

**REPORT
OF THE SPECIAL COMMITTEE ON THE SITUATION
WITH REGARD TO THE IMPLEMENTATION
OF THE DECLARATION
ON THE GRANTING OF INDEPENDENCE
TO COLONIAL COUNTRIES AND PEOPLES**

VOLUME II

GENERAL ASSEMBLY

OFFICIAL RECORDS: THIRTY-FOURTH SESSION

SUPPLEMENT No. 23 (A/34/23/Rev.1)



UNITED NATIONS

New York, 1980

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 VIII to XIII;* volume I, chapters I-VII; volume III, chapters XIV-XXVI; and volume IV, chapters XXVII-XXXIII.

* The present version of chapters VIII to XIII is a consolidation of the following documents as they appeared in provisional form: A/34/23/Add.1 of 25 September 1979, A/34/23/Add.2 of 25 September 1979 and A/34/23/Add.3 of 1 October 1979.

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* The Gilbert Islands acceded to independence on 12 July 1979 as Kiribati.

** St. Lucia acceded to independence on 22 February 1979 as Saint Lucia.

CHAPTER VIII*

SOUTHERN RHODESIA

A. Consideration by the Special Committee

1. The Special Committee considered the question of Southern Rhodesia at its 1139th to 1145th meetings between 23 and 27 April 1979, during its session held at Belgrade.

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 33/38 A and B of 13 December 1978 on the question of Southern Rhodesia and resolution 33/44 of the same date on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. By paragraph 12 of resolution 33/44, 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-fourth 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 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. General Debate

5. At its 1136th meeting, on 4 April, by adopting the eighty-second report of the Working Group (A/AC.109/L.1290), the Special Committee decided to take up the question of Southern Rhodesia during its meetings at Belgrade, to hold a general debate covering the questions of Southern Rhodesia and Namibia and, at the conclusion of the general debate, to adopt a decision covering both items.

* Previously issued under the symbol A/34/23/Add.1.

6. Accordingly, at its 1139th to 1145th meetings, between 23 and 27 April, the Special Committee considered the question of Southern Rhodesia, with the active participation of the representative of the administering Power, as well as the representatives of the national liberation movement, and on the conclusion of the general debate, adopted a Final Document on the Decolonization of Zimbabwe and Namibia (see para. 10 below). Statements in the general debate were made by the representatives of the United Kingdom of Great Britain and Northern Ireland at the 1139th meeting (A/AC.109/PV.1139); Ethiopia, Indonesia and Bulgaria at the 1140th meeting (A/AC.109/PV.1140); Chile, the United Republic of Tanzania, India, Tunisia and Fiji at the 1141st meeting (A/AC.109/PV.1141); Australia, the Union of Soviet Socialist Republics, Iran and Sierra Leone at the 1142nd meeting (A/AC.109/PV.1142); Sweden, the Syrian Arab Republic, China, Cuba and Afghanistan at the 1143rd meeting (A/AC.109/PV.1143); and Trinidad and Tobago, Czechoslovakia, Iraq, the Congo and Yugoslavia at the 1144th meeting (A/AC.109/PV.1144). An additional statement was made by the representatives of the Syrian Arab Republic (A/AC.109/PV.1145).

7. Mr. Tirivafi Kangai and Mr. John Nkomo, the representatives of the Patriotic Front, made statements at the 1139th meeting (A/AC.109/PV.1139).

8. Statements relating to the item were also made by the representatives of the Special Committee against Apartheid, the United Nations Council for Namibia and by the Executive Secretary of OAU to the United Nations at the 1139th meeting (A/AC.109/PV.1139); the representative of the Office of the United Nations High Commissioner for Refugees (UNHCR) at the 1140th meeting (A/AC.109/PV.1140); the representative of the United Nations Educational Scientific and Cultural Organization (UNESCO) at the 1144th meeting (A/AC.109/PV.1144); and the representative of the OAU Co-ordinating Committee for the Liberation of Africa at the 1145th meeting (A/AC.109/PV.1145) (see also vol. I, chap. II, of the present report).

9. With the consent of the Special Committee, the representatives of Algeria, Angola and Greece participated in the Committee's proceedings. Statements were made by the representative of Algeria at the 1143rd meeting (A/AC.109/PV.1143) and by the representative of Angola at the 1144th meeting (A/AC.109/PV.1144).

3. Draft decision

10. At its 1145th meeting on 27 April, the Special Committee adopted the draft text of the Final Document on the Decolonization of Zimbabwe and Namibia (A/AC.109/578) without objection (see para. 12 below). Statements in that connexion were made by the representatives of the Ivory Coast, the Union of Soviet Socialist Republics, Sweden and Australia (A/AC.109/PV.1145).

11. On 27 April, section II of the Final Document (A/AC.109/578) relating to the question of Southern Rhodesia was transmitted to the President of the Security Council (S/13283). On 15 May, the text of the Final Document was transmitted to the Permanent Representative of the United Kingdom to the United Nations for the attention of his Government. Copies of the Final Document were also transmitted to all States and to the specialized agencies and other organizations and bodies within the United Nations system and to OAU.

B. Decision of the Special Committee

12. The relevant sections of the Final Document on the Decolonization of Zimbabwe and Namibia (A/AC.109/578), adopted by the Special Committee at its 1145th meeting, on 27 April, to which reference is made in paragraph 10 above, is reproduced below:

(1) The Special Committee, in the context of the programme of work approved by the General Assembly in its resolution 33/44 of 13 December 1978, accepted with appreciation the invitation of the Government of Yugoslavia in that regard and held a series of plenary meetings at Belgrade from 23 to 27 April 1979 to consider the questions of Southern Rhodesia and Namibia in view of the continued illegal occupation of and domination over these Territories by the racist régimes of Salisbury and Pretoria, a situation which the Security Council has determined as constituting a threat to international peace and security.

(2) At its opening meeting, the Special Committee heard an important and inspiring message from Mr. Josip Broz Tito, the President of Yugoslavia in which he declared that "the eradication of colonialism is not only a matter for the conscience of mankind but is also a prerequisite for the relaxation of tension in the world, for the strengthening of relations of equality among countries and for the safeguarding of peace in the world". President Tito went on to state that "Yugoslavia has always considered that full respect for the principles of sovereignty, independence and equality of all peoples and countries cannot be limited and brought into question for the sake of any interest, no matter whose". President Tito also stressed that "ever since the creation of the non-aligned movement in Belgrade in 1961, the liquidation of colonialism has been one of its most important objectives". The President declared that the moment was right "for the United Nations to express its solidarity and provide effective assistance to the peoples of southern Africa and to take decisive measures to isolate the racist régimes and apply effective sanctions against them". 1/

(3) The Special Committee also heard words of welcome and a key-note address delivered by Mr. Josip Vrhovec, the Federal Secretary for Foreign Affairs of Yugoslavia.

(4) Having considered the questions of Southern Rhodesia and Namibia within the context 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 representatives of the Special Committee against Apartheid and the United Nations Council for Namibia, by the Executive Secretary of the Organization of African Unity to the United Nations, by the representative of the United Kingdom of Great Britain and Northern Ireland, as the administering Power concerned, and by the representatives of Algeria and Angola, as well as by the representatives

1/ A/AC.109/PV.1138.

of the Patriotic Front of Zimbabwe and the South West Africa People's Organization, the Special Committee calls the attention of the international community to the extremely serious situation prevailing in those Territories as a result of the continuing manoeuvres by the illegal racist régime of Salisbury and by the occupying régime of South Africa to perpetuate their illegal domination of these Territories and to impose puppet régimes on the peoples of Zimbabwe and Namibia.

(5) Both the illegal régime of Salisbury and the racist régime of South Africa bear a grave responsibility for the creation of a situation which seriously threatens international peace and security in southern Africa. This has been brought about by their persistent denial to the African peoples of the Territories which they illegally occupy of the most basic human rights, including the inalienable right to genuine self-determination, freedom and independence, by their ruthless resort to violence and repression in an attempt to stifle the genuine aspirations of those peoples, their repeated acts of aggression against neighbouring States and their adamant refusal to comply with the resolutions and decisions of the Security Council.

(6) Faced with this rapidly deteriorating situation, the Special Committee solemnly calls for international solidarity with, and support for, the peoples of Zimbabwe and Namibia and their authentic national liberation movements recognized by the Organization of African Unity and by the United Nations - the Patriotic Front of Zimbabwe and the South West Africa People's Organization - in their just struggle to achieve genuine self-determination, freedom and independence. The Committee urges all States, specialized agencies and institutions associated with the United Nations, as well as non-governmental organizations, to render all possible assistance to the peoples of Zimbabwe and Namibia and their national liberation movements in their struggle to bring an end to colonialism, racism, racial discrimination and apartheid.

(7) The Special Committee strongly condemns the illegal régime of Salisbury and the racist régime of South Africa for their wanton and increasing resort to violence and intimidation against the African peoples under their domination, and for their cynical defiance of the United Nations in its efforts to bring about the genuine and complete decolonization of Southern Rhodesia and Namibia.

(8) The Special Committee reaffirms that any settlement in these Territories can be accepted by the international community only if it is based on genuine independence and with the full participation of the people of the Territory concerned, as represented by its authentic national liberation movement, in conformity with the genuine aspirations of the people and in accordance with the relevant resolutions of the United Nations.

(9) Accordingly, the Special Committee calls upon the entire international community categorically to reject and denounce all manoeuvres by the illegal régime of Salisbury and the occupying régime of South Africa to impose so-

called internal settlements aimed at giving their illegal régimes a semblance of legitimacy. In this connexion, the Committee formally declares that the so-called elections held by the illegal régime in Southern Rhodesia from 17 to 21 April 1979 and the results thereof are null and void and calls upon all States to withhold any recognition whatsoever from any so-called representatives installed or organs established as a result of the bogus elections. The Committee likewise resolutely denounces all efforts being undertaken at present by the South African occupying régime to legalize its own Turnhalle puppet elements in Namibia as a new serious step towards imposing a puppet régime in Namibia and as an extreme affront to the United Nations.

(10) The Special Committee draws attention to the fact that the struggle for liberation in southern Africa has now entered its most critical and decisive phase. It accordingly urges all States, as well as international and non-governmental organizations, to concert their efforts in order to bring about early and just settlements in Southern Rhodesia and Namibia based on majority rule and in conformity with the principles laid down by the United Nations and to step up all-round support and assistance to the national liberation movements -- the Patriotic Front of Zimbabwe and the South West Africa People's Organization -- in their noble struggle to achieve these goals.

(11) The situation in Zimbabwe and Namibia has been exacerbated by the continuing, extensive political, military and economic links of certain Western and other countries with the racist régime of South Africa. The failure so far by the Security Council to adopt effective measures under Chapter VII of the Charter of the United Nations against the South African régime is a major factor in South Africa's continued defiance of United Nations decisions on Zimbabwe and Namibia. Accordingly, the Special Committee appeals to all members of the Security Council and in particular, the Western countries which are permanent members of the Council, to facilitate the imposition of effective measures under Chapter VII of the Charter.

(12) The Special Committee denounces the latest attempts by the occupying régime of Pretoria to proclaim a unilateral declaration of independence in Namibia and reiterates its demand that the régime unconditionally accept and scrupulously implement the United Nations plan on Namibia, as endorsed by the Security Council in its resolution 435 (1978) of 29 September 1978.

I. Southern Rhodesia

(13) In Southern Rhodesia, the illegal racist minority régime has further intensified its inhuman practices of oppression, terror, and intimidation against the people. In a desperate bid to retain its domination over the Territory and to stem the tide of liberation, the illegal régime has resorted to even more ruthless measures, such as its repeated, massive acts of aggression against neighbouring African States, which resulted in the massacre of unarmed civilians, and its attempts to deceive world opinion by imposing the so-called internal settlement.

(14) In the light of the foregoing, the Special Committee:

(a) 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 means at their disposal the enjoyment of that right as set forth in the Charter and in conformity with the objectives of General Assembly resolution 1514 (XV);

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

(c) Strongly condemns the continued war of repression and the intensified oppressive measures against the people of Zimbabwe by the illegal racist minority régime, as well as its repeated acts of aggression against Angola, Botswana, Mozambique and Zambia;

(d) Strongly condemns South Africa and certain Western and other countries for the direct and indirect support they are continuing to give to the illegal racist minority régime in contravention of the provisions of all the relevant resolutions and decisions of the United Nations;

(e) Calls upon the Government of the United Kingdom in the discharge of its primary responsibility as the administering Power to take all effective measures to enable the people of Zimbabwe to accede to independence in accordance with their deep aspirations, to refrain from assisting or encouraging any measures which could hamper this process, and not under any circumstances to accord to the illegal régime any of the powers or attributes of sovereignty;

(f) Condemns and rejects the so-called internal settlement reached at Salisbury on 3 March 1978 as null and void and, in conformity with Security Council resolution 423 (1978) of 14 March 1978, calls upon all States not to accord any recognition to such settlement;

(g) Strongly denounces all other manoeuvres of the illegal racist minority régime aimed at the retention of power;

(h) In particular, strongly condemns and rejects the illegal constitution drawn up in pursuance of the so-called internal settlement as perpetuating the present racist minority rule;

(i) Categorically rejects the so-called elections held under this illegal constitution as not providing for majority rule;

(j) Recalling resolution 445 (1979) of 8 March 1979 of the Security Council, calls upon all States not to accord any recognition whatsoever to any so-called majority Government that may be sought to be formed as a result of the sham elections;

(k) Firmly supports the people of Zimbabwe, under the leadership of the Patriotic Front, in their legitimate struggle to exercise their inalienable right to self-determination and independence by all means at their disposal, and calls upon all States to extend their fullest possible support to them in that regard;

(l) Earnestly requests all States: to exert pressure by all means in order to terminate forthwith all repressive measures perpetrated by the illegal racist minority régime against the people of Zimbabwe; to effect the unconditional and immediate release of all political prisoners and detainees, the removal of all restrictions on individuals as well as all other restrictions on political activity, the establishment of full democratic freedom and equality of political rights and the restoration to the population of fundamental human rights; and to bring about the immediate cessation of all acts of aggression and any preparations therefor against neighbouring States;

(m) Strongly condemns those States which allow or encourage in their territory the recruitment, training and transit of mercenaries for Southern Rhodesia and any facilities related thereto, and calls upon them to take all necessary and effective measures to prevent advertisement for, and recruitment, training and transit of, mercenaries for Southern Rhodesia;

(n) Requests all States to give immediate and substantial material assistance to the Governments of Angola, Botswana, Mozambique and Zambia to enable those Governments to strengthen their defence capability in order to safeguard effectively their sovereignty and territorial integrity.

(15) Further, the Special Committee strongly condemns the increasing collaboration, in violation of Article 2, paragraph 5, and Article 25 of the Charter 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 thus far against the illegal régime. The Committee, deeply disturbed at widespread violations of United Nations sanctions, deems that the serious developments in the area call in particular for urgent, concerted international action with a view to imposing total isolation on the illegal régime. In that connexion, the Committee is deeply concerned that measures approved by the Security Council have so far failed to bring an end to the illegal régime and is convinced that sanctions cannot put an end to the régime unless they are comprehensive, mandatory and strictly supervised and unless measures are taken against States which violate them.

(16) Accordingly, the Special Committee:

(a) Strongly condemns 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 2, paragraph 5, and Article 25 of the Charter of the United Nations,

continue to collaborate with the illegal racist minority régime, and urges those Governments to cease forthwith all such collaboration;

(b) Condemns also those Governments which violate the mandatory sanctions adopted by the Security Council, as well as certain Governments which continue to fail to enforce the sanctions, in contravention of the obligations assumed by them under Article 2, paragraph 5, and Article 25 of the Charter;

(c) Expresses deep concern and indignation at the current moves in the United States of America and the United Kingdom to lift sanctions against the Smith régime in violation of the decisions of the Security Council and draws the attention of these Governments to their responsibility and obligation to comply scrupulously with the decisions of the Security Council;

(d) Calls upon all Governments which thus far have not done so:

(i) 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;

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

(iii) 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;

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

(v) To take all effective measures against international companies and agencies which supply petroleum and petroleum products to the illegal régime in Southern Rhodesia;

(e) Requests all States, directly or within the framework of the specialized agencies and other organizations within the United Nations system of which they are members and through the various programmes within the United Nations system, to extend to the Governments of Angola, Botswana, 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.

(17) The Special Committee also requests urgently 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 governmental and non-governmental organizations concerned and the various programmes within the United Nations, to extend, in consultation with the Governments concerned and in co-operation with the Organization of African Unity and the United Nations High Commissioner for Refugees, as appropriate, the maximum possible moral, financial, material, political and humanitarian assistance to:

(a) The Zimbabwean refugees in Mozambique, Zambia, Botswana and other African countries; and

(b) The national liberation movement of Zimbabwe, the Patriotic Front, in order to enable it to meet effectively the economic and social needs of the people in the liberated areas of Zimbabwe. In the same connexion, the Committee stresses the urgent need for the specialized agencies and other organizations concerned, particularly the United Nations Development Programme, to accord or continue to accord priority to the provision of substantial financial assistance with a view to enabling the national liberation movement to prepare and organize effectively development projects beneficial to the people concerned, and requests those organizations to take immediate steps in that regard in close consultation with the Organization of African Unity.

(18) Further, the Special Committee:

(a) 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;

(b) Welcomes the decision of the Government of Iran to impose an oil embargo against South Africa;

(c) Requests the Security Council urgently to consider imposing sanctions against South Africa which is a main gateway and channel for violation of the Security Council sanctions against Southern Rhodesia and, as a first step in that direction, to impose 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 to Southern Rhodesia.

...

ANNEX*

Working paper prepared by the Secretariat

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* Previously issued under the symbol A/AC.109/L.1284 and Add.1.

1. GEOGRAPHY 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, Botswana on the south-west, South Africa on the south and Mozambique on the east and north-east.

B. Population and emigration

2. At 31 December 1977, the total population of Southern Rhodesia was estimated at 6.9 million, a/ composed of Africans, Europeans, Asians and Coloureds (see table 1 below). According to the estimates, the African population increased by 240,000 from December 1976 to December 1977, accounting for almost all of the 3.5 per cent population increase during that period. Over the same months, the European population declined for the second successive year in the history of the Territory. The decrease, estimated at 10,000 (double the figure of 1976), was attributed to the high rate of European emigration (see table 2 below). In December 1977, there were estimated to be 6.6 million Africans and 263,000 Europeans in Southern Rhodesia.

3. According to reports, the rate of emigration from Southern Rhodesia, which began to rise in 1973, has remained very high. Combined with the steadily declining rate of immigration, the net exodus reached an all-time high in 1977 (see table 2 below). Since the signing of the Rhodesia Constitutional Agreement (known as the Salisbury Agreement), on 3 March 1978, b/ the rate of white emigration has further accelerated. By mid-1978, it was calculated that 2 per cent of the estimated 260,000 whites had left Southern Rhodesia. The monthly net loss of whites was reported to have been 471 in March, 1,111 in July, 1,245 in August and 1,522 in October, the highest monthly exodus in 15 years. In the first 10 months of 1978, the net loss amounted to 9,104. By the end of December 1978, 18,000 whites were reported to have left the Territory, compared with 16,638 in the previous year.

4. Many professional people have joined the exodus from the Territory. According to reports, in 1978 the Territory had a net loss of 121 teachers, 68 engineers, 66 accountants and auditors, 53 nurses and more than 420 artisans. Further, many

a/ Other estimates put this figure at 7.0 million, which gives an African/European ratio of almost 27:1 compared with the 1976 ratio of 24:1.

b/ See Official Records of the General Assembly, Thirty-third Session, Supplement No. 23 (A/33/23/Rev.1), vol. II, chap. VII, annex, paras. 57-63. See also para. 35 below.

Table 1

Southern Rhodesia: estimated population, 1968-1977

(in 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	6 320	273	10.2	22.0	6 630
1977	6 560	263	10.3	23.0	6 860

Source: Southern Rhodesia, Economic Survey of Rhodesia, Ministry of Finance (Salisbury, Government Printer, July 1978).

Table 2

Southern Rhodesia: migration of Europeans, 1968-1977

Year	Immigrants	Emigrants	Net migration
1968	11,864	5,650	+6,214
1969	10,929	5,890	+5,039
1970	12,227	5,896	+6,331
1971	14,743	5,336	+9,407
1972	13,966	5,141	+8,825
1973	9,433	7,751	+1,682
1974	9,649	9,069	+580
1975	12,425	10,497	+1,928
1976	7,782	14,854	-7,072
1977	5,730	16,638	-10,908

Source: Southern Rhodesia, Economic Survey of Rhodesia, op. cit.

of those who left in 1978 were white males between the ages of 18 and 50 years and thus eligible for military conscription.

5. The intensive demand for air passage out of the Territory caused Air Rhodesia and South African Airways to increase their flights out of the Territory in mid-December.

6. Some observers believe that white emigration would have been higher if the illegal régime had not imposed strict limits on the export of funds. In August 1976, it was announced that any family emigrating from the Territory could only take out up to \$R 1,000 c/ 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. 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.

c/ One Southern Rhodesian dollar (\$R 1.00) is equivalent to approximately \$US 1.40.

7. The number of tourists visiting the Territory has also decreased. According to the figures of the Southern Rhodesia Central Statistical Office, d/ the number of visitors to the Territory in 1977 was about 121,979, compared with 169,854 in the previous year.

2. ATTEMPTS AT A PEACEFUL SETTLEMENT

A. Anglo-American proposals

8. Since 1977, the United Kingdom of Great Britain and Northern Ireland, supported by the United States of America, has continued in its efforts to find a peaceful settlement to the problem of the transfer of power in Southern Rhodesia from the white minority to the African majority. e/

9. On 1 September 1977, proposals for settlement of the Southern Rhodesian problem 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.

10. 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.

d/ 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.

e/ Official Records of the General Assembly, Thirty-second Session, Supplement No. 23 (A/32/23/Rev.1), vol. II, chap. VII, annex, paras. 15-59; *ibid.*, Thirty-third Session, Supplement No. 23 (A/33/23/Rev.1), vol. II, chap. VII, annex, paras. 24-56.

"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." f/

11. As there was no full agreement on these points by all the parties concerned, g/ it was hoped that the differences could be settled at an all-party conference. In April 1978, 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, visited Africa to hold consultations with officials of the Patriotic Front at Dar es Salaam and with representatives of the illegal régime at Salisbury regarding the possibility of holding such a conference. The Patriotic Front was reported to have accepted the suggestion but the illegal régime, after a period of reflection, rejected the idea, stating that, in its view, such a conference would not serve any useful purpose.

12. Subsequently, two further efforts were made to persuade the illegal régime to agree to an all-party conference. Early in June 1978, Mr. John Graham, Deputy Under-Secretary at the United Kingdom Foreign and Commonwealth Office, and Mr. Steven Low, the United States Ambassador to Zambia, visited Botswana, Mozambique, Southern Rhodesia, the United Republic of Tanzania and Zambia, to consult with representatives of the front-line States and the concerned parties to the Southern Rhodesian problem. There were further consultations in August with the same parties in Africa. These efforts also failed to secure the agreement of the illegal régime to attend an all-party conference.

13. During this period (see paras. 32-33 below), Mr. Ian Smith was still hoping to split the Patriotic Front h/ by persuading Mr. Joshua Nkomo to join the illegal régime. His plans failed, however, and Mr. Nkomo subsequently decided that the convening of an all-party conference would not lead to a transfer of power to the Patriotic Front.

14. Once it became clear that Mr. Nkomo would not attend an all-party conference, Mr. Smith and his colleagues, during their visit to the United States (see paras. 49-53 below), agreed to attend an all-party conference without pre-conditions in the hope of securing wider support from the United States Congress and other groups.

15. As part of its efforts to find a peaceful solution, the United Kingdom initially developed a second option to the September 1977 Anglo-American proposals and in October 1978 added a further option. These options, known as options A, B and C, deal with the problem of the transfer of power from the white minority to the African majority.

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

g/ Official Records of the General Assembly, Thirty-third Session, Supplement No. 23 (A/33/23/Rev.1), vol. II, chap. VII, annex, paras. 31-56.

h/ The Patriotic Front was formed in October 1976 under the joint leadership of Mr. Joshua Nkomo of the Zimbabwe African People's Union (ZAPU) and Mr. Robert Mugabe of the Zimbabwe African National Union (ZANU) (see also para. 32 below).

16. It will be recalled that under the September 1977 proposals (see paras. 9-10 above), there would be a resident commissioner who was "to administer the country, to organize and conduct general elections ... and to take command, as Commander-in-Chief, of all armed forces in Rhodesia, apart from the United Nations Zimbabwe Force". i/ According to reports, options A and C suggest a governing council in the transitional period whose major functions would be to elaborate the constitution and prepare for elections within six months after the establishment of a transitional administration. The difference between options A and C is said to be that, in option A, the resident commissioner would simply be one of the members of the council, while, in option C, he would be chairman with a casting vote.

17. In a statement before the Fourth Committee on 8 November 1978, j/ the representative of the United Kingdom stated that options A and C proposed a transitional period of six months starting with the transfer of power by the illegal régime and ending with elections and independence.

18. Under option B, Zimbabwe could become independent within three months of the start of the transition, subject to a referendum of all the people in which they would be asked whether they wished to go forward to independence on that basis or not. The United Kingdom representative explained that, under option B, if a majority voted for independence on that basis, the transitional constitution would remain temporarily in force until it was superseded, after a general election for a national assembly, by the constitution of an independent Zimbabwe. On the other hand, if the majority of voters did not support the proposal for independence on that basis, Southern Rhodesia would continue its dependent status under the transitional constitution until elections were held, no later than six months after the referendum.

19. Thus, the difference between option B on the one hand and options A and C on the other is that in the latter two options, elections would be held before independence and within six months of the establishment of the transitional administration. In option B, there would be no elections before independence, which would be granted within three months of the establishment of the transitional administration; instead, the people of the Territory would be consulted by means of a referendum during the three months before independence.

20. All three options are said to propose that the governing council established for the transitional period should have eight members, with four seats for the Patriotic Front (two for each party in the Front) and the other four seats for the illegal régime (with one seat for each party). Also, all three options provide for the integration of the security forces of the illegal régime with the forces of the Patriotic Front but leave the procedures for doing so to be decided at an all-party conference.

i/ Official Records of the Security Council, Thirty-second Year, Supplement for July, August and September 1977, document S/12393, enclosure, para. 11 (a).

j/ Official Records of the General Assembly, Thirty-third Session, Fourth Committee, 19th meeting, paras. 41-42.

21. According to the United Kingdom Government, k/ the three options do not change the basic principles laid down in the September 1977 Anglo-American proposals; they are viewed as a refinement of the original proposals intended to encourage the parties concerned to get together and negotiate.

22. On 1 November 1978, Mr. Edgar Tekere, the Secretary-General of ZANU (Mugabe), speaking before the Fourth Committee as part of the Patriotic Front delegation, said that the Geneva Conference of 1976 had achieved one point of agreement: elections before independence in Zimbabwe. Therefore, ZANU was surprised that "the Anglo-Americans clearly proposed in option B that there be no elections in Zimbabwe until after independence". He added that ZANU was of the opinion that the proposed fusion of the liberation forces was weighted in favour of the illegal régime and ZANU would not accept such fusion. l/

23. He also said that the Patriotic Front was "not prepared to attend a conference without pre-conditions because we desire to lay down pre-conditions and have in fact long made such pre-conditions known, the most fundamental ones being that the entire Salisbury régime must go and the enemy forces must be completely dismantled". l/

24. On 1 November 1978, Mr. Callistus Ndlovu, the representative of ZANU at the United Nations, speaking before the Fourth Committee as part of the Patriotic Front delegation, reiterated the statement made by Mr. Joshua Nkomo in September 1978 that "the all-party conference is dead and buried", adding that "this is our final stand". In his view, the idea of the conference had been killed by "Western duplicity and the cunning callousness of Ian Smith ... whom the West has recently sought to clothe in a gown of respectability". Moreover, in the absence of a resolve by the United Kingdom to provide decisive leadership in any negotiations, the all-party conference would become an "all-fool circus", and thus it would make very little sense to attend such a conference. m/

25. On 21 November 1978, the illegal régime issued a statement to the press calling once again on the Governments of the United States and the United Kingdom "to rethink their policy on Rhodesia and to abandon the veto they have for so long accorded the Patriotic Front". According to the statement, everybody who was prepared to participate in peace would be welcome to take part "in free and fair elections" under the 3 March Agreement. It denied any responsibility for the failure of "the current British-American policy on Rhodesia".

k/ The Times (London), 24 October 1978.

l/ For the full text of the statement, see A/C.4/33/L.3. See also Official Records of the General Assembly, Thirty-third Session, Fourth Committee, 12th meeting, paras. 3-10.

m/ For the full text of the statement, see A/C.4/33/L.4. See also Official Records of the General Assembly, Thirty-third Session, Fourth Committee, 12th meeting, paras. 13-24.

26. On 23 November, Mr. James Callaghan, the Prime Minister of the United Kingdom, stated in Parliament that he was sending Mr. Cledwyn Hughes, a senior Labour Party member of Parliament, as his personal emissary to southern Africa to find out from the interested parties whether a basis existed for calling an all-party conference on Southern Rhodesia in London early in 1979. Mrs. Margaret Thatcher, the leader of the Conservative Party, and Mr. David Steel, the leader of the Liberal Party, are reported to have warmly commended the choice of Mr. Hughes.

27. In the same statement, Mr. Callaghan said that he was taking that initiative after consultations with President Jimmy Carter of the United States and that Mr. Low, the United States Ambassador to Zambia, would accompany Mr. Hughes on the mission. Mr. Callaghan added that he would be willing to preside at the conference whenever it was held.

28. The Prime Minister recalled that in April 1978 the Patriotic Front had agreed to attend an all-party conference but that the Salisbury parties to the internal settlement had refused an offer to participate in such a meeting. In October 1978, the Salisbury parties had stated that they were willing to attend an all-party conference without pre-conditions, but at that time the Patriotic Front "appeared to be unconvinced" that the basis for a successful all-party conference existed. While the United Kingdom and the United States had not set conditions for the attendance of the parties at the conference, they believed that a conference would most likely succeed if there was a basic framework; in consultation with all the parties, they had been trying to identify such a basic framework.

29. The Prime Minister added that the United Kingdom would begin such a conference by putting forward the Anglo-American proposals which had been worked out and refined in the light of many consultations and conversations. If other proposals were put forward and received the consent of all the parties concerned while matching the principles with which both sides of the House of Commons had complied, the United Kingdom would not adhere rigidly to the Anglo-American proposals.

30. On 29 November 1978, Mr. Hughes held a meeting with President Mwalimu Julius K. Nyerere of the United Republic of Tanzania at Dar es Salaam. Thereafter, he proceeded to South Africa, Zambia, Southern Rhodesia, Botswana, Mozambique and Nigeria. He consulted with the interested parties, including heads of State and leaders of the respective factions of the Zimbabwe nationalist movement in each country, and with officials of the illegal régime. President Nyerere and Mr. Mugabe are reported to have told Mr. Hughes that any conference had to be based on the Anglo-American proposals of September 1977. President Kenneth Kaunda of Zambia is said to have expressed the view that the time was not ripe for an all-party conference. Mr. Nkomo was reported as saying that the idea of an all-party conference was a "non-starter". The illegal régime is said to have reiterated its position that it was prepared to attend the conference without any pre-conditions. In Nigeria, Lieutenant-General Olusegun Obasanjo is reported to have described the idea of an all-party conference as "dead". Mr. Hughes returned to London on 14 December and subsequently submitted his report to Mr. Callaghan, which the Prime Minister accepted. The following are the main conclusions of his report, which was published in January 1979:

(a) The parties are very far apart and there is at present no possibility of bringing them close enough to reach an agreement.

(b) The Governments of the United Kingdom and the United States should remain firmly committed to the search for a negotiated settlement.

(c) Meanwhile, the Anglo-American settlement proposals of September 1977 should remain available as the best basis "we can see at the present for an eventual settlement".

(d) The Governments of the United Kingdom and United States should continue consultations regarding any further steps which might be taken to improve the prospects for successful negotiations and to prepare to take advantage of any opportunity which might occur in order to promote a peaceful settlement.

31. Dr. Owen and Mr. Vance held further discussions on the question of Southern Rhodesia at Washington D.C. on 2 and 3 February 1979. In a joint statement, after the discussions, they expressed the view that there appeared to be no solution or end to the war in sight. They considered that the white referendum held on 30 January in the Territory was a futile gesture. In conclusion, they reaffirmed their commitment to creating an independent black-ruled Rhodesia through elections supervised by the United Nations, to be held following the implementation of a cease-fire and the setting up of a neutral, transitional administration.

B. Smith-Nkomo meeting

32. According to reports, Mr. Smith and Mr. Nkomo met secretly at Lusaka in mid-August in the presence of Brigadier General Garba of Nigeria and some senior officials of the Zambian Government. Mr. Smith is reported to have insisted that he attended the meeting with the full knowledge of Bishop Abel Muzorewa, President of the United African National Council (UANC), the Reverend Ndabaningi Sithole n/ and Chief Jeremiah Chirau, President of the Zimbabwe United People's Organization (ZUPO) (his colleagues on the Executive Council established in accordance with the Salisbury Agreement of 3 March 1978). After the meeting, reports suggested that Mr. Smith had offered Mr. Nkomo the permanent chairmanship of the Executive Council if he returned to Southern Rhodesia without Mr. Mugabe, but Mr. Nkomo is reported to have refused to return without Mr. Mugabe. Mr. Smith then offered to continue negotiations between himself and Chief Chirau on the one hand and Mr. Nkomo and Mr. Mugabe on the other. He is reported to have told Mr. Nkomo that he was prepared to drop Bishop Muzorewa and the Reverend Sithole if Mr. Nkomo could deliver Mr. Mugabe.

33. The Presidents of the front-line States (Angola, Botswana, Mozambique, the United Republic of Tanzania and Zambia) met at Lusaka from 2 to 3 September 1978.

n/ In May 1978, when the illegal régime announced that it was lifting the ban imposed in 1964 on ZANU and ZAPU, the Reverend Sithole changed the name of his organization, formerly the African National Council of Zimbabwe (Sithole), (ANC (Sithole)), to ZANU (Sithole). The leadership of ZANU has, since 1974, been contested by Mr. Mugabe and the Reverend Sithole.

They are said to have discussed, among other things, the report of the secret meeting between Mr. Smith and Mr. Nkomo. According to President Nyerere, the front-line States concluded that Mr. Smith's intention in meeting Mr. Nkomo was "clearly to try and divide the Patriotic Front and if possible to divide the front-line States". President Nyerere stated that the front-line States preferred talks on Southern Rhodesia to be with the United Kingdom, as the colonial Power, and on the basis of the Anglo-American proposals.

C. Resignation of Lord Carver

34. On 30 November, the United Kingdom Foreign Office announced the resignation of Lord Carver, who had been appointed by the United Kingdom to be the resident commissioner for Southern Rhodesia under the Anglo-American proposals of 1 September 1977. The Foreign Office stated that he would not be replaced immediately and that another appointment would be made only after agreement had been reached by all parties to the Southern Rhodesian problem. It was partly because of the proposed powers of the resident commissioner that both the Patriotic Front and the illegal régime were reluctant to accept the Anglo-American proposals, both sides being of the opinion that the Anglo-American proposals had concentrated too much power in the resident commissioner. o/

o/ For the powers of the resident commissioner, see Official Records of the Security Council, Thirty-second Year, Supplement for July, August and September 1977, document S/12393.

3. STATUS OF THE INTERNAL SETTLEMENT

35. It will be recalled that the Salisbury Agreement of 3 March 1978 was signed by Bishop Muzorewa (UANC), the Reverend Sithole (ZANU (Sithole)), Chief Chirau (ZUPO) and Mr. Smith (the Rhodesia Front). The Agreement was intended to provide an internal settlement to the Southern Rhodesian problem, as an alternative to the Anglo-American proposals. Under the Agreement, a Government, known as the transitional Government, was established comprising an Executive Council and a Ministerial Council. The Executive Council consists of the four leaders of the parties who signed the Agreement and the Ministerial Council consists of 18 members: 9 Africans appointed by the African leaders and 9 whites appointed by Mr. Smith. The Agreement provided, inter alia, that the Territory would attain "independence" on 31 December after elections. p/

36. From the outset, it became clear that the new governmental structure gave the African members very little real control. At the same time, the African leaders gradually became pitted against each other in a struggle for power while Mr. Smith manoeuvred to ensure continued white control even after independence, with the result that the drafting of the constitution and measures to redistribute land and repeal the discriminatory laws were all delayed.

37. On 16 November 1978, following a visit by the four leaders to South Africa, where they met Prime Minister P. W. Botha, the so-called transitional Government announced that because the drafting of the constitution had not been completed, the elections originally planned for December (see para. 35 above) would be postponed to 20 April 1979. No new independence date was set, but a new timetable was established as follows: (a) the drafting of the constitution would be completed by 22 December 1978; (b) the draft constitution would be submitted on 30 January 1979 to a referendum in which only the white electorate of 93,000 would participate; (c) the present Parliament would be recalled on 6 February and dissolved on 8 March; (d) nominations for the 72 African and 28 white seats as provided in the Salisbury Agreement would be completed by 23 March; and (e) the elections would be held on 20 April.

38. After a 10-hour meeting of the officials of the illegal régime, Bishop Muzorewa, who earlier had warned of dire consequences if elections were postponed, said that he was satisfied with the postponement.

39. By the end of the year, the new illegal régime had become discredited in the eyes of the Zimbabweans who had been led to hope that the internal settlement would lead to genuine majority rule. Further, the promised cease-fire had not been realized. In fact, as stated below (see paras. 102-107), guerrilla warfare intensified, engulfing the entire Territory.

p/ For details of the Salisbury Agreement, see Official Records of the General Assembly, Thirty-third Session, Supplement No. 23 (A/33/23/Rev.1), vol. II, chap. VII, annex, paras. 57-77.

A. Land distribution

40. As stated in an earlier report of the Special Committee, the Land Apportionment Act of 1930, which was replaced by the Land Tenure Act of 1969, had provided the mechanics for the allocation of land according to race. q/ Following its establishment, the new illegal régime announced that it would repeal the Land Tenure Act. (By the end of 1978 this had not yet been done.)

41. On 10 August 1978, the illegal régime revealed that 4 million hectares of the land allocated to Europeans were "vacant and under-used". It announced that it planned to resettle the land "with qualified farmers of any race, with preference being given to ex-servicemen of all races". It instructed the Rural Development Board to settle the farms on an individual title basis "without creating uneconomic individual holdings". According to the illegal régime, the land resettlement programme will cost \$R 116 million.

B. Racial discrimination

42. After the signing of the Salisbury Agreement, the illegal régime announced its intention to repeal all race laws, and reiterated that intention on 10 October, but it now appears that no action will be taken until the Parliament begins its session in February 1979.

43. According to one report, although the illegal régime intends to abolish all statutory racial discrimination, it is preparing a system that preserves the privileges enjoyed by the country's white minority. The system under consideration would set economic and cultural requirements which would effectively limit access of the Territory's 6.5 million blacks to housing, education and the medical care now available to 263,000 whites. The economic requirements are likely to favour the whites, whose average annual income is reported to be 11 times that of an average black.

44. Mr. Rowan Cronje, the white Co-Minister of Education, Health, Manpower and Social Affairs, is reported to have said that the new plans were designed to "retain the high standards to which both the white and the blacks have become accustomed". Although these new plans are said to be based on a three-tiered arrangement, in essence, the facilities formerly available only to whites would admit only those Africans who could meet what are considered to be European standards. In the school and hospital systems, for example, one tier would have high fees combined with certain requirements. African children whose parents are capable of paying the high fees would be required to prove that they meet certain academic or other requirements. The other two tiers would comprise schools and hospitals providing services at low fees or free of charge.

q/ For details on the distribution of land under the two Acts, see Official Records of the General Assembly, Thirtieth Session, Supplement No. 23 (A/10023/Rev.1), vol. II, chap. IX, annex, paras. 5-6.

45. On 30 November, it was also announced that education and health would be regulated by regional authorities composed of members elected by local communities. Since there has traditionally been a separation of the black and white communities, this proposal is viewed as an attempt to perpetuate racial discrimination in education and health after the elections of 20 April 1979. At the same time, it was announced that hospital fees in hospitals now reserved for whites would be raised on 1 January 1979 by a minimum of 33.3 per cent. In some cases, fees for care in private wards would be increased from \$R 6.00 to \$R 15.00 per day, and fees for care in general non-resident wards from \$R 10.50 to \$R 15.00. After 1 January, those hospitals would be called "open" hospitals available to anyone who could pay. The new fees are beyond the paying capacity of most Africans.

46. Similarly, although white residential areas would be open to all races, laws to maintain "the present standards and character" of these neighbourhoods would be enacted. Property owners could still refuse to sell or lease to anyone on racial grounds.

47. Africans in the Territory are reported to be disappointed with the announced plans, holding the view that economic discrimination would have the same effect as racial discrimination. According to reports, only about 15,000 Africans in the Territory could qualify for the privileges reserved for those with high incomes, while every white person could meet those qualifications.

48. Those provisions which would be included in the Education Act, the Medical Services Act and the Housing Standards Control Act, would be entrenched, requiring the affirmative vote of 78 members of the house of assembly to be amended (see also para. 74 below).

C. Efforts to secure United States support

49. On 4 October 1978, the United States granted visas to the four leaders of the illegal régime (Mr. Smith, Bishop Muzorewa, the Reverend Sithole and Chief Chirau) who had been invited to visit the United States by a group of 27 United States senators. Mr. Smith and the Reverend Sithole arrived in the United States on 7 October and Bishop Muzorewa and Chief Chirau arrived on 13 October.

50. While in the United States, the four leaders met with congressmen, journalists and groups of interested persons, with the objective of taking their case "to the American people". They argued that guerrilla warfare continued in Southern Rhodesia "only because it is supported by the British and the Americans" and called on the United States to recognize their internal settlement (Salisbury Agreement) of 3 March 1978.

51. On 9 October, Mr. Smith and the Reverend Sithole met with Mr. Vance, the United States Secretary of State, and Mr. Peter Jay, Ambassador of the United Kingdom to the United States. According to a State Department press release,

representatives of the United States and the United Kingdom told Mr. Smith and the Reverend Sithole that "the only way to avoid a growing, bloody and dangerous civil war in Rhodesia would be for all the parties to meet with each other and agree upon a fair and peaceful solution". Urging the four leaders to attend an all-party conference, the representatives of the two Western Powers declared: "As we have previously proposed in the Anglo-American plan, the road to independence could lie through an impartially administered transition period leading to fair elections; a cease-fire; international observation; and a constitution for Rhodesia that would preserve the rights of white as well as black citizens. But we will support any solution agreed among the parties."

52. The four leaders continued to meet with congressmen and other leading United States figures, including Mr. Henry Kissinger, the former United States Secretary of State. In a meeting with the Senate Foreign Relations Committee on 12 October, they announced that they had "always" accepted the idea of attending an all-party conference without pre-conditions.

53. On 20 October, the United States Department of State invited the four leaders to a second meeting with senior officials of the State Department and of the United Kingdom. At the meeting, the four leaders formally agreed to attend an all-party conference and also agreed to a tentative agenda to discuss the following: (a) the setting up of a transitional administration; (b) the question of elections; (c) the composition of the national army; (d) the cease-fire; and (e) the constitution of Zimbabwe.

54. Reacting to the presence of the four leaders of the internal settlement in the United States, the Security Council adopted resolution 437 (1978) on 10 October, in which it noted with regret and concern the decision to allow the leaders to enter the United States, a decision which it considered as being in contravention of its resolution 253 (1968) of 29 May 1968. The Security Council also expressed the hope that the United States would continue to exert its influence in order that genuine majority rule might be achieved in Southern Rhodesia without further delay. In a statement after the vote, the United States representative explained that the visas had been issued to "permit a continuation of the discussions which the United States and others have pursued in a variety of locations with the many parties involved in the tragedy of Rhodesia". r/

55. In a statement to the press, the Patriotic Front condemned the United States for its action. Speaking on behalf of the Patriotic Front, Mr. Mugabe stated that it no longer accepted that the United States had any role to play in the settlement of the Southern Rhodesian problem. According to the Patriotic Front, the United States had "tilted" towards the illegal régime. The Patriotic Front further stated that it regarded the tentative agenda proposed in Washington, D.C. (see para. 53 above) as pre-conditions. The proposed agenda was unacceptable to the Patriotic Front, which considered that it should contain only one item, namely, the transfer of power from the illegal régime to the majority of the people.

r/ Official Records of the Security Council, Thirty-third Year,
2090th meeting.

D. Draft constitution

56. On 2 January 1979, the illegal régime published Proposals for a New Constitution for Rhodesia. s/ According to the proposals, the name of the Territory would be Zimbabwe Rhodesia. There would be a president appointed by an electoral college consisting of the members of the senate and the house of assembly. The president would be the constitutional head of State, acting on the recommendation of the executive council or "some other person or authority".
57. The legislature would consist of the president and parliament, comprising a senate and a house of assembly. The senate would consist of 30 senators, of whom 10 would be blacks elected by the 72 black members of the assembly; 10 would be whites elected by the 28 white members of the assembly; and 10 would be African chiefs elected by the Council of Chiefs, 5 of whom would be from Mashonaland and 5 from Matabeleland.
58. The house of assembly would consist of 100 members as follows:
- (a) Seventy-two seats would be reserved for blacks elected by voters on the common voters roll to represent 72 constituencies. For the first general election, however, those members would be elected on a "party-list" system and not on a constituency basis. The existing provinces would each be allocated seats as follows: Manicaland, 10; Mashonaland Central, 5; Mashonaland East, 15; Mashonaland West, 6; Matabeleland North, 10; Matabeleland South, 5; Midlands, 11; and Victoria, 10. Any registered political party would be entitled to submit a list of candidates for each province. If a party received less than 10 per cent of the votes actually cast in any province in an election, it would be excluded from the allocation of seats for that province.
 - (b) Twenty seats would be reserved for whites elected on a preferential voting system by voters enrolled in the white constituencies.
 - (c) Eight seats would be reserved for whites elected by the 92 members of the house of assembly from 16 candidates nominated by the 28 white members of the outgoing Assembly. For the purposes of the first election, the 16 candidates would be nominated by the 50 white members of the present assembly who are all Rhodesia Front members.
59. At the end of 10 years, or after the second parliament, whichever was the later, a commission would be established to review the question of retaining the 28 white seats, on which it would report to the house of assembly.
60. All citizens 18 years of age or over would be eligible to register on the common voters roll. All whites 18 years of age or over would also be eligible to register on the white voters roll, and would thus have two votes.
61. The president would appoint a prime minister whom, in his discretion, he considered to be best able to command the support of the majority of the members of

s/ Southern Rhodesia, Cmd. R.P. 2-1979, Salisbury.

the house of assembly. The president, acting on the advice of the prime minister, would appoint ministers and deputy ministers who would hold office during the pleasure of the president. A minister or deputy minister who was not a member of the senate or the assembly could not hold office as such for longer than four months, unless he became a member of either house. The president, acting on the advice of the prime minister, would appoint ministers to the executive council.

62. During the first five years or the life of the first parliament, whichever was the longer, the president, acting on the advice of the prime minister, would be required to appoint ministers from each political party represented in the house of assembly by five or more members in proportion to the number of seats it had in the assembly. Each minister appointed would be a member of the executive council. In recommending the appointment of ministers from any of the political parties, the prime minister would be required to act on the advice of the leader of that party.

63. The president could at any time declare a state of public emergency. Unless such a declaration was approved by a resolution passed by the house of assembly, it would cease to have effect at the expiration of 14 days after the declaration or, if parliament was dissolved within that period of time, at the expiration of 30 days after the declaration. If so approved, the state of emergency would continue in force for not longer than six months and could be renewed from time to time or revoked by resolution of the assembly.

64. Judicial authority would be vested in the high court, which would consist of an appellate division and a general division. The chief justice and other judges of the high court would be appointed by the president on the advice of the judicial service commission. There would be a senior puisne judge who, subject to the directions of the chief justice, would be in charge of the general division. A person could not be qualified for appointment as a judge unless he was or had been a judge in a country in which the common law was Roman-Dutch and English was an official language, or unless he had been qualified to practise as an advocate for not less than 10 years in Southern Rhodesia or in a country in which the common law was Roman-Dutch and English was an official language.

65. The judicial service commission would consist of the chief justice, who would be chairman, the chairman of the public service commission and one other member appointed by the president on the advice of the chief justice. The third member must be a person who was or had been a judge of the high court or who was an advocate or attorney of not less than 10 years' standing.

66. The law to be administered by the courts would be the law in force in the Colony of the Cape of Good Hope on 10 June 1891, as modified by subsequent legislation having the force of law in Southern Rhodesia. Thus, laws not repealed in the Territory after independence would remain in force.

67. The public service commission would be responsible for regulating and controlling the organization of the public service and the prison service. The commission would consist of a chairman and not less than two and not more than four other members appointed by the president. The chairman and at least one other member or (if there were more than three members of the commission), at least

two other members should be persons who had held the post of secretary of or deputy secretary or under-secretary in a ministry of the public service or a post in the public service of a grade equivalent to, or higher than that of, under-secretary for periods which in the aggregate amounted to at least five years. When considering candidates for appointment to a vacant post in the public service or prison service, the commission would be required to give preference to the person who, in its opinion, was the most efficient and suitable for appointment.

68. The police force would be under the command of a commissioner of police who would be appointed by the president on the recommendation of the judicial service commission. A person could not be appointed commissioner of police unless he had held the rank of assistant commissioner in the police force or any more senior rank for periods which in aggregate amounted to at least five years.

69. The defence forces would consist of an army, an air force and any other branch established by law. Each branch would have a commander responsible for the control, administration and operation of his branch. Each commander would be appointed by the president, acting on the recommendation of a board appointed for the purpose which would consist of the retiring commander or, if he was not available, the chairman of the defence forces service commission, one of the other commanders and a third member appointed by the president who was a secretary of a ministry in the public service. There would be provision for the prime minister, if he considered it to be necessary, to appoint a person recommended by the commanders of the army and air force to be commander of combined operations.

70. Both the police service commission and the defence forces service commission would be under the chairman of the public service commission and each would have a membership of not less than two and not more than four other members appointed by the president. Of the members appointed by the president, at least two would have to be persons who had held the rank of assistant commissioner, in the case of the police service commission, and the rank of colonel in the army or group captain in the air force, in the case of the defence forces service commission, or any more senior rank for periods which in the aggregate amounted to at least five years. The functions of those commissions would be to consider grievances by members of the police and defence forces, to consider and confirm any proposal to dismiss a member with more than two years' service, to make regulations for the general well-being and good administration of the forces and to maintain their efficiency.

71. Persons now citizens of Southern Rhodesia would continue to be citizens of Zimbabwe-Rhodesia. In addition, persons who at the fixed date (to be published) possessed or were entitled to dual citizenship would be able to retain such dual citizenship or their right thereto. A person who held a foreign passport would not be required to surrender it, nor would he or she be denied a passport of Zimbabwe Rhodesia because of it.

72. Certain provisions of the draft constitution, such as those relating to the head of State, the executive, the legislature, the judiciary, the service commissions and the services and forces, finance, the declaration of rights and the amendment of the constitution and the transitional provisions would be specially

entrenched. The effect of that special entrenchment would be such that to amend those provisions, a bill would have to receive the affirmative votes of at least 78 members of the house of assembly. The amendment of any other provision of the constitution would require the affirmative votes of two thirds of the total membership of the assembly. In addition, any bill to amend the constitution would require the affirmative votes of two thirds of the total membership of the senate, but if that could not be obtained, the bill might, after a period of 180 days, be sent to the president for his assent despite the failure of the senate to approve it.

73. At the end of 10 years, or after the second parliament, whichever was later, a commission would be established to review the question of retaining the 28 white seats. The chairman of the commission would be the chief justice or a judge of the high court nominated by him and four other members, two of whom would be elected by the 28 white members of the house of assembly and two appointed by the president. If the commission recommended that the white seats should be abolished or reduced, a bill to that effect could be passed by 51 members of the assembly and no action by the senate would be required. If the white seats were abolished or reduced, the remaining 72 black seats would no longer be reserved exclusively for blacks and the 20 members of the Senate who were not chiefs would then be elected by all the members of the assembly and not separately as described in paragraph 58 above.

74. In addition to the above, the draft constitution provides for the special entrenchment of some parts of the Electoral Act, the Education Act, the Medical Services Act and the Housing Standards Control Act which would thus require for amendment the approval of 78 members of the house of assembly (see also para. 48 above). Furthermore, the draft constitution also provides that any act would be subject to entrenchment if it had the effect of:

(a) Reducing the area of parks and wild life land or forest land by more than 1 per cent of the extent of the area thereof as at the fixed date;

(b) Amending the law relating to the establishment or abolition of municipalities, towns, rural councils or local boards, the fixing of the areas or boundaries thereof, the composition thereof or the qualifications of voters at or candidates for election to such councils;

(c) Reducing the powers, functions and duties of a municipality, town, rural council or local board.

75. The draft constitution provides that English would be the official language of the country.

76. A number of articles in the press have pointed out that the proposed constitution preserves the power of the whites in the Territory after independence, inasmuch as almost all of the major provisions in the constitution would be entrenched. Furthermore, the proposed qualifications for membership in the judiciary, police, defence force and public and prison service commissions are such that no African could qualify at present.

77. Before the referendum on the draft constitution, Mr. Smith and some of his white colleagues campaigned for its approval on the basis that its adoption would lead to "recognition from the free world, removal of sanctions, an end to the war and a return to normality". In a broadcast on the eve of the referendum, Mr. Smith referred to the United States congressional resolution which he said made it "obligatory" for the President of the United States to lift sanctions, tantamount to recognition, if the internal settlement agreement were implemented. (The congressional resolution authorized the President to lift sanctions against the Territory on condition that he determine that the illegal régime had made a genuine effort to reach a negotiated settlement with the Patriotic Front and that free and fair elections had been held.) t/ Mr. Smith also said that the Conservative Party in the United Kingdom had "committed themselves to supporting us in what we are doing".

78. The draft constitution was submitted to an all-white referendum on 30 January 1979. Seventy per cent of the 93,000 white voters were reported to have participated in the referendum of whom 85 per cent approved the draft constitution which is to be put before the present Parliament for its endorsement.

79. The illegal régime is reported to be of the view that the United States and the United Kingdom would support the internal settlement after the elections of 20 April. As an indication of its confidence, the illegal régime has drawn up a five-year, \$R 3,500 million development plan, with the expectation of obtaining some of the development funds through international aid, including "the established agencies of the United Nations and the International Bank". Nevertheless, Mr. Smith has now qualified his previous statement that he would resign after the elections of 20 April. His present position is that he will only resign if the United States and the United Kingdom recognize the internal settlement, and if such recognition is not granted, he will stay in the next Government and demand the post of Minister of Defence.

80. On 1 February 1979, an article in The New York Times quoted the United States Department of State as having said that the referendum failed "to address the real issue of how to bring peace and a lasting political settlement" to the Territory. According to reports, some members of the United States Senate have recommended that an impartial team of observers should be sent to Southern Rhodesia during the time when the illegal régime holds its elections, at present scheduled for 20 April.

E. Dissension within the African political parties

81. As a result of the widespread disillusionment with the illegal régime, UANC and ZANU (Sithole) are reported to have lost many of their supporters. The decision in October 1978 to conscript Africans into the army of the illegal régime from January 1979 has further sharpened the dissatisfaction of the African population. (Details on this conscription appear in vol. I, chap. VI, annex I, of the present report.)

t/ Information on this question appears in paras. 156-160 below.

82. In August 1978, a number of senior officials of UANC criticized the leadership of the organization for indecisiveness and lack of strategy to deal with the problem of the liberation of Zimbabwe. Among the officials were three members of the Central Committee: Mr. Byron Hove, who had remained an important member of UANC despite his dismissal in April 1978 from his post as the Co-Minister of Justice, Law and Order and Public Service; the Reverend Arthur Kanodereka; and the Reverend Max Chigwida.

83. At a meeting in Salisbury on 13 August, Bishop Muzorewa is reported to have expelled nine members of UANC Central Committee who had publicly criticized him. Their expulsion was followed by the resignation of a number of members.

84. Rifts have also been reported within ZANU. In August 1978, Mr. S. Macharaga, a senior member of the Central Committee, resigned from the party. In September, other officials, including Mr. Daniel Gurajena, Mr. Alouyis Chinamora, Mr. John Nyandoro and Mrs. Petronella Nxaha, also resigned.

85. The struggle for power by the African parties has led to ethnic polarization of the politics of Zimbabwe. The ethnic division of the population of the Territory is complex. Following the early colonial pattern which divided the Territory into Mashonaland and Matabeleland, the practice has developed of dividing the people into two major language groups, the Ndebeles and the Shonas. Recently, Chief Kayisa Ndiweni, a Ndebele and Deputy President of ZUPO, resigned from the Ministerial Council of the illegal régime because his colleagues in the Council refused to accept his proposal that 36 of the 72 seats not reserved for whites under the internal settlement should be assigned to the Ndebeles and the other 36 to the Shonas.

86. After his resignation, Chief Ndiweni called on Mr. Nkomo, whom he characterized as an Ndebele, to return to Southern Rhodesia and lead the Ndebeles under the internal settlement. Chief Ndiweni was supported in his action by about 200 Ndebele chiefs who also called for the Council of Chiefs to be split into two councils, one for the Ndebeles and the other for the Shonas.

87. Mr. Nkomo rejected the request, stating that he was not a tribal leader but a national one. The Shona chiefs of the Council of Chiefs also rejected the request of Chief Ndiweni to split the Council, saying that they did not wish "to involve themselves in splitting the unity" which they thought would lead the people to majority rule.

88. Chief Ndiweni has since formed a new party, the United National Federal Party, whose main goal is to divide Zimbabwe into two equal regions, one for the Ndebeles and one for the Shonas, which would then merge into a federal State. Several other parties have recently been formed which also support the concept of an ethnically divided Zimbabwe, as follows: the United People's Association, formed by Mr. Elijah Mbano; the Zimbabwe People's Party, formed by Mr. Kingdom Sithole who has since joined Chief Ndiweni's party; the Mashonaland Federal Party, whose leader has not yet been identified; and the Rhodesian Democratic Party, formed by Mr. Leonard Ndlovu.

F. Appearance of private armies and breakdown of law and order

89. A number of articles have reported that UANC, ZANU (Sithole) and ZUPO, with the connivance of Mr. Ian Smith, have created separate private armies. At the annual conference of the African Farmers' Union of Rhodesia, for instance, one speaker is reported to have charged that "private political armies of some members of the Executive Council established by the Salisbury Agreement were intimidating people in rural areas". It was said that the private armies were demanding money, conducting searches and threatening and even killing people if they did not have a particular party's membership card.

90. Both UANC and ZANU (Sithole) are said to have admitted that acts of political terrorism are being perpetrated against civilians, although each group has accused the other of terrorism and intimidation. Bishop Muzorewa is on record as having said that "some groups are almost a law unto themselves".

91. According to The Guardian (Manchester) of 27 October 1978, both Bishop Muzorewa and the Reverend Sithole have been trying to create political militia to justify their respective claims to an army. Reports suggest that the core of these private armies is being trained outside Southern Rhodesia in both African and non-African countries, with large numbers of men being trained inside the Territory. This has resulted in a competition between UANC and ZANU (Sithole) for training facilities in the Territory. The illegal régime has given these private armies an official status as "auxiliaries" and allows them to operate in the Territory.

92. According to the same article, "the problem created by the private armies, which have been created with the somewhat uneasy connivance of the Special Branch, has been compounded by the appearance of politically partisan 'auxiliaries'". These are reported to be guerrillas who have deserted their units to join one or another of the internal black leaders. It was stated in the article that many of the auxiliaries were suspected of being black members of the Southern Rhodesian security forces, but most were simply insurgents who for one reason or another had "opted out of an arduous struggle in the bush".

93. The Guardian went on to state that such men were normally grouped into irregular units and grafted on to the private army units of the leader of their choice. The private armies of Bishop Muzorewa and the Reverend Sithole fight each other and are also sent to fight against the Zimbabwe African National Liberation Army (ZANLA) of ZANU (Mugabe) and the Zimbabwe People's Revolutionary Army (ZIPRA) of ZAPU. After reviewing the situation in Southern Rhodesia, The Guardian concluded that "the Rhodesian conflict is moving in the direction of anarchy rather than a recognizable civil war".

94. The Washington Post of 5 July 1978 reported that the private armies and the illegal régime's army operate with little control from the civilian authorities. As a consequence, banditry is said to be increasing and "undisciplined teenagers claim to be guerrillas and act in their name while robbing stores and missions". Within the white-led army of the illegal régime, indiscipline has been reported and some of its armed deserters have been terrorizing civilians while claiming loyalty to one of the factions of the Zimbabwe liberation movement.

95. According to the same article, the illegal régime has also taken advantage of the increasing banditry, allowing its own soldiers and police to perpetrate acts of brutality against civilians and then drop leaflets attempting to link these acts to one of the factions of the Zimbabwe parties. At times, the soldiers of the illegal régime do not even attempt to disguise their actions. On at least three separate occasions, jittery soldiers opened fire on African crowds or villagers indiscriminately.

96. It was also reported that in July 1978 a group of young whites armed with pickax handles, cricket bats, iron poles and whips attacked black students at the University of Rhodesia, leaving two with head and face wounds. No arrests were made.

97. White farmers are also reported to be taking advantage of the situation in the Territory, creating their own private armies with the connivance of the armed forces of the illegal régime.

98. There have also been reports of assassinations, death lists and kidnappings involving prominent individuals in the Territory. For example, the Reverend Kanodereka, who had been expelled from UANC (see paras. 82 and 83 above) was assassinated in December, and Mr. Ariston Chambati, the Deputy Secretary-General of ZAPU, escaped from an attempted kidnapping in January 1979.

4. ARMED STRUGGLE

99. Since its establishment in October 1976, the Patriotic Front has sought, through its co-ordinating committee, to create a single executive and a single united military high command. The need for a united liberation 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 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."

100. At its meeting at Dar es Salaam in January 1979, the OAU /Organization of African Unity/ Co-ordinating Committee for the Liberation of Africa reiterated the necessity for total unity between the two wings of the Patriotic Front. The lack of unity has led the Patriotic Front to speak in some cases with two voices. For example, when, in August 1978, Mr. Nkomo met with Mr. Smith (see paras. 32-33 above), Mr. Mugabe was unaware of the meeting until after it had ended. In September 1978, when Mr. Nkomo said that the idea of an all-party conference was "dead and buried" (see also para. 24 above), Mr. Tekere of ZANU said that the Patriotic Front would attend the proposed all-party conference. He is quoted as having said that Mr. Nkomo could not "kill the all-party conference unilaterally".

101. According to The Financial Times (London) of 13 September 1978, "the disagreement on the conference only thinly cloaks the much deeper split over Mr. Nkomo's secret meeting with Mr. Smith". Mr. Tekere is also reported to have accused Mr. Nkomo of failing to commit his forces sufficiently to battle. But ZAPU is said to have maintained that, owing to the effectiveness of its guerrillas in the field, the illegal régime had been prepared to surrender power when Mr. Nkomo and Mr. Smith met in August 1978. The Financial Times concluded that "the prospects for Patriotic Front unity are thus slight".

102. Despite the lack of total unity, the guerrillas of the Patriotic Front have continued to intensify their armed struggle against the illegal régime, which was forced to declare martial law throughout the Territory. Nevertheless, the guerrillas have extended their attacks to all parts of the Territory, including Salisbury and other urban areas. In July 1978, the mood in Salisbury was reported to be somber and apprehensive. Restaurants and night clubs, full three months earlier, were empty; civilian administration in the countryside had eroded; African local councils in the rural areas had closed; many schools had been forced to shut down; and tax collections had come to a halt. Civilian traffic moved in convoys escorted by security units; and night train services between cities had been suspended.

103. On 12 December 1978, the largest oil depot in the Territory, located 5 kilometres from the centre of Salisbury, was set on fire. The illegal régime acknowledged that guerrillas of the Patriotic Front had set the fire. It also acknowledged the need to fly in more oil supplies from South Africa.

104. A few months earlier, in September 1978, an Air Rhodesia Viscount aircraft was shot down by the guerrillas of the Patriotic Front in the northern part of Southern Rhodesia. The plane was reported to have had 56 people on board, 8 of whom were said to have survived the crash. Some reports said that originally 18 people had survived and that 10 had subsequently been killed. Mr. Nkomo denied that any survivors had been killed.
105. According to reports, guerrilla activities all over the Territory are driving white farmers from their farms, threatening devastating effects on 1979 harvest and food supplies. In September, it was reported that more than 200 farms had been vacated and that most farmers were delaying planting until the last possible moment while they attempted to assess the likely course of events in 1979.
106. In February 1979, it was reported that the guerrillas of the Patriotic Front had brought down an Air Rhodesia Viscount aircraft with 59 air passengers aboard. All the passengers were reported to have been killed. Mr. Nkomo is said to have admitted that his guerrillas were responsible for the incident because they suspected that General Walls, the Supreme Commander of the Rhodesian Armed Forces, was on board. In fact, General Walls was aboard an Air Rhodesia aircraft which took off 15 minutes later.
107. It was also reported that in mid-February, Patriotic Front guerrillas had attacked a major electric power station in Salisbury and the Salisbury international air port.
108. According to some reports, the military position of the illegal régime has become untenable. The illegal régime has conceded that urban guerrilla warfare is spreading in the Territory. To meet this situation, the illegal régime not only decided to conscript Africans into its armed forces, but also, on 12 January 1979, announced that white males between the ages of 50 and 59 years would be subject to call up for 42 days of military service a year. Their duties will be to guard vital installations and homes in urban centres so as to release younger men for service elsewhere in the country.
109. On 11 January 1979, Mr. Smith, while speaking at Umtali, appealed to whites to recognize the inevitability of majority rule. He said that there was no way that his Government could win over the guerrillas.
110. Reports also indicate that a number of European countries have begun to prepare elaborate plans to evacuate their nationals from the Territory should it become necessary. The countries involved in such preparations are said to be disturbed not so much by the successes of the guerrilla warfare but by the possibility of a civil war after the illegal régime has collapsed because of the existence of private armies and the lack of unity within the Patriotic Front.
111. According to a report of the British Broadcasting Corporation (BBC), Mr. Smith has arrived at an agreement with the Government of South Africa to the effect that, should it become necessary, South Africa would accept refugees, presumably white refugees, from the Territory.

112. The Governments of the United Kingdom and the United States have appealed to all the leaders concerned to take positive steps to avoid any escalation of the violence, and in particular, to avoid inflicting further loss of life on the civilian population of the country and the neighbouring States.

5. ORGANIZATION OF AFRICAN UNITY AND THE GROUP
OF NON-ALIGNED COUNTRIES

113. OAU and the Group of Non-Aligned Countries have continued to express their support for the people of Zimbabwe in their struggle against the illegal régime in the Territory.

A. The Organization of African Unity

114. At its thirty-first ordinary session, held at Khartoum from 7 to 18 July 1978, the Council of Ministers of OAU adopted resolution CM/Res.680 (XXXI) (see A/33/235 and Corr.1, annex I) in which it inter alia strongly rejected and condemned the Salisbury Agreement of 3 March 1978 and the régime set on those terms; called upon all OAU member States and the international community not to give recognition to the régime resulting from that Agreement; encouraged the appreciable prosecution of the armed struggle being waged by the Patriotic Front, the sole liberation movement of Zimbabwe; resolved to grant all possible emergency and other requests put forward by the Patriotic Front for the intensification of the armed struggle; called upon OAU member States to increase their material and financial aid to the armed struggle being waged by the Patriotic Front; and called upon all OAU member States to support the front-line States which were being subjected to repeated acts of aggression by the racist colonialist régimes in southern Africa.

B. Non-aligned countries

115. The Conference of Ministers for Foreign Affairs of Non-Aligned Countries, meeting at Belgrade from 25 to 30 July 1978, adopted a declaration in which it reaffirmed the decision of the OAU Council of Ministers at its thirty-first ordinary session, held at Khartoum (see para. 114 above) to reject and condemn the so-called internal settlement in Southern Rhodesia. The Conference considered the Salisbury Agreement to be "a sham, /a/ fraudulent and treacherous attempt to consolidate racist minority military, economic and political power and give some political status to the unrepresentative and opportunistic elements that were party to it" (see A/33/206, annex I, paras. 109-114).

116. In a communiqué issued at New York on 2 November, the Group of Non-Aligned Countries stated that the non-aligned movement had always extended support to the

cause of liberation everywhere, and especially in Africa; and reiterated its condemnation of the attempts by the racist régimes in Pretoria and Salisbury to perpetuate colonialist rule in southern Africa. It also demanded that all States engaged in economic, trade, military and other relations which strengthen the racist régimes of southern Africa comply with the General Assembly and Security Council resolutions which call for an end to such ties and, in this respect, support the decision of the African States which have called for the application of the sanctions envisaged in Chapter VII of the Charter of the United Nations to the racist régime of South Africa. u/

117. The Group of Non-Aligned Countries reaffirmed its support for a peaceful solution in southern Africa and reiterated the commitment of the non-aligned countries to support firmly the just struggle of the peoples of Namibia and Zimbabwe for self-determination and independence.

6. AGGRESSION AGAINST NEIGHBOURING STATES

118. The armed forces of the illegal régime of Southern Rhodesia have continued to commit acts of aggression against the territories of Botswana, Mozambique and Zambia. These attacks have increased in scope and intensity.

119. In fact, it is reported that since the establishment of the illegal transitional Government in April 1978, the régime's forces have invaded Mozambique several times, striking as deep as 200 kilometres into the country. The bombings have been directed at the provinces of Manica, Tete, Sofala and Gaza. According to reports, the illegal régime's Canberra aircraft have bombed Dondo in the east, Tete in the north and Gaza in the west of Mozambique. According to the Government of Mozambique, several people have been killed or wounded in all of these attacks. The Mozambiquan forces have responded vigorously to the attacks, and on one occasion shot down two of the attacking jet bombers. v/ The illegal régime again attacked the territory of Mozambique in mid-February 1979.

120. On 19 October 1978, the forces of the illegal régime invaded Zambia, attacking Zimbabwean refugee camps and schools as close as 20 kilometres from Lusaka. In a letter dated 9 November 1978, the Permanent Representative of Zambia to the United Nations informed the President of the Security Council that the illegal régime's air force had used jet bombers and helicopter gunships while four other jet military aircraft "orbited the Lusaka area and took complete control of Zambian air space for the duration of the attack". The Permanent Representative said that 337 people had been killed in the attack on the Chikumbi Refugee Camp, which at the time of the attack had 1,900 non-combatant refugees. Following an attack on the Lunsemfwa Girls' Camp on the same day, more than half of the 1,600 refugee girls who resided at the camp had been reported missing, injured or

u/ A/33/355-S/12914, annex. For the printed text see Official Records of the Security Council, Thirty-third Year, Supplement for October, November and December 1978.

v/ See also Official Records of the Security Council, Thirty-third Year, Supplement for October, November and December 1978, document S/12964, annex; and ibid., Thirty-fourth Year, Supplement for January, February and March 1979, document S/13018, annex.

dead. He added that "apart from the members of the security forces, at least half a dozen Zambian civilians ... were murdered by the Southern Rhodesian rebels". w/ The illegal régime also attacked the territory of Zambia in mid-February 1979.

121. The illegal régime has also dropped leaflets in Botswana in an attempt to persuade Zimbabwe refugees to return to the Territory. According to reports, these leaflets have had no effect. Botswana regards such acts as a violation of its territorial integrity.

122. Mr. Smith, Bishop Muzorewa and the Reverend Sithole are reported to have expressed their support for the incursions into Mozambique and Zambia and to have pledged that the attacks would continue and would be intensified.

7. ECONOMIC CONDITIONS

A. General

123. Despite the information blackout imposed by the illegal régime during the past year, there have been growing indications that the Territory's economy has been seriously weakened.

124. In the Economic Survey of Rhodesia published in July 1978, the illegal régime acknowledged that there had been a deficit in the balance of payments and negative economic growth during 1977. The available data (see table 3 below) show that manufacturing production declined, the construction industry remained depressed and agricultural production was at a lower level than in the previous year. The mining industry was affected by depressed prices on world markets although the total value of production increased.

125. As a result, there was a decline in employment figures: the number of Africans employed dropped from 919,000 in 1976 to 901,000 in 1977; the number of Europeans employed dropped from 120,000 to 117,000 in the same period. The drop in the number of Europeans employed was partially a result of the high level of emigration from the Territory in 1976 (see table 2 above).

B. Balance of payments and the gross domestic product

126. In 1977, the Territory experienced an over-all deficit of \$R 42 million on the capital and current accounts of the balance of payments. The illegal régime explained that this was the result of a net outflow of \$R 22 million on the capital account and a negative balance of \$R 151 million on invisible transactions, offset by a credit balance of \$R 131 million on the merchandise account (see table 4 below).

w/ Ibid., Thirty-third Year, Supplement for October, November and December 1978, document S/12921.

According to the illegal régime, the depressed prices of many exports and a tightening of sanctions on certain commodities had reduced the inflow of foreign currency. Further, because of guerrilla warfare, which had forced a curtailment of transport services, the facilities available for export were limited. As a result, according to the Economic Survey, "some low priority exports could not be moved; and in other cases the full potential of the more valuable exports could not be exploited". That situation had led to some stockpiling.

127. In 1977, the total value of exports was 2.5 per cent lower than in 1976 with a decline in volume of 6.3 per cent. Although imports increased by 1.1 per cent in value, they declined by 8.1 per cent in volume. According to the illegal régime, imports included security items which consumed foreign exchange that would otherwise have been allocated to other imported needs. In short, the Territory experienced adverse terms of trade to the extent of 5.0 per cent.

128. In an attempt to redress the balance-of-payments situation in the second half of 1977, reductions were made in foreign exchange allocations to importers. Also, in the last quarter of 1977, the parity of the Southern Rhodesian dollar was adjusted downward by 3 per cent against the South African rand and by 6 per cent against other currencies.

129. According to the illegal régime, the gross domestic product at market prices rose by 2.5 per cent and fell in real terms by 6.9 per cent during 1977, the third successive year in which there has been negative growth. The 1977 decline in real terms was by far the highest of the three years (1.6 per cent in 1975 and 1.5 per cent in 1976). In the 1977 Economic Survey, the 1976 decline was reported to be 3.3 per cent. It has now been adjusted. In 1977, the biggest losses were in construction industry (9.1 per cent) and in distribution, hotels and restaurants (6.1 per cent). Lesser decreases were reported in the manufacturing, mining and agricultural industries.

C. Prospects for the economy

130. According to the illegal régime, the depressed conditions of the Territory's economy were caused by the continuing international and domestic recession, stricter enforcement of sanctions and the security situation. Although it maintains that the domestic economy will improve at the same time as the international economy, the Economic Survey concludes that "events so far in 1978 suggest that there is little chance of improvement over 1977".

131. The Economic Survey anticipates that the volume of mining production in the Territory will be lower in 1978 than 1977, although the total value will be higher. This possibility is based on the higher prices for gold and copper, in particular. In August 1978, the value of mineral production was a record \$R 22.0 million. The total value of mineral production between January and August 1978 was \$R 162.3 million, compared with \$R 157.0 million for the same period

in 1977. Thus, the value of mining production for 1978 is expected to amount to about \$R 250 million. The diversified nature of the mining output, mainly asbestos, chrome, coal, copper, gold and nickel, is expected to enable the mining industry to make a substantial contribution to the economy and foreign exchange earnings.

132. The Economic Survey concedes, however, that as long as guerrilla warfare continues, the sales of the mineral output could be hampered by the disruption of the transportation system. Thus, the illegal régime does not have any hopes that the depressed conditions in its economy can be alleviated in 1978, a situation which could lead to further shortages of foreign exchange and would, in turn, hamper the manufacturing sector.

133. According to the Economic Survey, the illegal régime has decided to continue to assist the steel industry and hopes that with an improvement in the South African economy, the manufacturing sector may receive some assistance. Nevertheless, unemployment is expected to increase.

134. To alleviate the situation, the illegal régime decided to "borrow" from its taxpayers in 1978 and part of 1979, through a levy of 12.5 per cent on the base tax of those who pay more than \$R 100. The levy carries a 4.5 per cent tax-free interest rate and would be repaid in three years with interest. It is expected that, through this levy, \$R 29 million could be raised for defence.

135. The Territory has a 1978/79 budget of \$R 937.3 million and expects a record deficit of \$R 262.8 million.

136. During 1978, the illegal régime successfully negotiated a loan of \$US 15 million over three years in Eurocurrency. The loan is to have a spread of 1 per cent below interbank rates, unusual on the normal financial market. In such a situation, the loan would expect to have a spread of 1 per cent above interbank rates. The illegal régime has refused to reveal the names of the banks involved.

137. In addition, the illegal régime has announced the receipt of £100 million in foreign loans for the 1978/79 fiscal year. No details are available.

138. In the Economic Survey, the illegal régime acknowledges that as long as the security situation in the Territory remains unsettled and sanctions continue to be vigorously applied, the growth of the economy in 1979 will suffer from these constraints.

Table 3

Southern Rhodesia: industrial origin of the gross domestic product, 1968-1977
(million Southern Rhodesian dollars)

	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977
Agriculture and forestry	124.5	169.7	153.4	200.3	233.6	215.0	315.9	322.7	349.2	333.4
Mining and quarrying	48.4	65.2	70.7	71.7	74.7	101.0	133.9	126.3	149.1	145.9
Manufacturing	152.1	175.5	209.6	250.6	296.0	341.9	422.8	449.5	458.8	440.9
Electricity and water	27.0	30.3	31.7	33.8	37.8	41.1	41.6	50.0	56.3	57.6
Construction	44.1	52.2	54.6	57.8	73.8	81.5	81.7	94.3	83.1	75.5
Finance and insurance	29.5	33.4	37.2	40.8	54.2	61.7	75.5	88.2	94.3	104.6
Real estate	22.5	27.7	31.8	34.9	38.6	42.7	45.6	44.3	46.8	47.3
Distribution, hotels and restaurants	108.9	122.7	135.6	151.7	171.3	197.2	233.3	252.4	253.7	238.2
Transport and communications	76.2	89.1	85.9	97.3	107.4	107.7	115.7	131.5	137.1	139.2
Public administration	51.2	57.3	61.9	69.9	78.0	91.2	106.7	126.6	159.8	198.1
Education	29.3	32.0	34.2	39.5	43.0	48.0	54.8	64.8	72.6	76.1
Health	16.3	18.4	21.4	24.7	27.1	28.2	33.0	38.0	44.4	48.7
Domestic services	26.6	27.7	30.2	32.9	35.2	37.0	39.9	45.0	49.4	52.1
Other services	45.1	50.9	57.5	62.5	70.1	78.4	93.2	101.8	109.6	117.6
Less: Imputed banking service charges	-16.0	-17.9	-20.8	-22.9	-29.5	-32.5	-42.2	-52.3	-56.2	-66.0
Gross domestic product (factor cost)	785.7	934.1	995.0	1 145.5	1 311.5	1 440.3	1 753.4	1 883.0	2 007.9	2 009.3
Gross domestic product (market prices)	847.4	1 002.2	1 079.4	1 243.4	1 413.1	1 553.1	1 863.0	2 010.8	2 166.1	2 219.9
Gross domestic product (1965 prices)	825.8	945.3	984.0	1 098.3	1 201.0	1 244.3	1 359.6	1 339.6	1 318.5	1 227.0

Source: Southern Rhodesia, Economic Survey of Rhodesia, op.cit.

Table 4

Southern Rhodesia: balance of payments: current and capital transactions, 1968-1977
(million Southern Rhodesian dollars)

	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977
Merchandise, net	-22.0	32.0	27.9	3.1	62.5	89.6	55.2	33.0	156.8	130.8
Invisible transactions, net	-27.1	-27.4	40.4	-58.5	-59.7	-103.9	-139.9	-153.5	-149.3	-150.5
Services	-11.2	-5.3	-16.8	-24.8	-21.8	-58.5	-81.3	-89.5	-77.4	-91.7
Investment income	-14.9	-17.8	-21.0	-30.4	-35.1	-38.5	-39.8	-37.5	-48.6	-43.5
Transfers	-1.0	-4.3	-2.6	-3.3	-2.8	-6.9	-18.8	-26.5	-23.2	-15.3
Net balance on current account	-49.1	4.6	-12.5	-55.4	2.7	-14.4	-84.7	-120.5	7.4	-19.7
Capital transactions, net	39.5	9.9	26.3	30.5	-2.3	51.6	62.6	101.7	25.7	-22.2
Total current and capital transactions	-9.6	14.5	13.8	-24.9	0.4	37.2	-22.1	-18.8	33.1	-41.9
Short-term financing, changes in banking reserves, errors and omissions	-9.6	14.5	13.8	-24.9	0.4	37.2	-22.1	-18.8	35.1	-41.9

Source: Southern Rhodesia, Economic Survey of Rhodesia, op.cit.

8. SANCTIONS AGAINST SOUTHERN RHODESIA

139. 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 5 (a) of resolution 33/38 B of 13 December 1978, 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 11 of the same resolution, the Assembly requested the Special Committee to follow the implementation of that resolution.

140. As is well known, there have been numerous instances of violations and possible violations of sanctions against Southern Rhodesia. The present paper concentrates on the Report on the Supply of Petroleum and Petroleum Products to Rhodesia, x/ commonly known as the Bingham report on oil sanctions; the financial and military support the illegal régime receives; the opening of the Zambian border with Southern Rhodesia; action by the United States and the United Kingdom on sanctions against Southern Rhodesia, and action on sanctions by United Nations bodies.

A. Bingham report

141. Up to the time of the unilateral declaration of independence by Southern Rhodesia in November 1965, the total consumption of petroleum products in the Territory is said to have averaged about 416,000 metric tons a year. At that time, petroleum products for both Southern Rhodesia and Zambia were transported through Mozambique at Beira, from where they were pumped to the Central African Petroleum Refineries (CAPREF) in Southern Rhodesia, at Umtali.

142. Soon after the promulgation of the declaration, the United Kingdom issued the 1965 Sanctions Order, which required all United Kingdom companies to apply sanctions against Southern Rhodesia. This move had been anticipated by both the Government of Southern Rhodesia and the oil companies. Thus, it is believed that even before the declaration, either the Government of Southern Rhodesia (perhaps with the co-operation of some oil companies) began to intercept petroleum supplies intended for Zambia, or some oil companies deliberately failed to consign to Zambia supplies meant for that country.

143. It was the diversion of supplies which led Zambia to charge that Southern Rhodesia and some oil companies had conspired to deprive it of oil. Zambia's

x/ T. H. Bingham and S. M. Gray (London, Foreign and Commonwealth Office, September 1978).

claims are supported by a study, published in 1976, y/ which implicates companies in the conspiracy, including the Shell Petroleum Company, Ltd., and the British Petroleum Company Ltd. (BP), both incorporated in the United Kingdom. Finally, in 1977, the Government of the United Kingdom appointed Mr. Thomas Bingham, a noted British barrister, and Mr. S. M. Gray, a leading British chartered accountant, to carry out an inquiry into the matter.

144. In September 1978, the report on the supply of petroleum and petroleum products to the illegal régime was presented to the United Kingdom Secretary of State for Foreign and Commonwealth Affairs. The Security Council Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia has since published the conclusions and observations contained in the report. z/ The Bingham report, concludes, inter alia, that a number of companies, including Shell, BP and Total South Africa (Pty.), Ltd. continued to supply Southern Rhodesia with petroleum products through South Africa even after the decision by the Security Council to impose comprehensive mandatory sanctions against the Territory in 1968 (resolution 253 (1968) of 29 May 1968). In fact, oil received in the Territory rose from 168,000 metric tons in 1968 to 305,000 metric tons in 1974. The report also notes that the conspiracy against Zambia may have existed even before the unilateral declaration of independence.

145. The report states that the United Kingdom Embassy in South Africa was informed that oil for Southern Rhodesia was being channelled through various intermediaries from companies supplying South Africa. Around May 1966, when the scale of the supply to Southern Rhodesia became known, the United Kingdom Government became very much concerned about cutting it off. During 1967, a number of schemes were explored and diplomatic moves made to that end. The United Kingdom Government came to believe that, without the co-operation of South Africa and Portugal and in the absence of restrictions on crude oil shipments by the Total-Compagnie française des pétroles to the Mozambique refinery of the Sociedade Nacional de Refinação de Petróleos, SARL (SONAREP), the supply to Southern Rhodesia could not be stopped altogether without placing an embargo on shipments to South Africa and Mozambique. The attention of the United Kingdom Government was then concentrated on reaching a position whereby it could truly be said that British companies were not engaged in supplying Southern Rhodesia and that no British oil was reaching Southern Rhodesia. Towards the end of 1967, the United Kingdom Government began to suspect that customers in Lourenço Marques (now called Maputo), to whom Shell Mozambique was delivering goods free by rail, were consigning the goods to Southern Rhodesia.

y/ The Oil Conspiracy (New York, Center for Social Action of the United Church of Christ (CSA)). See also 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.

z/ Official Records of the Security Council, Thirty-third Year, Supplement for October, November and December 1978, document S/12894, enclosure, annex.

146. According to the Bingham report, some time in February 1968, Shell South Africa made an arrangement with Total South Africa whereby orders being delivered free by rail to Lourenço Marques on behalf of customers suspected of reselling to Southern Rhodesia would be filled instead by Total South Africa from its Matola installation in Mozambique. In exchange, the South African companies of the Consolidated Petroleum Company, Ltd. aa/ would supply equivalent quantities of products to Total South Africa at a convenient point, or points, in South Africa. The details of the exchange arrangement were communicated to the United Kingdom Government in the course of the following year. The United Kingdom Government considered it to be the best arrangement possible in the circumstances but realized that it would not prevent or reduce the quantity of oil reaching Southern Rhodesia.

147. The exchange arrangement was implemented and operated for a period, during which orders placed with Shell South Africa by Parry Leon and Hayhoe and, after 1969, with Freight Services, Ltd. (both companies based in South Africa) were physically met with products supplied and handled by Total South Africa at Lourenço Marques against an equivalent supply elsewhere. This arrangement was superseded by another under which products supplied by the South African marketing companies of the Consolidated Petroleum Company were handled through the Total South Africa installation at Lourenço Marques for a fee and then delivered by Total to Freight Services. This arrangement with Total, referred to in the press as the "swap" arrangement, ceased towards the end of 1971. Orders were then placed by Freight Services with Shell South Africa, filled from products supplied by the Consolidated South African marketing companies and delivered by Shell Mozambique to Lourenço Marques.

148. In its observations on the Bingham report, The Guardian (Manchester), like many newspapers in the United Kingdom, concluded that "the British firms BP and Shell broke the Rhodesia sanctions and guaranteed the supply of oil to the illegal Smith régime with the full knowledge and consent of successive British Governments".

149. In November 1978, the Bingham report was debated in the United Kingdom House of Commons. Dr. Owen told the House that there had been no cover-up and there would be none. He informed the House that it was for the Director of Public Prosecutions to decide whether there had been a breach of sanctions legislation (see also para. 159 below). Early in February 1979, the House decided to set up a joint committee of both houses, to be known as the Special Commission on Oil Sanctions, "to consider, following the report of the Bingham inquiry, the part played by those concerned in the development and application of the policy of oil sanctions against Rhodesia".

150. It will be recalled that, according to the CSA study (see para. 143 above), certain United States oil companies, including the Mobil Corporation, the Caltex Petroleum Corporation and Texaco, Inc., were also allegedly involved in the oil

aa/ The Consolidated Petroleum Company was the managing company of Shell and BP in the triangular area between Cyprus, South Africa and what was then known as Ceylon.

conspiracy to supply petroleum and petroleum products to Southern Rhodesia in violation of United Nations sanctions. In December 1978, it was reported that in view of the conclusions of the Bingham report, the United States had reopened investigations on the roles played by those companies in the oil conspiracy and that "a full public report" would be issued "when the investigations are completed".

B. Recent financial and military support for the illegal régime

151. According to reports, in 1978 the illegal régime received a secret loan of £150 million from non-African sources, reportedly to sustain the Treasury until April 1979 and to enable the illegal régime to pay for the war which is said to be costing about £650,000 a day. During the same year, as reported earlier (see para. 136 above), the illegal régime also received a loan of \$US 15 million in Eurocurrency. The loan is to have a spread of 1 per cent below interbank rates, which is unusual on a normal financial market. The illegal régime has refused to disclose the names of the banks involved.

152. It has also been reported that the army of the illegal régime has received substantial quantities of new equipment, including helicopters. According to reports, 11 United States-designed Bell 205 helicopters have been smuggled into Southern Rhodesia. The United States Department of State and the United States Department of Commerce investigated these reports and are said to have concluded that the helicopters "apparently were sent from Israel". The Department of State announced that the Department of Commerce had given Israel permission to sell the helicopters to an unnamed United States company with operations in Singapore. The Department of State concluded, however, that there was "no evidence or indication that Israel has permitted the transfer of these aircraft in violation of (United States) regulations". According to reports, the helicopters have already been equipped for military use by the armed forces of the illegal régime.

153. Reports also indicate that both the Department of State and the Department of Commerce are investigating allegations that 20 Cessna FT-337B reconnaissance planes manufactured in France under United States licence have also appeared in Southern Rhodesia. In December 1978, The International Institute for Strategic Studies reported that the number of French-designed Alouette helicopters in the hands of the illegal régime had increased from 16 in 1976 to 66 in 1978. It has also been reported that South Africa is a principal purchaser of such helicopters.

154. In December 1978, a United States federal court ordered United Airlines to pay \$US 50,000 in penalties for training pilots from Southern Rhodesia in violation of sanctions against that country. The airline was training the pilots at Denver for Affretair, bb/ a subsidiary of Air Rhodesia.

bb/ For information on Affretair, see Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 23 (A/9623/Rev.1), vol. III, chap. VIII, annex, paras. 207-209.

155. According to the magazine, Southern Africa, the illegal régime is relying more and more on mercenary forces to support its small army in the struggle with Patriotic Front guerrillas. In November 1978, the magazine reported that the white mercenary forces had increased from "1,000 two years ago to perhaps as many as 5,000", coming mainly from various Western countries, despite national laws making it illegal to recruit mercenaries for service in Southern Rhodesia.

C. Action by the United States and the United Kingdom
on sanctions against Southern Rhodesia

156. Since the signing of the Salisbury Agreement on 3 March 1978 (see para. 35 above), a number of groups and prominent individuals in the United States and the United Kingdom have been engaged in efforts to have the sanctions lifted against Southern Rhodesia.

157. In July 1978, a group of United States senators sponsored a visit to the United States by Bishop Muzorewa to campaign for the lifting of the sanctions. During the same month, when the United States Congress debated the question of sanctions, attempts were made, especially in the Senate, to have the United States suspend the sanctions until it could be determined whether the illegal régime had carried out its promise to introduce majority rule at the end of 1978. In fact, attempts were made in the Senate, in the form of draft resolutions and amendments, to bring about acceptance and recognition of the Salisbury Agreement. At the end of the debate, the Senate, with the concurrence of the House of Representatives, adopted a resolution by a vote of 59 to 36, by which it decided to continue economic sanctions against the Territory. The resolution left to the President the decision on the lifting of the sanctions based on whether he felt that the illegal régime had made attempts to negotiate with the Patriotic Front "in good faith", for a peaceful settlement to the problem and whether free and fair elections had been held in the Territory.

158. In October, all four leaders of the illegal régime visited the United States in an attempt to put across their point of view and convince the United States Government to lift sanctions (see paras. 49-55 above).

159. In the United Kingdom, Prime Minister James Callaghan, responding to calls in the House of Commons for the United Kingdom to lift sanctions against the Territory, told the House in July 1978 that "sanctions were imposed on Southern Rhodesia as a result of a United Nations decision and would be lifted in the same way". After the debate on the Bingham report in the House early in November 1978 (see para. 149 above) the House voted to extend sanctions against the Territory for another year. It will be recalled that, under British legislation, the application of sanctions against Southern Rhodesia must be reviewed every year and can only be extended for another year by an act of Parliament.

160. With the elections scheduled under the internal agreement due to take place on 20 April, further efforts are being made to repeal the sanctions in both the United States and the United Kingdom.

161. The present United States administration had made it clear that, as a matter of policy, the Government would not send an official team to observe the elections. Nevertheless, in response to repeated invitations by the illegal régime in March, a resolution was introduced in the Senate Foreign Relations Committee to decide to send a team of private United States citizens to observe the elections and to report to Congress on whether they had been fairly conducted. The resolution was subsequently approved by the Committee, and adopted by the Senate by a vote of 66 to 27. Under the terms of the resolution, the United States Congress would authorize the Speaker of the House of Representatives and the Senate President pro tem to appoint two leaders who would in turn select from 25 to 50 other members from private life and/or private organizations to observe the elections. The Senate would provide \$175,000 for expenses. On 3 April, however, The New York Times reported that the Foreign Affairs Subcommittee of the House of Representatives had, on 2 April, voted unanimously against the resolution.

162. In early March, Prime Minister Callaghan was reported to have stated in the House of Commons that the United Kingdom Government had decided not to send a team to observe the elections of the illegal régime. However, the Conservative Party is reported to have decided to send such a team.

163. By resolution 345 (1979), of 8 March 1979, the Security Council declared any election held under the auspices of the illegal régime and the results thereof null and void. It also declared that no recognition would be accorded either by the United Nations or by any Member State to any representatives or to any organ established by that process. It urged all States to refrain from sending observers to those elections and to take appropriate action to discourage organizations and institutions within their respective areas of jurisdiction from doing so.

164. During the vote on the resolution, the United Kingdom, the United States and France abstained, stating that while their Governments would not send anyone to Southern Rhodesia to observe the elections, they could not accept a resolution which circumscribed the functioning of their legislative bodies or the rights of any of their citizens who might decide to observe the elections.

D. Opening of the Zambian border with Southern Rhodesia

165. In a note verbale dated 6 October 1978, cc/ the Permanent Representative of Zambia to the United Nations informed the Secretary-General that it had "decided with immediate effect, to use the southern route for transportation of its goods". The statement said that this would mean the opening of the border with Southern Rhodesia which had been closed in January 1973, "in furtherance of the United Nations decision to impose mandatory sanctions against Rhodesia".

cc/ Official Records of the Security Council, Thirty-third Year, Supplement for October, November and December 1978, document S/12884.

166. According to Zambia, its annual requirements for fertilizers were about 200,000 metric tons, of which only 20,000 metric tons were manufactured locally. It claimed that the ports in both the United Republic of Tanzania and Mozambique, which Zambia had been using for its goods in transit, could no longer handle expeditiously the volume of the Zambian goods passing through them. As a result, Zambia had been "compelled to find alternative ports in South Africa". According to reports, the first train arrived in Zambia through Southern Rhodesia on 11 October carrying maize seeds.

167. Zambia has stated that although it has "partially" opened the border with Southern Rhodesia, it will continue to support the people of Zimbabwe in their liberation struggle.

168. It will be recalled that by paragraph 15 of its resolution 253 (1968), the Security Council requested States Members of the United Nations, the United Nations, the specialized agencies and other international organizations in the United Nations system to extend assistance to Zambia as a matter of priority with a view to helping it solve such special economic problems as it may be confronted with arising from the carrying out of the decisions of the Security Council related to sanctions against Southern Rhodesia. This request has been repeated in many Security Council and General Assembly resolutions.

E. Action in 1978 on sanctions against Southern Rhodesia
by United Nations organs

169. As reported earlier (see para. 54 above), the Security Council by its resolution 437 (1978) noted with regret and concern the decision of the United States to allow entry into the United States of the leaders of the illegal régime as a violation of sanctions against Southern Rhodesia. By its resolution 445 (1979) the Security Council, inter alia, requested the Security Council Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia to meet immediately to consider measures for strengthening and widening the sanctions against Southern Rhodesia and to submit its proposals not later than 23 March 1979.

170. On 23 March, the Security Council Committee issued an interim report dd/ in which it requested the Security Council to extend its deadline to 12 April. In the report, as a first step, the Committee unanimously recommended against the unilateral repeal of sanctions by any State and also recommended that the Council should remind States of their obligation to comply strictly with its decisions in accordance with Article 25 of the Charter of the United Nations.

171. The Security Council Committee also informed the Council that it would continue deliberations, among other things, on the following items as possible areas of strengthening and widening sanctions against Southern Rhodesia:

dd/ Ibid., Thirty-fourth Year, Supplement for January, February and March 1979, document S/13191, annex.

(a) application of the sanctions against Southern Rhodesia to the full extent of Article 41 of the Charter; (b) airline companies maintaining air links with Southern Rhodesia; (c) travel to and from Southern Rhodesia; (d) information or other representational offices of the illegal régime abroad; (e) transfer of personal and/or corporate funds to and from Southern Rhodesia; (f) mercenaries serving with the armed forces of the illegal régime; (g) extension of sanctions to South Africa; (h) sports activities concerning Southern Rhodesia; (i) supply of military equipment to Southern Rhodesia; (j) supply of oil and oil products to Southern Rhodesia; (k) non-recognition of the illegal elections and their results; and (l) foreign companies operating in Southern Rhodesia.

172. On 13 December 1978, the General Assembly adopted resolution 33/38 B on Southern Rhodesia and resolution 33/40 on foreign economic and other interests that hinder the decolonization process.

173. In both resolutions, the General Assembly expressed its conviction that the scope of the sanctions adopted against the illegal régime in Southern Rhodesia should be expanded to cover all the measures contemplated in Article 41 of the Charter and called upon the Security Council to consider adopting appropriate measures to that end.

174. It also strongly condemned the racist minority régime of South Africa which, in violation of the relevant resolutions of the United Nations and in open contravention of its specific obligations under Article 25 of the Charter, continued to collaborate with the illegal racist minority régime in Southern Rhodesia, and called upon the Security Council to impose economic sanctions against South Africa, including an oil embargo and the withdrawal of investments from that country.

175. By resolution 1978/73 of 4 August 1978, the Economic and Social Council urged all transnational corporations to comply strictly with the relevant United Nations resolutions by terminating all further investments in southern Africa and by ending their collaboration with the racist minority régimes. It also called on all Governments which had not yet done so to take measures in respect to their nationals and transnational corporations of their nationality who own or operate enterprises in southern Africa in order to put an end to such activities.

176. According to reports, in August 1978 a document was submitted to the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities stating that 593 Western firms had been violating United Nations sanctions against Southern Rhodesia. Of these firms, 444 were said to be based in the United Kingdom and 92 in the United States. The document also lists firms that are said to be registered in Austria, Canada, France, the Netherlands and Switzerland.

NAMIBIA

A. Consideration by the Special Committee

1. The Special Committee considered the question of Namibia at its 1139th to 1145th meetings, between 23 and 27 April 1979 during its session held at Belgrade.
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 33/182 A of 21 December 1978 on the situation in Namibia resulting from the illegal occupation of the Territory by South Africa and resolution 33/44 of 13 December 1978 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. By paragraph 12 of resolution 33/44, 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-fourth session". The Special Committee also paid due attention to the relevant resolutions of the Security Council concerning Namibia and to the reports and decisions 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. General debate

5. At its 1136th meeting, on 4 April, by adopting the eighty-second report of the Working Group (A/AC.109/L.1290), the Special Committee decided to take up the question of Namibia during its meetings at Belgrade, to hold a general debate covering the questions of Southern Rhodesia and Namibia and, at the conclusion of the debate, to adopt a decision covering both items.

* Previously issued under the symbol A/34/23/Add.2.

6. Accordingly, at its 1139th to 1145th meetings, between 23 and 27 April, the Special Committee considered the question of Namibia with the active participation of the representative of SWAPO and, at the conclusion of the general debate, adopted a Final Document on the Decolonization of Zimbabwe and Namibia (see para. 11 below). Statements in the general debate were made by the representatives of Ethiopia, Indonesia and Bulgaria at the 1140th meeting (A/AC.109/PV.1140); Chile, the United Republic of Tanzania, India, Tunisia and Fiji at the 1141st meeting (A/AC.109/PV.1141); Australia, the Union of Soviet Socialist Republics, the Ivory Coast, Iran and Sierra Leone at the 1142nd meeting (A/AC.109/PV.1142); Sweden, the Syrian Arab Republic, China, Cuba and Afghanistan at the 1143rd meeting (A/AC.109/PV.1143); and Trinidad and Tobago, Czechoslovakia, Iraq, the Congo and Yugoslavia at the 1144th meeting (A/AC.109/PV.1144). An additional statement was made by the representative of the Syrian Arab Republic at the 1145th meeting (A/AC.109/PV.1145).

7. Mr. Aaron Shihepo, the representative of SWAPO, made a statement at the 1145th meeting (A/AC.109/PV.1145).

8. Statements relating to the item were also made by the representatives of the Special Committee against Apartheid, the United Nations Council for Namibia and the Executive Secretary of OAU to the United Nations at the 1139th meeting (A/AC.109/PV.1139); the representative of the Office of the United Nations High Commissioner for Refugees (UNHCR) at the 1140th meeting (A/AC.109/PV.1140); the representative of the United Nations Educational Scientific and Cultural Organization (UNESCO) at the 1144th meeting (A/AC.109/PV.1144); and the representative of the OAU Co-ordinating Committee for the Liberation of Africa at the 1145th meeting (A/AC.109/PV.1145) (see also vol. I, chap. II, of the present report).

9. With the consent of the Special Committee, the representatives of Algeria, Angola and Greece participated in the Committee's proceedings. Statements were made by the representative of Algeria at the 1143rd meeting (A/AC.109/PV.1143) and by the representative of Angola at the 1144th meeting (A/AC.109/PV.1144).

3. Draft decision

10. At its 1145th meeting, on 27 April, the Special Committee adopted the draft text of the Final Document on the Decolonization of Zimbabwe and Namibia (A/AC.109/578) without objection (see para. 12 below). Statements in that connexion were made by the representatives of the Ivory Coast, the Union of Soviet Socialist Republics, Sweden and Australia (A/AC.109/PV.1145).

11. On 11 May, section II of the Final Document relating to the question of Namibia was transmitted to the Secretary-General for the attention of the President of the General Assembly and the President of the Security Council (A/33/563-S/13321). On 15 May, the text of the document 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 Final Document were also transmitted to the President of the United Nations Council for Namibia and to SWAPO, as well as to all States, to the specialized agencies and other organizations and bodies within the United Nations system and to OAU.

B. Decision of the Special Committee

12. The relevant sections of the Final Document on the Decolonization of Zimbabwe and Namibia (A/AC.109/578), adopted by the Special Committee at its 1145th meeting, on 27 April, to which reference is made in paragraph 10 above, are reproduced below:

- (1) The Special Committee, in the context of the programme of work approved by the General Assembly in its resolution 33/44 of 13 December 1978, accepted with appreciation the invitation of the Government of Yugoslavia in that regard and held a series of plenary meetings at Belgrade from 23 to 27 April 1979 to consider the questions of Southern Rhodesia and Namibia in view of the continued illegal occupation of and domination over these Territories by the racist régimes of Salisbury and Pretoria, a situation which the Security Council has determined as constituting a threat to international peace and security.
- (2) At its opening meeting, the Special Committee heard an important and inspiring message from Mr. Josip Broz Tito, the President of Yugoslavia, in which he declared that "the eradication of colonialism is not only a matter for the conscience of mankind but is also a prerequisite for the relaxation of tension in the world, for the strengthening of relations of equality among countries and for the safeguarding of peace in the world". President Tito went on to state that "Yugoslavia has always considered that full respect for the principles of sovereignty, independence and equality of all peoples and countries cannot be limited and brought into question for the sake of any interest, no matter whose". President Tito also stressed that "ever since the creation of the non-aligned movement in Belgrade in 1961, the liquidation of colonialism has been one of its most important objectives". The President declared that the moment was right "for the United Nations to express its solidarity and to provide effective assistance to the peoples of southern Africa and to take decisive measures to isolate the racist régimes and apply effective sanctions against them". 1/
- (3) The Special Committee also heard words of welcome and a key-note address delivered by Mr. Josip Vrhovec, the Federal Secretary for Foreign Affairs of Yugoslavia.
- (4) Having considered the questions of Southern Rhodesia and Namibia within the context 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 representatives of the Special Committee against Apartheid and the United Nations Council for Namibia, by the Executive Secretary of the Organization of African Unity to the United Nations, by the representative of the United Kingdom of Great Britain and Northern Ireland, as the administering Power concerned, and by the representatives of Algeria and Angola, as well as by the representatives of the

1/ A/AC.109/PV.1138.

Patriotic Front of Zimbabwe and the South West Africa People's Organization, the Special Committee calls the attention of the international community to the extremely serious situation prevailing in those Territories as a result of the continuing manoeuvres by the illegal racist régime of Salisbury and by the occupying régime of South Africa to perpetuate their illegal domination of these Territories and to impose puppet régimes on the peoples of Zimbabwe and Namibia.

(5) Both the illegal régime of Salisbury and the racist régime of South Africa bear a grave responsibility for the creation of a situation which seriously threatens international peace and security in southern Africa. This has been brought about by their persistent denial to the **African** peoples of the Territories which they illegally occupy of the most basic human rights, including the inalienable right to genuine self-determination, freedom and independence, by their ruthless resort to violence and repression in an attempt to stifle the genuine aspirations of those peoples, their repeated acts of aggression against neighbouring States and their adamant refusal to comply with the resolutions and decisions of the Security Council.

(6) Faced with this rapidly deteriorating situation, the Special Committee solemnly calls for international solidarity with, and support for, the peoples of Zimbabwe and Namibia and their authentic national liberation movements recognized by the Organization of African Unity and by the United Nations - the Patriotic Front of Zimbabwe and the South West Africa People's Organization - in their just struggle to achieve genuine self-determination, freedom and independence. The Committee urges all States, specialized agencies and institutions associated with the United Nations, as well as non-governmental organizations, to render all possible assistance to the peoples of Zimbabwe and Namibia and their national liberation movements in their struggle to bring an end to colonialism, racism, racial discrimination and apartheid.

(7) The Special Committee strongly condemns the illegal régime of Salisbury and the racist régime of South Africa for their wanton and increasing resort to violence and intimidation against the African peoples under their domination, and for their cynical defiance of the United Nations in its efforts to bring about the genuine and complete decolonization of Southern Rhodesia and Namibia.

(8) The Special Committee reaffirms that any settlement in these Territories can be accepted by the international community only if it is based on genuine independence and with the full participation of the people of the Territory concerned, as represented by its authentic national liberation movement, in conformity with the genuine aspirations of the people and in accordance with the relevant resolutions of the United Nations.

(9) Accordingly, the Special Committee calls upon the entire international community categorically to reject and denounce all manoeuvres by the illegal régime of Salisbury and the occupying régime of South Africa to impose so-called internal settlements aimed at giving their illegal régimes a semblance of legitimacy. In this connexion, the Committee formally declares that the so-called elections held by the illegal régime in Southern Rhodesia from 17 to 21 April 1979 and the results thereof are null and void and calls upon all States to withhold any recognition whatsoever from any so-called representatives installed or organs established as a result of the bogus elections. The Committee likewise resolutely denounces all efforts being undertaken at present by the South African occupying régime to legalize its own Turnhalle puppet elements in Namibia as a new serious step towards imposing a puppet régime in Namibia and as an extreme affront to the United Nations.

(10) The Special Committee draws attention to the fact that the struggle for liberation in southern Africa has now entered its most critical and decisive phase. It accordingly urges all States, as well as international and non-governmental organizations, to concert their efforts in order to bring about early and just settlements in Southern Rhodesia and Namibia based on majority rule and in conformity with the principles laid down by the United Nations and to step up all-round support and assistance to the national liberation movements - the Patriotic Front of Zimbabwe and the South West Africa People's Organization - in their noble struggle to achieve these goals.

(11) The situation in Zimbabwe and Namibia has been exacerbated by the continuing, extensive political, military and economic links of certain Western and other countries with the racist régime of South Africa. The failure so far by the Security Council to adopt effective measures under Chapter VII of the Charter of the United Nations against the South African régime is a major factor in South Africa's continued defiance of United Nations decisions on Zimbabwe and Namibia. Accordingly, the Special Committee appeals to all members of the Security Council and in particular, the Western countries which are permanent members of the Council, to facilitate the imposition of effective measures under Chapter VII of the Charter.

(12) The Special Committee denounces the latest attempts by the occupying régime of Pretoria to proclaim a unilateral declaration of independence in Namibia and reiterates its demand that the régime unconditionally accept and scrupulously implement the United Nations plan on Namibia, as endorsed by the Security Council in its resolution 435 (1978) of 29 September 1978.

II. Namibia

(19) Despite the most active and intensified endeavours by the United Nations bodies concerned to put an end to the illegal occupation, bloodshed and tyranny imposed on the Namibian people by the South African racist régime, the situation in Namibia continues to worsen rapidly due primarily to the intransigence, sinister manoeuvres and delaying tactics of the racist minority régime in Pretoria. It is now more than ever imperative, therefore, that the

United Nations reassert its responsibility in the matter and take urgent steps to bring about faithful and unqualified compliance by the minority régime with the decisions of the United Nations in order to enable the people of Namibia, under the leadership of the South West Africa People's Organization, to exercise their inalienable right to self-determination and independence without further delay.

(20) Accordingly, the Special Committee:

(a) Reaffirms that Namibia is the direct responsibility of the United Nations until genuine self-determination and national independence are achieved in the Territory and, for this purpose;

(b) Reiterates that Walvis Bay is an integral part of Namibia in accordance with United Nations resolutions, in particular General Assembly resolution S-9/2 of 3 May 1978 and Security Council resolution 432 (1978) of 27 July 1978, and that any decision by South Africa to annex Walvis Bay is therefore illegal, null and void;

(c) Reaffirms the inalienable right of the people of Namibia to self-determination, freedom and national independence in a united Namibia, including Walvis Bay, in accordance with the Charter of the United Nations and as recognized in General Assembly resolutions 1514 (XV) 14 December 1960 and 2145 (XXI) 27 October 1966, as well as in subsequent resolutions of the Assembly relating to Namibia, and the legitimacy of their struggle by all means at their disposal against the illegal occupation of their Territory by South Africa;

(d) Strongly condemns South Africa's continued illegal occupation of Namibia, its brutal repression of the Namibian people and its persistent violation of their human rights, as well as its efforts to destroy the national unity and territorial integrity of Namibia.

(21) Further, the Special Committee:

(a) Condemns the so-called elections held by South Africa in Namibia from 4 to 8 December 1978 in defiance of Security Council resolutions 385 (1976) of 30 January 1976 and 439 (1978) of 13 November 1978;

(b) Declares those elections null and void and of no consequence to the attainment of genuine independence by Namibia;

(c) Calls upon all States not to accord any recognition whatsoever to any representative installed or organ established as a result of those elections nor to co-operate with any puppet régime which the illegal South African administration may impose upon the Namibian people in disregard of the provisions of the above-mentioned Security Council resolutions.

(22) The Special Committee strongly condemns the illegal South African administration for its massive repression of the people of Namibia and their national liberation movement, the South West Africa People's Organization, with the intention of establishing, among other things, an atmosphere of intimidation and terror for the purpose of imposing upon the Namibian people a political arrangement aimed at subverting the territorial integrity and unity of Namibia and perpetuating a ruthless policy of racial segregation.

(23) The Special Committee reaffirms that the only political solution for Namibia must be one based on the termination of South Africa's illegal occupation and the withdrawal of its armed forces and 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. In this regard, the Committee:

(a) Demands that South Africa release all Namibian political prisoners, including all those imprisoned or detained in connexion with "offences" under the so-called internal security laws, whether such Namibians have been charged or tried or are being held without charge, whether in Namibia or South Africa;

(b) Demands that South Africa ensure that all Namibians currently in exile for political reasons may return to their country without risk of arrest, detention, intimidation, imprisonment or loss of life;

(c) Reaffirms that the national liberation movement of Namibia, the South West Africa People's Organization, is the sole and authentic representative of the Namibian people and appeals to all Member States to grant all necessary support and assistance to that organization in its struggle to achieve independence and national unity in a free Namibia.

(24) The Special Committee strongly condemns South Africa for its military build-up in Namibia, its recruitment and training of Namibians for tribal armies, its illegal use of Namibian territory for acts of aggression against the independent African countries and the continued forcible removal of Namibians from the northern border of the Territory for military purposes. In the same connexion, the Special Committee condemns the continuous military collaboration between South Africa and certain Western and other States. It expresses its grave concern at their continued collaboration in the nuclear field. The Committee considers that any collaboration of Western and other States with South Africa in the military field, as well as in the development

of nuclear weapons by South Africa, constitutes a serious violation of the appropriate Security Council resolution imposing a military embargo against South Africa and is a threat to international peace and security, and it accordingly calls for the termination forthwith of all collaboration with the régime in those fields.

(25) The Special Committee strongly condemns South Africa and those Western and other corporations which continue to exploit and plunder 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 demands that those States whose transnational corporations continue to operate in Namibia under the illegal administration of South Africa comply with all pertinent resolutions of the United Nations by withdrawing immediately all investments from Namibia and generally by putting an end to their co-operation with the illegal South African administration.

(26) 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) and its repeated acts of aggression against neighbouring African States, the Special Committee recommends that the Security Council urgently convene to consider taking effective measures, including sanctions provided for under Chapter VII of the Charter, particularly the imposition of comprehensive economic sanctions, including a trade embargo, an oil embargo and a complete arms embargo, with a view to securing the speedy compliance of the South African régime with the decisions of the Security Council.

(27) The Special Committee attaches particular importance to the reconvening of the thirty-third session of the General Assembly in order to consider fully the question of Namibia and the implications of South Africa's continued defiance of the resolutions of the General Assembly and the Security Council.

(28) The Special Committee expresses its determination to work in close co-operation with the United Nations Council for Namibia for the success of the International Year of Solidarity with the People of Namibia (1979), proclaimed by the General Assembly in its resolution 33/182 C of 21 December 1978.

(29) 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 urgently calls upon all States to continue to give generous support to all programmes of assistance - organized by the United Nations Council for Namibia, other bodies within the United Nations system and the organization of African Unity - beneficial to the Namibians in exile and to preparing Namibians for service in a free and truly independent Namibia.

ANNEX*

Working paper prepared by the Secretariat

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* Previously issued under the symbol A/AC.109/L.1289 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. An elongated piece of land in the north-east corner, the East Caprivi, constitutes a corridor some 425 kilometres long and 35 kilometres wide which runs east as far as the juncture of Zambia and Southern Rhodesia.

2. The area of Namibia is approximately 824,296 square kilometres, including Walvis Bay (1,124 square kilometres), the site of the Territory's only deep-water harbour.

B. Population

3. In 1974, South Africa officially estimates the population of Namibia to be 852,000, of whom 753,000 were classified as non-whites and 99,000 as whites. a/ These estimates indicated a population increase of 326,000 since 1960, of which whites accounted for only 25,536, or 7.8 per cent.

4. South Africa's figures for the non-white population are considered by several sources to be underestimates. The Office of the United Nations Commissioner for Namibia estimated that the Territory's total population was around 1.2 million in 1976 and 1.5 million in 1978.

C. Land distribution

5. In 1968, the South African Government began fragmenting the Territory along the lines set out by the Odendaal Commission, b/ which recommended the creation of separate areas for white and non-white occupation similar to South African

a/ Official Records of the General Assembly, Thirty-third Session, Supplement No. 23 (A/33/23/Rev.1), vol. II, chap. VIII, annex, para. 3.

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.

bantustans. c/ In accordance with the Odendaal Plan, 43 per cent of the total area of Namibia, including the best agricultural land and most known mineral deposits, was reserved for white settlement, and 10 discontinuous homelands, comprising a total of 40 per cent of the least arable and least developed land, were 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. As far as is known, this recommendation was never implemented.

6. As shown in table 1 below, the demarcated homelands ranged in area from 155,400 hectares (Tswanaland) to 5.9 million hectares (Hereroland). Except for Basterland, however, which was planned to be situated within the white area, the homelands would be largely uninhabitable owing to aridity. The differences in area were thus of little significance. Even in Basterland, considered to be the best homeland, the population density would be much greater than in the white area. Under the Odendaal Plan, the 19,000 Rehoboth Basters would have only 1.4 million hectares, whereas the 20,000 white farmers would have about 39 million hectares.

7. As reported previously, d/ between 1968 and 1976, under the provisions of the Development of Self-Government for Native Nations Act, 1968, South Africa officially created 3 of the 10 homelands proposed for Namibia and gave them the status of so-called self-governing nations under the names of Ovambo, Kavango and Caprivi. It subsequently took steps towards creating Namaland, Basterland and Damaraland by the establishment of limited, self-government machinery.

2. EFFORTS TO IMPLEMENT THE PROPOSAL FOR A PEACEFUL SETTLEMENT

8. During 1978, there were continuing efforts to implement Security Council resolution 385 (1976) of 30 January 1976, which, among other things, declared that it was imperative that free elections under United Nations supervision and control be held for the whole of Namibia as a political entity. These efforts were directed in large measure towards persuading South Africa to co-operate in the holding of Territory-wide elections under United Nations supervision and control, in accordance with conditions proposed by 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).

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.

d/ Official Records of the General Assembly, Thirty-third Session, Supplement No. 23 (A/33/23/Rev.1), vol. II, chap. VIII, annex, paras. 8-15.

Table 1

Allocation of land by ethnic group

Ethnic group	Population (1974) (estimates)	Area of homeland (hectares)
Ovambos	396 000	5 600 000
Damaras	75 000	4 800 000
Hereros	56 000	5 900 000
Kavangos	56 000	4 200 000
Namas	37 000	2 200 000
East Caprivians	29 000	1 200 000
Bushmen	26 000	2 400 000
Rehoboth Basters	19 000	1 400 000
Kaokovelders	7 000	4 900 000
Tswanas	5 000	155 400
		<hr/>
	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).

9. It will be recalled that the Western proposal for a peaceful settlement e/ provided for the establishment of a cease-fire in the Territory; the phased withdrawal of all but 1,500 South African troops who would be confined to bases at Grootfontein, Oshivello or both and withdrawn after the certification of the election; the return of all Namibian refugees and Namibians detained or otherwise outside the Territory, including personnel of the South West Africa People's Organization (SWAPO), in order that they might participate freely in the political process; the release of all Namibian political prisoners held by South Africa; and the installation in the Territory of a United Nations Transition Assistance Group (UNTAG) 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 until the installation of an independent Government, the Special Representative would work with an Administrator-General appointed by South Africa to ensure the orderly transition to independence; the arrangement, however, would in no way constitute recognition of the legality of the South African presence in and administration of Namibia. Primary responsibility for maintaining law and order during the transitional period would rest with the South African police monitored by the Special Representative, who would also have to satisfy himself at each stage as to the fairness and appropriateness of all measures affecting the political process at all levels of administration before such measures took effect.

10. The proposal was accepted by the Government of South Africa on 25 April 1978 and by SWAPO on 12 July. f/

11. Developments up to July 1978 are contained in the previous report of the Special Committee. g/ Developments from July onwards are summarized below.

A. Secretary-General's recommendations for the implementation of the settlement proposal

12. On 27 July 1978, the Security Council adopted resolution 431 (1978), by which it took note of the Western proposal for a settlement and requested the Secretary-General to appoint a special representative for Namibia and submit at the earliest date a report containing his recommendations for the implementation of the proposal in accordance with Security Council resolution 385 (1976).

13. Immediately following the decision of the Security Council, the Secretary-General appointed Mr. Martti Ahtisaari, the United Nations Commissioner for Namibia, as his Special Representative for Namibia.

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

f/ Official Records of the General Assembly, Thirty-third Session, Supplement No. 23 (A/33/23/Rev.1), vol. II, chap. VIII, annex, paras. 88-90 and 96.

g/ Ibid., annex.

14. The Special Representative, accompanied by a staff of United Nations officials and military advisers, visited Namibia from 6 to 22 August to carry out a survey of all matters relating to the implementation of Security Council resolution 431 (1978).
15. While in the Territory, the Special Representative held meetings with the Administrator-General, South African military and police commanders and local authorities, representatives of political parties, churches, the business community and individuals and travelled extensively within the Territory to familiarize himself with local conditions. The principal subjects discussed during the course of these meetings were the repeal of all remaining discriminatory legislation; arrangements for the release of political prisoners and detainees; the establishment of a cease-fire; the electoral process; the composition and work of the Constituent Assembly; and a time-table for the accomplishment of the above stages. The military aspects of the United Nations presence were also discussed.
16. On the basis of this survey, on 29 August the Secretary-General submitted a report to the Security Council h/ containing his recommendations for the implementation of the proposal for a settlement.
17. In his report, the Secretary-General noted that implementation of the proposal would require the establishment of UNTAG, consisting of both military and civilian components under the over-all direction of the Special Representative.
18. The military component would, inter alia, monitor the cessation of hostile acts by all parties and would be commanded in the field by a commander appointed by the Secretary-General with the consent of the Security Council. It would comprise contingents provided by member countries upon request of the Secretary-General and selected by the Secretary-General in consultation with the Security Council and the parties concerned, bearing in mind the accepted principle of equitable geographical representation. To enable the military component to fulfil its responsibilities, the Secretary-General proposed that it should comprise seven infantry battalions, totalling approximately 5,000 men, plus 200 monitors, and in addition, command, communications, engineer, logistic and air support elements totalling approximately 2,300.
19. As regards the civilian component, the Secretary-General recommended that it consist of: (a) a 360-member civil police force, whose duties would include taking measures against any intimidation or interference with the electoral process from whatever quarter and accompanying the existing police forces, when appropriate, in the discharge of their duties; and (b) a non-police element which would assist the Special Representative in supervising and controlling all aspects of the electoral process and ensuring the absence of intimidation. The non-police component would require, as a preliminary estimate, 300 professional officers, as well as the necessary supporting staff, until the cessation of hostilities had been achieved. Thereafter, about 1,000 professional and 200 field service and general service staff would be required during the electoral campaign and balloting.

h/ Official Records of the Security Council, Thirty-third Year, Supplement for July, August and September 1978, document S/12827.

20. The Secretary-General noted that for UNTAG to carry out its tasks effectively it must have the full support and backing of the Security Council; it must operate with the full co-operation of all parties concerned, particularly with regard to the comprehensive cessation of all hostile acts; and it must be able to operate as a combined United Nations operation, of which the military component would constitute an integrated, efficient formation within the wider framework.

21. As regards the time-table, the Secretary-General recommended that the transitional period begin on the date his report was approved by the Security Council. Using the same time-table that had provided 31 December 1978 as the date for independence (see para. 9 above), an appropriate date for elections would be set approximately seven months from the date of approval of his report by the Security Council. The Secretary-General further noted that he would appoint Major-General Hannes Philipp as commander of the military component. Immediately following Security Council action, the Special Representative, accompanied by the Commander and the necessary staff, would proceed immediately to Namibia.

B. Reactions to the Secretary-General's report

Letter dated 6 September 1978 from the Minister of Foreign Affairs of South Africa addressed to the Secretary-General i/

22. One week after the publication of the Secretary-General's report, South Africa indicated that it was dissatisfied with the provisions in the report dealing with the size of the military component of UNTAG, the size of the United Nations police contingent, the date for elections and the question of consultation with the Administrator-General.

23. In a letter to the Secretary-General dated 6 September, Mr. R. F. Botha, Minister of Foreign Affairs of South Africa, said that South Africa had only agreed to reduce its troops to 1,500 men because of the argument of the five Western members during the negotiations preceding the formulation of the settlement proposal that, under conditions of comprehensive peace, there would be no justification for large numbers of troops. South Africa had never been given to understand that a United Nations "military peace-keeping force" of the nature envisaged in the Secretary-General's report was being contemplated and, if it had, the negotiations would "never have got off the ground". Furthermore, although it had been assured by the five Western members that they had explicitly provided for the Secretary-General to consult all those concerned with the implementation of the settlement plan, including the Administrator-General, regarding the military component of UNTAG, South Africa had been confronted "without any consultation", with 7,500 United Nations military personnel plus 360 policemen. South Africa continued to hold the view that if peace were established there would be no need for large numbers of United Nations troops, whereas if peace were not established, it would remain the responsibility of the South African security forces to ensure safety and security.

i/ Ibid., document S/12836, annex.

24. Furthermore, South Africa, before reducing its troops, required as a prerequisite, an unequivocal answer from SWAPO as to whether it had accepted the settlement proposal and whether it had committed itself to the cessation of all forms of violence.

25. Mr. Botha said that there were other aspects of the Secretary-General's report which the leaders of the Territory found objectionable, including the proposed time-table. South Africa had made it clear throughout the negotiations with the five Western members of the Security Council that 31 December 1978 must stand as the date for independence. If, therefore, in order to make it possible to achieve independence by 31 December the time-table had to be telescoped, that was entirely the fault of SWAPO, which had employed delaying tactics.

26. South Africa also objected to the provision for a United Nations police contingent, which it claimed was not provided for in the Western proposal. On the contrary, Mr. Botha said, the proposal clearly stated that the responsibility for maintaining law and order during the transitional period must rest primarily with the existing police forces. This provision was therefore completely unacceptable to South Africa.

27. In conclusion, Mr. Botha said that on 25 April 1978 his Government had accepted the Western proposal in its final and definitive form and was prepared to go along with that decision, but not to go along with inconsistent interpretation.

Letter dated 8 September 1978 from SWAPO addressed to the Secretary-General j/

28. In its letter of 8 September, SWAPO accepted the Secretary-General's report on the understanding that specific areas of concern would be overcome. These areas involved the registration of voters, the size of the United Nations police contingent and the powers of the Special Representative.

29. In the letter, Mr. Sam Nujoma, President of SWAPO, noting that the Secretary-General's report had been silent on that question, said that the registration procedure utilized by South Africa (see paras. 99-104 below) had been accompanied by intimidation and harassment and was therefore unacceptable to SWAPO. SWAPO therefore insisted that the question be looked at afresh, preferably on the basis of a new registration of voters, to be undertaken at the beginning of the transitional period.

30. Mr. Nujoma also stressed the SWAPO view that, owing to the need to create a climate of confidence in the Territory, 360 police officers were not adequate to monitor and accompany the existing police. Further, it was the understanding of SWAPO that if at any time the Special Representative of the Secretary-General was not satisfied with any action or measure taken by the Administrator-General, that action or measure would not be effected.

31. Finally, Mr. Nujoma expressed the readiness of SWAPO to sign a cease-fire agreement, provided that South Africa did the same, and proposed that the

j/ Ibid., document S/12841, annex.

agreement be authenticated by the Secretary-General. With those understandings, SWAPO pledged its full co-operation for speedy action by the Security Council.

32. South Africa immediately rejected the SWAPO proposal that both parties sign a cease-fire agreement. In a statement on 8 September, the Foreign Minister said that SWAPO must simply accept the Western proposal which South Africa had accepted on 25 April and state clearly that it "would end its violence".

Two letters dated 20 September 1978 from South Africa addressed to the Secretary-General

33. On 20 September, South Africa informed the Secretary-General that it had decided to proceed with elections in the Territory before 31 December. k/

34. This decision was communicated to the Secretary-General in a press statement issued by Mr. B. J. Vorster, who was Prime Minister at that time. In the statement, Mr. Vorster said that in its administration of the Territory South Africa's policy had always been that "the inhabitants of the Territory should themselves freely decide on their political future". He recalled that the dispute with the United Nations had centred around the issues of a unitary State; universal adult suffrage; the removal of discrimination based on race; the holding of free and fair elections; the urgency of achieving independence; the right of all "South West Africans" to return to participate in the political process; and the release of political prisoners wherever held. South Africa had committed itself to implementing those points, had taken steps towards those goals and had accepted the Western proposal.

35. It was therefore a cause of great concern and disappointment to the South African Government that despite what had been achieved and the clear wishes of the people of South West Africa for early independence, it was now caught up in arguments far removed from the main questions of principle. As noted in the letter of 6 September from the Foreign Minister to the Secretary-General (see paras. 22-27 above), those arguments arose from the fact that the Secretary-General's report deviated substantially from the settlement proposal. Regrettably, the efforts of the Foreign Minister and the five Western members of the Security Council to overcome those differences had not succeeded. Accordingly, South Africa had decided to give the people of the Territory the opportunity to elect their own representatives on the basis of universal adult suffrage in country-wide elections "to establish unequivocally who has the right to speak for the people of South West Africa". The elections would be held in December, and the elected body would have three options: (a) to draw up a constitution; (b) to proceed with the implementation of the Western proposal; and (c) to accept the Secretary-General's report. It would also be free to express itself on numerous other topics.

36. Also on 20 September, South Africa sent a letter to the Secretary-General enclosing an excerpt of a communication from the South African Government to the five Western members of the Security Council. l/ It was stated in the excerpt

k/ Ibid., document S/12853, annex.

l/ Ibid., document S/12854.

that the establishment of a cease-fire was a prerequisite for the implementation of the Western proposal, and it was suggested that "an undertaking by SWAPO that at a given time it would cease all warlike acts and operations, etc. would be welcomed if implemented". According to the statement, within 48 hours of the delivery of a written declaration by SWAPO that it undertook to stop violence, all South African commanders and other armed personnel would cease all warlike acts and operations against SWAPO and would maintain a cessation of all such acts provided the cease-fire was not broken by SWAPO.

37. In the view of many observers, South Africa's ostensible grounds for changing its position were a cover for other more basic reasons, the most important of which was to prevent the establishment of a Government dominated by SWAPO. According to reports in the Western press, signs indicated that South Africa had never intended to give SWAPO a chance to establish a Government and had only taken part in the negotiations on a peaceful settlement in the hope that they would fail because of a rejection of the proposal by SWAPO. In view of the unexpected acceptance by SWAPO of the Secretary-General's report, South Africa had no alternative if it intended to keep SWAPO out of power, but to find excuses for rejecting the Secretary-General's plan.

38. In a press release issued on 21 September, SWAPO said that South Africa's decision to hold unsupervised elections made it clear that South Africa had never been honest and sincere and that the international community should not have been surprised at that development. SWAPO remained committed to free, fair and democratic elections under the supervision and control of the United Nations. However, to compel South Africa to withdraw from Namibia, the Western Powers would have to support the strong measures provided for under Chapter VII of the Charter of the United Nations.

39. According to press reports, South Africa's decision to hold internal elections was also deplored by representatives of the five Western Powers, who termed it a setback to hopes for a peaceful settlement and to prospects for bringing peace to southern Africa. Despite South Africa's decision, however, the Western Powers said they would recommend acceptance of the Secretary-General's report by the Security Council.

C. Security Council resolution 435 (1978) and subsequent developments

Action by the Security Council

40. At its 2087th meeting, on 29 September 1978, the Security Council met to consider the Secretary-General's recommendations for the implementation of the settlement proposal. The Security Council also had before it a letter dated 27 September from the South African Foreign Minister, addressed to the Secretary-General, m/ stating that as the issues South Africa had previously raised had not yet been resolved, the South African Government found it difficult

m/ Ibid., document S/12868, annex.

to understand how the Security Council could be asked to adopt the Secretary-General's report and how the Secretary-General could be requested to implement it.

41. At the opening of the meeting, the Secretary-General made a statement, n/ in which he further clarified certain aspects of his report in view of the concerns expressed by the parties involved.

42. As regards the military component of UNTAG, the Secretary-General said the figure of 7,500 men (which included 2,300 persons responsible for the logistics) was an estimate and the authorized upper limit. The troops would be introduced by stages and the actual size of the military component at any given time would depend on the development of the general situation. Such factors as the maintenance of the cease-fire and the security situation would obviously be very important in that regard. The Secretary-General also stressed that no commitments concerning military contingents had been made nor would any be made without consultation with the Security Council and the parties concerned, bearing in mind the principle of equitable geographical representation.

43. The Secretary-General noted that while the primary responsibility for the maintenance of law and order would rest with the existing police in the Territory, it was necessary to have designated personnel at the disposal of the Special Representative to ensure that he could satisfactorily perform his police-monitoring responsibilities. The Secretary-General would keep under continuous review the question of whether the number of United Nations personnel was appropriate to the tasks they were expected to perform.

44. The Secretary-General noted that the objectives of the United Nations were the supervision and control of the entire electoral process and that his Special Representative would have to satisfy himself that conditions were established which would allow free and fair elections and an impartial electoral process. Before the electoral process could begin, however, it was necessary that certain conditions obtained. In that connexion, the Secretary-General noted that SWAPO and South Africa had both indicated their willingness to observe a cease-fire, provided the other did the same. He also noted that, as he had stated in his report (see para. 17 above), and as was clearly envisaged in paragraphs 4 and 12 of the proposal (see para. 9 above), the co-operation of everyone concerned was essential to the success of UNTAG. The Secretary-General welcomed the assurances he had received in that regard from the States adjoining Namibia and intended to instruct his Special Representative to explore with them practical ways to facilitate his task.

45. Concerning the timing of the elections and the date of independence, the Secretary-General said that, as he had indicated in his report, a majority of the political parties in Namibia considered it essential to maintain the orderly phases of the transitional period and to allow sufficient time for electoral campaigning. The objective, therefore, was not simply the holding of elections by a certain date, but elections which were free and fair.

46. The Secretary-General said that the Special Representative would look afresh

n/ Ibid., document S/12869.

at all the processes and measures affecting the political process, including the registration of voters. No registration process would receive his approval until he was fully satisfied as to its fairness.

47. At the 2087th meeting also, the Security Council adopted resolution 435 (1978) by which it approved the report of the Secretary-General and his explanatory statement and decided to establish UNTAG. The Council also called on South Africa to co-operate with the Secretary-General; declared that all unilateral measures taken by the illegal régime in respect of the electoral process, including the unilateral registration of voters or the transfer of power, were null and void; and requested the Secretary-General to report to the Security Council no later than 23 October 1978.

48. In his statement after the vote, Dr. David Owen, the United Kingdom Secretary of State for Foreign and Commonwealth Affairs, said that while the Security Council was issuing no threats, the South African Government should not underestimate the gravity of the situation that could arise if there was no solution in sight when the Security Council met again. o/

49. On 3 October, notwithstanding the Security Council resolution, Mr. P. W. Botha, the newly elected South African Prime Minister, indicated that South Africa would go ahead with its plans to hold elections in December and reiterated that the door for implementation of the Secretary-General's plan would not be closed by an election of representatives as the newly elected body would be free to make its own decisions.

Joint statement of 19 October 1978

50. From 16 to 18 October, the foreign ministers of the Western members of the Security Council held talks at Pretoria with Prime Minister Botha aimed at persuading South Africa to cancel the planned December elections and to resume negotiations on the Secretary-General's plan. According to reports, the foreign ministers were expected to warn South Africa that it would face growing isolation if it proceeded with the elections. Also, Mr. Jimmy Carter, President of the United States, was **reported** to have sent a letter to Prime Minister Botha on 16 December, in which he urged South Africa not to go ahead with its plans for unilateral elections. It was believed that the letter also reassured South Africa on "various points of concern" and contained an invitation to visit Washington, D.C., conditional on the **outcome** of the talks.

51. On 19 October, following three days of consultations, the South African Government p/ and the five Western Powers q/ issued a joint statement which said that the discussions had removed South Africa's preoccupation with the character and role of the United Nations police force during the transitional period.

o/ Ibid., Thirty-third Year, 2087th meeting.

p/ Ibid., Supplement for October, November and December 1978, document S/12900, annex II.

q/ Ibid., document S/12902, annex I.

Agreement had also been reached that the Special Representative would consult the Administrator-General with respect to the composition and size of the military component of UNTAG before the Secretary-General took any decisions on those matters. Therefore, on the basis of their discussions, the South African Government and the foreign ministers believed it would be appropriate for the Special Representative to resume his discussions with the Administrator-General, aimed at working out the modalities of the proposed election under United Nations supervision, and to fix a date. The foreign ministers intended to recommend to the Secretary-General that he instruct his Special Representative to proceed to Windhoek as soon as possible.

52. The South African Government said that the December elections had to be viewed as an internal process to elect leaders and that South Africa would thereafter use its best efforts to persuade those leaders to achieve international recognition. The five foreign ministers said that they saw no way of reconciling such elections with the proposal they had put forward and which the Security Council had endorsed. Any such unilateral measure would be regarded as null and void.

53. In addition, both the South African Government r/ and the five foreign ministers s/ issued separate statements clarifying their views on certain points. South Africa said it was necessary that a firm election date be fixed and adhered to irrespective of whether there was a cessation of hostilities and a reduction of South African troops. The five foreign ministers said that no party could be allowed unilaterally to delay the holding of elections supervised by the United Nations. If the agreed date appeared to be in jeopardy because of intimidation or violence, or for any other reason, the Secretary-General would bring the matter before the Security Council where the Governments of the Western Powers would support the necessary action. They also undertook to maintain observers at Windhoek during the transitional period, and to do everything possible to ensure the implementation of the proposals leading to elections on the agreed date.

54. On behalf of the Namibian people, SWAPO rejected the communiqué issued by the Western foreign ministers and the South African Government. In a telegram dated 23 October addressed to the Secretary-General, t/ Mr. Nujoma said that the communiqué did not ensure the implementation of the report of the Secretary-General, adopted by Security Council in its resolution 435 (1978), and provided no basis for the Special Representative to return to Namibia. SWAPO therefore demanded that the Security Council invoke mandatory sanctions against South Africa to compel it to accept implementation of Security Council resolution 435 (1978).

55. The joint statement was regarded sceptically by many observers. An article in The Guardian (Manchester) of 20 October, noted that the only solid achievement by the foreign ministers had been to dissuade South Africa from unilaterally

r/ Ibid., document S/12900, annex III.

s/ Ibid., document S/12902, annex I.

t/ Ibid., document S/12913, annex.

granting independence to Namibia on 31 December. Otherwise, the joint statement failed to clarify key areas of South Africa's true policy towards Namibia, including **the** role it envisaged for the elected body. Furthermore, it contained no commitment on South Africa's part that United Nations-supervised elections would be held, while South Africa's insistence on a fixed date for elections raised the prospect that, having obtained agreement on United Nations supervision of an election, it might provoke hostilities to justify retaining its troops in the Territory even during the voting.

Further action by the Security Council

56. On 31 October 1978, the Security Council met to consider the question of Namibia in light of South Africa's defiance of Security Council resolution 435 (1978). After a number of meetings, the Security Council adopted resolution 439 (1978) of 13 November 1978, in which it called upon South Africa to cancel the elections; demanded that South Africa co-operate with the Security Council and the Secretary-General in the implementation of Council resolutions 385 (1976), 413 (1978) and 435 (1978); and warned South Africa that its failure to do so would compel the Security Council to meet forthwith to initiate appropriate actions under the United Nations Charter, including Chapter VII. The Security Council called on the Secretary-General to report on the progress of the implementation of the resolution by 25 November.

D. South Africa and the implementation of Security Council resolution 435 (1978)

Meetings between the Secretary-General and South African representatives

57. Immediately after the adoption of Security Council resolution 439 (1978), the Secretary-General emphasized to South Africa the need for its Foreign Minister to hold discussions with him prior to 25 November. As the South African Foreign Minister could not be in New York before 26 November, the Secretary-General held discussions with Mr. Brand G. Fourie, South African Secretary for Foreign Affairs, on 23 and 24 November and with Foreign Minister Botha from 27 November.

58. In a subsequent report to the Security Council, u/ the Secretary-General said that he had drawn the Foreign Secretary's attention to those paragraphs of resolution 439 (1978) calling on the South African Government immediately to cancel the elections it planned to hold in Namibia in December and had attempted to elicit South Africa's views on that issue as well as to seek its co-operation in the implementation of Security Council decisions on the question of Namibia. The Secretary-General had also asked the Foreign Secretary for a clarification of his Government's position on several additional matters: (a) its willingness to co-operate with the Security Council and the Secretary-General in the

u/ Ibid., document S/12938.

implementation of Council resolutions 385 (1976), 431 (1978) and 435 (1978), (b) the commencement of UNTAG activities in Namibia as at 1 January 1979. (c) the establishment of a provisional date for the various stages projected in the time-table annexed to the proposal for a settlement (see para. 9 above); (d) the establishment of a provisional date for elections approximately seven months from the commencement of UNTAG; (e) confirmation that South Africa's concern over the United Nations civil police component had been removed by the Secretary-General's explanatory statement (see para. 41 and ff above); (f) completion of the final text of an agreement between the United Nations and the South African Government on the status of UNTAG; and (g) practical arrangements for a cease-fire.

59. The Secretary-General said that the South African Secretary for Foreign Affairs had informed him that his Government declined to cancel the December elections, but was willing to co-operate in implementing Security Council resolution 435 (1978), provided that agreement was reached on a few points. These included: (a) the setting of a fixed date for elections which, in South Africa's view, would have to be adhered to irrespective of whether there was a cessation of hostilities and a subsequent reduction of South African troops; and (b) further consultations on the composition and strength of the military component of UNTAG. The South African Secretary for Foreign Affairs had also reaffirmed the position of his Government on a cease-fire (see para. 36 above) and added that the reduction of South African troops would only commence if and when a comprehensive cessation of hostilities had been brought about.

60. In his report, issued after his talks with the Foreign Minister, v/ the Secretary-General said that the representative of South Africa had conveyed to him the approval of his Government on several points: (a) South Africa had reiterated its willingness to co-operate in the implementation of Security Council resolution 435 (1978); (b) South Africa would be willing, during December, to conclude consultations with the parties concerned on the principles of Security Council resolution 435 (1978) and communicate the results to the Secretary-General; (c) South Africa reaffirmed that it would retain authority in Namibia pending the implementation of the proposals; and (d) consultations on the outstanding points would continue in an effort to resolve them. South Africa had also said that it would be prepared to recommend to the parties concerned that a date be set for elections supervised by the United Nations seven months after the commencement of the emplacement of UNTAG. As noted above (see paras. 57-58), the Secretary-General had recommended that UNTAG commence its activities in Namibia on 1 January 1979.

61. South Africa subsequently proceeded to hold unsupervised elections in Namibia from 4 to 8 December 1978 and to establish a constituent assembly (see paras. 138-143 below). On 21 December, Prime Minister Botha was reported to have said, however, that the final decision on whether to hold elections supervised by the

v/ Ibid., document S/12950.

United Nations rested with the South African Government, which was "in a hurry" to see a settlement. The Prime Minister was quoted as saying that "The decision will be ours, in consultation with them".

Implementation of Security Council resolution 435 (1978)

62. On 22 December, the South African Foreign Minister informed the Secretary-General that his Government, having concluded its consultations with the "leaders of South West Africa" who had expressed their support for an internationally acceptable settlement (see paras. 144-150 below), had decided to co-operate in the implementation of Security Council resolution 435 (1978). w/ In view of that decision, South Africa hoped that the Secretary-General would send his Special Representative to South Africa and "South West Africa", as soon as possible, to complete consultations on outstanding issues, including the size, composition and location of UNTAG, as it was imperative that consultations be concluded in January 1979.

63. The Foreign Minister also listed five points which he said followed from his Government's decision to co-operate: (a) South Africa would not reduce its troop strength in the Territory until there was a comprehensive cessation of violence and hostilities; (b) a date for the elections would be determined in consultation between the Special Representative and the Administrator-General on the understanding that the elections would take place not later than 30 September 1979; (c) outstanding questions, on which there should be further consultations, such as the size and composition of the military component of UNTAG, should be resolved satisfactorily with the Administrator-General, special reference being made to paragraph 12 of the settlement proposal with a view to monitoring SWAPO bases in neighbouring States; (d) the maintenance of law and order would remain the primary responsibility of the existing police forces; and (e) the Administrator-General would exercise legislative and administrative authority until independence.

64. In a second letter, the Foreign Minister put forward the views of "the leaders of South West Africa". x/ He said that those leaders had focused attention on a number of other serious matters related to United Nations recognition of SWAPO as the sole and authentic representative of the inhabitants of South West Africa. Those matters included the financial and other assistance which SWAPO received from the United Nations; the encouragement which SWAPO received from the United Nations to "persist with its violent activities against the people of South West Africa/Namibia"; and the fact that some countries made bases available to SWAPO "for the perpetration of violence". The leaders further requested that: (a) the United Nations should maintain strict impartiality towards all political parties in the Territory; (b) all parties participating in the elections should renounce violence; (c) all political prisoners and detainees should be released on a reciprocal basis; and (d) the United Nations should undertake to terminate its association with SWAPO "in the event that SWAPO does not cease and desist from

w/ Ibid., document S/12983, annex I.

x/ Ibid., annex II.

violence". Furthermore, the Security Council was asked to express its final decision regarding the implementation of Security Council resolution 435 (1978) on or before 23 January 1979.

65. On 30 December, in another letter to the Secretary-General, the Foreign Minister charged that SWAPO had been involved in a bomb explosion in Swakopmund that same day and warned that if SWAPO persisted with "its brutal acts of intimidation" it would represent a rejection of the settlement proposal "in the clearest possible manner". y/

66. On 1 January 1979, the Secretary-General informed South Africa that, on the basis of a number of understandings, he intended to request his Special Representative to visit South Africa and Namibia during the week of 8 January to complete consultations on the deployment of UNTAG. z/ The understandings related to the cease-fire, the date for elections and the emplacement of UNTAG and the relationship between his Special Representative and the Administrator-General.

67. Among other things, the Secretary-General said that the parties had informed him separately of their willingness to undertake and scrupulously observe a cease-fire and that, accordingly, he would propose a procedure for its commencement at an appropriate time. He also considered that elections should take place no later than 30 September 1979 and that the emplacement of UNTAG should therefore begin before the end of February 1979. Consultations between the parties concerned, potential contributing Governments and the Security Council relating to the composition of the military component would take place at Headquarters.

68. The Secretary-General said that the relationship between the Special Representative and the Administrator-General had been determined in the settlement proposal, which had to be regarded in its totality. Paragraph 12 was an important element of the proposal and the States bordering Namibia had assured him of their co-operation.

69. On 4 January, the South African Foreign Minister informed the Secretary-General that his Special Representative would be welcome to proceed to South Africa and South West Africa at the earliest opportunity. aa/

70. The Special Representative subsequently visited South Africa and Namibia from 13 to 22 January. He also visited the front-line States from 28 January to 10 February and Nigeria from 11 to 12 February and had consultations at Luanda with Mr. Nujoma of SWAPO on 9 and 10 February.

71. On 11 February, SWAPO issued a statement in which it noted that South Africa had put forward the following three new pre-conditions regarding the implementation of the settlement proposal: (a) SWAPO forces should be confined to bases outside Namibia in neighbouring countries, and monitored there; (b) Namibians returning from

y/ Ibid., document S/12989, annex I.

z/ Ibid., Thirty-fourth Year, Supplement for January, February and March 1979, document S/13002.

aa/ Ibid., document S/13005, annex.

exile should be confined for an indefinite period in so-called reception centres; and (c) South Africa's reduction of its troops in Namibia would be conditional on South Africa's own concept of the "peaceful nature" of the returnees and South Africa's own definition of SWAPO's "scrupulous respect of the cease-fire". SWAPO rejected those conditions, stating that they would substantially alter the United Nations plan.

72. Subsequently, on 14 February, the South African Foreign Minister sent a letter to the Secretary-General bb/ drawing attention to an attack on a South African military base at Nkongo the previous day (see para. 177 below). Mr. Botha charged that in attempting "to reopen negotiations on a non-negotiable settlement plan", SWAPO's object was clearly to prevent the implementation of the plan. He said that the attack had been motivated by the same considerations and blamed the United Nations for having recognized SWAPO as the sole representative of the Namibian people. He urged the Secretary-General to decide on a cease-fire date and suggested that the delay had been due to "SWAPO's unwillingness to abide by the terms and spirit of the settlement plan". In the light of the armed attack, the Foreign Minister asked the Secretary-General to explain how he expected the settlement proposal to be implemented.

73. In his reply to the South African Foreign Minister dated 17 February, cc/ the Secretary-General said that he fully recognized the importance of securing an atmosphere of peace and security in Namibia to implement Security Council resolution 435 (1978) and recalled that he had stated in his letter of 1 January 1979 (see paras. 66-68 above) that "a comprehensive cessation of all hostile acts" was a prerequisite. However, his Special Representative had informed him that although the parties had affirmed their acceptance of the proposal for a settlement, they had different interpretations of a number of important points. Efforts to clarify those issues were continuing inasmuch as UNTAG could not be established and enter into operation until those issues had been clarified.

74. In a letter dated 20 February, the South African Foreign Minister urged the Secretary-General to start the mechanism for the implementation of the proposal so that elections could be held not later than 30 September 1979. dd/ He said that, in the view of the South African Government, there were no outstanding issues to prevent the commencement of the implementation of the settlement plan, since the question of the size of UNTAG, the role of the United Nations in regard to the police and the principle of consultation had already been resolved. Further, South Africa foresaw no impediment to the resolution of the questions of the status agreement and the composition of UNTAG.

Report of the Secretary-General

75. On 26 February, the Secretary-General issued his report concerning the

bb/ Ibid., document S/13083, annex.

cc/ Ibid., document S/13098.

dd/ Ibid., document S/13105, annex.

implementation of Security Council resolutions 435 (1978) and 439 (1978), ee/ in which he outlined his views on how the outstanding issues should be resolved.

(a) Return of Namibians

76. To assist the peaceful return of Namibians, the Office of the United Nations High Commissioner for Refugees (UNHCR) had made provisions for the establishment of entry points and facilities. Reception centres would provide transit facilities for those returning Namibians who wanted them and would be operated under the close supervision of UNHCR to ensure that all returning Namibians would be free to locate where they wished. Further, the return of SWAPO personnel should take place without arms or other military equipment. Should any personnel seek to return bearing arms or other military equipment, such items would be placed under United Nations control.

(b) Restriction to base

77. Coincidental with a cessation of all hostile acts, the South African Defence Forces (SADF) armed forces would be restricted to base and would subsequently be withdrawn in phases as outlined in the proposal (see para. 9 above). Any SWAPO armed forces in Namibia at the time of the cease-fire would be restricted to base at designated locations inside the Territory to be specified by the Special Representative after necessary consultation. With the commencement of the cease-fire, all SWAPO forces in neighbouring countries would be restricted to base in those countries. Although the proposal made no specific provision for UNTAG to monitor SWAPO bases in neighbouring countries, the Secretary-General attached special importance to the repeated assurances he had received from neighbouring States to the effect that they would ensure to the best of their abilities that the provisions of the settlement were adhered to, as provided in paragraph 12 of the proposal. In order to facilitate that co-operation, the Secretary-General had sought the agreement of the Governments of Angola, Botswana and Zambia for the establishment of UNTAG offices in their countries.

(c) Cease-fire arrangements

78. The Secretary-General intended to send identical letters to South Africa and SWAPO proposing a specific hour and date for the commencement of the cease-fire and requesting both parties to inform him in writing 10 days before the proposed date of their agreement to abide by its terms.

(d) Composition of the military component

79. The Secretary-General had communicated to the parties a list of possible troop-contributing countries which, in the circumstances, he considered could best meet the requirements of UNTAG. Before the commencement of the United Nations operation, he would submit the proposed composition of the military component to

ee/ Ibid., document S/13120.

the Security Council, taking into account the views of the parties, while seeking to balance essential factors such as the principle of equitable geographical representation, the willingness of the troop-contributing countries to participate and, in the case of logistics, the capacity to perform the required tasks.

(e) Agreement on the status of UNTAG

80. Agreement had been reached with the South African authorities on most of the provisions of a draft agreement on the status of UNTAG which had been first presented to South Africa in August 1978. As stated in the Secretary-General's report of 29 August (see paras. 16-21 above), UNTAG and its personnel had to have all the relevant privileges and immunities provided for by the Convention on the Privileges and Immunities of the United Nations, ff/ as well as those especially required for the proposed operation.

81. In conclusion, the Secretary-General noted that the United Nations had the responsibility of assessing the implementation of the various military provisions of the settlement proposal, while the Special Representative was to be satisfied about the various provisions regarding the creation of conditions for and conduct of elections. There was no basis for unilateral determinations or for unilateral actions by any party. Should the implementation of the proposal be jeopardized as a result of the failure of any party to carry out its provisions, the Secretary-General would bring the matter immediately to the attention of the Security Council.

82. The Secretary-General also noted that if the co-operation of the parties was forthcoming, he intended to designate 15 March 1979 as the date for the emplacement of UNTAG and the entry into force of the cease-fire. He would transmit the letter on the cease-fire accordingly.

83. The text of the cease-fire letter to be sent by the Secretary-General to both the South African Government and SWAPO was contained in the annex to the report. gg/ The letter requested that the parties inform the Secretary-General no later than 5 March 1979 that they had accepted the terms of the cease-fire and that they had taken all the necessary measures to cease all warlike acts and operations, including tactical moves, cross-border movements and all acts of violence and intimidation.

84. On 26 February, the South African Prime Minister told the House of Assembly that, on the basis of certain communications and advance copies of the Secretary-General's report, a serious situation had arisen in connexion with the implementation of the settlement because of serious deviations relating, inter alia, to the provision for the monitoring of SWAPO bases. In the circumstances, the South African Government had decided to consult the Constituent Assembly of South West Africa as soon as possible.

ff/ General Assembly resolution 22 A (I).

gg/ Official Records of the Security Council, Thirty-fourth Year, Supplement for January, February and March 1979, document S/13120, annex.

85. On 2 March 1979, the Acting President of the United Nations Council for Namibia condemned, in the "strongest possible terms", the statement of the Prime Minister as formally recognizing the organ created as a result of the December elections which had been held in defiance of Security Council resolution 439 (1978). hh/

86. On 1 March 1979, the South African Prime Minister and Foreign Minister addressed a special closed session of the Constituent Assembly. According to reports, Prime Minister Botha said following the meeting that he had given the Constituent Assembly an objective assessment of the Secretary-General's report and was awaiting its response.

87. Subsequently, on 3 March, the ambassadors of the Federal Republic of Germany, the United Kingdom and the United States visited Windhoek. The ambassadors refused an invitation to meet with the Constituent Assembly which is not recognized by their Governments, but agreed to hold talks with leaders of political parties, including the Democratic Turnhalle Alliance (DTA) and the Namibia National Front (NNF).

88. On 5 March, the South African Foreign Minister communicated his Government's views on the Secretary-General's report, as well as those of the Constituent Assembly, to the Secretary-General. ii/

89. In his letter, the Foreign Minister said that, consistent with his Government's policy that the people of the Territory had to decide their own future, it had discussed the Secretary-General's report with the political parties in the Territory. He said that the leaders of the Territory, as represented in the Constituent Assembly, as well as NNF and SWAPO-D (Democratic) jj/ had all expressed objections to the provision envisaging the establishment of SWAPO bases inside the Territory. A copy of the motion adopted by the Constituent Assembly was enclosed with the letter. kk/

90. Recalling his letter to the Secretary-General of 20 February (see para. 74 above), which stated that in the view of the South African Government there were no outstanding issues to prevent the implementation of the settlement, the Foreign Minister said that South Africa was ready to agree to a cease-fire, to begin 15 March, on the understanding that the settlement proposal accepted by his Government in its final and definitive form was not changed, meaning that:
(a) SWAPO armed personnel would be restricted to existing bases and monitored by

hh/ Ibid., document S/13136, annex.

ii/ Ibid., document S/13143, annex, enclosure I.

jj/ See Official Records of the General Assembly, Thirty-third Session, Supplement No. 23 (A/33/23/Rev.1), vol. II, chap. VIII, annex, paras. 132-134.

kk/ Official Records of the Security Council, Thirty-fourth Year, Supplement for January, February and March 1979, document S/13143, annex, enclosure II.

UNTAG; (b) SWAPO would have no right to create bases or be designated bases in South West Africa; (c) a comprehensive cessation of all hostile acts was a prerequisite to the implementation of Security Council resolution 435 (1978); (d) elections supervised by the United Nations should be held no later than 30 September 1979; and (e) political detainees in neighbouring countries should be allowed to return to South West Africa and to participate in the election process.

91. The following day, 6 March, Prime Minister Botha announced in Parliament that South Africa had launched "limited strikes" against SWAPO bases in Angola because of a new situation that had arisen since the Secretary-General's report was issued. According to reports, the strikes had been launched at dawn and had continued throughout the day.

92. In his statement, which was communicated to the Secretary-General in a letter dated 6 March 1979, ll/ Prime Minister Botha also criticized the provisions of the Secretary-General's report dealing with the restriction of SWAPO troops to bases in Namibia and the monitoring of SWAPO bases in neighbouring States which, he charged, constituted drastic departures from the settlement plan that were intended to meet SWAPO's claims without publicity being given to them. Mr. Botha, in particular, accused the Western Powers of violating assurances given to South Africa regarding their interpretation of those provisions and of conspiring to turn the cease-fire arrangements in favour of SWAPO.

93. Referring to the Foreign Minister's letter to the Secretary-General of the previous day (see paras. 88-90 above), the Prime Minister said that the reply did not slam doors and that South Africa stood by the settlement proposal which it had accepted on 25 April 1978. South Africa was also bound, however, by its undertaking to the people of South West Africa, that it would not allow a political solution to be forced upon them. As noted in the Foreign Minister's letter, the Constituent Assembly, as well as SWAPO-D and NNF, were opposed to the establishment of SWAPO bases in the Territory.

94. Stressing that South Africa remained committed to the principle that the people of South West Africa should determine their own future, Prime Minister Botha said that if South Africa were to be punished for its undertakings towards the inhabitants of a neighbouring State, it was prepared to take the consequences.

95. In a letter addressed to Prime Minister Botha on 8 March, mm/ the Secretary-General categorically rejected Mr. Botha's allegation that there had been scheming, bias or deceit which involved the Secretariat of the United Nations. Noting that the possibility of continued co-operation between the parties would be gravely undermined by a loss of confidence by any of the parties in the impartiality or integrity of the United Nations, the Secretary-General

ll/ Ibid., document S/13148, annex.

mm/ Ibid., document S/13156.

reiterated the appeal made in his report that all parties should refrain from actions which might jeopardize a settlement. He also informed Prime Minister Botha that he would continue with efforts aimed at bringing about a peaceful solution to the question of Namibia.

Position of SWAPO and the front-line States

96. On 3 and 4 March, Mr. Nujoma, President of SWAPO, attended a summit meeting of the front-line States held at Luanda, during which the Secretary-General's report was among the questions discussed. According to the final communiqué of the meeting, communicated to the Secretary-General on 5 March 1979, nn/ the front-line States and SWAPO held the position that: (a) SWAPO's armed forces inside Namibia would be confined to base and monitored by the United Nations; and (b) that, in accordance with the United Nations plan, there would be no monitoring of SWAPO forces outside Namibia. The summit and SWAPO reaffirmed, however, their commitment to ensure scrupulously the observance of the cease-fire.

Further talks scheduled

97. On 12 March, the foreign ministers of the five Western members of the Security Council invited all concerned parties, i.e., SWAPO, South Africa, the front-line States and Nigeria, to proximity talks through mediators to be held at the United Nations on 19 and 20 March. Representatives of DTA, NNF, SWAPO-D and the Action Front for the Retention of Turhalle Principles (AKTUR) were also present in New York while the talks were in progress.

3. ILLEGAL OCCUPATION OF THE TERRITORY BY SOUTH AFRICA

98. During 1978, South Africa, while participating in negotiations on an internationally acceptable settlement, continued to defy the United Nations by taking steps towards an internal settlement. Acting through its Administrator-General, South Africa unilaterally registered voters for elections, promulgated legislation providing for the establishment of a constituent assembly and finally, in December, held unsupervised internal elections, in which SWAPO and NNF did not participate and which resulted in an expected victory for DTA, an ethnically based political organization openly favoured by the South African Government. During this period, South Africa also intensified its policy of repressing all opposition to its plans for an internal settlement, particularly by arresting leaders and rank and file members of SWAPO.

A. South Africa's moves towards an internal settlement

Registration of voters

99. The registration of voters for the election of a Constituent Assembly was begun in June 1978. Under the Registration of Voters (Constituent Assembly)

nn/ Ibid., document S/13141, annex.

Proclamation No. AG 37 of 16 June 1978, all persons over the age of 18 years who were born in Namibia or who had lived there for at least four years were eligible to register. As South Africa does not accept Walvis Bay as part of Namibia, persons born in that area and who continued to reside there, were excluded from the registration. It was estimated that some 26,000 persons, the majority of them classified as non-white under South African law, were thus disenfranchised. All Namibians living outside the Territory, estimated to number up to 40,000 (mainly Africans) were also excluded. However, all white South African civil servants who had lived in the Territory for four years were permitted to vote. According to one source, there were an estimated 10,480 white civil servants in Namibia in 1976/77. In all, South Africa estimated that about 440,000 persons were eligible to vote. SWAPO, which charged that large-scale irregularities occurred during the voter registration period (see para. 141 below), considered that the number of Namibians held eligible to vote by South Africa was too low.

100. In order to handle the registration, centres were established at points throughout the Territory and 150 registration teams travelled throughout rural areas. In addition, "appeals" were addressed to white farmers to aid in getting workers to places of registration.

101. At the close of the registration period on 20 October, the Administrator-General claimed that 93.05 per cent (412,635) of the eligible voters had registered, which, according to him, demonstrated that the people desired an election.

102. The entire registration process was attacked as grossly unfair by a wide spectrum of groups and individuals within the Territory, including SWAPO, SWAPO-D (led by Mr. Andreas Shipanga), NNF (a coalition of six parties) and numerous churchmen. Although the registration proclamation provided that intimidation or "discouragement" of potential voters was punishable by a fine not exceeding R 3,000 and/or three years in prison, the groups referred to above charged that as many as 100,000 Africans had been forced to register through intimidation and harassment on the part of the authorities, including the threat of losing their jobs and medical care; that farmers and large-scale employers of Africans had driven their African employees to registration points and "supervised" their registration; and that the tribal armies in the northern areas had intimidated Africans who had no registration cards. It was also alleged that Angolan refugees had been registered in the northern areas, thereby accounting for the fact that 43,018 persons had been registered in Kavangoland instead of the 30,000 originally estimated to be eligible. According to a report from Windhoek published in The New York Times of 3 December 1978, SWAPO charged that 60,000 Angolan refugees and 130,000 South African civil servants, soldiers and expatriates had been improperly registered to give the impression of a high turn-out.

103. In a letter dated 8 December 1978 addressed to the President of the United Nations Council for Namibia, Mr. Justin Ellis, Secretary-General of the Christian Centre in Namibia, detailed charges of harassment carried out by the South African authorities. oo/ Mr. Ellis said that throughout Ovamboland and Kavangoland people had told him that they had registered because of fear; it was necessary to carry a registration card on one's persons at all times to avoid harassment by SADF and police units. In addition, many people had registered in the belief that they were going to participate in elections supervised by the United Nations. In the urban and white farming areas, there had been indications that employers, in both the private and public sectors, had played a crucial role in getting people to register.

104. Mr. Ellis had been expelled from the Territory at the end of November by order of the Administrator-General.

Election proclamation

105. On 20 September, the Administrator-General issued a proclamation (Constituent Assembly and Election Proclamation No. AG 63, 1978) providing for the establishment of a constituent assembly and setting out procedures for the registration of political parties and for voting.

(a) Establishment of a constituent assembly

106. The proclamation provided for the establishment of a 50-member constituent assembly, the members of which were to be nominated by the political parties participating in the elections in proportion to the number of votes each received. Any registered voter 21 years of age or older could qualify for nomination, provided that he was not of unsound mind.

107. The Proclamation, empowered the proposed assembly, inter alia, to draw up and adopt a constitution for the Territory with a view to its becoming an independent sovereign State on the date of the coming into operation of such a constitution. The assembly was also to be empowered to submit to the Administrator-General requests, recommendations or proposals as to any course of action it desired to be followed or any steps it wished to be taken with a view to the attainment of independence by the Territory as a sovereign State. The Administrator-General would not be obliged, however, to accede to any such request, recommendation, proposal or advice submitted or given by the Assembly.

108. Elections were subsequently scheduled for 4 to 8 December 1978.

oo/ A/33/458-S/12959. For the printed text, see Official Records of the Security Council, Supplement for October, November and December 1978.

(b) Registration of parties

109. The Proclamation provided that any political organization wishing to participate in the elections should submit in writing to the chief electoral officer prior to a given date, the name, abbreviation, symbol and constitution of its organization. The chief electoral officer would be empowered to review the applications and to determine whether they were acceptable or failed to comply with the provisions of the Proclamation.

110. The deadline for the registration of parties was subsequently set at 25 October. By that date, five groups had agreed to participate: DTA, AKTUR, the Herstigte Nasionale Partei (HNP), the Christian Democratic Party (CDP) and the Rehoboth Liberation Front (see paras. 119-129 below). SWAPO refused to participate in the elections unless its conditions were met, including especially the withdrawal of South African troops from Namibia. NNF and SWAPO-D announced that they would participate only in elections supervised by the United Nations.

(c) Voting procedures

111. The Proclamation provided that polling would be conducted by secret ballot, upon presentation of a registration card. Polling booths were to be set up throughout the Territory and could be monitored by agents of the registered parties. The ballot itself would contain the names of the registered parties as well as their initials and symbols, in order to provide easy identification by those who were unable to read either English or Afrikaans.

112. Each registered party would be entitled to appoint election agents for each district as well as one polling agent for each polling station.

113. According to reports, there would be a total of 1,093 polling points in the Territory, including mobile units, of which 104 fixed election bureaux and a possible 22 mobile units would be situated in Ovamboland. Throughout the northern areas, there would be 165 South African officials "in a helping capacity", including more than 50 magistrates who would serve as election officials.

114. As regards the counting of votes, reports indicated that a total of 150 people, including Africans, Coloureds and whites had been appointed for the counting process. Furthermore, each party, alliance or front could appoint five representatives to supervise the counting at a given time. Questions raised about the validity of any ballots would be referred to a reference board, consisting of a judge president, a senior advocate and a chief magistrate.

Participation in the elections

115. Only two of the five parties which registered (DTA and AKTUR) were considered to be serious political contenders, the three other parties being splinter groups without a broad-based appeal.

116. Because of the absence of SWAPO, as well as SWAPO-D and NNF, it was widely considered that the internal elections could not be meaningful or reflect the will of the people but would merely serve to install DTA in power. An article in The Financial Times (London) of 4 December 1978, predicting a DTA victory, noted that in the absence of three significant groups (SWAPO, NNF and SWAPO-D), however scrupulously the elections might be conducted, they would necessarily be one-sided test of opinion and, were it not for the underlying importance of events, might be something of a farce.

117. In an article in The Economist of 28 October 1978 it was stated that however "phony" the elections might be. They would give DTA a status which South Africa would do its best to enhance. Even if elections supervised by the United Nations were subsequently held, the chances of DTA against SWAPO would have been improved.

118. Yet another article noted that if the demands of DTA on the United Nations were exorbitant, and consequently refused, DTA could claim that it had had no alternative but to reject supervised elections, set up its own Government and proceed to independence.

(a) DTA

119. DTA, an alliance between the tribal representatives who attended the Turnhalle Conference pp/ and the all-white Republican Party formed by Mr. Dirk Mudge in 1977, was the only political group participating in the elections to try to appeal to white and non-white alike and was reported to have South African support. The President of the Alliance is Pastor Kornelius Ndjoba, Chief Minister of Ovamboland; its Chairman and principle spokesman is Mr. Mudge.

120. In its platform, DTA supported the establishment of a strong central Government with responsibility for all major governmental functions. Representation in the central Government, however, would be along ethnic lines "to safeguard minority rights". In addition, there would be second-tier authorities based on the present system of ethnic groups. In the urban areas, no distinction would be made between black and white municipalities. Instead, joint municipalities would be established comprising representatives of all the ethnic groups concerned and anyone would be able to choose where he wished to reside.

pp/ At the Turnhalle Conference, the representatives of the East Caprivians, Kavangos, Ovambos and Rehoboth Basters, for whom so-called homeland Governments had already been established, comprised members of those Governments. The representatives of the Bushmen, Damaras, Hereros, Namas, Tswanas and Kaokovelders who had no self-government institutions, comprised traditional tribal leaders except when such leaders refused to participate. For example, the representatives of the Damaras were from a splinter faction which was only recognized by South Africa after the Damara Tribal Executive Committee and the Damara Advisory Council had refused to participate.

121. As regards elections supervised by the United Nations, the position of DTA, as at December 1978, was that although it would keep the door open for negotiations with the Western Powers, it did not accept the Secretary-General's plan, especially the provision for a 7,500-man United Nations military group. According to one report, DTA had made it clear that it would demand that the United Nations retract its support for SWAPO and adopt an "even-handed posture" before it would agree to elections supervised by the United Nations. It would also demand that Angola and Zambia close SWAPO bases in their territories, and that the military component of UNTAG be "neutral". Another report indicated that DTA would also ask for United Nations observers on the Angolan side of the border.

122. According to available information, prior to the elections the DTA programme had gained the support of a minority of urban whites, tribal leaders and the non-white middle class, particularly in the southern and central regions. The organization had been less successful, however, in attracting widespread support in the northern areas, which traditionally were strongly pro-SWAPO.

(b) AKTUR

123. AKTUR, headed by Mr. Abraham du Plessis, comprises the National Party and two Coloured and Baster splinter groups.

124. In its platform, AKTUR advocated adoption of the original Turnhalle draft constitution qq/ which in effect provides for a confederation of ethnic mini-States under a weak central Government in which whites would have veto power. The coalition was said to have the support of a majority of Afrikaners, and was considered to be the only real competition to DTA.

(c) HNP

125. HNP, headed by Mr. Sarel Becker, is an all-white party which draws its support from the ultra-right among the whites. It has no seats in the present all-white Legislative Assembly of the Territory.

126. HNP rejects: (a) the Turnhalle draft constitution as being too liberal; (b) one man, one vote elections; and (c) the United Nations role. In a statement in October 1978, Mr. Becker said that HNP would be an anchoring factor in the December elections because the other parties were going overboard for black support. HNP supports the Afrikaner's traditional policy of racial separation.

(d) CDP

127. CDP, a Coloured party, led by Mr. Ben Pillay, claims to stand for the protection of individual rights.

qq/ See Official Records of the General Assembly, Thirty-second Session, Supplement No. 23 (A/32/23/Rev.1), vol. II, chap. VIII, annex, paras. 99-109.

128. In a statement prior to the elections, Mr. Pillay said that neither he nor his co-executive members were politically ambitious, and that if they won a few seats in the Constituent Assembly they would be happy to offer some of those to other parties under certain conditions. He also said that CDP was not satisfied with the handling of the elections, in which they had agreed to participate only because there was no other possibility of forming an opposition.

DTA electoral campaign and the media

129. The Rehoboth Liberation Front is a Baster splinter group which broke away from the anti-South African Rehoboth Volkspartei to join the Turnhalle Conference. Its leaders in 1975 were Messrs. Hans Diergaardt and D. A. B. Isaak. Recent information on its programme or leadership is not available.

(f) DTA electoral campaign and the media

130. DTA attempted to gain popular support by conducting an elaborate and expensive campaign (financed partly by South Africa) and by gaining control over the Namibian press.

131. In view of the size of the electorate, the DTA campaign was described as one of the most expensive in the world. According to a report in The Times (London) of 13 October 1978, as at that date DTA had already spent over £2.5 million, most of which had been received from sources in the Federal Republic of Germany and South Africa. Other sources commented that for an organization waging a battle it could not lose, DTA "had fought remarkably hard". It was reported that DTA had a network of 36 offices, 425 field-workers, 21 armed guards, 132 vehicles, 10 mobile television units and a "pop" band. It had also staged about 500 rallies at which free food was provided, and had distributed thousands of posters and pamphlets, as well as free T-shirts, shawls for women and cardboard sun visors, all decorated with the party emblem of a two-fingered peace sign.

132. During the DTA campaign, reports indicated that there was little political content. The Financial Times (London) commented that the contest between DTA and AKTUR had degenerated into a "slanging" match between their white leaders, with little serious consideration given to the future of the population, and that the whole exercise had been complicated by the emphasis on race and tribalism. To emphasize tribal differences, DTA officials had, among other things, travelled with a number of interpreters to translate campaign speeches into six different tribal languages.

133. It was also charged that the Administrator-General had shown partiality to DTA. One such charge was made by AKTUR, which on 16 November protested to Prime Minister Botha that the Administrator-General had surrounded himself with DTA advisers and was covering up DTA intimidation of Africans in the northern areas. Another allegation came from the editor of the Rand Daily Mail (Johannesburg) who said in an article that DTA, the Administrator-General and the South African Government appeared to have formed themselves into an axis and that he could no longer regard the Administrator-General as an impartial figure.

134. In the northern areas, which are traditionally SWAPO strongholds, the DTA campaign was also well organized. In East Caprivi, where two of the most important tribal leaders were both on the DTA executive committee, a DTA organizer was appointed in each of the 31 wards and meetings were arranged in all the kraals. SADF assisted in the provision of essential services, as it had done since 1973.

135. In addition to campaigning, DTA supporters disrupted SWAPO meetings in East Caprivi, Windhoek and elsewhere. There were no reports of attempts by authorities to restrain them.

136. DTA also used the information media to help its campaign. DTA gained control of the press in April 1978 when The Windhoek Advertiser (an English language newspaper) and the Allgemeine Zeitung (a German language newspaper), both of which had challenged the policies and principles of DTA and had given unbiased coverage to SWAPO, were taken over by a millionaire from the Federal Republic of Germany, who was described as a staunch supporter of DTA. The transaction is said to have cost £1.3 million, largely provided by the Christian Socialist Union Party of the Federal Republic of Germany. Inasmuch as Mr. Dirk Mudge already controlled an Afrikaans newspaper, the takeover in effect gave DTA a press monopoly. Following the transaction, The Windhoek Advertiser began to give extensive favourable coverage to DTA.

137. In August 1978, the administration of radio services, which had previously been controlled by the South African Broadcasting Company, was taken over by the Administrator-General, who set up a multiracial, advisory Interim Broadcasting Board to control broadcasts during the pre-election period. According to available information, officials of the broadcasting system agreed in principle that there should be equal access for all the parties and established guidelines for granting time to the parties. However, in a statement, the Administrator-General openly admitted that the functions of the Board would be to counteract "the vicious and sometimes extremely dangerous propaganda" beamed at the Territory by short-wave stations from places such as Lusaka and Luanda.

Results of the elections

138. The internal elections for the Constituent Assembly were held from 4 to 8 December 1978. According to the Administrator-General, 81 per cent of the registered voters, or 326,264 persons, had cast valid ballots by the end of the five-day period. After the votes had been counted, it was reported that DTA had received 268,130 votes, or 82 per cent of the votes cast, which would give it 41 out of the 50 seats in the Constituent Assembly, and that AKTUR had received 38,716 votes, entitling it to 6 seats. CDP had polled 9,073 votes, HNP, 5,781 votes, and the Rehoboth Liberation Front, 4,564 votes, entitling them to one seat each. There were 4,791 invalid ballots.

139. According to available information, the votes were counted by 150 officials, who first compared the number of votes with the registration cards handed in at the various polling bureaux to ensure that the figures tallied. The registration

cards were simultaneously scrutinized by a team of 40 fingerprint experts and two handwriting experts to ensure that the cards were issued to the same people who handed them to election officials. Representatives of the political parties which participated in the elections were also present at the counting.

140. Following the polling, Prime Minister Botha said that the elections were the fairest ever to have taken place in Africa and that the people of the Territory had expressed their wishes freely. The Administrator-General commented that the high percentage poll demonstrated clearly and unequivocally the will of the majority and must demonstrate to the non-participants (SWAPO, NNF and SWAPO-D) that they were in the minority. He also said that the elections had been accomplished peacefully.

141. SWAPO, which had called for a boycott of the internal elections, as well as other sources, including AKTUR, charged that South Africa had achieved the high turnout by intimidation of the African population. In a statement at Luanda, Mr. Nujoma, President of SWAPO, said that the mobile polling places had been guarded by armed soldiers and police, that South Africa had paid agents to force people to vote and that white farmers had threatened their employees with losing their jobs unless they voted. AKTUR characterized the intimidation at Katutura as unbelievable and charged that there had been nothing of a free election whatsoever. According to reports, AKTUR had expected to win a majority of the white vote.

142. Many reports in the Western press confirmed that the elections had taken place under tight South African control. Among other things, police armed with machine pistols were said to have guarded the polling stations; soldiers patrolled key points at Windhoek; polling officials voted on behalf of illiterate Africans "under the scrutiny of party officials"; and tribal government trucks transported DTA supporters to the polls in Ovamboland. The Washington Post of 5 December 1978 also reported that, in addition to some 18,000 armed troops, South African Mirage jets had been on standby in Ovamboland.

143. The Administrator-General said that charges of irregularities would be investigated, but that allegations without factual support would be dropped.

Establishment of the Constituent Assembly and subsequent developments

144. After the final tallies had been recorded, the Administrator-General advised the political parties which had participated in the elections to nominate their representatives to the Assembly within 72 hours.

145. The DTA nominees comprised four representatives each for the Ovambos, Hereros, Kavangos, East Caprivians, whites, Namas, Coloureds and Damaras, and three each for the Basters, Bushmen and Tswanas. AKTUR nominated four whites, one Coloured and one Baster, while HNP, the Rehoboth Liberation Front and CDP, each with one seat, announced that they would be represented by their leaders or deputy leaders.

146. The Constituent Assembly held its first meeting on 20 December 1978 in the Turnhalle Gymnasium. During the meeting Mr. Johannes Skrywer, a Damara, was elected President and the Assembly debated a motion calling on it to indicate the limits to which it was prepared to go for international recognition.

147. Speaking during the debate on the motion, which he supported, Mr. Mudge said that the main concern of DTA was that an election supervised by the United Nations should be "as free to us as it is to SWAPO" and that, before any further negotiations were held with the United Nations, DTA would insist that a "dispensation be adopted which will satisfy us that any proposed United Nations-supervised election will be truly free".

148. On 21 December, the Constituent Assembly held day-long private meetings with the South African Prime Minister and Foreign Minister who were accompanied by General Magnus Malan, Chief of SADF. No details of the talks were made available. Afterwards, however, Prime Minister Botha said at a press conference that South Africa was prepared to hold another election and that he had advised the elected representatives to accept it. Other reports indicated that the Prime Minister had attempted to persuade the "leaders" to accept plans for an election supervised by the United Nations by discussing the dangers of an internal settlement, including economic sanctions and a continuing guerrilla war. The presence of General Malan indicated that South Africa's commitment to defend the Territory in the event of the failure of a settlement had also been discussed.

149. On 22 December, the Constituent Assembly adopted a resolution agreeing in principle, to an election supervised by the United Nations, subject to certain pre-conditions.

150. The views of the Constituent Assembly were transmitted to the Secretary-General by a letter dated 22 December from the South African Foreign Minister (see para. 64 above).

151. On 5 March 1979, the so-called Constituent Assembly adopted a motion, inter alia, requesting the South African Government to make no concessions with respect to the proposals of the Secretary-General's report of 26 February concerning the restriction of SWAPO forces to bases. The Constituent Assembly also decided that if the settlement plan were not implemented by 15 March, it would convene on 2 April to consider the steps necessary to lead South West Africa to independence.

152. As reported above, the text of the motion was annexed to the Foreign Minister letter to the Secretary-General of 5 March (see para. 88 and foot-note ff above).

B. Persecution of Namibian nationalists

153. In order to suppress the support of the people of Namibia for SWAPO, South Africa has continued its relentless persecution of Namibian nationalists. During

1978, South African police arrested large numbers of SWAPO leaders and rank-and-file members, presumably to stifle SWAPO's opposition to the holding of internal elections and to undermine popular support for SWAPO in the event that elections supervised by the United Nations were held. The persecution of SWAPO by the police has been intensified since the promulgation by the Administrator-General of new security regulations under which numerous arrests have been made.

Security measures

154. The principal security regulations promulgated by the Administrator-General during 1978 were the Provisions for the Detention of Persons in Order to Prevent Political Violence and Intimidation of 18 April. These regulations, which are similar in effect to the Terrorism Act of 1967, empower the Administrator-General to order the indefinite detention of any person or persons if he is satisfied that the peaceful and orderly constitutional development of South West Africa is threatened by violence or intimidation. As under the notorious Terrorism Act, those arrested have no recourse to a court of law, but the new regulations provide that detainees may be visited by doctors at intervals of not more than three days and by a magistrate every two weeks. Further, magistrates may convey complaints to the Administrator-General and detainees may also make written representations to a review committee. The recommendations of the review committee are secret, however, and are neither binding on the Administrator-General nor subject to scrutiny by the courts. Justifying the harsh new security measures, the Administrator-General said that although the Terrorism Act could have been invoked, he felt that the Territory should have its own laws.

155. Subsequently, on 13 June, the Administrator-General promulgated further measures prohibiting any vehicular traffic in Ovamboland during night-time hours. According to one report, the ban, which constitutes a step towards reimposition of the state of emergency that was in effect in Ovamboland from 1972 to 1977, was considered necessary to prevent SWAPO guerrillas from transporting ammunition to the south.

Arrests of nationalists

156. Arrests of SWAPO leaders and rank-and-file members were stepped up in the spring of 1978 when it was still considered possible that elections supervised by the United Nations might be held before the end of 1978. During April alone, some 32 SWAPO members, including 5 SWAPO leaders, were detained, some under the Terrorism Act and others under the new security regulations described above, bringing the total number of SWAPO members then held in detention to about 100. Although the Administrator-General claimed that the arrests were not aimed at any one party, as far as is known, only SWAPO members were detained by the police. SWAPO charged that the arrests were in fact motivated by South Africa's determination not to allow SWAPO to carry out an electoral campaign.

157. A few weeks after the first wave of arrests, two more members of the SWAPO executive, and two members of the National Unity Democratic Organisation (NUDO) were arrested.

158. On 27 October, South African authorities announced that all 14 SWAPO members held under the new security measures had been released, including Mr. Axel Jackson Johannes, Administrative Secretary of SWAPO.

159. Police resumed arrests of SWAPO leaders in December 1978. The timing of arrests coincided with the internal elections, which were being boycotted by SWAPO. Among those detained were Mr. Daniel Tjongarero, Deputy National Chairman; Mr. Mokganedi Tlhabenello, Publicity Secretary; Mr. Johannes, Administrative Secretary; Miss Lucia Hamutenya, Secretary for Legal Affairs; Mr. Johannes Konjoro, Youth League Chairman; and Mr. Solomon Gamatham, Deputy Secretary for Transport. According to South Africa, the arrests, made under the Terrorism Act, were related to two explosions at Windhoek which had occurred two days previously. SWAPO denied responsibility for the explosions.

160. The SWAPO leaders were released from detention towards the end of December 1978.

161. During 1978, South Africa also convicted three nationalists for attempting to blow up a road and railway bridge. The three men were Messrs. Johannes Pondeni and Petrus Ilonga, who were sentenced to 18 years' imprisonment, and Mr. William Beivo, who was sentenced to 6 years.

C. Military occupation of Namibia

162. During 1978, South Africa took new measures to ensure that its control would, in fact, continue by strengthening its military presence in the Territory in terms of both men and matériel. As noted above, South Africa has insisted that even if it agreed to elections supervised by the United Nations, the reduction of South African troops "would only commence if and when a complete and comprehensive cessation of hostilities had been brought about".

163. South African troops in Namibia are deployed in a network of military bases equipped with sophisticated weapons, including tanks, armoured cars, fighter bombers and small aircraft specially suited for counter-insurgency. The two major bases in the northern region are those at Grootfontein and Oshivello, the Drumpel base at Grootfontein being the larger and containing more than 15 battalions and air support units. There is also a major base at Walvis Bay, over which South Africa claims sovereignty (see para. 167 below).

164. In September 1978, SWAPO charged that South Africa had a total of about 60,000 men in the Territory. Immediately prior to the internal elections, South Africa began markedly to increase its troop strength in the north, stationing two regiment-sized units along the Ovamboland-Angola border. According to an article in The Washington Post of 9 November 1978, the new move appeared to be designed to strengthen South Africa's position politically and militarily in Ovamboland prior to the elections and to reinforce the impression that South Africa and DTA would continue to dominate Namibia in the future. As noted above (see para. 142 above), South African security forces were on full alert throughout the five-day period during which internal elections were held.

165. During 1978, South Africa also took further measures to involve Namibians in its military campaign against SWAPO. Reports during the year indicated that SADF planned to create a paratroop battalion for the Territory beginning in 1979; that the 41st Battalion, comprising Africans from the southern and central parts of the country, had been sent into service in the so-called operational area for the first time; and that the first Namibian officer in SADF, a captain, had been appointed on 1 October. Major-General Jannie Geldenhuys, Commander of the South African forces in Namibia, was reported to have said that South Africa was replacing white officers with "locals" as fast as possible. This involvement of Namibians in the South African military establishment is regarded by some observers as a move by South Africa to set the stage for civil war.

166. During 1978, South Africa also launched attacks against neighbouring States. Information concerning the attack against Angola, which took place in May 1978, is contained in the previous report of the Special Committee. rr/ A second attack, which took place in August, was directed against the town of Sesheke (Zambia), allegedly in retaliation for a successful SWAPO raid against South African troops at Katima Mulilo (see para. 171 below).

D. Question of Walvis Bay

167. South Africa has continued to claim sovereignty over Walvis Bay in defiance of General Assembly resolution 32/9 D of 4 November 1977 which declared that the annexation of Walvis Bay by South Africa was null and void and that Walvis Bay was an integral part of Namibia. ss/

168. During 1978, the economy of Walvis Bay, including the fishing sector, continued to deteriorate. The fishing sector had theretofore contributed about 20 per cent of the Territory's gross domestic product (see paras. 194-195 below). According to an article published in September 1978 by Agence France Presse, Walvis Bay was fast becoming another Namib Desert ghost town and over 10 per cent of the population of about 26,000 had left during the previous four months. The article ascribed the exodus to uncertainty over the status of Walvis Bay, the crisis in the fishing sector and the increased taxation since Walvis Bay came under the same tax system as the Cape Province. In December 1978, South Africa took measures to stem the exodus by ruling that Walvis Bay residents would pay income tax according to the same scale as in South West Africa.

169. During 1978, South Africa also took steps to reinforce its military position in Walvis Bay, which contains the Rooikop military base and is an important forward staging post for South African naval units deployed along the Namibian

rr/ Ibid., Thirty-third Session, Supplement No. 23 (A/33/23/Rev.1), vol. II, chap. VIII, annex, paras. 39-44.

ss/ Ibid., paras. 68-70.

coastline. In October 1978, it was reported that the South African Navy was planning a substantial expansion of its facilities at Walvis Bay which, according to an article in the Namibian press, "holds the key to the control of the South Atlantic and the sea route around the Cape". Also in October, Vice-Admiral J. C. Walters, of the Navy, was reported to have warned that the South African Navy would ensure that the port was "aggressively defended".

4. STRUGGLE FOR NATIONAL LIBERATION

170. During 1978, a new pattern was discerned in the struggle for national liberation waged by SWAPO. As reported in the Western press, there appeared to be fewer but more serious clashes involving larger numbers of SWAPO troops and resulting in a rising death toll on the South African side.

171. The changing nature of the tactics of SWAPO was highlighted on 23 August, when SWAPO forces launched a two-hour rocket, mortar and artillery barrage against the South African military base at Katima Mulilo in East Caprivi. The attack was described as the most serious SWAPO assault against South Africa since the beginning of the liberation struggle in 1966, and resulted in the death of 10 South African soldiers and the serious wounding of 8 others. Two days earlier it had been reported that SADF had already lost 26 men during the year.

172. The SWAPO raid on Katima Mulilo was followed by a bombing operation by South African forces against the Zambian town of Sesheke, along the Namibian border. According to the Minister for Foreign Affairs of Zambia, South African troops crossed into Zambia in 12 troop carriers and shot indiscriminately at everything, destroying a power line, school buildings and airport buildings. These operations, which continued from 22 to 24 August, resulted in the death of 12 Zambian civilians, serious injury to 5 others and substantial property damage.

173. On 28 August, Mr. Nujoma said at Lusaka that South African aircraft were still bombing parts of southern Zambia.

174. Following South Africa's decision to hold internal elections, SWAPO renewed its military offensive. According to Major-General Geldenhuys, the number of incidents recorded in October was one of the highest since August 1966, South African troops having clashed with SWAPO forces 13 times.

175. At the end of October, SWAPO reported that during the previous three months its troops had put out of action 200 South African soldiers, 38 vehicles and 4 helicopters. South Africa claimed that only 42 South African soldiers had been killed.

176. During 1978, SWAPO also attacked various installations, including a water tower in Ovamboland, a road bridge near Keetmanshoop, a rail bridge near Karibib and a water pipeline. SWAPO also felled power and telegraph poles between Windhoek and Ovamboland. One report noted that the bridge explosions, which occurred in a white area, were a psychological blow to South African attempts to keep the war away from the white population.

177. On 13 February 1979, a force of 250 SWAPO fighters armed with heavy mortars and light machine-guns attacked a South African military base at Nkongo in Ovamboland, near the Angola border. Seven SADF members were wounded in the attack. There were no reports of SWAPO casualties. South African sources acknowledged that they had been unable to pursue the SWAPO units because the attack had been carried out during a heavy rain.

178. Subsequently, SADF reported that, on 26 February, SWAPO had bombarded a military base at Ilundu in Ovamboland, about 10 kilometres from the Angola border.

179. On 6 March, South African military sources said that seven SADF members had been kidnapped by SWAPO forces. The communiqué did not specify the date or location of the kidnapping.

5. EXPLOITATION AND CONTROL OF ECONOMIC RESOURCES

A. General

180. During 1978, the white-dominated sectors of the Namibian economy remained depressed owing to a combination of political uncertainty, which inhibited new investments, and economic factors, such as low world prices for base metals and the crisis in the fishing sector. The depression was manifest in the absence of new mining and industrial investments, declining property values and a virtual halt in new construction. According to a report in The Financial Mail (South Africa), only 50 new houses were built in the Territory during the year, car sales remained low, agricultural prices were one fourth of South African levels and virtually the only investment in the private sector was a tire retread plant being built by the South African firm of Barlow-Rand at an estimated cost of R 500,000. tt/ Other symptoms of the depression brought about by political uncertainty included a high turnover among some firms of their white staff and a "trickle" of white civil servants returning to South Africa.

181. Despite the depressed state of the economy, most observers consider that, in view of its mineral and other resources, the Territory's future prospects, given an internationally acceptable settlement, are promising. According to a report in The Times (London) of 1 September 1978, for instance, Namibia faces the prospect of independence with an encouraging potential for development especially since, in addition to its mineral wealth, there are possibilities for a vastly expanded agricultural sector and fishing industry which could make significant contributions to the gross domestic product. In another report, it was noted that, owing to steadily increasing diamond and uranium earnings, the Territory had a more favourable balance of trade in 1977 than in 1975. uu/ A peaceful settlement could therefore unleash a wave of new foreign investment, leading to an even larger balance of trade surplus within a relatively short time and which could foreshadow a new boom.

182. The slowdown in the white-dominated sectors has had predictable negative repercussions on the African majority. A study published by the University of Port Elizabeth concluded that Windhoek was the most expensive urban area in South Africa and South West Africa for Africans and Coloureds. The report noted that over the period April 1977-April 1978, the cost of living of Africans had increased by 7.9 per cent and that of Coloureds by 4.1 per cent. The subsistence level in Windhoek for an African family of six averaged R 161.96 per month during that period, although the average monthly cash wage of an African unskilled labourer was R 78.00 and that of a semi-skilled labourer was R 120.00.

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

uu/ There are contradictory opinions as to the exact size of the trade surplus. One economist, Dr. Wolfrang Thomas, calculates that the trade surplus increased from R 25 million in 1975 to R 120 million in 1977. A second economist, Miss Sue Collett, estimates that the trade surplus in 1977 was R 265 million.

B. Mining

183. The mining sector is the largest contributor to the gross domestic product, the main source of government revenue, and, as the principal source of exports, a major generator of foreign exchange earnings and customs and excise receipts (see tables 2-4 below).

184. With the increase in the price of gem diamonds during 1977 and the onset of production from the Rössing uranium mine (see paras. 191-193 below), it is expected that the proportion of minerals to total exports will increase within the next few years. Of the revenues collected in Namibia by the South African Government in 1977/78 (R 179.0 million), those derived from mining companies accounted for about R 75 million, or about 42 per cent. Taking into account the contributions of mining companies to the non-resident shareholders' tax, undistributed profits tax and customs and excise duties, the total proportion of mining to total revenue was estimated to range from 50 to 60 per cent.

Diamonds

185. The exploitation of Namibia's diamond resources is carried out exclusively by Consolidated Diamond Mines of South West Africa, Ltd. (CDM), a wholly owned subsidiary of De Beers Consolidated Mines, Ltd., of South Africa. The CDM mine is the most important in the Territory.

186. In 1977, capitalizing on the skyrocketing demand for diamonds on the world market and an increase of 32 per cent in the price of gem diamonds set by the Central Selling Organization (CSO), CDM increased the output of diamonds from 1.7 million to 2.0 million carats, mainly of gem quality. It was estimated that the company's revenue during the year probably exceeded R 348 million (R 140 million in 1976) and that its after-tax profits amounted to R 137 million, or 22 per cent of De Beers' net profits (R 623 million, or more than double the 1976 profit of R 308 million).

187. During 1977, De Beers undertook a concerted effort to make its operation in the Territory more acceptable to an independent Government. In his 1977 annual statement, Mr. Harry F. Oppenheimer, Chairman of De Beers, announced that an integrated wage scale had been introduced at CDM, that the families of a number of Ovambo workers had been accommodated at the mine for the first time and that selection and training facilities for African workers had been expanded and improved. He also reported that De Beers had moved the head office of CDM to Windhoek and had appropriated from the CDM accounts the sum of R 25 million for the purpose, "if this proves economically possible, of diversifying our activities in South West Africa/Namibia outside the diamond industry". Mr. Oppenheimer added that, for many years, De Beers had followed a policy of using a proportion of its diamond profits for investment in other fields, but, until 1977, had not felt it necessary to appropriate CDM profits specifically for development in South West Africa/Namibia. He also reported that CDM had stepped up its pace of prospecting in the Sperregebiet, north of its present area of operation, in the hope of proving additional reserves and so lengthening the productive life of the property.

Base metals

188. The base metals sector has been seriously affected by falling world prices for copper, lead and zinc. During 1978, the Otjihase copper mine, owned by Johannesburg Consolidated Investment Company, Ltd. (JCI) of South Africa and the Berg Auker mine, owned by the South West Africa Company, Ltd. (SWACO) (a subsidiary of Kilm Products, Ltd., of South Africa), were put on a care-and-maintenance basis pending an increase in world prices. Production by other companies also is believed to have dropped.

189. Despite the fall in world prices, reports indicate that South African and multinational companies are stepping up their prospecting activities in the Territory, in anticipation of a recovery in the sector as a whole, and that some companies are continuing to expand.

190. In 1978, it was reported that the Tsumeb Corporation had resumed operations at its small Kombat copper mine, which had been placed on a care and-maintenance basis in 1976, and that the Klein Aub copper mine would continue at full production.

Uranium

191. Although the mining sector was originally based on the exploitation of diamonds and base minerals, in recent years these have been overshadowed in importance by uranium, of which Namibia is one of the largest sources in the world. According to one writer, although the earnings from diamonds, copper, zinc and lead made up 96 per cent of total mining revenue in 1971, that pattern would change drastically around 1980 when uranium would take precedence. Apart from the primary uranium deposit at Rössing (see paras. 192-193 below), estimated at 100,000 metric tons, there are believed to be at least four other large uranium deposits of secondary importance in the Namib Desert, east of Swakopmund and Walvis Bay and south of Rössing, which could support further mines. If sizable new reserves are proven in those areas, Namibia would rank behind the United States and Canada as the third largest source of uranium in the Western world.

192. At present, the only exploited source of uranium in the Territory is that at the Rössing mine, which was developed by the Rio Tinto Zinc Corporation, Ltd. (RTZ) of the United Kingdom, primarily in conjunction with the Industrial Development Corporation (IDC) of South Africa. It was reported that by the end of May 1978, RTZ had invested a total of R 300 million in Rössing with the prospect of recovering its original investment within two to three years after the start of full production. Full production had been delayed, however, owing to technical problems.

193. In 1977, Rössing produced 2,759 metric tons of uranium oxide, or about 60 per cent of its full target (4,535 metric tons); it is anticipated that full production will probably be reached by the end of 1978 or early 1979. Once that goal is attained, export earnings are expected to increase from the 1977 level of R 150 million to a range of R 250 million to R 300 million per annum.

C. Fishing

194. In 1977, the fishing industry based in Walvis Bay - which during the mid-1970s had accounted for the second largest share of the gross domestic product after mining - was on the verge of total collapse, the result of several years of overfishing by South African-owned companies. Overfishing had led to the virtual commercial extinction of pilchards, the principal species of pelagic fish in territorial waters, the canning of which had been the backbone of the industry. According to an article in The Financial Mail (South Africa) of 19 May 1978, the situation had developed because of the failure of South Africa to deal effectively with the "conflicting demands of economic and political expedience, on the one hand, and the need for careful husbandry on the other".

195. As a result of the pilchard crisis, earning of the fishing sector was reported to have fallen considerably from the R 100 million to R 120 million levels reached earlier during the decade. Although no over-all figures are available, one source indicated that the value of canned pilchards alone had declined from R 70 million in 1976 to R 35 million in 1977 and to virtually nothing in 1978.

D. Agriculture

196. The white-dominated agricultural sector consists largely of cattle and karakul sheep ranching. In 1974, according to official South African sources, the gross value of livestock in Namibia totalled R 100.0 million, of which cattle accounted for R 53.2 million and sheep and goats for R 27.6 million. Since 1974, however, the cattle industry has been depressed owing to the lack of demand for beef, brought about by high market prices, while karakul earnings have continued to increase. In 1976, the value of karakul exports (2.9 million pelts) was estimated at R 51.4 million. It was considered likely, however, that the capacity of Namibia to maintain karakul sheep was approaching the maximum feasible for the soil and climate of the area, so that a further increase in value would depend mainly on rising prices on the world market. Namibian karakul comprise about 50 per cent of world production.

197. In contrast to karakul, most cattle have traditionally been sold in South African markets at controlled prices usually below the world market level. Beginning in 1978, in an attempt to improve the financial situation of cattle ranchers, efforts have been made to expand cattle slaughtering and processing facilities in Namibia and to develop an export market for frozen beef.

Table 2

Namibia: estimates of revenue received on the South West
Africa Account, 1975-1978

(thousand rand)

Item	1975/76	1976/77	1977/78
Tax on income			
Diamond mines	26 465	22 530	45 000
Other mines	10 000	2 098	1 000
Companies (other than mining)	15 149	18 707	20 829
Diamond export duty	7 681	11 510	15 930
Diamond profits tax	8 917	9 000	12 210
Undistributed profits tax	230	120	80
Transfer duties	1 200	1 000	1 000
Stamp duties/fees	1 000	750	650
Prospecting and claim licences	434	363	360
Loan recoveries	2 730	1 876	1 831
Interest	3 366	2 168	1 923
Contribution in connexion with Bantu administration	16 740	16 844	22 866
Rental from state property	154	173	182
Fines/forfeitures	330	180	180
General	3 683	4 496	7 067
Total inland revenue	98 079	91 815	130 993
Customs and excise: Namibian share of customs pool	27 900	35 700	37 660
South West Africa Territorial Revenue Fund	2 451	2 865	3 171
South West Finance Corporation, Ltd.	5 280	6 000	7 470
Total	133 710	136 380	179 294

Source: Roger Murray, The Mineral Industry of Namibia: Perspectives for
Independence (Commonwealth Secretariat, London).

Table 3

Namibia: estimated contribution of economic sectors to the
gross domestic product, 1960-1977

(million rand)

Sector	1960		1970		1977	
	Value	Per cent	Value	Per cent	Value	Per cent
Primary sector	69.0	48.7	175.8	46.3	575.0	50.7
Agriculture, forestry, fishing	21.1	14.9	60.7	16.0	210.0	18.5
Mining	47.9	33.8	115.1	30.3	365.0	32.2
Secondary sector	18.4	13.0	54.5	14.4	160.0	14.1
Manufacturing	12.7	9.0	35.8	9.4	85.0	7.5
Construction	4.3	3.0	14.8	3.9	60.0	5.3
Electricity, gas, water	1.4	1.0	3.9	1.0	15.0	1.3
Tertiary sector	54.2	38.3	149.1	39.3	400.0	35.2
Transport	12.0	8.5	26.7	7.0	60.0	5.3
Commercial trade	15.8	11.1	45.5	12.0	135.0	11.9
Finance and insurance	11.5	8.1	30.9	8.1	85.0	7.5
General government	8.8	6.2	30.1	7.9	70.0	6.2
Total gross domestic product	141.6	100.0	379.4	100.0	1 135.0	100.0

Sources, as cited by Roger Murray, op. cit.: 1960 data from South Africa, South West Africa Survey, 1967 (Pretoria, Department of Foreign Affairs, 1968); 1970 data from W. H. Thomas, The Economy of South West Africa (Cape Town, 1975) (mimeo); and 1977 data from the Institute for Namibia, Towards Manpower Development for Namibia (Lusaka, 1977).

Table 4

Namibia: estimated exports, 1966-1977

(million rand)

Commodity	1966	1970	1973	1977
Agricultural products	32.6	49.0	98.0	130.0
Karakul pelts	15.9	25.0	50.0	65.0
Livestock products	16.6	24.0	48.0	65.0
Fishery products	48.9	56.0	80.0	65.0
Canned fish	14.0	16.0	25.0	25.0
Fish-meal	22.4	28.0	40.0	35.0
Other	12.5	12.0	15.0	15.0
Mineral products	127.8	130.0	190.0	460.0
Diamonds	85.0	70.0	100.0	250.0
Uranium	-	-	-	70.0
Blister copper	19.2	25.0	40.0	70.0
Refined lead	12.3	18.0	28.0	45.0
Zinc and other (cadmium, lithium, manganese, silver, tin, vanadium)	11.3	17.0	22.0	25.0
Total exports	209.3	234.0	368.0	655.0
Exports as percentage of gross domestic product	67.0	62.0	62.0	58.0

Sources, as cited by Roger Murray, op. cit.: 1966 data from South West Africa Survey, 1967, op. cit.; 1970 and 1973 data from W. H. Thomas, op. cit.; and 1977 data from Towards Manpower Development for Namibia, op. cit.

WESTERN SAHARA

A. Consideration by the Special Committee

1. The Special Committee considered the question of Western Sahara at its 1161st meeting, on 16 August 1979.
2. In its consideration of the item, the Special Committee took into account the provisions of relevant General Assembly resolutions, including in particular resolutions 33/31 A and B of 13 December 1978 on the question of Western Sahara and resolution 33/44 of the same date on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. By paragraph 12 of resolution 33/44, 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-fourth 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 its 1161st meeting, on 16 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 Abdallah (Frente POLISARIO), made a statement (A/AC.109/PV.1161). With the Committee's consent, the representative of Mauritania made a statement in that connexion (A/AC.109/PV.1161). Statements were also made by the representatives of the United Republic of Tanzania, Cuba, the Syrian Arab Republic and Iran (A/AC.109/PV.1161).

B. Decision of the Special Committee

5. At its 1161st meeting, on 16 August 1979, following a statement by the Chairman (A/AC.109/PV.1161), and having noted the agreement concluded at Algiers on 5 August 1979 between the Government of Mauritania and the Frente POLISARIO, 1/ as well as the decision adopted by the Assembly of Heads of State and Government of the Organization of African Unity (OAU) at its sixteenth ordinary session, held at Monrovia from 17 to 20 July, (see A/34/483, enclosure, decision ARG/Dec.114 (XVI)), the Special Committee decided without objection to give consideration to the item

* Previously issued as part of A/34/23/Add.3.

1/ See A/34/427-S/13503, annex I. For the printed text, see Official Records of the Security Council, Thirty-fourth Year, Supplement for July, August and September 1979.

at its next session, subject to any directives which the General Assembly might give in that connexion at its thirty-fourth session. In order to facilitate consideration of the item by the Fourth Committee, the Special Committee further decided to authorize its Rapporteur to transmit the relevant documentation directly to the Assembly.

Working paper prepared by the Secretariat

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* Previously issued under the symbol A/AC.109/L.1331.

WESTERN SAHARA

1. GENERAL

1. Western Sahara is situated on the Atlantic coast of north-west Africa opposite the Canary Islands, bounded on the north and north-east by Morocco and Algeria and on the south and east by Mauritania. It has a total area of about 266,000 square kilometres and its seaboard measures 1,062 kilometres. Its land frontiers extend for a total length of 2,045 kilometres, 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.
2. 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.
3. The physical characteristics of this desert region have determined the traditional way of life of the indigenous inhabitants who are for the most part nomadic and pastoral, moving continuously over extensive areas which transcend international frontiers. Since 1968, however, following the drought which affected the whole Saharan region, a substantial part of the population has settled in and around the urban and trading centres.
4. The principal tribes in the Territory are the Erguibat, Ait Lahsen and Ulad Delim who are to be found also in Mauritania, Morocco and Algeria.

2. BACKGROUND

5. It will be recalled that on 14 November 1975, the Governments of Spain, Morocco and Mauritania agreed upon a Declaration of Principles, also known as the Madrid Agreement, a/ with respect to the Territory of Western Sahara. In accordance with the Declaration, Spain transferred its powers to a temporary administration, comprising the Spanish Governor-General at that time and two deputy governors, one nominated by Morocco and the other by Mauritania. In accordance with the terms of that agreement, Spain terminated its presence in the Territory on 26 February 1976.
6. 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

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

Algerian Government, which had opposed the Madrid Declaration, 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.

7. The Frente Popular para la Liberación de Saguia el Hamra y Río de Oro (Frente POLISARIO) 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 reaffirmed the inalienable right of the Saharan people to self-determination and independence.

8. The Saharan Arab Democratic Republic, proclaimed on 27 February 1976, has reportedly been recognized by 20 countries: Algeria, Angola, Benin, Burundi, Cape Verde, Congo, the Democratic People's Republic of Korea, Democratic Yemen, Equatorial Guinea, Ethiopia, Guinea-Bissau, Madagascar, Mozambique, Panama, Rwanda, Sao Tome and Principe, Seychelles, Togo, the United Republic of Tanzania and Viet Nam.

3. CONSIDERATION BY THE ORGANIZATION OF AFRICAN UNITY

9. During the fifteenth ordinary session of the Assembly of Heads of State and Government of the Organization of African Unity (OAU), held at Khartoum from 18 to 22 July 1978, the Assembly adopted resolution AHG/Res.92 (XV), (see A/33/235, annex II), in which it decided to set up an ad hoc committee of at least five heads of State, members of OAU, under the chairmanship of the President of the Sudan, who was the Chairman of the OAU session at that time. The task of the committee, as defined in the resolution, was to study "all the data" in the Western Sahara dispute, including the exercise of the people's right to self-determination, in preparation for an extraordinary summit meeting to discuss the issue.

10. In October, reports indicated that Morocco and Mauritania had accepted the mediation of the Ad hoc Committee in an effort to solve the problem of Western Sahara.

11. In a letter dated 7 November 1978, addressed to the Secretary-General (A/33/364), the Permanent Representative of Sudan to the United Nations transmitted a message from the Chairman of the Ad hoc Committee in which he stated that the Committee would initiate its work on 30 November 1978 at Khartoum. The membership of the Committee would comprise Mr. Gaafar Mohammed Nimeir, President of the Sudan (Chairman); Iwalimu Julius Nyerere, President of the United Republic of Tanzania; b/ Mr. Moussa Traoré, President of Mali; Mr. Olusegun Obasanjo, President of Nigeria; Mr. Félix Houphouët-Boigny, President of the Ivory Coast; and Mr. Ahmed Sékou Touré, President of Guinea.

b/ The United Republic of Tanzania subsequently withdrew from the Ad hoc Committee following its recognition of the Saharan Arab Democratic Republic in November 1978.

12. In the same message, the Chairman of the Committee expressed the hope that all States Members of the United Nations would refrain from taking any action likely to hamper the work of the committee or to delay arrival at a fair and peaceful solution to the problem (A/33/364).

13. On 10 November, the Frente POLISARIO strongly protested this request, stating that the responsibilities of the United Nations in matters of decolonization were independent from those of OAU. The Frente POLISARIO also claimed that the composition of the Ad hoc Committee would be unbalanced as long as Angola or Mozambique was not included.

14. In a letter dated 27 November, addressed to the President of the Sudan, (A/33/397, annex), Mr. Houari Boumediene, then President of Algeria, stated, inter alia, that consideration of the question of Western Sahara by the United Nations was strictly in conformity with the resolution of the Khartoum Summit (see para. 9 above) which expressly stated in paragraph 7 that the United Nations remained seized of the decolonization problem of Western Sahara. President Boumediene deplored the fact that the OAU secretariat had expressed the hope that the United Nations would avoid considering the question of Western Sahara; this, he stated, was contrary not only to the provisions of OAU and United Nations resolutions but also to the new spirit Algeria was fostering in order to ensure progress through dialogue and to the efforts of all aimed at a political solution of the crisis.

15. On 2 December, in a communiqué issued by the Ad hoc Committee following its two-day meeting at Khartoum, it was announced that a sub-committee comprising the Presidents of Nigeria and Mali had been formed with a mandate to visit the region, accompanied by the Administrative Secretary-General of OAU, and to contact all the parties concerned including "the Saharan people" in order to undertake necessary measures for restoring peace and security. The communiqué appealed to all parties to adhere to an immediate cease-fire to enable the sub-committee to accomplish its duties.

16. On 30 April 1979, the sub-committee visited Algeria, Mauritania and Morocco and met with representatives of the Frente POLISARIO at Algiers. A full meeting of the Ad hoc Committee was held on 23 June 1979. On 26 June, the Committee issued a communiqué stating that it had adopted certain recommendations of the sub-committee concerning the exercise of the right of self-determination by the people of Western Sahara and the modalities of its exercise. The recommendations would be submitted to the Assembly of Heads of State and Government at its sixteenth ordinary session, to be held at Monrovia from 17 to 20 July. The Ad hoc Committee reiterated its appeal to all parties concerned immediately to observe a cease-fire until OAU had had an opportunity to consider the recommendations of the Committee.

4. CONSIDERATION BY THE GENERAL ASSEMBLY

17. By its resolution 33/31 A of 13 December 1978, adopted by 90 votes to 10, with

39 abstentions, 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, reaffirmed the inalienable right of the people of Western Sahara to self-determination and independence and the responsibility of the United Nations with regard to the decolonization of Western Sahara; requested the Special Committee to continue to keep developments in this matter under active review; requested the Administrative Secretary-General of OAU to keep the Secretary-General of the United Nations informed of the progress achieved in the implementation of the relevant decisions of OAU; and invited the Secretary-General to submit a report on the question to the Assembly at its thirty-fourth session. In the same resolution, the Assembly welcomed the unilateral cease-fire decision taken on 12 June 1978 by the Frente POLISARIO with a view to promoting a drive towards peace in Western Sahara.

18. By resolution 33/31 B, adopted on the same date by 66 votes to 30, with 40 abstentions, the General Assembly, inter alia, taking note of the decision of the Assembly of Heads of State and Government of OAU to establish an ad hoc committee of Heads of State (see para. 9 above), expressed its confidence that the committee would consider all data on the question with a view to convening an extraordinary summit meeting of OAU; invited OAU to take prompt action to find a just and equitable settlement of the question; appealed to all States in the region to refrain from any action that might impede the efforts of OAU to arrive at a just and peaceful solution of the problem; requested the Administrative-Secretary-General of OAU to inform the Secretary-General of the United Nations of the results achieved by the Ad hoc Committee; and invited the Secretary-General of the United Nations to report thereon to the General Assembly.

19. The positions of Algeria, Spain and Morocco and the representative of the Frente POLISARIO were reflected in their statements in the Fourth Committee. c/ Morocco, Mauritania and Algeria also made statements during the general debate in the plenary meetings. d/

5. POLITICAL DEVELOPMENTS

20. On 10 July 1978, a change of government took place in Mauritania and President Moktar Ould Daddah was replaced by a Military Committee for National Redress, headed by Colonel Mustapha Ould Salek. Two days later, it was reported that the Frente POLISARIO had unilaterally declared a cease-fire as a good-will gesture towards the new Mauritanian Government, which had pledged itself to work

c/ Official Records of the General Assembly, Thirty-third Session, Fourth Committee, 24th meeting, paras. 32-49 (Algeria); ibid., 29th meeting, paras. 66-70, (Spain); ibid., paras. 82-91 (Morocco); ibid., 22nd meeting, paras. 78-93 (Frente POLISARIO).

d/ Ibid., Plenary Meetings, 20th meeting (Morocco and Mauritania); ibid., 21st meeting (Algeria, Morocco); and ibid., 33rd and 34th meetings (Algeria, Morocco).

for peace in the Sahara. Frente POLISARIO sources indicated that the purpose of the cease-fire was to allow the Mauritanian Government time to review its policies vis-à-vis that group.

21. The cease-fire led to several rounds of consultations and meetings at which various proposals for a solution to the problem were put forward without, however, achieving any result.

22. There have also been reports of direct meetings between representatives of Mauritania and the Frente POLISARIO. On 10 October, Cheikna Ould Mohamed Laghdaf, then Minister for Foreign Affairs for Mauritania, confirmed earlier reports that low-level talks with the Frente POLISARIO had taken place in Paris from 9 to 16 September 1978. Further contacts were reported to have taken place on 17 and 18 October at Bamako, Mali. Some sources indicated that these contacts had been for the purpose of exchanging views and attempting to create conditions favourable to a global solution.

23. On 4 December, officials of the Frente POLISARIO reportedly accused Mauritania of "unilaterally and sine die" breaking off negotiations, and of failing to take concrete measures to achieve peace. According to reports, these accusations were rejected by Mauritania. A spokesman for Mauritania stated that Mauritania would continue its policy of dialogue; he emphasized, however, that there had only been preliminary contacts with the Frente POLISARIO.

24. Statements made in early January 1979 by Mr. Mustapha Ould Salek, then Mauritanian Head of State, indicated that if a global settlement remained impossible, Mauritania would be prepared to withdraw from the conflict and, if the Frente POLISARIO agreed, would favour organizing a referendum in the area of Western Sahara under his Government's control. On 15 January, the Frente POLISARIO was said to have rejected this plan.

25. There have also been attempts to bring about a general improvement of relations in the region. In February, press reports citing an official French source said that a meeting between King Hassan II of Morocco and President Chadli Benjedid of Algeria was "probable".

26. In February also, President Benjedid appealed to Mauritania to give new impetus to its peace talks with the Frente POLISARIO, which he said appeared to be stagnating. He reiterated that, within its means, Algeria was available to help in the achievement of a lasting peace.

27. Early in April, the Government of Mr. Ould Salek of Mauritania was replaced by a Military Committee of National Salvation and Colonel Ahmed Ould Bouceif, the former Minister of Fisheries, became Prime Minister. In an official military communiqué issued following this change, it was announced that the Government's main aims were a peaceful solution to the Saharan conflict and the promotion of economic recovery through "controlled liberalization".

28. On 26 April, reports originating in Tripoli indicated that an accord had been

reached between Mauritania and Libya during a visit to Tripoli of Mr. Abdallah, the Mauritanian Minister for Foreign Affairs. The accord reportedly included Mauritania's agreement to turn over its sector of Western Sahara to the Frente POLISARIO. A communiqué issued by Mauritania suggested, however, that it was maintaining its position that there should be a "dialogue with POLISARIO and all parties concerned in the Western Sahara conflict". Subsequently, in an interview with Agence France Presse on 30 April, Colonel Bouceif stated that there had never been any question of ceding the Mauritanian sector of Western Sahara to the Frente POLISARIO. He confirmed reports, however, that there had been renewed contacts between the Frente POLISARIO and his Government at Tripoli and Paris. In the meantime, the Frente POLISARIO announced that in the future it would negotiate with Mauritania only within "the framework of the Tripoli agreement".

29. When Mauritania did not send a delegation to Tripoli on 26 May for the purported purpose of signing a "peace agreement", a spokesman for the Frente POLISARIO is said to have accused Mauritania of not honouring its commitments. He subsequently stated that the Frente POLISARIO was not closing the door to negotiation. It was now studying with interest a proposal whereby the Governments of Algeria, Mauritania, Morocco and representatives of the Frente POLISARIO would meet with Spain (the administering Power) to work out a plan for independence which would preserve the territorial integrity of Western Sahara.

30. In a letter dated 23 May 1979, addressed to the Secretary-General (A/34/276), the Chargé d'Affaires a.i. of the Permanent Mission of Mauritania to the United Nations stated the position of his Government with respect to the question of Western Sahara, indicating, inter alia, that Mauritania was prepared to implement the provisions of General Assembly resolutions 3458 A and B (XXX); that it was prepared to study ways and means of achieving self-determination in the Sahara; that it remained in favour of the dialogue with the Frente POLISARIO with a view to achieving the practical implementation of the principle of self-determination; and that Mauritania was prepared to normalize its relations with Algeria.

31. Lieutenant Colonel Mohammed Khouna Ould Haidala, the new Prime Minister of Mauritania, reconfirmed this position in a speech on 5 June. Lieutenant Colonel Haidala was appointed to succeed Mr. Bouceif who had been killed in a plane crash on 27 May.

32. Since July 1978, the Moroccan Government has repeatedly stated on various occasions that it would not give up any of "its recovered Saharan provinces", nor would it agree to a mini-State under the Frente POLISARIO in Mauritania's sector of Western Sahara. In a speech in August 1978, King Hassan II stated that "any peace solution must not involve a threat to our territorial integrity; it must not lead to the insertion of a foreign State between Morocco and Mauritania".

33. On 4 January 1979, the King appointed Mr. Jalihenna Uld Rachid, member of Parliament for El Aaiún and former President of the Unión Nacional Saharaí (PUNS), as Secretary of State for Saharan Affairs, directly under the authority of the Prime Minister. King Hassan also named three new governors for the provinces of the Sahara.

34. On 28 January, the forces of the Frente POLISARIO attacked Tan-Tan. Subsequently, on 8 March, in a speech to the Chamber of Deputies, King Hassan announced that since the situation in southern Morocco was "daily going from bad to worse", he had decided to set up a National Security Council consisting of representatives of all the organized political parties and to entrust it with the task of defining and implementing a policy aimed at safeguarding Morocco's national territory and State security. In response to the King's speech, the Chamber of Deputies unanimously recommended that the Moroccan army exercise "the right of hot pursuit" and take retaliatory measures every time that Moroccan soil was the object of "external military aggression". Following the King's speech, Mr. Boucetta, the Minister for Foreign Affairs, declared that, in future, Morocco would consider "our Saharan affairs as a strictly internal matter".

35. As a result of the attack on Tan-Tan, Colonel Mohamed Abrog was appointed to deal with Western Saharan defence. Morocco has since adopted new measures to deal with the forces of the Frente POLISARIO, including the use of mobile units. It has also abandoned its policy of silence about the war and has begun to issue communiqués regarding armed clashes.

36. On 16 May, King Hassan is said to have reaffirmed that Morocco would never reverse its position on Western Sahara. He added, however, that his country would not prevent Mauritania from concluding a peace agreement on condition that the border between Morocco and Mauritania remained open. King Hassan also said that he was ready to meet with the Algerian President but that the Algerians had not responded to the initiative.

37. As regards Spain's position on Western Sahara, during his visit to Algeria in May 1979, Prime Minister Adolfo Suárez González was reported to have said that a just solution of the question of Western Sahara inevitably involved the self-determination of the Saharan people. A joint communiqué issued by Algeria and Spain at the end of the visit called for a "quick decolonization of Western Sahara". Previously, Spain's governing party, the Unión Centro Democrático (UCD) had decided to recognize the Frente POLISARIO as the only legitimate representative of the Saharan people. The decision was announced on 15 October 1978 in a joint communiqué following the participation of a delegation of UCD in the Fourth POLISARIO Congress.

A. Recent developments

Agreement between Mauritania and the Frente POLISARIO

38. On 5 August 1979, news agencies reported that the Government of Mauritania had signed a peace agreement in Algiers with representatives of the Frente POLISARIO, under which Mauritania renounced all claims to the sector of Western Sahara under its control. In this accord, which was reported to have taken place after three days of negotiations and within a week of the renunciation of its claims to Western Sahara, Mauritania is said to have withdrawn definitely from what Mauritania called "the unjust war in the Western Sahara". Mauritania was also said to have referred to the Frente POLISARIO as "the representatives of the Saharan people". Further, the accord is reported to provide for "periodic meetings between the

Frente POLISARIO and the Mauritanian Government to monitor its terms". According to news reports, the accord was signed by Mr. Ahmed Salem Ould Sidi, the Second Vice-President of the Military Committee of National Salvation of Mauritania and Mr. Bachir Moustafa Sayed, Deputy Secretary-General of the Frente POLISARIO.

39. On 7 August, in a communiqué issued at Nouakchott, the Permanent Committee of the Military Committee of National Salvation of Mauritania endorsed the Algiers accord and declared its "gratification at the happy end of the efforts exerted by Mauritania for more than a year aiming at finding a just and definitive solution of the Western Sahara conflict".

40. The Permanent Committee described the accord as conforming "in every aspect to the aspirations and interests of the Mauritanian people", adding that it should lead to "the consolidation and reinforcement of the peace which is indispensable for the peoples and states of the Maghreb".

41. Morocco, on its part, is reported to have declared the agreement null and void and has vowed to continue to hold on to its zone (see paras. 32 and 36 above). Prior to the signing of the Algiers accord on 5 August, King Hassan was quoted as declaring that Mauritania had "no right to withdraw" from the Sahara, implying further action by Morocco if a Mauritanian withdrawal were to take place.

Decision of OAU

42. At its sixteenth ordinary session, held at Monrovia from 17 to 20 July 1979, the Assembly of Heads of State and Government of OAU adopted a **decision on Western Sahara** (AHG/Dec.114 (XVI), (see A/34/483, enclosure) by which it decided the following:

"1. The preparation of a proper atmosphere for peace in the area through a general and immediate cease-fire;

"2. The exercise of the right of self-determination by the people of Western Sahara in a general and free referendum which will enable them to choose one of the following options:

- (a) Total independence, or
- (b) Maintenance of the status quo;

"3. The convening of a meeting of all the parties concerned, including the representative of Western Sahara, to request their co-operation for the implementation of the present decision;

"4. The establishment of a special committee of six member States of the Organization of African Unity composed of Guinea, Liberia, Mali, Nigeria, the Sudan and the United Republic of Tanzania, to work out the modalities and to supervise the organization of a referendum with the co-operation of the United Nations on the basis of one person one vote. The special committee shall be chaired by Liberia, the current Chairman of the Organization of African Unity".

6. MILITARY SITUATION

43. Press reports indicate that armed clashes have continued through the period under review.
44. In January 1979, the Frente POLISARIO claimed that it had intensified its attacks on Moroccan positions within the framework of the "Houari Boumediene" offensive. In its various communiqués it reported attacks on Moroccan positions at Amgala, Asatef, Bir-Enzaran, Bu Craa, Cabo Bojador, El Aaiún, El Farsia, El Garada, Guelta Zemmur, Hagunia, Hausa, J'Deiria, Lebtaina Talha, Lemseyed, Oum Dreiga, Semara, Terf Lemalga, Tifariti and Tiguiy in Western Sahara, and Assa, Abattih, Lebouirate, Ould Draa, Sken, Tan-Tan, Tarfaya and Zag in southern Morocco. Moroccan sources denied the capture of Tan-Tan, saying that the Frente POLISARIO had only inflicted "light damage" on the television/radio transmitter located there.
45. On 12 March, the Moroccan Minister of State for Information announced that his country's forces had taken the offensive and attacked the position of the Frente POLISARIO at Tiguiy and Ramth Al Lbane in Western Sahara, destroying their positions and inflicting heavy casualties.
46. Subsequently, on 6 May, the forces of the Frente POLISARIO claimed the capture and liberation on 29 April of the town of Amgala in the sector of Western Sahara occupied by Morocco. This claim was categorically denied by Moroccan sources.
47. In early June, following an attack by the forces of the Frente POLISARIO on the villages of Tarfaya and Assa in Morocco, King Hassan is said to have authorized Moroccan armed forces to pursue the attackers to their home bases, even if it entailed crossing the borders of neighbouring countries.
48. On 9 June, in a message addressed to the Chairman of OAU (A/34/308, annex), the President of Algeria called attention to the grave dangers threatening the Maghreb region as a result of Morocco's claim to the right of hot pursuit. The President reaffirmed that no intimidation could shake his country's convictions and stated its firm determination to oppose any infringement of the sovereignty and territorial integrity of Algeria. The Moroccan authorities, he continued, would be held responsible for the inevitable consequences of violation of Algeria's frontiers. The Minister for Foreign Affairs of Algeria reiterated this position in a message dated 13 June 1979 addressed to the Secretary-General (A/34/312, annex).
49. In a letter dated 13 June 1979, addressed to the President of the Security Council, e/ the Permanent Representative of Morocco to the United Nations stated that during the night of 31 May/1 June 1979, a column of Moroccan Royal Armed Forces had been attacked between Tan-Tan and Tarfaya, within Moroccan territory. A further attack had occurred on 4 June at the town of Assa, also situated within Morocco. These attacks had been carried out and directed by forces whose point of departure was situated in Algerian territory. Morocco, he

e/ Official Records of the Security Council, Thirty-fourth Year, Supplement for April, May and June 1979, document S/13394.

said, would continue to exercise its inherent right of self-defence. The request of the representative of Morocco, on behalf of his Government, that a meeting of the Council be convened to consider this matter was reiterated in a letter dated 15 June 1979 to the President of the Security Council f/ following an attack on the Moroccan town of Tan-Tan.

50. In a letter dated 16 June 1979, addressed to the President of the Security Council, g/ the Deputy Permanent Representative of Algeria expressed his country's indignation at the attempt by Morocco to shift on to Algeria responsibility for the annexation policy of Morocco and accused that country of preparing an act of aggression against Algeria under cover of its alleged right of self-defence. He stated that any action which the Security Council might decide to take could only be within the framework laid down by the United Nations for expediting the solution of the question of Western Sahara.

51. The Security Council considered the question of Western Sahara at its 2151st to 2153rd meetings, between 20 and 22 June. Statements were made by Morocco, the Frente POLISARIO, Benin, Democratic Yemen, Mauritania, Madagascar and Algeria. h/

52. Subsequently in a letter dated 25 June, addressed to the President of the Security Council, i/ the Permanent Representative of Morocco requested the Security Council to suspend action on the complaint submitted to it in his Government's letters of 13 and 15 June (see para. 49 above).

53. At its 2154th meeting, on 25 June 1979, the Security Council adjourned its consideration of the question.

7. ECONOMIC SITUATION

A. Phosphate industry j/

54. Early in 1979, it was reported that the Bu Craa mine operated by FOSBUCRAA had resumed production under heavy guard. The mine, closed since 1976, had originally been scheduled to resume operations in November 1978.

f/ Ibid., document S/13397.

g/ Ibid., document S/13399.

h/ Ibid., 2151st meeting (Morocco); 2152nd meeting (Frente POLISARIO, Benin, Democratic Yemen, Mauritania and Madagascar); and 2153rd meeting (Algeria).

i/ Ibid., Supplement for April, May and June 1979, document S/13410.

j/ For further details, see Official Records of the General Assembly, Thirtieth Session, Supplement No. 23 (A/10023/Rev.1), vol. III, chap. XIII, paras. 177-184.

55. Mr. Larbi El-Omari, the director of FOSEUCRAA, said that 6 kilometres of conveyor belt destroyed by the Frente POLISARIO would have to be replaced. In addition, 2 of the 10 control stations along the belt had suffered severe damage to their sophisticated electrical machinery and 17 power pylons had been destroyed.

56. In 1975, the last year of normal production by Bu Craa, the output of raw phosphate was an estimated 3.7 million metric tons. In the first few weeks of 1976, 894,080 metric tons were produced before damage to the electrical system brought mining to a halt.

57. The treatment plant at the port of El Aaiún had remained in operation since 1976, although on a reduced schedule. It produced 182,880 metric tons of dry phosphate in 1976 and 203,200 metric tons in 1979 (2.8 million metric tons in 1975). As a consequence, exports which totalled 2.6 million metric tons of dry phosphate in 1975, fell to 281,432 metric tons in 1976 and 25,400 metric tons in 1977. There is no information concerning the source of the phosphates processed by the treatment plant since 1976.

58. Since the reopening of the mine, bulldozers have been attempting to remove the phosphate stockpile which now exceeds 500,000 metric tons. Daily convoys of 30 trucks, escorted by heavily armed squadrons of armoured cars and helicopters, remove 1,016 metric tons a day, the same amount previously moved by the conveyor belt in 25 minutes. Mr. El-Omari has estimated that once the power line and conveyor belt are back in operation, the mine could export refined phosphate at an annual rate of 3 to 4 million metric tons, approximately 10 per cent of total world trade in this mineral.

B. Fishing

59. Figures supplied to the press by the Moroccan National Fisheries Office show that the potential annual sardine catch along the coast from Ifni to El Aaiún is 406,400 metric tons. The Office estimated that an additional 100,000 metric tons could be caught annually along the coast south of El Aaiún to Cabo Bojador.

C. Other

60. In the area of oil exploration, the Phillips Petroleum Company and the British Petroleum Company, Ltd. have been granted several off-shore permits covering 35,000 square kilometres off the coast of Western Sahara between El Aaiún and Cabo Bojador.

EAST TIMOR

A. Consideration by the Special Committee

1. The Special Committee considered the question of East Timor at its 1161st meeting, on 16 August 1979.
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 33/39 of 13 December 1978 on the question of East Timor and resolution 33/44 of the same date on the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. By paragraph 12 of resolution 33/44, 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-fourth 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 its 1161st meeting, the Special Committee granted a request for a hearing to Mr. Roque Rodrigues, Frente Revolucionária de Timor Leste Independente (FRETILIN). The representative of Indonesia made a statement in that connexion (A/AC.109/PV.1161). At the same meeting, Mr. Rodrigues made a statement (A/AC.109/PV.1161). Statements were also made by the representatives of Portugal and Indonesia (A/AC.109/PV.1161).

B. Decision of the Special Committee

5. At its 1161st meeting, on 16 August 1979, on the proposal of the Chairman (A/AC.109/PV.1161), 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-fourth session and in order to facilitate consideration of the item by the Fourth Committee, to authorize its Rapporteur to transmit the relevant documentation directly to the Assembly.

* Previously issued as part of A/34/23/Add.3.

Working paper prepared by the Secretariat

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* Previously issued under the symbol A/AC.109/L.1328.

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 Amboeno, 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 mestiços 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. By Law 7/75 (July 1975), the Portuguese Government provided for the formation of a transitional Government in East Timor to prepare for the election of a popular assembly in October 1976. 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.

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. 12-19.

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 Uniao 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); and (d) the Committee had in no way been involved in the proceedings leading up to the announced meeting of the "Regional Popular Assembly".

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; ibid., Supplement for July, August and September 1977, document S/12408; see also documents S/12469 and S/NC/223.

10. In a telegram transmitted to the Secretary-General on 6 August 1976 by the Indonesian Mission, e/ Mr. Reis Araújo, signing as "Former Chief Executive of the Provisional Government of East Timor", informed the Secretary-General that "as of 17 July 1976 all matters pertaining to the Territory of East Timor have come under the jurisdiction of the Government of the Republic of Indonesia".

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. Since the thirty-first session of the General Assembly, Indonesia has maintained the position that the people of East Timor have already exercised their right to self-determination. Indonesia claims that, as at 17 July 1976, whatever has happened in East Timor has 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/

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,

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

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

g/ Ibid., 85th meeting.

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 effective administration of the Territory. Every subsequent year the Portuguese Government has apprised the Secretary-General of the fact that, owing to the conditions still prevailing in East Timor, it was not able to supply any information relating to economic, social and educational conditions in the Territory, as required under Article 73 e of the Charter of the United Nations. h/

3. INTERNATIONAL DEVELOPMENTS.

15. In May 1978, Mr. Niwia Ebia Olewale, Minister for Foreign Affairs and Trade of Papua New Guinea, spent one day in East Timor during an eight-day visit to Indonesia. Mr. Olewale was reported to have reaffirmed his Government's position that East Timor was a domestic matter for the Indonesian Government.

16. Also in May 1978, Mr. Brian Talboys, Minister for Foreign Affairs of New Zealand, stated in a press interview that the integration of East Timor with Indonesia was irreversible and his Government accepted it as a reality. Mr. Talboys' statement followed a report by Mr. R. E. B. Peren, the New Zealand Ambassador to Indonesia, filed after his tour of the Territory. Mr. Peren and Colonel T. D. MacFarlane, New Zealand defence attaché in Jakarta, had visited the Territory following a request from their Government addressed to Indonesia. Although the programme for their tour had been organized by Indonesia, Mr. Peren is said to have been able to modify and make changes in the itinerary. The Same, in the central region, had been the only place of importance which he had not visited. According to Mr. Peren's report, only a small percentage of the population was still under the control of FRETILIN; the Indonesian administration appeared to be in control of all the townships and most of the villages.

17. In September, the ambassadors to Indonesia of Australia, Bangladesh, Canada, Egypt, India, Japan, New Zealand, Papua New Guinea, South Korea and the United States of America made a three-day visit to East Timor. Speaking on behalf of the diplomatic group, Mr. Tom Critchley, the Australian Ambassador, was reported to have said that there was no sign of fighting or tension in the Territory, and that he was optimistic that the security situation in East Timor would soon be restored.

18. At the thirty-third session of the General Assembly, during the debate on the question of East Timor in the Fourth Committee, Portugal reiterated its position that the Charter of the United Nations and the relevant United Nations resolutions constituted the legal and political framework within which the people of East Timor must be allowed to choose their own destiny in accordance with the right to

h/ A/32/73, A/33/75 and A/34/311. 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.

self-determination. Portugal pledged its readiness to work constructively with all interested parties to find a way of ensuring that the people of East Timor achieved their fundamental aspirations. i/

19. During the same debate, Indonesia claimed that the decolonization process in East Timor had been concluded on 17 July 1976 when the decision of the people of East Timor to become independent through integration with Indonesia had been formally accepted by Indonesia. j/

20. On 13 December 1978, the General Assembly adopted resolution 33/39 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. The Assembly also reaffirmed its resolutions 3485 (XXX) of 12 December 1975, 31/53 of 1 December 1976 and 32/34 of 28 November 1977, and Security Council resolutions 384 (1975) of 22 December 1975 and 389 (1976) of 22 April 1976. The Assembly requested the Special Committee to keep the situation in the Territory under active consideration and decided to include in the agenda of its thirty-fourth session the item entitled "Question of East Timor".

21. Indonesia stated its categorical and total rejection of the resolution, and reaffirmed its claim that East Timor was now an integral part of Indonesia and that the discussion of the situation in East Timor was an unacceptable interference in the internal affairs of Indonesia in contravention of the relevant provisions of the Charter. k/

22. Following the adoption of resolution 33/39 on 15 December 1978, Mr. Andrew Peacock, the Australian Minister for Foreign Affairs, announced his Government's decision to recognize formally the Indonesian annexation of East Timor. The Australian Government had already extended de facto recognition of the annexation in January 1978. l/ Mr. Peacock pointed out that the action of his Government did not alter its repeatedly expressed opposition to the manner in which the Territory had been incorporated by Indonesia. He also announced that talks would start in 1979 to delineate the sea-bed boundary between East Timor and northern Australia.

23. On 20 May 1979, an International Seminar on East Timor was held at Lisbon. The seminar, which was attended by over 500 people from Portugal and other countries, was sponsored by the Amilcar Cabral Information and Documentation

i/ Official Records of the General Assembly, Thirty-third Session, Fourth Committee, 21st meeting, paras. 29-30.

j/ Ibid., 32nd meeting, paras. 6-19.

k/ Ibid., Plenary Meetings, 81st meeting, pp. 69-70.

l/ Ibid., Supplement No. 23 (A/33/23/Rev.1), vol. II, chap. X, annex, para. 19.

Centre (CIDAC) and the Portugal-East Timor Friendship Association, both Portuguese non-governmental organizations. It was reported that the Frente de Libertação de Moçambique (FRELIMO), the Movimento Popular de Libertação de Angola-Partido do Trabalho (MPLA) and the Movimento de Libertação de Sao Tomé e Príncipe (MLSTP) among others, had helped to organize the seminar. On the same day, the seminar adopted a decision requesting the Portuguese Government to develop a diplomatic campaign, centred at the United Nations, aimed at implementing the provisions of relevant General Assembly and Security Council resolutions, particularly the immediate withdrawal of Indonesian military forces and the visit to East Timor of a special representative of the Secretary-General. The seminar also adopted a "motion of condemnation of the Indonesian invasion" and made an "appeal to all progressive forces around the world" to support the struggle of the people of East Timor for their inalienable rights.

24. On 22 May 1979, following the conclusion of the seminar, the National Assembly of Portugal approved a motion condemning the invasion of East Timor by Indonesia and expressing the hope that the people of the Territory would be able to exercise freely their right to self-determination and independence.

4. POLITICAL DEVELOPMENTS

25. As reported previously, m/ according to Indonesian information, East Timor, as an Indonesian province, has been designated a "first level region". The newly formed "Regional Government" 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 work of the National House of Representatives, and in the People's Consultative Assembly of Indonesia.

26. 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 have jointly appointed regional co-ordination staff, known as SKORWIL, comprising military and civil personnel.

27. In August 1978, three East Timorese were sworn in as members of the National House of Representatives of Indonesia. The same three persons were also assigned to represent East Timor in the People's Consultative Assembly of Indonesia. In September 1978, it was reported that Mr. Arnaldo dos Reis Araújo, who had been the provincial governor since its integration in 1976 (see para. 13 above) had been appointed to be a fourth representative of East Timor in the National House of Representatives. Mr. Araújo was replaced as provincial governor by Mr. Guilherme Maria Gonçalves, a leader of the Associação Popular Democrática de Timor (APODETI).

m/ Ibid., paras. 20-21.

28. According to the information available, FRETILIN remains the only political movement inside East Timor opposing the unilateral integration of the Territory with Indonesia. In December 1978, it was reported that Mr. Nicolau Lobato, the President of FRETILIN, had been killed in combat against Indonesian troops. According to a report issued in April 1979, Mr. Antonio Duarte Carvarino, the Vice-President of FRETILIN, may also have been killed in February 1979. If Mr. Carvarino were killed, then the current leaders of FRETILIN inside the Territory would probably be Messrs. Hamis and Vicente Reis.

29. In June 1978, the Portuguese press reported the establishment of the Organizaçao Revolucionária para a Libertação de Timor (ORLT) in Portugal. ORLT is said to advocate the independence of the Territory, but there is no information on its platform and activities.

5. MILITARY ACTIVITIES

30. By mid-1978, following several major offensives against FRETILIN guerrillas, Indonesia claimed that peace and security had been restored in East Timor. Other sources reported, however, that Indonesian forces were still fighting an anti-guerrilla war throughout the Territory. n/

31. During the second half of 1978, there were no reports on the military situation from FRETILIN sources. Early in December 1978, it was reported that Mr. Alarico Jorge Fernandes, Minister of Information for FRETILIN, had been captured by Indonesian forces in East Timor. Mr. Fernandes had been the voice of FRETILIN to the outside world. His broadcasts from inside East Timor had been monitored in Australia and relayed by FRETILIN supporters to the United Nations and other parts of the world. According to a report in The Economist of May 1979, Mr. Fernandes was shot in gaol in April 1979. However, in a statement issued on 7 June 1979, which was reported in the Australian press, the Indonesian Embassy in Canberra said that Mr. Fernandes had given a press conference in East Timor at which the Embassy quoted him as saying that he had completely recovered from his illness and that he had been treated "indescribably well".

32. By the end of 1978, following the death in combat of Mr. Lobato (see para. 28 above), Indonesian military sources were quoted as claiming that FRETILIN numbered fewer than 100 active supporters, most of whom were poorly armed and constantly on the run in the mountains.

33. In April 1979, The Indonesia Times of 11 April 1979 quoted Admiral Sudomo, Deputy Commander of the Armed Forces of Indonesia; as having said that the slaying of Mr. Lobato had led "to much accelerated restoration of security in the area and a practical end to rebel activity".

n/ Ibid., paras. 33-37.

34. According to a report on the situation in East Timor, prepared in April 1979 for the Foreign Affairs Group of the Australian Parliament o/ FRETILIN was confined to mountainous areas in the south-western sector of the Territory and to one or two sectors in the centre and the east. Some of the more skilled military leaders of FRETILIN were said to have been either killed or captured. After Mr. Lobato's death, several groups of FRETILIN soldiers were reported as having surrendered.

35. As at May 1979, other sources estimated the number of Indonesian troops in East Timor as ranging from 45,000 to 60,000, and claimed that continuing aerial bombing was being carried out by Indonesia. Also in May 1979, at a press conference in Luanda, a FRETILIN spokesman said that the guerrilla struggle would continue and reaffirmed FRETILIN's claim to control about 85 per cent of the Territory.

36. In a message to the International Seminar on East Timor (see para. 23 above), an Australian journalist reported that, despite the setbacks suffered by FRETILIN, its forces continued to fight throughout the Territory. In the central northern and parts of the central southern regions, FRETILIN forces were fighting in smaller units than previously. Some liberated areas under FRETILIN control were impenetrable to Indonesian troops. On certain roads, particularly around Dili, Indonesian forces could only pass in convoys. A different view was conveyed to the seminar by Mr. Ken Fry, an Australian M.P., who was reported to have said that, despite continued resistance and the casualties being inflicted on the Indonesians, FRETILIN resistance appeared to be on a reduced scale.

6. ECONOMIC AND SOCIAL CONDITIONS

A. Development plan

37. No new information is available on the implementation of a three-year development plan initiated in September 1976 in the area of East Timor under Indonesian control. p/ Implementation of the plan had been envisaged in three stages: rehabilitation (September 1976 to March 1977); consolidation (April 1977 to March 1978); and stabilization (1978/79).

38. In April 1979, the Indonesian press reported that a Central Supervisory Team for the Development of East Timor had been set up under the Ministry of State Reform in Jakarta to develop the Territory in stages similar to that envisaged in the previously announced plan. At the first stage of rehabilitation and consolidation, all damaged infrastructure facilities, including roads and bridges, as well as the agricultural infrastructure, would be repaired. Villagers who

o/ Parliament of Australia. Notes on the Current Situation in East Timor, the Parliamentary Library, 6 April 1979.

p/ Official Records of the General Assembly, Thirty-third Session, Supplement No. 23 (A/33/23/Rev.1), vol. II, chap. X, annex, paras. 38-40.

returned to their homes from areas controlled by FRETILIN would receive special care. The second stage was designed to help the Territory overtake "arrears with other Indonesian provinces". According to the same source, a total of Rp. 12.2 billion (approximately \$US 21.4 million) had been allocated for development projects in East Timor during 1979.

B. Social conditions

39. Following the visit of a group of diplomats to Dili in September 1978 (see para. 17 above), one unidentified ambassador was reported to have said that there was a humanitarian problem of major proportions in East Timor and, in the longer term, the problem of promoting economic development in a place where not even a basic infrastructure existed. A journalist who accompanied the group reported on their visit to Remexico, a village south of Dili, where 125,000 people displaced from their homes by the war were being resettled. According to his report, the diplomats came away so shocked by the conditions of the refugees that they immediately contacted the local authorities to explore the possibilities for providing foreign humanitarian assistance.

40. A recent report in the Indonesian press estimated that some 200,000 people throughout the Territory had to be resettled. However, since December 1975 when the International Committee of the Red Cross (ICRC) had to leave the Territory, following the Indonesian invasion, the Indonesian authorities have not allowed ICRC to return and have refused assistance from other international organizations.

41. In November 1978, the Permanent Mission of Indonesia to the United Nations announced in a press release that 30 officials of the Department of Internal Affairs of Indonesia would be sent to East Timor to help meet a temporary shortage of personnel in the provincial administration. Another press release from the Permanent Mission of Indonesia dated 8 June 1979 reported that, early this year, 180 teachers had come from Indonesia to teach the children enrolled in the 400 elementary schools in the Territory. According to the Governor of East Timor, another 300 teachers would be needed to implement the Indonesian programme of education in East Timor.

GIBRALTAR

A. Consideration by the Special Committee

1. The Special Committee considered the question of Gibraltar at its 1161st meeting, on 16 August 1979.
2. In its consideration of the item, the Special Committee took into account the provisions of the relevant General Assembly resolutions and decisions, including in particular decision 33/408 of 13 December 1978 on the question of Gibraltar and resolution 33/44 of the same date on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. By paragraph 12 of resolution 33/44, 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-fourth session".
3. During its consideration of the item, the Special Committee had before it a working paper prepared by the Secretariat (see annex I to present chapter) containing information on developments concerning the Territory. The Committee also had before it a letter dated 10 August 1979 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 1161st meeting, on 16 August 1979, on the proposal of the Chairman (A/AC.10/PV.1161), 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-fourth session and, in order to facilitate consideration of the item by the Fourth Committee, to authorize its Rapporteur to transmit the relevant documentation directly to the Assembly.

* Previously issued as part of A/34/23/Add.3.

ANNEX I*

Working paper prepared by the Secretariat

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* Previously issued under the symbol A/AC.109/L.1316.

GIBRALTAR a/

1. GENERAL

1. Gibraltar is a narrow peninsula situated at 36° 7' north latitude and 5° 21' west longitude extending southward from the south-west coast of Spain to which it is connected by an isthmus. The Spanish port of Algeciras lies 8 kilometres across the bay to the west, Africa is 32 kilometres across the straits to the south and the Mediterranean Sea is on the east. Gibraltar has a total area of 5.8 square kilometres.

2. 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	3,870	3,639
Total	<u>29,362</u>	<u>29,278</u>

3. 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

4. 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

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 11 October 1978 for the year ending 31 December 1977.

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.

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".

5. The 1969 Constitution provides for a single House of Assembly consisting of 15 elected members together with a Speaker, the Attorney General and the Financial and Development Secretary as ex officio members. Elections for the House of Assembly are held every four years.
6. Executive authority is vested in the Governor, who is responsible for defence, external affairs, internal security and all matters not expressly defined as being of domestic concern.
7. The Council of Ministers consists of a Chief Minister appointed by the Governor from among the elected members of the House of Assembly as the person who, in his judgement, is most likely to command the greatest measure of confidence among the Assembly's elected members. Not less than four and no more than eight other ministers appointed by the Governor, acting in consultation with the Chief Minister, from among the elected members of the Assembly. The Council is collectively responsible to the House of Assembly in respect to any matter for which a minister is responsible.
8. The Gibraltar Council consists of the Deputy Governor, the Deputy Fortress Commander, the Attorney General and the Financial and Development Secretary, together with the Chief Minister and "such four other ministers as may for the time being be delegated in that behalf by the Governor acting after consultation with the Chief Minister". The Gibraltar Council is the main body normally consulted by the Governor in the formulation of policy and the exercise of powers conferred on him by the Constitution.
9. The judiciary is composed of a Chief Justice for the Supreme Court, a Judge of the Court of the First Instance and a Stipendiary Magistrate for the Magistrates' Court. In the absence of the Stipendiary Magistrate, his place is usually taken by one of the local citizens who have been appointed justices of the peace. The Constitution provides for a Court of Appeal for Gibraltar as an intermediate court between the Gibraltar Supreme Court and the Judicial Committee of the Privy Council. The Chief Justice, the President of the Court of Appeal and the justices of appeal are appointed by the Governor on the instructions of the Crown, given through the United Kingdom Secretary of State for Foreign and Commonwealth Affairs, and are removable from office only for inability to discharge their office or for misbehaviour, and then only on the advice of the Judicial Committee of Her Majesty's Privy Council.
10. The Public Service Commission, composed of five members including the chairman, advises the Governor on appointments and on the removal and discipline of public officers.

11. Appointments to the higher offices are made by the United Kingdom Secretary of State for Foreign and Commonwealth Affairs. The principal executive officers are the Deputy Governor, the Attorney General, the Financial and Development Secretary, the Administrative Secretary, the Director of Medical and Health Services, the Director of Public Works, the Director of Education, the Principal Auditor, the Director of Labour and Social Security, the Commissioner of Police, the Captain of the Port and the City Electrical Engineer.

B. Discussions on the future of the Territory

Developments from 1963 to 1976

12. The United Kingdom has maintained that the Treaty of Utrecht (1713) granted sovereignty over Gibraltar to the United Kingdom in perpetuity. Since 1963, Spain has intensified its campaign for the return of Gibraltar, which it maintains is an integral part of its territory.

13. In 1964, following the adoption of a consensus by the Special Committee which affirmed that the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960, were fully applicable to the Territory of Gibraltar, c/ Spain indicated its willingness to begin open negotiations with the United Kingdom on the question of Gibraltar. Several inconclusive meetings were held between representatives of the two countries in 1966. In 1967, talks were broken off by the United Kingdom as a result of Spanish restrictions on British aircraft flying over Spanish air space.

14. On 13 June 1967, the United Kingdom announced that it had decided to hold a referendum in which the people of Gibraltar would be invited to decide whether they wanted to pass under Spanish sovereignty or to retain links with the United Kingdom. On 10 September 1967, the people of Gibraltar voted by a large majority to retain links with the United Kingdom, and to maintain its local institutions, with the United Kingdom retaining its responsibilities as administering Power. In 1968 a new Constitution was drafted which came into effect on 30 May 1969 (see paras. 4-11 above).

15. On 9 June 1969, Spain closed its frontier with Gibraltar, and on 25 June suspended ferry service between Algeciras and Gibraltar. On 1 October, Spain cut telephone and telegraph links between Gibraltar and the mainland, which were not re-established until December 1977.

16. Since 1971, there have been formal and informal discussions between Spain and the United Kingdom on the future status of the Territory.

c/ Ibid., Nineteenth Session, Annexes, annex No. 8 (part I) (A/5800/Rev.1), chap. X, para. 209.

Developments since November 1977

17. In November 1977 and March 1978, meetings on the question of Gibraltar were held in Strasbourg and Paris between Dr. David Owen, then United Kingdom Secretary of State for Foreign and Commonwealth Affairs, and Mr. Marcelino Oreja Aguirre, Spain's Minister for External Affairs. Sir Joshua A. Hassan, the Chief Minister of Gibraltar, and Mr. Maurice Xiberras, the leader of the Opposition, participated in the meetings as members of the United Kingdom delegation.

18. At the Paris meeting, it was agreed on 15 March 1978 to set up three working parties to study issues such as improving telecommunications and maritime links between Spain and Gibraltar and the payment of social security benefits to Spanish workers who had lost their jobs in the Territory when the frontier was closed in 1969.

19. The first meeting of the joint Anglo-Spanish working parties took place from 17 to 18 July 1978 at the Foreign and Commonwealth Office in London. The United Kingdom delegation was led by Mr. Ewen Fergusson, Assistant Under-Secretary at the Foreign and Commonwealth Office, and included senior Gibraltarian officials. The Spanish delegation was led by Mr. Antonio Elias, Director General for European Affairs at the Ministry of External Affairs. Reports indicated that the meetings had been exploratory in nature, that the talks had been constructive and that each side had agreed to study the views presented by the other side.

20. The second meeting of the working parties took place from 14 to 16 December 1978 at Madrid, and it was indicated that the improvement of telephone links between Gibraltar and Spain had been discussed. Spain was reported still to be studying proposals concerning sea links between the two countries. Some progress was reported on the question of the amount owed to the Spanish Government, which has been paying pensions to Spanish workers who lost their jobs in 1969 as a result of the border closure, and on possible compensation by the United Kingdom.

21. A further meeting between Dr. Owen and Mr. Oreja Aguirre was to have taken place in early 1979. That meeting was not held, however, and there are, at present, no indications as to whether or when it would take place.

C. Formation of a new political party

22. On 3 July 1978, Mr. Xiberras, the leader of the Opposition, launched the Democratic Party of British Gibraltar, with the aim of:

(a) Maintaining the Territory of Gibraltar and its people as British subjects, in accordance with their wishes, and as inseparable entities;

(b) Seeking the democratic development of the political, social, economic and cultural identity of the people of Gibraltar;

(c) Pursuing the constitutional advancement of the people of Gibraltar in such manner as may be determined from time to time by the party;

(d) Seeking and maintaining a general level of prosperity and efficiency in Gibraltar equivalent to the living standards in the United Kingdom as a whole;

(e) Seeking increasing recognition of Gibraltar and its people and of their legitimate rights and aspirations by European institutions and peoples.

23. Gibraltar has two other political parties: the Gibraltar Labour Party and Association for the Advancement of Civil Rights, led by Sir Joshua; and the Gibraltar Democratic Movement, led by Mr. Joseph Bossano.

3. ACTION BY THE GENERAL ASSEMBLY

24. By its decision 33/408 of 13 December 1978, the General Assembly noted that talks had been held between the Governments of Spain and the United Kingdom on the question of Gibraltar. It also noted that joint working parties had been established to study a number of fields and agreement had been reached to discuss the future evolution of relations between Spain and the United Kingdom with regard to Gibraltar. The Assembly urged both Governments to make possible without delay the initiation of the negotiations envisaged in the consensus approved by the General Assembly on 14 December 1973, d/ with the object of reaching a lasting solution to the problem of Gibraltar, in the light of the relevant resolutions of the Assembly and in the spirit of the Charter of the United Nations.

4. ECONOMIC CONDITIONS

A. General

25. Gibraltar has no agriculture or other natural resources. Industrial production is limited to a number of small industrial concerns engaged in the bottling of beer and mineral waters, tobacco and coffee processing and meat canning, mainly for local consumption. Tourism, reported in 1975 to be one of the fastest-growing industries in the Territory, showed a sharp decline in the ensuing two years, with tourist arrivals falling by 27.3 per cent in 1976 and a further 13.0 per cent in 1977.

B. The Port

26. In addition to its function as a bunkering port and a port of call for stores and water, Gibraltar is well known as a port of call for cruise ships.

d/ Ibid., Twenty-eighth Session, Supplement No. 30 (A/9030), p. 111, item 23.

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.

27. The services provided by the port include the following: commercial anchorage, 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.

28. The introduction of containerization by the shipping companies which serve Gibraltar and the inadequacy of the existing quay areas to discharge the containers efficiently led to a proposal to extend the land area of the port under the 1975-1978 Development Programme (see paras. 29-32 below). According to the administering Power, a decision was in the process of being taken to determine the method of best implementing the proposal.

C. Public finance

29. The 1975-1978 Development Programme evolved following talks conducted in London in December 1974 by Mrs. Judith Hart, then United Kingdom Minister of State for Overseas Development. A number of development projects were identified as being suitable in principle for support. Most of their estimated total cost of £7.66 million e/ (see para. 30 below) would be made available in grant form from the administering Power. This pledge was a continuation of the United Kingdom policy of "support and sustain", put into effect when the border with Spain was closed in 1969. The majority of government capital investment is financed through development aid.

30. The funds were allocated as follows:

<u>Area</u>	<u>Amount</u> (pounds sterling)
Housing development	4,354,000
Education	1,878,000
Amenities and tourism	270,000
Public utilities	200,000
Port development and others	960,000
	<hr/>
	7,662,000

e/ The local currency is the pound sterling.

31. The actual total amount of aid funds approved against the pledge was £7.3 million, of which the Government of Gibraltar spent £4.4 million during 1975-1978, leaving a sum of £2.9 million carried forward for disbursement during the 1978-1981 Development Programme. Expenditure under the Development Programme was estimated at £2.1 million for 1977/78 and £7.1 million for 1978/79. Official reports indicate that the United Kingdom Government has agreed to provide £14.0 million for the period April 1978 to March 1981. Allocations by the United Kingdom to the Improvement and Development Fund for the years 1974/75-1976/77 is shown in table 1 below.

Table 1

Gibraltar: United Kingdom allocations to the Improvement and Development Fund, 1974/75-1976/77

(pounds sterling)

Item	1974/75	1975/76	1976/77
Development aid funds	2,893,480	1,405,924	1,732,116
Issues of debenture	500,000	-	900,000
Contribution from the Consolidated Fund	-	240,000	230,000
Repayment of loans	1,093	1,093	1,093
Land sales	-	170	880
Miscellaneous	3,890	11,471	-
	<u>3,398,463</u>	<u>1,658,658</u>	<u>2,864,089</u>

32. In 1976/77, revenue, which has more than doubled since 1974/75, totalled £18.4 million, exceeding estimates by £6.7 million. The largest items of revenue were income taxes, reimbursements and customs (see table 2 below). Total expenditure amounted to £19.5 million, comprising £17.8 million in recurrent expenditure and £1.7 million in capital expenditure, which is financed through the Improvement and Development Fund. The largest items of expenditure were social and municipal services.

Table 2Gibraltar: revenue and expenditure, 1974/75-1976/77

(pounds sterling)

Item	1974/75	1975/76	1976/77
<u>A. Revenue</u>			
Income tax	-	-	5 134 828
Reimbursements	-	-	3 035 935
Customs	2 151 051	2 396 358	2 786 759
Adjustment of municipal services	-	-	2 005 023
Municipal services	2 025 881	2 435 869	1 132 260
Fees of court of office, payments of specific services and reimbursement in aid	752 670	794 498	964 910
Rents of government property	433 101	612 281	736 041
Miscellaneous receipts	422 549	613 100	725 685
Post office and telegraph	262 145	340 318	604 303
Licences, excise and internal revenue not otherwise classified	2 195 095	4 038 347	506 537
Interest	250 746	203 003	373 390
Lottery	208 265	214 720	229 846
Port harbour and wharf dues	88 707	147 019	193 062
Repayment of loans	-	11 533	11 792
Total	<u>8 790 210</u>	<u>11 807 046</u>	<u>18 440 371</u>

Table 2 (continued)

Item	1974/75	1975/76	1976/77
B. Expenditure			
Social services	4 954 795	4 878 638	5 675 946
Municipal services	1 325 295	1 487 722	4 061 700
Public works	2 324 491	2 728 345	3 892 620
Administration	1 077 485	1 313 438	2 004 076
Justice, law and order	504 060	555 321	1 083 436
Miscellaneous	748 180	970 345	1 306 750
Pensions	485 656	569 706	662 095
Public debt charges	426 466	510 830	545 005
Contribution to improvement of development fund	-	-	230 000
Total	11 846 428	13 014 345	19 461 628

33. The per capita national income at current prices for 1973/74 to 1975/76 is shown in table 3 below:

Table 3
Gibraltar: national income per capita, 1973/74-1975/76

(pounds sterling)

<u>Per capita</u>	1973/74	1974/75	1975/76
Gross domestic product	705	871	968
Gross national product	864	1,081	1,213
Net national product	783	994	1,107

D. International trade

34. In 1977, there was a deficit of £25.7 million in the balance of visible trade (see table 4 below), compared with £18.7 million in 1976 and £16.3 million in 1975. Taking invisibles into account, it was estimated that the 1977 trade balance would show a surplus of between £2.0 million and £3.0 million.

Table 4

Gibraltar: imports and exports, 1974-1977

(pounds sterling)

Year	Imports	Exports
1974	25,088,714	10,484,352
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	-

4. SOCIAL AND EDUCATIONAL CONDITIONS

A. Labour

35. Settlement of the 1976, 1977 and 1978 reviews of wages and salaries in 1978 enabled the real standard of living in most households to rise. During 1977, inflation in Gibraltar amounted to 14.8 per cent. In the year ending 31 December 1977, over-all retail prices were said to have risen by 15 per cent.

36. 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. Official United Kingdom sources indicate that between 1978 and 1981, the Development Programme will provide additional employment with up to 500 extra jobs becoming available in the construction industry. During the year under review, there was no perceptible increase in unemployment, with the exception of a small increase in juvenile unemployment.

B. Public health

37. The government hospital services consist of the following: (a) St. Bernard's Hospital, with 180 beds available for the resident community and visitors;

(b) King George V psychiatric unit, with accommodation for 63 patients; and (c) the infectious diseases hospital, with accommodation for 10 patients.

38. Recurrent and capital expenditure on public health for the years 1975/76-1976/77 is set out in table 5 below.

Table 5

Gibraltar: public health expenditure, 1975/76-1976/77

(pounds sterling)

Year	Recurrent expenditure		Capital expenditure
	Amount	Percentage of total government expenditure	
1975/76	1,191,066	11.54	60,212
1976/77	1,784,635	10.03	140,451

C. Education

39. Education is free and compulsory for all children between the ages of 5 and 15 years. At the end of 1977, there were approximately 5,319 pupils, including 3,675 in primary schools and 1,644 in secondary schools.

40. On the primary level, the school system comprises 12 government, 1 private and 2 service schools. On the secondary level, there are two comprehensive schools. Technical and vocational training is provided by the Gibraltar and Dockyard Technical College, which offers a two-year general engineering course. At the end of 1977, the college had an enrolment of 42 students. The Commercial School, which became part of the Girls' Comprehensive School in 1972, offers a two-year course to secondary-school girls who pass a qualifying examination.

41. Recurrent and capital expenditure on education for the years 1975-1977 are shown in table 6 below.

Table 6

Gibraltar: educational expenditure, 1975-1977

(pounds sterling)

Year	Recurrent expenditure		Capital expenditure
	Amount	Percentage of total government expenditure	
1975	728,560	9.4	909,593
1976	900,870	9.4	982,334
1977	1,097,740	9.3	1,443,221

Letter dated 10 August 1979 from the Permanent
Representative of Spain to the United Nations
addressed to the Secretary-General

The Secretariat recently prepared and circulated a working paper on Gibraltar (A/AC.109/L.1316 of 9 July 1979) a/ which could give rise to erroneous interpretations because of the omissions and incomplete information which it contains.

Acting on instructions from my Government, I wish to draw your attention to the following facts:

1. Paragraph 1 gives the total area of Gibraltar as 5.8 square kilometres. This area includes not only the Rock of Gibraltar itself but also the portion of the isthmus that was never ceded by Spain.

2. Paragraph 4 refers to and quotes from the preamble to the Gibraltar Constitution Order of 1969, which had previously appeared in the document referred to in foot-note (b), Official Records of the General Assembly, Twenty-fourth Session, Supplement No. 23 (A/7623/Rev.1), vol. III, chap. XI, annex, paras. 7-23. Part of the preamble to the Gibraltar Constitution Order is quoted, but no mention is made of the fact that this preamble, which was promulgated by an order in council, was so promulgated at a time when the United Nations had already decided to set forth all the principles governing the decolonization of Gibraltar, which extend from the consensus of 16 October 1964 b/ to resolution 2429 (XXIII) of 18 December 1968; this could give rise to an erroneous impression by failing to emphasize sufficiently the fact that the preamble to the Constitution Order is clearly at variance with the principles laid down by the United Nations.

3. With regard to paragraph 13, it should be recalled that the bilateral negotiations were broken off in 1967 because the United Kingdom proclaimed its sovereignty over the isthmus which had never been ceded, prompting the Spanish Government to abolish the transit facility pursuant to the Treaty of Utrecht ("without open land communication of any kind with the neighbouring country").

4. The referendum mentioned in paragraph 14, which was held by the United Kingdom on 10 September, was the subject, upon being announced, of

* Previously issued under the symbol A/AC.109/588.

a/ See annex I to the present chapter.

b/ Official Records of the General Assembly, Twenty-ninth Session, Annexes, annex No. 8 (part I) (A/5800/Rev.1), chap. X, para. 209.

an earlier decision - resolution A/AC.109/266 of 1 September 1967, c/ in which the Special Committee declared that the holding of the referendum would contradict the provisions of resolution 2231 (XXI) of 20 December 1966. The holding of the referendum was also repudiated by resolution 2353 (XXII) of 19 December 1967.

5. In addition, resolution 2429 (XXIII) requested the United Kingdom, as the administering Power, "to terminate the colonial situation in Gibraltar no later than 1 October 1969", adding that "the continuation of the colonial situation in Gibraltar is incompatible with the purposes and principles of the Charter of the United Nations and of General Assembly resolution 1514 (XV)".

6. The meeting which was to have taken place between Dr. Owen and Mr. Oreja Aguirre in 1979 (para. 21) was not held because of the forthcoming general elections in the two countries and the change of Government in London.

Spain continues to approach the matter in a completely constructive spirit, and in accordance with the mandate of the United Nations, whose most recent consensus (33/408) was adopted on 13 December 1978, it has been agreed with the new Foreign Secretary that the next meeting should take place late in September in New York.

7. Paragraphs 22 and 23 of the document also call for clarification, since, in addition to the minority parties referred to, there are other political tendencies and currents of opinion which favour better understanding with Spain. Attention should be drawn to the statement made in Gibraltar in September 1975 by Mr. Hattersley, the United Kingdom Minister of State, to the effect that official British opinion did not favour a union of Gibraltar with the United Kingdom; this statement in effect disavowed the political basis of Mr. Xiberras' party, which is extensively dealt with in paragraph 22 of the working paper.

I should be grateful if you would make the appropriate corrections in the document in question and circulate this communication as a General Assembly document.

(Signed) Jaime de PINIÉS

c/ Ibid., Twenty-second Session, Annexes, addendum to agenda item 23 (A/6700/Rev.1), chap. X, para. 215.

CHAPTER XIII*

BRUNEI

A. Consideration by the Special Committee

1. The Special Committee considered the question of Brunei at its 1161st meeting, on 16 August 1979.
2. In its consideration of the item, the Special Committee took into account the provisions of relevant resolutions of the General Assembly, including in particular resolution 33/44 of 13 December 1978 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. By paragraph 12 of this resolution, the Assembly requested the Special Committee, inter alia, "to continue to seek suitable means for the immediate and full implementation of General Assembly resolution 1514 (XV) of 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-fourth session". The Special Committee also took into account General Assembly decision 33/412 of 13 December 1978 concerning the Territory.
3. During its consideration of the item, the Special Committee had before it a working paper prepared by the Secretariat (see annex to the present chapter) containing information on developments concerning the Territory.

B. Decision of the Special Committee

4. At its 1161st meeting, on 16 August 1979, following a statement by the Chairman (A/AC.109/PV.1161), 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-fourth session and, in order to facilitate consideration of the item by the Fourth Committee, to authorize its Rapporteur to transmit the relevant documentation directly to the Assembly.

* Previously issued as part of A/34/23/Add.3.

Working paper prepared by the Secretariat

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* Previously issued under the symbol A/AC.109/L.1251.

1. GENERAL

1. Brunei is situated on the northern coast of the Island of Borneo and comprises two enclaves in north-east Sarawak, East Malaysia, covering an area of about 5,765 square kilometres. Its capital is Bandar Seri Begawan. In 1977, the population was estimated at 190,000, almost one third of which is of foreign extraction. The expatriate British community is said to number 11,000.

2. In December 1973, following the arrival off Muara of a ship carrying Vietnamese refugees which was subsequently pulled 30 miles out to sea, the Brunei Government announced that it would not allow those leaving Viet Nam to enter its Territory. Otherwise Brunei with its small population would be faced with enormous problems.

2. CONSTITUTIONAL AND POLITICAL DEVELOPMENTS

3. As previously reported, b/ under an agreement signed in 1959 and amended in 1971, the Government of the United Kingdom of Great Britain and Northern Ireland continues to be responsible for Brunei's external affairs. The United Kingdom now plays a consultative role in defence in the event of the threat of an external attack by a third Power on the Territory. The United Kingdom is represented by a High Commissioner, whose appointment is subject to the agreement of the Sultan.

4. Supreme executive authority is vested in the Sultan, Sir Hassanal Bolkiah, whose assent is required for all bills passed by the Legislative Council. In the exercise of his authority, the Sultan is assisted by the Mentri Besar (Chief Minister), the Privy Council and the Council of Ministers. The Legislative Council, which consists of 20 members, 10 ex officio and 10 nominated, may make laws for the peace, order and good government of the State, subject to the assent of the Sultan. The Territory's judicial system consists of a High Court, a Court of Appeal and Islamic courts.

5. Brunei is divided into four districts, each of which is administered by a district officer advised by a district council, most of whose members are elected. There are municipal authorities in Bandar Seri Begawan, Kuala Belait, Seria and Tutong.

a/ The information contained in this paper has been derived from published reports.

b/ Official Records of the General Assembly, Thirty-third Session, Supplement No. 23 (A/33/23/Rev.1), vol. III, chap. XV, annex, para. 3.

6. Following negotiations between the Sultan of Brunei and Lord Goronwy Roberts, then United Kingdom Minister of State for Foreign and Commonwealth Affairs, the United Kingdom and the Sultanate of Brunei initialled a new Treaty of Friendship and Co-operation at London on 28 September 1978, by which Brunei will assume full responsibility as a sovereign independent State at the end of 1983. The signing of the treaty took place in Brunei on 7 January 1979. The Sultan and Lord Goronwy Roberts also initialled three accompanying notes concerning the maintenance in Brunei of a battalion (800) of Ghurka troops in the service of the State of Brunei until September 1983; United Kingdom aid for the creation of a diplomatic service for the future independent State; and relations between the judiciary and the State.
7. The agreement reportedly represented a compromise between the Sultan's wish not to assume responsibilities for defence and foreign affairs and the United Kingdom Government's desire to transfer all responsibilities. Impetus to the London discussion was given by the support for the independence of Brunei as well as its admission into the Association of South East-Asian Nations (ASEAN) expressed by the Heads of the Governments of Malaysia and Indonesia.
8. Early in 1979, the Foreign Minister of Malaysia paid a visit to Brunei. He declared at that time that his country was looking forward to a new era of good relations with Brunei. The visit was considered as an historic gesture of goodwill following the signing of the Treaty between the United Kingdom and Brunei.
9. The treaty was debated in February 1979 in the House of Lords of the British Parliament. In response to questions put to him by his peers, Lord Goronwy Roberts said that the Brunei Government should consider extending Brunei citizenship to British-protected persons residing in the Territory after 1983. He also stated that the United Kingdom would continue to make available, within the limits of resources, loan service personnel both in the defence and civil fields. Announcing that the independence agreement had been warmly welcomed by the Pacific and ASEAN countries, Lord Goronwy Roberts said that the United Kingdom would also assist Brunei to build up its diplomatic service.

3. ECONOMIC CONDITIONS

10. Brunei's economy depends almost entirely on its rich petroleum resources, which account for over 95 per cent by value of all exports. Other economic activities include rubber cultivation, subsistence agriculture, forestry and fishing.
11. Oil was discovered in the 1920s and has been produced by Brunei Shell which is co-owned by the Government and Royal Dutch Shell. Current production totals about 230,000 barrels a day making Brunei the second largest producer in South-East Asia after Indonesia. In 1977, revenue from oil amounted to \$US 902 million. Benefits derived by the citizens of Brunei include: free medical care, pensions, and education through university level; subsidized food, gasoline and electricity; and subsidized loans for houses, automobiles and even household equipment. There

is no system of personal income tax in the Territory. Together with gas from associated fields, oil provides Brunei with an annual income of about \$US 3,400 for each individual.

12. Three quarters of the oil produced comes from off-shore fields, the most distant drilling taking place about 56 kilometres from land. The oil operation involves one of the world's largest liquefied natural gas plants in which, as announced by the Sultan, Brunei's participation has increased from a 10 per cent investment to one-third, making it an equal partner of Shell and Mitsubishi of Japan. Brunei has also acquired an interest in Coldgas Trading, a delivery company that has seven liquefied natural gas tankers plying between Brunei and Japan. Previously, Coldgas was owned entirely by Shell and Mitsubishi.

13. The revenue in 1976 was estimated at \$US 595 million, 90 per cent of which came from oil and gas, of which \$US 340 million was surplus. It is reported that the State holds foreign reserves totalling well over \$US 1.5 billion, two thirds of which is reportedly in pounds sterling.

14. During the last generation, Brunei's oil resources have allowed the country to develop its infrastructure as well as to expand socially. The Territory has acquired, among other things, an airline and a new airport; a new seaport and several hundred kilometres of new roads; an extensively equipped radio and television station; a comprehensive electrical power system, and a complete water sewerage system for all the country's towns and most of its villages. Revenue from oil has also financed many new schools, two museums and a new mosque.

15. Oil also helps to finance the army. Counting both military and civilian workers, the Royal Brunei Malay Regiment probably employs some 10 per cent of all adult Brunei Malay males. (The Brunei Government is said to employ about half the local work force.) The limit, however, of the number of men to be drawn from the local community is 3,600. According to the local press, for this reason it would be difficult to replace the Ghurka battalion, which is to be maintained by the United Kingdom until 1983.

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