities. It was further stated in the letter that the Mauritanian Government reserved the right to take whatever measures might be necessary and, in particular, to request, at an appropriate time, a meeting of the Security Council.

30. In response, in a letter dated 28 July 1977, addressed to the President of the Security Council, m/ The Deputy Permanent Representative of Algeria, on behalf of his Government, denied the Mauritanian charges, stating that Mauritania "saw fit, once again, to implicate Algeria, in the wake of the losses that continue to be inflicted on it by ... the Frente POLISARIO".

31. On 7 July, it was reported from Paris that two young gunmen had fired at the Mauritanian Ambassador to Paris through the back window of his car. The Ambassador, Mr. Ahmed Ould Ghanahallah, was reported to have been wounded but out of danger. The Frente POLISARIO denied any involvement in that incident, which it described as "a provocation which vainly seeks to discredit the struggle of our people and sow confusion".

l/ Official Records of the Security Council, Thirty-second Year, Supplement for July, August and September 1977, document S/12360.

m/ Ibid., document S/12374.

CHAPTER X

EAST TIMOR

A. CONSIDERATION BY THE SPECIAL COMMITTEE

1. The Special Committee considered the item at its 1086th, 1087th and 1089th meetings, between 1 and 4 August 1977.
2. In its consideration of the item, the Special Committee took into account the provisions of the relevant General Assembly resolutions, including in particular resolution 31/143 of 17 December 1976 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. By paragraph 12 of this resolution, the Assembly requested the Special Committee "to continue to seek suitable means for the immediate and full implementation of General Assembly resolution 1514 (XV) in all Territories which have not yet attained independence". The Special Committee also took into account General Assembly resolution 31/53 of 1 December 1976 concerning the question of Timor.
3. At the 1086th meeting, on 1 August, the Chairman informed the Committee that he had received a request for a hearing from Mr. José Ramos-Horta, Frente Revolucionária de Timor Leste Independente (FRETILIN). At the same meeting, the Committee agreed to accede to the request. At the 1087th meeting, on 2 August, the representative of Indonesia made a statement in that connexion (A/AC.109/PV.1087).
4. At the 1089th meeting, on 4 August, statements were made by the representatives of Portugal and Indonesia (A/AC.109/PV.1089). Mr. Ramos-Horta made a statement (A/AC.109/PV.1089).

B. DECISION OF THE SPECIAL COMMITTEE

5. At its 1089th meeting, on 4 August, following a statement by the Chairman (A/AC.109/PV.1089), the Special Committee decided, without objection, to give consideration to the item at its next session subject to any directives which the General Assembly might give in that connexion at its thirty-second session and, in order to facilitate consideration of the item by the Assembly, to authorize its Rapporteur to transmit to the Assembly all available information on the question.

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EAST TIMOR

1. GENERAL

1. The island of Timor is located at the tip of the chain of islands forming the Republic of Indonesia. It lies between 8°17'S and 10°22'S and longitudes 123°25'E and 127°19'E. The western part of the island (known as Timor Barat) is part of Indonesia. The area under Portuguese administration totals 14,925 square kilometres, comprising the eastern part of the island, the enclave of Oecusse Ambeno, the island of Ataúro off the northern coast and the uninhabited island of Jacó off the extreme eastern tip.

2. According to the 1970 census, the total population of the Territory was 610,541, compared with 517,079 in 1960. The latest information on the distribution of the population by ethnic group dates back to 1950 when there were 568 persons of European origin, 2,022 mestizos and 3,128 Chinese. In mid-1974, the population of the Territory was estimated at 658,000.

3. Prior to the change of government in Portugal on 25 April 1974, under the Portuguese Constitution, East Timor was considered an "overseas province" of Portugal. a/ The basic structure of the territorial Government was set out in the Overseas Organic Law of 1972. b/

2. DEVELOPMENTS IN EAST TIMOR IN 1974 AND 1975

4. Following the change of régime in Portugal, the Portuguese Government reaffirmed its obligations under Chapter XI of the Charter of the United Nations and, on 24 July 1974, the Council of State of Portugal approved a constitutional law abrogating the former territorial definition of the Republic of Portugal and acknowledging the right to self-determination, including independence, of the Territories under Portuguese administration.

5. In late 1974 and the first half of 1975, the Portuguese authorities undertook negotiations with the three major political parties in the Territory with a view to establishing a time-table for the decolonization of East Timor. The three parties involved in the negotiations were the Associação Popular Democrática de Timor (APODETI), the Frente Revolucionária de Timor Leste Independente (FRETILIN) and the União Democrática Timorense (UDT).

6. These three parties were formed soon after 25 April 1974. APODETI, headed by

a/ Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 23 (A/8723/Rev.1), vol. III, chap. X, annex II, A, paras. 32-59.

b/ Ibid., Twenty-eighth Session, Supplement No. 23 (A/9023/Rev.1), vol. III, chap. IX, annex I, F, paras. 12-19.

Arnaldo dos Reis Araújo, favoured integration with Indonesia on the grounds of ethnic and historical links between Indonesia and East Timor. FRETILIN, led by Francisco Xavier do Amaral, demanded immediate independence for the Territory. UDT, headed by Francisco Lopes da Cruz, advocated continued links with Portugal and a gradual movement towards independence. Later in 1974, two smaller parties were formed, the Klibur Oan Timor Aswain (KOTA), c/ which advocated the continuation of the liurais as traditional leaders; and the Partido Trabalhista (Labour Party), which favoured independence "under a system somewhat similar to the commonwealth system". In January 1975, FRETILIN and UDT formed a coalition opposing APODETI and claimed the exclusive right to negotiate with the Portuguese Government. The coalition was dissolved in May, however, after a visit by UDT leaders to Indonesia, where they announced that their party would accept integration with Indonesia if such was the wish of the people of East Timor.

7. In July 1975, the Portuguese Government promulgated Law 7/75, which provided for the formation of a transitional Government to prepare for the election of a popular assembly in October 1976. The transitional Government was to consist of a High Commissioner appointed by Portugal and five members, two of whom would be representatives of the Portuguese Government; the other three were to be chosen from among representatives of the political parties in the Territory. The popular assembly, to be elected by direct, secret and universal suffrage, was to be responsible for determining the future status of the Territory. Law 7/75 envisaged that Portuguese sovereignty would be terminated in October 1978, unless some other agreement was reached between Portugal and the popular assembly.

8. In August 1975, UDT seized the radio station, the airport and some administrative buildings at Dili, and presented an ultimatum to the Portuguese authorities in the Territory demanding immediate independence and the imprisonment of all members of FRETILIN. The Portuguese Government rejected the ultimatum and called for talks with UDT and FRETILIN. Full-scale fighting broke out at Dili. By mid-September, FRETILIN, which was reportedly in control of East Timor, announced that it had dropped its demands for immediate independence in favour of the establishment of a provisional Government in 1976 and independence a few years later. UDT and APODETI forces that had taken refuge in Indonesia announced the start of a guerrilla war against FRETILIN. At the same time, UDT joined with KOTA and the Partido Trabalhista to form a coalition called Movimento Anti-Comunista (MAC).

9. On 28 November 1975, FRETILIN declared the independence of the Territory and the establishment of the "Democratic Republic of East Timor", headed by Mr. Xavier do Amaral. According to Rogério Lobato, military commander of FRETILIN, among the reasons for the decision to declare independence were Portugal's delay in starting negotiations on the future of East Timor and Indonesian military activity on the border.

10. On 30 November 1975, APODETI, UDT, KOTA and the Partido Trabalhista also proclaimed the independence of the Territory and its integration with Indonesia. On 17 December, the pro-Indonesian parties declared the establishment of a "Provisional Government of East Timor" at Dili, headed by Mr. Reis Araújo, leader of APODETI. The "Provisional Government" called on the people of East Timor to help fight FRETILIN and appealed to Indonesia for military and economic aid.

c/ Freely translated as Sons of the Warriors.

11. Although Indonesian government officials denied any military involvement in East Timor, there were reports of Indonesian military assistance to the pro-Indonesian parties in their fight against FRETILIN as early as September 1975. On 7 December, Indonesian troops and warships reportedly attacked and gained control of Dili. During December, fighting continued between FRETILIN and the troops of the pro-Indonesian parties supported by Indonesian units. Towards the end of December, it was reported that between 15,000 and 20,000 Indonesian marines were involved in the fighting. On 30 December, Ataúro Island, to which the Portuguese administration of the Territory had withdrawn in August, was occupied by troops reportedly led by Indonesians.

12. As part of its efforts to find a peaceful solution, the Government of Portugal proposed a meeting with representatives of APODETI, FRETILIN and UDT to be held in Macau in September 1975. The meeting failed to materialize because FRETILIN refused to participate and announced that it would only negotiate directly with the Portuguese Government. On the other hand, UDT refused to release some 23 Portuguese military prisoners as a prerequisite for negotiations with Lisbon. In early November, following talks held at Rome, the Foreign Ministers of Portugal and Indonesia issued a joint communiqué in which it was announced that Portugal would organize a meeting with all political groups of Timor to restore peace and order (see A/C.4/802, annex).

3. POLITICAL DEVELOPMENTS IN 1976

A. Unilateral integration of East Timor with Indonesia

13. During the first half of 1976, the pro-Indonesian parties gradually increased their control of the urban areas of the Territory. In May, elections organized by the pro-Indonesian "Provisional Government" took place in the areas under its control to elect a "Regional Popular Assembly". On 31 May, at its first meeting at Dili, the Assembly decided to petition Indonesia formally to integrate the Territory with that country. FRETILIN denounced the holding of the Assembly as a manoeuvre of Indonesia to legitimize the invasion of East Timor. d/

14. It will be recalled that invitations were extended to the Special Committee by the "Provisional Government of East Timor" to attend the meeting of the Assembly (see A/AC.109/526) and by the Permanent Representative of Indonesia, on behalf of his Government, to visit East Timor concurrent with a mission to be sent by the Indonesian Government (see A/AC.109/527). After consultations with the members of the Special Committee, the Chairman stated that the Special Committee was not in a position to respond to the invitations by dispatching a mission to Timor because: (a) in dealing with the question of Timor, as with any other non-self-governing Territory, the Special Committee was guided by relevant General Assembly resolutions; (b) the Security Council remained seized of the situation in East Timor; (c) the Special Representative of the Secretary-General was continuing the

d/ For details see Official Records of the General Assembly, Thirty-first Session, Supplement No. 23 (A/31/23/Rev.1), vol. II, chap. XII, annex I, paras. 52-54.

assignment entrusted to him under Security Council resolutions 384 (1975) of 22 December 1975 and 389 (1976) of 22 April 1976; and (d) the Special Committee had in no way been involved in the proceedings leading up to the announced meeting of the "Regional Popular Assembly".

15. Although Portugal never relinquished its authority as administering Power of the Territory and the United Nations did not recognize the authority of the "Regional Popular Assembly" nor endorse its decision, on 17 July 1976, the President of Indonesia promulgated Law 7/76 providing for the integration of East Timor into the Republic of Indonesia and the establishment of East Timor as its twenty-seventh province. The Indonesian Government appointed Mr. Reis Araújo Governor and Mr. Lopes da Cruz Vice-Governor.

16. In a telegram transmitted to the Secretary-General on 6 August 1976 by the Indonesian Mission, e/ Mr. Reis Araújo, signing as "Former Chief Executive of the Provisional Government of East Timor", informed the Secretary-General that "as of 17 July 1976 all matters pertaining to the Territory of East Timor have come under the jurisdiction of the Government of the Republic of Indonesia". Ceremonies marking the integration, which were originally scheduled to be held at Jakarta on 17 August, Indonesia's Independence Day, were brought forward to 2 August.

17. Speaking in the general debate of the thirty-first session of the General Assembly, the representative of Indonesia said that the paramount interests of the inhabitants of East Timor had been translated by the people of the Territory into their declaration to integrate with the Republic of Indonesia, expressed in a manner of their own choosing and in conformity with their traditional institutions. Consequently, the people of East Timor had exercised their right to self-determination in accordance with the provisions of the Charter of the United Nations and of General Assembly resolutions 1514 (XV) of 14 December 1960 and 1541 (XV) of 15 December 1960. They had become independent through integration with the Republic of Indonesia on 17 July 1976. f/

18. Following the adoption of resolution 31/53 by the General Assembly on 1 December 1976, the representative of Indonesia stated that he regretted that the Assembly had adopted a resolution on East Timor on the strength of "ridiculous claims and absurd accusations" made by some countries whose motives had nothing to do with the interests of the people of East Timor. He claimed that, as at 17 July 1976, whatever happened in East Timor had become an internal affair of Indonesia. Thus, Indonesia could not accept the discussion on East Timor in any international forum, including the United Nations. g/

19. In April 1977, the Acting Permanent Representative of the Republic of Indonesia to the United Nations transmitted to the Secretary-General a collection of newspaper clippings and other documents containing information on recent developments in East Timor, which has been utilized in the preparation of the present paper.

e/ Official Records of the Security Council, Thirty-first Year, Supplement for July, August and September 1976, document S/12170, annex.

f/ Official Records of the General Assembly, Thirty-first Session, Plenary Meetings, 18th and 19th meetings.

g/ Ibid., 85th meeting.

B. Portugal's reaction to the unilateral integration

20. The representative of Portugal informed the Special Committee in 1976 that his Government, as the administering Power, did not recognize the integration of East Timor with Indonesia or the declaration of independence by FRETILIN. The Portuguese Government, however, did not claim a right to judge whether any given result could or could not be considered as representing the application of the principle of self-determination. The Portuguese Government had made it known that it was ready to support any solution which respected the principle of self-determination. Although Portugal remained undisposed to recognize de jure the integration of East Timor within the Territory of another State as a result of a unilateral decision, it was ready to accept a consensus of the United Nations regarding that question (A/AC.109/PV.1052).

21. In connexion with the transmission of information under Article 73 e of the United Nations Charter by the administering Powers, the Chargé d'affaires a.i. of the Permanent Mission of Portugal to the United Nations informed the Secretary-General in a note verbale dated 20 April 1977 that: (a) effective exercise of Portuguese sovereignty on the Territory had ceased in August 1975 when, owing to the violent incidents which had taken place in the Territory, the Governor of East Timor and his aides had been compelled to leave the Territory; and (b) in December 1975, armed forces of the Indonesian republic had attacked and occupied the Territory. During 1976, the prevailing presence of armed forces from Indonesia in East Timor had impeded the Portuguese Government from exercising the effective administration of the Territory. The Portuguese Government was thereby de facto prevented from transmitting any information under Article 73 e of the Charter concerning East Timor (A/32/73).

C. International reactions

22. The Fifth Conference of Heads of State or Government of Non-Aligned Countries, held at Colombo from 16 to 19 August 1976, adopted a Political Declaration whereby among other things, the Conference affirmed the right of the people of East Timor to self-determination in accordance with United Nations General Assembly and Security Council resolutions (A/31/197, annex I, para. 36).

23. The question of East Timor was mentioned in the statements made by several Member States during the general debate at the thirty-first session of the General Assembly. The representative of China stated his country's support for the struggle being carried on by FRETILIN in defence of the independence and territorial integrity of its country against foreign aggression. Other countries expressing a similar view included Algeria, Benin, Democratic Kampuchea, Ghana, Guinea-Bissau, Madagascar, Mozambique and Sao Tome and Principe. The representative of Mozambique requested all Member States to join in the appeal made by the President of his country at Colombo urging the Government of Indonesia to withdraw its occupation troops from the "Democratic Republic of East Timor".

24. On the other hand, several countries expressed the view that East Timor had attained its independence when the colonial Power had withdrawn and, following constitutional steps, including some form of popular consultation, the Territory had been integrated into Indonesia. Those sharing this view included India, Japan, Malaysia, Morocco, Oman, the Philippines and Saudi Arabia.

4. CONDITIONS IN THE TERRITORY

25. Reports on conditions prevailing in East Timor have been conflicting. Most information has been released by Indonesian authorities and FRETILIN sources. With very few exceptions (see below), the Territory has remained inaccessible to visitors.

A. Military activities

26. According to a report attributed to Indonesian Catholic relief workers, excerpts of which were brought to the attention of the Security Council by the Permanent Representative of Mozambique to the United Nations, as of October 1976 only 20 per cent of the Territory and 150,000 people (about 25 per cent of the population) were under direct Indonesian control. h/ According to passages of the same report quoted in the Australian press (Age, 8 December 1976), FRETILIN was continuing to put up stiff resistance and enjoyed widespread popular support. Beyond the main centres, safety could not be guaranteed because of harassment by FRETILIN. Land communication had been disrupted and the only means of communication was by helicopter or by sea around the coast. FRETILIN forces employed guerrilla tactics and raided villages where there were Indonesians.

27. FRETILIN reports claim widespread military activities in East Timor. According to FRETILIN, in the last quarter of 1976 and first quarter of 1977, its forces killed more than 500 Indonesian soldiers. In December 1976, clashes were reported in the Manatuto and Baucau districts. In January 1977, FRETILIN sources reported a major battle with Indonesian forces at Loes River, some 40 kilometres from the border with West Timor. The fighting in the area reportedly lasted from 22 December 1976 to 19 January 1977, leaving 321 Indonesian soldiers dead.

28. According to FRETILIN reports, intense fighting continued throughout the first half of 1977. In March, FRETILIN forces recaptured the northern coastal town of Laleia, east of Manatuto. FRETILIN forces also clashed with Indonesian troops near Dili, killing some 60 Indonesian soldiers, and repelled an Indonesian offensive on the village of Lacló, west of Manatuto. In May, FRETILIN claimed that it controlled all roads in the Territory and Indonesian troops could move only by helicopter. In June, FRETILIN forces repelled Indonesian attacks in the Aileu-Lequidoe area. Fighting was reportedly intense in the Aileu and Baucau regions.

29. In June 1977, José Ramos Horta of FRETILIN stated that his party continued to control 80 per cent of the territory of East Timor. However, he said that FRETILIN feared that Indonesia was going to launch an offensive during the coming dry season.

30. Information released by the Permanent Mission of Indonesia to the United Nations reflects a different view of prevailing conditions in East Timor. In a press release issued on 14 March 1977, the Permanent Mission of Indonesia reported

h/ Official Records of the Security Council, Thirty-second Year, Supplement for April, May and June 1977, document S/12327, annex, enclosure II.

that, according to the military commander, Brigadier General Dading Kalbuadi, stability had been established in East Timor. According to him, FRETILIN no longer existed; there was only a bunch of terrorists". The defence of East Timor was now in the hands of Indonesia's Minister of Defence.

31. Also in March 1977, Mario Carrascalão of UDT, told a subcommittee of the United States House of Representatives (see para. 43 below) that hostilities, practically speaking, had come to an end in East Timor. He said that only in the southern part of the country, where the population density was much smaller, an estimated 100 to 300 people were still perpetrating acts of terrorism. According to Mr. Carrascalão, the forces of FRETILIN then numbered from 200 to 300, certainly not more than 400.

32. In April 1977, for the first time in 10 months, the Indonesian authorities permitted a foreign news agency to enter East Timor. The Australian Associated Press (AAP)-Reuters correspondent quoted Mr. Lopes da Cruz, who, as reported above, had been appointed Vice-Governor of East Timor by the Indonesian Government, as saying that, apart from isolated incidents, FRETILIN no longer posed a military threat. In many districts, security was no longer handled by the military but by the civil defence corps. The Vice-Governor reportedly said that starving supporters of FRETILIN were abandoning thousands of light arms in the mountain jungles and were surrendering by the hundreds. In the first two weeks of April alone, he said, more than 500 FRETILIN supporters had surrendered.

33. Dennis Freney, a representative of Campaign for an Independent East Timor, with headquarters in Australia, denied that FRETILIN fighters were surrendering by the hundreds.

B. Economic and social conditions

34. There is very little information on the economic and social conditions prevailing in the Territory.

35. In May 1977, FRETILIN reported that, in the areas under its control, food production had reached the maximum ever reached under Portuguese domination. Agricultural production had been organized in a co-operative system. Health care was based on the use of traditional medicines, and schools had been set up by the Central Committee of FRETILIN.

36. According to the AAP-Reuters correspondent who visited Dili in April (see para. 32 above), the situation in Dili was quiet and normal. Government offices, schools and shops were working normally. Indonesian officials of the International Committee of the Red Cross (ICRC) had begun to distribute relief aid donated by the Indonesian Government as well as Australia, Belgium, the Netherlands and the United States of America. The donations consisted mainly of food, clothing and medical supplies.

37. According to information transmitted by the Acting Permanent Representative of the Republic of Indonesia to the United Nations, a development plan divided

into three stages was under way in East Timor. A total expenditure of 12.3 billion Indonesian rupiahs i/ was envisaged under the development plan, which comprised a rehabilitation stage (1976/77), a consolidation stage (1977/78) and a stabilization stage (1978/79). In the rehabilitation stage, which would cost an estimated 2.8 billion Indonesian rupiahs, priority was being given to welfare projects, including population settlement, hospital construction, drinking water facilities, expansion of the power supply and the care of neglected children. An intensive programme of Bahasa Indonesian courses was under way to remove the language barrier between the Indonesian administration and the people.

38. In January 1977, an Indonesian national education programme was introduced in East Timor. According to Indonesian sources, there were 2,000 primary-school students with 60 teachers. Both primary-school and secondary-school teachers had been recruited from West Java and West Nusatenggara.

39. The Indonesian authorities approved budgetary expenditures in East Timor amounting to \$US 20.4 million for the fiscal year 1977/78, of which \$US 7.5 million was allocated to "rehabilitation expenditures", \$US 8.4 million to "development expenditures" and \$US 4.5 million to "routine expenditures".

5. RECENT INTERNATIONAL DEVELOPMENTS CONCERNING THE TERRITORY

40. The final communiqué of the ministerial meeting of the Co-ordinating Bureau of Non-Aligned Countries, held at New Delhi from 7 to 11 April 1977 (see A/32/74, annex I, para. 54), reaffirmed the position taken by the Fifth Conference of Heads of State or Government of Non-Aligned Countries on the question of East Timor (see para. 22 above). Of the 25 members of the Bureau, only 4 (Bangladesh, Indonesia, Iraq and the Syrian Arab Republic) opposed the decision to reaffirm the right of the people of East Timor to self-determination in accordance with the resolutions of the General Assembly and the Security Council.

41. In February 1977, six members of the Australian Parliament addressed a letter to Donald M. Fraser, Chairman of the Subcommittee on International Organizations of the United States House of Representatives, concerning the situation in East Timor. They stated that, according to available reports, up to 100,000 people might have died in East Timor since the Indonesian invasion of the Territory. In view of United States links with Indonesia, they requested that the question be raised in the Subcommittee. The six members of the Australian Parliament also submitted to the Subcommittee a copy of a report prepared by Jim S. Dunn of the Foreign Affairs Group, Legislative Reference Service, of the Australian Parliament. j/

42. On 22 March, Zahar Arifin, Minister, at the Indonesian Embassy to the United

i/ One thousand Indonesian rupiahs equal approximately \$US 1.40.

j/ Official Records of the Security Council, Thirty-second Year, Supplement for April, May and June 1977, document S/12327, annex, enclosure I.

States, addressed a letter to Mr. Fraser disclaiming Mr. Dunn's report as "a hypocritical and subjective piece of quasi-documentation". Mr. Arifin said, in his letter, that it was impossible that 100,000 people had been killed in East Timor. The number of victims during the civil war had been estimated at 60,000, some of whom had been killed during the fighting or murdered by FRETILIN while trying to escape to West Timor. Most of the killings had occurred during the period between August 1975 and the fall of Dili on 7 December 1975.

43. On 23 March 1977, the Subcommittee on International Organizations and the Subcommittee on Asian and Pacific Affairs of the Committee on International Relations of the United States House of Representatives conducted a hearing entitled "Human rights in East Timor and the question of the use of U.S. equipment by the Indonesian Armed Forces". k/

44. As a result of the hearing, the Government of Indonesia invited members of the two sub-committees to visit East Timor. In April 1977, representatives Helen S. Meyner, of the Subcommittee on Asian and Pacific Affairs, and William F. Goodling, of the Subcommittee on International Organizations, visited Indonesia and spent 23 hours in East Timor.

45. Following his tour of the Territory, Mr. Goodling reportedly said that Indonesia should have interfered much earlier in the civil war to prevent further bloodshed. He said that while in the Territory he had shaken hands with at least 6,000 people who had come to see him from various areas. According to him, the general feeling in East Timor now appeared to be that the people had suffered a great deal, and that they should now put the past behind them. He had been told that Indonesian atrocities were the work of individual soldiers rather than deliberate policy, as had been the case with atrocities committed by FRETILIN. In June, addressing the resumed hearing of the United States House of Representatives, Mr. Goodling reportedly said that an Indonesian military authority had told him in Jakarta of Indonesian offensive plans "to wrap things up" during the dry season in East Timor and that "there would be an over-all push to secure the safety of the people".

46. According to press reports, following her visit to East Timor Mrs. Meyner said that, at the five towns where she had stopped, enthusiastic demonstrators supporting union with Indonesia had greeted her party. She said that there was a strong feeling that the people wanted unity with Indonesia and did not want interference from any country. However, her group had visited only those towns permitted by the Indonesian authorities and had not been allowed to contact East Timorese still reported to be fighting in the countryside. On alleged Indonesian atrocities, Mrs. Meyner said that there appeared to have been atrocities on both sides

k/ See Hearing before the Subcommittees on International Organizations and on Asian and Pacific Affairs of the Committee on International Relations, House of Representatives, Ninety-fifth Congress, First Session, March 23, 1977
Washington, D.C., U.S. Government Printing Office, 1977).

following the invasion, and that the United Nations or ICRC should be allowed into the Territory to investigate the matter further. John Salisbury, a member of Mrs. Meyner's staff, reportedly told the press that, in his opinion, the visit to East Timor had failed to clarify the allegations of atrocities one way or another.

47. It was reported that a proposal put forward by Mrs. Meyner that Indonesian authorities hold peace talks with FRETILIN was regarded by the Indonesians as not acceptable. It was also reported that Brigadier-General Dading Kalbuadi, the Indonesian military commander in East Timor, had refused a request from the United States congressional delegation for a statement on the military situation in the Territory.

48. In March 1977, it was reported that 94 members of the Australian Parliament had sent a petition to the President of the United States asking him to take a public stand on the alleged violations of human rights that had taken place in East Timor as a result of the Indonesian occupation of the Territory. The petition urged the President to call on the Indonesian Government to adhere to United Nations resolutions on human rights and to allow ICRC free access to East Timor.

CHAPTER XI

GIBRALTAR

A. CONSIDERATION BY THE SPECIAL COMMITTEE

1. The Special Committee considered the question of Gibraltar at its 1095th meeting, on 17 August 1977.

2. In its consideration of the item, the Special Committee took into account the provisions of the relevant General Assembly resolutions, including in particular resolution 31/143 of 17 December 1976 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. By paragraph 12 of this resolution, the Assembly requested the Special Committee "to continue to seek suitable means for the immediate and full implementation of General Assembly resolution 1514 (XV) in all Territories which have not yet attained independence". The Special Committee also took into account General Assembly decision 31/406 C of 1 December 1976 on the question of Gibraltar.

3. During its consideration of the item, the Special Committee had before it a working paper prepared by the Secretariat (see annex to the present chapter) containing information on developments concerning the Territory.

B. DECISION OF THE SPECIAL COMMITTEE

4. At its 1095th meeting, on 17 August, following a statement by the Chairman (A/AC.109/PV.1095), the Special Committee decided, without objection, to give consideration to the item at its next session subject to any directives which the General Assembly might give in that connexion at its thirty-second session and, in order to facilitate consideration of the item by the Assembly, to authorize its Rapporteur to transmit to the Assembly all available information on the question.

ANNEX*

WORKING PAPER PREPARED BY THE SECRETARIAT

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* Previously issued under the symbols A/AC.109/L.1197 and Add.1.

GIBRALTAR a/

1. GENERAL

A. Constitution

1. The 1969 Constitution remains in effect. b/ It will be recalled that the preamble to the Gibraltar Constitution Order of 1969 states that "Gibraltar is part of Her Majesty's dominions and Her Majesty's Government have given assurances to the people of Gibraltar that Gibraltar will remain part of Her Majesty's dominions unless and until an act of Parliament otherwise provides". The preamble further states that Her Majesty's Government "will never enter into arrangements under which the people of Gibraltar would pass under the sovereignty of another State against their freely and democratically expressed wishes".

B. Population

2. A census of the population was taken on 6 October 1970. The official census figures for the population of the Territory, together with the official estimates at the end of 1973, are as follows:

	<u>1970</u> (census)	<u>1973</u> (estimates)
Gibraltarians	18,873	19,092
Other British	5,162	6,807
Aliens	<u>2,798</u>	<u>4,028</u>
Total	26,833	29,927

3. The estimated civilian population at the end of 1975 was 29,934.

a/ Up to the time of the drafting of the present paper, the only information transmitted to the Secretary-General by the Government of the United Kingdom of Great Britain and Northern Ireland under Article 73 e of the Charter of the United Nations consisted of the Annual Report, 1976, issued by the Port Department and Police Department of the Government of Gibraltar.

b/ For details, see Official Records of the General Assembly, Twenty-fourth Session, Supplement No. 23 (A/7623/Rev.1), vol. III, chap. XI, annex, paras. 7-23.

2. POLITICAL DEVELOPMENTS c/

4. At its 85th plenary meeting, on 1 December 1976, the General Assembly, at its thirty-first session, adopted without objection the following consensus recommended by the Fourth Committee:

"The General Assembly, noting that, since the approval of its resolution 3286 (XXIX) of 13 December 1974, talks - which are still continuing - have been held between the Governments of Spain and of the United Kingdom of Great Britain and Northern Ireland on the question of Gibraltar, urges both Governments to make possible without delay, taking due account of current circumstances, the initiation of the negotiations envisaged in the consensus approved by the Assembly on 14 December 1973 d/ with the object of reaching a lasting solution to the problem of Gibraltar, in the light of the relevant resolutions of the General Assembly and in the spirit of the Charter of the United Nations." e/

5. It has recently been reported that Gibraltar was expected to be one of the two main topics when David Owen, the United Kingdom Secretary of State for Foreign and Commonwealth Affairs, paid his first visit to Spain, on 5 September 1977. His three-day visit to Madrid at the invitation of Marcelino Oreja Aguirre, the Minister for External Affairs of Spain, was reported to be in conjunction with Spain's application for membership in the European Economic Community (EEC). It was further reported in the press that the Spanish Government, while moving towards a parliamentary Government, was planning to use that as an argument for the integration of Gibraltar within the frontiers of a federal Spain, in the context of which autonomy would be available to the population of Gibraltar.

6. On the other hand, the United Kingdom Foreign and Commonwealth Office was reported by the press to have pointed out that Sir Joshua Hassan, the Chief Minister of Gibraltar, had been in London during the second week of August 1977 for talks with Mr. Owen and senior officials, when the Foreign Secretary had given assurances that the principle of self-determination remained unchanged. Mr. Owen was reported to have assured Sir Joshua that there would be no change in the status of the Territory unless approved by a freely expressed resolution of the inhabitants. Mr. Owen was also reported to have told the Chief Minister that he had requested Frank Judd, the Minister of State, to visit the Territory later in the year.

c/ See also Official Records of the General Assembly, Thirty-first Session, Supplement No. 23 (A/31/23/Rev.1), vol. II, chap. XIII, annex, paras. 4-10.

d/ Official Records of the General Assembly, Twenty-eighth Session, Supplement No. 30 (A/9030), p. 111.

e/ Ibid., Thirty-first Session, Annexes, agenda item 25, document A/31/362, para. 72, draft consensus III.

3. ECONOMIC CONDITIONS

A. Strategic and commercial importance of the Port of Gibraltar

7. Gibraltar is popular as a port of call for cruise ships in addition to its function as a bunkering port and a port of call for stores and water.
8. Cargo traffic is generally confined to imports for the consumption of the inhabitants; exports are negligible.
9. Gibraltar is frequently used as a port of refuge, particularly during the winter months, and the port has a reputation for prompt and efficient medical service.
10. The established use of the port for varied, incidental purposes is owed, in part, to its strategic position at one of the main cross-roads of world shipping routes: the Strait of Gibraltar is a main artery for sea traffic between the Mediterranean and Black Sea area, the Americas, Europe, Africa, India, the Far East and Australia.
11. The services provided by the port include the following: commercial anchorages; an "Admiralty Harbour"; a passenger wharf; a small craft anchorage; a yacht marina; repair and dockyard facilities; and tug services.

B. Shipping

12. A total of 2,553 merchant ships amounting to 19,113,544 net registered tons aggregate entered the port of Gibraltar during 1976; of these 1,892 were deep-sea ships amounting to 18,895,942 net registered tons aggregate. Additionally 2,758 calls were made by yachts totalling 35,965 net registered tons.

C. Passenger services

13. Seventy-four cruise liners called at Gibraltar during the year under the following flags: Italian, 20; Greek, 17; British, 13; Russian, 9; Norwegian, 4; Yugoslav, 3; Panamanian, 2; Finnish, 2; and one each from the following countries: France, Cyprus, Liberia and the Democratic Republic of Germany.
14. No regular scheduled passenger ships called at Gibraltar throughout the year except for the Tangier-Gibraltar ferry service by the Bland Line car/passenger ferry, Mons Calpe.
15. On 9 July, Transtour Ferries, a Moroccan firm, commenced a twice weekly service to Gibraltar on Tuesdays and Fridays, with occasional calls on other days. The service is provided by two hydrofoils, the Scheherazade and the Sindibad, with passenger capacity of 114 and 108 respectively.

16. A total of 49,607 passengers disembarked and 48,903 passengers embarked from Gibraltar. These figures included 14,160 day visitors. There were an additional 53,016 cruise sightseers.

D. Bunkering services

17. A quick bunkering service is provided on a 24-hour basis at alongside and anchorage berths. Ships arriving at night are required to give prior notice before 4 p.m. on the day of arrival. The requirement is the same on Sundays and weekdays.

18. Fuel of various grades was supplied to shipping throughout the year from piped installations at all alongside berths using the latest metred bunkering techniques.

E. Fresh water supplies

19. Piped fresh water is available at all alongside berths with the exception of the Detached Mole. The present price per ship is £0.77 f/ per ton for the first 200 tons delivered, and £1.50 per ton for every ton thereafter.

20. Fresh water is supplied to ships at anchor and at the Detached Mole by lighter. The lighter service is maintained by two firms and a combined fleet of three water boats of 809 tons aggregate capacity.

F. Communications

21. The signal station is manned continuously by day and night. Its functions include radio telephone communication with ships arriving at the port, the display of control signals for merchant shipping with regard to the use of the harbour entrances, the hoisting of strong wind warnings and the maintenance of communication with the port duty launch. These installations provide communications between ships, the port medical officer, the police, the boarding officers and the Captain of the Port of Gibraltar.

G. Merchant Shipping (Oil Pollution) (Gibraltar) Order, 1976

22. The Order came into operation on 17 February. It makes possible the application of the International Convention on Civil Liability for Oil Pollution Damage, 1969, which provides uniform rules and procedures for determining liability and for awarding compensation when damage is caused by the escape or discharge of oil from ships; and of the International Convention on the Establishment of an

f/ The local currency is the pound sterling.

International Fund for Compensation for Oil Pollution Damage, 1971, which sets up a fund to provide a supplementary system for compensation and indemnification for such damage.

H. Port charges

23. A total of 2,129 ships totalling 17,510,757 net registered tons incurred tonnage dues amounting to £67,938. The above figures include 100 maximum chargeable calls for the Mons Calpe Tangier/Gibraltar ferry service.

I. Revenue and expenditure

24. Total revenue collected by the Port Department during the year amounted to £209,214, an increase of £61,988 compared with 1975.

25. Total expenditure for the Department for the year amounted to £326,562, an increase of £181,860 compared with 1975.

4. POLICE FORCE

A. Organization and administration

26. The Police Force consists of two divisions, namely, a Territorial Division of 153 officers charged with the general policing of the Territory, including the Dockyard and other land belonging to the Ministry of Defence, and a Headquarters Division with 38 officers embodying administration, organization, development and training, prosecutions, immigration and other specialized sections in support of the Territorial Division.

27. All ranks below that of Superintendent worked a 48-hour week until the execution of a recent agreement on wages and conditions of service reduced the working week to 40 hours.

B. Special Branch

28. The Special Branch is responsible for the prevention of subversion and for supplying the intelligence necessary to maintain internal security. The Branch co-ordinates the inspection of mail for letter bombs and the work of the police bomb squad.

C. Prosecutions Section

29. Under the guidance and approval of the Attorney General, a Chief Inspector prosecuted most of the police cases in the Magistrates' Court. During the year, 2,071 criminal and statutory cases were prosecuted by the Section.

D. Ambulance service

30. The Police Force is responsible for the operation of the ambulance service serving the civil population. Apart from emergencies, the ambulances also make inter-hospital transfers and transport patients to and from hospitals.

E. Immigration and registration of civilians

31. The Police Force is responsible for the registration of civilians and for immigration control. This section is very active in view of the constant movement of non-residents across the borders of Gibraltar.

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