

**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**

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**Volume II**

**GENERAL ASSEMBLY**

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#### 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-XXVI; and volume IV, chapters XXVII-XXXIII.

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\* The present version of chapters VII to XI is a consolidation of the following documents as they appeared in provisional form: A/33/23/Add.1 of 4 October 1978, A/33/23/Add.2 of 29 September 1978, A/33/23/Add.3 of 23 October 1978 and A/33/23/Add.3/Corr.1 of 4 December 1978.

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\*\* Solomon Islands acceded to independence on 7 July 1978.

\*\*\* Tuvalu acceded to independence on 1 October 1978.

## CHAPTER VII\*

### SOUTHERN RHODESIA

#### A. Consideration by the Special Committee

1. The Special Committee considered the question of Southern Rhodesia at its 1111th to 1115th meetings, between 7 and 10 August 1978.
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 32/116 A and B of 16 December 1977 on the question of Southern Rhodesia, resolution 32/41 of 7 December 1977 on the International Conference in Support of the Peoples of Zimbabwe and Namibia and resolution 32/42 of 7 December 1977 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. By paragraph 13 of resolution 32/42, 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-third 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.

#### 1. Participation of the national liberation movement

4. 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).

#### 2. Statement issued by the Chairman

5. On 13 June, the Chairman, on behalf of the Special Committee, issued a statement in connexion with the massacre of Zimbabweans by the armed forces of the illegal racist minority régime (see para. 15 below).

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\* Previously issued under the symbol A/33/23/Add.1.

### 3. General debate

6. At the 1111th meeting, on 7 August, the representative of the United Kingdom of Great Britain and Northern Ireland made a statement as the administering Power (A/AC.109/PV.1111).

7. At the 1112th meeting, on 8 August, Mr. John Nkomo and Mr. Edson Zvobgo of the Patriotic Front of Zimbabwe made statements (A/AC.109/PV.1112).

8. The general debate on the item took place at the 1112th to 1115th meetings, between 8 and 10 August. The following Member States took part in the debate: the United Republic of Tanzania, Czechoslovakia and Australia at the 1112th meeting (A/AC.109/PV.1112); the Syrian Arab Republic, China, Iraq, Bulgaria, the Union of Soviet Socialist Republics and Sweden at the 1113th meeting (A/AC.109/PV.1113); Cuba, India, Indonesia, Tunisia, Yugoslavia and Ethiopia at the 1114th meeting (A/AC.109/PV.1114); and Afghanistan at the 1115th meeting (A/AC.109/PV.1115).

9. At the 1115th meeting, on 10 August, Mr. Lèban Oyaka, Assistant Executive Secretary of the OAU Co-ordinating Committee for the Liberation of Africa, made a statement (A/AC.109/PV.1115). Mr. John Nkomo made a further statement at the same meeting (A/AC.109/PV.1115).

### 4. Draft resolutions

10. At the 1115th meeting, on 10 August, the representative of Yugoslavia introduced two draft resolutions on the item, namely: (a) a draft resolution relating to the question in general (A/AC.109/L.1260), which was finally sponsored by Afghanistan, Bulgaria, the Congo, Ethiopia, India, Iraq, the Ivory Coast, Mali, Sierra Leone, the Syrian Arab Republic, Trinidad and Tobago, Tunisia, the United Republic of Tanzania and Yugoslavia; and (b) a draft resolution relating to specific aspects of the question (A/AC.109/L.1261), which was finally sponsored by Afghanistan, Bulgaria, the Congo, Ethiopia, India, Iraq, Mali, Sierra Leone, the Syrian Arab Republic, Trinidad and Tobago, Tunisia, the United Republic of Tanzania and Yugoslavia.

11. At the same meeting, the Special Committee adopted the two draft resolutions without objection (A/AC.109/563 and A/AC.109/564) (see paras. 13 and 14 below).

12. On 11 August, the text of resolution A/AC.109/564 was transmitted to the President of the Security Council (S/12808). On the same day, the texts of the two resolutions were transmitted to the Permanent Representative of the United Kingdom to the United Nations for the attention of his Government. Copies of both resolutions were also transmitted to all States. A copy of the first resolution (A/AC.109/563) was also transmitted to the specialized agencies and other organizations and bodies within the United Nations system and to OAU.

### B. Decisions of the Special Committee

13. The text of resolution A/AC.109/563, adopted by the Special Committee at its 1115th meeting, on 10 August, to which reference is made in paragraph 11 above, is reproduced below:

The Special Committee,

Having considered the question of Southern Rhodesia (Zimbabwe),

Having heard the statement of the representative of the administering Power, 1/

Having heard the statements of the representatives of the Patriotic Front of Zimbabwe, the national liberation movement of the Territory, who participated in an observer capacity in the consideration of the item, 2/

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,

Considering the need for urgent measures to terminate the illegal régime and establish a Government based on majority rule,

Condemning all attempts and manoeuvres by the illegal régime aimed at the retention of power by a racist minority and at preventing the achievement of independence by Zimbabwe,

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 resolution on Zimbabwe adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its fifteenth ordinary session, held at Khartoum from 18 to 22 July 1978, 3/

Stressing the grave responsibility of the international community to take all possible measures in support of the people of Zimbabwe in their liberation struggle,

Indignant at the arbitrary imprisonment and detention of political leaders and others, the illegal execution of freedom fighters and the

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1/ A/AC.109/PV.1111.

2/ A/AC.109/PV.1112 and 1115.

3/ A/33/235 and Corr.1, annex II, resolution AHG/Res.89 (XV).

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,

Outraged and deeply concerned by the continuing acts of aggression against neighbouring independent African States, including the most recent armed invasion of Mozambique which resulted in loss of human lives and destruction of property,

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. Reaffirms its firm support of the people of Zimbabwe under the leadership of their national liberation movement in their struggle for the elimination of colonial and racist domination and for the achievement of an independent Zimbabwe under majority rule;

3. Condemns all manoeuvres of the illegal racist minority régime, including the so-called internal settlement resulting from the Salisbury Agreement of 3 March 1978, 4/ aimed at the retention of power by a racist minority;

4. Declares as illegal and unacceptable the so-called internal settlement resulting from the Salisbury Agreement of 3 March 1978;

5. Declares as illegal and unacceptable any internal settlement under the auspices of the illegal régime and calls upon all States not to accord any recognition to such settlement;

6. Further declares that the speedy termination of the illegal régime and the disbanding of its military and police forces are the first prerequisites for the restoration of legality in Zimbabwe so that arrangements may be made for a peaceful and democratic transition to genuine majority rule and independence;

7. Calls upon the Government of the United Kingdom of Great Britain and Northern Ireland to take all measures necessary to bring to an end the illegal racist minority régime in Southern Rhodesia and to effect the genuine decolonization of the Territory in accordance with resolution 1514 (XV) and other United Nations resolutions;

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

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4/ See annex to the present chapter, paras. 57-63.

9. Condemns the illegal racist minority régime for the repeated acts of aggression and threats against Mozambique, Zambia and Botswana;

10. 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;

11. Demands:

(a) The termination forthwith of all repressive measures perpetrated by the illegal racist minority régime against the people of Zimbabwe, 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;

(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 neighbouring African States;

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

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

14. Requests all States, directly and through their action in the specialized agencies and other organizations and bodies 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;

15. 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;

16. Requests the Secretary-General to continue to assist, under the terms of the relevant provisions of the resolutions of the General Assembly and the Security Council, as well as of the present resolution, in the full and speedy implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples with respect to the Territory;

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

14. The text of resolution A/AC.109/564, adopted by the Special Committee at its 1115th meeting, on 10 August, to which reference is made in paragraph 11 above, is reproduced below:

The Special Committee,

Strongly deploring the continued collaboration, in violation of Article 25 of the Charter of the United Nations and of the relevant decisions of the United Nations, which certain States, particularly South Africa, 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,

Affirming its conviction that the so-called internal settlement resulting from the Salisbury Agreement of 3 March 1978 <sup>5/</sup> constitutes yet another manoeuvre of the illegal racist minority régime to maintain its domination and oppression of the African people of Zimbabwe,

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 an end to 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,

Deeply disturbed by the current moves in the United States of America to lift sanctions against the Smith régime in violation of the decisions of the Security Council,

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

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<sup>5/</sup> Ibid.



1. Strongly condemns the policies of those 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 the resolutions of the Security Council on sanctions against that régime;
4. Calls upon all Governments which thus 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;
  - (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;
  - (e) To take all effective measures against international companies and agencies which supply petroleum and petroleum products to the illegal régime of Southern Rhodesia;
5. Requests all States, directly and through their action in the specialized agencies and other organizations and bodies within the United Nations system of which they are members, and the various programmes within the United Nations system to extend to the Governments of Mozambique and Zambia all forms of financial, technical and material assistance in order to enable those Governments to overcome economic difficulties in connexion with their application of economic sanctions imposed 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 the two Governments;

6. Deems it imperative that the scope of sanctions against the illegal régime 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;

7. Requests the Security Council to consider imposing a mandatory embargo on the supply of petroleum and petroleum products to South Africa in view of the fact that petroleum and petroleum products are transported from South Africa into Southern Rhodesia.

#### C. Statement by the Chairman

15. The text of the statement issued by the Chairman on 13 June, to which reference is made in paragraph 5 above, is reproduced below:

(1) As Chairman of the Special Committee, I wish to express my utmost concern and indignation at the latest barbaric massacre by the armed forces of the illegal racist minority régime in Southern Rhodesia of 22 Zimbabweans, most of them innocent women and children. This latest massacre, which took place at Domboshawa on 10 June, is part of a series of systematic and deliberate acts of repression and killings perpetrated by the Smith régime against the people of Zimbabwe in a desperate and reckless effort to cling to power and maintain racist domination in Southern Rhodesia. The flimsy excuses given by the Smith régime in an attempt to explain this dastardly act only expose its insensitivity and lack of concern for the lives of Africans.

(2) This massacre serves further to demonstrate that the so-called internal settlement is nothing more than a manoeuvre by the Smith régime to disguise its continued domination, oppression and repression of the African people of Zimbabwe.

(3) The international community, which has rightly and unfailingly rejected and condemned all attempts and manoeuvres by the illegal régime, including the so-called internal settlement, which are aimed at the retention of power by the racist minority, should clearly voice its outrage at this latest barbaric act.

(4) On behalf of the Special Committee, I emphatically denounce this cruel and senseless massacre. I appeal to all Governments, international organizations and non-governmental organizations to redouble their efforts in order: (a) to bring about the complete isolation of the racist minority régime; (b) to ensure the scrupulous observation of existing sanctions against that régime and the extension of sanctions to include other measures provided for under Chapter VII of the Charter of the United Nations; and (c) to furnish active support to the national liberation movement of Zimbabwe whose freedom fighters are actively engaged in the heroic struggle to bring to an end the illegal Smith régime and its brutal oppression of the peoples of Zimbabwe.

(5) This latest crime perpetrated by the illegal minority racist régime against the civilian population of Zimbabwe constitutes a further challenge to the international community, which has a commitment to ensure that the principles of freedom, justice and human dignity prevail in Zimbabwe.

(6) We must all redouble our efforts to work for the speedy realization of genuine majority rule in Zimbabwe.

ANNEX\*

Working paper prepared by the Secretariat

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\* Previously issued under the symbol A/AC.109/L.1214 and Corr.1 and Add.1 and 2.

## 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 and north-east.

### B. Population and emigration

2. At 31 December 1976, the total population of Southern Rhodesia was estimated at 6.6 million, a/ composed of Africans, Europeans (including other whites), Asians and Coloureds (see table 1 below). According to the estimates, the African population increased by 230,000 from December 1975 to December 1976, accounting for almost all of the 3.6 per cent population increase during that period. Over the same months, the European population declined for the first time in the history of the Territory. The decrease, estimated at 5,000 was attributed to the high rate of European emigration. In December 1977, there were estimated to be 6.4 million Africans and 268,000 Europeans in Southern Rhodesia.

Table 1

Southern Rhodesia: estimated population, 1968-1976

(Thousands)

Year	Africans	Europeans	Asians	Coloureds	Total
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
1976	6,340	273	10.2	21.9	6,650

Source: Southern Rhodesia, Ministry of Finance, Economic Survey of Rhodesia, April 1977.

a/ Other estimates put this figure at 6.7 million, which gives an African/European ratio of 24:1.

3. The rate of emigration has remained very high. According to press reports in July 1977, whites were leaving the country at the rate of 1,500 a month. By the end of 1977, net emigration amounted to 10,908. It is also reported that businesses are closing down and that an increasing number of houses are being put up for sale. The number of white children being sent abroad for education has also increased.

4. It is said that white emigration would have been higher if the illegal régime had not imposed tight limits on the export of funds. It will be recalled that in August 1976 it was announced that any family emigrating from the Territory could only take out up to \$R 1,000 b/ 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.

5. Because allowable travel funds for a family are lower than those for a single person, some couples have chosen to go through divorce procedures in order to obtain the higher rate of travel funds and have then remarried after leaving the Territory.

6. According to the illegal régime's own figures, between January and June 1977 there was a net loss of 5,761 Europeans by emigration, compared with 2,279 during the same period in 1976 (see table 2 below).

7. The number of tourists visiting the Territory has also decreased. According to the figures of the Southern Rhodesia Central Statistical Office, c/ the number of tourists visiting the Territory during the first five months of 1977 was 37,000, compared with 70,000 during the same period in 1976. The total number of tourists visiting the Territory in 1977 was just over 100,000, a drop of 26 per cent compared with the previous year.

### C. Land distribution

8. As stated in an earlier report of the Special Committee, 1/ the Land Apportionment Act, which was in force from 1930 until it was replaced by the Land Tenure Act 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 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.

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b/ One Southern Rhodesian dollar (\$R 1.00) equals approximately \$US 1.60.

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.

d/ Official Records of the General Assembly, Thirtieth Session, Supplement No. 23 (A/10023/Rev.1), vol. II, chap. IX, annex, para. 5.

Table 2

Southern Rhodesia: migration of Europeans, 1975-1977

Month	Immigrants	Emigrants	Net migration
A. <u>1975</u>			
January	1 089	1 070	+20
February	875	530	+340
March	955	740	+220
April	1 266	890	+370
May	1 178	880	+300
June	1 210	870	+340
July	1 132	930	+200
August	903	1 190	-290
September	982	850	+130
October	1 005	640	+370
November	796	830	-30
December	1 034	1 080	-40
B. <u>1976</u>			
January	1 040	1 020	+20
February	841	880	-40
March	973	1 010	-40
April	653	1 470	-820
May	720	1 360	-640
June	572	1 331	-759
July	484	1 330	-846
August	611	1 518	-907
September	534	1 240	-706
October	480	1 028	-548
November	439	1 067	-628
December	435	1 593	-1 158
C. <u>January-June 1977</u>			
January	443	1 414	-971
February	465	1 107	-642
March	606	1 537	-931
April	438	1 472	-1 034
May	415	1 754	-1 339
June	574	1 418	-844

Source: Southern Rhodesia, Central Statistical Office Monthly Digest of Statistics, July 1977.

9. Under the earlier Act, the land allocated to Africans had included lands for Native reserves, Native purchase areas and African townships. Under the Land Tenure Act, the areas allocated to Africans include land for Tribal Trust lands, African purchase areas, African townships, African schools and hospitals. Under the same Act (unchanged from the earlier Act), the area allocated to Europeans includes land for European farms, corporate farms, urban centres, 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 had been increasing steadily and by 1974 had reached 21:1. In terms of this ratio, the area allocated to the two population groups amounted to an average of 2.8 hectares (maximum) for each African and 67.2 hectares for each European.

10. As previously stated, in March 1977, the Land Tenure Act was amended to allow Africans to buy agricultural lands in areas which had previously been reserved exclusively for whites. By the end of 1977, however, most of the land put up for sale to Africans was in areas bordering on Tribal Trust lands.

## 2. POLITICAL DEVELOPMENTS WITHIN THE ZIMBABWE LIBERATION MOVEMENT, SEPTEMBER 1976 TO SEPTEMBER 1977

11. As reported earlier, e/ before the end of September 1976, divisions had occurred within the ranks of the Zimbabwe liberation movement. Mr. Joshua Nkomo had reactivated his organization, the Zimbabwe African People's Union (ZAPU), based in Zambia, which was known inside Southern Rhodesia as the African National Council of Zimbabwe (ANC (Zimbabwe)). Mr. Robert Mugabe had also reactivated his organization, the Zimbabwe African National Union (ZANU), based in Mozambique. The Reverend Ndabaningi Sithole had established inside the Territory an organization called the African National Council (Sithole) (ANC (Sithole)). Bishop Abel Muzorewa continued to lead his organization, the United African National Council (UANC) based inside the Territory. By the end of September 1976, all of the leaders of these factions were in exile.

12. With the announcement on 24 September 1976 of the so-called Kissinger proposals on Southern Rhodesia, f/ new moves were initiated by the leaders of the Zimbabwe liberation movement, with a view to securing maximum support both within and outside the Territory. On 10 October 1976, ZAPU and ZANU announced the formation of the Patriotic Front under the joint leadership of Messrs. Nkomo and Mugabe, both of whom attended the Geneva Conference as representatives of the Patriotic Front. From 2 to 5 July 1977, the Assembly of Heads of State and Government of the Organization of African Unity (OAU) meeting at Libreville, for their fourteenth ordinary session, adopted a resolution on Zimbabwe calling upon "all sons of Zimbabwe engaged in their country's struggle to fight within the ranks of the Patriotic Front". (A/32/310, annex II, resolution AHG/Res.84 (XIV)).

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e/ Ibid., Thirty-second Session, Supplement No. 23 (A/32/23/Rev.1), vol. II, chap. VII, annex, paras. 7-12.

f/ Ibid., para. 22.



13. In the meantime, Bishop Muzorewa, after living in exile for about 14 months, returned to Southern Rhodesia in October 1976.

14. On 10 July 1977, the Reverend Sithole also returned to Southern Rhodesia after a period of more than two years in exile.

15. According to reports, the Patriotic Front made further attempts during 1977 to create a single executive and a single united military high command. The need for a united army in Zimbabwe has also concerned the African States neighbouring Southern Rhodesia. After a meeting between representatives of the front-line States in July 1977, President Mwalimu Julius K. Nyerere of the United Republic of Tanzania is reported to have said, "We are agreed that in Zimbabwe we need one army, both for waging the struggle for independence and for safeguarding the national integrity and security of an independent Zimbabwe ... A multi-army system is not a system which anyone should advocate."

### 3. ELECTIONS IN SOUTHERN RHODESIA

16. When the illegal régime of Southern Rhodesia amended the Land Tenure Act in March 1977 to allow Africans to own property in white areas of the Territory (see para. 10 above), 12 members of the Rhodesia Front in Parliament voted against the amendment. g/ Subsequently, the 12 members were expelled from the party and formed a new party, the Rhodesia Action Party (RAP), dedicated to "the permanency of the white man in Rhodesia". Many other leading members of the Rhodesia Front, including Mr. Des Frost, the national chairman, resigned from the Rhodesia Front and joined RAP.

17. This split created a new situation for the Rhodesia Front. In every election since 1964, the Rhodesia Front had won all 50 seats allocated to the non-African population. h/ (The Southern Rhodesian Parliament has 66 seats, of which 16 are reserved for Africans.) As a result of the split, for the first time in its history the Rhodesia Front was not only faced with a meaningful opposition in Parliament but was also left with less than the two-thirds majority necessary for the illegal régime to carry out important measures such as amendments to the Constitution and other entrenched legislation.

18. Mr. Ian Smith, desiring to reunite his party and mobilize white support behind him at a time when he was involved in intricate negotiations on the Anglo-American proposals affecting the future of the Territory, i/ and wishing also to have at least a two-thirds majority in Parliament to ensure execution of his plans, dissolved Parliament on 18 July and called for general elections on 31 August.

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g/ See Official Records of the General Assembly, Thirty-second Session, Supplement No. 23 (A/32/23/Rev.1), vol. II, chap. VII, annex, paras. 13-14.

h/ Although these seats are allocated to the non-African population, they have for some years been held by Europeans, leaving Asians and Coloureds without representation.

i/ Official Records of the General Assembly, Thirty-second Session, Supplement No. 23 (A/32/23/Rev.1), vol. II, chap. VII, annex, paras. 17-23 and 44-59.

This action left only one week more than the minimum time required under the Southern Rhodesian electoral law for election campaigning. Thus, RAP, which had barely established itself, was faced with the difficult task of organizing immediately a major challenge to the Rhodesia Front.

19. The Rhodesia Front election campaign was reported to have been based on five points: (a) the attainment of a fair and just settlement "which would entrench the necessary safeguards" by the end of the year; (b) continuing determination to strengthen the war effort against the Zimbabwe guerrillas; (c) maintenance of a viable economy; (d) establishment of a broad-based Government, including Africans; and (e) removal of any remaining discrimination "which is considered unnecessary and undesirable".

20. Since it had had no time to choose a candidate for Prime Minister in the event of its being elected to office, RAP presented a collective leadership during the campaign. Its election platform was based on two points: (a) determination to prosecute the war against the guerrillas until victory was attained; and (b) attainment of a settlement that would guarantee the retention of power in the hands of the whites. RAP decided to contest 49 of the 50 non-African seats in the election. It did not place any candidate against Mr. Smith.

21. Another white party, the National Unifying Force (NUF), also decided to contest the election. This party had been formed earlier in the year by a number of small white parties which considered themselves liberal. Its campaign was based on two points: (a) termination of the war; and (b) elections on the basis of one-man, one-vote, with the participation of all parties, including those banned in the Territory. NUF contested 18 of the 50 non-African seats.

22. Press reports indicated that, on 31 August, 80 per cent of the 85,000 voters registered on the European roll (who are mainly white but include Asians and Coloureds) turned out to vote and the Rhodesia Front won all 50 non-African seats. Details of the vote are not available.

23. At the time that Mr. Smith announced the dissolution of Parliament and the date for elections, all of the factions of the Zimbabwe liberation movement stated separately that they regarded the elections as irrelevant to the struggle for the liberation of Zimbabwe. Thus, none of the four factions put up candidates for any seats in the elections, although some Africans contested the 16 seats reserved for Africans individually, as independents.

#### 4. ATTEMPTS AT A PEACEFUL SETTLEMENT

##### A. Anglo-American proposals

24. As previously reported, the United Kingdom of Great Britain and Northern Ireland, supported by the United States of America, has continued its efforts to find a peaceful settlement to the problem of the transfer of power from the white minority to the African majority in Southern Rhodesia.

25. The attempts to reach a peaceful settlement up to 31 August 1977 are reported in the previous report of the Special Committee. 1/

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1/ Ibid., paras. 15-59.

26. Since the adjournment of the Geneva Conference on Southern Rhodesia in December 1976, the United Kingdom and the United States have held consultations with the various factions of the Zimbabwe liberation movement and with each of the front-line States. The two Governments have also held consultations with South Africa and with the illegal régime in Southern Rhodesia.

27. By late August 1977, the Governments of the United Kingdom and the United States had concluded that sufficient consultations had taken place to enable them to submit written proposals on the question of the transfer of power.

28. Before the proposals were announced, however, Dr. David Owen, United Kingdom Secretary of State for Foreign and Commonwealth Affairs, and Mr. Andrew Young, Permanent Representative of the United States to the United Nations, undertook a joint mission to brief the parties concerned on the nature of the proposals. They consulted with representatives of the Governments of Nigeria, Zambia, South Africa, the United Republic of Tanzania and Kenya; with Mr. William Eteki Mboumoua, Administrative Secretary-General of OAU, whom they met at Nairobi; and with the leaders of the four factions of the Zimbabwe liberation movement. They also visited Southern Rhodesia, where they briefed representatives of the illegal régime.

29. On 1 September, the proposals were simultaneously announced at Salisbury, London and Washington, D.C. They were also communicated to the President of the Security Council in a letter of the same date from the Permanent Representative of the United Kingdom to the United Nations. k/

30. As summarized in the letter to the President of the Security Council, the proposals were based on the following elements:

- "1. The surrender of power by the illegal régime and a return to legality.
- "2. An orderly and peaceful transition to independence in the course of 1978.
- "3. Free and impartial elections on the basis of universal adult suffrage.
- "4. The establishment by the British Government of a transitional administration, with the task of conducting the elections for an independent Government.
- "5. A United Nations presence, including a United Nations force, during the transition period.
- "6. An independence constitution providing for a democratically elected Government, the abolition of discrimination, the protection of individual human rights and the independence of the judiciary.
- "7. A development fund to revive the economy of the country which the United Kingdom and the United States view as predicated upon the implementation of the settlement as a whole."

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k/ Official Records of the Security Council, Thirty-second Year, Supplement for July, August and September 1977, document S/12393.

31. Although none of the parties involved in the consultations initially rejected the proposals outright, each expressed some reservations. Mr. Smith objected to the proposals because of the security arrangements, insisting that he would not integrate elements of his army with those of the guerrillas. Messrs. Nkomo and Mugabe, as well as the front-line States, called for the complete disbandment of the military structure of the illegal régime and its replacement by the forces of the Patriotic Front. Bishop Muzorewa accepted the proposals but reserved his position on the security arrangements pending consultations on the integration of the forces. The Reverend Sithole accepted the proposals as a basis for settlement.

32. The Governments of the United Kingdom and the United States took the position that the proposals were a package and had to be considered as such. Demonstrating its commitment to the proposals, the United Kingdom Government announced on 1 September that Field Marshal Lord Carver had been appointed the British Resident Commissioner-designate, as called for in the proposals.

33. After a meeting held at Maputo on 22 and 23 September, the Presidents of the front-line States announced that, in their view, the Anglo-American proposals formed "a sufficient basis for further negotiations between the parties concerned", but added that "we find that these proposals still have many negative elements and leave many questions unanswered".

34. Although the Security Council had not yet met to discuss the appointment of a United Nations representative, on 26 September, the day after a visit to Lusaka where he held six hours of discussions with President Kenneth D. Kaunda, Mr. Smith issued an invitation to Lord Carver and to the Secretary-General's representative to visit Salisbury. He also stated that, in his view, the Anglo-American proposals were a basis for negotiations.

35. On 29 September, the Security Council, meeting at the request of the United Kingdom, adopted resolution 415 (1977) by which it requested the Secretary-General "to appoint, in consultation with the Security Council members, a representative to enter into discussions with the British Resident Commissioner-designate and with all the parties, concerning the military and associated arrangements that are considered necessary to effect the transition to majority rule in Southern Rhodesia". Following consultations with the Security Council members, on 4 October, the Secretary-General informed the President of the Council that he had appointed as his representative Lieutenant-General D. Prem Chand, formerly Force Commander of the United Nations Peace-keeping Forces in Cyprus from 1969 to 1976, and that he had asked the General to come to United Nations Headquarters to consult with him and to organize his mission. 1/

36. From 29 October to 9 November, Lord Carver and General Prem Chand visited the United Republic of Tanzania, Zambia, Botswana, Southern Rhodesia and Nigeria for consultations. At that time, it was not possible for them to visit Mozambique (see paras. 90-92 below).

37. While in the United Republic of Tanzania, they met with Messrs. Nkomo and Mugabe, the leaders of the Patriotic Front. In Southern Rhodesia, they met separately with Mr. Smith, Bishop Muzorewa and the Reverend Sithole. Commenting on his consultations in Africa, Lord Carver stated that the talks had produced a broad understanding on the Anglo-American proposals but that many problems were still to be discussed.

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1/ Ibid., Supplement for October, November and December 1977, document S/12411.

38. According to press reports, the consultations revealed a number of difficulties over the Anglo-American proposals, in particular those concerning the powers and functions of the British Resident Commissioner during the transitional period; the timing of the elections; and the restructuring of the security forces. The Patriotic Front protested against the comprehensive powers of the British Resident Commissioner in the transitional period; it demanded that his powers be reduced and that the Front be given a major role to play during the period. On the other hand, President Kaunda was reported to have suggested that power should be transferred to a Government of national unity and that elections should be held only three or four years after independence. Bishop Muzorewa and the Reverend Sithole maintained, however, that only the people of Zimbabwe had the right to choose their Government and that elections should precede independence. Bishop Muzorewa was reported to have suggested that during the transitional period, the British Resident Commissioner should establish an advisory council, composed of Zimbabweans, with consultative and advisory functions. The Reverend Sithole was reported to have suggested the establishment of a presidential council of five persons, under the chairmanship of the British Resident Commissioner, which would make all the decisions during the transitional period.

39. The four factions of the Zimbabwe liberation movement maintained that cease-fire arrangements could not be discussed until a political agreement had been reached. (The detailed position of the Patriotic Front was transmitted to the Security Council on 28 September 1977.) m/ The illegal régime is reported to have told Lord Carver and General Chand that it was not prepared to disarm its security forces as called for in the Anglo-American proposals, and that it could not discuss cease-fire arrangements until there had been a political agreement.

40. Thus, in the expectation of starting talks on a political agreement, Mr. John Graham, a Deputy Under-Secretary at the United Kingdom Foreign and Commonwealth Office, visited Southern Rhodesia early in November 1977 "for detailed discussions on the proposed independence constitution".

41. At the same time, the United Kingdom expressed the hope that all the concerned parties would continue the talks on military matters scheduled to be held in Malta on 16 November. The meeting did not take place, however, and instead, attempts were made to arrange a meeting between representatives of the United Kingdom Government and the Patriotic Front.

42. Towards the end of November, press reports began to imply that very little progress was being made on the Anglo-American proposals because of the irreconcilability of views on the military question. Some reports also suggested that because of the lack of unity within the Zimbabwe liberation movement, Mr. Smith failed to see the urgency of making concessions in his negotiations.

43. On 24 November, Mr. Smith announced in a radio broadcast that he was prepared to enter into direct negotiations with the African leaders with a view to reaching a constitutional settlement in conformity with the principle of "majority rule based on adult suffrage", provided that other ways could be found to maintain not only white standards but also white confidence, and that such safeguards would have to be entrenched in the constitution.

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m/ Ibid., Supplement for July, August and September 1977, document S/12406, annex.

44. Bishop Muzorewa of UANC, the Reverend Sithole of ANC (Sithole) and Chief Jeremiah Chirau of the Zimbabwe United People's Organization (ZUPO) welcomed the statement of Mr. Smith and agreed to participate in negotiations with the illegal régime. Although the Bishop and the Reverend Sithole insisted that the Patriotic Front should also be invited to take part in the negotiations, the Front rejected Mr. Smith's proposal for an internal settlement as a waste of time and insisted that Mr. Smith himself should be removed before real negotiations could begin.

45. Mr. Smith's announcement received a guarded reaction from the Governments of the United Kingdom and the United States, both of which took the position that Mr. Smith's acceptance of adult suffrage "was a step in the right direction", but that the establishment of a lasting peace required "free and fair elections in which all parties are allowed to participate". The United Kingdom maintained that no interested party should be excluded from any elections held before the Territory attained independence.

46. The Government of the United Republic of Tanzania stated that it would not support any election from which the Patriotic Front was excluded. The Zambian Government, on the other hand, which, prior to the Smith announcement, had insisted on the transfer of power without elections, announced on 6 December that it was withdrawing from any active involvement in the Anglo-American initiative although it would continue to support the armed struggle. The front-line States maintained that they would continue to support the armed struggle against the illegal régime.

47. On 2 December, ANC (Sithole) and ZUPO began negotiations with the illegal régime at Salisbury. UANC refused to attend the first meeting because it had declared a week of mourning, from 1 to 8 December after the illegal régime carried out bombings in Mozambique (see paras. 90-92 below). On 9 December, however, representatives of the three parties and of the illegal régime met and agreed that the Territory should attain majority rule on the basis of universal adult suffrage. Every citizen of the Territory 18 years of age and over would have the right to vote.

48. On 12 December, representatives of the four groups met again and began to discuss constitutional safeguards. Mr. Smith is said to have insisted that one third of the seats in Parliament should be reserved for whites, while the African delegations rejected such a provision as a perpetuance of minority privilege. By mid-January 1978 no announcement had been made on the results of the negotiations.

49. On 6 January 1978, Lord Carver and General Prem Chand visited Mozambique for consultations with President Samora Moises Machel on the Anglo-American proposals. Thereafter, Lord Carver went to South Africa, where he met with the South African Minister of Foreign Affairs and other South African officials, and to Botswana, where he met with the Minister for Foreign Affairs of that country. Lord Carver is reported to have stated that a wide measure of agreement had been reached at both meetings.

50. From 30 January to 1 February 1978, Dr. David Owen, the British Foreign Secretary, and Mr. Andrew Young, the Permanent Representative of the United States to the United Nations, met in Malta with Messrs. Joshua Nkomo and Robert Mugabe, leaders of the Patriotic Front. The meetings were also attended by Lord Carver and General Prem Chand.

51. It was agreed that the Anglo-American proposals would remain the basis for further negotiations. The Patriotic Front agreed that there should be elections under United Nations supervision before independence. They suggested that the interim administration should consist of a Governing Council composed of four members from the Patriotic Front, one member from the United Kingdom and one member representing Southern Rhodesian whites. When the conference adjourned on 1 February, the participants agreed to meet again at a venue and on a date to be announced later.

52. Shortly after the Malta conference, the United Kingdom circulated a document to the Patriotic Front, UANC, ANC (Sithole) and the illegal régime. It is reported that the document contained the following suggestions by the United Kingdom:

(a) The interim administration for Southern Rhodesia should be invested in the British Resident Commissioner-designate assisted by a Governing Council composed of two members from each of the participants of the Geneva Conference of 1976 (ZANU, ZAPU, UANC, ANC (Sithole) and the illegal régime);

(b) Lord Carver would be the chairman of the Governing Council in his capacity as the Resident Commissioner; and

(c) In all matters except those concerning security, elections, law and order and external affairs, the Resident Commissioner should act with the advice of at least two thirds of the Governing Council, but on matters concerning the reserved areas the Resident Commissioner would not be bound by the advice of the Governing Council.

53. On 2 April 1978, during his visit to Nigeria, President Jimmy Carter of the United States of America announced that the United States, together with the United Kingdom of Great Britain and Northern Ireland, would soon be convening a conference of all parties concerned with the Southern Rhodesian dispute to work out a peaceful settlement to the problem. Shortly thereafter, Mr. John Graham, Deputy Under-Secretary at the United Kingdom Foreign and Commonwealth Office, and Mr. Steven Low, the United States Ambassador to Zambia, began a tour of Africa to consult the parties concerned on the proposed conference. On 7 April, they met with the representatives of the Patriotic Front at Maputo and on 10 April met with the representatives of the illegal régime at Salisbury.

54. On 14 and 15 April Mr. Cyrus R. Vance, the United States Secretary of State, and Dr. David Owen, the United Kingdom Secretary of State for Foreign and Commonwealth Affairs, met with officials of the Patriotic Front at Dar es Salaam and on 17 April met with representatives of the illegal régime at Salisbury. In both places, Mr. Vance and Dr. Owen discussed the possibility of holding an all-party conference on Southern Rhodesia. The Patriotic Front was reported to have accepted the suggestion but the illegal régime, after a period of reflection, rejected the idea, insisting that such a conference would not serve any useful purpose.

55. On 4 May, Dr. Owen announced in Parliament that he was dispatching Mr. John Graham to Africa to continue efforts to bring about the convening of an all-party conference on Southern Rhodesia. He stated that Mr. Graham would again work closely with Ambassador Low of the United States and that Mr. Graham would stay in Africa for as long as necessary.

56. Early in June, Mr. Graham and Mr. Low began their tour of Africa to consult with the front-line States and the concerned parties in the Southern Rhodesian problem. They have already visited Botswana, Mozambique, Southern Rhodesia, the United Republic of Tanzania and Zambia.

#### B. Internal agreement

57. After considerable discussions among themselves, Mr. Smith and representatives of UANC, ANC (Sithole) and ZUPO jointly announced on 3 March 1978 that they had reached and signed an agreement which, in their view, would lead the Territory to majority rule.

58. Details of the agreement, called the Rhodesia Constitutional Agreement, are given below:

- "1. There will be a legislative assembly consisting of 100 members and the following provisions will apply thereto.
  - (a) There will be a common voters' roll with all citizens of 18 years and over being eligible for registration as voters, subject to certain recognized disqualifications;
  - (b) Seventy-two of the seats in the legislative assembly will be reserved for blacks who will be elected by voters who are enrolled on the common roll;
  - (c) Twenty-eight of the seats in the legislative assembly will be reserved for whites (i.e., Europeans as defined in the 1969 Constitution) who will be elected as follows:
    - (i) Twenty will be elected on a preferential voting system by white voters who are enrolled on the common roll;
    - (ii) Eight will be elected by voters who are enrolled on the common roll from 16 candidates who will be nominated, in the case of the first parliament, by an electoral college composed of the white members of the present House of Assembly, and, in the case of any subsequent parliament, by an electoral college composed of the 28 whites who are members of the parliament dissolved immediately prior to the general election;
  - (d) The reserved seats referred to in (c) above shall be retained for a period of at least 10 years or two parliaments, whichever is the longer, and shall be reviewed at the expiration of that period, at which time a commission shall be appointed, the chairman of which shall be a judge of the High Court, to undertake this review. If that commission recommends that the arrangements regarding the said reserved seats should be changed:
    - (i) An amendment to the Constitution to effect such change may be made by a bill which receives the affirmative votes of not less than 51 members;
    - (ii) The said bill shall also provide that the 72 seats referred to in (b) above shall not be reserved for blacks;



- (e) The members filling the seats referred to in (c) above will be prohibited from forming a coalition with any single minority party for the purpose of forming a Government.

"2. There will be a justiciable declaration of rights which will protect the rights and freedoms of individuals and, inter alia, will provide for protection from deprivation of property unless adequate compensation is paid promptly, and for protection of pension rights of persons who are members of pension funds.

"3. The independence and qualifications of the judiciary will be entrenched and judges will have security of tenure.

"4. There will be an independent public services board, the members of which will have security of tenure. The board will be responsible for appointments to, promotions in and discharges from, the public service.

"5. The public service, police force, defence forces and prison service will be maintained in a high state of efficiency and free from political interference.

"6. Pensions which are payable from the consolidated revenue fund will be guaranteed and charged on the consolidated revenue fund and will be remittable outside the country.

"7. Citizens who at present are entitled to dual citizenship will not be deprived of their present entitlement.

"8. The above-mentioned provisions will be set out or provided for in the Constitution and will be regarded as specially entrenched provisions which may only be amended by a bill which receives the affirmative votes of not less than 78 members."

59. The four parties also agreed to a transitional Government whose main functions would be the following:

"(a) To bring about a cease-fire; and

(b) To deal with related matters such as:

(i) The composition of the future military forces, including those members of the nationalist forces who wish to take up a military career, and the rehabilitation of others;

(ii) The rehabilitation of those affected by the war."

60. Under the Agreement, the transitional Government would also determine and deal with the following matters:

"(a) The release of detainees;

(b) The review of sentences for offences of a political character;

(c) The further removal of discrimination;

- (d) The creation of a climate conducive to the holding of free and democratic elections;
- (e) The drafting of the new constitution in terms of this agreement;
- (f) Procedures for registration of voters with a view to the holding of a general election at the earliest possible date."

61. The transitional Government would comprise an executive council and a ministerial council and the following provisions would apply:

"1. Executive council

(a) Composition

The executive council will be composed of the prime minister and three black ministers, being the heads of those delegations engaged in the negotiations. The members will take turns in presiding as chairman of the executive council in such sequence and for such period as that council may determine. Decisions of the executive council will be by consensus.

(b) Functions

- (i) The executive council will be responsible for ensuring that the functions given to, and the duties imposed on, the transitional Government by the constitutional agreement are dealt with as expeditiously as possible. It will take policy decisions in connexion with the preparation and drafting of the new constitution and the other matters set out in sections B and C of this agreement /see paras. 58-59 above/ and with any other matters which may arise.
- (ii) The executive council may refer the matters set out in sections B and C of the agreement, or any other matter, to the ministerial council for examination and recommendation.
- (iii) The executive council will review decisions or recommendations of the ministerial council and may confirm such decisions or recommendations or refer them back to the ministerial council for further consideration.

"2. Ministerial council

(a) Composition

The ministerial council will be composed of equal numbers of black and white ministers. The black ministers will be nominated in equal proportions by the heads of those delegations engaged in the negotiations. The white ministers will be nominated by the Prime Minister. The chairmanship of the ministerial council will alternate between black and white ministers. The Prime Minister will nominate which white ministers shall take the chair and the heads of those delegations engaged in the negotiations will nominate which of the black ministers shall take the chair in the sequence and for the period determined by the ministerial council.

(b) Functions

- (i) The ministerial council will operate on the cabinet system. For each portfolio, or group of portfolios, there will be a black and a white minister who will share responsibility.
- (ii) The ministerial council will be responsible for initiating legislation and for supervising the preparation of such legislation as may be directed by the executive council.
- (iii) The ministerial council will make recommendations to the executive council on all matters referred to it by the executive council and on any other matter it thinks fit.
- (iv) Decisions of the ministerial council will be by majority vote and subject to review by the executive council."

62. The existing Parliament, comprising 50 European members and 16 Africans, would continue to function during the life of the transitional Government and would meet for the following purposes as and when the executive council considered it should be summoned.

"3. Parliament

...

- (i) To pass a constitution amendment act enabling ministers who have not been elected to Parliament to serve for periods in excess of four months;
  - (ii) To pass legislation for the registration of voters;
  - (iii) To pass the 1978/79 budget;
  - (iv) To enact any legislation or deal with any other matter brought forward by the transitional Government (e.g., for the further removal of discrimination);
  - (v) To enact the new constitution;
  - (vi) To nominate 16 whites for election by voters on the common roll to 8 of the seats reserved for whites.
- (b) The work of the various select committees and of the senate legal committee will proceed as normal."

63. It was also agreed that independence day would be 31 December 1978.

64. On 21 March the members of the Executive Council were sworn into office. The Council is composed of Bishop Abel Muzorewa of UANC; the Reverend Ndabaningi Sithole of ANC (Sithole); Chief Jeremiah Chirau of ZUPO; and Mr. Ian Smith. The members of the Council of Ministers, appointed on 11 and 12 April, consist of the following:

<u>Ministry</u>	<u>African Minister</u>	<u>White Minister</u>
Finance, Commerce and Industry	Mr. Ernest Bulle (UANC)	Mr. David Smith
Transport and Power, Mines, Roads and Road Traffic and Posts	Mr. James Chikerema (UANC)	Mr. William Irvine
Internal Affairs, Local Government, Housing and Works	Chief Kayisa Ndiweni (ZUPO)	Mr. Rollo Hayman
Education, Health, Manpower and Social Affairs	Mr. Gibson Magaramombe (ZUPO)	Mr. Rowan Cronje
Foreign Affairs, Information, Immigration and Tourism	Dr. Elliot Gabellah (ANC (Sithole))	Mr. Pieter van der Byl
Defence and Combined Operations	Mr. John Kadzwiti (ANC (Sithole))	Mr. Roger Hawkins
Water Development, Lands, Natural Resources and Rural Development	Mr. Aaron Mgutshini (ZUPO)	Mr. Jack Mussett
Justice, Law and Order and Public Service	Mr. Francis Zindoga (UANC) who replaced Mr. Byron Hove (UANC) (see paras. 65-67 below)	Mr. Hilary Squires
Agriculture	Mr. Joel Mandaza (ANC (Sithole))	Mr. Mark Partridge

65. According to press reports, Mr. Byron Hove, the black Minister of Justice, Law and Order and Public Service, was dismissed by the Executive Council on 28 April for refusing to withdraw his statements calling for changes in the civil service, the judiciary and the police that would reflect black majority rule.

66. The dismissal of Mr. Hove created a crisis because Bishop Muzorewa claimed that he had not known about the meeting of the Executive Council at which Mr. Hove was dismissed. The Reverend Sithole and Chief Chirau claimed that Bishop Muzorewa had attended such a meeting.

67. The UANC demanded the reinstatement of Mr. Hove and threatened to pull out of the Rhodesia Constitutional Agreement (see paras. 57-63 above) if he was not reinstated. On 9 May, the Executive Council, which under the Agreement must arrive at its decisions by consensus among its four members, refused to reinstate him. It is reported that Bishop Muzorewa attended the meeting of 9 May but did not participate in the vote. On 14 May, the National Executive of UANC decided to remain with the régime for the sake of "the interests of the nation".

68. It is reported that the illegal régime has released 703 detainees and plans to review the cases of the remaining 250 detainees. Each detainee is required to sign a pledge that he will not engage in subversive activities.
69. On 2 May, the illegal régime announced that it was lifting the ban imposed in 1964 on the Zimbabwe African National Union (ZANU) and the Zimbabwe African People's Union (ZAPU). The Reverend Sithole immediately changed the name of his organization (ANC (Sithole)) to ZANU. It will be recalled that the leadership of ZANU has, since 1974, been contested by Mr. Robert Mugabe and the Reverend Sithole.
70. The illegal régime also issued a call to all guerrillas to return home and stated that "those who reject our statement and continue fighting have some other reason, such as the desire for personal power on the part of some individual". The arrangements regarding the return of the guerrillas are said to have been kept secret.
71. On 30 May, the illegal régime decided that elections for the 72 African seats to Parliament to be established under the Agreement would be by proportional representation. It expressed the belief that if elections were to be held on the basis of single-member constituencies, a nationwide census would have to be undertaken, followed by the demarcation of the constituencies; such exercises would take such time that elections could not be held before 31 December, the proposed date for independence.
72. According to reports, under the proportional representation, each party contesting the election will submit to the electorate a symbol and a list of its candidates. The electorate will vote for the party, and the seats in Parliament will then be distributed according to the proportion of the votes each party receives in the elections. Each party will then devise its own method of selecting its members of Parliament from the candidates on its party list which had been submitted to the electorate. The party receiving the highest number of the seats is to choose the Prime Minister who will be the executive head of government. The Prime Minister is to choose his ministers as he pleases, most likely from his own party.
73. The illegal régime also decided that the Head of State would be a president elected by members of Parliament. He would have no executive responsibilities.
74. Twenty seats of the 28 reserved for whites in Parliament are to be filled by elections on the basis of single-member constituencies composed of the white population. It was suggested that the population distribution of whites was already known and documented. The election method for the other eight seats reserved for whites has not yet been determined. Under the Agreement the white members of the present Parliament would select at least 16 candidates whose names would be submitted to the entire electorate for election on the basis of one-person, one-vote.
75. It was reported that soon after 20 June, when the present Parliament was to meet, all persons at least 18 years of age would be registered as voters. The present Parliament is required to enact a new electoral law providing for universal suffrage and according to reports, the registration of voters may not be initiated until the law is enacted.

76. The illegal régime also decided that an independent Zimbabwe should have a House of Assembly and a Senate. The Senate would have 30 members made up of 10 chiefs elected by the Council of Chiefs; 10 members elected by the Government; and 10 members elected by an electoral college comprising the white members of the Legislative Assembly. It was also decided that there would be a Senate Legal Committee consisting of three senators, all of whom were to have prescribed legal qualifications and at least one of whom would be elected by the electoral college formed by white members of the Legislative Assembly.

77. The powers of the Senate would include the following:

(a) Ordinary bills: the power to initiate ordinary bills; to review all those passed by the Legislative Assembly; and to delay, for a period of six months, the enactment of bills other than money bills or urgent bills with which the Senate disagrees.

(b) Declaration of Rights:

- (i) Examination of all bills and subsidiary legislation by the Senate Legal Committee which would report to the Senate, whether, in its opinion, any provision thereof is inconsistent with the Declaration of Rights;
- (ii) The power to consider such committee reports and to delay for a period of 12 months the enactment of any bill which, in the view of the Legal Committee, contains provisions inconsistent with the Declaration of Rights;
- (iii) Further, if the Legal Committee reports such a provision in subsidiary legislation to be inconsistent with the Declaration of Rights, such a provision is to be annulled after a prescribed period unless in the meantime it is revoked or amended by the issuing authority or confirmed by a majority vote at a joint sitting of both Houses.

(c) Constitutional amendments: In the event that an amendment to the Constitution fails to receive the affirmative votes of at least two thirds of the total membership of the Senate, the enactment of the amendment is to be delayed for a period of six months.

### C. International reaction to the internal settlement

78. Following announcement of the internal settlement, the Governments of the United Kingdom and the United States expressed the view that the settlement, although a step in the right direction, was inadequate because it excluded the Patriotic Front. In separate public statements, they defined as acceptable an agreement that would include all the parties concerned and reiterated that the Anglo-American proposals should remain the basis for an agreement leading to genuine independence of the Territory and to peace in the region.

79. All the front-line States, in separate statements, condemned the internal settlement as a "sell-out" and alleged that the three African signatories had become part of the illegal régime. They vowed that they would continue to support the armed struggle in the Territory. Finally, they reaffirmed their view that the Anglo-American proposals should remain the basis for further negotiations leading to genuine independence. n/

80. The Patriotic Front also condemned the settlement, stating that the three African leaders had become puppets of the illegal régime. They vowed to continue the armed struggle until victory was attained. They also reiterated their support of the Anglo-American proposals as a basis for further negotiations.

81. Inasmuch as it had earlier been clear that some form of internal agreement might be reached, the Council of Ministers of the Organization of African Unity (OAU), meeting at its thirtieth ordinary session at Tripoli (20 to 28 February), had already adopted a resolution condemning any settlement that excluded the Patriotic Front and calling on all States not to recognize such a settlement. Subsequently, the African Group at the United Nations requested a meeting of the Security Council to consider the situation in the Territory.

82. The Security Council considered the question of Southern Rhodesia at its 2061st to 2067th meetings, from 6 to 14 March. The Council heard Messrs. Nkomo and Mugabe, who reiterated their condemnation of the settlement reached at Salisbury. o/

83. While the Council was in session, Dr. Owen and Mr. Cyrus R. Vance, the United States Secretary of State, met separately with the leaders of the Patriotic Front and with Bishop Muzorewa. On 9 March, President Jimmy Carter of the United States suggested at a press conference that a meeting should be convened of all the participants in the Geneva Conference on Southern Rhodesia. The following day, speaking in the United Kingdom Parliament, Dr. Owen made a similar suggestion.

84. On 14 March, the Security Council adopted resolution 423 (1978) declaring illegal and unacceptable any internal settlement under the auspices of the illegal régime. In its resolution, the Council suggested that, with the assistance of the Secretary-General of the United Nations, the United Kingdom as the administering Power should enter into immediate consultations with the parties concerned in order to attain the objectives of genuine decolonization of the Territory.

## 5. ARMED LIBERATION STRUGGLE

### Guerrilla activities in the Territory

85. As reported previously, p/ guerrilla activities began to expand in June 1975. By mid-1976, fighting had occurred in the north-east, the north, the east and the south-east of the Territory, including some military action in all of the major cities.

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n/ See also Official Records of the Security Council, Thirty-third Year, 2061st and 2062nd meetings.

o/ Ibid., 2064th meeting.

p/ Official Records of the General Assembly, Thirty-second Session, Supplement No. 23 (A/32/23/Rev.1), vol. II, chap. VII, annex, paras. 60-64.

86. The forces of the liberation movement have also continued their attacks against the Territory's railway system. In 1977, as in 1976, the illegal régime was frequently compelled 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 activity.

87. Guerrilla activities have also been directed against arterial roads, especially the Salisbury-Bulawayo, Salisbury-Umtali, Salisbury-Sinoia and Bulawayo-Beitbridge highways. These activities have caused a number of casualties and, as a result, the illegal régime has imposed restrictions on the use of major roads and has organized armed convoys to protect travellers. 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. AGGRESSION AGAINST NEIGHBOURING STATES

88. The armed forces of the illegal régime have continued to commit aggressive acts against the African States bordering Southern Rhodesia, namely, Botswana, Mozambique and Zambia.

89. In a letter dated 12 January 1977, addressed to the President of the Security Council, the Permanent Representative of Botswana to the United Nations stated that, between 13 October 1974 and 20 December 1976, 10 separate and serious acts of aggression against Botswana had been perpetrated by the illegal régime. q/ The acts varied from the kidnapping of Zimbabweans resident in Botswana to armed attacks on villages, resulting in loss of lives. The illegal régime has continued to commit hostile acts against Botswana.

90. Mozambique has also been a target of Southern Rhodesian aggression r/ which continued throughout 1977. In June, for example, the armed forces of the illegal régime penetrated 100 kilometres into Mozambique in an operation that lasted for several days and resulted in heavy loss of lives and property.

91. On 29 November, the illegal régime announced that its forces had invaded the territory of Mozambique killing 1,200 Zimbabwe guerrillas. The Government of Mozambique has since addressed two notes verbales to the Secretary-General, on

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q/ Official Records of the Security Council, Thirty-second Year, Supplement for January, February and March 1977, document S/12275.

r/ See Official Records of the General Assembly, Thirty-second Session, Supplement No. 23 (A/32/23/Rev.1), vol. II, chap. VII, annex, paras. 65-66.



1 and 5 December, drawing attention to the attacks by Southern Rhodesian forces on 23, 25 and 27 to 29 November. s/ The attacks resulted in the death of 85 persons, of whom 55 were children, 21 women and 9 men. In addition, 534 persons were wounded.

92. According to a report in The Times (London) of 12 September, the air force of the illegal régime dropped napalm bombs on unprotected villages in Feira District in eastern Zambia. It was further reported that armed forces sent sabotage squads into Zambia to blow up strategic installations.

93. By its resolution 411 (1977) of 30 June 1977, the Security Council condemned the acts of aggression by the illegal régime against Mozambique and declared that those acts, as well as the repeated attacks and threats against Zambia and Botswana, constituted a serious aggravation of the situation in the area. The Council also requested all States, regional organizations, intergovernmental organizations and the United Nations and its organizations and programmes to provide financial, technical and material assistance to Mozambique to enable it to overcome the severe economic loss and destruction of property brought about by those acts of aggression.

94. On 7 March 1978, it was reported that the armed forces of the illegal régime had invaded Zambia at Luwangwe, about 201 kilometres east of Lusaka, and killed about 38 people, wounding many others and destroying property. According to the report Zambian armed forces engaged the illegal régime forces for more than 24 hours. Many States, including the United States, the United Kingdom and the front-line States, condemned the invasion as an act of aggression which threatened the peace and security in the region.

95. On 15 March, at its 2068th meeting, the Security Council began consideration of Zambia's charge of aggression against its territory.

#### 7. ACTS OF BRUTALITY IN SOUTHERN RHODESIA

96. The illegal régime has also continued to perpetrate various acts of brutality against African civilians within its borders, aimed at intimidating the population and thus reducing or eliminating its support of the guerrilla war.

97. The most recent acts of brutality are recorded in the report prepared by the Catholic Commission for Justice and Peace in Rhodesia. t/ In the report, it is stated that: "As support for the nationalist cause has increased, the propaganda /of the illegal régime/ has become increasingly strident. It takes several forms - displaying the mutilated corpses of guerrillas and distributing photographs of them accompanied by threats, warning the black population that if they co-operate with the guerrillas they will be killed".

98. The report cites numerous cases in which troops of the illegal régime have killed innocent African civilians and displayed their bodies as those of guerrillas.

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s/ See Official Records of the Security Council, Thirty-second Year, Supplement for October, November and December 1977, documents S/12466 and S/12471.

t/ Rhodesia. The Propaganda War (London, Catholic Institute for International Relations, 1977).

There is also further evidence that the illegal régime has continued to consolidate the so-called protected villages into concentration camps where African civilians are kept under guard.

A. Protected villages

99. Information on the establishment of protected villages in Southern Rhodesia is contained in an earlier report of the Special Committee. u/

100. At 30 May 1977, there were about 203 of these protected villages in the Territory (see table 3 and map B below) with a total population of over 580,000. In the past year, the illegal régime continued to confine the African population to such villages. In March 1977 alone, more than 100 new villages were established in which about 20,000 people were forced to live. As will be seen from map B below, almost all of the African population in the north-eastern corner of the Territory is being placed under surveillance and control.

101. These so-called villages, fenced in with barbed wire, are characterized by overcrowding and extremely poor sanitary conditions. Diseases, especially those of an intestinal nature, are common and have in some cases been the cause of death. Few schools are provided for the children and the rigid enforcement of curfew laws has disrupted the economic and social life of the residents. All reports indicate that the illegal régime has done nothing to alleviate the plight of the residents.

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u/ Official Records of the General Assembly, Thirty-first Session, Supplement No. 23 (A/31/23/Rev.1), vol. II, chap. VIII, annex, paras. 77-86.

Table 3

Southern Rhodesia: confinement of the African population in  
protected villages, 1977

Tribal Trust Land	Number of protected villages	Population (approximate)
<u>Mashonaland Province</u>		
Dande	4	1 800
Mzarabani	3	5 600
Gutsa	6	3 832
Chiswiti	10	17 000
Kandeya	30	60 000
Chiweshe	21	120 000
Madziwa	10	25 000
Uzumba	20	70 000
Maramba	6	12 000
Pfungwe	12	16 000
Mtoko	17	68 000
Mudzi	5	20 000
Ngarwe	12	48 000
Chikwizo	3	12 000
	159	479 232
<u>Manicaland Province</u>		
Honde Valley	7	14 000
Chipinga Area (Mt. Silinda, Chikore)	5	7 600
Ndowoyo	12	24 000
Musikavanhu	3	6 000
Makoni District	4	10 000
	31	61 600
<u>Victoria Province</u>		
Sangwe	4	8 000
Chiredzi	9	32 000
	13	40 000
Totals	203	580 832

Source: Rhodesia. The Propaganda War (London, Catholic Institute for International Relations, 1977).

## B. Policy of systematic torture

102. In the report of the Catholic Commission for Justice and Peace of Rhodesia, it is stated that "Reports of torture at the hands of government security forces continue to be the rule rather than the exception". v/ Under the provisions of the Indemnity and Compensation Act of the illegal régime, any official of the illegal Government, including soldiers and the police, may torture or kill a prisoner and the matter need not be brought to court if the Minister of Law and Order certifies that the action was committed in good faith to suppress terrorism or to maintain public order.

103. Acting under these provisions, both soldiers and police have experimented with various methods of torture. According to the Commission's report, "one common method of torturing students which leaves no tell-tale marks is the towel and hose method. The students are stripped naked, a towel is put over their faces and running water is sprayed in their mouths and noses through a hose". This is said to partially suffocate the victim and make him feel that he is drowning.

104. On 14 May 1978, over 50 African civilians, mostly women and children, were killed by the forces of the illegal régime at Gutu in the south-east of the Territory; on 11 June over 20 African civilians, also mostly women and children, were similarly killed at Domboshawa, about 25 kilometres from Salisbury. Many other civilians were wounded in these attacks.

105. In both cases the illegal régime claimed that the guerrillas had infiltrated the villages and that the civilians had been killed in the crossfire between the forces of the illegal régime and the guerrillas. The surviving villagers maintain, however, that most of the shots had come from the forces of the illegal régime.

106. All the leaders of the Zimbabwe nationalist movement, Mr. Mugabe, Mr. Nkomo, Bishop Muzorewa and the Reverend Sithole, condemned the continued massacre of unarmed civilians by the forces of the illegal régime. Bishop Muzorewa and the Reverend Sithole, who are part of the Executive Council of the illegal régime, have called for an independent investigation into the actions of the forces.

107. Towards the end of June it was reported that 12 whites, including women and children, were found murdered in the Vumba area near Umtali. The illegal régime claimed that the guerrillas led by Mr. Mugabe had committed the murders. Mr. Mugabe is said to have denied the charges and is reported to have accused the forces of the illegal régime of having committed the atrocities.

## C. Hanging of guerrillas

108. The practice of the illegal régime is to hang captured guerrillas soon after the courts have sentenced them to death. Frequently, the illegal régime does not announce the date or time of the hanging. Thus, no data are available on the exact number of political prisoners hanged each year. It is known, however, that the illegal régime has scheduled two days a week for the hanging of political prisoners.

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v/ Rhodesia. The Propaganda War (London, Catholic Institute for International Relations, 1977).

## 8. ECONOMIC CONDITIONS

### A. General

109. As is well known, it is not possible to obtain accurate data on the economy of Southern Rhodesia because of the information blackout imposed by the illegal régime. Most of the available statistics are supplied by that régime and are often misleading. Nevertheless, during the past year, there have been growing indications that the Territory's economy has been seriously weakened owing to the imposition of international sanctions and the frequent military call-ups of able-bodied men to combat the expanded guerrilla activity. A number of reports have speculated that the economy might collapse if the armed struggle continues at the current level of intensity.

110. Mr. David Smith, Minister for Finance of the illegal régime, warned in his budget speech in July 1977 that the country would face a "hard and stormy" year ahead. \$R 817 million would be needed for the 1977/78 financial year and it would be necessary to borrow \$R 162.8 million.

111. The Minister went on to state that the Territory had been hard hit by the international recession, intensified sanctions, rising emigration and the increasing cost of the foreign exchange required to maintain the war; nevertheless, he reported a surplus of \$R 176 million in the balance of payments, compared with \$R 47 million in 1975/76.

112. According to the Minister, the economy had done reasonably well in 1976/77. Mining production had increased in volume by 7.5 per cent over the 1975/76 output, the value of sales of the principal agricultural crops and of livestock had risen by 9 per cent, and the retail sector had achieved an average growth of 7 per cent in monetary terms.

113. The Rhodesia Iron and Steel Corporation (RISCO) had suffered a profit loss, however, and had required government assistance; a budgetary allocation of \$R 11 million had been set aside for that purpose. The Rhodesia Railways had also suffered a deficit of \$R 41 million.

114. The Finance Minister then outlined various measures taken to discourage further emigration and to bolster the economy.

115. In an attempt to raise the morale of the Europeans and encourage them not to emigrate, it had been decided not to increase the sales tax, despite economic difficulties and the need to raise revenue. At the same time, changes had been introduced in the income tax system, effective 1 April 1978, which would maintain the present levels of income tax and would actually reduce it in some cases. The income tax surcharge for individuals and companies had been reduced from 10 to 7.5 per cent. In addition, married working women were being offered a tax abatement of up to one sixth of their earned income to a maximum of \$R 1,800.

116. From 1 July 1977, the total income to be remitted to former residents with assets in the country would be limited to \$R 25,000 per family per year. However, retired persons on pension could receive a maximum of \$R 50,000 per family per year. (Previously, remittances of pensions and income already earned had been unrestricted.)

117. Farmers who had lost livestock because of guerrilla action would be taxed on income at a marginal rate. They would be further compensated from the \$R 5 million fund reserved for victims of guerrilla action.

118. The 1977/78 budget also included an allocation of \$R 1.5 million to assist the tourist industry and to help resorts and hotels affected by guerrilla action.

B. Gross domestic product and foreign  
exchange situation

119. Although the statistics of the illegal régime show that Southern Rhodesia had a favourable balance-of-payments situation in 1975/76, Mr. Richard Wild, President of the Economic Society, stated that 1975/76 was the second year in succession that the Territory had experienced negative economic growth in real terms. This assessment is supported by the illegal régime's own economic review for the 1975/76 year.

120. According to the Economic Survey of Rhodesia (April 1977) published by the illegal régime, in 1975/76, the Territory's gross domestic product increased by 5.8 per cent at market prices over the 1974/75 level, but in terms of 1965 prices dropped 3.3 per cent in real terms (see table 4 below). There was little change in 1975/76 in the total output of the major components of the economy (e.g. agriculture, the manufacturing industry and distribution) compared with 1974/75 (see graphs 1 and 2 below). Construction, however, fell by 19 per cent. Only the mining sector showed some progress, with an increase of 31 per cent over the 1974/75 levels.

121. The Territory's economy has come under severe strains in the past few years. In 1976/77, the cost of fighting the war increased by 24 per cent over the previous year. Further, the black population is increasing at a rate of approximately 230,000 a year, or 3.6 per cent, leading to a high rate of African unemployment and reduced earnings for those employed (see table 5 below). In 1976, out of the estimated 6.6 million Africans, only 926,000 were employed, of whom 122,000 earned less than \$R 10 a month. According to Africa Confidential (24 June 1977), the majority of Africans in industry and domestic service earn from \$R 10 to \$R 20 a month and the majority in mining and quarrying earn from \$R 20 to \$R 30 a month. As indicated in tables 5 and 6, however, the illegal régime claims that the average wages of the Africans are higher than those given in Africa Confidential.

122. Because of the deteriorating foreign exchange situation, the illegal régime was forced to devalue its currency on 13 October 1977. The Minister of Finance announced that the Southern Rhodesian dollar had been devalued by 3 per cent against the South African rand and by 6 per cent against all other currencies. He expressed the hope that by such devaluation the Territory could gain a net saving in foreign exchange since its exports would become 'more attractive'. In the 10-year period since 1966, the illegal régime had had a balance-of-payments deficit in 5 years out of 10 (see table 7 below). In 1974, the deficit, at \$R 20.2 million, was almost double the deficit in 1968.

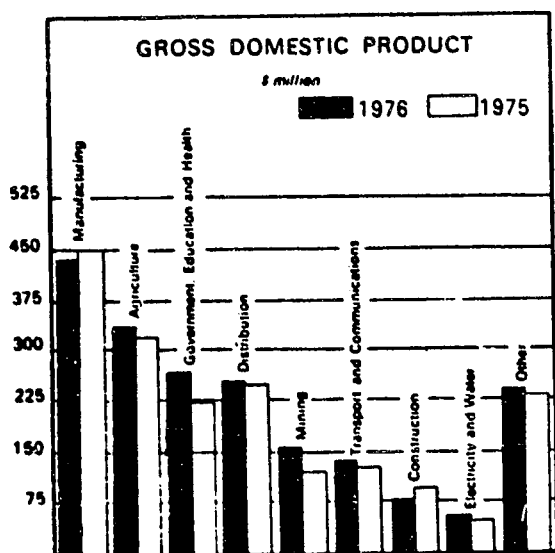
Table 4

**Southern Rhodesia: Industrial Origin of the Gross Domestic Product, 1967-1976**  
(Million Southern Rhodesian dollars)

	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976
<b>Agriculture and forestry:</b>										
European, Asian and Coloured . . . . .	84.7	78.6	103.4	97.9	124.7	146.1	151.1	201.5	226.9	226.3
African . . . . .	70.2	45.6	66.2	55.1	74.9	86.9	63.7	113.4	95.1	108.2
<b>Total Agriculture and Forestry . . . . .</b>	<b>154.9</b>	<b>124.2</b>	<b>169.6</b>	<b>153.0</b>	<b>199.6</b>	<b>233.0</b>	<b>214.8</b>	<b>314.9</b>	<b>322.0</b>	<b>334.5</b>
<b>Mining and quarrying . . . . .</b>	<b>47.1</b>	<b>48.1</b>	<b>63.7</b>	<b>68.3</b>	<b>70.9</b>	<b>72.0</b>	<b>97.3</b>	<b>127.3</b>	<b>120.6</b>	<b>157.8</b>
<b>Manufacturing . . . . .</b>	<b>134.1</b>	<b>153.2</b>	<b>177.9</b>	<b>213.1</b>	<b>253.1</b>	<b>299.1</b>	<b>344.4</b>	<b>425.2</b>	<b>449.7</b>	<b>496.9</b>
Electricity and water . . . . .	26.1	26.9	30.0	31.6	33.8	37.7	41.1	41.5	48.3	52.6
Construction . . . . .	33.1	43.9	52.0	54.3	57.4	73.4	81.0	81.0	93.9	75.6
Finance and insurance . . . . .	26.9	29.5	35.4	37.6	41.3	54.7	62.1	76.0	88.9	93.6
Real estate . . . . .	19.3	22.5	27.7	31.8	34.9	38.6	42.7	45.6	44.9	41.7
Distribution, hotels and restaurants . . . . .	97.9	108.2	121.9	134.7	150.9	170.5	196.3	234.2	251.2	255.3
Transport and communication . . . . .	66.2	74.1	88.0	85.5	95.8	105.4	105.2	113.3	128.3	137.3
Public administration . . . . .	47.8	51.2	57.3	61.9	69.9	78.0	91.2	106.7	126.6	160.1
Education . . . . .	26.8	29.2	31.9	34.1	39.5	43.0	48.0	55.0	64.9	72.7
Health . . . . .	13.0	14.2	15.3	16.4	18.9	20.8	22.4	25.9	31.0	34.6
Domestic services . . . . .	24.6	26.6	27.7	30.2	32.9	35.2	37.0	39.9	45.0	49.4
Other services . . . . .	40.0	45.8	51.1	57.2	61.1	67.1	79.0	89.8	103.0	107.4
<b>Less: Imputed banking service charges . . . . .</b>	<b>-14.0</b>	<b>-16.0</b>	<b>-17.9</b>	<b>-20.8</b>	<b>-22.9</b>	<b>-29.5</b>	<b>-32.5</b>	<b>-42.2</b>	<b>-52.3</b>	<b>-54.0</b>
<b>Gross Domestic Product (factor cost) . . . . .</b>	<b>743.8</b>	<b>781.9</b>	<b>929.7</b>	<b>989.1</b>	<b>1 137.2</b>	<b>1 298.9</b>	<b>1 430.0</b>	<b>1 734.0</b>	<b>1 866.0</b>	<b>1 955.5</b>
<b>Gross Domestic Product (market prices) . . . . .</b>	<b>799.0</b>	<b>843.6</b>	<b>997.8</b>	<b>1 073.4</b>	<b>1 235.1</b>	<b>1 400.5</b>	<b>1 542.8</b>	<b>1 843.6</b>	<b>1 993.8</b>	<b>2 108.5</b>
<b>Gross Domestic Product (1965 prices) . . . . .</b>	<b>803.8</b>	<b>821.7</b>	<b>999.9</b>	<b>980.0</b>	<b>1 096.8</b>	<b>1 194.6</b>	<b>1 240.4</b>	<b>1 345.4</b>	<b>1 330.8</b>	<b>1 286.4</b>

Source: Southern Rhodesia, Ministry of Finance, Economic Survey of Rhodesia, April 1977.

Graph 1



Graph 2

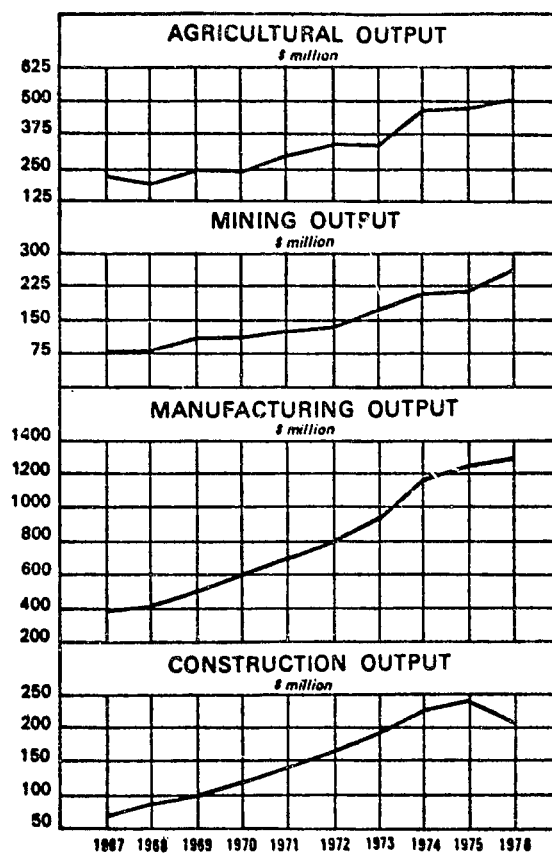


Table 5  
Southern Rhodesia: Employment and earnings of Africans, 1967-1976

Source: Southern Rhodesia, Ministry of Finance, Economic Survey of Rhodesia, April 1977.



Table 5

Southern Rhodesia: Employment and earnings of Africans, 1967-1976

	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976
<b>Number in employment: (thousands)</b>										
Agriculture and forestry . . . . .	272.0	287.1	301.9	292.2	305.3	336.4	350.6	359.8	357.2	356.1
Mining and quarrying . . . . .	46.8	47.8	49.5	52.1	53.1	53.6	53.6	57.6	59.8	61.4
Manufacturing . . . . .	72.7	80.5	89.0	98.5	103.8	111.2	119.1	130.1	132.4	131.0
Electricity and water . . . . .	3.8	4.1	3.8	4.1	4.1	4.3	4.7	5.0	5.0	4.9
Construction . . . . .	24.6	29.7	34.3	36.9	40.9	43.6	50.6	57.8	54.7	46.7
Finance, insurance and real estate . . . . .	2.5	2.5	2.6	2.8	2.8	2.9	3.0	3.3	3.5	3.7
Distribution, restaurants and hotels . . . . .	40.5	43.3	46.1	46.0	47.2	51.6	55.5	55.4	56.8	55.4
Transport and communications . . . . .	22.8	22.7	22.2	22.9	25.3	27.0	28.2	29.6	30.8	30.9
Public administration . . . . .	23.2	24.5	26.3	27.5	27.3	27.4	29.0	30.7	35.1	37.6
Education . . . . .	23.5	24.3	24.8	24.4	24.4	24.9	26.0	27.4	28.7	29.6
Health . . . . .	6.9	7.2	7.2	7.5	7.9	8.2	8.6	8.8	9.1	9.3
Private domestic services . . . . .	97.8	102.0	105.4	109.3	114.0	119.4	122.6	124.4	126.3	126.1
Other services . . . . .	21.4	21.7	22.1	25.1	26.6	29.5	30.4	33.3	33.8	33.6
<b>Total . . . . .</b>	<b>659.0</b>	<b>693.0</b>	<b>735.0</b>	<b>749.0</b>	<b>783.0</b>	<b>840.0</b>	<b>882.0</b>	<b>923.0</b>	<b>933.0</b>	<b>926.0</b>
<b>Average earnings: (Southern Rhodesian dollars)</b>										
Agriculture and forestry . . . . .	123	123	123	127	132	134	144	159	180	201
Mining and quarrying . . . . .	308	322	333	344	350	358	386	434	502	567
Manufacturing . . . . .	431	442	475	478	483	530	568	633	733	805
Electricity and water . . . . .	368	390	395	439	488	512	532	600	680	776
Construction . . . . .	321	367	332	404	472	507	482	548	651	677
Finance, insurance and real estate . . . . .	560	640	654	714	750	759	867	970	1 200	1 351
Distribution, restaurants and hotels . . . . .	375	386	401	437	477	483	501	552	651	717
Transport and communications . . . . .	656	626	676	655	735	730	780	865	961	1 074
Public administration . . . . .	388	408	445	451	516	609	676	765	832	937
Education . . . . .	540	572	609	656	738	767	823	916	1 042	1 166
Health . . . . .	493	542	569	573	620	671	698	784	934	1 075
Private domestic services . . . . .	232	261	263	276	289	295	302	321	356	392
Other services . . . . .	355	367	416	426	425	434	470	511	577	658
<b>Total . . . . .</b>	<b>268</b>	<b>279</b>	<b>288</b>	<b>306</b>	<b>326</b>	<b>338</b>	<b>365</b>	<b>402</b>	<b>465</b>	<b>517</b>
<b>Total earnings: (million Southern Rhodesian dollars)</b>										
Agriculture and forestry . . . . .	33.4	34.9	37.2	37.2	40.3	45.1	50.4	57.1	64.4	71.6
Mining and quarrying . . . . .	14.4	15.4	16.5	17.9	18.6	19.2	20.7	25.0	30.0	34.8
Manufacturing . . . . .	31.3	35.6	42.3	47.1	50.1	58.9	67.6	82.4	97.0	105.4
Electricity and water . . . . .	1.4	1.6	1.5	1.8	2.0	2.2	2.5	3.0	3.4	3.8
Construction . . . . .	7.9	10.9	11.4	14.9	19.3	22.1	24.4	31.7	35.6	31.6
Finance, insurance and real estate . . . . .	1.4	1.6	1.7	2.0	2.1	2.2	2.6	3.2	4.2	5.0
Distribution, restaurants and hotels . . . . .	15.2	16.7	18.5	20.1	22.5	24.9	27.8	30.6	37.0	39.7
Transport and communications . . . . .	14.5	14.2	15.0	15.0	18.6	19.7	22.0	25.6	29.6	33.2
Public administration . . . . .	9.0	10.0	11.7	12.4	14.1	16.7	19.6	23.5	29.9	37.5
Education . . . . .	12.7	13.9	15.1	16.0	18.5	19.1	21.4	25.1	29.9	34.5
Health . . . . .	3.4	3.9	4.1	4.3	4.9	5.5	6.0	6.9	8.5	10.0
Private domestic services . . . . .	24.6	26.6	27.7	30.2	32.9	35.2	37.0	39.9	45.0	49.4
Other services . . . . .	7.6	8.4	9.2	10.7	11.3	12.8	14.3	17.0	19.5	22.1
<b>Total . . . . .</b>	<b>176.8</b>	<b>193.6</b>	<b>212.0</b>	<b>229.6</b>	<b>255.2</b>	<b>283.6</b>	<b>316.2</b>	<b>370.8</b>	<b>434.0</b>	<b>478.6</b>

Source: Southern Rhodesia, Ministry of Finance, Economic Survey of Rhodesia, April 1977.

Table 6

## Southern Rhodesia: Employment and earnings of European, Asian and Coloured persons, 1967-1976

Number in employment: (thousands)	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976
Agriculture and forestry . . . . .	5.6	5.5	5.6	5.6	5.6	5.8	5.9	5.7	6.0	5.9
Mining and quarrying . . . . .	3.1	3.2	3.4	3.6	3.6	3.6	3.5	3.5	3.8	3.9
Manufacturing . . . . .	13.7	15.4	16.2	17.3	18.6	20.3	21.1	21.9	22.6	21.9
Electricity and water . . . . .	1.4	1.5	1.5	1.5	1.7	1.8	1.9	1.9	1.9	1.9
Construction . . . . .	3.9	4.5	5.3	5.5	5.9	5.8	6.1	6.4	6.0	5.4
Finance, insurance and real estate . . . . .	5.6	5.9	6.3	6.5	7.0	7.8	8.3	8.7	8.8	8.5
Distribution, restaurants and hotels . . . . .	17.9	18.9	19.4	19.4	20.0	20.3	21.1	20.7	20.4	19.2
Transport and communications . . . . .	13.6	13.5	13.2	13.6	13.8	14.0	14.1	14.2	14.6	14.7
Public administration . . . . .	10.7	11.0	11.3	11.5	12.3	12.7	12.4	12.7	13.8	16.2
Education . . . . .	5.8	5.9	6.1	6.6	6.6	7.0	7.3	7.2	7.3	7.3
Health . . . . .	2.9	3.0	3.0	3.2	3.5	3.9	3.9	4.2	4.4	4.2
Other services . . . . .	7.8	8.4	8.8	9.7	10.0	10.3	10.9	11.2	11.2	10.7
Total . . . . .	72.0	97.0	100.0	104.0	109.0	113.0	117.0	118.0	121.0	120.0
Average earnings: (Southern Rhodesian dollars)										
Agriculture and forestry . . . . .	2 803	2 727	2 786	2 875	2 839	3 017	3 407	4 088	4 817	4 915
Mining and quarrying . . . . .	3 581	3 750	4 147	4 417	4 667	4 722	5 114	6 171	6 842	7 590
Manufacturing . . . . .	3 102	3 143	3 309	3 578	3 839	4 153	4 479	5 137	5 805	6 347
Electricity and water . . . . .	3 357	3 786	3 733	3 800	4 294	4 556	4 842	5 474	6 421	6 895
Construction . . . . .	2 692	2 867	2 792	3 018	3 644	4 155	4 164	4 859	5 533	5 796
Finance, insurance and real estate . . . . .	2 821	2 949	3 111	3 292	3 357	3 692	3 819	4 402	4 943	5 376
Distribution, restaurants and hotels . . . . .	2 324	2 423	2 474	2 644	2 925	3 158	3 327	3 662	4 265	4 604
Transport and communications . . . . .	3 250	3 215	3 545	3 684	3 812	4 179	4 525	4 923	5 404	5 993
Public administration . . . . .	2 907	3 055	3 301	3 426	3 618	3 866	4 669	5 338	5 739	6 364
Education . . . . .	2 379	2 559	2 705	2 712	3 121	3 357	3 616	4 097	4 740	5 151
Health . . . . .	2 069	2 167	2 367	2 406	2 686	2 718	2 974	3 214	3 614	4 119
Other services . . . . .	2 333	2 500	2 625	2 619	2 710	2 883	3 339	3 589	4 080	4 467
Total . . . . .	2 774	2 848	3 020	3 165	3 387	3 676	3 976	4 524	5 093	5 583
Total earnings: (million Southern Rhodesian dollars)										
Agriculture and forestry . . . . .	15.7	15.0	15.6	16.1	15.9	17.5	20.1	23.3	28.9	29.0
Mining and quarrying . . . . .	11.1	12.0	14.1	15.9	16.8	17.0	17.9	21.6	26.0	29.6
Manufacturing . . . . .	42.5	48.4	53.6	61.9	71.4	84.3	94.5	112.5	131.2	139.0
Electricity and water . . . . .	4.7	5.3	5.6	5.7	7.3	8.2	9.2	10.4	12.2	13.1
Construction . . . . .	10.5	12.9	14.8	16.6	21.5	24.1	25.4	31.1	33.2	31.3
Finance, insurance and real estate . . . . .	15.8	17.4	19.6	21.4	23.5	28.8	31.7	38.3	43.5	45.7
Distribution, restaurants and hotels . . . . .	41.6	45.8	48.0	51.3	58.5	64.1	70.2	75.8	87.0	88.4
Transport and communications . . . . .	43.4	43.4	46.8	50.1	52.6	58.5	63.8	69.9	78.9	88.1
Public administration . . . . .	31.1	33.6	37.3	39.4	44.5	49.1	57.9	67.8	79.2	103.1
Education . . . . .	13.8	15.1	16.5	17.9	20.6	23.5	26.4	29.5	34.6	37.6
Health . . . . .	6.0	6.5	7.1	7.7	9.4	10.6	11.6	13.5	15.9	17.3
Other services . . . . .	18.2	21.0	23.1	25.4	27.1	29.7	36.4	40.2	45.7	47.8
Total . . . . .	255.2	276.3	302.0	329.2	369.2	415.4	465.2	533.8	616.2	670.0

Source: Southern Rhodesia, Ministry of Finance, Economic Survey of Rhodesia, April 1977.

Table 7

Southern Rhodesia: Balance of payments: current and capital transactions, 1967-1976  
(million Southern Rhodesian dollars)

	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976
<u>Merchandise, net</u> . . . . .	15.2	-17.7	36.6	32.6	8.8	68.9	96.0	68.2	47.6	176.1
<u>Invisible transactions, net</u> . . . . .	-31.9	-32.4	-33.1	-46.6	-66.2	-68.1	-113.3	-150.9	-165.6	-158.5
Services . . . . .	-18.4	-16.5	-10.9	-23.0	-32.5	-30.2	-67.9	-92.2	-100.1	-84.2
Investment income . . . . .	-13.4	-14.9	-17.8	-21.0	-30.4	-35.1	-38.5	-39.8	-36.7	-45.1
Transfers . . . . .	-0.1	-1.0	-4.3	-2.6	-3.3	-2.8	-6.9	-18.8	-28.8	-29.2
<u>Net balance on current account</u> . . . . .	-16.7	-50.1	3.6	-14.0	-57.4	0.7	-17.4	-82.8	-118.0	17.7
<u>Capital transactions, net</u> . . . . .	23.7	39.5	9.9	26.3	30.5	-2.3	51.6	62.6	101.7	25.7
<u>Total current and capital transactions</u> . . . . .	7.0	-10.5	13.4	12.3	-26.9	-1.6	34.2	-20.2	-16.3	43.4
Short-term financing, changes in banking reserves, errors and omissions . . . . .	7.0	-10.5	13.4	12.3	-26.9	-1.6	34.2	-20.2	-16.3	43.4

Allowance has been made for non-monetary gold, internal freight to border, timing and coverage adjustments in the computation of merchandise trade.

Source: Southern Rhodesia, Ministry of Finance, Economic Survey of Rhodesia, April 1977.

## 9. EVASION OF SANCTIONS

123. The question of the violation of sanctions has continued to engage the attention of the General Assembly and the Security Council, as well as of the Special Committee. By paragraph 4 (a) of its resolution 32/116 B of 16 December 1977, 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 8 of the same resolution, the Assembly requested the Special Committee to follow the implementation of that resolution.

124. According to various reports, there have been numerous instances of possible violations of sanctions against Southern Rhodesia. The present paper concentrates on five situations concerning the question of sanctions: (a) an oil conspiracy; (b) repeal of the Byrd Amendment (sect. 503 of the United States Military Procurement Act of 1971); (c) action by the Security Council; (d) action by the Commonwealth Conference; and (e) action by the International Conference in Support of the Peoples of Zimbabwe and Namibia.

### A. Oil conspiracy

125. As reported earlier, w/ a number of transnational oil companies were cited by the Center for Social Action of the United Church of Christ (CSA) as being behind a scheme to supply Southern Rhodesia with oil in violation of United Nations sanctions against the Territory. More information has now become available.

126. According to Lonrho, Ltd., a United Kingdom company with interests throughout Africa, the following transnational oil companies and subsidiaries were involved in some way in a conspiracy to supply Southern Rhodesia with oil through bogus companies registered in South Africa: Mobil, Mobil Corporation, Mobil Mocambique, Mobil South Africa, Mobil Refining Company South Africa, Mobil Oil Southern Rhodesia, Texaco, Inc., Caltex Petroleum Corporation, Caltex Mocambique, Caltex Oil (S.A.) Pty., Ltd., Standard Oil Company of California, Shell Oil Company, "Shell" Transport and Trading Company, Ltd., Royal Dutch/Shell Group, Shell Rhodesia, Shell Mocambique, Shell Petroleum Supply Company, British Petroleum Company, Ltd., South African Petroleum Refinery, British Petroleum Oil, British Petroleum Mocambique, British Petroleum Southern Oil, British Petroleum South Africa, British Petroleum Rhodesia, Total-Compagnie française des pétroles, Total South Africa (Pty.), Ltd., Genta (Pvt.), Ltd., Consolidated Petroleum Company, Ltd., Price's Petroleum Company, Ltd., and South African Oil Refinery (Pty.), Ltd.

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w/ Official Records of the General Assembly, Thirty-second Session, Supplement No. 23 (A/32/23/Rev.1), vol. II, chap. VII, annex, paras. 92-98.

127. The CSA study has been supported by another study undertaken by the Anti-Apartheid Movement, based in London, in conjunction with the Haslemere Group, also based in London. The latter study was submitted to the United Kingdom Foreign and Commonwealth Office, which is reported to be investigating the complicated system of documentation to disguise oil sales to Southern Rhodesia. According to the study, the system of selling oil to Southern Rhodesia was arranged in such a way as to enable the parent companies in Europe and the United States to disassociate themselves from the conspiracy. For example, the Shell Oil Company and the British Petroleum Company were said to have supplied oil to their subsidiaries in South Africa. These subsidiaries sold the oil to Freight Services, Ltd., a company registered in South Africa, which in turn supplied the oil to Southern Rhodesia.

128. Although most of the oil companies cited in these studies have denied that they ever supplied oil to Southern Rhodesia in violation of United Nations sanctions, they do not deny that they have supplied oil to their subsidiaries in South Africa. A spokesman for the Shell Oil Company stated that the company had been in South Africa for 70 years and regarded its presence there as important. Further, the spokesman said that if oil companies took steps to prevent their subsidiaries in South Africa from selling oil to Southern Rhodesia they would be prosecuted under South African law, explaining that "The petroleum firms are forbidden from restricting their customers or the destination of their products".

129. The oil conspiracy in support of Southern Rhodesia has had damaging effects on the economy of Zambia. The Government of Zambia, which claims that the oil companies are trying to "starve Zambia of oil to Rhodesia's benefit" (The Guardian (Manchester), 24 August 1977), is in the process of suing the international oil companies involved for damages totalling £4 billion. The oil companies involved in the suit are the Mobil Corporation, the Caltex Petroleum Corporation and Texaco, Inc. of the United States; Total-Compagnie française des pétroles of France; the Shell Oil Company and the British Petroleum Company, Ltd. of the United Kingdom; and the Royal Dutch Petroleum Company of the Netherlands.

#### B. Repeal of the Byrd Amendment

130. In March 1977, the United States Congress repealed the Byrd Amendment (see para. 124 above) which had authorized United States companies to continue importing chrome and other minerals from Southern Rhodesia in violation of United Nations sanctions against the Territory. x/

131. The Amendment had enabled Southern Rhodesia to acquire much-needed foreign exchange. For example, in a period of three months, from 1 October to 31 December 1976, United States companies received not less than 14 shipments of chrome and other minerals from Southern Rhodesia. y/ In 1975, United States

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x/ Ibid., paras. 103-107.

y/ See Official Records of the Security Council, Thirty-third Year, Special Supplement No. 2 (S/12529), vol. II, annex III, sect. B, para. 5, table.

companies imported about 220 000 tons of minerals from Southern Rhodesia valued at more than \$US 45 million.

132. According to press reports, as the repeal of the Byrd Amendment was being debated in the United States Congress, Southern Rhodesia began to chart new ways of exporting chrome in violation of the sanctions. Mr. Michael Carwood, the Southern Rhodesian Secretary for Mines, said, "It is likely that some Rhodesian chrome ore would continue to reach the United States by more circuitous routes and at a higher price to American buyers" (The New York Times, 18 February 1977). Southern Rhodesian businessmen were quick to point out that Southern Rhodesia produces 67.3 per cent of the world chromium and thus it would not be difficult for them to find alternative markets and routes.

133. According to press reports, although the quality of Southern Rhodesian metallurgical grade chromite is easily identifiable, it can be disguised by blending it with other ores in the production of ferro-chrome and charge chrome. Further, since South Africa produces 22.4 per cent of the world chromium, Southern Rhodesia can still export its chrome using South African papers. It is also believed that Southern Rhodesia is prepared to sell its chrome at sufficiently low prices to compensate for the risk importers take in buying it. According to The Financial Times (London), "... Rhodesian producers are flooding Europe with cheap ferro-chrome".

134. Although the Byrd Amendment has been repealed, it is significant to note that the illegal régime and its businessmen are reported to be confident of finding alternative markets for their chrome and other minerals.

### C. Action by the Security Council

135. By its resolution 409 (1977) of 27 May 1977, the Security Council decided "that all States Members of the United Nations shall prohibit the use or transfer of any funds in their territories by the illegal régime in Southern Rhodesia, including any office or agent thereof, or by other persons or bodies within Southern Rhodesia, for the purposes of any office or agency of the illegal régime that is established within their territories other than an office or agency so established exclusively for pensions purposes".

136. It will be recalled that the illegal régime had established information offices and tourist or airline offices in a number of cities around the world including Paris, Washington, D.C., New York and Sydney. In compliance with resolution 409 (1977), these offices are expected to be closed. However, there appears to be opposition in the United States Congress against closing the Southern Rhodesian Information Office on the grounds that to do so would be acting against "freedom of information" in the United States. According to press reports, the United States Government may allow the office to continue operating as long as it does not receive any funds from the illegal régime.

137. On 30 June 1977, the Security Council adopted resolution 411 (1977) by which it called upon all States to implement strictly Security Council resolutions on

sanctions and requested the Security Council Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia to examine further effective measures to tighten the scope of sanctions in accordance with Article 41 of the Charter of the United Nations.

138. In view of continued violations of sanctions, the Security Council Committee considered the following measures at its 283rd to 302nd meetings, held between 14 December 1976 and 12 December 1977 (S/AC.15/SR.283-302): (a) issuing a list of countries to which 20 or more notes concerning violations of sanctions had been sent; (b) issuing a manual of documentation and procedures for goods originating in southern Africa; preparing a comprehensive fact sheet relating to overt violations of sanctions; (c) extending sanctions to South Africa as that country continues to be used by Southern Rhodesia to evade sanctions; and (d) ways of expanding sanctions against Southern Rhodesia. The tenth report of the Security Council Committee indicates areas in which the Committee believes sanctions have been violated, including airline operations, tourism and Southern Rhodesian representational offices abroad. z/

D. Action by the International Conference in Support of the Peoples of Zimbabwe and Namibia

139. The International Conference, which met at Maputo from 16 to 21 May 1977, deplored "the fact that some States continue to violate sanctions with the result that sanctions have had only a limited effect on the economy of Southern Rhodesia". aa/ The Conference called upon Governments to take a series of measures against the illegal racist minority régime in Southern Rhodesia, including action to prevent oil companies registered in their territories from supplying oil, directly or indirectly, to the illegal régime. The Conference also called upon the United Nations to widen the scope of sanctions against the illegal régime, including all the measures envisaged under Article 41 of the Charter.

E. Action by the Commonwealth Conference

140. At its meeting at London in June 1977, the Commonwealth Conference issued a communiqué expressing its concern at reports that the supply of oil and petroleum products to Southern Rhodesia had continued uninterrupted despite United Nations sanctions against the Territory. The Conference also established a 10-nation working group (Australia, Bangladesh, Canada, Cyprus, India, Jamaica, Nigeria, United Kingdom, United Republic of Tanzania and Zambia) to examine ways of tightening sanctions against Southern Rhodesia.

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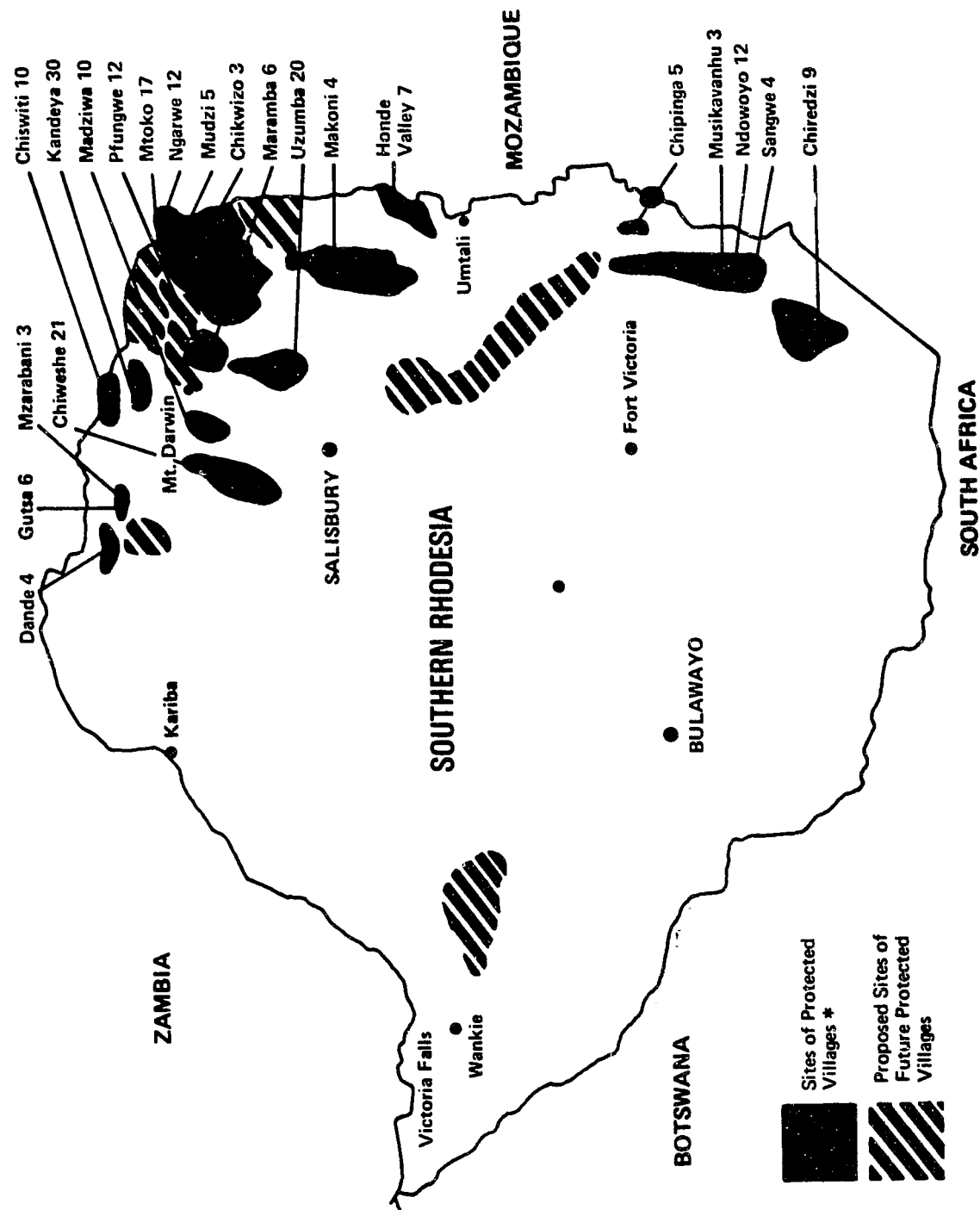
z/ Ibid., vol. I, paras. 16-24 and 114-137.

aa/ A/32/109/Rev.1-S/12344/Rev.1, annex V, para. 17. For the printed text, see Official Records of the Security Council, Thirty-second Year, Supplement for July, August and September 1977.

141. In October, the working group recommended that the United Kingdom and other Commonwealth countries seek ways to stop South Africa from supplying oil to Southern Rhodesia. It was reported that the working group had concluded that South Africa must make the choice of either giving guarantees that its oil imports would not be transferred to Southern Rhodesia or face the risk of an oil embargo approved by the Security Council on its own supplies.







\* Number of villages indicated (August 1977)

Source: Catholic Commission for Justice and Peace in Rhodesia, *Rhodesia - The Propaganda War* (London, Catholic Institute for International Relations, September 1977).

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## CHAPTER VIII\*

### NAMIBIA

#### A. Consideration by the Special Committee

1. The Special Committee considered the question of Namibia at its 1103rd to 1107th meetings, between 5 and 13 April 1978.
2. In its consideration of this item, the Special Committee took into account the provisions of the relevant General Assembly resolutions, including in particular resolution 32/9 D of 4 November 1977 on the situation in Namibia resulting from the illegal occupation of the Territory by South Africa, resolution 32/41 of 7 December 1977 on the International Conference in Support of the Peoples of Zimbabwe and Namibia and resolution 32/42 of 7 December 1977 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. By paragraph 13 of resolution 32/42, 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-third 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 the present chapter) containing information on developments concerning the Territory.

#### 1. Participation of the national liberation movement

4. 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).

#### 2. Hearing of petitioners

5. At its 1106th meeting, on 11 April, following a statement by the representative of China, the Special Committee granted a request for hearing to Mr. Mirza A. Ibragimov, President, Soviet Afro-Asian Solidarity Committee. Mr. Ibragimov made a statement at the same meeting (A/AC.109/PV.1106).

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\* Previously issued under the symbol A/33/23/Add.2.

### 3. 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 1103rd meeting, on 5 April (A/AC.109/PV.1103).

7. Mr. Shafashike Kahana, the Deputy Permanent Observer of SWAPO to the United Nations, made a statement at the 1103rd meeting (A/AC.109/PV.1103).

8. The general debate on the item took place at the 1104th to 1106th meetings, between 7 and 11 April. The following Member States took part in the debate: Yugoslavia, Sweden and Ethiopia at the 1104th meeting (A/AC.109/PV.1104); the United Republic of Tanzania, the Union of Soviet Socialist Republics, India, Iraq, the Syrian Arab Republic, Mali and Chile at the 1105th meeting (A/AC.109/PV.1105); and Czechoslovakia, Fiji, the Congo, China, Tunisia, Bulgaria, Australia and Iran at the 1106th meeting (A/AC.109/PV.1106). Statements in exercise of the right of reply were made by the representatives of the Union of Soviet Socialist Republics and China (A/AC.109/PV.1106).

### 4. Draft consensus

9. At the 1107th meeting, on 13 April, the Special Committee considered a draft consensus on the item (A/AC.109/L.1218), prepared by the Chairman on the basis of consultations.

10. At the same meeting, following statements by the representatives of Yugoslavia, Australia, Indonesia, the Union of Soviet Socialist Republics and India, the Committee adopted the draft consensus (see para. 12 below). The representatives of China, Sweden and Australia made statements (A/AC.109/PV.1107).

11. On 13 April, the text of the consensus (A/AC.109/558) was transmitted to the President of the Security Council (S/12645). On the same date, the text of the consensus was transmitted to the Chargé d'Affaires a.i. of the Permanent Mission of South Africa to the United Nations for the attention of his Government. Copies of the consensus were also transmitted to the Secretary-General for the attention of the President of the ninth special session of the General Assembly (A/S-9/6), as well as to the President of the United Nations Council for Namibia and to SWAPO.

### B. Decision of the Special Committee

12. The text of the consensus (A/AC.109/558) adopted by the Special Committee at its 1107th meeting, on 13 April, 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 1/ and by the representative of the South West Africa People's Organization, 1/ the Special Committee reaffirms its previous resolutions and decisions on the question.

(2) The Special Committee strongly condemns the South African régime for its continued illegal occupation of Namibia in defiance of repeated demands by the General Assembly and the Security Council for its withdrawal from the Territory, 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 to stifle the genuine aspirations of its people.

(3) The true aspirations of the Namibian people are evidenced by their widespread demonstrations of support for the South West Africa People's Organization, the sole, authentic representative of the Namibian people, which is unequivocally 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 accordance with the resolutions and decisions of the United Nations. In its efforts to suppress these manifestations of 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 South African armed forces and security police.

(4) The South African régime has embarked of late on the reinforcement of its already huge army in Namibia in preparation for a major confrontation with the liberation forces led by the South West Africa People's Organization. South Africa's activities involve a massive military build-up within Namibia, including the shipment into the Territory of large numbers of tanks and substantial quantities of ammunition, the construction of army barracks and the development of nuclear weapons. The immediate objective of this military build-up is to consolidate the position of the occupation régime, carry out its hegemonistic ambitions in the region, prevent the oppressed Namibian people from achieving genuine national independence and create conditions for imposing a puppet régime in Namibia drawn from tribal groups.

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1/ See A/AC.109/PV.1103.

(5) The South African régime has also initiated a scheme of officially instigated and organized violence against the South West Africa People's Organization, which is being carried out by South Africa's puppets and collaborators in Namibia. This sinister scheme is aimed at aggravating ethnic strife and hostilities within Namibia to justify the continued illegal occupation of the Territory by South Africa and the consolidation of its policies of apartheid and "bantustanization".

(6) The Special Committee further 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 all Namibian political prisoners.

(7) The Special Committee categorically rejects any manoeuvres by the illegal racist régime of South Africa to impose a so-called internal settlement, aimed at giving its illegal occupation some recognition by installing a puppet régime controlled from Pretoria, and calls upon all States not to accord any recognition to such a settlement.

(8) The Special Committee also strongly condemns South Africa for its continued exploitation and plundering of the human and natural resources of the Territory, in disregard of the legitimate interests of the Namibian people, and demands that such exploitation cease forthwith. It also condemns the activities of all foreign corporations operating in Namibia under the illegal administration of South Africa and reaffirms that the activities of those corporations are illegal.

(9) Given South Africa's increasing resort to force in order to perpetuate its illegal domination of the Territory, its flagrant refusal to comply with the terms of Security Council resolution 385 (1976) of 30 January 1976 and its repeated acts of aggression against neighbouring African States, the Special Committee recommends that the Security Council should consider taking all appropriate measures under the Charter, including further measures as provided for under Chapter VII, with a view to securing the speedy compliance by the Government of South Africa with the decisions of the Security Council. In this connexion, the 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 in the Territory by South Africa constitutes a threat to international peace and security.

(10) 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.

(11) 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 General Assembly resolution 1514 (XV). To this end, the 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, in accordance with Security Council resolution 385 (1976). 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.

(12) The Special Committee strongly condemns and denounces South Africa for its decision to annex Walvis Bay, as this constitutes an act of provocation and aggression against the Namibian people. The United Nations has categorically rejected attempts by South Africa to separate Walvis Bay from the rest of Namibia. The Committee demands the withdrawal of the illegal South African occupation from the whole of Namibia, including Walvis Bay, and requests all States not to take any action which may give any semblance of legitimacy to South Africa's claim to Walvis Bay.

(13) The Special Committee reaffirms its continued support for the people of Namibia, led by their sole and authentic national liberation movement, the South West Africa People's Organization, in their courageous and unyielding liberation struggle against the ruthless repression of the illegal South African régime. Now, more than ever, it is the clear responsibility of the international community to render and strengthen all moral and material support and assistance to the Namibian people and their national liberation movement in the conduct of their legitimate and just 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.

(14) 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 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.

(15) 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. It also commends the Council for its adoption of the 1978 Lusaka Declaration of the United Nations Council for Namibia. 2/

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

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2/ Official Records of the General Assembly, Ninth Special Session, Supplement No. 1 (A/S-9/4), para. 31.



ANNEX\*

Working paper prepared by the Secretariat

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\* Previously issued under the symbol A/AC.109/L.1209 and Add.1.

## 1. LAND AND PEOPLE

### A. Geography

1. Namibia, formerly known as South West Africa, lies along the South Atlantic Ocean between the seventeenth and twenty-ninth 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. In the north-east corner, an elongated piece of land, 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 enclave of Walvis Bay (1,124 square kilometres) which is geographically an integral part of Namibia and contains its only deep-water harbour. In 1977, (see paras. 68-70 below), the question of the control of the enclave became an issue in the discussions on the future status of the Territory.

### B. Population

3. In 1974, the last year for which information is available, the estimated population of Namibia, according to a South African government publication a/ was 852,000, of whom 753,000 (including 15,000 extraterritorial migrant labourers) were classified as non-whites, and 99,000 as whites. These estimates indicated a total population increase of 326,000 since 1960 (526,004), of which whites accounted for only 25,536, or 7.8 per cent. In fact, from 1960 to 1974, the percentage of whites to the population as a whole decreased from 14.0 to 11.6 per cent.

4. South Africa's figures for the non-white population are considered to be gross underestimates by the Office of the United Nations Commissioner for Namibia. According to the Office of the Commissioner, in 1976 the Territory's population was around 1.2 million.

### C. Land distribution

5. Since 1968, the South African Government, acting upon the recommendations of the Odendaal Commission, b/ has been perpetrating the fragmentation of Namibia

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a/ South Africa, South West Africa Survey, 1974 (Pretoria, Department of Foreign Affairs, 1975).

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.

into separate areas for white and non-white occupation along the line of the South African bantustans. c/

6. In accordance with the Plan, 43 per cent of the total area, including the best agricultural land and most known mineral deposits, has been reserved for white settlement. In contrast, 10 discontinuous homelands, comprising a total of 40 per cent of the least arable and least developed land, have been demarcated for occupation by non-whites on a tribal basis. The Plan also envisaged that the remaining 17 per cent of the Territory, including the diamond areas on the south-west coast, would be returned to direct South African control.

7. As shown in the table below, the projected homelands range in area from a low of 155,400 hectares (Tswanas) to a high of 5.9 million hectares (Hereros). Except for Basterland, the homelands are largely uninhabitable owing to aridity, and the differences in size are viewed as of little significance. In the case of Basterland, furthermore, the 19,000 Rehoboth Basters will have only 1.4 million hectares, while the 20,000 white farmers will have about 39 million hectares.

Table  
Allocation of land by ethnic group

Ethnic group	Population (1970)	Area of homeland (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 (Pretoria, Department of Foreign Affairs, 1975); data on homeland areas from the report of the Odendaal Commission (see paras. 5-7 above).

c/ The use of official South African 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.

## 2. SOUTH AFRICAN POLICIES OF REPRESSION

### A. Odendaal Plan and policy of fragmentation

8. Since 1968, in accordance with the recommendations of the Odendaal Commission, South Africa has steadily proceeded with the fragmentation of the Territory into homelands similar in all but name to the South African bantustans. By fragmenting the Territory, South Africa has also attempted to destroy the national unity of the people and to prevent the growth of united support for the South West Africa People's Organization (SWAPO).

9. Under the provisions of the Development of Self-Government for Native Nations Act, 1968, South Africa had by 1976 created 3 of the 10 homelands proposed for the Territory and given them the status of so-called self-governing Native nations under the names of Ovambo, Kavango and Caprivi. It had also taken steps towards the creation of Bushmanland, Namaland and Basterland. d/

10. During 1977, even after it claimed to have abandoned its plans to establish an ethnically based interim Government (see para. 53 below), South Africa continued the process of fragmentation. In July 1977, South Africa inaugurated a Nama Legislative Council, established a Damara Legislative and Executive Council and announced that it would soon hold elections for a Baster Legislative Council (Volksraad) and a kaptein, or chief counsellor, in accordance with the Rehoboth Self-Government Act of 1976.

11. These moves were strongly attacked by SWAPO. Mr. Sam Nujoma, President of SWAPO, in his statement to the General Assembly on 18 October 1977, e/ said that the South African moves to establish legislative councils or tribal parliaments were being made with a view to turning Namibia into a confederation of 11 bantustans.

12. The establishment of the Damara Legislative and Executive Council was also opposed by a large segment of the Damara population. It was reported that 600 Damaras had demonstrated against the ethnic government bodies at the opening day ceremonies on 28 July, which were guarded by police.

13. Elections were held in the Rehoboth Gebiet for the office of kaptein on 3 October and for the Volksraad on 1 November. Under the Rehoboth Self-Government Act of 1976, the kaptein is to be head of a three-member Chiefs' Council charged with drafting and implementing legislation.

14. The election for kaptein was contested by two candidates, Mr. B. J. Africa, head of the Baster Vereeniging as well as of the Baster delegation to the Turnhalle Conference (see paras. 46-50 below), and Mr. J. G. A. Diergaardt, head of the Rehoboth Bevrydingsparty. Both parties support the idea of ethnic self-government.

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d/ Official Records of the General Assembly, Thirty-second Session, Supplement No. 23 (A/32/23/Rev.1), vol. II, chap. VIII, annex, paras. 51-54.

e/ Ibid., Plenary Meetings, 35th meeting.

Mr. Africa was reported to have won the election by a margin of 126 votes; Mr. Diergaardt challenged the results, however, on the grounds of irregularities in the conduct of the election, and Mr. Africa's inauguration, which had been scheduled for 1 December, was subsequently postponed by order of the Windhoek Supreme Court.

15. In the elections for the Volksraad, each of the parties was reported to have won three seats.

#### B. Persecution of Namibian nationalists

16. During 1977, South Africa continued its persecution of African nationalists under the Terrorism Act of 1967. The underlying purpose of the Act, which empowers the South African police to arrest any person suspected of being or having aided a freedom fighter and to detain him indefinitely, is to deter Namibians from expressing dissent or becoming involved with SWAPO.

17. No detailed information is available concerning the total number of Namibians detained under the Terrorism Act. According to Amnesty International, at least 44 Namibians were known to be serving sentences for political offences at the end of 1976, of whom 16 were serving life sentences and all but 2 were imprisoned in South Africa.

18. On 31 May 1977, South African authorities executed Mr. Filemon Nduuvu Nangolo, who had been paralysed from the waist down after being shot by the police during his arrest. Mr. Nangolo had been accused under the Terrorism Act of being an accomplice during the killings of four whites in northern Namibia. The execution, which was carried out despite appeals by SWAPO and the five Western members of the Security Council, was condemned by the United Nations Council for Namibia. In a statement issued on 2 June, the President of the Council said that "this new brutal act" made clear that the South African military and police forces were continuing in their repression of the Namibian people and attempting to destroy SWAPO (A/AC.131/L.45).

19. On 15 July, the South African courts in Namibia passed sentence on four African journalists accused of terrorist activities. Of the four, Mr. Benjamin Uulenga, a member of the military wing of SWAPO (People's Liberation Army of Namibia (PLAN)), who had been captured during a battle with South African forces, was sentenced to 15 years' imprisonment; Mr. Ruben Itengula, who had been convicted of entering Namibia with a machine-gun and rocket launcher, was sentenced to 12 years; and Messrs. Lazarus Guiteb and Michael Shikongo were sentenced to 8 and 5 years respectively for assisting guerrillas.

20. Also during the year, the South African Government took further action against Messrs. Victor Nkandi and Axel Jackson Johannes who had been arrested following the assassination of Chief Filemon Elifas in August 1975. <sup>f/</sup> They were subsequently

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<sup>f/</sup> Ibid., Thirty-first Session, Supplement No. 23 (A/31/23/Rev.1), vol. II, chap IX, annex, para. 23.

held incommunicado for five months and then tried and sentenced in May 1976 to one year's imprisonment for refusing to testify in the trial of Messrs. Aaron Mushimba and Hendrik Shikongo. g/ As reported by SWAPO, upon the completion of their sentences, both men were immediately rearrested, and placed in detention in Ovamboland. Mr. Nkandi was charged with having conspired in the murder of Chief Elifas and went on trial on 24 October. Mr. Johannes, who had first been released from detention but was again arrested after refusing to appear voluntarily in court as a state witness against Mr. Nkandi, was held without bail until called upon to testify. The trial was subsequently postponed to 1 March 1978, until which time both men will remain in detention.

21. During 1977, the South African Government also extended the banning order on Mr. Nathaniel Maxuilili, acting President of SWAPO, for an additional five years. Under the terms of the Internal Security Act, 1950 (formerly known as the Suppression of Communism Act), h/ Mr. Maxuilili is confined to the town of Walvis Bay and is prevented from attending gatherings, from making public speeches and from publishing or disseminating information.

22. In December 1977, the South African authorities took measures to intimidate SWAPO leaders inside the Territory by detaining Mr. Daniel Tjongarero, Vice-Chairman of SWAPO, and 10 other persons, including 6 members of the SWAPO executive, who were visiting Ovamboland to attend a seminar sponsored by the Ecumenical Christian Centre of Windhoek. All but one of the 11 were detained under the terms of the new security regulations in effect in Ovamboland (see para. 112 below). No charges were made and no reasons were given for their arrest. Mr. Bernardus Petrus, Chairman of the Windhoek Branch of the SWAPO Youth League, also was detained without charges under the Terrorism Act which permits indefinite detention. Within three days Mr. Tjongarero and all the other detainees except Mr. Petrus were released. According to the Commissioner of Police, investigations were continuing regarding the possible association of the men with "terrorists", and charges might yet be brought.

23. In a statement condemning the illegal detentions, SWAPO said that the move marked a new development in South Africa's intimidation campaign and was aimed at preparing the ground for its sham elections proposed for early 1978 (see para. 53 et seq. below), which were aimed at imposing a neo-colonial puppet régime in Namibia.

24. In the spring of 1978, the Administrator-General of Namibia, appointed by South Africa, escalated the persecution of SWAPO leaders and rank-and-file members. According to SWAPO, during April alone 32 SWAPO members, including 5 SWAPO officers were detained, some allegedly in connexion with the assassination of Herero chief Clemens Kapuuo (President of the Democratic Turnhalle Alliance (DTA)), on 27 March,

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g/ Ibid., Thirty-second Session, Supplement No. 23 (A/32/23/Rev.1), vol. II, chap. VIII, annex, para. 38.

h/ Ibid., paras. 42-46.

and 13 under new security regulations promulgated by the Administrator-General on 18 April (Provision for the Detention of Persons in order to prevent Political Violence and Intimidation, AG 26). The security regulations, which are similar in effect to the Terrorism Act of 1967, empower the Administrator-General to order the detention of any person or number of persons for indefinite custody if he is satisfied that the peaceful and orderly constitutional development of "South West Africa" is obstructed, hindered or threatened by violence or intimidation. Those arrested have no recourse to a court of law.

25. Justifying the promulgation of new security legislation and the wide-scale arrests, the Administrator-General said that they were necessary to counter violence in the Territory and were not aimed at any one party. SWAPO charged, however, that the arrests were politically motivated and proved South Africa's determination not to allow SWAPO to carry out an electoral campaign in the event that the Western proposals for a peaceful settlement were accepted. i/

26. Mr. Peter Katjavivi, SWAPO Secretary for Information, said that the detentions, which brought the total number of SWAPO members under detention to about 100, were designed to pave the way for a Namibia controlled by South Africa.

27. On 25 May, another SWAPO official, Mr. Emmanuel Muatara, "executive in charge of security", was also arrested.

28. In a further repressive move, on 13 June, the Administrator-General promulgated measures prohibiting any vehicular traffic in Ovamboland during night-time hours. The new security regulations for Ovamboland constitute a step towards the reimposition of the state of emergency which was in force in Ovamboland from 1972 to October 1977 (Proclamation R 17 of 1972).

### 3. STRUGGLE FOR NATIONAL LIBERATION

29. Starting in the spring of 1975, SWAPO, which has been waging the struggle for the liberation of Namibia, intensified its guerrilla campaign against the South African occupation forces, extending the struggle from the northern areas to the areas of white settlement, especially around Grootfontein and Tsumeb. As a result, South Africa further strengthened its military build-up in the Territory, declared a state of emergency in the northern homelands and created a one-kilometre wide no-man's land along the entire 1,600-kilometre border with Angola. j/ At the end of 1977, South Africa was estimated to have between 20,000 and 50,000 troops in the Territory, as well as tanks, armoured cars, helicopters, sophisticated communications systems and an early warning satellite station.

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i/ Official Records of the Security Council, Thirty-third Year, Supplement for April, May and June 1978, document S/12636.

j/ For details, see Official Records of the General Assembly, Thirty-second Session, Supplement No. 23 (A/32/23/Rev.1), vol. II, chap. VIII, annex, paras. 21-29.

30. Despite South Africa's repressive military apparatus, SWAPO has scored considerable gains. In May 1976, it was estimated that PLAN had from 6,000 to 8,000 troops, with a considerable number in Ovamboland. In October 1976, Mr. Nujoma reported that PLAN forces had liberated and almost controlled areas in the north, north-east, east and north-central parts of the Territory.

31. During 1977, the struggle continued to intensify. In October, SWAPO reported that its forces had killed more than 600 South African troops during the first six months of 1977 and that SWAPO military activity in Namibia had become around-the-clock and extended throughout the Territory's northern zone. In October 1977 Major-General Wally Black, Director-General of Operations of the South African Defence Force (SADF), speaking in Johannesburg, said that security forces on the border with Angola were involved in about 100 clashes a month with nationalists. He said that the Territory was in phase three of the classic insurgency war, namely facing open revolt, internal unrest and open acts against the established system.

32. At the end of October, it was reported that the largest engagement between South Africa and PLAN since the national liberation struggle began in 1966 had taken place along the Angola-Namibia border. According to SWAPO, the fighting had begun when South African units preparing a surprise attack on PLAN positions in the Ondivi area were detected by PLAN reconnaissance units. During the running battle between 25 to 27 October, PLAN fighters had attacked and captured the South African military base at Enana, killing 82 and wounding 132 South African troops and capturing arms and equipment. The war matériel captured included submachine guns, rifles and grenades manufactured in the United States of America, the United Kingdom of Great Britain and Northern Ireland and the Federal Republic of Germany.

33. South Africa claimed that its forces had killed 61 nationalists and lost only 6 of its own troops. SWAPO, however, dismissed South Africa's claim and said that South Africa customarily inflated the number of casualties it claimed to have inflicted.

34. Available information indicates that PLAN's armed attacks have continued. In December 1977, for instance, a battle between a 40-member PLAN unit and a security force patrol took place on the Namibian side of the Angola border, during which South African forces again suffered casualties.

35. In view of these developments, it was reported towards the end of 1977 that South Africa had become concerned over the situation in the Territory. On 10 December, The Times (London) noted, for instance, that South African "strategists" believed that Ovamboland could be "overrun" in 48 hours if the South African army was withdrawn.

36. The struggle for national liberation increased in intensity in early 1978. According to articles in the Western press, there appeared to be a new pattern in the guerrilla war with fewer but more serious clashes involving larger numbers of SWAPO troops and resulting in a rising death toll on the South African side.



37. It was also reported that South African forces were invading Angolan territory on the pretext that SWAPO guerrillas had retreated to bases in southern Angola. In a communiqué issued on 27 February, the SADF was reported to have warned the Angolan Government "not to place its military bases in southern Angola at the disposal of the terrorists".

38. On 2 March, a SWAPO communiqué published in the Jornal de Angola, stated that SWAPO forces had killed more than 100 South African soldiers, including two captains, between 20 December 1977 and the end of January 1978, and had also captured large quantities of arms and ammunition. The communiqué also charged that the South African régime had intensified its military occupation of the Territory during that period by reinforcing its troops with new units brought up from the south. These units were using new tactics in an attempt to regain the ground lost to the guerrillas. The communiqué also reported that at Uluno, where SWAPO had strong popular support, South African police had brutally dispersed a peaceful meeting by using tear gas and firing on the crowd, resulting in injury to a number of people, including the director of the SWAPO Women's Committee of Walvis Bay.

#### 4. SOUTH AFRICAN AGGRESSION AGAINST ANGOLA

39. On 4 May 1978, South African forces launched an airborne attack against a Namibian refugee camp at Kassinga in Angola. Subsequently the bombardment was extended to Chitekera and Bombondola as well as to the Kalueke Dam.

40. During the raid on Kassinga, which accommodated over 4,000 Namibian refugees, including children, bed-ridden patients and aged people, almost all of the 568 primary school children, as well as nearly all patients and medical personnel, were killed, and the school, clinic, kindergarten, garage and storage buildings were destroyed. In all, SWAPO estimated that 800 Namibians had been killed and 900 wounded in the attack. SWAPO soldiers guarding the camp had shot down three South African planes and inflicted 103 casualties among the South African troops.

41. In a statement to the Security Council, which met on 5 and 6 May to consider a complaint by Angola, k/ Mr. Nujoma of SWAPO said that the attack had been intended to intimidate the Namibian people under the leadership of SWAPO and to force them to succumb to South Africa's neo-colonial design for the imposition of a puppet régime on the Namibian people. In his view, the invasion testified to SWAPO's contention that, in refusing to withdraw troops from its bases at Rooikop, Grootfontein and Oshivello (see para. 86 below), South Africa intended not only to perpetuate its illegal occupation of the Territory, but also to use it as a springboard for acts of aggression against neighbouring independent African States.

42. In a pamphlet entitled Kassinga Massacre: Climax of Pretoria's All-out Campaign Against the Namibian Resistance, SWAPO is reported to have stressed that the attack was the culmination of South Africa's recently stepped up wave of repression designed to liquidate, or at least fatally weaken, SWAPO both politically and militarily so as to make way for a puppet régime.

43. South Africa, in an attempt to justify the attack, claimed that the invasion was a limited military operation mainly directed against two SWAPO bases used for operations against the Territory. South Africa's position was contained in a letter sent to the Secretary-General on 6 May 1/ enclosing three documents: its reply to the Governments of the five Western members of the Security Council in response to a request from the United States; and statements by the Minister of Defence and the Minister of Foreign Affairs.

44. The status of Kassinga as a refugee camp was verified by a joint delegation from the Office of the United Nations High Commissioner for Refugees (UNHCR) and the World Health Organization (WHO), which visited Kassinga and other areas of southern Angola between 24 and 28 May. According to the Angolan news agency, ANGOP, the

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k/ Official Records of the Security Council, Thirty-third Year, Supplement for April, May and June 1978, document S/12690, annex.

1/ Ibid., document S/12697.

delegation, in its report, condemned "the extreme barbarity and systematic spirit of extermination and destruction" used by the South African forces. The delegation was also reported to have quoted SWAPO sources as saying that there were about 18,000 Namibian refugees without food, shelter or medical resources scattered over a large area. The delegation recommended that relief plans should be based on a figure of 30,000 people as about 12,000 more Namibians were living in conditions of extreme poverty at sites around Lubango placed at their disposal by the Angolan authorities.

## 5. FUTURE STATUS OF NAMIBIA

45. Since 1974, owing to the decolonization of Angola and Mozambique, as well as to increased international pressure, South Africa has made a concerted effort to create the impression that it is ready to grant the Namibian people the right to self-determination. South Africa sought to create this impression in the first place through the so-called constitutional talks, otherwise known as the Turnhalle Conference, which were convened in 1975 ostensibly to allow the inhabitants of the Territory to decide their own future without the interference of either the United Nations or South Africa.

### A. Turnhalle Conference

46. It will be recalled that constitutional talks between whites and representatives of "other population groups" on the future of the Territory's constitutional development were proposed by the ruling, all-white National Party in September 1974 and opened in September 1975. Despite the opposition of SWAPO (see para. 49 below), segments of all population groups ultimately agreed to send delegates to the conference which opened with 156 participants. Although South Africa claimed that the conference was widely representative, the legitimacy of this claim was challenged from the outset both inside the Territory and by the international community, because some of the delegates were appointed rather than elected, while others, such as the Damara representatives to the conference, were in fact splinter groups and did not have a mandate to represent their own people. Moreover, all non-white political parties, SWAPO in particular, were excluded from the talks.

47. From the outset, the National Party used various means to seek to ensure that the non-white representatives accepted a solution which would enable South Africa to retain effective control of the Territory and would perpetuate the apartheid system. Among other things, the white delegation, by securing a tacit understanding that all decisions had to be reached by consensus, prevented the adoption of decisions by the black majority which would lead to the establishment of a unitary State under an effective central Government. South Africa too, despite its claims that it would not seek to influence the outcome of the Conference, sought to control the decisions by means of white South African "legal advisers" which it appointed to several delegations.

48. All major decisions finally taken by the Turnhalle Conference appear to confirm that the underlying intent of the white conveners was to perpetuate South African domination and apartheid under the guise of multiracialism and independence. Of these decisions the most significant were: (a) the Declaration of Intent of 18 August 1976 in which the conference set 31 December 1978 as the target date for independence and called for the formation of an interim Government, but omitted any reference to free elections, Namibian territorial integrity or SWAPO m/ and (b) the draft constitution for an interim Government which was adopted on 17 March 1977. The proposed constitution n/ envisaged the establishment of a so-called three-tier Government consisting of a central authority, or National Assembly, comprising 60 members designated by the 11 ethnic groups; representative authorities or second-tier governments, equivalent to existing homeland governments; and local authorities, otherwise known as third-tier governments. Although basic freedoms would theoretically be protected by a bill of rights, the proposed constitution would none the less perpetuate racial discrimination and white domination by providing for the maintenance of separate white, African and Coloured towns and by denying Africans the right to buy land in white areas.

49. From the outset, the conference was condemned by SWAPO, which characterized the talks 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. It was also opposed by other non-white political parties, which manifested their disaffection with the conference and their growing support for SWAPO by disbanding in order to join the national liberation movement. o/ These parties included the Rehoboth Volkspartei; four Nama groups numbering from 8,000 to 10,000 people; the Namibian African People's Democratic Organization (NAPDO), mainly Damaras; and the Caprivi African National Union (CANU).

50. Although, in March 1977, the South African Government had announced that it would establish an interim Government on the basis of the Turnhalle draft constitution, in June 1977, because of the developments reported below (see paras. 52-53), it said that it would abandon its plans to implement the Turnhalle proposals. None the less, the South African Government continued to subsidize the Turnhalle Conference until November 1977 in order to give delegates time to overcome outstanding differences and form a political party (see para. 125 below).

#### White referendum

51. On 17 May, a referendum was held to test the acceptability of the draft Turnhalle constitution to the Territory's white population. According to reports,

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m/ Official records of the General Assembly, Thirty-second Session, Supplement No. 23 (A/32/23/Rev.1), vol. II, chap. VIII, annex, para. 64.

n/ Ibid., paras. 99-107.

o/ Ibid., paras. 13-16.

about 65 per cent of the 52,000 registered whites cast ballots, of whom 94.4 per cent favoured the constitution as a basis for an interim Government.

B. Efforts to obtain a peaceful settlement

Discussions held by Western Powers with South Africa and SWAPO  
(April-December 1977)

52. As previously reported, in April 1977 the five Western members of the Security Council - Canada, France, the Federal Republic of Germany, the United Kingdom of Great Britain and Northern Ireland and the United States of America - undertook a concerted diplomatic effort to persuade South Africa to co-operate in reaching a peaceful settlement in accordance with Security Council resolution 385 (1976) of 30 January 1976. Under the terms of that resolution, the Council demanded that South Africa release all Namibian political prisoners; abolish all racially discriminatory laws and practices, particularly bantustans and homelands; permit the unconditional return of all Namibian exiles; withdraw its illegal administration from the Territory; and accept the holding of free elections under United Nations supervision and control.

53. The contact group held four series of talks with South Africa (in April, June, September and December) and several meetings with SWAPO. Following the second round of talks in June 1977, the South African Government announced that it would abandon its 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 of SWAPO in elections and some form of United Nations presence in the Territory before and during the elections, possibly in the form of a special representative who would work together with the administrator-general. South Africa was reported to have been adamant, however, in its refusal to withdraw its troops prior to elections.

54. In its talks with the Western Powers, SWAPO maintained the position that a negotiated settlement must be based on the full withdrawal of all South African armed forces from the Territory and their replacement on a temporary basis by a United Nations peace-keeping force to assist the people of Namibia in obtaining national liberation and enforcing all relevant United Nations resolutions and decisions, including the advisory opinion of the International Court of Justice of 21 June 1971. p/ SWAPO also demanded that South Africa respect and observe the territorial integrity of Namibia, including Walvis Bay; release all political prisoners; and permit all political exiles to return without fear of arrest or intimidation.

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p/ Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970), Advisory Opinion, I.C.J. Reports 1971, p. 16.

55. In a declaration adopted at the annual meeting of its Central Committee, held at Lubango, Angola, from 21 to 24 September, SWAPO denounced and rejected South Africa's political manoeuvres aimed at holding bogus elections under its armed forces and resolved to continue with and intensify the armed struggle until those forces were withdrawn.

56. In his statement before the General Assembly on 18 October 1977 (see para. 11 above), Mr. Nujoma said that SWAPO had taken the risk of accepting the offer of the Western Powers to serve as a contact group between the South African régime and SWAPO because it held the view that negotiations were also a form of struggle. SWAPO had insisted from the very beginning, however, that Security Council resolution 385 (1976) must be implemented in toto, and therefore would not agree to discuss elections without discussing the withdrawal of South African armed forces of occupation and the immediate release of Namibian patriots. Mr. Nujoma explained that in the presence of South African troops, elections would be conditioned in favour of South Africa's puppets; SWAPO therefore insisted on the withdrawal of all troops and the presence of a United Nations peace-keeping force prior to the elections.

57. It was also reported that SWAPO would accept the appointment of an administrator-general by South Africa only if a United Nations special representative was appointed to work in conjunction with him; SWAPO also insisted that elections be delayed as long as possible to give it time to prepare adequately for them.

58. In a statement in December, Mr. Roelof "Pik" Botha, South African Minister for Foreign Affairs, said that South Africa was "committed to an independence for South West Africa based on the Territory as a whole" q/ and had accepted that there should be no fragmentation or discrimination based on colour. Mr. Botha also expressed support for a constituent assembly "to be elected by the inhabitants of the Territory to decide upon a constitution on the basis of one man-one vote". r/ Towards the end of 1977, press reports indicated that while it was still negotiating on various issues, South Africa was in fact preparing to go ahead with elections in Namibia in case no agreement could be reached for a peaceful settlement.

59. The main issues on which the contact group sought to bring about agreement between South Africa and SWAPO are discussed below.

(a) Withdrawal of South African troops

60. In October, South Africa was reported to have made proposals regarding troop withdrawal with the proviso that if these were not accepted by SWAPO, elections would be held in Namibia in March 1978 without its participation. According to reports, South Africa demanded that SWAPO agree to a cease-fire, end all guerrilla operations

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q/ The Guardian (Manchester), 9 December 1977.

r/ Ibid.

and dismantle all landmines, after which South Africa would allow United Nations observers to enter the Territory to ensure that free elections could be held. If SWAPO continued to observe the cease-fire for two months, South Africa would begin a gradual withdrawal of its troops and elections observed by the United Nations would be held. It was reported that South Africa had agreed to reduce its troops to around 4,000 to 5,000 by the time of the elections but had adamantly maintained that they should be deployed on active duty throughout the Territory, especially in the north where South Africa has its major military bases. South Africa also maintained that it would only negotiate complete withdrawal with the Government that came to power as a result of elections.

61. After SWAPO had rejected these proposals, the contact group is reported to have put forward a compromise solution based on the "neutralization of South Africa's troops in the Territory". According to some reports, it was proposed that South Africa should reduce its troops to 1,500 men and confine them to two camps in the northern border area where they could be neutralized by United Nations troops. As at the end of December, this solution had not been accepted by either side.

62. Even while negotiations regarding the question of troop withdrawal were under way, South Africa continued with the establishment of a so-called Defence Force for South West Africa which will actually consist of separate tribal armies for each of the non-white ethnic groups. Although South Africa has attempted to justify the move on the grounds that the Defence Force will ultimately be needed to replace South African troops in an independent Namibia, it is clear that the underlying purpose is to camouflage South Africa's continuing, if indirect, military control of the Territory as well as to lend credibility to South Africa's allegation that the non-white population is involved in the military campaign against SWAPO. In his statement before the General Assembly (see para. 11 above), Mr. Nujoma pointed out that the training of puppet tribal armies was obviously intended to complicate the process of Namibia's attainment of independence and to set the stage for civil war, thereby providing a pretext for South Africa to reoccupy Namibia even after independence.

63. South Africa first announced its plans to establish a Defence Force for the Territory in October 1976. Subsequently, in July 1977, following the appointment of the Administrator-General (see para. 105 below), the South African Government announced that it was extending its military training programme to the 11 ethnic groups in the Territory, and appointed Major-General J. J. Geldenhuys as military officer commanding the Territory. Major-General Geldenhuys assumed his post on 1 August.

64. According to available information, by October 1977 military units had been established in each of three northern homelands (Ovambo, Caprivi and Kavango) and five companies had been started in the south comprising Coloureds, Basters, Namas and Damaras and Hereros and Tswanas. Each of the latter will eventually have 160 troops. The new black recruits are being paid R 78 to R 80 s/ per month, about twice the salary of white South African national servicemen in Namibia.

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

65. In its offensive against SWAPO, South Africa is reported to be making special use of the nomadic Bushmen, who are noted for their exceptional tracking skills as well as for their ability to survive in the harshest conditions. It has been reported that fully paid and fully trained Bushmen units are being deployed throughout the north of Namibia as tracker-fighters, signalmen and medical orderlies and are also being used to teach white troops survival techniques and tracking.

(b) Release of political prisoners

66. SWAPO has maintained that all Namibians imprisoned by South Africa are automatically political prisoners because of the illegality of South Africa's presence in the Territory and that therefore they must be released no matter what their offence. South Africa, on the other hand, has insisted that a difference exists between those prisoners committed for political reasons and those serving prison terms for other offences. In September, South Africa issued a proclamation authorizing the transfer of Namibian prisoners from Robbin Island to Namibia. Subsequently, in December 1977 South Africa declared that it would release all political prisoners and would allow the Secretary-General of the United Nations to appoint a four-member panel of jurists to review individual cases and "to decide which prisoners are, in fact, 'political'".

67. South Africa has also made the question of its release of prisoners conditional on the return of Namibians, which it alleges are being detained in Zambia and the United Republic of Tanzania for opposition to the SWAPO leadership. Press reports have suggested that South Africa is eager for the return of these alleged dissidents to Namibia in the hope that they will participate in the elections on a separate ticket and thus serve to diminish SWAPO's chances at the polls.

(c) Walvis Bay

68. The third principal obstacle to a negotiated settlement is the question of Walvis Bay. SWAPO insists that South Africa must accept the territorial integrity of Namibia, including Walvis Bay. South Africa has maintained, however, that the enclave is legally a part of the Republic of South Africa and did not form part of the original mandate.

69. On 31 August 1977, the South African Government issued a proclamation purporting to detach Walvis Bay from Namibia and place it under the administration of South Africa's Cape Province. According to press reports, South Africa is determined to hold on to Walvis Bay for strategic and economic reasons as well as to retain control over an independent Namibia. Not only is Walvis Bay the largest harbour on the Atlantic coast between Lobito and Capetown, but it is also the location of a military base from which South Africa could launch attacks against an independent Namibian Government in the future. Furthermore, if Namibia's access to the port, which handles the bulk of its export traffic and is the terminus of the main railway line, were restricted, Namibia would be dependent on South Africa for handling its export traffic for the indefinite future. Loss of the enclave would also deprive Namibia of its revenue from fishing, which has heretofore accounted for 20 per cent of its gross domestic product (see paras. 153-156 below).



70. The United Nations Council for Namibia, in a statement adopted on 7 September, strongly condemned South Africa's decision to separate Walvis Bay from the rest of the Territory and characterized the move as constituting an increasing threat to international peace and security. t/ The Council also said that it expected the Security Council to take appropriate and adequate measures to maintain the status of Walvis Bay as an integral part of Namibia. The following day, Prime Minister B. J. Vorster of South Africa stated that his Government would end all negotiations with the Western Powers if the Security Council disputed its claim to the Territory.

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t/ Official Records of the General Assembly, Thirty-second Session, Supplement No. 24 (A/32/24), vol. I, para. 316 (3).

### Further discussions (February 1978)

71. On 11 February, the Foreign Ministers of Canada, France, the Federal Republic of Germany, the United Kingdom and the United States held separate talks in New York with Mr. Botha and Mr. Nujoma. The talks were based on a set of proposals for a peaceful settlement worked out by the Western Powers and previously submitted to both parties (see below). Although the talks were originally scheduled to continue for at least two days, Mr. Botha left after two meetings, totalling 90 minutes.

72. In statements in New York following his decision to leave the talks, Mr. Botha said that there was little chance of agreement being reached and that acceptance of the Western proposals would create a "serious and real danger of the people in the Territory being overrun and being governed by a Marxist terrorist organization". He described the situation as very serious, but not without hope. Although he had been disappointed by the lack of progress in reaching an agreement, there was still hope for the talks which had not been deadlocked.

73. In a statement on 12 February, following further discussions with the Western Powers, Mr. Nujoma said that SWAPO still desired a negotiated solution, but was also prepared to continue the armed struggle. According to other SWAPO officers in New York at that time, Mr. Botha's early departure showed that South Africa was not serious about relinquishing control of Namibia. They charged that South Africa planned to proceed with its own plan for independence and to install a Government which would preserve South African control.

74. At a joint news conference on 12 February, the Foreign Ministers of the Western Powers announced that significant progress had been made. Other Western sources were quoted as saying that they remained hopeful of further progress because Mr. Botha had neither closed the door to further negotiations nor threatened that South Africa would work towards its own internal solution. According to press reports, there were difficulties other than those concerning the presence and number of South African troops. Among the main problems were the functions of the civilian authority during the transitional period, and the means by which the United Nations would monitor the SWAPO guerrillas on the one hand and the armed white farmers on the other, the latter being organized along commando and citizen force lines and of sufficient numbers to constitute an army.

75. The Western proposals for a settlement as reported in the press, and the positions of South Africa and SWAPO on major issues are summarized below.

#### Western proposals

76. The Western proposals for a settlement provide for: (a) the establishment of a cease-fire in the Territory; (b) the reduction of South African troops; (c) the confinement of South African and SWAPO troops to certain specified bases; (d) the release of all political prisoners; and (e) the installation in the Territory of a United Nations force headed by a Special Representative of the Secretary-General to monitor both sides and to ensure free and fair elections to

a constituent assembly by 31 December 1978. During the transitional period before the elections, Namibia would be jointly administered by an Administrator-General appointed by South Africa and the United Nations Special Representative.

(a) Troops

77. Over a 12-week period from the time of the cease-fire, South Africa would carry out a phased withdrawal of all but 1,500 of its troops who would be restricted to their bases at Grootfontein or Oshivello or both and would be monitored by United Nations personnel. At the same time, all citizen force units, commandos and ethnic military units (tribal armies) would be demobilized and their command structure dismantled. One week after the results of the elections were certified by the United Nations, the total withdrawal of South African troops would be completed. All northern bases to which SWAPO forces would be confined would also be closed down one week after the elections.

(b) Law and order

78. Primary responsibility for maintaining law and order during the transitional period would rest with the South African police force supervised by the Administrator-General appointed by South Africa. The Administrator-General would be responsible for the good conduct of the police to the satisfaction of the United Nations Special Representative and would be required to make any adjustments necessary to ensure their suitability for continued employment during the transitional period. It would be the responsibility of the United Nations Special Representative, however, to decide when it was appropriate for United Nations personnel to accompany the police in the discharge of their duties.

(c) Political prisoners

79. All political prisoners or political detainees held by South Africa would have to be released prior to the beginning of the electoral campaign and would be permitted to participate fully and freely in that process, without risk of arrest, detention, intimidation or imprisonment.

(d) Refugees

80. All Namibian refugees or Namibians detained outside the Territory would be permitted to return and participate fully and freely in the elections. Although, where necessary, provision would be made for the voluntary return of those Namibians who elected to do so, Namibians would have the choice to "voluntarily decide not to return during the election campaign".

(e) Repeal of discriminatory legislation

81. The Administrator-General would repeal all discriminatory or restrictive laws, regulations or administrative decrees which could affect the electoral process prior to the beginning of the electoral campaign.

(f) United Nations presence

82. The United Nations presence would be headed by the Special Representative appointed by the Secretary-General whose central task would be to oversee the independence process and the Administrator-General. In particular, it would be the responsibility of the Special Representative to ensure the fairness and impartiality of the electoral process by satisfying himself as to: (a) the fairness and appropriateness of the political process at each stage; and (b) the implementation of all other arrangements, including the withdrawal of South African troops. Details have not yet been worked out concerning the respective functions of the Administrator-General and the Special Representative.

83. The Special Representative would be assisted by a "transitional assistance group" comprising a civilian section which would supervise elections and a military section which would supervise the cease-fire. The size of the latter was reported to have been left unspecified.

(g) Elections

84. Free elections for the whole of Namibia as one political entity would be held under the supervision and control of the United Nations on or before 31 December 1978. The election campaign, of about four months' duration, would begin 13 weeks after the start of the cease-fire and the arrival of the United Nations presence, i.e., one week after South Africa had completed the phased withdrawal of all but 1,500 of its troops. The purpose of the free elections would be to elect a constituent assembly to draft and adopt an independence constitution.

Position of SWAPO

85. Newspaper reports suggest that while SWAPO might agree to the presence of 1,500 South African troops in Namibia during the election campaign, as proposed by the Western Powers, it would insist that they be restricted to one base at Karasburg, about 80 kilometres from the South African border in the extreme south of the Territory and monitored by a United Nations military force of 5,000. Furthermore, the ethnic armies would have to be completely dissolved, the present police force disarmed and restructured and the powers of the Administrator-General substantially reduced. SWAPO was also reported as having rejected the proposal that any of its bases outside of Namibia should also be monitored, and having further insisted that South Africa accept the status of Walvis Bay as an integral part of Namibia.

Position of South Africa

86. According to available information, South Africa rejected the proposal of the Western Powers that its troops be reduced to 1,500 men and insisted that it be allowed to maintain 3,000 soldiers during the transitional period, at eight or nine different locations across the Territory, including Grootfontein and Oshivello. South Africa also said that it would accept only 2,000 United Nations military

observers, at least half of whom would have to be deployed north of the Namibian border to monitor alleged SWAPO activities in Angola. South Africa apparently also raised objections concerning the provisions for the release of political prisoners and those defining the role of the Special Representative of the United Nations. South Africa claims that there are only some 60 political prisoners eligible for release, whereas SWAPO holds the position that there are several hundred such prisoners. Regarding the Special Representative, South Africa apparently considers that the powers to be accorded him under the Western plan are too wide-ranging and should be reduced. South Africa also continues to assert its sovereignty over Walvis Bay.

87. In a statement in Cape Town following the return of Mr. Botha, Prime Minister B. J. Vorster said that South Africa was still committed to granting independence to "South West Africa" before the end of the year, after the holding of elections on the principle of one-man, one-vote. Although South Africa had fulfilled its commitments, the United Nations General Assembly had decided to hand over the Territory to a "communist organization, SWAPO, which was rejected by both the elected leaders and the natural leaders, the tribal chiefs". South Africa was not prepared to hand over the Territory to a "communist adventurer, or to a communist-oriented organization" which had not been formed in "South West Africa".

#### C. Future status of the Territory

##### Acceptance of Western proposals by South Africa

88. On 25 April, the day after the opening of the ninth special session of the General Assembly (see para. 99 below), the South African Government indicated that it would accept the proposals for a peaceful settlement which the five Western members of the Security Council had transmitted to the Council on 10 April. u/ South Africa's acceptance was expressed in a statement read in the House of Assembly by Prime Minister Vorster and also conveyed to the ambassadors of the Western Powers. In the statement, Prime Minister Vorster said that his Government's decision to accept the proposals had been influenced by assurances received from the Western Powers on the interpretation of key issues. Western spokesmen said, however, that the proposals accepted by South Africa were exactly the same as those seen by SWAPO and transmitted to the Security Council and that no separate or private arrangement had been made with any of the parties.

89. In giving South Africa's interpretation of the key provisions of the proposals, Mr. Vorster said that he had received clarifications and assurances from the Western Powers regarding the withdrawal of South African troops, the respective roles of the Administrator-General and the United Nations Special Representative during the interim period, the cessation of hostilities and the responsibility for

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u/ Official Records of the Security Council, Thirty-third Year, Supplement for April, May and June 1978, document S/12636.

maintaining law and order during the interim period. In particular, Mr. Vorster said that South Africa had received a "clarification" to the effect that the newly elected constituent assembly could decide whether the 1,500 South African troops which would be stationed in the Territory during the interim period must be withdrawn within one week after the elections were certified or whether they might remain. South Africa had also been "satisfied" that the Administrator-General, and not the United Nations Special Representative, would head the administrative structure during the interim period, and that the proposals included provisions that: (a) there should be a complete cessation of hostilities before any reduction in South African forces took place; (b) primary responsibility for maintaining law and order during the transitional period would rest with the existing police forces; and (c) the issue of Walvis Bay would not be included in the proposals. Mr. Vorster also maintained that South Africa had received an assurance that the proposals were now in a final and definitive form and that the Five were giving them their unreserved backing.

90. Subsequently, on 2 May, in a letter addressed to the Secretary-General of the United Nations, Mr. Roelof F. Botha, South African Minister of Foreign Affairs, suggested that South Africa would make no further concessions and appealed to the Secretary-General to work towards speedy implementation of the proposals. v/ Specifically, Mr. Botha said that the final product, which was the result of 12 months of serious negotiations, was delicate and could not be disturbed "without wrecking the edifice" and that South Africa, which had "bent over backwards to be as accommodating as possible", could not go beyond this or act in defiance "of the people of South West Africa and their expressed wishes". Mr. Botha also said that the credibility, not only of the South African Government, but also of the United Nations, was tied to the attainment of independence by the Territory by the end of 1978 and that South Africa for its part would not go back on its undertaking to the inhabitants of South West Africa in that connexion.

#### Position of SWAPO

91. In his statement before the General Assembly on 28 April 1978, at its ninth special session, w/ Mr. Nujoma said that the timing of South Africa's acceptance of the proposals was designed to give the false impression that a settlement was at hand; however, further talks would be necessary to resolve outstanding issues raised by the "assurances" and "clarifications" which South Africa claimed to have received from the Western Powers. SWAPO's position was that the United Nations must have effective supervision and control of the transitional process and that the Special Representative of the Secretary-General must have authority over the Administrator-General; that the United Nations presence in Namibia should comprise a civilian component of not less than 1,000 and a military component of not less

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v/ A/S-9/12-S/12678, annex. For the printed text, see Official Records of the Security Council, Thirty-third Year, Supplement for April, May and June 1978.

w/ Official Records of the General Assembly, Ninth Special Session, Plenary Meetings, 10th meeting.

than 5,000; that all political prisoners must be released within two weeks after the Special Representative assumed his office; that all but 1,500 South African troops should be withdrawn three months from the date of a cease-fire agreement and that the remaining 1,500 should be confined to bases in the southern part of Namibia from which they would be withdrawn within seven days from the certification of election results; that the police force should be disarmed and put under the control of the Special Representative; that Namibia's territorial integrity, including Walvis Bay, was non-negotiable; and that the 1,500 troops which might remain in the country during the transition period should include all South African troops in Walvis Bay.

92. Mr. Nujoma arranged to have further talks with the ambassadors of the Western Powers on 8 May. On 7 May, however, following South Africa's invasion of Angola (see paras. 39-44 above), Mr. Nujoma and his aides left New York. Mr. Theo-Ben Gurirab, the Permanent Observer of SWAPO to the United Nations, announced that negotiations had been indefinitely suspended.

#### SWAPO's decision to resume negotiations

93. On 12 June, SWAPO agreed to resume negotiations with the Western members of the Security Council on the terms of a settlement agreement. According to press reports, the provisions which SWAPO considered as needing revision dealt with the status of Walvis Bay, the location of South African troops during the interim period and the role of the United Nations Special Representative.

94. The decision to resume negotiations was reported to have been taken during a summit meeting of the front-line States, held at Luanda on 10 and 11 June, in which Mr. Nujoma also participated. In the final communiqué of the summit meeting, the front-line States reaffirmed that the territorial integrity of Namibia was not negotiable and that Walvis Bay was an integral part of the Territory; demanded that the 1,500 South African forces remaining in Namibia during the interim period should be located in such a way that they would be impeded from being used as a means of intimidation and repression of the Namibian people and aggression against neighbouring States; appealed to the international community to intensify the moral, political, diplomatic and material support to the struggle of Namibia under the leadership of SWAPO; and reaffirmed the continuation of their own support for SWAPO and the liberation struggle.

95. On 13 June, the Foreign Ministers of the five Western Powers, in Paris for a meeting of the European Economic Community (EEC), also agreed to resume negotiations. In a statement, they said they had decided to pursue their efforts towards bringing the interested parties to an agreement acceptable to the international community in accordance with proposals they had transmitted to the Security Council.

#### Further developments

96. On 12 July, SWAPO, which had resumed negotiations with the Western Powers at Luanda on 10 July, accepted the Western proposals for a settlement. In a joint communiqué issued at Luanda on 12 July, the representatives of the Western Powers

and SWAPO announced that certain points of the proposals of the five Powers had been clarified and that the two delegations accordingly had agreed to proceed to the Security Council as soon as possible, thus opening the way to a just and peaceful settlement. x/ Reuters reported that, according to the Angolan news agency, ANGOP, Mr. Nujoma had said he would not accept independence without the inclusion of Walvis Bay in the new State. It also quoted Mr. Nujoma as saying that SWAPO considered the Western plan as a working document and that the final decision would be made by the Security Council.

97. On 20 July, commenting on the date of 31 December 1978 proposed by South Africa for Namibian independence, SWAPO's Secretary for Publicity and Information was reported to have told a press conference at Windhoek that his country's independence could not come before May 1979. He added that time was needed for the withdrawal of South African troops, the return of exiles, including guerrillas, and an election campaign lasting three or four months. The SWAPO representative is also reported to have said that the elections for a constituent assembly, to be held under United Nations supervision, could take place in March 1979; such an assembly could draw up a constitution by about April or May.

98. Following publication of the joint communiqué (see para. 96 above), South Africa is reported to have said that its troops would withdraw from the Territory only when there was "visible peace and a cessation of violence". In a statement reported in the press, a high ranking member of the Ministry for Foreign Affairs emphasized that his Government assumed the proposals to be the same as those accepted by South Africa on 25 April.

#### D. Ninth special session of the General Assembly

99. The General Assembly held its ninth special session, on the question of Namibia, from 24 April to 3 May 1978.

100. On 3 May, following a general debate, the General Assembly adopted resolution S-9/2 on the question, comprising a Declaration on Namibia and Programme of Action in Support of Self-determination and National Independence for Namibia.

101. In the Declaration, the General Assembly, inter alia, said that it was imperative that any negotiated settlement should be arrived at with the agreement of SWAPO and within the framework of the resolutions of the United Nations; strongly condemned the intensified preparation by South Africa to impose in Namibia a so-called "internal settlement"; and decided that, in the event of the Security Council's inability to adopt concrete measures to compel South Africa to end its illegal occupation by withdrawing from Namibia, it would urgently consider necessary action in accordance with the Charter of the United Nations.

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x/ Official Records of the Security Council, Thirty-third Year, Supplement for July, August and September 1978, document S/12775.



102. In the Programme of Action, the Assembly, inter alia, strongly urged the Security Council to take the most vigorous measures, including sanctions provided for under Chapter VII of the Charter, particularly comprehensive economic sanctions, an oil embargo and an arms embargo.

## 6. OTHER POLITICAL DEVELOPMENTS IN NAMIBIA

103. Since June 1977, through legislative and administrative changes, South Africa has sought to give the impression that it is prepared to grant Namibia genuine independence in response to Western pressure. It has amended the Territory's Constitution, appointed an Administrator-General and dissolved the Turnhalle Conference. None the less, these steps are widely considered to be a façade to deceive the international community with respect to South Africa's real intentions which are to keep the people of the Territory divided by ethnic groups and to retain white control of the military apparatus and the economy.

### A. South West Africa Constitution Amendment Act, No. 95 of 1977

104. To provide the legal basis for the envisaged change in the Territory's status, the South African Parliament enacted the South West Africa Constitution Amendment Act in June 1977. The Act entitles the State President of South Africa: (a) to make new laws for the Territory with a view to the eventual attainment of independence, the administration of Walvis Bay and the regulation of any other matter; (b) to amend or repeal existing laws; and (c) to regulate any matter which requires regulation in consequence of the repeal or amendment of any act. The Act also provides that the State President may veto any legislation initiated by any authority in the Territory.

### B. Appointment of the Administrator-General

105. Early in July 1977, y/ South Africa announced the appointment of Justice M. T. Steyn of the Free State Division of the South African Supreme Court to act as Administrator-General of Namibia during the interim period before independence. According to South Africa, the Administrator-General would be entrusted with preparing the Territory for elections and would be given full executive and legislative powers over the Territory. In discharge of his duties he would assume direct control over departments previously administered by South Africa and would take over the functions of the Administrator for South West Africa and the Commissioner-General for the Indigenous Peoples of South West Africa when their terms expired.

106. Mr. Steyn assumed his position on 1 September 1977. It was subsequently reported that control of the departments of Bantu Administration and Development; Water; Bantu Education; Coloured, Rehoboth and Nama Relations; and Prisons, among others, had been transferred to Mr. Steyn's control.

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y/ Official Records of the General Assembly, Thirty-second Session, Supplement No. 23 (A/32/23/Rev.1), vol. II, chap. VIII, annex, para. 116.

### C. Activities of the Administrator-General

#### Dissolution of the Turnhalle Conference

107. On 5 October, Mr. Steyn announced that South Africa had decided to stop subsidizing the Turnhalle Conference and that he would officially dissolve it within one week. According to press reports, South Africa made this decision to avoid charges that it was favouring one political group over any other.

108. Although the Conference was originally supposed to be dissolved on 11 October, it was permitted to continue in session for several more weeks, reportedly to give delegates time to agree on amendments to the original Turnhalle draft constitution. According to press reports, the non-white delegates, supported by Mr. Dirk Mudge, the Chairman of the Constitution Committee and member of the Executive Committee of the South West Africa Administration, urged that the Conference endorse amendments which would remove the "overemphasis on ethnicity". The proposed amendments would increase the powers of the first (central) tier government by assigning it the majority of functions originally accorded to the second (ethnic) tier government; specify that second-tier governments would have authority only over a specific group, wherever they resided, but not over a geographic area; and permit Africans to occupy land in white urban areas. Adoption of these amendments was opposed by the two other white delegates on the grounds that the white electorate had approved the draft constitution in the referendum held in May 1977 (see para. 51 above).

109. The non-white and white delegations, however, were unable to reach agreement and Mr. Steyn dissolved the Conference on 7 November.

#### Repeal of certain legislation

110. In October 1977, the Administrator-General began to repeal or amend certain notoriously discriminatory and repressive legislation, allegedly to help create a suitable climate for free elections. Among the acts repealed or amended were: (a) the Immorality Act and the Mixed Marriages Act, which prohibited sexual relations and marriage between members of different races; (b) three proclamations, z/ collectively known as the pass laws, which, inter alia, required Africans to carry and show passes on demand and prohibited Africans from travelling or from remaining in a white urban area for more than 72 hours without prior authorization; (c) Proclamations R 17 of 1972 and R 89 of 1972, which imposed a state of emergency in Ovamboland, Kavango and East Caprivi; and (d) the Riotous Assemblies Act, which prohibited Africans from holding public meetings without prior authorization. Mr. Steyn also issued a proclamation enabling Africans to buy land in black urban areas without permission and to obtain loans from financial institutions for that purpose, and announced that as at 1 January 1978, all population groups in the Territory would be educated under one curriculum.

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z/ Proclamation 11 of 1922 (repealed in toto); Proclamation 5 of 1951 (repealed in part); Proclamation B 23 of 1972 (repealed in part).

111. According to several press reports, the repeal of the discriminatory legislation is widely considered to be a move by South Africa to gain support for white political parties before the elections and as a cover-up of the fact that South Africa is trying to keep SWAPO out of the Government and retain white control. In October, one article noted that the freedom of movement allegedly brought about by the abolition of the pass laws was qualified by conditions and largely counteracted by increased restrictions on the right to work. The article noted that Africans were still not permitted to enter the northern part of the Ovambo homeland, the SADF operational area and the diamond areas, and that, although Africans could enter and stay in urban areas indefinitely, they still could not seek or accept employment without permission. Furthermore, the fine for employers who failed to register Africans had been increased from about £65 to nearly £200 "to prevent the new freedom of movement from degenerating into widespread vagrancy".

112. In fact, Proclamation R 17 has been replaced by Security District Proclamation AG 9 and the one-kilometre strip along the Ovamboland-Angola border has been reinstated as a prohibited area. The new security proclamation, which relates only to Ovamboland, allows the holding of public meetings with 24 hours' notice of intention, repeals indefinite detention, abolishes the judicial powers of tribal authorities and reduces the sentence for contravening the security regulations. It also, however, authorizes security forces to search a suspect, his premises and vehicle without a warrant; permits detention for up to 96 hours without the authorization of the Administrator-General; and deprives detainees of the right to legal advice unless expressly authorized by the Administrator-General.

113. Apparently in response to Western pressure, South Africa issued a proclamation in September ending the representation of the Territory's white population in the South African Parliament.

114. SWAPO considers that the repeal of the discriminatory legislation is meaningless in view of South Africa's control of the Territory. In a statement in November 1977, Mr. Tjongarero, Vice-Chairman of SWAPO, said that the repeal of certain inhuman laws was, as far as SWAPO was concerned, intended as a smoke-screen for the world community in order "to try and sell" the image of Mr. Steyn. Mr. Tjongarero emphasized that SWAPO did not recognize the presence of the Administrator-General, who was in the Territory illegally as the representative of an aggressive Government which was illegally occupying and administering Namibia. He noted further that SWAPO was not interested in concessions and privileges, but in genuine and total independence for the Territory. There could be no peace in Namibia as long as South African troops were still on Namibian soil, employers blackmailed workers into taking out identity cards and students belonging to political groups other than the Democratic Turnhalle Alliance (DTA) (see para. 126 below) were expelled from school.

115. In a statement following Mr. Tjongarero's arrest under the new security Proclamation AG 9 (see para. 22 above), a SWAPO spokesman said that Proclamation R 17 had been plastered with cosmetics in an attempt to fool the Namibian people and the world. The detention of the SWAPO office-bearers was clear proof that Proclamation R 17 was still operating.

#### D. Registration for elections

116. On 23 November, Mr. Steyn advised all political parties planning to participate in the proposed elections for a constituent assembly to register before 31 January 1978. A spokesman from Mr. Steyn's office noted that it was "possible but not necessary" that 31 January would be the final date for registration.

117. As noted above, SWAPO had refused to participate in elections unless its conditions, particularly for the complete withdrawal of South African troops, were met. In September, the President of SWAPO turned down Mr. Steyn's offer of safe conduct to enter Namibia to discuss the question of elections and also refused to meet Mr. Steyn in neutral territory.

118. On 16 June, the Administrator-General, Mr. Steyn, promulgated a proclamation authorizing the registration of voters for election for a constituent assembly. aa/ According to reports, the registration would be voluntary and all persons over the age of 18 years who were born in Namibia or who had lived there for four years or more would be entitled to vote. It was estimated that about 440,000 Namibians would be eligible to vote.

119. Commenting on this move, Mr. Steyn said that it was "essentially a neutral step of an administrative nature in necessary preparation for the elections which were one of the cardinal aspects of the Western settlement proposals". Other South African officials were reported to have said, however, that if the Western effort failed, South Africa would feel justified in pressing ahead with its own plan for independence by the end of 1978.

120. The decision to proceed with voter registration was taken over the objection of the Western Powers which informed South Africa that any unilateral action could jeopardize plans for a peaceful settlement. In a declaration, the five Western members of the Security Council said that they would consider any registration lists compiled by the Administrator-General to be null and void, especially in so far as the settlement plan accepted by South Africa foresaw that a special representative of the Secretary-General must be associated with any actions relating to the political process.

121. Despite Western objections, registration began on 26 June and was scheduled to continue to 22 September. Mr. Steyn said that a further proclamation giving details of the Electoral Act and defining the tasks of the constituent assembly would be issued soon and that an election date, to fall before the onset of the October rainy season, would be set soon after that. It was reported that Mr. Steyn had also made intimidation or "discouragement" of potential voters a crime punishable by a £2,000 fine and three years in gaol.

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aa/ Registration of Voters (Constituent Assembly) Proclamation.

122. On the first day of registration, unsigned pamphlets urging Namibians to boycott the registration and to observe a general strike were distributed in Tsumeb, Grootfontein and Walvis Bay. It was subsequently reported that registration was proceeding "unevenly" and that in Windhoek two of the three registration offices might be closed in the absence of registrants.

123. According to an article in The Times (London) of 30 June, SWAPO is not calling for a boycott on registration, but is demanding that penalties, consisting of heavy fines or imprisonment, should be imposed on anyone attempting to coerce Namibians to register against their will. Miss Lucia Hamutenya, SWAPO's acting administrative officer in Namibia, said that some employers had warned Namibian workers that they would risk dismissal by failing to register.

124. It was also reported that five more SWAPO members had been detained during the last week of June. The detainees were Mr. Immanuel Ngatjibeko, Miss Hamutenya's assistant, two other members of the SWAPO Executive Council and two rank-and-file members. Mr. Ngatjibeko was arrested under section 6 of the Terrorism Act following a SWAPO rally called to discuss possible responses to the registration drive, on the charge that his speech could be interpreted as a demand for a boycott.

#### E. Changes in political parties

##### Formation of the Republican Party and DTA

125. In September 1977, Mr. Mudge, who had been chairman of the Turnhalle constitutional committee and widely considered to be the most liberal member of the National Party, announced that he was breaking away from the party to form a new political organization to be known as the Republican Party. Although his party would also be all white, it would seek to form an alliance with the non-white delegations to the Turnhalle Conference and campaign on the basis of the Turnhalle constitution. Mr. Mudge's decision was announced during the annual congress of the National Party, following the re-election of Mr. Abraham du Plessis, an avowed conservative, as party chairman.

126. In November, a few days before the Turnhalle Conference was officially dissolved, it was announced that the Republican Party had entered into a new political alliance with the non-white Turnhalle delegations, to be known as the Democratic Turnhalle Alliance (DTA). Officials of the Alliance included Chief Clemens Kapuuo of the Herero delegation, President; Pastor Kornelius Ndjoba, Chief Minister of Ovamboland, Vice-President; Mr. Mudge, Chairman; and Mr. L. J. Barnes of the Coloured delegation, Vice-Chairman. DTA intends to contest the election on the basis of the Turnhalle constitution amended in accordance with the wishes of the non-white delegations (see para. 108 above). According to press reports, the Alliance is receiving considerable support from Africans in the southern part of the Territory and has also been campaigning actively in the northern areas in order to draw support away from SWAPO.

127. At the end of May, the Herero Chiefs Council elected Mr. Kuamina Riruako to succeed Chief Clemens Kapuuo as the tribe's traditional leader. Mr. Riruako had lived for some time in New York where he represented Chief Kapuuo's party, the National Unity Democratic Organisation (NUDO). According to reports, it was expected that Mr. Riruako would also be elected to succeed Chief Kapuuo as the tribe's political leader as well as the President of DTA.

128. In a statement upon his return to Namibia, Mr. Riruako expressed the view that the status of DTA should be changed from that of a tribally based coalition to a unitary political party and that the principle of consensus and of veto rights for whites should be abolished both within the party and the national assembly. According to a report in The Guardian (Manchester) of 23 June, such a change would mean that DTA would renounce the concept of an ethnic Government and would become a vehicle for genuine majority rule. The change was opposed by Mr. Dirk Mudge, Vice-President of DTA and leader of the white delegation, on the grounds that it would result in a loss of white support.

129. The Guardian noted that the differences between Mr. Mudge and Mr. Riruako had given DTA the "awkward option" of either electing a new president who wished to change the party rules or of ignoring Mr. Riruako and risking a total breakaway by the Hereros. Elections for a new president were scheduled for July.

#### National Party

130. The split caused by the departure of Mr. Mudge and the factionalization of the white electorate has affected the National Party's future. In a statement in November Mr. du Plessis, the head of the party, said that it would play a role in elections by forming its own anti-SWAPO front and that he was confident of winning at least 10 per cent of the vote which, according to the Turnhalle constitution, would give it at least six representatives in the constituent assembly. Mr. Eben Van Zijl, another leading party member and former white delegate to the Turnhalle Conference, said that the highest priority was to win the election against SWAPO and that the front to be formed by the National Party would be open to blacks, whites and browns.

131. On 5 December, the National Party announced the formation of a coalition of population groups which would contest the elections as the Action Front for the Retention of Turnhalle Principles. In a statement, Mr. du Plessis declined to mention which population groups were expected to join the Front, which would campaign on the principles embodied in the original Turnhalle draft constitution and the Declaration of Intent of 18 August 1976 (see para. 48 above).

#### Formation of SWAPO-D

132. On 19 June, it was reported that Mr. Andreas Shipanga, former SWAPO Secretary of Information, had founded his own political organization: SWAPO-D (Democratic), which he planned to affiliate with the Namibia National Front (NNF). NNF is a coalition of five parties which oppose the establishment of an ethnically based Government, but are also opposed to the armed struggle. NNF is willing to

participate in elections under the terms of the Western proposals as interpreted by South Africa. In a joint statement issued in Utrecht, Holland, SWAPO-D announced full and unqualified agreement with the policy aspects of NNF and stated its intention to mount an intensified organizational campaign within the Territory in order to gain support. The campaign would be headed by various members of SWAPO-D, including some who had recently been released from detention. It was reported on 27 June that South Africa had granted Mr. Shipanga permission to return to Namibia.

133. Mr. Shipanga, who had been in detention first in Zambia and then in the United Republic of Tanzania since 1976, was released by the Tanzanian Government on 26 May and flown to the United Kingdom, which had granted him political asylum. Eighteen other SWAPO members were released from detention at the same time.

134. Early in June, Mr. Shipanga was expelled by the SWAPO Central Committee along with 11 other released detainees whom it accused of having conspired to overthrow Mr. Nujoma and to assassinate other SWAPO leaders. In a communiqué, the Central Committee said that the 11, including Mr. Shipanga, had organized and directed a counter-revolutionary plot aimed at weakening the struggle for liberation. The communiqué characterized the 11 as agents of the "fascist South African régime" and said that they had directed South African military operations, especially a raid against a transit camp on 11 July 1976, during which 25 SWAPO members were killed and 40 others wounded. Three of those expelled were also accused of embezzling SWAPO funds.

#### F. Continued repression of African political activities

135. Despite statements by the Administrator-General concerning his intention to create a suitable climate for free elections, available information indicates that political activity by Africans opposed to DTA continues to be repressed and that the issuance of identity cards as recommended by the Turnhalle Conference is also related to controlling the political climate.

136. During October and November, it was reported that over 100 students had been expelled from the Onguediva High School in Ovamboland and the Okakarara High School in Hereroland for political activities. The Ovambo students were expelled after attending a SWAPO meeting and the Herero students for possession of membership cards in SWAPO, the South West Africa National Union (SWANU) or the Namibian Black Students Organization (NABSO). Press reports at the time charged that many teachers at both schools and at the Teachers Training College in Hereroland were members of SADF.

137. During the same period, SWAPO and three Damara high school principals in Katutura charged that white authorities in the Territory were involved in a campaign to force Africans in the southern part of the Territory to take out identity cards identifying them as "citizens of South Africa" and discriminating between the so-called ethnic groups by means of a code number. Issuance of the



identity documents had been recommended by the Turnhalle Conference. SWAPO also charged that certain employers were forcing Namibians to take out cards or risk losing their jobs.

#### G. Disturbances

138. In March 1978, large-scale clashes took place at Katutura between SWAPO supporters and supporters of DTA. After eight days of fighting, it was reported that 12 persons including 2 policemen had been killed and about 100 wounded. In a statement, Mr. M. Tlhabenello, SWAPO Secretary for Information, accused the supporters of DTA and the South African police of having deliberately provoked the clashes to discredit SWAPO and to justify the continued presence of South African security forces in Namibia. Mr. Tlhabenello also said that since the first day of the disturbances, trucks had been arriving at Windhoek crowded with adherents of DTA from the rural areas. Police had made no effort to disarm the men, but had arrested several SWAPO supporters for carrying arms. On 8 March, it was reported that conditions in Katutura had returned to normal and that the thousands of workers on strike during the period of the disturbances had returned to work.

### 7. DECISION BY THE ORGANIZATION OF AFRICAN UNITY

139. On 27 February, the Council of Ministers of OAU, at their thirtieth ordinary session, held at Tripoli from 20 to 28 February, unanimously approved a resolution pledging to increase financial, diplomatic and material assistance to SWAPO to enable that organization to "intensify the armed struggle for the liberation of Namibia from the illegal occupation by the racist South African régime". In its resolution, OAU vehemently condemned South Africa's illegal annexation of Walvis Bay, reaffirmed its support for SWAPO as the sole authentic representative of the Namibian people and commended that organization for its political mobilization of the Namibian people.

### 8. EXPLOITATION AND CONTROL OF ECONOMIC RESOURCES

#### A. General

140. During 1977, the white-dominated Namibian economy continued to decline owing to a deterioration of confidence brought about by political uncertainty and the worsening military situation which inhibited new investments. The economy was also affected by purely economic factors, such as a decline in world price levels for base metals and a sudden diminution in the availability of fish; restrictive measures taken by South Africa to curb inflation; and the balance-of-trade deficit in South Africa.

141. The situation in the Territory was reflected in the budget statement presented in May by Mr. Mudge who was then temporarily serving as Acting Administrator of

South West Africa. Mr. Mudge said that, during 1976, South West Africa's gross domestic product at prevailing prices totalled R 741 million, representing an increase of R 93 million, or only 0.6 per cent in real terms, compared with 1975. Agriculture, fishing and forestry all declined by 0.7 per cent and mining increased by only 2.1 per cent in comparison with the previous year. In contrast, in the period from 1970 to 1973, when the white-dominated sectors were thriving owing to high market prices and massive foreign investment, the gross domestic product increased by more than 60 per cent, from R 379.4 million to R 615.0 million.

142. Yet other indications of the depressed situation were reported in the Namibian press. Among other things, it was noted that, in April 1977, a number of public works projects totalling R 64.0 million had been shelved and that real estate values were continuing to plummet as reflected in a high bid of only R 5.25 per hectare for a farm in the Otavi district bordering on Ovamboland.

#### B. Mining

143. Mining is the mainstay of the white-dominated economy and the magnet that has attracted massive foreign investment. Although the value of the sector increased only slightly during 1976, it is generally accepted that the slowdown is only temporary and will be reversed once the independence question is resolved. In May 1977, for example, Mr. Des Mathews, Chairman of the South West Africa Chamber of Mines, was quoted as saying that almost every Western country was showing increasing interest in mineral prospecting in Namibia and that some had already taken out prospecting rights, although others were waiting to see how the political situation developed. Father Festus Naholo, a senior SWAPO official in Namibia, was also reported to have said that SWAPO was not opposed in principle to the continued presence of multinational companies in Namibia.

144. The basis of Namibia's mineral wealth is the production of diamonds which account for over 60 per cent of the total value of mineral exports. Base metals, although they increased in value by 85 per cent between 1965 and 1973, in the latter year still accounted for only 36 per cent of the total, with copper and lead being the most important, in terms of value, followed by zinc, lithium and cadmium. In recent years, both diamonds and base metals have been overshadowed in importance by uranium, of which the Territory is believed to be the second largest source in the world.

145. According to unofficial sources, the production of selected minerals in 1976 was as follows: gem diamonds, 1.7 million carats; silver, 42,500 kilograms; blister copper, 28,200 metric tons; refined lead, 39,600 metric tons; lithium, 6,000 metric tons; tin, 1,100 metric tons; vanadium, 5,000 metric tons; and zinc, 48,000 metric tons.

#### Diamonds

146. Consolidated Diamond Mines of South West Africa, Ltd. (CDM), a subsidiary of De Beers Consolidated Mines, Ltd., of South Africa, is the only diamond mining

company active in the Territory. In August 1977, De Beers reported an 80 per cent increase in its first-half year profits, attributable mainly to increased diamond sales and higher prices for part of the period. Pre-tax profits for the first six months amounted to R 453.5 million (R 250.8 million in 1976), and net profits to R 291,349 (R 162,309 in 1976); while the interim dividend on deferred shares increased from 12.5 to 17.5 cents (South African) a share. The dividend represents a return of 350 per cent to shareholders of the 357 million deferred shares on the original cost of the shares (5 cents South African). De Beers is said to derive from one quarter to one third of its income from the sale of diamonds mined in Namibia.

147. During 1977, it was reported that CDM had recognized the approach of Namibian independence by moving its head office from Kimberley to Windhoek and by allocating R 1.5 million for construction of a technological institute at Onguediva in Ovamboland. CDM had also decided to earmark an unknown portion of its profits to developing enterprises in Namibia "whose longevity would not be directly dependent on the CDM operation", which, according to many estimates, will be exhausted within 20 years.

#### Base minerals

148. No recent information is available on the operation of the Tsumeb Corporation, Ltd., which produces 80 per cent of the base metals in the Territory. In 1975, Tsumeb reported a net loss for the first time since it began operating in the Territory, attributed to low copper and lead prices on the world market, and temporarily closed two of its four mines.

149. Another mine adversely affected by low metal prices is reported to be the Otjihase copper mine, which was developed by Johannesburg Consolidated Investment Company, Ltd., (JCI), of South Africa, in conjunction with the Continental Ore Corporation of the United States at a cost of R 45.5 million. In 1977, it was reported that, owing to production problems aggravated by low prices, Otjihase had lost R 9.7 million during its first full year of operation to 30 June 1977 and that the suspension of operations was being considered.

#### Uranium

150. As noted above, the newest focus of exploitation in Namibia is uranium. Apart from the Rössing mine, bb/ which has estimated reserves of 100,000 metric tons, there are believed to be at least four other substantial uranium deposits in the Territory, particularly near Swakopmund. According to various press reports, the presence of uranium has attracted the interest of most of South Africa's major mining concerns as well as several international companies, which feel that the

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bb/ For details see Official Records of the General Assembly, Thirty-first Session, Supplement No. 23 (A/31/23/Rev.1), vol. II, chap. IX, annex, paras. 143-152; and *ibid.*, Thirty-second Session, Supplement No. 23 (A/32/23/Rev.1), vol. II, chap. VIII, annex, paras. 129-133.

steady increase in world uranium prices justifies the high investment involved. Companies reported to be prospecting in the Territory are the Anglo American Corporation of South Africa, Ltd.; General Mining and Finance Corporation of South Africa; Société nationale des pétroles d'Aquitaine of France; and Falconbridge Nickel Mines, Ltd., of Canada. Unidentified companies based in the United States and the Federal Republic of Germany are also said to be involved. Of these, the General Mining and Finance Corporation, which has located proven deposits of uranium ore, is expected to open the next mine in Namibia.

151. Owing to Namibia's uranium reserves, control of the Territory has assumed new political as well as economic and strategic importance. The Times (London) of 14 May 1977 commented in this connexion that Namibia's wealth in uranium and other minerals largely explained the sudden Western interest in finding a political solution for Namibia, preferably in the form of an independent Government which would include SWAPO, but would be sufficiently moderate to allow multinational companies to operate. South Africa's access to uranium in Namibia, on the other hand, is commonly held to have grave implications in view of its ability to produce nuclear weapons. Although the Rio Tinto Zinc Corporation, Ltd. (RTZ) of the United Kingdom, the major shareholder in the Rössing mine, denies that it will sell uranium to South Africa, under the terms of its Atomic Energy Act of 1948, South Africa may at any time claim rights over all uranium produced. Furthermore, if uranium is produced by a South African company, such as the General Mining and Finance Corporation, it is likely that much of the output will be destined for South African rather than external markets.

152. Progress towards full operation of the Rössing mine has been retarded, however, by continual technical difficulties. In September 1977, it was reported that although open-pit mining was continuing, underground operations, which yield the higher grade ore, had been temporarily halted. As a consequence, the mine was running at only about 75 per cent of capacity and the output of uranium oxide in 1977 was expected to be significantly lower than the 5,000 metric tons originally predicted. Owing to lower than estimated production, the mine had not yet achieved a positive cash flow and was unlikely to make a significant contribution to the earnings of RTZ. It was also reported that expenses incurred for mechanical rectification and new machinery had increased estimated total costs to R 280 million, of which R 250 million had already been spent. The profitability of the mine has also been affected by the difficulties at the Otjihase copper mine which was originally supposed to supply the pyrite needed for uranium solvent extraction.

### C. Fishing

153. For some years the fishing industry was the second most profitable area of exploitation for white-owned companies operating in Namibia. The off-shore waters of the Atlantic Ocean off the Namibian coast were counted among the richest fishing areas of the world, especially in pilchards (sardines), which normally breed prolifically and are found in large schools, particularly along the shores near Walvis Bay.

154. In 1977, because of overfishing in past years by the 10 South African companies with enterprises in the Territory, fish resources were virtually exhausted and the entire industry was in danger of imminent collapse. In what was described as a drastic and belated move to redress the situation, South Africa cut the over-all pilchard quota to 200,000 metric tons (470,000 metric tons in 1976) and allocated R 750,000 for a research programme. As a result of the cutback, however, it was estimated that profits would be 50 per cent lower than in 1976, when the value of production was R 88.8 million. It was also reported that a large percentage of the Ovambo labour force had been laid off and that production of canned fish, the principal source of income, had fallen.

155. According to a report in The Financial Mail (South Africa), although a certain degree of blame for the crisis could be assigned to the fishing companies and to foreign trawlers operating off the Namibian coast, the major responsibility lay with the South African Government which had failed to adjust quotas downward at early warnings of a crisis and had ignored the recommendations of a specially appointed commission which had advised that fishing management should be removed from the government agency in charge and entrusted to a central authority that would include scientists.

156. If the fisheries are irrevocably destroyed, an independent Namibia would be deprived of its second largest source of income and an important source of employment.

#### D. Agriculture

157. The white-dominated agricultural sector consists of cattle and karakul sheep ranching, which together account for about 20 per cent of the gross domestic product. In 1974, sales of live cattle and karakul pelts earned R 96.0 million. Despite the value of the industry, agriculture has required continuous subsidies and farmers remain in constant debt even in times of relative prosperity. According to one report, apart from aridity, the major problem is continuous erosion owing to the initial ranch development plan in the areas south of Windhoek which may ultimately result in the northward and eastward extension of the coastal desert by 150 to 200 kilometres. Further, even the central strip of arable land running northward from the Rehoboth Gebiet is said to have been improperly utilized.

158. Little information is available about developments in the sector during the period under review. According to reports, the cattle industry continued to be severely depressed owing to the lack of demand for beef brought about by high market prices. Karakul earnings, in contrast, continued to increase, following advertising campaigns in the international markets.

## CHAPTER IX\*

### WESTERN SAHARA

#### A. Consideration by the Special Committee

1. The Special Committee considered the question of Western Sahara at its 1124th meeting, on 28 August 1978.

2. In its consideration of the item, the Special Committee took into account the provisions of relevant General Assembly resolutions, including in particular resolution 32/22 of 28 November 1977 on the question of Western Sahara and resolution 32/42 of 7 December 1977 on the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. By paragraph 13 of resolution 32/42, 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 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-third session".

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. At the 1124th meeting, on 28 August, the Special Committee granted a request for a hearing to a delegation of the Frente Popular para la Liberación de Saguia el Hamra y Río de Oro (Frente POLISARIO). At the same meeting, Mr. Madjid Abdullah, (Frente POLISARIO), made a statement (A/AC.109/PV.1124). At the same meeting, statements were made by the representatives of the Congo and Cuba (A/AC.109/PV.1124).

#### B. Decision of the Special Committee

5. At its 1124th meeting, on 28 August, following a statement by the Chairman (A/AC.109/PV.1124), 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-third session and, in order to facilitate consideration of the item by the Assembly, to authorize its Rapporteur to transmit directly to the Assembly all available information on the question.

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\* Previously issued as part of document A/33/23/Add.3 and Corr.1.

ANNEX\*

Working paper prepared by the Secretariat

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\* Previously issued under the symbol A/AC.109/L.1266.

## WESTERN SAHARA

### 1. GENERAL INFORMATION

1. Western Sahara is situated on the Atlantic coast of north-west Africa. It has a total area of about 266,000 square kilometres and a coastline 1,062 kilometres long.
2. Western Sahara is bounded on the north and north-east by Morocco and Algeria and on the south and east by Mauritania. Its land frontiers are 2,045 kilometres in length, the frontier with Mauritania being 1,570 kilometres long and that with Morocco and Algeria 475 kilometres. The Territory consists of two regions, Saguia el Hamra and Río de Oro, which form an integral part of the great Saharan Desert.
3. The climate of Western Sahara is very dry with enormous differences between nocturnal and diurnal temperatures. There is very little cultivation, except in some low-lying areas in the south which are watered by occasional rainfall.
4. Phosphates, the mining of which began in 1974, constitute the main economic resource of Western Sahara.
5. The indigenous population of Western Sahara is nomadic and pastoral and comprises for the most part persons of Moorish, or bedouin descent. The principal tribes in the Territory are the Erguibat, the Ait Lahsen and the Ulad Delim. These tribes are also found in Mauritania, Morocco and Algeria.

### 2. BACKGROUND

6. In accordance with the Declaration of Principles, also known as the Madrid Declaration, a/ which it signed on 14 November 1975 with Morocco and Mauritania, Spain transferred its powers to a temporary administration comprising the then existing Spanish Governor-General and two deputy governors, one nominated by Morocco and the other by Mauritania. In accordance with the terms of that Agreement, on 26 February 1976 Spain terminated its presence in the Territory.
7. On 14 April 1976, Morocco and Mauritania signed an agreement whereby the frontier between Mauritania and Morocco was defined by the straight line linking the point of intersection of the 24th parallel north and the 13th meridian west. With the frontier thus defined, the northern part of Western Sahara was integrated into Moroccan territory and the southern part into Mauritanian territory. The Algerian Government, which had opposed the Madrid Agreement, accused the Spanish Government of repudiating its obligations with respect to the decolonization of the Territory and of handing over the Territory to Morocco and Mauritania.

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



8. Previously, in a statement to the press on 15 November 1975, the Frente Popular para la Liberación de Saguia el Hamra y Río de Oro (Frente POLISARIO) had declared that the Saharan people considered "the agreement concluded between Spain, Morocco and Mauritania as null and void and as an act of aggression and banditry" and had reaffirmed the inalienable right of the Saharan people to self-determination and independence (A/32/303, annex, p. 8).

9. The Saharan Arab Democratic Republic, proclaimed on 27 February 1976 by the Frente POLISARIO, has been recognized by 15 countries: Algeria, Angola, Benin, Burundi, Congo, Democratic People's Republic of Korea, Democratic Yemen, Guinea-Bissau, Madagascar, Mozambique, Panama, Rwanda, Sao Tome and Principe, Seychelles and Togo.

### 3. CONSIDERATION OF THE QUESTION BY THE GENERAL ASSEMBLY

10. By its resolution 32/22 of 28 November 1977, which was adopted without objection, the General Assembly, inter alia, reaffirmed its commitment to the principle of self-determination of peoples in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples; expressed the hope that a just and lasting solution to the problem of Western Sahara would be speedily achieved, in accordance with the principles of the Charter of the United Nations, at the extraordinary session of the Organization of African Unity (OAU) devoted to that question, to be held shortly in accordance with the decisions taken at the thirteenth b/ and fourteenth (see A/32/310, annex II) ordinary sessions of the Assembly of Heads of State and Government of OAU; decided to resume consideration of the question of Western Sahara at its thirty-third session; requested the Special Committee to keep developments in the matter under review and to report thereon to the General Assembly at its thirty-third session; requested the Administrative Secretary-General of OAU to inform the Secretary-General of the progress achieved in the implementation of the OAU decisions concerning Western Sahara; and invited the Secretary-General to report on the question to the General Assembly as soon as possible and not later than at its thirty-third session.

11. The positions of Algeria, c/ Mauritania, d/ Morocco e/ and the Frente POLISARIO f/ were reflected in their statements in the Fourth Committee.

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b/ See A/31/136-S/12141, annex II, resolution AHG/Res.81 (XIII). For the printed text, see Official Records of the Security Council, Thirty-first Year, Supplement for July, August and September 1976.

c/ See Official Records of the General Assembly, Thirty-second Session, Fourth Committee, 10th meeting, paras. 78-118.

d/ Ibid., 11th meeting, paras. 1-82.

e/ Ibid., paras. 33-126.

f/ Ibid., 10th meeting, paras. 30-72.

#### 4. CONSIDERATION OF THE QUESTION BY THE ORGANIZATION OF AFRICAN UNITY

12. During the fifteenth ordinary session of the Assembly of Heads of State and Government of OAU held at Khartoum from 18 to 22 July 1978, the Assembly adopted a resolution setting up an ad hoc committee of five heads of State of OAU under the chairmanship of President Gaafar Mohammed Nimeiri of the Sudan, who is the current Chairman of OAU. The Assembly entrusted the committee with the consideration of "all the data" on the question of Western Sahara, including the exercise of the right of the people to self-determination, and requested the Chairman to hold as soon as possible, consultations regarding the establishment of the committee. Further the Assembly called upon all States in the region to refrain from taking actions likely to hamper the search for a fair and peaceful solution of the problem. The Assembly also called on the Administrative Secretary-General of OAU to report to the OAU Council of Ministers at its thirty-second ordinary session on the evolution of the question and to bring the OAU resolution to the attention of the Secretary-General of the United Nations (A/33/235 and Corr.1, annex II, resolution AHG/Res.92 (XV)).

#### 5. ARMED CLASHES

13. Press reports indicate that armed clashes have continued to take place between the forces of the Frente POLISARIO and those of Morocco and Mauritania. Although these reports and communiqués are often conflicting, on the basis of the various accounts available it appears that several locations both within the Territory and in Morocco and Mauritania have been affected.

14. Reportedly, among the main targets of the Frente POLISARIO have been Mauritanian economic centres. Several attacks were reportedly launched between January and June 1978 at points along the Zouérat-Nouadhibou railway line. Although the attacks were initially directed at outposts along the railway line, the Frente POLISARIO has reportedly begun a new tactic of destroying railway cars and tracks. Installations belonging to the Société Minière de Mauritanie at Tmeymichatt have also reportedly been attacked.

15. It will be recalled that the 600-kilometre rail link serves to transport the iron ore mined at Zouérat to the port of Nouadhibou. This iron ore accounts for 85 per cent of Mauritania's foreign trade revenue. On 23 December 1977, the Frente POLISARIO released eight French nationals whom it had been holding hostage since the previous May following a raid by the Frente POLISARIO on Zouérat. The eight were released in Algiers and handed over to the Secretary-General of the United Nations.

16. Forces of the Frente POLISARIO and Morocco are reported to have clashed inter alia, in May and June 1978 at Sken in southern Morocco and at Oum Dreiga in Western Sahara, which is reported to be a stronghold of the Frente POLISARIO from which attacks on the Zouérat-Nouadhibou railroad are carried out. Estimates of casualties vary widely.

17. In keeping with the agreement between Mauritania and Morocco of joint co-operation in the field of defence signed on 13 May 1977, Morocco has sent two battalions of soldiers to Zouérat and has stationed soldiers at Dakhla, Bir Moghreïn, Ain-Bentiti, Nouadhibou, Asar and Akjouj to help Mauritania fight the

Frente POLISARIO. Moroccan planes have reportedly also been involved in action against guerrillas of the Frente POLISARIO. Moroccan F-5 squadrons are now reportedly based at El Aaiún, Dakhla and Nouadhibou from where they are said to make regular flights to intercept forces of the Frente POLISARIO.

18. In November 1977, French planes based at Dakar reportedly began carrying out daily reconnaissance missions over Mauritania at the request of the Mauritanian Government. In response to a reported Mauritanian request for "more positive French intervention and Air Force support of Mauritanian ground operation", French aircraft are said to have carried out air strikes on guerrillas of the Frente POLISARIO.

19. On 3 May 1978, French Jaguar fighter planes reportedly went into action against the guerrillas at the request of the Mauritanian Government. In addition to the Jaguar fighter planes, the French are reportedly using Atlantic-Breguet long-range reconnaissance planes in the area.

20. There are conflicting reports about casualties inflicted on the French fighters by the Frente POLISARIO.

21. In April 1978, it was reported that the Frente POLISARIO had seized eight Spanish fishermen off the coast of Western Sahara. Reports indicate that the seizure was apparently a reprisal against Spain for ratifying a fishing agreement with Morocco the previous February. The agreement refers to the Western Saharan fishing banks as being "under the territorial jurisdiction" of Morocco. At the time, the Frente POLISARIO had accused Spain of provocation and has since reiterated on several occasions that it would take action to support its claim that the waters off the coast of Western Sahara are a part of the territory of the Saharan Arab Democratic Republic and hence should be considered as a part of the "war zone".

22. On 17 June, it was reported that the fishermen were being held and would be tried on charges of "theft" according to the laws of the Saharan Arab Democratic Republic.

23. Reports indicate that the number of refugees from Western Sahara is growing. The 1975 United Nations visiting mission to the Territory reported 7,000 refugees living in Tindouf. g/ In 1976, however, in a request to the United Nations High Commissioner for Refugees (UNHCR) for international aid, Algeria estimated that the refugees numbered between 45,000 and 50,000 persons mainly women and children living in approximately 20 camps in the Tindouf area. h/ There are conflicting reports as to the actual number of refugees.

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g/ Official Records of the General Assembly, Thirtieth Session, Supplement No. 23 (A/10023/Rev.1), vol. III, chap. XIII, annex, para. 362.

h/ Ibid., Thirty-third session, Supplement No. 12 (A/33/12), paras. 90-92.

## CHAPTER X\*

### EAST TIMOR

#### A. Consideration by the Special Committee

1. The Special Committee considered the question of East Timor at its 1123rd meeting, on 25 August 1978.

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 32/34 of 28 November 1977 on the question of East Timor and resolution 32/42 of 7 December 1977 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. By paragraph 13 of resolution 32/42, 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 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-third session".

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. At the 1123rd meeting, the Special Committee granted a request for a hearing to Mr. José Ramos-Horta, Frente Revolucionária de Timor Leste Independente (FRETLIN). The representative of Indonesia made a statement in that connexion (A/AC.109/PV.1123 and A/AC.109/PV.1108-1133/Corrigendum). At the same meeting, Mr. Ramos-Horta made a statement (A/AC.109/PV.1123 and A/AC.109/PV.1108-1133/Corrigendum). Statements were also made by the representatives of Portugal, Australia and Indonesia (A/AC.109/PV.1123 and A/AC.109/PV.1108-1133/Corrigendum).

#### B. Decision of the Special Committee

5. At its 1123rd meeting, on 25 August, following a statement by the Chairman (A/AC.109/PV.1123 and A/AC.109/PV.1108-1133/Corrigendum), the Special Committee decided, without objection, to continue its consideration of the item at its next session subject to any directives which the General Assembly might give in that connexion at its thirty-third session and, in order to facilitate consideration of the item by the Assembly, to authorize its Rapporteur to transmit directly to the Assembly all available information relating to the question.

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ANNEX\*

Working paper prepared by the Secretariat

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\* Previously issued under the symbol A/AC.109/L.1256/Rev.1.

## 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 latitudes 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 Jaco 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.

### 2. CONSTITUTIONAL STATUS AND ADMINISTRATION

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/

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 line with its general policy of decolonization, in July 1975 the Portuguese Government promulgated Law 7/75 (July 1975), which provided for the formation of a transitional Government in East Timor 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 other 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.

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

b/ Ibid., Twenty-eighth Session, Supplement No. 23 (A/9023/Rev.1), vol. III, chap. IX, annex I, sect. F, paras. 11-19.

6. As reported previously, c/ during the second half of 1975 a civil war erupted in the Territory. On 28 November 1975, the Frente Revolucionária de Timor Leste Independente (FRETILIN), which was reported to be in control of most of the Territory, declared the independence of East Timor and the establishment of the "Democratic Republic of East Timor". On 30 November 1975, a coalition of pro-Indonesian parties also proclaimed the independence of the Territory and its integration with Indonesia. The coalition comprised the Associação Popular Democrática de Timor (APODETI), the União Democrática Timorense (UDT), the Klibur Oan Timor Aswain (KOTA) and the Partido Trabalhista.
7. On 7 December 1975, the administering Power informed the Security Council that Indonesian naval, air and land forces had launched an offensive action against East Timor. d/ On 17 December, the pro-Indonesian parties declared the establishment of a "Provisional Government of East Timor" at Dili, the Territory's capital. On 30 December, Ataúro Island, to which the Portuguese administration of the Territory had withdrawn in August, was occupied by troops said to be led by Indonesians.
8. 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 "Provisional Government" took place in the areas under its control to elect a "Regional Popular Assembly". On 31 May, at its only meeting at Dili, the "Regional Popular Assembly" decided to petition Indonesia formally to integrate the Territory with that country.
9. 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 "Regional Popular Assembly" (see A/AC.109/526) and by the Permanent Representative of Indonesia to the United Nations, 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 Committee was not in a position to respond to these 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 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 assignment entrusted to him under Security Council resolutions 384 (1975) of 22 December 1975 and 389 (1976) of 22 April 1976; and (d) the Committee had in no way been involved in the proceedings leading up to the announced meeting of the "Regional Popular Assembly".
10. In a telegram transmitted to the Secretary-General on 6 August 1976 by the Permanent Mission of Indonesia to the United Nations, e/ Mr. Arnaldodos Reis Araújo,
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- c/ Ibid., Thirty-second Session, Supplement No. 23 (A/32/23/Rev.1), vol. II, chap. X, annex, paras. 8-12.
- d/ Official Records of the Security Council, Thirtieth Year, Supplement for October, November and December 1975, document S/11899. For information on Security Council action on the question of Timor in 1977, see Official Records of the Security Council, Thirty-second Year, Supplement for April, May and June 1977, documents S/12327 and S/12336; see also documents S/12408, S/12469 and S/NC/223.
- e/ Ibid., Thirty-first Year, Supplement for July, August and September 1976, document S/12170, annex.

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".

11. Portugal has never relinquished its authority as administering Power of the Territory and the United Nations has neither recognized the authority of the "Regional Popular Assembly" nor endorsed its decision. Nevertheless, 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 the twenty-seventh province of that country. The Indonesian Government appointed Mr. Reis Araújo Governor, and Mr. Lopes da Cruz Vice-Governor.

12. 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/

13. 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/

### 3. INTERNATIONAL DEVELOPMENTS, 1977-1978

14. In April 1977, Portugal informed the United Nations that the effective exercise of Portuguese sovereignty over the Territory had ceased in August 1975 when, owing to certain violent incidents which had taken place in the Territory, the Governor of East Timor and his aides had been compelled to leave the Territory. The presence of Indonesian armed forces in East Timor since December 1975 had also impeded the Portuguese Government from exercising the effective administration of the Territory. In 1976 and 1977, the Portuguese Government was de facto prevented from transmitting any information under Article 73 e of the Charter concerning East Timor (A/32/73 and A/33/75). h/

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

g/ Ibid., 85th meeting.

h/ Owing to the lack of official information from the administering Power, the supplementary information contained in the following sections of this paper has been derived from published reports.



15. At the thirty-second session of the General Assembly, during the debate on the question of East Timor in the Fourth Committee, the representative of Portugal stated that his Government did not recognize de jure the forced integration of East Timor with Indonesia, and expressed the view that the withdrawal of Indonesian armed forces from the Territory was a prerequisite for its exercise of self-determination. Portugal continued to maintain formal responsibilities with respect to East Timor. i/ This position was reiterated when Mr. Vitor sá Machado, Minister for Foreign Affairs of Portugal, was reported to have restated on 17 July 1978 that Portugal did not recognize the integration of East Timor with Indonesia and considered itself as the administering Power of the Territory. The Foreign Minister refused to accept as legitimate any action which could imply Indonesian sovereignty over East Timor, particularly the visit of the President of Indonesia to the Territory (see para. 35 below).

16. In reply, the representative of Indonesia reaffirmed the position of his Government that the question of East Timor had ceased to exist as a problem of decolonization on the accession of the Territory to independence through integration with Indonesia. As East Timor had become part of its national territory, Indonesia considered any discussion thereon inappropriate and rejected any interference in its internal affairs by any State or organization. j/

17. On 28 November 1977, the General Assembly adopted resolution 32/34 by which, among other things, it reaffirmed the inalienable right of the people of East Timor to self-determination and independence and the legitimacy of their struggle to achieve that right, and rejected the claim that East Timor had been integrated into Indonesia inasmuch as the people of the Territory had not been able to exercise freely their right to self-determination and independence. The Assembly requested the Special Committee to keep the situation in the Territory under active consideration and decided to include in the provisional agenda of its thirty-third session the item "Question of East Timor".

18. Indonesia declared its unequivocal and total opposition to the resolution, which it considered to be completely unrelated to the situation in East Timor, and reaffirmed its claim that the Territory had become independent as an inseparable part of Indonesia. k/

19. In January 1978, the Government of Australia announced its decision to accept East Timor as part of Indonesia. In a statement announcing that decision, Mr. Andrew Peacock, the Australian Minister for Foreign Affairs, said that although it remained critical of the means by which integration had been brought about, his Government had decided that it would be unrealistic to continue to refuse to recognize de facto that East Timor was part of Indonesia.

#### 4. POLITICAL DEVELOPMENTS

20. According to Indonesian information, East Timor, as an Indonesian province, has been designated a "first level region". The newly formed Regional Government

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i/ Official Records of the General Assembly, Thirty-second Session, Fourth Committee, 12th meeting, paras. 22-26.

j/ Ibid., 19th meeting, paras. 57-58.

k/ Ibid., Plenary Meetings, 83rd meeting.

comprises a Regional Secretariat and a Regional House of Representatives. Most of the posts in these bodies have been filled by local inhabitants. East Timorese also participate in the National House of Representatives, and in the People's Consultative Assembly.

21. In order to "guarantee an orderly administration and the realization of over-all security and order" the Indonesian Minister of Defence and Security/ Chief of Staff of the Armed Forces and the Minister of Home Affairs are reported to have jointly appointed regional co-ordination staff, known as SKORWL, comprising military and civil personnel.

22. According to various press reports and to FRETILIN's own claims, FRETILIN remains the only political movement inside East Timor actively opposing Indonesia's unilateral integration of the Territory.

23. In April 1978, the Portuguese press reported the formation of a new nationalist movement in Lisbon by Timorese exiles. Spokesmen for the movement, known as the Movimento para a Autodeterminação de Timor-Dili, stated that its objective was "to prevent the Timor question from being forgotten" and that the movement would be active "until Timor has achieved true self-determination". <sup>1/</sup> The movement advocates resumption of Portuguese administration in East Timor, the replacement of Indonesian troops by Portuguese or international forces under United Nations auspices and, if necessary, the placement of the Territory under international administration.

24. In a statement released on 12 April 1978, Mr. Mari Alkatiri, a member of FRETILIN, declared that his party would continue the struggle until genuine conditions for a lasting peace and for economic reconstruction had been achieved. He was reported to have said that negotiations between the conflicting sides could be a means to creating conditions so that East Timor and Indonesia might develop good neighbourly relations and even fruitful co-operation.

## 5. MILITARY ACTIVITIES

25. Following a visit to East Timor in July 1977, Mr. Richard Carleton, correspondent of The Observer (London), reported that, despite the efforts of pockets of FRETILIN guerrillas in the mountains, Indonesia had effective control of the Territory. According to his report, an occupying army of 15,000 ensured that control, but it still faced problems, as indicated by the tight security measures taken to protect him during his visit. He said that the helicopters supplied to transport him were under instructions to fly above 1,000 metres, beyond the range of small-arms fire. He reported that everywhere the Indonesians took him, they had three guards always within earshot and two concentric circles of "civil defence" troops surrounding him. The Indonesians had explained that this was not to restrict his movements but rather to protect him. Mr. Carleton estimated that some 50,000 Timorese (about 7 per cent of the population) had died during the civil war and invasion up to the time of his visit.

26. In August, however, according to Australian press reports, Indonesia launched a new offensive against FRETILIN forces involving 15 infantry battalions of about

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<sup>1/</sup> Diario de Noticias (Lisbon), 4 January 1978.

10,000 troops. FRETILIN sources claimed that Indonesia had used napalm and defoliants in the campaign. Simultaneously, at the start of the offensive, President Soeharto of Indonesia made an offer of amnesty to FRETILIN members.

27. Early in October 1977, FRETILIN sources reported a counter-offensive. According to Mr. Alarico Fernandes, Minister of Information for FRETILIN, on 8 October, 350 Indonesian troops had been killed in a clash at the small village of Tapo, near the border with Timor Barat.

28. By the end of 1977, Indonesian sources were stating that there were only a few hundred guerrillas left in the Territory and that since August 40,000 supporters of FRETILIN had surrendered under the amnesty. An article in the New Zealand press suggested, however, that Indonesia might be in control of only about one third of East Timor.

29. In December 1977, the Portuguese press reported that, according to letters received from two missionaries in East Timor, Indonesian troops were continuing the fight against FRETILIN "by land, sea and air". The letters also said that most of the younger people, some 30 per cent of the population, were in the rural areas with FRETILIN, while the Indonesians controlled only the towns.

30. Early in January 1978, FRETILIN sources claimed about 80 Indonesian soldiers had been killed and a 451-strong Indonesian unit had been destroyed in recent clashes.

31. In March 1978, a FRETILIN communiqué reported that FRETILIN anti-aircraft fire had forced an Indonesian Bronco OV-10 aircraft to make an emergency landing at the Dili airport. FRETILIN fire had also hit an Indonesian helicopter which crashed and exploded at Dili. FRETILIN claimed that Indonesia had been using the Bronco aircraft daily to bomb the north-western area of the Territory where guerrilla activities have been more intense in 1978.

32. In April 1978, Indonesian sources reported that as many as 100,000 followers of FRETILIN had surrendered to Indonesian authorities in the past two years, including 60,000 who had surrendered since the amnesty offer in August 1977. FRETILIN sources were quoted as saying, however, that fierce fighting continued in the north-west, and that Indonesian troops were bogged down and taking heavy casualties.

33. In an article published on 19 April 1978, the correspondent of The New York Times in Jakarta reported that Indonesian forces were still fighting an anti-guerrilla war throughout the Territory, and that General Ali Murtopo, Minister of Information of Indonesia, had acknowledged that some 1,000 FRETILIN fighters continued to operate in the mountains of East Timor. He also reported that, owing to the lack of security, Indonesia maintained the Territory as a restricted area, from which foreigners, particularly journalists, were barred.

34. Summing up the conflicting reports on the military situation in East Timor, one observer wrote in March 1978 that the war appeared to be at a stalemate. FRETILIN could not force Indonesia out of East Timor militarily, while Indonesia apparently could not defeat FRETILIN. This source suggested that the situation appeared to favour a negotiated settlement.

35. It was reported that President Soeharto, accompanied by ambassadors and officials from Thailand, Singapore, the Philippines and Malaysia (members of the Association of South-East Asian Nations (ASEAN)), had visited East Timor on 16-17 July in observance of the second anniversary of East Timor's integration with Indonesia. Addressing a special session of the Provisional Assembly of East Timor, the President stressed that, after driving out the colonialists, development was necessary to give substance to the independence of the Territory. He also stressed the importance of unification of ethnic groups of Indonesia to contribute toward development.

36. During his visit he also announced the opening of Dili to trade, commerce and civilian travel and the opening of the Dili airport and harbour to the public.

37. Indonesia claims that peace and security have been restored in the Territory as evidenced by the visit of President Soeharto as well as that of Mr. N. E. Olewale, Minister for Foreign Affairs and Trade of Papua New Guinea in May 1978. In addition, it is pointed out as further proof that "the East Timorese are active in the civil defence of the province" and that two battalions, composed predominantly of East Timorese, have been recently created.

## 6. ECONOMIC CONDITIONS

### A. Development plan

38. As reported previously, m/ the Indonesian Government has introduced a three-year development plan in the area of East Timor under Indonesian control. A total expenditure of Rp 12.3 billion n/ was originally envisaged under the three-year plan which was to comprise a rehabilitation stage (from September 1976 to March 1977), a consolidation stage (from April 1977 to March 1978) and a stabilization stage (1978/79). The development expenditures are in addition to the other expenditures, which in 1977/78 comprised Rp 2.5 billion for the routine budget and Rp 2.9 billion allocated from presidential aid funds, and in 1978/79 Rp 3.0 billion and Rp 4.0 billion respectively.

39. According to an Indonesian press report, a total of Rp 4.7 billion has been earmarked for the first two stages of the plan. This total, which is less than half the total amount envisaged for the three-year period, includes Rp 1.2 billion already spent in 1976/77 and Rp 3.6 billion earmarked for 1977/78. The funds allocated to the rehabilitation stage were used for 93 projects in 13 government sectors. The following table shows expenditures by sector during the three stages of the development plan:

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m/ Official Records of the General Assembly, Thirty-second Session.  
Supplement No. 23 (A/32/23/Rev.1), vol. II, chap. X, annex, para. 37.

n/ One thousand Indonesian rupiahs (Rp 1,000) equal approximately \$US 2.40.

Development expenditure by Indonesia in East Timor, 1976-1979  
(in millions of Indonesian rupiahs)

	Rehabilitation stage (1976/77)	Consolidation stage (1977/78)	Stabilization stage (1978/79)	Total (1976-1979)
Home affairs	462.0	513.0	705.0	1 680.0
Public works and electric power	214.0	675.0	895.0	1 784.0
Communications	160.0	670.0	675.0	1 505.0
Health	11.0	175.0	120.0	306.0
Education and culture	25.0	175.0	200.0	400.0
Religion	17.0	50.0	75.0	142.0
Information	46.0	200.0	85.0	331.0
Justice	12.5	150.0	50.0	212.5
Social affairs	85.0	225.0	225.0	535.0
Industry	35.0	75.0	30.0	140.0
Trade	10.0	50.0	-	60.0
Finance	6.5	125.0	100.0	231.5
Agriculture	70.7	225.0	240.0	535.7
Manpower, transmigration and co-operatives	-	92.0	50.0	142.0
Attorney-General's Office	-	150.0	50.0	200.0
<b>Total</b>	<b>1 154.7</b>	<b>3 550.0</b>	<b>3 500.0</b>	<b>8 204.7</b>

Source: Rumhardjono, "Three Phases of Development", in Newspaper Articles on East Timor (Jakarta, Department of Public Information, Indonesia, August 1977).

40. According to one observer, o/ priority under the plan has been given to infrastructure projects, particularly in the area of communications, flood control and irrigation. Communications projects included the extension of the Kupang-Atambua road on the Indonesian side of the island to link it with Dili and Baucau in East Timor and the upgrading of airfields.

41. According to Indonesian press reports, Indonesia has been supplying food to the areas of East Timor under its control, but hoped that the Territory would become self-sufficient in food in 1978/79. There was no information on specific projects to meet the Territory's food needs. During his visit to the Territory, President Soeharto announced that a dam would be built in Maliana in the western part of the Territory to provide water to irrigate 17,000 hectares. On completion of this project, Maliana is expected to produce 380,000 metric tons of rice per year, which will enable East Timor to be self-sufficient in rice.

42. It has also been reported that two modern salt-processing plants are scheduled to be built in the Baucau Regency of East Timor and that fishponds will be expanded to breed milkfish.

#### B. Petroleum exploration

43. It will be recalled that, prior to the adoption of a decolonization policy by Portugal, it had been reported that the Companhia de Petr leos de Timor S.A.R.L. (Timor Oil Corporation), with headquarters in Sydney, had been prospecting for petroleum in East Timor. In May 1971, the Portuguese press reported that a deposit of petroleum had been found at Suai Loro, on the southern coast of the Territory.

44. In February 1978, following Australia's decision to accept East Timor as part of Indonesia, it was reported that Australian and French interests were preparing to participate in a large oil exploration programme in the Territory. The area involved was rated by one oil company geologist as being among the top six offshore areas around Australia in oil potential. The two principal companies reported to be planning to explore the region were Woodside-Burmah Oil, N.L., of Australia and the Elf-Aquitaine Group of France.

#### C. Economic activities in areas under FRETILIN

45. According to FRETILIN sources, in areas under its control the people have been organized into producing, distributing and consumer co-operatives. The Ministry of Agriculture and Veterinary of FRETILIN is in charge of the implementation of agricultural diversification projects, as well as the control of animal husbandry and the exchange of products among the population.

46. As shown in the Indonesian development plan figures (see table above), some 15 per cent of the funds already committed by the Indonesian Government for

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o/ J. Stephen Hoadley, "Indonesia's annexation of East Timor; political, administrative and developmental initiatives", in Southeast Asian Affairs (Singapore, FEP International, Ltd., 1977), pp. 133-142.

development in the areas under its control are reserved for projects in the social area (health, education and culture and social affairs). In June 1978, it was reported that a one-month upgrading course for 20 East Timorese paramedics had been opened at Dili. Under a presidential aid programme, the Government has made available Rp 510 million for health development in East Timor, compared with Rp 210 million in 1977. In August 1978, it was announced that funds amounting to \$US 570,000 had been appropriated by the Government of Indonesia for five social projects designed to assist disabled and orphaned children in East Timor during 1978/79.

47. It will be recalled that in January 1977 an Indonesian national education programme was introduced in East Timor, and that an intensive programme of Bahasa Indonesian courses was introduced to remove the language barrier between the Indonesian administration and the people. Some 60 teachers were brought from Indonesia to start this programme. During the past two years, the Indonesian Government is reported to have allocated Rp 2 million for the construction of 6 new schools and the rehabilitation of 30 others. During 1977, East Timorese teachers were given crash courses in Bahasa Indonesian, as well as Indonesian culture, history and social practices. Other initiatives in this area included an adult Bahasa Indonesian teaching programme and literacy classes conducted by the Indonesian scouting movement.

48. According to a FRETILIN report distributed in May 1978, it had established 350 literacy schools and trained 250 primary school teachers. There were 350 students enrolled in secondary schools. FRETILIN also reported that, in the areas under its control, the illiteracy rate had decreased from 95 per cent in 1974 to 75 per cent in 1977.

49. FRETILIN further reported that it had trained 350 paramedics and set up 50 field hospitals.

## 7. RECENT HUMANITARIAN EFFORTS

50. Following the acceptance by Australia of the integration of East Timor with Indonesia (see para. 19 above), it was reported that in March 1978 the Australian Government was working towards an agreement with Indonesia on reuniting refugee families. The negotiations were said to affect over 1,700 East Timorese who had escaped by sea to Australia in August and September 1975 when the civil war in East Timor was at its height.

51. It will be recalled that while FRETILIN was in control of Dili, it had permitted the International Committee of the Red Cross (ICRC) to tend to the sick, check on the welfare of prisoners and trace missing persons. ICRC had to leave the Territory in December 1975, however, at the time of the Indonesian invasion. Since that time, despite repeated efforts from various sources, the Indonesian authorities have not allowed ICRC to return to the Territory. In March 1978, however, Mr. Peacock, the Minister for Foreign Affairs of Australia, was reported to have expressed confidence that Indonesia would allow ICRC representatives to visit the Territory. According to press sources in May 1978, President Soeharto of Indonesia has agreed to allow relief teams, including ICRC, into East Timor.

## CHAPTER XI\*

### GIBRALTAR

#### A. Consideration by the Special Committee

1. The Special Committee considered the question of Gibraltar at its 1123rd meeting, on 25 August 1978.
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 32/42 of 7 December 1977 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. By paragraph 13 of that 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 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-third session". The Special Committee also took into account General Assembly decision 32/411 of 28 November 1977 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 I to the present chapter) containing information on developments concerning the Territory. The Committee also had before it a letter dated 14 August 1978 from the Permanent Representative of Spain to the United Nations addressed to the Secretary-General (see annex II to the present chapter).

#### B. DECISION OF THE SPECIAL COMMITTEE

4. At its 1123rd meeting, on 25 August, following a statement by the Chairman (A/AC.109/PV.1123 and A/AC.109/PV.1108-1133/Corrigendum), the Special Committee decided, without objection, to continue its consideration of the item at its next session subject to any directives which the General Assembly might give in that connexion at its thirty-third session and, in order to facilitate consideration of the item by the Assembly, to authorize its Rapporteur to transmit directly to the Assembly all available information on the question.

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\* Previously issued as part of document A/33/23/Add.3.



ANNEX I\*

Working paper prepared by the Secretariat

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\* Previously issued under the symbol A/AC.109/L.1249 and subsequently amended (see annex II).

## GIBRALTAR a/

### 1. GENERAL

1. The last population census of Gibraltar was taken in 1974. The official census figures, together with the official estimates at the end of 1977, are as follows:

	<u>1974</u> (census)	<u>1977</u> (estimates)
Gibraltarians	19 156	19 424
Other British	6 336	6 215
Aliens	<u>3 870</u>	<u>3 639</u>
Total	29 362	29 278

2. Under the Gibraltarian Status Ordinance enacted in 1962, a Register of Gibraltarians was established. A Gibraltarian is defined as a person whose name is entered in the Register. Either birth in Gibraltar before 30 June 1925 or legitimate male descent from a person so born is a principal qualification for registration; provision is also made for the registration of persons meeting other qualifications, mainly those establishing close relations with Gibraltar.

### 2. POLITICAL DEVELOPMENTS

#### A. Constitution

3. 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, and furthermore 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".

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a/ The information contained in this paper has been derived from published reports and from 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 on 13 September 1977 for the year ending 31 December 1976.

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.

10,000 troops. FRETILIN sources claimed that Indonesia had used napalm and defoliants in the campaign. Simultaneously, at the start of the offensive, President Soeharto of Indonesia made an offer of amnesty to FRETILIN members.

27. Early in October 1977, FRETILIN sources reported a counter-offensive. According to Mr. Alarico Fernandes, Minister of Information for FRETILIN, on 8 October, 350 Indonesian troops had been killed in a clash at the small village of Tapo, near the border with Timor Barat.

28. By the end of 1977, Indonesian sources were stating that there were only a few hundred guerrillas left in the Territory and that since August 40,000 supporters of FRETILIN had surrendered under the amnesty. An article in the New Zealand press suggested, however, that Indonesia might be in control of only about one third of East Timor.

29. In December 1977, the Portuguese press reported that, according to letters received from two missionaries in East Timor, Indonesian troops were continuing the fight against FRETILIN "by land, sea and air". The letters also said that most of the younger people, some 30 per cent of the population, were in the rural areas with FRETILIN, while the Indonesians controlled only the towns.

30. Early in January 1978, FRETILIN sources claimed about 80 Indonesian soldiers had been killed and a 451-strong Indonesian unit had been destroyed in recent clashes.

31. In March 1978, a FRETILIN communiqué reported that FRETILIN anti-aircraft fire had forced an Indonesian Bronco OV-10 aircraft to make an emergency landing at the Dili airport. FRETILIN fire had also hit an Indonesian helicopter which crashed and exploded at Dili. FRETILIN claimed that Indonesia had been using the Bronco aircraft daily to bomb the north-western area of the Territory where guerrilla activities have been more intense in 1978.

32. In April 1978, Indonesian sources reported that as many as 100,000 followers of FRETILIN had surrendered to Indonesian authorities in the past two years, including 60,000 who had surrendered since the amnesty offer in August 1977. FRETILIN sources were quoted as saying, however, that fierce fighting continued in the north-west, and that Indonesian troops were bogged down and taking heavy casualties.

33. In an article published on 19 April 1978, the correspondent of The New York Times in Jakarta reported that Indonesian forces were still fighting an anti-guerrilla war throughout the Territory, and that General Ali Murtopo, Minister of Information of Indonesia, had acknowledged that some 1,000 FRETILIN fighters continued to operate in the mountains of East Timor. He also reported that, owing to the lack of security, Indonesia maintained the Territory as a restricted area, from which foreigners, particularly journalists, were barred.

34. Summing up the conflicting reports on the military situation in East Timor, one observer wrote in March 1978 that the war appeared to be at a stalemate. FRETILIN could not force Indonesia out of East Timor militarily, while Indonesia apparently could not defeat FRETILIN. This source suggested that the situation appeared to favour a negotiated settlement.

B. Discussions on the future of the Territory

11. During 1977, United Kingdom and Spanish authorities held a round of talks on the question of Gibraltar in Madrid, London and Strasbourg, and in 1978, in Paris.
12. Dr. David Owen, the United Kingdom Secretary of State for Foreign and Commonwealth Affairs, visited Spain from 5 to 7 September 1977. During his stay, Dr. Owen met with King Juan Carlos; Mr. Adolfo Suarez, the Prime Minister; Mr. Marcelino Oreja Aguirre, the Minister for External Affairs; and Mr. Felipe Gonzalez, Secretary-General of the Spanish Workers' Socialist Party.
13. During a press conference given at Madrid before his departure for London, Dr. Owen said that he had requested the Government of Spain to reopen its frontier with Gibraltar but had not received any indications of that Government's intentions. He also said that the new Spanish Government had shown itself sensitive to minorities and realized that it had to take into account the views of other people. In Dr. Owen's view, there existed "a degree of sensitivity and understanding which did not exist before" which he considered "the best ingredient" for a settlement. The Government of the United Kingdom, however, had made no commitment to start negotiations. Furthermore, he had made it equally clear to the Spanish authorities that the situation could only be resolved with the consent of the people of Gibraltar. In conclusion, Dr. Owen thought that, with courage and imagination, the problem of Gibraltar could be resolved. The first necessity was to develop a better climate of trust between the peoples of Gibraltar and Spain.
14. On 19 October, Prime Minister Suarez visited London and met with the United Kingdom authorities. While in London, the Spanish Prime Minister said that the citizens of Gibraltar would be welcome to join the new democratic Spain with regional autonomy such as that being offered to the other ethnic groups. He said that the Territory would have to be returned where it belonged, but "it is up to the inhabitants to decide if they will go with it".
15. In a message to the people of Gibraltar, the Spanish Prime Minister said that "for reality and security" they should recognize that the Spanish people were very close to them and that they, in Gibraltar, formed part of the Spanish territory.
16. On 24 November, Dr. Owen and Mr. Oreja Aguirre held further talks at Strasbourg on the future of Gibraltar. Sir Joshua Hassan, the Chief Minister of Gibraltar, and Mr. Maurice Xiberras, the Leader of the Opposition, attended the meeting as members of the United Kingdom delegation. Following the meeting, the two sides issued a communiqué in which it was stated that the meeting had been "friendly, co-operative and constructive", and that the two sides would meet again in 1978. The communiqué referred to the need for "good faith and realism". Details of the discussions were not disclosed.
17. Speaking at a press conference on 30 January 1978, the Spanish Foreign Minister said that Spain would be willing to consider allowing the United Kingdom to continue using the Gibraltar naval base if that Government accepted the Spanish claim to sovereignty over Gibraltar. The Spanish Government, he said, was disposed to recognize Gibraltar's special identity once the colonial process had been terminated.
18. On 15 March 1978, in Paris, Dr. Owen and Mr. Oreja Aguirre resumed discussions

on the future of the Territory. At the meeting, which was also attended by Sir Joshua and Mr. Xiberras as members of the United Kingdom delegation, it was agreed to set up three working parties to study issues such as improving telecommunications and maritime communications between Spain and Gibraltar and the payment of social security benefits to Spanish workers who had lost their jobs in Gibraltar when the frontier was closed nine years ago. Both Dr. Owen and Mr. Oreja Aguirre said that progress was being made in terms of rebuilding confidence between Gibraltar and Spain and that in December 1977 Spain had re-established telephone links with Gibraltar. Further Anglo-Spanish talks are expected to be held later in 1978.

19. On 21 March 1978, it was reported that Sir Joshua and Mr. Xiberras had already made clear that any proposals entailing a major constitutional change would require approval by the people of Gibraltar through a referendum.

### 3. ACTION BY THE GENERAL ASSEMBLY

20. By its decision 32/411 of 28 November 1977, the General Assembly took note of the talks being held on a continuing basis between the Governments of Spain and the United Kingdom on the question of Gibraltar. The Assembly urged both Governments to make possible without delay the initiation of the negotiations envisaged in the consensus approved by the Assembly on 14 December 1973, c/ "with the object of reaching a lasting solution to the problem of Gibraltar, in the light of the relevant resolutions of the Assembly and in the spirit of the Charter of the United Nations".

### 4. ECONOMIC CONDITIONS

21. Gibraltar has no agricultural or other natural resources. Industrial production is limited to a number of small industrial concerns engaged in the bottling of beer, mineral waters, etc., mainly for local consumption. There is a small but important commercial ship-repair yard. Tourism, reported in 1975 to be one of the fastest growing industries in the Territory, showed a sharp decline from that year's level in the following two years, with tourist arrivals falling by 27.3 per cent in 1976 and a further 13 per cent in 1977.

22. Settlement of the 1974 biennial review of wages and salaries in 1976 enabled the real standard of living of most households to be maintained. According to information from official United Kingdom sources, pay increases would lead to parity with United Kingdom wage rates in July 1978 for employees in the public sector. Inflation in Gibraltar during the period 1974-1976 averaged less than 17 per cent a year. In the year ending 31 December 1977, over-all retail prices were said to have risen by 15 per cent.

23. The per capita national income at current prices for 1972/73-1974/75 is shown in table 1 below; the figures in parentheses show the 1974/75 figures expressed at constant 1972/73 prices:

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c/ Official Records of the General Assembly, Twenty-eighth Session, Supplement No. 30 (A/9030), p. 111, item 23.

Table 1

Gibraltar: national income per capita, 1972/73-1974/75  
(Pounds sterling) a/

<u>Per capita</u>	1972/73	1973/74	1974/75
Gross domestic product	548	705	871 (637)
Gross national product <u>b/</u>	717	864	1 081 (791)
Net national product	646	783	994 (727)

a/ The local currency is the pound sterling. At 1 June 1978, £1.00 equalled \$US 1.84.

b/ Estimated at £1,460 per capita in 1976/77.

24. More than 60 per cent of the working population is employed in the public sector. Industrial employment is concentrated mainly in the naval dockyard and in the building and associated industries. During the year under review, there was no perceptible increase in unemployment, with the exception of a small increase in juvenile unemployment. No significant growth in employment opportunities was reported.

25. Gibraltar is well known 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. Cargo traffic is generally confined to imports for the consumption of the inhabitants. 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.

26. 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. The established use of the port for varied, incidental purposes is owed, in part, to its strategic position as 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.

27. In 1976, there was a deficit of £18.7 million in the balance of visible trade (see table 2 below), compared with £16.3 million in 1975. Information received from the United Kingdom sources indicates that the 1977 deficit was £25.7 million. Taking invisibles into account, it was estimated that the 1976 trade balance would show a surplus of from £2 million to £3 million. Official sources indicate that this over-all balance of payment surplus continued in 1977.

Table 2

Gibraltar: imports and exports, 1975-1977  
(Pounds sterling)

	Imports	Exports
1975	27 027 401	10 753 448
1976	32 415 916	13 727 865
1977	39 600 000	13 900 000
Percentage change		
1976	+19.9	+27.7
1977	+22.0	-

28. In 1975/76, revenue totalled £11.8 million, and expenditure amounted to £13 million, including £2.7 million in capital expenditure financed through the Improvement Development Fund (see table 3 below). Public debt charges amounted to £510,830.

Table 3

Gibraltar: revenue and expenditure, 1975/76  
(Pounds sterling)

Revenue

Customs	2 396 358
Port, harbour and wharf dues	147 019
Licences, excise and internal revenue not otherwise classified	4 038 347
Fees of court of office, payments for specific services and reimbursement in aid	794 498
Post office and telegraph	340 318
Rents of government property	612 281
Interest	203 003
Lottery	214 720
Miscellaneous receipts	613 100
Municipal services	2 435 869
Repayment of loans	11 533
	<hr/>
	11 807 046

Expenditure

Social services	4 878 638
Public works	2 728 345
Administration	1 313 438
Justice, law and order	555 321
Public debt charges	510 830
Pensions	569 706
Miscellaneous	970 345
Municipal services	1 487 722
	<hr/>
	13 014 345

29. The majority of government capital investment is financed by the United Kingdom Government through development aid. Expenditure under the Development programme was estimated at £2.1 million for 1977/78 and £7.1 million for 1978/79.



Recent official reports indicate that the United Kingdom Government has agreed to provide £14 million for the period April 1978 to March 1981. Actual expenditure in 1975/76 and 1976/77 is set out in table 4 below.

Table 4

Gibraltar: Development expenditure, 1975/76-1976/77  
(Thousands of pounds sterling)

	1975/76	1976/77
Housing	1 817	742
Education	74	149
Amenities and tourism	127	73
Miscellaneous	58	143
Additional projects	-	71
	<u>2 076</u>	<u>1 178</u>

30. In 1975/76, the Improvement and Development Fund received £1.7 million as follows:

	<u>Pounds sterling</u>
Development aid funds	1 405 924
Contribution from the Consolidated Fund	240 000
Contribution by the United Kingdom Ministry of Overseas Development towards improvement of Reclamation Road	8 429
Contribution towards Gardiner's Road services	3 042
Repayment of loans	1 093
Land sales, Gardiner's Road	170
	<u>1 658 658</u>

## 5. EDUCATION

31. In 1976, estimated recurrent expenditure on education amounted to £900,870, representing 9.4 per cent of total government recurrent estimated expenditure.

32. At 31 December 1976, a total of 4,395 children were enrolled in schools. Education is free and compulsory for all entitled children between the ages of 5 and 15 years.

ANNEX II\*

Letter dated 14 August 1978 from the Permanent Representative of Spain to the United Nations addressed to the Secretary-General

/Original: Spanish/

I have the honour to refer to working paper A/AC.109/L.1249 on Gibraltar, a/ prepared by the Secretariat, which was circulated on 17 July 1978 as a document of the General Assembly and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

With reference to that document, my Government would like to make the following clarifications.

1. In paragraph 16 of that document it is stated that following the Strasbourg meetings between the delegation of the United Kingdom and the Spanish delegation, "the three sides issued a communiqué in which it was stated that the meeting had been 'friendly, co-operative and constructive', and that the three sides would meet again in 1978". Actually, as can be seen from the context of the paragraph in question, there were two sides in the Strasbourg conversations; the Gibraltarian leaders participated only as members of the United Kingdom delegation, as is indicated in the second sentence of paragraph 16. Consequently, the paragraph in question should refer to "the two sides".

2. In paragraph 17 statements made by Don Marcelino Oreja Aguirre, Minister for External Affairs of Spain, at a press conference held on 30 January 1978 are quoted out of context and in a very summary form. My Government wishes to express the most serious reservations concerning the version which that paragraph gives of those declarations and to affirm that in no case can the statements of Mr. Oreja Aguirre be interpreted as meaning that Spain does not consider that the Treaty of Utrecht is in force.

3. In paragraph 18 no mention is made of the fact that the representatives of the Gibraltarian authorities attended the Paris meeting, held on 15 March 1978, as members of the United Kingdom delegation, as had been the case at Strasbourg, and not enough emphasis is placed on the continuation of a constructive dialogue between the Spanish and the United Kingdom delegations with regard to the question of Gibraltar.

4. Paragraph 19 contains statements attributed in a very vague way to "Gibraltar's leaders" with regard to which the Spanish Government has serious reservations.

I would be very grateful if you would have this communication circulated as a document of the General Assembly and 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 and have the appropriate corrections made in document A/AC.109/L.1249.

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\* Previously issued under the symbol A/AC.109/567.

a/ See annex I to the present chapter.

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