



**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: THIRTIETH SESSION

SUPPLEMENT No. 23 (A/10023/Rev.1)

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New York, 1977

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 XII;* volume I, chapters I-VII; volume III, chapters XIII-XXIV; and volume IV, chapters XXV-XXXII.

* The present version of chaps. VIII to XII is a consolidation of the following documents as they appeared in provisional form: A/10023/Add.1 of 20 November 1975, A/10023/Add.2 of 23 September and A/10023/Add.2/Corr.1 of 4 November 1975, A/10023/Add.3 of 30 September 1975 and A/10023/Add.4 of 25 September 1975.

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CHAPTER VIII

TERRITORIES UNDER PORTUGUESE ADMINISTRATION

A. CONSIDERATION BY THE SPECIAL COMMITTEE

1. The Special Committee considered the question of the Territories under Portuguese administration at its 992nd to 995th meetings, between 10 February and 25 March 1975, at Headquarters, and at its 1001st to 1008th meetings, between 12 and 17 June, during its session held at Lisbon.
2. In its consideration of this item, the Special Committee took into account the provisions of the relevant General Assembly resolutions, including in particular resolution 3328 (XXIX) of 16 December 1974 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. By paragraph 11 of this resolution, the General Assembly requested the Special Committee "to continue to seek suitable means for the immediate and full implementation of resolutions 1514 (XV) and 2621 (XXV) 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 thirtieth session". Further, the Special Committee took into account General Assembly resolution 3294 (XXIX) of 13 December 1974 concerning the question, by paragraph 11 of which the Assembly requested the Special Committee "to keep the situation in these Territories under continuous review, in particular through the dispatch of visiting missions as appropriate".
3. During its consideration of the question, the Special Committee had before it working papers prepared by the Secretariat (see annex to the present chapter) containing information on developments in the Territories. The Special Committee also had before it the report of the United Nations Visiting Mission to Cape Verde (A/AC.109/L.1002 and Add.1) in February 1975 (see paras. 6 to 13 below).

1. Participation of the national liberation movements

4. In conformity with the provisions of the relevant resolutions of the General Assembly and in accordance with established practice, the Special Committee, in consultation with the Organization of African Unity (OAU), invited the national liberation movements of the African Territories under Portuguese administration to participate in an observer capacity in its consideration of the item.
5. In response to the invitation, representatives of the national liberation movements concerned attended the relevant proceedings of the Special Committee both at Headquarters (see para. 12 below) and during the Committee's meetings at Lisbon (see para. 16 below).

2. Visiting Mission to Cape Verde

6. In a letter dated 29 October 1974, addressed to the Chairman of the Special Committee (A/AC.109/470), the Partido Africano da Independência da Guiné e Cabo

Verde (PAIGC) invited the Special Committee to dispatch a visiting mission to Cape Verde on a mutually agreeable date in early 1975. In extending the invitation, PAIGC was mindful of the positive results of a special mission sent by the Special Committee to Guinea-Bissau in April 1972, 1/ and was confident that the visit of the mission to Cape Verde would help significantly to accelerate the process of decolonization in the Territory.

7. In keeping with his Government's declared policy of co-operation and collaboration with the United Nations, the Permanent Representative of Portugal to the United Nations, in a letter dated 28 November 1974 addressed to the Chairman of the Special Committee (A/C.4/781, annex), expressed his Government's readiness to receive a visiting mission of the Special Committee in any of the Territories under its administration for such period of time as might be considered appropriate. The Permanent Representative added that, in the view of his Government, the presence of such missions in the Territories would help to verify in loco the sincerity and honesty of the decolonization process being carried out by the Portuguese Government.

8. In the light of the foregoing and in conformity with the provisions of the General Assembly resolutions referred to in paragraph 2 above, the Special Committee, at its 992nd meeting, on 10 February 1975, requested its Chairman to take the necessary steps, in consultation with its members, to dispatch a visiting mission to Cape Verde at an early date in 1975.

9. At the 993rd meeting, on 18 February, the Chairman informed the Special Committee that, on the basis of his consultations, the visiting mission would be composed of the representatives of Czechoslovakia, Mali, the Syrian Arab Republic and Trinidad and Tobago, as given below:

Mr. Haissam Kelani	Syrian Arab Republic (Chairman)
Mr. Stanislav Suja	Czechoslovakia
Mr. Noumou Diakite	Mali
Mr. Vincent D. Lasse	Trinidad and Tobago

On the same day, the Chairman of the Special Committee issued a statement concerning the dispatch of the Visiting Mission (A/AC.109/478).

10. The visit of the Mission to Cape Verde took place between 25 February and 2 March. The Mission also visited Lisbon for consultations with the administering Power both prior to and following its visit to the Territory.

11. At the 994th meeting, on 11 March, the Chairman of the Visiting Mission submitted to the Special Committee a preliminary report on the Mission's visit to the Territory (A/AC.109/PV.994 and Corr.1). Statements in that connexion were made by the Chairman as well as by the representative of the Ivory Coast (A/AC.109/PV.994 and Corr.1).

1/ Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 23 (A/8723/Rev.1), chap. X, annex I.

12. At the 995th meeting of the Special Committee, on 25 March, Mr. Pedro Pires, head of a delegation of PAIGC, consisting also of Mr. André Corsino Tolentino and Mr. Emanuel Pereira, made a statement concerning the work of the Visiting Mission (A/AC.109/PV.995).

13. The report of the Visiting Mission was circulated (A/AC.109/L.1002 and Add.1). An account of the Special Committee's consideration of the report, inter alia, is set out in paragraphs 14 to 17 below.

3. Review of developments

14. At its 999th meeting, on 14 May, by adopting the seventy-sixth report of the Working Group (A/AC.109/L.1011), the Special Committee decided to hold a brief review of developments in Territories under Portuguese administration during its meetings at Lisbon in June.

15. In accordance with that decision, the Special Committee held a review of related developments at its 1001st to 1003rd and 1005th to 1008th meetings, between 12 and 17 June, with the active participation of the representatives of the national liberation movements concerned, and adopted two consensuses, one concerning Cape Verde, and the other relating to the situation in the Territories in general (see paras. 19 and 20 below). Statements in that connexion were made by the representatives of Portugal, Cuba, Indonesia, Yugoslavia, the Union of Soviet Socialist Republics, Australia, Tunisia, the United Republic of Tanzania, Bulgaria, the Congo and Ethiopia at the 1001st meeting (A/AC.109/PV.1001); Trinidad and Tobago, India, Czechoslovakia, Fiji, Iran, Sierra Leone, Mali, Iraq and the Ivory Coast at the 1002nd meeting (A/AC.109/PV.1002); Chile at the 1003rd meeting (A/AC.109/PV.1003); Portugal at the 1005th meeting (A/AC.109/PV.1005 and Corr.1); and Afghanistan at the 1008th meeting (A/AC.109/PV.1008).

16. Representatives of the following national liberation movements attended the Special Committee's meetings at Lisbon:

Frente Nacional para a Libertação de Angola (FNLA):

Mr. Hendrik Vaal Keto

Mr. Paulo Moio

Mr. José Barreto

Mr. André Mavumina

Mr. Afonso Lutatiki

Movimento Popular de Libertação de Angola (MPLA):

Mr. Elísio de Figueiredo

Mr. José Leitão da Costa e Silva

Mr. João Lourenço Landoit

União Nacional para a Independência Total de Angola (UNITA):

Mr. Tony DaCosta Fernandes

Mr. Honório Van-Dunen

Mr. José Carmelino, Jr.

Mr. Paul Chipilika

Partido Africano da Independência da Guiné e Cabo Verde (PAIGC):

Mr. Abílio Monteiro Duarte

Mr. Alirio Silva

Movimento de Libertação de São Tomé e Príncipe (MLSTP):

Mr. Miguel Trovoadá

Mr. Alberto Chong

Statements were made by Mr. de Figueiredo at the 1001st meeting (A/AC.109/PV.1001); Mr. Van-Dunen and Mr. Barreto at the 1002nd meeting (A/AC.109/PV.1002); Mr. Monteiro Duarte at the 1003rd meeting (A/AC.109/PV.1003); and Mr. Trovoadá at the 1005th meeting (A/AC.109/PV.1005 and Corr.1).

17. Statements relating to the item were also made by the Chairman of the Special Committee against Apartheid, the Executive Secretary of the OAU Co-ordinating Committee for the Liberation of Africa and representatives of specialized agencies and other organizations within the United Nations system and non-governmental organizations (A/AC.109/PV.1001 to 1003, 1006 and 1007; see also chaps. II and VII of the present report (A/10023/Rev.1, vol. I)).

18. In connexion with the meeting of the leaders of the three national liberation movements of Angola which was held in June at Nakuru, Kenya, under the auspices of the President of Kenya, the Chairman, on 13 June, addressed telegrams to the President of Kenya (A/AC.109/L.1028) and to the leaders of the liberation movements (A/AC.109/L.1029), conveying an expression of the hopes of the Special Committee for success in their endeavours to ensure the maintenance and consolidation of the unity and solidarity of the Angolan people and the liberation movements. The Chairman received a telegram dated 19 June 1975 from the Minister for Foreign Affairs of Kenya in acknowledgement of the foregoing message (A/AC.109/497).

4. Draft consensus

19. At the 1004th meeting, on 14 June, the Chairman submitted to the Special Committee for its consideration a draft consensus relating to Cape Verde (A/AC.109/L.1026), prepared by him on the basis of related consultations. The Special Committee adopted the draft consensus without objection (see para. 25 below).

20. At the same meeting, the Chairman submitted to the Special Committee for its consideration a draft consensus on the item (A/AC.109/L.1027) prepared by him on

the basis of related consultations. The Special Committee adopted the draft consensus without objection (see para. 26 below).

21. On 14 June, the texts of the consensus (A/AC.109/492 and 493) were transmitted to the Minister for Interterritorial Co-ordination of Portugal and head of the delegation of Portugal to the Special Committee, for the attention of his Government. Copies of the consensus were also transmitted to all States and to the specialized agencies and other organizations within the United Nations system.

22. Having regard to the urgent need of Cape Verde for international assistance, referred to in the related consensus (A/AC.109/492), statements were made by the representatives of the United Nations High Commissioner for Refugees (UNHCR) and by the representative of the Congo at the 1007th meeting (A/AC.109/PV.1007).

5. Independence of Mozambique, Cape Verde and Sao Tome and Principe

23. In response to the invitations extended to it in that regard, the Special Committee was represented at the ceremonies marking the attainment of Independence of the People's Republic of Mozambique, on 25 June, and the Republic of Cape Verde, on 5 July, by its Chairman, Mr. Salim Ahmed Salim, the Permanent Representative of the United Republic of Tanzania to the United Nations. It was represented at the independence ceremonies of the Democratic Republic of Sao Tome and Principe, on 12 July, by one of its Vice-Chairmen, Mr. A. Duncan Campbell, Deputy Permanent Representative of Australia to the United Nations. The two officers of the Special Committee submitted reports on their participation in these ceremonies, at the 1010th and 1012th meetings, on 5 and 13 August, respectively (A/AC.109/PV.1010 and 1012).

6. Developments relating to Angola and Timor

24. Following its adoption of the consensus referred to in paragraphs 19 and 20 above and in the light of the related information received from the administering Power (A/AC.109/506) and the Secretary-General, the Special Committee, through its Chairman and other officers, kept the situation in Angola and that in Timor under continuous review. Having regard to developments in Timor, the Secretary-General, on 26 August, addressed an urgent appeal to all parties concerned to cease hostilities, to respect human life and to enter into negotiations in order to achieve a peaceful settlement. 2/

B. DECISIONS OF THE SPECIAL COMMITTEE

25. The text of the consensus (A/AC.109/492) adopted by the Special Committee at its 1004th meeting, on 14 June, to which reference is made in paragraph 19 above, is reproduced below:

2/ The text of the appeal was released on the same day by the Office of Public Information of the Secretariat.

(1) The Special Committee, having examined the report of the United Nations Visiting Mission dispatched to Cape Verde in February 1975 at the invitation of the Government of Portugal and the Partido Africano da Independência da Guiné e Cabo Verde (PAIGC), 3/ and having heard the statements of the Chairman of the Visiting Mission and the representatives of the administering Power and PAIGC, 4/ approves the report of the Visiting Mission and endorses the conclusions and recommendations contained therein. 5/

(2) The Special Committee notes with satisfaction the constructive work accomplished by the Visiting Mission and expresses its appreciation to the administering Power, the Transitional Government and PAIGC for the co-operation and assistance extended to the Mission in this regard.

(3) With respect to the urgent and critical need of the Territory for economic, technical and financial assistance, bilaterally and on a multilateral basis, the Special Committee requests all Governments and the specialized agencies and other organizations within the United Nations system to render all possible assistance to the people of the Territory on an emergency basis. The Special Committee notes with satisfaction the important initiative taken by the Secretary-General in this connexion and invites him to continue his efforts to ensure the effective co-ordination of the required assistance. 6/ The Special Committee also takes note with satisfaction of the concrete programme of assistance initiated by the Government of Portugal and its declared intention to continue such assistance. 7/

26. The text of the consensus (A/AC.109/493) adopted by the Special Committee at its 1004th meeting, on 14 June, to which reference is made in paragraph 20 above, is reproduced below:

(1) The Special Committee, having reviewed developments in the Territories under Portuguese administration and having heard the statements of the administering Power and the national liberation movements concerned, 8/ notes with satisfaction that Mozambique will accede to independence on 25 June, Cape Verde on 5 July, Sao Tome and Principe on 12 July and Angola on 11 November 1975. In reiterating its affirmation of the inalienable right of the peoples of the Territories under Portuguese administration to self-determination and independence in accordance with General Assembly resolution 1514 (XV) of 14 December 1960, the Special Committee requests the Government of Portugal to ensure that the national unity and territorial integrity of these countries are preserved.

3/ A/AC.109/L.1002 and Add.1.

4/ A/AC.109/PV.994 and Corr.1, PV.995, 1000 and Corr.1, PV.1001 and 1003.

5/ A/AC.109/L.1002, paras. 119-142.

6/ A/10106 and Corr.1 and A/10106/Add.1-3.

7/ A/AC.109/L.1002/Add.1, appendices II and IV.

8/ A/AC.109/PV.994 and Corr.1, PV.995, 1000 and Corr.1 and PV.1001-1003.

(2) With regard to the situation obtaining in Angola, the Special Committee wishes to address an earnest and urgent appeal to the three national liberation movements of the Territory - the Frente Nacional para a Libertação de Angola (FNLA), the Movimento Popular de Libertação de Angola (MPLA) and the União Nacional para a Independência Total de Angola (UNITA) - to work actively towards the achievement and consolidation of national unity and independence as well as the maintenance of national solidarity leading to the fulfilment of the aspirations of the Angolan people in peace, justice and harmony.

(3) In hailing the decolonization process currently under way in the Territories under Portuguese administration, the Special Committee is particularly conscious of the important contributions made by their national liberation movements in providing the necessary leadership and guidance towards the achievement of freedom and independence, and in that regard wishes to record its profound satisfaction with these outstanding achievements and to extend its warm congratulations to the national liberation movements on the work accomplished.

(4) The Special Committee is equally aware of the positive approach adopted and the concrete steps taken by the new Government of Portugal on the issue of decolonization, and commends the continued efforts being made by that Government towards the full and speedy implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples with respect to the remaining Territories under its administration.

(5) In noting with particular satisfaction the positive developments in the African Territories under Portuguese administration, the Special Committee is of the firm view that the steps already taken and those that are now being taken with respect to the Territories provide an important opportunity to facilitate and further expedite the process of decolonization in the remaining colonial Territories in Africa, particularly in the southern part of that continent.

(6) Bearing in mind the critical need of the peoples in the Territories under Portuguese administration for extensive assistance in the consolidation of their national independence and the reconstruction of their countries, the Special Committee urges all Governments and the specialized agencies and other institutions associated with the United Nations to intensify their efforts with a view to working out, as a matter of urgency, concrete programmes of assistance to the peoples concerned.

(7) With regard to Timor and its dependencies, the Special Committee expresses the hope that the necessary steps will be taken, as appropriate, to enable the people of that Territory to attain the goals set forth in the Charter of the United Nations and the Declaration.

(8) The Special Committee decides to keep the situation in the Territories under Portuguese administration under continuous review.

ANNEX*

Working papers prepared by the Secretariat

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* Previously issued under the symbols A/AC.109/L.1014 and L.1015. Working papers were also prepared on the decolonization policy of Portugal, as well as on Sao Tome and Principe, Cape Verde and Mozambique and issued under the symbols A/AC.109/L.1006, L.1013, L.1016 and L.1020, respectively.

A. ANGOLA*

1. GENERAL

1. The Territory of Angola, comprising an area of 1,246,700 square kilometres, lies south of the Equator between latitude 4° 22' S and 18° 03' S and longitude 24° 05' E and 11° 41' E. Except for the Cabinda enclave which is administered as part of it, the entire Territory lies south of the Congo River. It is bound on the west by the Atlantic Ocean, on the north by the Congo and Zaire, on the north-east by Zaire, on the east by Zambia and on the south by Namibia.

2. According to provisional 1970 consensus figures, the total resident population of Angola was 5,673,046. At the 1960 census, the total resident population was 4,830,499, of whom 4,604,362 were listed as pretos, 172,529 as brancos, 53,392 as mesticos and 166 as "others". Official Portuguese statistics published after 1960 do not give any information by race.

3. In 1974, according to an editorial in Revista de Angola, a/ the population of Angola included 4,295,000 Africans, 700,000 to 800,000 whites and 100,000 mesticos. According to the same source, the African population included the following ethnic groups: 1,500,000 Umbundos, 1,000,000 Quimbundos, 600,000 Lundas-Quicocos, 500,000 Quicongos, 400,000 Canguelas, 200,000 Nhanecas-Mumbes, 70,000 Ambós, 6,000 Vátuas, 10,000 Bochimanes, 4,000 Hereros and 5,000 "Xindongas".

4. Because of the delay in the publication of the 1970 census, estimates of the size of the white population of Angola range from 350,000 to 800,000, although most reports tend to agree on 500,000. A recent study suggested, however, that the white population of Angola could not possibly have been higher than 350,000 at the end of 1973 and that it would probably decrease by the end of 1974 owing to the uncertain political situation.

5. The European population is concentrated in urban areas which are surrounded by an almost completely African population. More than one third of the African population lives in the Benguela-Bié plateau region. Owing to its climate and favourable conditions for producing most of the food crop needed by the Portuguese settlers, there has been intensive European settlement in this area.

6. Prior to the change of Government in Portugal on 25 April 1974, under the Portuguese Constitution, Angola was considered an "overseas province" of Portugal with the honorific designation of "the State of Angola". The basic structure of the territorial Government was set out in the Overseas Organic Law of 1972. b/ The structure of the territorial Government was defined in the political and administrative statute of the Territory (Decree 544/72 of 22 December 1972). The territorial Government comprised a Governor-General and his secretariat, a Government Council, a Legislative Assembly and an Advisory Board. c/

* Previously issued under the symbol A/AC.109/L.1014.

a/ Luanda, 15 August 1974.

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

c/ Ibid., Twenty-eighth Session, Supplement No. 23 (A/9023/Rev.1), chap. IX, annex I.B, paras. 66-75.

7. The Territory was designated as an "autonomous region of the Portuguese Republic" having its own "juridical personality in public internal law". Real power, however, was vested in what the Portuguese Constitution then in force called the organs of sovereignty, i.e., the National Assembly and the Government in Lisbon. d/

2. POLITICAL DEVELOPMENTS

A. New trends from 25 April to 22 July 1974

Initiatives by the Government of Portugal

8. On 25 April 1974, the day of the establishment of the Junta de Salvação Nacional (Junta of National Salvation) in Portugal, Mr. Fernando Santos e Castro, the Governor-General of Angola, was recalled to Lisbon. Lieutenant-Colonel Soares Carneiro, the Secretary-General of Angola, was appointed Acting Governor-General.

9. Early in May, General Francisco da Costa Gomes, then Chief of the General Staff of the Armed Forces, visited Luanda in his capacity as member of the Junta. During his stay in Angola, he appointed a new Commander-in-Chief of the Armed Forces in Angola and replaced all the military commanders in the Territory. General Costa Gomes then appealed to the liberation movements to stop the war and to make use of "the new possibilities afforded by the liberal atmosphere" in Portugal. He said that the people had the right to self-determination in deciding their future. He invited the liberation movements "to fight democratically with words, with ideas, with political doctrines /and/ with legal party activities".

10. According to newspaper reports, by 4 May, 1,285 political prisoners had been freed in Angola, 1,200 from a camp in Moçamêdes and 85 from a prison in Luanda. With the 1,200 prisoners in Moçamêdes there were an additional 2,800 persons, wives and children of the prisoners, who had been living in the camp.

11. The secret police organization (Direcção-Geral de Segurança) (DGS) was abolished, and on 2 May a new intelligence organization was created in Angola, the Comando de Polícia de Informação Militar (PIM) (Police Bureau for Military Intelligence) directly under the Commander-in-Chief of the Armed Forces.

12. In June, General Silvino Silvério Marques was appointed Governor-General of Angola. He had been Governor-General of Angola from 1962 to 1966, the period immediately after the beginning of the struggle for the national liberation of the Territory. When he arrived in Luanda, there were demonstrations at the airport against his reappointment to that post. General Silvino Silvério Marques remained in Luanda until late July when, during a period of violent unrest in Luanda, he

d/ Political Constitution of the Portuguese Republic, S.N.I. Lisbon, 1957, chap. VII, sect. IV.

was recalled to Lisbon and replaced by the Junta Governativa (Governing Junta) (see below).

13. The new Portuguese Government recognized that the solution to the colonial wars was political and not military. Until July 1974, however, it had not yet formalized its acceptance of the right of colonial peoples to self-determination and independence. On 24 July, the Council of State of Portugal approved constitutional Law No. 7/74 (see A/9697, annex) by which, inter alia, it decreed that recognition "of the right of self-determination, with all its consequences, includes the acceptance of independence for the overseas Territories", and that the conclusion of agreements relative to the exercise of that right "... is within the competence of the President of the Republic, after consultation with the Junta of National Salvation, the Council of State and the Provisional Government".

Response of the liberation movements

14. All three liberation movements which were engaged in the armed struggle for national liberation reacted with caution to the change of régime in Portugal in April 1974.

15. The Frente Nacional para a Libertação de Angola (FNLA) issued a communiqué on 30 April stating that the Angolan people would "carry on the war until universally recognized justice, common sense and the right to self-determination emerge victorious". In May, Mr. Holden Roberto, President of FNLA, declared that armed struggle was not the only possible way for Angola, and that he did not exclude the possibility of negotiating with Portugal. Negotiations would only be possible under one condition, however: the recognition by Portugal of the right of the Angolan people to self-determination and independence.

16. Early in May, Mr. Agostinho Neto, President of the Movimento Popular de Libertação de Angola (MPLA) said that his movement would continue the struggle for national liberation unless Portugal granted total independence to the overseas Territories. He reaffirmed his movement's categorical rejection of a federation with Portugal. According to him, the war could not cease until the Portuguese authorities recognized the right of the peoples to complete independence. Only then could negotiations begin on the modalities for the transfer of power to the Angolan people. He rejected the idea of a referendum, which he said would be a solution for Portugal but not for Angola.

17. On 21 May, Mr. Jorge Sangumba, Secretary for Foreign Affairs of the União Nacional para a Independência Total de Angola (UNITA), stated that the liberation struggle would continue until the Portuguese Government had accepted the principle of complete independence for Angola. According to a report in the Luanda newspaper, A Província de Angola, early in June, Mr. Jonas Savimbi, President of UNITA, agreed with the Portuguese authorities to suspend hostilities. In a letter to the newspaper, published on 13 June, he outlined the position of UNITA on the

future of Angola. Mr. Savimbi emphasized the need for a period of political preparation by the people of Angola prior to independence. Once the war was ended, all three liberation movements should participate in such a preparatory campaign. UNITA also rejected the idea of a referendum but supported the proposal to hold elections for a new legislative assembly which would form a new government. The future relations of Angola with Portugal would be discussed with the new Government.

Formation of political parties

18. Immediately following the change of régime in Portugal, a number of political parties emerged in Angola. By June 1974, it was reported that more than 30 political groupings had been formed. Some of the political parties were new and some had been reorganized. These parties can be classified according to their composition into three basic categories: mainly African, mainly white and white only.

19. Since the form of participation of the new political parties had not yet been defined, their activities were limited to formulating programmes and increasing their local support. Among the mainly African parties, the most publicized was the Partido para a Reunificação do Povo Angolano (PRPA), led by Mr. Dongala Garcia. In May, PRPA, together with three other African parties, was reported to have formed a coalition with the mainly white Partido Cristão Democrático de Angola (PCDA) (see below). The other mainly African parties in the coalition are Nto-Bako Angola, which was created in 1960; the Movimento de Defesa dos Interesses de Angola (MDIA), created in 1961; and the Movimento Popular de Angolanos Africanos (MPAA). Later in the year, PRPA denounced its alliance with PCDA because of the latter's involvement in attempts to declare independence unilaterally.

20. On 1 May, a group calling itself the Comissão Cívica Democrática emerged publicly in Luanda and issued a manifesto in support of the Junta de Salvação Nacional. This group had reportedly been organized by the liberal white community. Its first demands included the immediate presence in Angola of a representative of the Junta; the release of all Angolan political prisoners held in Angola and Cape Verde and the closing of detention camps; the abolition of DGS; freedom for all political parties and abolition of the Rural Labour Code and the Angola Labour Statute; and termination of the control of all the "majestic and monopolistic companies", particularly those governed by special legislation and having their own repressive and police facilities to maintain security in their area of operations. On 3 May, the group held a public meeting to express its support of the Junta. The meeting was attended by some 5,000 people, mostly white, who cheered the call for Portugal to break its ties with South Africa and Southern Rhodesia and to start a dialogue with the liberation movements.

21. Of the mainly white parties, the ones which have been most active since May are PCDA, the Frente de Unidade Angolana (FUA) and the Movimento Popular de Unidade de Angola (MOPUA). PCDA claims to support "the establishment of a political system based on Christian social doctrine, in which moderate forms of capitalism will be able to co-exist with socialist labour". As indicated above, PCDA has formed a coalition with four African parties. FUA was created in mid-1962 by a group of

whites who claimed to support the liberation movements. It is led by Mr. Fernando Falcão, who is reported to have been a member of the Angola Government under General Silvino Silvério Marques. MOPUA was created in Nova Lisboa on 1 May 1974. It supports economic policies favouring private enterprises.

22. The all-white parties include the Frente de Resistência de Angola (FRA) which is reported to be the largest all-white group; the Exército Secreto de Intervenção Nacional (ESINA); and the Resistência Unida Angolana (RUA). These three parties are reported to favour a unilateral declaration of independence of Angola based on white supremacy. The Portuguese authorities have warned them that they could be prosecuted under the Penal Code for inciting racial hatred. One newspaper article said that the all-white groups were counting on the support of the special group of Africans who had served in DGS and some 400 Katangese mercenaries who had at one time fought for the Portuguese colonial forces and were still in their camp in eastern Angola. Mr. Neto, the president of MPLA, denounced FUA, FRA and PCDA as responsible for the administration of the training camps set up to develop the Portuguese settlers into an armed force. According to another article in the Angolan press, the camps located in central and southern Angola were under the supervision of South African military advisers.

B. Establishment of the Junta Governativa

23. On 22 July the new Portuguese Government set up a five-man military junta to govern Angola. The establishment of the Junta Governativa opened a new stage in the process of decolonization of Angola.

Membership and responsibilities of the Junta Governativa

24. The membership of the Junta Governativa comprises two army officers, two naval officers and one air force officer. Vice-Admiral António Rosa Coutinho, a naval officer and a member of the Junta de Salvação Nacional in Lisbon, was appointed head of the Junta Governativa. In connexion with the decolonization policy adopted by the Portuguese Government, Vice-Admiral Rosa Coutinho said that the role of the Portuguese armed forces in Angola would be to guarantee the security of the population.

25. In an interview given to A Província de Angola, e/ Mr. António de Almeida Santos, the Minister for Interterritorial Co-ordination, said that the establishment of the Junta Governativa was a further step in the decolonization of Angola. He announced that a new political statute for the Territory was under preparation and that the participation of the liberation movements in a future provisional government was envisaged. Subsequently, Vice-Admiral Rosa Coutinho became Commander-in-Chief of the Armed Forces in Angola directly responsible to the Junta de Salvação Nacional in Portugal.

e/ Lisbon, 2 August 1974.

Decolonization programme

26. On 9 August, the Junta de Salvação Nacional in Lisbon issued a communiqué establishing a programme for the decolonization of Angola. The programme provided for the establishment of a provisional coalition government in the Territory after a cease-fire agreement had been reached with the liberation movements. The provisional government would comprise representatives of the liberation movements on the same footing with representatives of the most significant ethnic groups of the Territory, including the "white ethnic" group.
27. The provisional government would frame an electoral law and would take a voter census on the basis of one man, one vote. In approximately two years the provisional government would hold elections to a constituent assembly which would be responsible for drawing up a constitution for Angola, defining whatever links it wished to maintain with Portugal. After the approval of the constitution, the constituent assembly would be dissolved and new elections would be held for a legislative assembly and a government "legitimately representative of the sovereign will of the people of Angola". The decisions of the government so constituted would be strictly respected by the Portuguese Government.
28. In the communiqué it was also stated that the Portuguese Government would raise no objections to the presence of United Nations observers to verify the honesty of all acts of popular consultation.

Opposition to the programme

29. Although the communiqué was viewed by some sources as intending to reassure the white settlers in the Territory by guaranteeing their participation in the government and by providing for a phased decolonization, some sectors of the white community in Angola reacted negatively. The unrest in July and August in Luanda and the decolonization policy announced by the Portuguese Government caused many whites to flee the Territory. It was reported that some 30,000 whites had left Angola in August alone.
30. Mr. Fernando Falção, the President of FUA, also expressed opposition to the decolonization programme of the Junta de Salvação Nacional. He asserted that generations of people born in Angola were under the risk of being considered foreigners in their own land. Despite their irreproachable behaviour, according to Mr. Falção, they could not be certain that they would receive just consideration.
31. One of the strongest reactions to the Junta's decolonization programme appeared in an editorial in Revista de Angola. f/ The editorial declared that,
- "... whites constitute the third largest Angolan ethnic group and, as is generally known, the most advanced and the most powerful economically and socially. It is therefore the group which Angolan political power will

f/ Luanda, 15 August 1974.

always have to take into account because it constitutes the unifying factor between the members of other races, which are riven by deep dissensions."

32. The editorial warned the Quicongos and members of other ethnic groups who supported them that they would not be able to control Angola, because supposedly the whites and the mestizos were in greater number, enjoyed stronger socio-economic conditions, and had the support of the majority of the black population. The editorial claimed that if there was no agreement between whites and other groups, the alternative would be civil war.

33. FNLA and MPLA rejected the decolonization programme of the Junta because it provided for representation of all major ethnic groups.

C. Implementation of the decolonization policy

Consultations with Zaire

34. On 14 September, General António de Spínola, then President of Portugal, met with General Mobutu Sese Seko, President of Zaire, on Sal Island in the Cape Verde Islands. The substance of the conversations between the two heads of State has not been made public.

35. Early in October, Vice-Admiral Rosa Coutinho, the head of the Junta Governativa, stated that General Costa Gomes, the new President of Portugal, would continue to supervise directly the decolonization in Angola.

36. On 10 October, a high-level Portuguese delegation, headed by General Fontes Pereira de Melo, Chief of Staff of the Armed Forces, as representative of the President of Portugal, visited Kinshasa for talks with President Mobutu. During its stay in Kinshasa, the delegation also met with representatives of FNLA and MPLA.

Cessation of hostilities and negotiations with the liberation movements

37. In November, FNLA, MPLA and UNITA arrived at an agreement with the Portuguese Government on the cessation of hostilities in the Territory. Subsequently, all three liberation movements opened offices in Luanda.

38. UNITA was the first liberation movement to suspend hostilities in Angola. It was reported that in June 1974, Mr. Savimbi, President of UNITA, had signed a formal cease-fire with the Portuguese authorities. A UNITA delegation arrived in Luanda on 10 November.

39. On 12 October, FNLA and the Portuguese Government reached an agreement on the suspension of hostilities, to become effective on 15 October. The agreement also provided for FNLA to open an office in Luanda. An FNLA delegation arrived in Luanda on 16 October.

40. A communiqué issued by the Comissão Diretiva (Directing Committee) of MPLA announced that, on 21 October, Mr. Neto, President of MPLA, had signed an agreement with the Portuguese Government formalizing a truce and providing for the establishment of an office in Luanda, to be followed by the establishment of offices in other towns and villages. An MPLA delegation arrived in Luanda on 8 November.

41. Towards the end of October, Vice-Admiral Rosa Coutinho attended a meeting of the Comissão Nacional de Descolonização (National Decolonization Committee) in Lisbon. On his return to Angola, he announced that the Portuguese Government was conducting negotiations with the president of each of the three liberation movements with a view to establishing a transitional government in Angola.

42. In a letter dated 25 November, addressed to the Secretary-General of the United Nations (A/9885), the Permanent Representative of Portugal to the United Nations stated that the Portuguese authorities in Lisbon, as well as the members of the Junta Governativa of Angola, had multiplied their efforts at establishing contacts and initiating negotiations with representatives of FNLA, MPLA and UNITA. As a result, a de facto cease-fire existed in Angola and was being honoured by all the parties concerned. The Permanent Representative of Portugal further stated that, in the case of MPLA, the contacts had been made through Mr. Neto of MPLA. The three liberation movements had opened offices in various cities of Angola where they could pursue any political activity that their leaders deemed necessary in order to make their ideas and goals known to the population.

Political unrest

43. Since April, there have been reports of political unrest and violence in Angola, particularly in Luanda.

44. In mid-July, a major flare-up of violence was reportedly caused by a conflict between whites and Africans. The capital was placed under martial law and a curfew was ordered following a wave of violence which was reported to have left more than 50 dead and 200 injured. This outbreak of violence led the new Portuguese Government to establish a military junta at the head of the Government of Angola (see para. 23 above). Following the arrival of Vice-Admiral Rosa Coutinho in Luanda, the armed forces brought the situation under control towards the end of August.

45. Towards the end of October, there were reports of an attempt by white settlers to take over the Government in Angola. In an interview published in A Província de Angola g/, Vice-Admiral Rosa Coutinho gave a detailed account of the attempt, which he said had been led by officers and members of PCDA. Vice-Admiral Rosa Coutinho said that the objective of the plot had been to establish a dictatorial, white racist régime in Angola. The plot had been co-ordinated with a plan to overthrow the Government in Lisbon, and the plotters had attempted to obtain the support of members and former members of the armed forces in Angola.

g/ Luanda, 27 October 1974.

Vice-Admiral Rosa Coutinho mentioned the names of a dozen persons who had been arrested, including Messrs. Ferronha, António Navarro and Costa Ferreira, respectively president, secretary and treasurer of PCDA. He also said that Mr. Ruy Correia de Freitas, Director of A Província de Angola, and Mr. Blaier de Souza, a former DGS agent, had managed to escape arrest.

46. Also in October and early November, a series of violent incidents occurred in the Duque de Bragança concelho of Malanje District. This was followed by another outbreak of violence in Luanda during the second week of November, causing over 100 deaths.

47. On 15 November, the economic associations of Luanda published a communiqué expressing their concern about the unrest in that city, and stating that the liberation movements had already expressed their reproach concerning the "serious events which had been taking place in the city". The communiqué alleged that the prevailing conditions could lead Angola into an economic and social chaos which might jeopardize the future of the new nation. According to the economic associations, the Junta Governativa, which was entrusted with the maintenance of public order, was responsible for the worsening of the situation. In conclusion, the associations stated that they were determined to take action "in accordance with what the circumstances might dictate". The communiqué was signed by the Luanda Commercial Association, the Angola Industrial Association, the Angola Farmers' Association, the Luanda Shopkeepers' Association and the Luanda Real Estate Owners' Association.

48. On 17 November, Messrs. Fernandes Vieira, Corte Real and Renato Cardoso, officers of the Luanda Commercial Association, were arrested by the Portuguese authorities and charged with "economic sabotage". The Portuguese authorities stated that the arrest of the three men was not connected with their activities in the economic associations. In a communiqué dated 19 November, the economic associations claimed that all three men were innocent of any wrongdoing.

Developments in Cabinda

49. Following the change of government in Portugal, the Frente de Libertação do Enclave de Cabinda (FLEC), a separatist movement, was reportedly reorganized in Zaire and became militantly active in Cabinda. FLEC wishes to negotiate with Portugal for the independence of Cabinda which it claims was not a colony, like Angola, but a protectorate placed under the protection of Portugal 89 years ago.

50. During the second half of 1974, political unrest and incidents of violence in Cabinda were attributed to the activities of FLEC. In October, Cabinda was the scene of a series of disturbances which left 2 dead and more than 10 people wounded. The Portuguese armed forces, in a combined action with MPLA forces, were reported to have brought the situation under control. Early in November, a group of military officers representing the Junta Governativa was sent to Cabinda. Brigadier Themudo Barata, the District Governor and regional commander, who was said to be sympathetic to FLEC, was removed together with some of his military assistants.

51. According to an article in A Província de Angola, h/ the reactivation of FLEC as a movement seeking the separation of Cabinda from the rest of Angola has been made possible by the support it receives from economic interests exploiting the petroleum reserves of Cabinda. Some sources refer to Cabinda District as a new "Kuwait" because of the estimated size of its petroleum reserves. i/

52. According to reports, FNLA, MPLA and UNITA have unanimously stated that the status of Cabinda as an integral part of Angola is beyond question and beyond discussion. Vice-Admiral Rosa Coutinho has endorsed this view on behalf of the Portuguese Government.

Portuguese proposals

53. In his letter to the Secretary-General (see para. 42 above), the Permanent Representative of Portugal stated that a new statute for Angola was being discussed by representatives of the liberation movements and of the Portuguese Government. The statute envisaged the appointment of a High Commissioner who would also be the head of the Government with the rank of Prime Minister. He would be aided by assistant secretaries of state, positions equivalent to that of a minister without portfolio which would be filled on the basis of equal representation of the three liberation movements and of the general population. It would be the task of these authorities to arrange for the elections of a national constituent assembly which would draw up the constitution of Angola as an independent State.

54. It should be noted that, although the communiqué on the decolonization of Angola issued in August (see paras. 26-28 above) stated that the constituent assembly would be responsible for defining the future links of Angola with Portugal, in the letter referred to above, the future status of Angola was clearly defined as that of an independent State.

Agreements among the liberation movements

55. In order to clarify the conditions for their joint participation in the negotiations with Portugal, the three liberation movements of Angola carried out separate negotiations which led to agreements between FNLA and UNITA, between MPLA and UNITA and between FNLA and MPLA.

56. On 25 November, Mr. Roberto of FNLA and Mr. Savimbi of UNITA signed an agreement in Kinshasa to cease all hostile propaganda against each other; to co-operate with regard to military activities; and to establish a joint commission to formulate the political tasks related to the reconstruction of independent Angola.

h/ Luanda, 29 November 1974.

i/ For information on the Cabinda Gulf Oil Company, see Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 23 (A/9623/Rev.1), chap. IV, annex, appendix I, paras. 23-34.

57. On 18 December, Mr. Neto of MPLA and Mr. Savimbi of UNITA signed an agreement in Luso, Moxico District, to end all forms of hostility between the two organizations and, inter alia, "to defend constantly and jointly the interests of the peasant and working masses and to struggle for the elimination of all the remaining traces of colonialism".

58. Subsequently, on 4 January 1975, Mr. Roberto of FNLA and Mr. Neto of MPLA signed a similar agreement in Mombasa putting an end to hostilities between the two movements and expressing their intention to co-operate at all levels to defend the interests of the Angolan people, particularly against the remaining forms of colonialism.

59. On the same day, the three movements issued the Mombasa Declaration, a joint statement of principles according to which they reaffirmed "their determination to safeguard the territorial integrity of Angola within the present frontiers. In this context, Cabinda is an inalienable and integral part of the territory of Angola".

60. The three liberation movements also undertook to build the Angolan nation "on just and democratic foundations, eliminating, in consequence, all forms of ethnic, racial and religious discrimination and any other type of discrimination".

61. Finally, the three Angolan political organizations expressed their concern about the deterioration of the country's economy and demanded that the Portuguese Government take urgent and effective measures, with the support of the liberation movements, to protect the social interests of the working masses and to promote the economic development of the Territory and the process of national reconstruction.

Alvor Agreement

62. Shortly after the signing of the Mombasa Declaration, the Portuguese Government and the three liberation movements initiated negotiations which led to the signing of an agreement in Alvor, Portugal, on 15 January. ^{1/} The agreement established the conditions for the transfer of power in Angola and set the date for the proclamation of independence and the attainment of full sovereignty by Angola on 11 November 1975.

63. The agreement was signed by representatives of the Portuguese Government led by Major Ernesto Augusto de Melo Antunes, Minister without Portfolio. Mr. Mario Soares, Minister for Foreign Affairs and Mr. António de Almeida Santos, Minister for Interterritorial Co-ordination. Mr. Roberto of FNLA, Mr. Neto of MPLA and Mr. Savimbi of UNITA signed the agreement on behalf of the liberation movements.

64. The agreement recognized the three liberation movements as the sole and legitimate representatives of the people of Angola. It established, furthermore,

^{1/} For the text of the agreement, see A/10040.

that Angola constituted a single, indivisible entity within its existing geographical and political boundaries. Cabinda was specifically identified as an integral and inalienable part of the Angolan territory.

65. Until the proclamation of independence of Angola, all power would be exercised by a High Commissioner and by the Transitional Government to be inaugurated on 31 January 1975. The Transitional Government would be presided over and directed by a Presidential Council composed of three members, one from each liberation movement, and would have a rotating chairmanship. The National Defence Commission, composed of the High Commissioner, the Presidential Council and the Unified General Staff, would be in charge of military and security matters. The Unified General Staff would consist of the commanders of the three branches of the Portuguese Armed Forces in Angola and three commanders of the liberation movements. The Unified General Staff would be under the direct authority of the High Commissioner.

Investiture of the Transitional Government

66. The investiture of the Transitional Government took place on 31 January. The Portuguese Government appointed General António da Silva Cardoso High Commissioner and the liberation movements appointed the members of the Presidential Council: Mr. Johnny Eduardo of FNLA, Mr. Lopo do Nascimento of MPLA and Mr. José N'dele of UNITA.

3. ECONOMIC CONDITIONS

67. Angola's economic development, as in the case of other Territories under Portuguese administration, has been determined by the vested interests of colonial exploitation.

68. In recent years, Angola had become an increasingly more important source of raw materials and other basic commodities for Portugal. Angola provided Portugal with agricultural products such as coffee, sisal, cotton, maize, fruit and vegetables, as well as mineral products such as diamonds, iron ore and petroleum. These products were important to the Portuguese economy because, not only were they imported at artificially set prices and paid for in Portuguese currency, but they were often re-exported by Portugal to other countries, thus providing a source of foreign exchange. Angola was also a protected market for Portuguese exports such as textiles, clothing and wine. In this respect, colonial policies were an obstacle to the industrialization of the Territory.

69. For most of the period of Portuguese colonial rule, industrial activities in Angola were limited to the initial processing of cotton, sugar and sisal and to the production of some consumer goods. Until 1965, none of the Territories was permitted to establish textile factories. k/ In 1972, for instance, food and

k/ Official Records of the General Assembly, Twenty-first Session, Annexes, addendum to agenda item 23 (A/6300/Rev.1), chap. V, annex, appendix I, para. 116.

textile exports accounted for some 10 per cent of the total value of exports of Angola and mineral exports accounted for some 44 per cent of the total value of its exports.

A. External trade and payments

70. In 1972, the Territory's exports amounted to 13,923 million escudos ^{1/} and imports to 10,728 million escudos, with a resulting surplus balance of 3,195 million escudos (see table 1 below). Exports by value were 14.6 per cent higher than in 1971, whereas imports dropped by 11.5 per cent, owing mainly to the stringent import restrictions. In 1973, the Territory's exports increased by 37 per cent over the previous year, to 19,158 million escudos, and imports by 23 per cent to 13,269 million escudos, with a surplus balance of 5,889 million escudos.

Table 1

Angola: balance of trade, 1971-1973

(In millions of escudos)

	1971	1972	1973
Exports	12 147	13 923	19 158
Imports	12 127	10 728	13 269
Balance	+ 20	+3 195	+5 889

Source: Banco de Angola, Boletim Trimestral, No. 65, January-March 1974.

71. Angola's balances of payments for 1972 and 1973 are shown in table 2 below.

72. In 1973, the United States of America surpassed Portugal as a market for Angola's products (28 per cent of the total value of exports); Portugal was second (25 per cent), followed by Canada (10 per cent) and Japan (8 per cent). Angola's main suppliers in 1973 (see table 3 below) were Portugal (26 per cent of the total value of Angola's imports); the Federal Republic of Germany (13 per cent); the United States (9 per cent); and the United Kingdom of Great Britain and Northern Ireland (7 per cent).

73. Angola's major imports in 1973 were machinery, appliances and electrical material, cast iron, pig iron and steel, automobiles, medicines and diesel oil (see table 4 below). Principal exports were petroleum, coffee, diamonds, iron ore, fish meal and cotton lint (see table 5 below).

^{1/} In April 1975, 23 escudos were equivalent to approximately \$US 1.00.

Table 2

Angola: balance of payments, 1972-1973

(In millions of escudos)

	1972			1973		
	<u>Credit</u>	<u>Debit</u>	<u>Balance</u>	<u>Credit</u>	<u>Debit</u>	<u>Balance</u>
Current transactions	12 251	13 611	- 1 360	17 187	15 904	+ 1 283
Goods	9 196	10 271	- 1 075	14 475	12 300	+ 2 175
Current invisibles	3 055	3 340	- 285	2 712	3 604	- 892
Tourism	40	506	- 466	38	779	- 741
Transport	924	332	+ 592	1 258	91	+ 1 167
Insurance	17	21	- 4	16	25	- 9
Capital earnings	43	671	- 628	28	783	- 755
Government services	745	213	+ 532	595	573	+ 22
Other services	1 274	1 255	+ 19	718	1 066	- 348
Private transfers	12	342	- 330	59	287	- 228
Capital transactions	1 058	457	+ 601	540	1 522	- 982

Source: Banco de Angola, Boletim Trimestral, No. 61, January-March 1973 and No. 65, January-March 1974.

Table 3

Angola: principal trading partners, 1971-1973
(In millions of escudos)

	1971	1972	1973
<u>A. Principal suppliers</u>			
Portugal	3 832.4	2 485.2	3 507.1
Germany, Federal Republic of	1 379.1	1 320.7	1 726.2
United States	1 339.7	1 364.4	1 262.0
United Kingdom	1 092.1	964.5	1 016.8
France	556.8	636.6	893.0
South Africa	443.4	491.1	768.9
Japan	673.8	616.5	733.0
Italy	453.7	480.6	502.9
Belgium-Luxembourg ,	393.9	401.4	452.9
Iran	180.1	320.1	339.3
<u>B. Principal markets</u>			
United States	2 379.8	2 273.9	5 379.6
Portugal	3 698.7	3 632.4	4 837.7
Canada	704.7	1 637.0	1 988.4
Japan	1 294.9	1 387.0	1 690.9
Germany, Federal Republic of	320.4	581.4	967.0
Spain	404.2	616.3	651.9
United Kingdom	178.8	479.3	549.3
Netherlands	829.0	547.1	478.9
France	193.8	417.6	283.1
Trinidad and Tobago	261.5	607.6	123.4

Source: Banco de Angola, Boletim Trimestral, No. 61, January-March 1973 and No. 65, January-March 1974.

Table 4

Angola: principal imports, 1971-1973

(In millions of escudos)

	1971	1972	1973
Machinery, appliances and electrical material	2 641.1	2 775.3	3 036.8
Cast iron, pig iron and steel	996.3	942.9	1 110.5
Automobiles and spare parts	732.7	650.7	714.5
Medicines, including antibiotics	302.6	332.9	473.5
Diesel oil	205.1	295.9	422.4
Cotton textiles	323.7	169.2	309.5
Wheat	160.2	142.2	309.4
Wine	349.1	291.7	303.5
Tractors	290.5	221.8	212.2
Fertilizers	138.6	127.0	...
Synthetic and other textiles	105.1	98.0	193.4
Milk	89.7	87.5	123.4
Gasoline	22.9	94.0	108.3
Malt	69.4	89.8	...
Silk clothing	194.4	81.3	101.8
Freight motor vehicles	74.7	95.7	92.5
Paper and cardboard	60.4	79.2	...
Cod fish	108.9	77.6	...
Olive oil	161.9	73.6	...
Lubricant oil	71.6	73.0	...

Source: Banco de Angola, Boletim Trimestral, No. 61, January-March 1973 and No. 65, January-March 1974.

B. Agriculture

74. Although minerals have become increasingly important to the economy of the Territory, agricultural exports increased by 30 per cent over 1972 and in 1973 accounted for some 40 per cent of the total value of Angola's exports.

Coffee

75. The northern region of Angola produces most of the coffee grown in the Territory. Coffee cultivation areas lie in a quadrant extending from Gabela to Carmona in Cuanza South and Uíge districts. In 1972, coffee production amounted to 225,000 tons, a decrease of 3,000 tons over 1971.

76. In 1973, coffee continued to be one of Angola's most important export products, constituting 27 per cent of the value of total exports, second only to petroleum. The value of coffee exports reached 5,162.0 million escudos in 1973 (3,834.9 million escudos in 1972). The main markets for Angola's coffee in 1972 were the United States (1,745.6 million escudos); the Netherlands (419.4 million escudos); Spain (346.0 million escudos); France (298.0 million escudos); Portugal (255.7 million escudos); and the United Kingdom (121.8 million escudos).

77. In an effort to find new markets, all coffee exports to new markets in countries not party to the International Coffee Agreement m/ were declared exempt from export taxes (Provincial Decree No. 52/73 of 20 December 1973).

Cotton

78. Over 90 per cent of Angola's cotton output comes from the northern region (the districts of Zaire, Uíge, Luanda, Cuanza-North, Cuanza-South and Malanje), particularly from the Baixa do Cassange area of Malanje District and the Catete and Icolo e Bengo areas of Luanda District. The number of Africans engaged in cotton cultivation has reportedly decreased since 1961, when compulsory cultivation was abolished. As a result, the cultivation of cotton by European growers has become increasingly mechanized.

79. In 1972, production of seed cotton dropped to 82,700 tons (86,000 tons in 1971) and cotton lint exports decreased to 284.2 million escudos, a decline of 56 per cent from 1971. In 1973, the value of cotton lint exports rose to 619.6 million escudos.

80. Major markets for Angola's cotton in 1972 were Portugal (273.7 million escudos); the United Kingdom (3.9 million escudos); and the Federal Republic of Germany (3.2 million escudos).

m/ See Official Records of the General Assembly, Twenty-fifth Session, Supplement No. 23 (A/8023/Rev.1), vol. II, chap. VII, annex I.B, para. 107.

Sisal

81. Sisal is cultivated mainly in the west-central region as well as in the northern and eastern regions, primarily by Europeans.

82. In 1973, sisal exports were valued at 463.0 million escudos (332.0 million escudos in 1972). The principal markets for Angola's sisal production in 1972 were Portugal (120.0 million escudos); Spain (70.3 million escudos); Belgium-Luxembourg (56.4 million escudos); Italy (27.4 million escudos); and the Netherlands (22.9 million escudos).

Maize

83. Maize, the most important staple of the African diet in Angola, is mainly cultivated by Africans engaged in subsistence agriculture. Most of the maize produced in the Territory comes from the west-central region (Benguela, Hambo and Bié districts). The bulk of the maize intended for export is purchased by the maize grémio from European farmers. Maize production dropped to 300,100 tons in 1972 (404,300 tons in 1971).

84. The value of maize exports fluctuated from 181.1 million escudos in 1971 to 142.8 million escudos in 1972 and 235.8 million escudos in 1973. Among the main markets for Angola's maize in 1972 were Cape Verde (66.4 million escudos), Portugal (54.8 million escudos) and Zaire (18.6 million escudos).

Problems of agrarian reform

85. On 8 October 1974, the Government of Angola published Provincial Decree No. 93/74, establishing a land survey review commission and an investigative group in each district to review all land holdings. This review is related to the concern of the new Government about the effects of the colonial policy of land grants which tended to favour the development of large landowners.

C. Mining

86. In 1973, mining activities were valued at 8,966.9 million escudos (6,751.5 million escudos in 1972), an increase of some 33 per cent over the previous year. The production of metallic minerals amounted to 6.1 million metric tons, valued at 1,295.0 million escudos, of which iron ore accounted for some 92 per cent of the total value. The production of non-metallic minerals was valued at 2,351.4 million escudos, of which diamond production accounted for over 97 per cent of the total value.

D. Petroleum

87. In 1973, exploratory and development drilling by the Cabinda Gulf Oil Company off-shore Cabinda resulted in extensions to existing fields. Crude oil

production increased to about 144,000 barrels per day, a 13 per cent increase over 1972. Natural gas production amounted to 84,475 million cubic metres, up 33 per cent from 1972.

88. In 1973, total production of petroleum in Angola amounted to 8.2 million metric tons, valued at 5,320.5 million escudos. The Companhia de Petróleos de Angola, SARL (PETRANGOL) produced 836,300 metric tons, an increase of 38 per cent over the previous year.

89. During 1973, the PETRANGOL refinery in Luanda processed 743,800 metric tons of crude petroleum, an increase of 6 per cent over 1972. Refined products for commercialization totalled 705,900 metric tons.

90. In November 1973, the PETRANGOL refinery completed its expansion and started to work at a capacity of 1.0 million tons a year. A further expansion was authorized by the Portuguese Government in January 1974. PETRANGOL invested a total of 271.2 million escudos in 1973, of which 186.7 million escudos were utilized for prospecting and exploitation and the remaining 84.5 million escudos for refining. Latest reports indicate that nine new wells were discovered in the area of the Congo and Cuanza basins in 1973.

91. In 1973, production of petroleum by PETROFINA, SA of Belgium amounted to 830,000 metric tons, an increase of almost 40 per cent over 1972. New fields have been discovered north-west of Quingula in the northern region.

E. Iron ore

92. Most of the iron ore produced in Angola comes from the Cassinga mines which are operated by the Companhia Mineira do Lobito in the south-western region of the Territory. Iron ore ranks as one of the largest sources of export revenue of the Territory. In 1973, iron ore exports amounted to 1,210.8 million escudos, constituting some 6 per cent of the total value of Angola's exports for that year.

93. Latest reports indicate that a pellet plant is to be installed at the Cassinga iron-ore deposits. The plant will initially process 6 million tons a year and will bring lower-grade ores into production as the reserves of richer grades of ore are depleted.

F. Industry

94. During 1973, the Direcção dos Serviços de Indústria (Directorate of Industrial Services) licensed the installation of 649 new industrial establishments, with approximately 11,430.0 million escudos in investments, which were expected to provide 28,214 new jobs. This would represent an increase of 7,000.0 million escudos in investments and an additional 12,000 new jobs over 1972. There is no information on how much of the authorized investment was actually carried out.

95. The newly licensed industries included 154 in the food sector (3,500.0 million escudos and 6,377 new jobs); authorized investment in the paper industry (2,500.0 million escudos and 3,000 jobs); and investment in the textile industry (633.0 million escudos and 3,222 new jobs).

Table 5Angola: main exports, 1971-1973

(In millions of escudos)

	1971	1972	1973
Agriculture			
Coffee	4 026.3	3 834.9	5 162.0
Cotton lint	649.2	284.2	619.6
Sisal	221.5	332.0	463.0
Bananas	174.8	254.1	312.8
Timber	169.2	175.1	264.3
Tobacco	62.8	61.2	246.0
Maize	181.1	142.8	235.6
Beans	77.9	76.4	118.9
Minerals			
Petroleum	2 157.4	3 535.4	5 755.5
Diamonds	1 523.2	1 583.1	1 999.5
Iron ore	1 187.5	1 011.7	1 210.8
Industrial and semi-processed goods			
Fish meal	211.6	530.7	738.8
Fuel oil	155.5	93.1	129.2
Pulp for papermills	114.6	11.3	123.7
Cement	29.2	47.2	101.0
Fish oil	39.2	63.1	85.9
Dried fish	128.1	139.2	74.5
Palm oil	63.8	44.6	...
Fish and meat			
Fresh fish	115.0	228.0	348.9
Meat	43.5	50.0	38.8

Source: Banco de Angola, Boletim Trimestral, No. 61, January-March 1973 and No. 65, January-March 1974.

96. The total output of processing industries totalled almost 15,000.0 million escudos in 1973, an increase of more than 25 per cent over 1972.

97. The food-processing sector ranked first with a total value of 4,394.1 million escudos (an increase of 12 per cent over 1972), while the beverage industry dropped to fourth place (outranked by chemicals and textiles since 1972), with a value of 1,573.5 million escudos (a 47 per cent increase). Taken together, the food and beverage industries accounted for 45 per cent of the total produced by Angolan processing industries in 1973.

98. The output of the second-ranking chemical industry was valued at 1,689.1 million escudos in 1973, an increase of more than 100 per cent over the previous year. This sector includes the production of fish meal and oils which are mainly for export and a source of foreign exchange.

99. Production in the third-ranking textile sector was valued at 1,598.5 million escudos, a 36 per cent increase over the previous year.

G. Transport and communications

100. Early in 1974, it was announced that 3,600 kilometres of roads would be paved over the next three years, increasing the paved road network by 45 per cent. It was also planned to repair heavily travelled roads.

101. In 1973, revenue from the ports of Luanda, Lobito, Moçâmedes and Cabinda amounted to 760.1 million escudos, an increase of 197.2 million escudos over the previous year. Cargo transport through these ports totalled 18.8 million tons in 1973, an increase of 3.1 million tons over 1972. Work started on the construction of the port of Cabinda, at an estimated cost of 320 million escudos. It is estimated that by April 1976, 1,730 metres of berths will have been completed. There is no recent information on the expansion projects for the ports of Lobito and Luanda.

102. Revenue from the railway systems of Benguela, Luanda, Moçâmedes and Amboim amounted to 1,819.8 million escudos in 1973, an increase of 308.2 million escudos over 1972. The Caminhos de Ferro de Benguela provided the largest source of revenue in 1973 (1,190.0 million escudos).

103. There were over 4,000 aircraft arrivals and departures during 1973. Airlines handled almost 500,000 passengers and an estimated 7,000 tons of freight.

H. Public finance

104. In 1971, actual ordinary and extraordinary revenue totalled 12,243 million escudos, 15 per cent higher than the initial estimates (see table 6 below). The largest item of ordinary revenue was receitas consignadas (earmarked revenues) followed by indirect and direct taxes. Earmarked revenues included fees, tolls

and taxes for special-purpose funds such as the Fund for Military Defence and the Fund for the Supervision of Explosives and Armaments, as well as income from autonomous public services including, among others, railways, the postal administration and the government printing office. Extraordinary revenue included government loans, bond issues and some special taxes obtained to finance the Third National Development Plan, as well as other government activities.

105. In 1971, total actual expenditure of 12,097 million escudos was 17.5 per cent higher than in the previous year. Ordinary expenditure in connexion with the armed forces accounted for 6.9 per cent of total actual expenditure, and extraordinary expenditure accounted for 20.2 per cent of total actual expenditure.

106. In 1972, total actual ordinary and extraordinary revenue exceeded estimates by approximately 8.7 per cent and exceeded actual revenue for 1971 by 1,212.4 million escudos. The main sources of ordinary revenue in 1972 were earmarked revenues and special régime industries followed by indirect and direct taxes. Extraordinary actual revenue in 1972 was 6.5 per cent higher than estimates.

107. Total actual ordinary expenditure in 1972 exceeded estimates by 7.2 per cent and was higher than actual ordinary expenditure in 1971. Actual extraordinary expenditure totalled 2,313.3 million escudos, exceeding estimates by 163.3 million escudos.

108. Estimates for 1973 and 1974 indicated a continuous increase in ordinary revenue. However, extraordinary revenues were expected to taper off, possibly owing to the termination of investments under the Third National Development Plan.

109. Estimated expenditure for 1973 was lower than actual expenditure in 1972, but estimates for 1974 were more than double the actual expenditure in 1972.

Table 6

Angola: public finance, 1971-1974
(In millions of escudos)

A. Revenue

	Estimates				Actual	
	1971	1972	1973	1974	1971	1972
Ordinary revenue	8 690.9	10 232.7	11 331.7	16 442.5	9 796.7	11 165.5
Direct taxes	1 155.0	1 283.5	1 520.0	2 130.0	1 302.4	1 488.9
Indirect taxes	1 833.0	2 163.0	1 994.0	2 445.0	2 098.9	1 925.4
Special régime industries	1 140.2	1 766.4	2 435.5	5 855.6	965.5	2 195.9
Income from services . .	538.0	641.7	584.3	719.8	659.8	553.5
Income from State and private industries . .	401.1	371.9	469.5	506.9	357.7	450.9
Income from shares . . .	84.8	74.7	80.1	93.9	77.7	48.8
Refunds	148.3	175.2	240.6	351.4	185.3	232.2
Earmarked revenues . . .	3 390.5	3 756.3	4 007.7	4 339.7	4 149.3	4 269.9
Extraordinary revenue . .	1 907.4	2 150.0	2 082.0 <u>e/</u>	600.0	2 446.6	2 290.2
Total	10 598.3	12 382.7	13 413.7	17 042.5	12 243.3	13 455.7

Table 6 (continued)

B. Expenditure

	Estimates				Actual	
	1971	1972	1973	1974	1971	1972
Ordinary expenditure . . .	8 690.9	10 232.7	11 331.7	14 712.0	9 632.6	10 968.1
Public debt	546.3	616.8	794.6	1 147.8	552.1	638.4
Government	38.8	45.4	55.6	89.0	40.5	57.8
Pensions	111.0	125.0	150.0	170.0	81.0	137.7
General administration .	2 363.2	2 941.0	3 270.4	4 385.2	2 491.8	3 001.9
Treasury	215.3	242.6	255.5	299.2	198.3	225.3
Justice	145.0	154.3	166.6	214.5	136.8	163.6
Development services . .	3 097.6	3 517.9	3 640.8	4 038.3	3 751.1	3 840.7
Armed Forces	795.2	877.0	1 257.2	1 566.2	830.8	1 074.7
Maritime services . . .	50.1	51.7	52.6	63.5	45.2	42.9
General expenditure . .	1 317.4	1 648.0	1 675.2	2 720.9	1 492.6	1 759.1
Other	11.0	13.0	13.0	17.4	12.4	26.0
Extraordinary expenditure	1 907.4	2 150.0	2 082.0	4 763.0	2 446.6	2 313.3
Development plan . . .	1 174.0	1 240.0	1 482.0	2 433.0	1 280.1	1 342.3
Other	733.4	910.0	600.0	2 330.0	1 166.5	971.0
Total	10 598.3	12 382.7	13 413.7	19 475.0	12 079.2	13 281.4

Source: 1971-1973 estimates: Angola, Diploma Legislativo 4,078, 5 February 1971; Portaria 17,593, 20 March 1971; Diploma Legislativo 21/72, 19 February 1972; Diploma Legislativo 121/72, 30 December 1973. 1974 estimates: Portugal, Boletim Trimestral, No. 97, January-March 1974; 1971-1972 actual revenue and expenditure: Angola, Anuário Estatístico, 1972, Boletim Trimestral, No. 65, October-December 1973.

a/ Revised figure.

B. TIMOR*

1. GENERAL

1. The island of Timor is located at the tip of the chain of islands forming the Republic of Indonesia. It lies between latitude 8°17' S and 10°22' S and longitudes 123°25' E and 127°19' E. The western part of the island is part of Indonesia. The area under Portuguese administration totals 18,899 square kilometres comprising the eastern part of the island (17,900 square kilometres); the enclave of C  -Cussi Ambeno (850 square kilometres); the island of Ata  ro off the northern coast (144 square kilometres); and the uninhabited island of Jac   off the extreme eastern tip (5 square kilometres).

2. According to the 1970 census, the total population of the Territory was 610,541, compared with 517,079 in 1960. Official Portuguese statistics published after 1960 do not give any information on the distribution of the population by ethnic groups. In 1950, there were 568 persons of European origin, 2,022 mest  os and 3,128 Chinese.

3. Prior to the change of government in Portugal on 25 April 1974, under the Portuguese Constitution, 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/ Details concerning the structure of the territorial Government were contained in the political and administrative statute of the Territory (Decree No. 547/72 of 22 December 1972). The territorial Government comprised the Governor, the Legislative Assembly and the Advisory Board. Although the Territory was designated as an "autonomous region of the Portuguese Republic" having its own "juridical personality in public internal law", power was vested in what the Portuguese Constitution then in force called the organs of sovereignty, i.e., the National Assembly and the Government in Portugal.

2. POLITICAL DEVELOPMENTS

A. Initiatives by the Government of Portugal

4. After the change of r  gime in Portugal on 25 April 1974, the Portuguese Government reaffirmed its obligations with regard to 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 of self-determination, including independence, for Territories under Portuguese administration.

5. Mr. Ant  nio de Almeida Santos, the Portuguese Minister for Interterritorial Co-ordination, visited Australia and Indonesia in mid-October 1974 for talks with representatives of both countries on the future of Timor. According to press

* Previously issued under the symbol A/AC.109/L.1015.

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

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

reports at that time, Mr. Almeida Santos expressed the view that he had found that there was a preference for the Territory to retain its connexion with Lisbon, but that any decision on the future of Timor would be determined by a referendum.

6. In a statement to the General Assembly on 3 December 1974, Mr. Almeida Santos said that apparently the majority in Timor desired the continuity of the Portuguese presence in the Territory but that his Government, in accordance with its policy of decolonization, would hold a referendum to determine the freely expressed will of the people of Timor and would scrupulously respect the results obtained.

7. Colonel Fernando Alves Almeida, the Governor of Timor, who had been Governor and Military Commander of the Territory since January 1972, continued at his post until November 1974 when the newly appointed Governor, Colonel Mario Lemos Pires, took office.

8. In late 1974, Governor Lemos Pires attempted to establish an advisory government council with the participation of the three political parties of Timor. The 12 members of the council were to have been designated by the business and agricultural associations and the political parties of the Territory. However, the Associação Popular Democrática Timorense (APODETI), c/ which is headed by Mr. Arnaldo dos Reyes Arango, refused to participate because of its manifest wish to negotiate solely with Indonesia. Later, the Frente Revolucionária Timor Leste Independente (FRETILIN) d/ declined to participate on the grounds that some members of the council had links to the former régime.

9. According to press reports, Governor Lemos Pires was due to arrive in Lisbon early in March for talks on the situation in the Territory.

B. Formation of political parties

10. Following the change of régime in Portugal, several political parties were formed in the Territory advocating different alternatives for the future of Timor: continuation of the Portuguese presence until Timor is self-sufficient; complete and immediate independence; or integration with Indonesia.

11. The União Democrática de Timor (UDT), led by Mr. Francisco Lopes de Cruz, advocates union or federation with Portugal until the Territory is self-sufficient. Most of the leaders of this party are Portuguese government officials. The founder of UDT, Mr. Mario Carrascalão, a wealthy planter, resigned from the party leadership because of his association with the previous régime, but is reported to have considerable influence over the new leadership.

12. FRETILIN, reportedly the largest party in the Territory, is said to be composed of a group of young intellectuals. It advocates complete independence after a transitional period for the transfer of power to the Timorese. The leader

c/ APODETI is also known as the Associação para a Integração de Timor na Indonésia (AITI).

d/ FRETILIN is also known as the Associação Social Democrática Timorense (ASDT).

of FRETILIN is Mr. Francisco Xavier, and his deputy is Mr. José Ramos Horta. Mr. Horta is reported to have foreshadowed the expected close links of Timor with Indonesia by announcing that his party, if successful at the polls, would immediately introduce the Indonesian language as a school subject and promote contacts between the peoples of the two halves of the island.

13. APODETI, which is reported to be the smallest party of the three, favours integration with Indonesia. In the opinion of its leaders, integration is desirable because the population of the Territory has cultural links with Indonesia. In December, representatives of APODETI held meetings with Governor Lemos Pires of Timor, in Dili, the capital.

14. The independence movements have continued actively to seek support to strengthen their cause. On 4 December, Mr. Horta, the deputy leader of FRETILIN, visited Sydney to seek support for Timor's independence. An article in the Australian press reported that after two weeks of discussion with parliamentary leaders in Canberra and trade union and church spokesmen in Melbourne, Mr. Horta announced that he had secured strong moral support for self-determination for Timor. The same source announced that a fact-finding Australian parliamentary delegation would visit Timor early in 1975 to study local problems and the possibility of economic and technical assistance.

15. In late January 1975, it was reported that FRETILIN and UDT had formed a coalition and issued a communiqué criticizing APODETI for advocating integration with Indonesia. The communiqué alleged that integration was neo-colonialist, and called for negotiations with Portugal leading to a transitional government and subsequent independence for East Timor.

16. Press reports in February suggested that the negotiations between the Portuguese Government and the FRETILIN-UDT coalition might lead to an agreement when the Portuguese Minister for Interterritorial Co-ordination visited Timor to discuss a referendum date for the Territory. One Portuguese source indicated that the referendum might take place by mid-1975.

17. On 24 February, Portuguese newspapers reported that the Portuguese administration of Timor had refused APODETI the use of the Timorese radio station for 45 days because of broadcasts considered insulting to the Portuguese administration.

18. At a press conference in Portugal on 2 March, representatives of FRETILIN announced that a group of representatives of the FRETILIN-UDT coalition was to arrive in Portugal on 4 March to start the first round of negotiations leading to recognition of Timor's independence. APODETI had rejected the invitation from the Portuguese authorities to send a delegation to Lisbon.

19. On 5 March, Governor Lemos Pires went to Portugal for consultations with Portuguese government officials on the process of decolonization for Timor. Before his departure, the Governor met with the representatives of the three political parties of the Territory to appeal to them for unity.

20. On his return from Portugal on 19 March, the Governor said that he had attended meetings of the Commission on Decolonization presided over by General Francisco da Costa Gomes, the President of Portugal. The Governor announced that the Commission had unanimously recommended the participation of the political

parties of Timor in the Government of the Territory. On 21 and 22 March, Governor Lemos Pires held meetings with the three political parties.

C. Positions of the Governments of Australia and Indonesia

21. The Australian Government has repeatedly stated that the right to self-determination of the people of Timor must be the decisive factor in the consideration of the Territory's future. Thus, if the people of Timor wished to associate themselves with Indonesia, Australia would welcome that fact, provided that the decision was based on "an internationally acceptable act of self-determination". e/

22. On another occasion, Prime Minister Gough Whitlam, in an address to the Australian Parliament on 23 October 1974, said, in reference to Timor, that Australia did not seek any special position in that Territory and that the wishes of the Timorese would be decisive in determining their independence or their integration with Indonesia.

23. The Indonesian Government has emphasized that it would like to see the people of Timor exercise their right to self-determination but would favourably consider the possibility of Timor's integration with Indonesia.

24. On 9 September, Mr. Adam Malik, the Minister for Foreign Affairs of Indonesia, was reported to have said that Indonesia would not in any way attempt to influence the choice of the population of Timor with respect to their future, which Indonesia regarded as a purely internal matter for the people themselves.

25. On 14 October, speaking in the Fourth Committee of the General Assembly, the representative of Indonesia said that if the Timorese, in exercising their right to self-determination, chose to unite with Indonesia, his Government was prepared to collaborate with them to that end. In this connexion, he said that it was the view of his Government that such an association should be in conformity with the 1945 Constitution, which, inter alia, laid down that Indonesia was a unitary State. f/ :

26. Later in the year, as reported in the Portuguese and Australian press, Mr. Malik said in a lecture to Indonesian students that there were two alternatives open to Timor: integration with Indonesia or continuation under Portuguese control, but the latter would be a manifestation of colonialism. Mr. Malik expressed the view that independence was not a realistic alternative for Timor.

27. In February, an Australian newspaper reported that the Indonesian consulate staff had been evacuated from Dili on 27 January on orders from the Consul who had alleged that the situation was insecure. Other Australian sources have reported concern over Indonesian troop movements.

28. On 5 March, following reports that Indonesia was preparing to invade the Territory, Governor Lemos Pires flew to Portugal for talks with Portuguese Government

e/ Official Records of the General Assembly, Twenty-ninth Session, Fourth Committee, 2090th meeting.

f/ Ibid.

officials about the situation. His arrival in Portugal was preceded by the visit of Major Costa Jonatas, his Chief of Social Communications, who held meetings with Mr. Almeida Santos and Mr. Ernesto Augusto de Melo Antunes.

29. In interviews with Portuguese journalists, the Governor expressed the view that the possibility of Indonesian military intervention in Timor was remote and that relations between Indonesia and the Territory were cordial.

30. While Governor Lemos Pires was in Portugal, Major Barrento, his special emissary, arrived in Indonesia for meetings with the Governor of Indonesian Timor. Reportedly, Major Barrento was to convey to the Indonesian official the wishes of the Government of Timor to maintain close and friendly relations with Indonesia and assurances that the decolonization of the Territory would proceed without incident.

31. Indonesian government representatives have denied reports of a possible Indonesian invasion of Timor in several official statements and in meetings between Indonesian officials and Governor Lemos Pires in Djakarta upon his return from Portugal on 18 March. During these talks, Governor Lemos Pires denied the alleged persecution of APODETI by the Portuguese Government and obtained assurances that Indonesia intended to abide by the will of the people of Timor in regard to the future of the Territory.

3. ECONOMIC CONDITIONS

A. General

32. Although the Territory has fertile areas and valuable forests, and is believed to have deposits of copper, gold, manganese and petroleum, its economy remains purely agricultural. There is little industry, and mineral prospecting is limited to the search for oil by a few foreign concerns. So far no major strikes have been made.

33. According to an official Portuguese publication, among factors hindering the development of the Territory are a low per capita income; inadequate transport and energy infrastructures; lack of a commercial tradition among the indigenous population; shortages of technically qualified personnel at all levels in both the public and private sectors; lack of financial means; a trade deficit; and heavy concentration of production on a single product, namely coffee. Coffee is the main source of foreign exchange earnings of the Territory, accounting for an average of 90 per cent of the Territory's exports by value (see table 1 below).

B. External trade

34. In past years, because of its generally low production and lack of industry, imports, mainly consumer goods, have always exceeded exports and, consequently, Timor has had a continuous and growing foreign trade deficit. g/ As a result of

g/ Ibid., Twenty-fourth Session, Supplement No. 23 (A/7623/Rev.1), chap. VIII, annex VII, paras. 18-22.

the controls imposed by the Portuguese Government in 1970, however, h/ the value of exports has increased, from 95.8 million escudos i/ in 1970 to 140.6 million escudos in 1972 (46.8 per cent), and the value of imports has decreased, from 207.1 million escudos in 1970 to 200.2 million escudos in 1972 (3.3 per cent). As a result, the trade deficit was only 59.6 million escudos in 1972, compared with 111.3 million escudos in 1970 (see table 1 below).

35. The Territory's main imports are food-stuffs, such as wheat flour, sugar and milk; motor vehicles, petroleum products; clothing; and alcoholic beverages.

36. Exports remain limited almost exclusively to coffee. Copra, which ranks second in exports and has generally accounted for an average of 8 per cent of the total exports by value, dropped to 2.2 per cent in 1972.

37. In the past, Timor's major clients have been countries in the region and those maintaining shipping connexions with the Territory, such as the Netherlands and Denmark. In 1972, however, the United States of America ranked as the Territory's most important client (39.1 million escudos), followed by the Netherlands (29.7 million escudos), Denmark (23.4 million escudos) and the Federal Republic of Germany (14.9 million escudos). Belgium/Luxembourg, the most important client in 1971 (23.5 per cent of the total exports by value) accounted for only 5.5 per cent of exports in 1972. Among the Territory's major suppliers were Portugal (54.1 million escudos), Australia (32.5 million escudos) and Singapore (28.1 million escudos) (see table 2 below).

C. Agriculture

38. Approximately 90 per cent of the working population is engaged in agriculture. Half of the coffee crop is produced by small indigenous farmers.

39. At present, apart from coffee and the production of small quantities of rubber and copra for export, most of the Territory's agricultural activity is limited to raising food crops for local consumption. The main food crops are rice, sweet potatoes, maize, beans and manioc. In recent years, however, local production has been inadequate to meet the growing needs for domestic consumption, and the Territory has been forced to resort to food imports. Between 1970 and 1972, for instance, the production of sweet potatoes dropped from 16,200 to 10,900 tons, maize from 16,900 to 8,700 tons and manioc from 18,500 to 6,700 tons (see table 3 below).

40. According to Portuguese sources, it is estimated that some 225,000 hectares are suitable for agricultural development, of which 65 per cent is suitable for mechanized farming. In 1974, the Government was reported to be introducing new production techniques, irrigation and the use of electric power.

h/ Ibid., Twenty-seventh Session, Supplement No. 23 (A/8723/Rev.1), chap. X, annex II.A, paras. 133 et seq.

i/ In April 1975, 23 escudos were equivalent to \$US 1.00.

Table 1Timor: external trade, 1970-1972

(In thousands of tons and millions of escudos)

	<u>1970</u>		<u>1971</u>		<u>1972</u>	
	Quantity	Value	Quantity	Value	Quantity	Value
A. <u>Main imports</u>						
Total imports	19.1	207.1	30.1	207.7	22.8	200.2
Food-stuffs	2.7	16.4	4.0	27.3	4.5	29.2
Motor vehicles and parts	0.3	10.6	0.3	15.9	0.4	19.1
Petroleum products	3.9	10.2	5.1	12.7	5.0	13.1
Clothing	0.1	12.3	0.2	12.2	0.1	11.1
Beer and wine	1.4	12.7	1.7	15.0	0.8	9.0
Tobacco	0.06	6.3	0.08	7.5	0.05	5.2
Tools	-	-	0.06	2.5	0.2	5.2
Radio equipment	-	-	0.01	1.0	0.02	4.9
Cement	4.6	12.4	12.5	10.4	6.1	4.8
Medicines	0.03	4.5	0.07	3.8	0.07	4.8
Cotton textiles	0.3	21.9	0.07	4.3	0.05	3.4
Soap	-	-	0.006	1.0	0.01	2.7
B. <u>Main exports</u>						
Total exports	6.5	95.8	7.4	130.5	7.9	140.6
Coffee	3.8	85.3	4.9	117.9	5.8	132.6
Copra	1.6	5.6	1.7	7.6	1.4	4.6

Source: Portugal, Anuário Estatístico, vol. II, 1971 and 1972.

Table 2

Timor: principal trading partners, 1970-1972

(In millions of escudos)

	<u>Value</u>			<u>Percentage of total value</u>		
	1970	1971	1972	1970	1971	1972
<u>A. Imports</u>						
Total imports	207.1	207.7	200.2	100.0	100.0	100.0
Portugal	52.6	52.7	54.1	25.4	25.4	27.0
Australia	15.2	27.6	32.5	7.3	13.3	16.2
Singapore	37.0	27.5	28.1	17.9	13.3	14.1
Japan	15.6	20.6	18.5	7.6	9.9	9.2
Mozambique	23.2	23.4	17.7	11.2	11.3	8.9
United Kingdom	8.0	9.8	10.8	3.9	4.7	5.4
Others	55.5	46.1	38.5	26.7	22.1	19.2
<u>B. Exports</u>						
Total exports	95.8	130.5	140.6	100.0	100.0	100.0
United States	6.4	16.8	39.1	6.7	12.9	27.8
Netherlands	34.4	20.5	29.7	36.0	15.7	21.2
Denmark	18.5	23.5	23.4	19.3	17.9	16.7
Germany, Federal Republic of	1.7	9.2	14.9	1.7	7.0	10.6
Portugal	13.6	10.3	10.4	14.2	7.9	7.4
Belgium/Luxembourg . .	2.0	30.6	7.7	2.1	23.5	5.5
Singapore	7.8	10.6	6.9	8.2	8.1	5.0
Others	11.4	9.0	8.5	11.8	7.0	5.8

Source: Portugal, Anuário Estatístico, vol. II, 1971 and 1972.

Table 3

Timor: agricultural production, 1970-1972

(In thousands of tons)

	1970	1971	1972
Rice	12.6	12.5	13.0
Sweet potatoes	16.2	11.9	10.9
Maize	16.9	11.4	8.7
Beans	2.8	3.0	7.7
Manioc	18.5	17.3	6.7
Coffee	4.9	5.3	4.7
Copra	2.2	2.4	2.0
Rubber	1.1	1.0	0.1
Peanuts	0.9	0.9	0.5
Tobacco	0.09	0.1	0.03

Source: Portugal, Anuário Estatístico, vol. II, 1971 and 1972.D. Mining

41. Up to 1974, four companies were engaged in petroleum prospecting in the Territory: the Companhia de Petróleos de Timor, SARL; Broken Hill (Pty.) Ltd.; Amalgamated Petroleum, NL; and the International Oils Exploration Corporation, NL, all with headquarters in Australia.

42. In 1974, by Decree No. 25/74 of 31 January 1974, the Portuguese Government granted the Oceanic Exploration Company of the United States a petroleum prospecting concession in Timor. The concession comprises an area of 60,070 square kilometres, including the continental shelf bordering the concession. The Government of Timor is to receive royalties of \$US 20,000, of which \$US 7,500 is to be paid on the signing of the contract and the remainder upon request by the Government. The Territory will also receive royalties of \$US 1 million on the production of 50,000 barrels of oil per day; \$US 2 million on the production of 100,000 barrels of oil per day; and \$US 3 million on the production of 200,000 barrels of oil per day. The company is required to pay 20 per cent of the annual surface rent into the Overseas Mining Development Fund.

43. In order to contribute to the economic development of Timor, the company must invest in the Territory independently of its other contractual obligations as follows: 0.25 per cent of the price per barrel when production reaches 25,000 barrels per day; 0.33 per cent when production reaches 37,500 barrels per day; and 0.50 per cent when production exceeds 50,000 barrels per day.

44. In return for the obligations it assumes under the contract, the company is exempt from all taxes and levies, whether national, territorial or local, with respect to real estate and installations used for the prospecting, mining and processing of minerals; it is also exempt from all taxes and levies on its shares, capital and bonds already issued or to be issued, and on profits or reserves distributed or derived therefrom. Further, the company is exempt from all import duties on equipment and materials required for its work, except the stamp tax and a statistical tax of one per thousand ad valorem.

45. The Portuguese newspaper, Diario de Noticias, reported on 13 February 1975 that hydrocarbon deposits had been discovered south-east of Timor within Timorese territorial waters.

E. Transport and communications

46. In March 1973, the Portuguese concern, Moniz da Maia, Serra e Fortunato, was granted a construction contract of 549.2 million escudos. The contract, which was granted within the framework of the programme for the development of the transport and communications system, is for the construction of a road network linking the major towns in the Territory, and for airports and port installations. The first phase of the road-building programme envisages the construction of 405 kilometres of paved roads linking Dili to Baucau, Dili to Same and Dili to Maliana. The second phase calls for the construction of 362 kilometres of roads linking fertile zones in the south of the Territory to Dili or to the network envisaged in the first phase. In the third and last phase, 309 kilometres of paved roads will be constructed, linking the entire network. At the end of 1974, the Territory was reported to have approximately 10 miles of surfaced road, all in Dili.

47. The programme for the development of the airports includes construction of new airports and airstrips. In November 1973, Governor Aldeia announced that work would begin on the construction and/or improvement of airstrips at Suai, Maliana, Lospalos, Ataúro and Madohi. In August 1973, it was reported in the Portuguese press that the Indonesian airline, Merpati, would soon start flights between Timor and Indonesia, and eventually between Timor and Australia. In 1974, internal air service was provided by the Portuguese-owned airline Transportes Aéreos de Timor which had one operable airplane, a nine-seater Hawker-Siddeley Dove.

48. The communications system of the Territory has been further expanded, and the Territory is now linked by telephone with Lisbon. The Territory is already linked by radio-telegraph with Sydney and Kupang.

F. Public finance

49. Actual revenue and expenditure for 1970-1972 and estimates for 1973 and 1974 are shown in table 4 below.

50. Total ordinary and extraordinary revenue for 1972 was 276.6 million escudos, a decline of 2.5 million from the preceding year. The main sources of ordinary revenue in 1972 were derived from receitas consignadas (earmarked funds), i.e., revenue from autonomous bodies such as the Ports, Railways and Transport Administration, and direct taxes, which together constituted some 50.4 per cent of total ordinary revenue. Extraordinary revenue consisted mainly of funds allocated for the implementation of the national development plans, loans and the surplus from the previous year.

51. Actual ordinary and extraordinary expenditure in 1972 amounted to 259.5 million escudos, an increase of 10.5 million escudos over 1971. The largest items under ordinary expenditure were general administration and development services which together accounted for 59.8 per cent of total ordinary expenditure. Extraordinary expenditure covers such items as the Third National Development Plan, public security and equipment for public services. In 1972, total extraordinary expenditure amounted to 59.3 million escudos, including allocations under the Third National Development Plan which accounted for 46.3 million escudos of total expenditure in 1972.

52. An average of 80 per cent of the total extraordinary expenditure in all three years was spent on the implementation of the Third National Development Plan. Budget estimates for 1973 and 1974 were lower than the actual budget for 1972 (see table 4 below).

Table 4

Timor: public finance, 1970-1974
(In millions of escudos)

	Actual			Estimates	
	1970	1971	1972	1973	1974
A. Revenue					
Total	221.0	279.1	276.6	195.8	215.6
Ordinary revenue	170.0	209.5	217.3	191.5	211.3
Direct taxes	36.1	39.8	41.7	39.6	44.5
Indirect taxes	22.7	32.0	34.8	29.8	36.3
Industries under special régime	10.1	20.6	20.4	19.0	21.0
Revenue from services	32.2	38.7	35.9	33.7	35.4
Income from State and other industries	7.2	7.1	9.2	8.0	8.1
Earnings on capital	-	-	-	-	-
Refunds	4.9	5.5	7.7	8.1	9.0
earmarked funds	56.8	65.8	67.6	53.3	56.4
Extraordinary revenue	51.0	69.6	59.3	4.3	4.3
B. Expenditure					
Total	202.6	249.0	259.5	195.8	215.6
Ordinary expenditure	146. .	179.4	200.2	191.5	211.3
Public debt	1.4	1.6	2.6	2.6	2.6
Government	0.9	1.4	1.2	1.8	2.3
Pensions	3.1	4.9	6.7	7.5	8.8
General administration	50.2	57.1	64.2	69.3	80.0
Treasury	5.8	6.9	7.7	7.5	8.5
Justice	1.1	1.2	1.4	1.8	2.1
Development services	41.2	52.0	55.7	51.4	53.1
Military services	5.3	4.7	4.7	5.8	5.9
Naval services	4.6	4.1	5.1	3.9	3.9
General expenditure	32.3	45.3	50.0	39.7	44.0
Other	0.3	0.2	0.9	0.2	0.1
Extraordinary expenditure	56.4	69.6	59.3	4.3	4.3
Third National Development Plan	45.0	57.5	46.3	...	...
Other	11.04	12.0	12.9	...	...

Source: Portugal, Anuário Estatístico, vol. II, 1971 and 1972 (actual); Boletim Trimestral, No. 97, January-March 1974 (estimates).

G. Development financing

53. No new information is available on development financing. The latest information obtainable was reported in document A/AC.109/L.972.

4. EDUCATION

54. According to an article in an official publication of the Portuguese armed forces j/ school enrolment in 1972/73 included 49 per cent of the children of school age, compared with 30 per cent in 1971/72 and 28 per cent in 1970/71. The article, which stressed the role of the armed forces in the field of education in the Territory, reported that there were 60,233 pupils in Timor in 1972/73, nearly double that of 1970/71 (see table 5 below). There were 393 schools of which 378 were school posts and 15 were full primary schools. All primary schools were administered by the Government; school posts were administered as follows: municipal councils, 101; traditional authorities, 139; Roman Catholic missions, 43; Comando Territorial Independente de Timor (CTIT) (Independent Territorial Command of Timor), 93; and private concerns, 2. Teachers numbered 1,100, of whom 210 were from the army.

55. Under the previous Portuguese régime, the qualification for teaching in school posts, which offer only a two-year adaptation course for indigenous children and the first three years of elementary education, was a full primary school education of four years and a special training course of about two and a half months' duration. A regular primary school teacher had to have at least five years of secondary education and to have completed a two-year primary teacher-training course. k/ According to one source, all textbooks (imported from Angola) were in Portuguese, which is spoken by only 10 per cent of the population. The rate of literacy in the Territory was reported to be under 10 per cent in 1974.

56. Until 1974, there was one high school in Dili with 250 pupils, mainly Timorese. Recent reports indicate that there are plans to open eight more high schools. According to a press report, there were fewer than 10 college graduates in Timor by late 1974, including one Timorese who had reportedly been trained as an agronomist and two Timorese doctors.

j/ Revista Militar, No. 4, April 1973.

k/ Official Records of the General Assembly, Twenty-second Session, Annexes, addendum to agenda item 23 (Part II) (A/6700/Rev.1), chap. V, paras. 77-83 and 232-233.

Table 5

Timor: school statistics, 1967-1973

	<u>Schools</u>		<u>Teachers</u>		<u>Pupils</u>	
	<u>Total</u>	<u>CTIT^{a/}</u>	<u>Total</u>	<u>CTIT</u>	<u>Total</u>	<u>CTIT</u>
1967/68 . . .	221	38	490	75	23 059	4 045
1968/69 . . .	238	62	513	107	27 299	4 702
1969/70 . . .	2 284	77	559	157	29 382	5 204
1970/71 . . .	337	89	667	181	33 115	6 196
1971/72 . . .	372	89	637	181	36 208	7 136
1972/73 . . .	393	93	1 100	210	60 233	9 883

Source: Revista Militar, No. 4, April 1973.

a/ Army schools.

CHAPTER IX
(A/10023/Add.2 and Corr.1)

SOUTHERN RHODESIA

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SOUTHERN RHODESIA

A. CONSIDERATION BY THE SPECIAL COMMITTEE

1. The Special Committee considered the question of Southern Rhodesia at its 998th meeting, on 9 May 1975, at Headquarters, and at its 1002nd to 1008th meetings, between 13 and 17 June, during its session held at Lisbon.

2. In its consideration of this item, the Special Committee took into account the provisions of the relevant General Assembly resolutions, including in particular resolutions 3297 (XXIX) and 3298 (XXIX) of 13 December 1974 on the question of Southern Rhodesia and resolution 3328 (XXIX) of 16 December 1974 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. By paragraph 11 of resolution 3328 (XXIX) the General Assembly requested the Special Committee "to continue to seek suitable means for the immediate and full implementation of resolutions 1514 (XV) and 2621 (XXV) 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 thirtieth session". The Special Committee also paid due attention to the relevant decisions of the Security Council concerning Southern Rhodesia.

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

1. Participation of the national liberation movement

4. In conformity with the provisions of the relevant General Assembly resolutions and in accordance with established practice, the Special Committee, in consultation with the Organization of African Unity (OAU), invited the national liberation movement of Southern Rhodesia, the African National Council of Zimbabwe, to participate in an observer capacity in its consideration of the item.

5. In response to the invitation, the representatives of the African National Council of Zimbabwe attended the relevant proceedings of the Special Committee, both at Headquarters (see paras. 6 and 7 below) and during the Committee's meetings at Lisbon (see para. 11 below).

2. Special meeting with leaders of the national liberation movement

6. On 9 May, the Special Committee, with the co-operation of the Permanent Mission of Zambia to the United Nations, held a special meeting (998th meeting) to receive a delegation of the African National Council of Zimbabwe which consisted of Bishop Abel Muzorewa, its President, and Mr. Joshua Nkomo, the Reverend Ndabaningi Sithole and Mr. George Silundika, members. The meeting was also

attended by the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations, as the administering Power, and by the Deputy Permanent Representative of Zambia to the United Nations.

7. In their statements to the Special Committee (A/AC.109/PV.998), Bishop Muzorewa, Mr. Nkomo and the Reverend Sithole gave an account of the struggle by the united people of Zimbabwe for freedom and independence and reiterated their determination to secure majority rule in the Territory by all the means at their disposal. On behalf of the Special Committee, the Chairman pledged continued support of, and solidarity with, the people of Zimbabwe in the attainment of the goals set forth in the Charter of the United Nations and the Declaration on the Granting of Independence to Colonial Countries and Peoples (A/AC.109/PV.998). Statements were also made by the representatives of the Ivory Coast, Iraq, the Union of Soviet Socialist Republics, Bulgaria, Cuba, Yugoslavia and Denmark (A/AC.109/PV.998)

3. Tribute to the memory of Mr. Herbert Chitepo

8. At the 995th meeting, on 25 March, the Chairman, on behalf of the Special Committee, made a statement in tribute to the memory of the late Herbert Chitepo, a member of the African National Council of Zimbabwe (A/AC.109/PV.995). The Special Committee observed a minute of silence.

4. General debate

9. At its 999th meeting, on 14 May, by adopting the seventy-sixth report of the Working Group (A/AC.109/L.1011), the Special Committee decided to take up the question of Southern Rhodesia during its meeting at Lisbon in June and to hold a general debate covering the questions of Southern Rhodesia and Namibia, on the understanding that draft resolutions or consensuses on matters relating to those items would be considered separately.

10. Accordingly, at its 1002nd to 1008th meetings, between 13 and 17 June, the Special Committee considered the question of Southern Rhodesia, with the active participation of the representative of the administering Power (see A/AC.109/490), as well as the representative of the African National Council of Zimbabwe, and, on the conclusion of the general debate, adopted a resolution on the item (see para. 14 below). Statements in the general debate were made by the representatives of the United Kingdom, Cuba, Australia, Indonesia, Bulgaria, the Congo, Mali and India at the 1004th meeting (A/AC.109/PV.1004); Denmark, Sierra Leone and Yugoslavia at the 1005th meeting (A/AC.109/PV.1005 and Corr.1); Trinidad and Tobago, Czechoslovakia, Iraq, the Union of Soviet Socialist Republics and the Ivory Coast at the 1006th meeting (A/AC.109/PV.1006); Iran, Chile and the United Republic of Tanzania at the 1007th meeting (A/AC.109/PV.1007); and Ethiopia, Tunisia, Portugal and Afghanistan at the 1008th meeting (A/AC.109/PV.1008). At the 1004th meeting, the representative of Ethiopia made a statement in exercise of the right of reply (A/AC.109/PV.1004). Additional statements were made by the representatives of the United Kingdom, the Ivory Coast and Mali at the 1008th meeting (A/AC.109/PV.1008).

11. The representative of the African National Council of Zimbabwe, Mr. George Nyandoro, made statements at the 1005th and 1008th meetings (A/AC.109/PV.1005 and Corr.1 and 1008).

12. Statements relating to the item were also made by the Chairman of the Special Committee against Apartheid, the Executive Secretary of the OAU Co-ordinating Committee for the Liberation of Africa and representatives of specialized agencies and other organizations within the United Nations system and non-governmental organizations (A/AC.109/PV.1002-1003, 1006 and 1007; see also chap. II of the present report (A/10023 (Part II))).

5. Draft resolution

13. At the 1005th meeting, on 16 June, the Chairman submitted to the Special Committee for its consideration a draft resolution on the item (A/AC.109/L.1030), prepared by him on the basis of related consultations.

14. At its 1008th meeting, on 17 June, the Special Committee adopted the draft resolution without objection (see para. 16 below). The representative of Denmark made a statement (A/AC.109/PV.1008).

15. On the same day, the text of the resolution (A/AC.109/494) was transmitted to the Permanent Representative of the United Kingdom to the United Nations for the attention of his Government. On 1 July, a copy of the resolution was transmitted to the President of the Security Council (S/11742). Copies of the resolution were also transmitted to all States and to the specialized agencies and other organizations within the United Nations.

B. DECISION OF THE SPECIAL COMMITTEE

16. The text of the resolution (A/AC.109/494) adopted by the Special Committee at its 1008th meeting, on 17 June, to which reference is made in paragraph 14 above, is reproduced below:

A

The Special Committee,

Having considered the question of Southern Rhodesia (Zimbabwe),

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

1/ A/AC.109/PV.1004 and 1008.

Having heard the statement of the representative of the national liberation movement, the African National Council of Zimbabwe, who participated in an observer capacity in its consideration of the item, 2/

Bearing in mind the important declarations made on 9 May 1975 by Bishop Abel Muzorewa, President of the African National Council of Zimbabwe, and by Mr. Joshua Nkomo and the Reverend Ndabaningi Sithole, leaders of the same organization, 3/

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

Taking into account the Dar es Salaam Declaration on Southern Africa adopted by the Council of Ministers of the Organization of African Unity at its ninth extraordinary session, held in April 1975 at Dar es Salaam,

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

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

Condemning the continued oppression of the people of Zimbabwe by the illegal racist minority régime, the arbitrary imprisonment, detention and restriction of political leaders and others, the acts of brutality committed by the police, the illegal execution of freedom fighters, and the continued denial of fundamental human rights, including in particular the criminal measures of collective punishment, as well as the measures which are designed to create an apartheid State in Southern Rhodesia (Zimbabwe),

Condemning the continued illegal presence and intervention of South African forces in the Territory, which assist the racist minority régime and seriously threaten the sovereignty and territorial integrity of neighbouring African States,

2/ A/AC.109/PV.1005 and Corr.1.

3/ A/AC.109/PV.998.

Noting with satisfaction the unity and solidarity of the liberation forces, culminating in the formation of the African National Council of Zimbabwe, and the determined efforts of that national liberation movement to achieve freedom and independence on the basis of majority rule,

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

2. Reaffirms 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 national liberation movement of the Territory, the African National Council of Zimbabwe - the sole and authentic representative of the true aspirations of the people of Zimbabwe - and must be endorsed freely and fully by the people;

3. Strongly condemns the recent and continuing cold-blooded murder of Africans carried out by the Smith régime;

4. Calls upon the Government of the United Kingdom of Great Britain and Northern Ireland, in the discharge of its primary responsibility as the administering Power, to take all effective measures to enable Zimbabwe to accede to independence by a democratic system of government in accordance with the aspirations of the majority of the population, including, inter alia:

(a) The expulsion of all South African forces from the Territory;

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

(c) The discontinuance forthwith of all repressive and discriminatory measures, including the arbitrary closure of African areas, the eviction, transfer and resettlement of Africans and the creation of "protected villages", which are in fact concentration camps, and the cessation of the influx of foreign immigrants and mercenaries into the Territory;

(d) The termination forthwith of the illegal executions of freedom fighters being carried out by the Smith régime;

5. Firmly supports the demand of the African National Council of Zimbabwe for the holding of a constitutional conference with a view to working out a settlement relating to the future of the Territory, and calls upon the administering Power to take the necessary steps for the convening as soon as possible of such a conference;

6. Requests all States, directly and through their action in the specialized agencies and other organizations within the United Nations system of which they are members, and the various programmes within the United Nations, as well as the non-governmental organizations concerned, to extend to the people of Zimbabwe through the African National Council of Zimbabwe all the moral and material assistance necessary in their struggle for the restoration of their inalienable rights;

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

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

B

The Special Committee,

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

Seriously concerned at the continued importation of chrome and nickel into the United States of America from Southern Rhodesia, in violation of the relevant decisions of the Security Council and in disregard of the related resolutions of the General Assembly,

Deeply disturbed at recent reports of widespread violations of United Nations sanctions, including the operation of Southern Rhodesian aircraft for international passenger and cargo traffic, as well as the continued functioning of information and airline offices of the illegal régime outside Southern Rhodesia and the resultant influx of foreign tourists into the Territory,

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

Reaffirming its conviction that the sanctions will not put an end to the illegal racist minority régime unless they are comprehensive, mandatory and effectively supervised, enforced and complied with, particularly by South Africa,

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

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

3. Condemns the continued importation of chrome and nickel from Southern Rhodesia (Zimbabwe) into the United States of America, and calls on the Government of the United States to repeal speedily all legislation permitting such importation;

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

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

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

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

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

5. Recommends to the Security Council that, bearing in mind the provisions of Articles 49 and 50 of the Charter, it should initiate as soon as possible a specific programme of assistance to Mozambique, to be provided on a bilateral and/or a multilateral basis, in order to enable its Government to apply fully and effectively sanctions against the illegal régime;

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

ANNEX*

WORKING PAPER PREPARED BY THE SECRETARIAT

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* Previously issued under the symbols A/AC.109/L.992 and Corr.1 and A/AC.109/L.992/Add.1-2.

SOUTHERN RHODESIA

1. LAND AND PEOPLE

A. Geography

1. The Territory of Southern Rhodesia, comprising an area of 150,820 square miles, lies between latitude 15° 36' S and 22° 30' S and longitude 25° 13' E and 33° 4' E. It shares borders with Zambia on the north-west, with Botswana on the south-west, with South Africa on the south and with Mozambique on the east.

B. Population and immigration

2. At 31 December 1973, the total population of Southern Rhodesia was estimated at 6 million, composed of Africans, Europeans, Asians and Coloureds (see table 1 below). Between June 1972 and June 1973, the African population rose by 200,000 and the European population increased by 8,000. Whereas the African increase resulted only from births, the European increase was based on both births and immigration. In fact, the European birth-rate has been decreasing in recent years. Despite the increase in the number of Europeans in the Territory between 1971 and 1973, the number of European births dropped from 2,738 in 1971 to 2,686 in 1972 and 2,339 in 1973.

3. The illegal régime views such statistics with alarm: in the month of December 1973 alone, Southern Rhodesia had a net loss of 460 Europeans. It was in the hope of redressing those losses that, in January 1974, the illegal régime launched "Operation 74" which was directed at encouraging the immigration of 1 million white people from any part of the world to Southern Rhodesia. The operation has been a failure. In fact, immigration figures for the period January to May 1974 were lower than those for the corresponding months in 1972 and 1973 (see table 2 below). In April 1974, Southern Rhodesia again experienced a net loss in the migration of 290 Europeans; in September 1974 the net loss was 170.

Table 1

Southern Rhodesia: estimated population, 1968-1973

(in thousands)

Year	Africans	Europeans	Asians	Coloureds	Total
1968	4,790	226.0	8.9	15.0	5,040
1969	4,960	234.0	9.1	15.7	5,220
1970	5,130	243.0	9.2	16.5	5,400
1971	5,310	255.0	9.4	17.3	5,590
1972	5,490	267.0	9.6	18.1	5,780
1973	5,700	271.0	9.7	19.0	6,000

Source: Southern Rhodesia, Monthly Digest of Statistics, June 1974 (Central Statistical Office, Salisbury).

Table 2

Southern Rhodesia: migration of Europeans, 1972-1974

Month	1 9 7 2			1 9 7 3			1 9 7 4		
	Immigration	Emigration	Net	Immigration	Emigration	Net	Immigration	Emigration	Net
January	1 260	500	+ 760	1 096	620	+ 480	804	760	+ 40
February	1 019	380	+ 640	885	400	+ 490	705	390	+ 320
March	1 493	320	+1 170	800	580	+ 220	788	610	+ 180
April	1 506	470	+1 040	794	690	+ 100	804	1 090	- 290
May	1 414	490	+ 920	1 041	540	+ 500	864	690	+ 170
June	1 196	360	+ 840	789	630	+ 160	628	690	- 60
July	1 136	490	+ 650	681	630	+ 50	809	700	+ 110
August	1 054	450	+ 600	869	810	+ 60	872	660	+ 210
September	1 029	400	+ 630	675	770	- 100	831	1 000	- 170

Source: Southern Rhodesia, Monthly Digest of Statistics, October 1974.

4. These figures appear to indicate a trend towards an exodus of Europeans from the Territory. Two factors could have accounted for the continued decrease in European immigration: the intensification of guerrilla warfare and the continued failure of the illegal régime to arrive at a settlement of its political problem. Developments in Mozambique are also expected to affect European migration.

C. Land distribution

5. From 1930 onwards, until it was replaced by the Land Tenure Act in 1969, the Land Apportionment Act provided the mechanics for the distribution of land according to race. During the period this Act was in force, 44 million acres of land were allocated to the Africans and 41 million acres to the Europeans despite the fact that by 1969 the population ratio between Africans and Europeans was 16:1. In addition, about 10 million acres were allocated to national parks and forests. In 1969, the Southern Rhodesian Parliament passed the Land Tenure Act which increased the area allocated to Africans by about 2 per cent, to 44,944,500 acres, and the area allocated to Europeans by about 10 per cent, to 44,952,900 acres. The area reserved for national parks and forests was reduced by about 33 per cent, to 6,617,000 acres.

6. Under the Land Apportionment Act, the land allocated to the Africans included lands for Native reserves, Native purchase areas and African townships. Under the Land Tenure Act, the land allocated to the Africans includes lands for Tribal Trust lands, African purchase areas, African townships, African schools and hospitals. Under both acts, the land allocated to Europeans includes lands for European farms, corporate farms, urban centres, European schools and hospitals. It should be noted that the Land Tenure Act increased the land allocated to the Europeans under the Land Apportionment Act, despite the fact that the population ratio between the Africans and the Europeans has been increasing steadily and in 1974 had reached 21:1. In terms of this ratio, the acreage allocated to the two population groups breaks down to an average of 7 acres (maximum) for each African and 166 acres for each European.

2. STRUCTURE OF GOVERNMENT AND POLICIES OF CONTROL AND REPRESSION a/

7. It will be recalled that, on 11 November 1965, the Ian Smith régime unilaterally declared Southern Rhodesia independent following its unsuccessful attempt to negotiate, with the United Kingdom of Great Britain and Northern Ireland, the independence of the Territory under white minority rule. In 1969, the illegal régime declared Southern Rhodesia a republic and the Parliament of Southern Rhodesia enacted the Rhodesia Act "to provide for a new constitution for Rhodesia; to provide for the entrenchment of certain provisions of the laws to be enacted relating to electoral matters and land tenure, ...".

a/ It is necessary for information purposes to refer throughout this paper to legislation, various parts of the governmental structure and to the titles of various members of the illegal minority régime in Southern Rhodesia. 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.

8. It is by this Constitution, and the electoral laws referred to in the Rhodesia Act, that the illegal régime has attempted to ensure the consolidation of white supremacy and racist minority rule in Southern Rhodesia. By the Land Tenure Act, the illegal régime has sought to strengthen and enhance its system of control and impoverishment of the Africans of Southern Rhodesia. As will be noted below, there is a direct and very close correlation between the maintenance of white supremacy in Southern Rhodesia and the impoverishment of the African people.

9. The 1969 Constitution divides the governmental system of Southern Rhodesia into three co-ordinate branches, namely: the executive, the legislature and the judiciary. Since discussions on a settlement in Southern Rhodesia will involve the question of the transfer of power, a brief description of the present structure of government is given below.

A. Executive

10. The Constitution provides that "the executive government of Rhodesia in regard to all aspects of its internal and external affairs is vested in the President, acting on the advice of the Executive Council". Section 3 of the Constitution provides that the Executive Council shall appoint the President, while section 55 provides that the President shall appoint a prime minister and, acting on his advice, shall appoint ministers and deputy ministers. The prime minister and the ministers constitute the Executive Council. Mr. Clifford Dupont, who had served as Officer in Charge of Administration since 1965, became the President of Southern Rhodesia in 1969. He had previously served as Minister of Justice, Law and Order from 1962, when the Rhodesian Front came to power, until the illegal declaration of independence in 1965.

Organization of ministries

11. Between 1970 and the general elections of July 1974 (see below), the illegal Southern Rhodesian régime consisted of 15 ministers, including the Prime Minister, and five deputy ministers. The ministers headed 23 ministries; six of the ministers were responsible for more than one ministry. Since the July 1974 elections, the only change in the organization of the ministries has been the addition of the Ministry of Co-ordination. The ministries concerned with defence, internal affairs and justice, law and order are the major instruments of control of the African population. The roles of these ministries are described below.

Ministry of Internal Affairs

12. In 1969, the present Ministry of Internal Affairs replaced the Ministry of Native Affairs which had been established in the early 1920s. The official rationale for establishing the earlier ministry had been that "the African should be advanced" but, as has been documented in a recent study, it became, in fact, an instrument of control and of "the crudest form of racist ideology". b/ As a rule, the man appointed to head this ministry was a person considered as being "invested with the wisdom of knowing the African".

b/ D. C. Clark, "Settler ideology and African underdevelopment in postwar Rhodesia", Rhodesian Journal of Economics, March 1974, p. 18.

13. Despite the change of name, there is very little difference between the function of the present ministry and that of its predecessor. It was, and still is, in charge of the administration of Africans and their daily life and of African agriculture.

14. The Ministry of Internal Affairs is empowered to appoint and remove African chiefs, deputy chiefs and headmen who are considered to be the traditional leaders of the Africans. The chiefs are required to elect a council from among themselves. Theoretically, the illegal régime regards the Council of Chiefs as "the spokesman of the Africans". The Council in turn elects 10 chiefs from among its own members to sit as members in the Southern Rhodesian Senate.

15. Although the Secretary of Internal Affairs comes immediately under the Minister of Internal Affairs, the "kingpin" of the administration of African affairs is the district commissioner. As the government representative in the rural districts, he is responsible for carrying out the orders of all ministries in the local communities. Mr. Ian Smith, the so-called Prime Minister of the illegal régime, has compared the role of the district commissioner to that of a "family doctor". In fact, the powers of the district commissioner are completely undefined, but his main function is to see that the Africans are kept in line with government policy. In performing this function, he has virtually unlimited powers. The Ministry of Internal Affairs, using the district commissioners and the local chiefs, controls every aspect of the lives of the Africans, from the registration of customary marriage to the distribution of land. Each local chief heads an African council composed of himself and his principal counsellors. It is reported that the illegal régime intends to establish a total of 250 African councils. The district commissioners ascribe to these councils the functions of local government authorities.

16. Africans in urban areas live in African townships under the over-all control of European municipal councils. New African boards are now being established in these townships to assist in controlling the Africans "under the watchful eye of community advisers and of the specialist staff of the parent urban authorities". The parent urban authorities have no African members. Each African township is directly administered by a superintendent, usually a European, whose permission must be sought regarding the presence of any visitors to the township under his jurisdiction.

B. Legislature

17. The legislature of Southern Rhodesia consists of Parliament and the President of Southern Rhodesia. Parliament is composed of the House of Assembly and the Senate.

House of Assembly

18. Subject to the provisions of section (4) of the Rhodesia Act (see below) the House of Assembly is composed of 66 members elected in accordance with the

Electoral Law (see also table 3 below). The Constitution provides that of these members, 50 are to be European, elected exclusively by the European electorate in 50 European constituencies. The remaining 16 seats are to be reserved for Africans, of whom eight are to be directly elected by the African electorate in eight African constituencies, four of which should be in Mashonaland, and four in Matabeleland. c/ The other eight African members in the House of Assembly are elected by electoral colleges composed of African chiefs, headmen and elected councillors of the African councils. Four of the electoral colleges are in Tribal Trust lands in Mashonaland and four in the Tribal Trust lands in Matabeleland. All the members of these electoral colleges are on the payroll of the illegal régime.

Table 3

Southern Rhodesia: summary of franchise qualifications
under the 1969 Constitution

(In Southern Rhodesian dollars) a/

Roll	Annual income	Property value	Education
European roll	1 800	<u>or</u> 3 600	-
	<u>Alternative:</u> 1 200	<u>or</u> 2 400	<u>and</u> 4 years' secondary school
African roll	600	<u>or</u> 1 200	-
	<u>Alternative:</u> 400	<u>or</u> 800	<u>and</u> 2 years' secondary school
Common roll . . Citizen of Southern Rhodesia, 21 years of age with adequate knowledge of English and the ability to complete the application form in his own writing.			

Source: Southern Rhodesia, Electoral Law, 1969.

a/ In 1974, the exchange rate of the Southern Rhodesian dollar fluctuated between \$US 1.20 and \$US 1.65.

19. Section (4) of the Constitution provides a mechanism by which the number of African seats in the House of Assembly may be increased. It envisages that when the Delimitation Commission establishes that the aggregate of the income tax assessed on the income of Africans exceeds 16/66 of the total income tax assessed on the combined income of Europeans and Africans, the number of African members in the House shall be increased as follows:

c/ For administrative purposes, Southern Rhodesia is divided into two parts: Matabeleland in the south, and Mashonaland in the north.

(a) The number of the African members should bear the same proportion to the total number of members of the House of Assembly as the aggregate income tax assessed on the income of Africans bears to the aggregate income tax assessed on the combined income of Europeans and Africans;

(b) The number of African members shall be increased by two, or an integral multiple of two, in such a manner that at no time does the proportion of African members to the total number of members in the House of Assembly exceed the proportion of the aggregate tax assessed on the income of Africans to the aggregate income tax assessed on the combined income of Europeans and Africans;

(c) The first two seats allocated under such an increase shall be filled by Africans elected by electoral colleges, one in Mashonaland and one in Matabeleland; and the next two seats shall be filled by Africans directly elected, one for an additional African constituency in Mashonaland and one for an additional African constituency in Matabeleland. This sequence is to be applied in all further such increases;

(d) When the number of African members in the House of Assembly equals the number of European members in the House no new seats for Africans shall be added.

20. The initial requirement for additional African representation (see para. 19 above) is based on the provisions in the 1969 Constitution for 16 African seats in a House of 66 members. Through discriminatory labour practices and the allocation of land under the Land Tenure Act (see para. 6 above), the illegal régime controls the rise of African income and thereby controls the income tax assessed on the income of the Africans, which, in turn, limits the possible increase of African seats in the House of Assembly. Thus, the 1969 Constitution virtually ensures the permanent entrenchment of white minority rule in Southern Rhodesia.

Senate

21. The Constitution provides that the Senate shall consist of 23 senators, 10 of whom must be Europeans elected by the European members of the House of Assembly sitting as an electoral college. Another 10 must be African chiefs, five from Mashonaland and five from Matabeleland, elected by an electoral college consisting of members of the Council of Chiefs. The remaining three senators are appointed by the President of Rhodesia.

C. Judiciary

22. The Constitution provides that the "judicial authority of Rhodesia" is vested in the High Court headed by the Chief Justice. However, judicial functions in the Southern Rhodesian political system are exercised not only in the courts but also by the Minister of Justice, Law and Order, and the district commissioners. According to the Constitution, the courts cannot pronounce on the validity of any law on the ground that it is inconsistent with the Declaration of Rights. Thus, should the Minister of Justice, Law and Order enforce such a law, the victims of such enforcement are denied any recourse to the courts.

Organization of the judiciary

23. The judiciary of Southern Rhodesia consists of the High Court and the lower courts, known as inferior courts. The judicial system theoretically operates under Roman-Dutch law and English law.

(a) High Court

24. The High Court has two divisions: the General (or Trial) Division and the Appellate Division. The General Division deals with trial work in all cases not within the jurisdiction of the magistrate courts. The Appellate Division hears cases on appeal from the inferior courts (see below) and from the General Division.

(b) Inferior courts

25. Apart from civil cases involving African traditional law and custom, the magistrate courts are the inferior courts of Southern Rhodesia. The basis of their jurisdiction and organization is the Magistrate Court Act of 1931. Until 1958, the magistrate courts had jurisdiction over all offences except treason, murder and rape. In 1958, they were given jurisdiction in cases involving rape but only "on remittal by the Attorney-General of a case for trial or sentence". In 1965, the Magistrate Court Act was amended to remove jurisdiction from the magistrate courts in the case of "an offence where any law requires that a person convicted of such offence shall be sentenced to death". This provision was to cover certain offences, mainly political, under the Law and Order (Maintenance) Act (1960).

26. To relieve the pressure of work on the High Court, regional magistrate courts were established to hear some of the cases from the magistrate courts. They have the same jurisdiction as magistrate courts but may not hear civil cases.

Jury and assessors

27. The Criminal Procedure and Evidence Act of Southern Rhodesia defines the law as to trial by jury (chap. 31, parts XI-XIII). Only non-Africans can be tried before a jury in Southern Rhodesia. The only situation in which an African can be tried before a jury is when he is co-defendant with a non-African who does not agree to a trial by a judge and assessors (see also para. 31 below).

28. Africans can only be tried by a magistrate or magistrate and assessors in the inferior courts and by at least one judge of the General Division of the High Court and two assessors. The assessors are selected by the judge from among persons who are or have held the post of Secretary for Internal Affairs or Deputy Secretary for Internal Affairs, or who have been provincial, district or Native commissioners with at least 10 years' service in the Ministry of Internal Affairs or the former Ministry of Native Affairs. The assumption is that such people "have knowledge and experience of the African mind, customs, way of life and language". Since there are no Africans in the categories listed above, the assessors are always Europeans.

29. In deciding matters of fact, the assessors are empowered to outvote the judge; matters of law and admissibility of evidence are decided by the judge. In sentencing an African found guilty, the judge may consult the assessors.

30. Europeans who come before the courts for trial have a choice of being tried by a judge and two assessors or of being tried by a judge before a jury. Should a European defendant elect to be tried by a judge and two assessors, the judge chooses the assessors from persons he considers as having had experience in the administration of justice or skill in any matter which may have to be considered at the trial.

31. Since Africans in Southern Rhodesia cannot be tried by a jury unless there is a European co-defendant, the law prohibits Africans from serving on a jury. In cases where an African and a European are co-defendants and the European elects to be tried before a jury, the African co-defendant finds himself being tried by a European judge before a European jury.

Police and evidence

32. Section 288 of the Criminal Procedure and Evidence Act, generally referred to as "the Code", does not require that a statement made to the police by a person before or after he has been arrested be recorded in writing. Whatever the police claim the defendant to have said is admissible as evidence in Southern Rhodesian courts. The Courts Inquiry Commission, established by the illegal régime in June 1970 to inquire into the working of the courts, criticized this omission in the Code. The Commission noted: "What is true, however, is that in many cases, the prosecution relies heavily on a confession made by the accused to the police in proving its case". d/ It also noted that such confessions may be extracted from the accused through the use of force or other unfair means. Section 288 of the Code requires that "any confession of the commission of an offence and any statement be freely and voluntarily made by an accused person" while he is in his sound and sober senses; however, the absence of what the Commission called "proper judicial supervision" during the questioning of a suspect or an accused makes it difficult for the suspect or the accused to prove that the alleged statement or confession was made under duress or that it was the creation of the police officers concerned.

33. In Southern Rhodesia, there are no judge's rules, as in the United Kingdom, to direct the manner in which the suspects should be interrogated by the police. The British South African Police (BSAP) has prepared an instruction book to serve as a guide in the interrogation of suspects, but the violation of these instructions does not make the evidence gathered in the process inadmissible. The accused has the right to challenge the admissibility of any statement in the courts, but owing to the tendency of the courts to believe the police, the accused finds himself in an untenable position.

d/ Southern Rhodesia, Report of the Courts Inquiry Commission (Salisbury, Government Printer, August 1971), p. 97.

34. According to a report of Amnesty International, e/ since the enactment of the Law and Order (Maintenance) Act in 1960, the courts have had to deal with large numbers of political cases and there has been a tremendous increase in the number of allegations of the use of violence by the police during investigation. According to the report, there are rarely any witnesses present when the police interrogate suspects, and, as a consequence, allegations of brutality have on numerous occasions been declared by the courts to be unsubstantiated. Amnesty International maintains that, wherever possible, the police use violent methods whose effects can rarely be traced on medical examination, in order to inculcate fear in the suspects and extract statements to be used as evidence against them. According to the same report, threats of castration have often been used to psychologically dislocate the suspect. "Electric snakes", which produce an electric shock when they touch the skin, also have been used.

Restriction and detention

35. Section 61 of the Constitution provides that the President may at any time, by proclamation published in the Gazette, declare "that a state of public emergency exists or a situation exists which, if it is allowed to continue, may lead to a state of public emergency". The actual decision is made by the Cabinet or the Minister of Justice, Law and Order. The House of Assembly is required to approve by a resolution any declaration or extension of a state of emergency which remains in force for a period of more than 30 days. During a state of emergency, all individual rights and freedoms are suspended. Southern Rhodesia has been under a continuous state of emergency (with the exception of seven days) since August 1964.

36. Further, the Constitution provides that laws may be passed to authorize the detention or restriction of a person on the grounds that "such detention or restriction is reasonably justifiable for the purpose of national defence, public safety or public order". The Law and Order (Maintenance) Act of 1960 also empowers the Minister of Justice, Law and Order to limit the freedom of movement of any Southern Rhodesian who, in his opinion, presents a threat to the maintenance of law and order (sects. 50 and 51). Action under these sections has come to be known as "restriction".

37. In 1959, the Parliament passed the Preventive Detention Act empowering the Minister of Justice, Law and Order to detain any person in Southern Rhodesia who he believed to be a threat to the maintenance of law and order or to be involved in actions likely to cause "alarm and despondency". This Act expired in 1964 and when the Government renewed it for a further period of five years and attempted to apply it, the High Court declared it unconstitutional under the 1961 Constitution. Under the 1965 Constitution, however, such detention is allowed.

e/ Amnesty International, "Prison conditions in Rhodesia", London (mimeographed).

Since 1966, the Minister of Justice, Law and Order has been empowered to detain any person under the Emergency Powers (Maintenance of Law and Order) Regulations "if it appears to the Minister that the detention of any person is in the public interest". Under the Act, detentions can only be revoked by the Minister, or when the emergency expires. Action under these regulations has come to be known as "detention". The difference between restriction and detention lies in the degree of control imposed on the person so affected. Neither restrictees nor detainees have recourse to courts of law. Some, like the Reverend Ndabaningi Sithole, President of the Zimbabwe African National Union (ZANU), have even been detained after completing court sentences.

(a) Restriction

38. In Southern Rhodesia there are two types of restrictions. Under section 50 (a) of the Law and Order (Maintenance) Act, a restriction order may forbid the person restricted (restrictree) to enter a certain area. Under section 50 (b) of the Act, a restriction order may compel a restrictree to live within a particular area. Unlike detention, the restrictree is allowed to have contact and communication with other people as long as he does not enter the area forbidden to him, or leave the area to which he is restricted. Initially, the restriction orders were valid for three months. The Act was amended, however, to extend the restriction period to five years. In fact, under section 11 of the Second Schedule of the 1969 Constitution, a person can be restricted for an indefinite period. Even before the adoption of the 1969 Constitution, however, a person could always be further restricted; Mr. Desmond Lardner-Burke, the Minister of Justice, Law and Order, said in 1965 that every time a restrictree came out, "I can restrict again". f/

39. The first type of restriction has been used to prevent African political leaders from entering rural areas or townships where they are suspected of having some influence. Bishop Abel Muzorewa, the President of the African National Council of Zimbabwe, had such a restriction order served on him in 1970. The second type of restriction was used more often before November 1965. Three areas of restriction - Wha Wha, Gonakudzingwa and Sikombela - were generally used to incarcerate leaders of the Zimbabwe African National Union (ZANU) and the Zimbabwe African People's Union (ZAPU). Since November 1965, this type of restriction has frequently been imposed on released detainees who might be ordered to remain in their home town or rural area where they may move within a given radius. Suspected violation of the restriction order is sufficient to cause a further detention by order of the Minister. This type of restriction enables the illegal régime to keep African leaders under permanent control.

40. For example, Mr. Edison Sithole, now Publicity Secretary of the African National Council, was first detained in 1957 when he was a member of the African

National Congress. He was released in January 1963 and detained again in August 1964 when he was Publicity Secretary of ZANU. He was released in 1970 but was restricted to the Salisbury area. He then became Publicity Secretary of the African National Council. In 1972, the Africans rejected the Anglo-Southern Rhodesian settlement proposals and in June 1974, the Central Committee of the Council rejected the proposals for settlement which supposedly had been worked out between Mr. Smith and Bishop Muzorewa (see paras. 77-81 below). As a consequence, the illegal régime suspected Mr. Sithole of exerting too much influence in the Council and, on 19 June 1974, the Minister of Justice, Law and Order claimed that Mr. Sithole had violated the conditions of his restriction order. He was detained at Gatooma Prison where he remained until his release as a result of the Lusaka agreements reached on 11 December 1974 between the leaders of the liberation movements and the illegal régime of Southern Rhodesia (see below).

41. Theoretically, the recipient of a restriction order can make representations in writing within seven days of his being served with an order, giving reasons why, in his opinion, it should be revoked. In practice, it is difficult to overturn a restriction order because it may be based on unrevealed information. For instance, a restriction order may include the following statement: "This order is based ... on information which has been before me /the Minister/ and which I am unable to divulge because of the confidential nature of the contents and sources of such information".

(b) Detention

42. As stated above, Southern Rhodesia has been under a state of emergency since August 1964. The illegal régime had taken advantage of this situation to continue the detention of African leaders (see also para. 37 above).

43. A detained person may be held in prison or in any other place designated by the Minister. A detainee is not allowed to have any contact with the outside world and all his mail must be authorized before it can be sent out or given to him. Salisbury, Gwelo and Gatooma prisons have been used as detention centres for ZANU and ZAPU nationalists.

44. Occasionally, provision is made for detainees to submit their cases to the Review Tribunal, which can recommend that a detainee be released. The Review Tribunal never found it fit to recommend the release of Mr. Sithole or Mr. Joshua Nkomo, President of ZAPU, and their senior colleagues, although they had been detained since 1964.

(c) Medical facilities for detainees

45. According to a report by Amnesty International, g/ the medical situation of detainees and restrictees in Southern Rhodesia is not satisfactory. There have

g/ Amnesty International, "Prison conditions in Rhodesia", London (mimeographed)

been reports of prison officials refusing to give medical attention to detainees on the grounds that in their opinion the detainees "feign illness". In June 1970, Mr. Leopold Takawira, the Vice President of ZANU, died in detention; prison authorities had refused to concede that he was ill and he was left without medical treatment for 48 hours even after he had lapsed into a diabetic coma. Early in 1974, Mr. Kenneth Chisango, a young detainee who had been in prison detention for eight years, died because the authorities had ignored his medical complaints. Mr. Shadrak Chipanga, a detainee since June 1963, was accused of "feigning illness" when he recently complained of chest pains. Detainees at Gwelo prison smuggled out a letter early in 1974 complaining of poor medical attention. Several of these detainees are reported to be suffering from high blood pressure.

Death penalty

46. ZANU and ZAPU have considered themselves (at least until 11 December 1974) as being in a state of war with the illegal régime of Southern Rhodesia. In their view, therefore, anyone captured either by their guerrilla forces or by the illegal régime in furtherance of this struggle is a prisoner of war. Members of ZANU have demonstrated that they treat those whom they capture fighting for the Smith régime as prisoners of war. It may be recalled that, in 1973, ZANU guerrillas captured Mr. Gerald Hawksworth and after a period of detention released him to go to the United Kingdom.

47. However, the illegal régime has not reciprocated by treating captured guerrillas as prisoners of war. In 1965, it passed a law (repealed in 1970) making the death penalty mandatory for anyone convicted of possessing or using weapons of war. It has usually imposed a death sentence on captured guerrillas after some form of "trial". According to Lord Balniel, the former United Kingdom Minister of State at the Foreign and Commonwealth Office, 11 Africans were hanged in 1973 alone. In March 1974, nine captured guerrillas were sentenced to death by the High Court in Salisbury. Five of these were young men between 17 and 19 years of age who had been charged with carrying arms of war.

3. GENERAL ELECTIONS OF 1974

48. Since the adoption of the 1969 Constitution, Southern Rhodesia has had two general elections, one in 1970 and the other in 1974. In both elections, the Rhodesian Front won all the 50 seats reserved for Europeans in the House of Assembly.

49. In the general elections held on 30 July 1974, 80,000 Europeans, 7,000 Africans and 3,000 Asians and Coloureds were eligible to vote. For the 50 European seats in the House of Assembly, 50 candidates were sponsored by the Rhodesian Front, 38 by the Rhodesia Party, 20 by an amorphous right-wing group called the Rhodesia Group, led by the former Rhodesian Front minister, Mr. William J. Harper, and six were independent candidates.

50. At the time of the elections, the three European parties held different positions in so far as the future of the country was concerned. At that time the

Rhodesian Front, under the leadership of Mr. Ian Smith, opposed any attempt to hold discussions with the leaders of ZANU and ZAPU who were considered "terrorists". Further, the Rhodesian Front was only prepared to increase African representation in the House of Assembly by six seats, giving the Africans a total of 22 seats in a House of Assembly of 66.

51. By the time the elections were held, the Rhodesia Party had demanded the resignation of its leader, Mr. C. A. Savory, because he had called for negotiations with the leaders of ZANU and ZAPU. The Rhodesia Party has since been led by Mr. Tim Gibbs, the son of Sir Humphrey Gibbs, the British Governor in Southern Rhodesia at the time of the illegal declaration of independence. After the Rhodesia Party had held talks with the African National Council led by Bishop Muzorewa, it claimed that the Council was prepared to accept a minimum of 25 African seats in a House of Assembly of 66, if a common electoral roll for all races was established. The Rhodesian Front has criticized the talks between representatives of the Rhodesia Party and the African National Council as undermining the official talks between Mr. Smith and Bishop Muzorewa.

52. The Rhodesia Group is composed of former members of the Rhodesian Front who consider that Mr. Smith is too liberal. During the elections, the Group proposed the establishment of two houses of assembly, one for Africans and the other for Europeans, and the maintenance of separate electoral rolls for Africans and Europeans. In early December 1974, the Group was constituted as the United Conservative Party. Its announced policy was "to bring about a situation conducive to the permanence of Rhodesian white society while rejecting subjugation of the Europeans to African majority rule".

53. Ninety per cent of the white electorate turned out to vote in the elections. The Rhodesian Front received 77 per cent of the votes cast; the Rhodesia Party received 18 per cent of the votes cast; and the Rhodesia Group and the independent candidates shared the remaining 5 per cent of the votes. In the direct elections to fill the eight African seats, 64 per cent of the African electorate turned out to vote. The African National Council, whose Congress had decided on 2 March 1974 not to participate in any elections held under the 1969 Constitution, did not put forward any candidates for the elections. Six members of the Council stood as independents, however, and all were elected. Subsequently, the Central Committee of the Council demanded that the successful candidates resign from the Council because their participation in the elections was considered to be in violation of the Congress resolution.

54. The two other seats reserved for Africans were filled by independents, former members of the Centre Party. The Centre Party, led by Mr. Pat Bushford, has almost disappeared from the political scene of Southern Rhodesia. The candidates of the African Progressive Party and the Rhodesia National Settlement Forum attracted fewer than 20 votes each. Both of these parties differ from the African National Council in that they believe that the 1971 Anglo-Southern Rhodesian proposals could be the basis of a settlement with the illegal régime. Officially, the African National Council has always wanted a guarantee that the principle of eventual majority rule would be the basis for a settlement.

55. As required by the 1969 Constitution, eight other Africans were indirectly elected to the House of Assembly by the electoral colleges. All of them profess to be independents. The Senate was also elected as provided in the 1969 Constitution.

4. ARMED LIBERATION STRUGGLE

56. During 1974, the guerrilla warfare waged by ZANU and ZAPU continued unabated. Various reports indicate that the military capability of the guerrillas has improved. ZANU has claimed, for instance, that its forces in the north-eastern part of the Territory shot down three Southern Rhodesian air force planes between 5 and 21 April 1974. These claims were apparently confirmed by the security forces of the illegal régime which announced shortly afterwards that two of its aircraft had crashed in that area and that all four crew men had died.

57. Since December 1972, the Zimbabwe nationalists have been operating mainly in the north-eastern area of Southern Rhodesia. But reports, supported by the communiqués of the security forces of the illegal régime, also indicate that the liberation forces have opened a new front in the north-west. In March 1974, ZAPU guerrillas killed at least four South African soldiers at Victoria Falls. This incident coincided with the opening of a new swimming pool specifically for use of the South African police assisting Southern Rhodesian security forces in the area.

58. The illegal régime now realizes that guerrilla warfare will continue to be effective as long as the guerrillas are successful in establishing contacts with the African population. It has therefore attempted to win the support of the African rural population in its anti-guerrilla warfare. In April 1974, the illegal régime announced that civilians who provided the security forces with information leading to the death or capture of guerrillas and/or the capture of the weapons of war of the guerrillas would receive the following rewards:

- (a) \$R 5,000 for the death or capture of a senior guerrilla leader;
- (b) \$R 2,500 for the death or capture of a guerrilla group leader;
- (c) \$R 1,000 for the death or capture of any trained guerrilla;
- (d) \$R 500 for the capture of each anti-vehicle mine or heavy weapon of war;
- (e) \$R 300 for the capture of each full box of small arms, ammunition, grenades, anti-personnel mines or light personal weapon;
- (f) Other substantial "rewards" for information leading to the arrest of anybody voluntarily housing, feeding or associating with guerrillas.

This system of rewards has apparently failed to attract many Africans into giving information on guerrilla activities. The illegal régime has continued to use oppressive and vicious measures on rural Africans to deprive the guerrilla units of their support.

59. It may be recalled that since 1972 the district commissioners and security forces have co-ordinated their efforts to introduce certain anti-guerrilla measures in the rural areas. In 1972, the Secretary for Internal Affairs noted that "This Ministry has always enjoyed a close association with the Police, the Army and the Air Force ... The end of the year saw officers of the Ministry operating as members of teams in border areas, in trying conditions." In fact, the district commissioners are now members of the civil defence aid committees established in all police districts throughout Southern Rhodesia. Their function is to assist the police in training Europeans in rural areas in anti-guerrilla warfare tactics.

60. In February 1974, in areas suspected of guerrilla activity, the district commissioners together with senior police officers were given the power to impose forced labour on African residents for the construction and maintenance of roads, fences, bridges and dams. They were also authorized to control food supplies to ensure that food would not fall into the hands of the guerrillas; to deal summarily with persons who behaved with "contempt" towards them; and to set up summary magistrate courts to try Africans "as and when the need arises". h/ These powers have enabled the district commissioners to engage in systematic intimidation of the African masses under their control.

61. The district commissioners also supervise the operations to move Africans from their homes in areas suspected to have been infiltrated by guerrillas and to relocate them into what the illegal régime calls "protected areas". Each "protected area" covers about 50 acres and accommodates between 1,500 and 2,000 Africans. In April 1974, the régime moved about 255 Africans (21 men, 47 women and 187 children), suspected of supporting guerrillas, from their homes in north-eastern Southern Rhodesia and resettled them in an entirely new environment on the border with South Africa. In July 1974, an entire community of 60,000 Africans was moved from their homes in the Chiweshe Tribal Trust Land, about 40 miles from Salisbury, and relocated in 21 "protected villages".

62. The security forces have not hesitated to commit acts of brutality against Africans who refuse to co-operate with them in their anti-guerrilla campaign. The Commission of Justice and Peace of the Southern Rhodesian Catholic Bishops Conference released a report on 15 April 1974 of its investigations into acts of brutality committed by Southern Rhodesian security forces against the African residents of the northern areas of Southern Rhodesia. i/ The report contains numerous accounts by African witnesses of torture by the security forces in their

h/ See also Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 23 (A/9623/Rev.1), chap. VIII, annex, paras. 24-69.

i/ Report of the Commission of Justice and Peace (Salisbury, 15 April 1974).

attempt to extract information about the guerrillas from the African villagers. The security forces are said to have threatened to shoot villagers who could not provide them with the needed information. In many instances, they were said to have told the villagers that, after shooting them, the security forces could always claim that the villagers had been "terrorists" or that they had "tried to run away" when brought in for interrogation.

63. According to press reports during 1974, some African members of Parliament complained that in at least one case South African forces operating in Southern Rhodesia had shot and killed a child five years of age in the sight of her mother as a way of pressuring the mother to provide information on the guerrillas.

64. On 18 March 1975 Mr. Herbert Chitepo, the Chairman of ZANU and the Director of the guerrilla activities of the Zimbabwe African National Liberation Army (ZANLA) was murdered when his car was blown up by a land mine at his residence at Lusaka. Also killed in the blast were Mr. Chitepo's body-guard, who was with him in the car, and a two-year-old boy standing nearby.

65. The OAU Co-ordinating Committee for the Liberation of Africa condemned the assassination as "yet another desperate attempt on the part of the racist and apartheid régimes in southern Africa as well as their external friends and masters to halt the revolutionary trend of history".

66. The Zambian Government has set up a commission to investigate the assassination of Mr. Chitepo, and is reported to be examining the possibility that Mr. Chitepo might have been killed as a result of possible internal strife within ZANU. In this connexion, the Zambian Government arrested about 50 officials and members of ZANU.

67. In March, the Zambian Government announced that it had banned ZANU, ZAPU and the Front for the Liberation of Zimbabwe (FROLIZI). According to the Zambia Government Gazette, these movements were being used for purposes "prejudicial to the maintenance of peace, order and good government". Shortly thereafter, the Government of the United Republic of Tanzania also banned the three movements.

5. DEVELOPMENTS IN SOUTHERN AFRICA

68. Before the change of government in Portugal on 25 April 1974, the Southern Rhodesian régime, the previous Portuguese Government and the South African régime had maintained a very close association. This association included a "hot pursuit" pact between Portuguese security forces in Mozambique and Southern Rhodesian security forces, an exchange of intelligence information among the security forces of the three régimes and South African assistance to Southern Rhodesia in the form of about 6,000 paramilitary police. In November 1974, Mr. B. J. Vorster, the Prime Minister of South Africa, said that the paramilitary force was in Southern Rhodesia to defend South African interests. Both Portugal and South Africa also provided Southern Rhodesia with the mechanisms to evade United Nations economic sanctions.

69. Since April 1974, the illegal régime of Southern Rhodesia has shown some uneasiness over the developments in Mozambique. This uneasiness was heightened by the Lusaka agreement, signed between Portugal and the Frente de Libertação de Moçambique (FRELIMO), providing that Mozambique would attain independence on 25 June 1975 (A/9769).

70. On 28 May 1974, Mr. Ian Smith, accompanied by his senior cabinet ministers, went to South Africa, reportedly for urgent talks with the South African Government on developments in Mozambique. Immediately after the elections in July, Mr. Smith again visited South Africa for a "vacation". Soon after his return to Southern Rhodesia, a delegation comprising the Ministers of Foreign Affairs, Information, Immigration and Tourism, Transport and Commerce and Industry went to South Africa. Press reports suggested that the purpose of the visit was to discuss the implications of the developments in Mozambique.

71. According to newspaper reports, the illegal régime has been worried about the possibility that a FRELIMO Government in Mozambique might apply economic sanctions against Southern Rhodesia, thus limiting its access to the sea through Botswana to the South African ports. In fact, its concern about possible developments in Mozambique which might prove unfavourable to Southern Rhodesia was already evident in 1969 when it authorized surveys of possible railway routes to connect Southern Rhodesia directly with South Africa. Two such surveys were undertaken: (a) a possible route connecting Bulawayo through West Nicholson with the South African railway line at Beitbridge, requiring the construction of 75 miles of railway line from West Nicholson to Beitbridge; (b) a possible route connecting Gwelo through Rutenga with the South African railway line at Beitbridge, requiring the construction of a new 86-mile railway line from Rutenga to Beitbridge.

72. Although route (a) would have been shorter, the illegal régime decided first to build route (b), because Gwelo is more central than Bulawayo (see map). It had been estimated that the construction of the railway would take about 24 months to complete. On 24 May 1974, however, exactly one month after the change of government in Portugal, the illegal régime ordered that the construction of the railway should be accelerated "in the light of the present circumstances". In September, the railway had reportedly been completed after 93 days of around-the-

clock work. The new link was opened to traffic in October 1974, about 20 months earlier than the original target date. The illegal régime is still concerned, however, over the possibility that South African ports, already congested, may not be able to absorb the additional volume of goods for shipment. Furthermore, the new route will increase Southern Rhodesian freight costs by at least 33 1/3 per cent.

73. Towards the end of October 1974, public statements were made in South Africa and Zambia which appeared to indicate that Mr. Vorster and President Kenneth Kaunda of Zambia shared the view that the time was ripe for settling the outstanding issues in southern Africa. In a speech to the South African Senate on 29 October 1974, Mr. Vorster said:

"I believe that southern Africa has come to the crossroads. I think that southern Africa has to make a choice ... between peace on the one hand or an escalation of strife on the other."

"I believe that now is the time for all who have influence to bring it to bear upon all parties concerned to find a durable, just and honourable solution, so that internal and external relations can be normalized."

74. President Kaunda commented that Mr. Vorster's speech was "the voice of reason for which Africa and the rest of the world have waited". It was reported that President Kaunda had offered to help end guerrilla warfare in Southern Rhodesia provided that a constitutional conference were convened to which all representatives of the Africans and the Europeans would be invited. President Kaunda is reported to have said that "Zambia would call on the liberation movements to desist from armed struggle if Mr. Smith accepts negotiations with the legitimate and authentic leaders of the people of Rhodesia".

75. The United Kingdom has also warned Mr. Smith to take cognizance of the developments occurring in southern Africa. Mr. James Callaghan, the Secretary of State for Foreign and Commonwealth Affairs, is reported to have said in the House of Commons that "Mr. Ian Smith will have to move very fast if he is to catch up with a rapidly changing situation." In January 1975, Mr. Callaghan visited Zambia, the United Republic of Tanzania, Botswana and South Africa to confer with the leaders of those States on the situation in southern Africa.

76. In the same month, the Portuguese Government informed the representatives of the illegal régime of Southern Rhodesia at Lisbon that their presence was "no longer justifiable". The Southern Rhodesia office at Lisbon was to have been closed by the end of April. Since November 1965, only Portugal and South Africa have allowed Southern Rhodesia to maintain a diplomatic presence in their countries.

6. EFFORTS TO ACHIEVE A SETTLEMENT

A. 1974 proposals

77. It may be recalled that, in May 1972, the Pearce Commission, which had been appointed by the United Kingdom Government to ascertain whether the people of Southern Rhodesia, as a whole, accepted the 1971 settlement proposals, determined that the African people were overwhelmingly against the proposals. ^{1/} Since this rejection, Mr. Smith has made several attempts to persuade the African National Council of Zimbabwe to reach a settlement with his régime. He has also held several talks with Bishop Abel Muzorewa, President of the Council.

78. In mid-May 1974, Mr. Smith announced that he had arrived at a tentative agreement with Bishop Muzorewa on proposals to settle the Southern Rhodesian problem. Bishop Muzorewa maintained that he had not arrived at any agreement with Mr. Smith but that he had advised Mr. Smith that his proposals would be put before the Central Committee of the Council for its consideration.

79. The so-called proposals included, among other things, the creation of a House of Assembly of 72 seats, of which Africans would initially hold 22 and Europeans 50 seats. The Africans were to get an additional two seats when Africans registered on the higher voters roll equalled 24 per cent of the European enrolment. Thereafter Africans would gain two additional seats each time their enrolment rose by 6 per cent of the European enrolment. The franchise was to remain as it had been set under the 1969 Constitution (see table 3 above).

80. When Bishop Muzorewa put these proposals before a meeting of the 25 members of the Central Committee of the Council on 2 June 1974, they were unanimously rejected on the grounds that it would take 40 to 60 years for Africans to attain equal representation in Parliament with whites. According to the Central Committee, the proposals "fall short of ANC's demands and therefore deny the African people the acquisition of effective representation". Nevertheless, the Central Committee renewed the mandate of Bishop Muzorewa to continue negotiating with the illegal régime.

81. Following the rejection of the Smith proposals, by the African National Council, the illegal régime announced that it would convene a round-table conference of "representatives from different sectors of African opinion". It had been the intention of the illegal régime to invite to the conference the

^{1/} For details of the Settlement, see Rhodesia Proposals for a Settlement (London, HM Stationery Office, November 1971). For details of the recommendations of the Pearce Commission, see Rhodesia Report of the Commission on Rhodesian Opinion under the Chairmanship of the Right Honourable the Lord Pearce, Cmnd. 4969, (London, HM Stationery Office, 1972). For a brief summary of the events leading to the establishment of the Commission, its investigation and findings, see Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 23 (A/8723/Rev.1), chap. VIII, annex, and ibid., Twenty-eighth Session, Supplement No. 23 (A/9023/Rev.1), chap. VII, annex.

African chiefs and the seven African groups favouring a settlement with the illegal régime so that the Council would be in a minority. The Council announced, however, that it would not attend such a conference unless Mr. Ndabaningi Sithole, President of ZANU, and Mr. Joshua Nkomo, President of ZAPU, were invited to attend. Subsequently, the illegal régime dropped its intention of calling the round-table conference. Some observers have suggested that this was probably because the illegal régime would have found it difficult to depict the leaders of the participating groups as genuine representatives of the African people, in view of the fact that they had received so little African support (20 votes) in the July 1974 elections.

B. Lusaka meeting

82. As a result of secret contacts among the representatives of the Governments of Zambia, South Africa and the illegal régime of Southern Rhodesia, talks were held in Lusaka in November and December 1974 to discuss the possibility of holding a constitutional conference to settle the Southern Rhodesian problem. The illegal régime agreed both in November and December to a temporary release from prison detention of Mr. Sithole, Mr. Nkomo and some of their lieutenants, to enable them to attend the talks with Bishop Muzorewa.

83. The Presidents of Botswana, the United Republic of Tanzania and Zambia and the representatives of the illegal régime of Southern Rhodesia attended the talks in November. Mr. Samora Machel of FRELIMO is also said to have attended the conference. The African presidents held separate meetings with the delegations of ZAPU, ZANU, the African National Council and FROLIZI in an attempt to find a way of forming a united front comprising all the liberation movements. The issue of whether there was a basis for holding a constitutional conference on Southern Rhodesia was discussed at meetings attended by all participants in the conferences.

84. It was not possible, however, to reach agreement on the issues of a constitutional conference and the formation of a united front among the liberation movements and all the released detainees were returned to prison detention in Southern Rhodesia.

85. They were released again in December to attend the second conference. At that conference, a deadlock was reportedly reached on 7 December when the illegal régime refused to accept the demand of the African nationalists that the constitutional conference should be held to arrange for the attainment of "immediate majority rule" in Southern Rhodesia.

86. On 8 December it was announced that all the liberation movements of Zimbabwe had agreed to merge into a new, enlarged executive of the African National Council of Zimbabwe, under the leadership of Bishop Muzorewa, and that all the nationalist groups would "take steps to merge their respective organs and structures" into those of the Council. It was also agreed that the Council would hold a congress within four months "to adopt a new revised constitution, establish policy and choose a leadership of the united people of Zimbabwe".

87. Meanwhile, it was reported that after the illegal régime had announced the breakdown of the talks on the issue of a constitutional conference, representatives of the South African Government had flown to Lusaka for discussions with the African participants, which included the leaders of ZAPU, ZANU, FROLIZI and the Council, and had also flown to Salisbury for talks with the illegal régime. These talks culminated unexpectedly in a radio broadcast by Mr. Ian Smith on 11 December in which he declared that he had reached an agreement with the Zimbabwean leaders on the following terms: (a) an immediate cease-fire; (b) the immediate release of African political detainees; and (c) the convening, without pre-conditions, of a constitutional conference. Mr. Smith also stated that that was "the first stage towards a settlement". No dates were set for the constitutional conference, and it remains unclear how and when the cease-fire would become applicable. In any case, both Mr. Nkomo and the Reverend Sithole returned to Southern Rhodesia as free men.

88. As a result of the agreement reached in Lusaka on 11 December, between the liberation movements of Zimbabwe and the illegal régime, some political detainees in Southern Rhodesia have been released. It is estimated that there were over 300 political detainees, many of whom (including Mr. Sithole and Mr. Nkomo) had been in detention for 10 years. According to the illegal régime, the release of the detainees was on condition that all their political activities henceforth should be "constitutional" and "within the law".

C. Talks between the African National Council of Zimbabwe and the illegal régime

89. In February 1975, a delegation of the African National Council of Zimbabwe, including Bishop Muzorewa, Mr. Sithole and Mr. Nkomo, held two meetings with a delegation of the illegal régime of Southern Rhodesia, led by Mr. Ian Smith. In both meetings, details of a possible constitutional conference on Southern Rhodesia were discussed. The Council reportedly insisted that the conference should be held in Southern Rhodesia under a Southern Rhodesian chairman. No agreement was reached on this important issue at either of the meetings.

D. Arrest and "trial" of Mr. Sithole: effects on the talks

90. While the Council was in the process of assessing its position in preparation for a third meeting with Mr. Smith and his colleagues, the illegal régime arrested Mr. Sithole on 4 March "on charges of plotting to assassinate some of his political opponents". The illegal régime announced that a special court would be convened to determine whether or not a case had been made out for the detention of Mr. Sithole. Bishop Muzorewa, President of the Council, condemned the detention and announced that until Mr. Sithole was released, the Council would not hold further talks with the illegal régime on the possibility of calling a constitutional conference.

91. In March, the OAU Co-ordinating Committee for the Liberation of Africa

condemned Mr. Sithole's detention and accused Mr. Smith of deliberate attempts to slow down progress towards African majority rule. The OAU declared that the charge that Mr. Sithole was plotting the assassination of his colleagues was calculated to sow discord and disunity within the African National Council of Zimbabwe.

92. On 22 March, the illegal régime levelled new charges against Mr. Sithole, consisting of the following: (a) that he was president of ZANU, an unlawful organization in Southern Rhodesia; (b) that he was commander-in-chief of ZANLA, the military wing of ZANU; (c) that he had refused to "countenance the December cease-fire agreement"; (d) that he was "in large degree responsible" for the death of guerrilla warfare victims since the cease-fire agreement; and (e) that he had prevented ZANLA "by all means at his disposal, from coming under the control of the ANC".

93. The Special Court first met on 24 March. On the second day of the hearing Mr. Hector Macdonald, the Acting Chief Justice, announced that the Special Court would not investigate the allegations that Mr. Sithole had plotted the assassination of his colleagues but only the allegations concerning Mr. Sithole's connexion with ZANU and ZANLA. Mr. Israel Maisels, representing Mr. Sithole, informed the Special Court that Mr. Sithole was eager to defend himself against the assassination allegations, the charges for which he had been originally detained, and that he had no intention of defending himself against the charges that connected him to ZANU and ZANLA. Thus, Mr. Sithole instructed his lawyers to withdraw his defence before the Special Court and not to be present during the proceedings in that court.

94. On 2 April, the Special Court announced that it had found Mr. Sithole's detention "fully warranted" because Mr. Sithole "adhered to the basic communist philosophy of ZANU that violence was the only acceptable method of bringing about political change".

95. On 4 April, only 48 hours after the Special Court's finding, Mr. Smith announced on nation-wide radio and television that "at the request of Bishop Muzorewa, four northern presidents and the South African Government" the illegal régime had decided to release Mr. Sithole for the purpose of attending the meeting of the OAU Council of Ministers in Dar es Salaam. He went on to say "In all honesty I must tell you that it is not a decision to which the Rhodesian Government readily agreed". He added, "Both politically and economically we are going through one of the most exacting stages that we have ever known".

96. The next day, Mr. Sithole joined the delegation of the African National Council of Zimbabwe to the OAU conference. At the conclusion of the conference, it was decided by the Council delegation, in consultation with the Government of the United Republic of Tanzania, that Mr. Sithole should remain outside Southern Rhodesia to attend to some council affairs while his permanent release from detention in Southern Rhodesia was being arranged.

97. In the middle of April, Mr. Ian Smith invited Bishop Muzorewa for talks but, on 27 April, the Executive Committee of the African National Council of Zimbabwe

decided not to resume the talks until the illegal régime had implemented the Lusaka agreement of 11 December 1974 (see paras. 82-88 above). According to the Council, that agreement called upon the illegal régime, inter alia, to release all political detainees, halt political trials and the execution of convicted guerrillas, lift the state of emergency and allow free political activity in the country.

E. Dar es Salaam Declaration

98. The Council of Ministers of OAU met in an extraordinary session from 7 to 10 April 1975 at Dar es Salaam to evaluate recent developments in southern Africa. At the end of the session, the Council adopted the Dar es Salaam Declaration on Southern Africa.

99. On the question of Southern Rhodesia the Council declared that:

"Africa's objective in Zimbabwe is independence on the basis of majority rule. This can be achieved either peacefully or by violent means. Either way, Africa will lend its unqualified support to the freedom fighters led by their nationalist movement - the African National Council."

100. The Council of Ministers also declared their desire "to do everything possible to assist the success of such negotiations, in constant consultations with Zimbabwe nationalists themselves". The Council also declared that Africa "must remain absolutely vigilant and undertake the necessary preparations for the intensification of the armed struggle, should a peaceful solution to the Rhodesian conflict be blocked".

101. During the session of the Council of Ministers of OAU the Minister for Foreign Affairs of Zambia informed the Council that "Prime Minister Vorster has now assured us that South African security forces will be withdrawn from Southern Rhodesia/ by the end of May 1975". It will be recalled that South Africa is reported to have a paramilitary force of at least 6,000 men operating in Southern Rhodesia.

7. SUPPORT FOR ZIMBABWE AT COMMONWEALTH SUMMIT MEETING

102. At the end of their summit meeting, held at Kingston, Jamaica, the heads of Government of the Commonwealth countries issued a communiqué on 6 May 1975 in which they, inter alia, "re-emphasized that the objective for Rhodesia was independence on the basis of the majority rule", and pledged "to concert their efforts for the speedy attainment of this objective". Furthermore, they "recognized the inevitability of intensified armed struggle should peaceful avenues be blocked by the racist and illegal régime" (see also paras. 159-161 below).

103. With regard to South Africa's role in supporting the illegal régime of Southern Rhodesia, the heads of Government "reaffirmed their view that South Africa should fulfil its international obligations and strictly apply the United Nations mandatory sanctions and withdraw its forces from Rhodesia".

8. ECONOMIC CONDITIONS

A. General

104. It is not possible to obtain accurate figures pertaining to the economy of Southern Rhodesia. Most statistics available are provided by the illegal régime and are often misleading.

105. In his budget speech to Parliament on 29 August 1974, Mr. John Wrathall, the Minister of Finance, attempted to provide favourable statistics to support his contention that the economy of Southern Rhodesia was in good health. He said that because of the marked improvement in world market prices of primary commodities in the financial year 1973/74, Southern Rhodesia had been able to produce a surplus of \$R 83 million on its merchandise account. He admitted, however, that owing to increased costs of services and reduced earnings from transit traffic (Zambia no longer uses the Rhodesia Railways) and tourism, Southern Rhodesia had experienced a net outflow of invisibles which had risen to \$R 91 million. In terms of capital, Mr. Wrathall claimed that there had been a net inflow of \$R 41 million. Thus, taking into consideration the surplus of \$R 83 million in the merchandise account and the capital net inflow of \$R 41 million, Southern Rhodesia had a net over-all balance-of-payments surplus of \$R 33 million for the financial year 1973/74. Mr. Wrathall estimated that at existing levels of taxation, the budget deficit would be \$R 44 million.

106. He admitted that the budget account deficit was "unacceptably high: it arises from the security situation". He announced that a 10 per cent surcharge would be imposed on the income taxes of both individuals and companies for the year ending 31 March 1974, to cover the \$R 20 million needed to help cover the budget deficit. He rationalized this surcharge by saying: "The elimination of terrorism is in the interest of every taxpayer and it is right that each should contribute his share towards common problems."

107. An examination of the balance-of-payments situation of Southern Rhodesia, as provided by the illegal régime, reveals that since 1965 (see table 4 below) the Territory has suffered a net outflow of invisibles which has had the effect of reducing the net inflow on current and capital accounts. Thus, in the financial years 1971/72 and 1972/73, Southern Rhodesia had net outflows in both current and capital accounts.

108. But in those years since 1965 in which Southern Rhodesia has had a favourable balance of payments, it should be noted that it was the result of large net inflows on the merchandise account. Inasmuch as the merchandise account reflects the export-import situation, it can be seen that, except for 1968 and 1971, Southern Rhodesia has had a favourable balance of trade for every year since 1965. This favourable balance was achieved despite the application of United Nations economic sanctions against Southern Rhodesia.

Table 4

Southern Rhodesia: balance of payments, 1965-1973
(In millions of Southern Rhodesian dollars)

Year	Merchandise, net	<u>Invisible transactions, net</u>			Net balance on current account	Capital transactions, net	Net inflow on current and capital accounts
		Services	Investment income	Transfers			
1965 . . .	77.1	-21.7	-24.8	-4.4	26.2	4.0	30.2
1966 . . .	27.0	-11.6	-15.6	-4.1	-4.3	-4.6	-8.9
1967 . . .	12.3	-17.6	-11.2	-0.1	-16.7	23.7	7.0
1968 . . .	-26.0	-9.3	-13.8	-1.0	-50.1	39.5	-10.5
1969 . . .	27.7	-3.0	-16.9	-4.3	3.6	9.9	13.4
1970 . . .	23.1	-15.1	-19.4	-2.6	-14.0	26.3	12.3
1971 . . .	-1.6	-25.0	-27.6	-3.3	-57.4	30.5	-26.9
1972 . . .	58.2	-23.1	-32.7	-2.7	-0.4	-2.4	-2.7
1973 . . .	83.0	-50.2	-34.6	-5.9	-7.7	40.7	32.9

Source: Southern Rhodesia, Monthly Digest of Statistics, June 1974.

109. According to the statistics of the illegal régime, the gross output of European agriculture rose from \$R 235.0 million in 1972 to \$R 244.8 million in 1973 (see table 5 below). For the same period, African agriculture was reported to have produced \$R 55.1 million in 1972 and \$R 65.8 million in 1973 for consumption by rural households. An insignificant portion of African agricultural products is exported; what the illegal régime classifies as consumption by rural households is therefore almost equivalent to the gross output of African agriculture.

Table 5

Southern Rhodesia: agricultural output, 1969-1973

(In millions of Southern Rhodesian dollars)

Year	European agriculture: gross output	African agriculture: approximate consumption by rural households
1969	168.0	50.7
1970	167.3	56.7
1971	208.3	55.4
1972	235.0	55.1
1973	244.8	65.8

Source: Southern Rhodesia, Monthly Digest of Statistics, June 1974.

110. In fact, only about 6,000 Europeans are involved in farming. Much of the so-called European agriculture is carried out by farming companies and African labour as will be shown below.

111. Table 5 above shows the disparity between the output of European agriculture and that of African agriculture since 1969. The agricultural lands reserved for Africans are mainly good for growing African staple products like maize. The fertile European lands are utilized for the production of tobacco, cotton, sugar and maize and for raising livestock. In 1973, there were 2.5 million European-owned head of cattle; African-owned cattle numbered 3.0 million head. In the same year, the corresponding figures for sheep were 253,500 and 491,000.

112. According to the statistics of the illegal régime, the year 1973 was the Territory's best year in terms of the earnings derived from mineral output. In 1972, the total value of Southern Rhodesia's mineral output was \$R 107.4 million, rising to \$R 135.9 million in 1973, an increase of \$R 28.5 million (see table 6, below). Part of this increase was due to inflation.

Table 6

Southern Rhodesia: mineral output, 1969-1973

(In millions of Southern Rhodesian dollars)

<u>Period</u>	<u>Value</u>
1969	87.7
1970	98.7
1971	101.2
1972	107.4
1973	135.9

Source: Southern Rhodesia, Monthly Digest of Statistics, June 1974.

113. As has been noted in the report of the Special Committee on foreign economic interests, foreign companies control the mining sector of Southern Rhodesia (see chap. V, annex, appendix I, of the present report (A/10023/Rev.1, vol.I)). Such giant companies as Lonrho, Ltd., of the United Kingdom, the Union Carbide Corporation of the United States of America and the Anglo-American Corporation of South Africa produce copper, chrome, iron and steel, asbestos and gold, and are responsible for the mineral production of the Territory.

114. The manufacturing industry expanded mainly after the imposition of economic sanctions on Southern Rhodesia. The need to conserve foreign exchange led the illegal régime to concentrate on manufacturing locally produced products which heretofore had been imported. Thus, the manufacturing industry of the Territory is directed towards the domestic market.

115. According to the reports of the illegal régime, the gross output of the manufacturing industry was \$R 861.9 million in 1972 and \$R 984.2 million in 1973, more than double the value of the 1968 output (see table 7 below).

116. Metal and metal products, food-stuffs, clothing and footwear were the highest contributors to the gross output of the manufacturing sector. Foreign companies such as the Dickinson-Robinson Group of the United Kingdom, South African Beverages and many others are responsible for the manufacturing output of Southern Rhodesia.

Table 7

Southern Rhodesia: gross output of the
manufacturing sector, 1968-1973

(In millions of Southern Rhodesian dollars)

Year	Gross output (including sales of goods not produced on the premises)
1968	468.9
1969	548.8
1970	646.0
1971	751.9
1972	861.9
1973	984.2

Source: Southern Rhodesia, Monthly Digest of
Statistics, June 1974.

B. Gross domestic product and earnings from foreign exchange

117. Since 1969, the manufacturing sector of Southern Rhodesia has replaced the agricultural sector as the leading contributor to the gross domestic product of the Territory (see table 8 below), owing to the effect of economic sanctions which caused a decline in the production of agricultural commodities such as sugar and tobacco.

118. Mining, which ranked fifth in 1973 as a contributor to the gross domestic product, has become the "kingpin" of the economy. Since most of the mining products, such as chrome, copper and nickel, are exported, the mining sector has become the leading earner of foreign exchange. The illegal régime has been successful in evading economic sanctions in so far as it has been able to find markets for its mineral products or to find foreign companies willing to invest in the mining sector in violation of United Nations economic sanctions. For example, it has been revealed that Southern Rhodesia had succeeded in obtaining a number of foreign financial institutions and companies in Austria, the Federal Republic of Germany, Switzerland and the United States to invest £24 million for the expansion of the Rhodesia Iron and Steel Corporation (RISCO). This expansion would have enabled RISCO to produce 1 million tons of iron and steel a year, most of which had been guaranteed to foreign buyers in advance.

119. Although the contribution of the mining sector to the gross domestic product never rose by more than \$R 5 million between 1969 and 1972, it is reported to have risen by \$R 17.2 million in 1973 (see table 8 below). Since the only market for

Table 8

Southern Rhodesia: industrial origin of the gross domestic product, 1964-1973
(In millions of Southern Rhodesian dollars)

	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973
Agriculture and forestry:										
European, Asian and Coloured . . .	88.3	86.7	88.8	86.4	76.3	99.8	94.6	124.5	145.1	147.7
African	43.9	41.3	48.1	50.2	54.5	62.8	66.3	69.7	78.3	86.2
Total agriculture and forestry . .	132.2	128.0	136.9	146.6	130.8	162.5	160.9	194.2	223.3	233.9
Mining and quarrying	38.0	48.3	45.2	46.2	48.4	62.6	67.2	70.3	73.1	90.3
Manufacturing	118.0	135.1	123.1	141.6	157.5	182.6	221.6	254.7	298.4	332.1
Electricity and water	22.7	21.8	24.1	25.7	26.4	29.5	30.4	33.0	37.7	40.4
Construction	32.8	31.9	32.6	40.3	50.4	57.7	60.6	65.6	81.8	93.1
Finance and insurance	8.0	10.4	13.0	15.5	15.1	20.0	21.6	24.0	30.1	33.7
Real estate	15.7	16.9	17.7	19.3	22.5	27.7	31.8	34.9	38.5	43.0
Distribution, hotels and restaurants	91.2	104.5	89.5	101.2	111.6	124.8	138.2	155.2	175.4	203.8
Transport and communications . . .	55.8	60.2	54.5	50.5	58.4	71.0	67.6	76.7	86.6	78.4
Public administration	34.0	39.2	43.6	45.8	48.8	53.8	57.2	64.6	71.5	78.3
Education	22.7	24.0	25.8	26.8	29.2	31.9	34.1	39.4	42.8	47.5
Health	10.2	11.5	12.5	13.0	14.2	15.2	16.4	18.8	20.7	22.3
Domestic services	22.4	23.1	23.7	25.0	27.0	28.2	30.5	33.5	37.8	41.0
African rural household services . .	9.4	9.1	10.1	11.1	11.7	12.2	13.0	13.4	13.7	14.8
Other services	33.2	33.7	35.4	34.4	42.3	44.5	48.8	52.0	56.9	66.1
Gross domestic product	646.4	697.7	687.7	742.9	794.4	924.3	999.8	1 132.1	1 288.5	1 418.5

Source: Southern Rhodesia, Monthly Digest of Statistics, June 1974.

its mining products is outside the Territory, this rise in the contribution of the mining sector represents Southern Rhodesia's success in earning foreign exchange. High prices for minerals on the world market also contributed to the apparent increase in the earnings of the mining sector in 1973.

C. Employment

120. Most of the Africans in Southern Rhodesia work in subsistence agriculture on the Tribal Trust lands and are not included in the employment statistics of the illegal régime. Thus in table 9 below, the Africans indicated as working in agriculture and forestry are actually labourers in European agriculture, which is the leading employer of Africans in Southern Rhodesia. In 1973, 349,000 Africans and 4,800 Europeans were working in European agriculture. The average annual wage of the Africans was \$R 137; that of the Europeans was \$R 3,160, or 23 times higher. Furthermore, whereas the average wage of an African agricultural worker rose by only \$R 2, from \$R 135 to \$R 137 between 1972 and 1973, that of the European agricultural worker rose by \$R 297 (see tables 9 and 10 below).

121. In 1973, 54,000 Africans and 3,560 Europeans were employed in the mining sector. The average annual wage of the African worker was \$R 397; that of the European worker was \$R 5,335. The average wage for an African worker in the mining sector rose by \$R 36 in 1973, while that of the European worker rose by \$R 417 (see tables 9 and 10 below).

122. There were 120,000 Africans and 22,000 Europeans employed in the manufacturing sector in 1973. The average annual wage of the African was \$R 566; that of the European worker was \$R 4,510. The average wage for the African worker in the manufacturing sector rose in 1973 by \$R 39, while that of the European worker rose by \$R 359 (see tables 9 and 10 below).

123. This unfair wage system percolates the entire Southern Rhodesian economy. In fact, a study conducted by the University of Rhodesia concluded that: "Vast numbers of Africans in this country are living below the 'poverty datum line'." The study calculates the poverty datum line in Southern Rhodesia as \$R 73.9 a month for an average, six-member African family. Yet, if calculated on a monthly basis, the average monthly wage of an African agricultural worker in 1973 was \$R 11.4, that of an African mining worker was \$R 33.0 and that of an African worker in the manufacturing sector was \$R 47.16. The study concluded that only 7 per cent of the Africans working in towns earned more than \$R 70 a month. If calculated on the basis of the total African population, the percentage of those Africans whose earnings are above the poverty datum line would be very insignificant.

124. As a result of the discriminatory economic policies of the illegal régime, a large number of Africans are unemployed, and the problem is thus one of growing concern to the illegal régime. For instance, in May 1974, Mr. G. P. S. Lowe, the President of the Associated Chamber of Commerce of Rhodesia, warned that Southern Rhodesia would be "swamped by poverty and social discontent if the challenge of African unemployment was not met". He observed that the latest economic survey showed that 42,000 new jobs were created for the Africans in 1973, but the increase in the African population during the same period totalled 215,000.

Table 9

Southern Rhodesia: employment and earnings of Africans, 1964-1972

	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973
Number in employment (thousands)										
Agriculture and forestry	293.0	289.0	272.0	271.0	282.0	300.5	290.5	303.4	338.2	349.0
Mining and quarrying	41.6	43.6	45.7	47.3	48.4	50.4	53.3	53.9	54.2	54.4
Manufacturing	65.0	63.8	68.6	74.7	82.0	90.2	99.5	105.3	112.6	120.1
Electricity and water	3.7	3.7	3.8	3.8	4.1	4.0	4.2	4.2	4.4	4.8
Construction	28.2	29.4	30.1	30.6	36.1	40.3	42.5	47.0	51.2	58.2
Finance, insurance and real estate	2.1	2.3	2.3	2.5	2.5	2.6	2.8	2.8	2.9	3.2
Distribution, restaurants and hotels	41.9	41.3	38.7	40.6	43.4	46.7	46.2	50.7	57.6	63.7
Transport and communications	15.0	15.8	15.5	15.7	15.8	15.9	17.0	18.7	19.2	20.5
Public administration	17.7	20.1	21.3	23.0	24.3	25.9	27.1	28.9	26.8	28.3
Education	22.3	23.5	24.5	25.0	24.3	24.8	24.4	24.4	24.9	26.0
Health	6.2	6.4	6.6	6.9	7.2	7.2	7.5	7.9	8.2	8.5
Private domestic service	95.7	94.7	95.7	97.8	102.0	105.8	108.4	114.2	120.1	125.5
Other services	17.0	17.0	19.3	20.4	20.7	21.0	23.8	25.1	27.6	28.2
Total	647.0	656.0	644.0	658.0	693.0	735.0	747.0	785.0	848.0	890.4
Average earnings (Southern Rhodesian dollars)										
Agriculture and forestry	123	123	125	123	123	123	127	131	135	137
Mining and quarrying	288	298	300	308	322	334	343	353	361	397
Manufacturing	398	419	426	432	445	474	478	482	527	566
Electricity and water	324	378	368	395	390	400	448	483	505	536
Construction	351	377	375	382	413	394	450	508	531	506
Finance, insurance and real estate	486	524	580	590	620	656	714	743	759	826
Distribution, restaurants and hotels	322	344	349	374	388	403	450	479	486	506
Transport and communications	575	623	632	649	626	654	629	703	773	817
Public administration	338	344	364	360	376	408	409	476	562	595
Education	462	468	506	540	572	609	656	758	766	820
Health	362	438	486	496	532	564	579	618	671	705
Private domestic service	236	240	243	251	261	262	277	289	310	323
Other services	318	323	326	353	386	419	424	420	429	463
Total	238	250	260	268	279	288	306	325	339	358
Total earnings (million Southern Rhodesian dollars)										
Agriculture and forestry	36.2	35.7	33.9	33.2	34.6	36.9	36.8	39.8	45.7	47.9
Mining and quarrying	12.0	12.0	13.8	14.6	15.6	16.9	18.3	19.0	19.6	21.6
Manufacturing	25.9	28.8	29.2	32.3	36.5	42.8	47.6	50.7	59.3	68.0
Electricity and water	1.2	1.4	1.4	1.5	1.6	1.6	1.9	2.0	2.2	2.6
Construction	9.9	11.2	11.4	11.8	15.0	15.9	19.1	23.9	27.1	29.4
Finance, insurance and real estate	1.0	1.2	1.4	1.4	1.6	1.7	2.0	2.1	2.2	2.6
Distribution, restaurants and hotels	13.5	14.2	13.5	15.2	16.8	18.8	21.0	24.3	28.0	32.2
Transport and communications	8.5	9.7	9.7	10.1	9.1	10.6	10.7	13.9	14.9	16.7
Public administration	10.3	6.8	7.8	8.2	9.1	10.6	11.1	12.8	15.1	16.8
Education	2.2	11.0	12.4	12.7	13.9	15.1	16.0	18.5	19.1	21.3
Health	2.2	2.8	3.2	3.4	3.9	4.1	4.3	4.9	5.5	6.0
Private domestic service	22.1	22.7	23.3	24.6	26.6	27.8	30.0	33.0	37.5	40.5
Other services	5.4	5.5	6.3	7.2	8.0	8.8	10.1	10.5	11.8	13.1
Total	154.2	164.0	167.3	176.2	193.0	211.4	228.9	255.4	287.8	318.8

Source: Southern Rhodesia, *Economic Survey of Rhodesia*, April 1974.

Southern Rhodesia: employment and earnings of European, Asian and Coloured persons, 1964-1973

Number in employment	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973
Agriculture and forestry	4 390	4 360	4 370	4 090	4 060	4 540	4 590	4 640	4 680	4 800
Mining and quarrying	2 740	2 950	3 140	3 230	3 340	3 450	3 740	3 670	3 650	3 560
Manufacturing	14 060	15 100	15 110	15 700	16 890	17 480	18 490	19 720	21 340	22 050
Electricity and water	1 200	1 220	1 260	1 310	1 380	1 410	1 440	1 590	1 680	1 750
Construction	5 630	5 670	5 900	6 000	6 610	7 120	7 490	7 890	7 830	8 080
Finance, insurance and real estate	20 320	19 900	18 080	17 970	5 970	6 380	6 550	7 070	7 740	8 300
Distribution, restaurants and hotels	5 130	9 660	9 960	10 130	18 960	19 630	19 970	21 000	21 880	23 110
Public administration	8 980	9 600	10 380	10 760	11 010	11 330	10 240	10 490	10 740	10 890
Education	5 480	5 630	5 740	5 790	5 930	6 120	6 580	6 600	6 920	7 290
Health	2 660	2 800	2 860	2 920	3 010	3 040	3 180	3 480	3 790	3 840
Private domestic service	350	350	370	400	430	430	480	480	480	480
Other services	6 780	6 860	7 230	7 680	8 200	8 620	9 330	9 550	9 680	10 090
Total	87 100	89 800	90 100	91 700	95 800	99 600	103 700	108 400	112 900	116 500
Average earnings (Southern Rhodesian dollars)										
Agriculture and forestry	2 620	2 729	2 540	2 592	2 562	2 643	2 658	2 740	2 863	3 160
Mining and quarrying	3 324	3 436	3 486	3 490	3 640	3 330	4 456	4 809	4 918	5 335
Manufacturing	2 788	2 932	2 952	3 032	3 162	3 330	3 624	3 847	4 151	4 510
Electricity and water	3 250	3 361	3 413	3 435	3 696	3 830	3 840	4 371	4 690	5 055
Construction	2 682	2 787	2 864	2 817	2 955	3 118	3 244	3 707	4 166	4 336
Finance, insurance and real estate	2 344	2 584	2 654	2 790	2 958	3 110	3 382	3 702	3 702	4 336
Distribution, restaurants and hotels	2 067	2 161	2 251	2 320	2 426	2 476	2 654	2 948	3 187	3 376
Transport and communications	2 859	2 930	3 183	3 248	3 210	3 423	3 564	3 758	4 473	4 473
Public administration	2 574	2 684	2 770	2 780	2 920	3 082	3 324	3 591	3 553	3 891
Education	2 210	2 256	2 314	2 384	2 546	2 700	2 709	3 117	3 380	3 603
Health	1 232	1 904	2 048	2 038	2 166	2 314	2 388	2 667	2 765	2 920
Private domestic service	960	960	970	980	990	1 000	1 000	1 050	1 050	1 050
Other services	2 237	2 289	2 282	2 266	2 463	2 575	2 569	2 670	2 841	3 233
Total	2 488	2 577	2 666	2 715	2 823	2 973	3 114	3 357	3 628	3 899
Total earnings (millions of Southern Rhodesian dollars)										
Agriculture and forestry	11.5	11.9	11.1	10.6	10.4	12.0	12.2	12.7	13.4	15.2
Mining and quarrying	9.2	10.2	11.0	11.2	12.2	14.6	16.7	17.7	18.0	19.0
Manufacturing	39.2	43.4	44.6	47.6	53.4	58.2	67.0	75.9	88.6	99.5
Electricity and water	3.9	4.1	4.3	4.5	5.1	5.4	5.5	7.0	7.9	8.9
Construction	14.4	15.8	16.9	16.9	19.4	22.2	24.3	29.3	32.6	35.0
Finance, insurance and real estate	14.4	14.6	15.2	16.0	17.6	19.8	21.5	23.5	28.7	31.9
Distribution, restaurants and hotels	42.0	43.0	40.7	41.7	46.0	48.6	53.0	61.9	69.8	78.0
Transport and communications	26.1	28.3	31.7	32.9	32.0	34.3	36.5	39.4	44.4	48.7
Public administration	23.2	25.8	28.8	30.0	32.1	34.9	36.1	40.6	44.8	47.8
Education	12.2	12.8	13.8	13.1	15.1	16.5	17.8	20.6	23.4	26.0
Health	5.0	5.4	5.8	6.0	6.5	7.0	7.6	9.3	10.5	11.2
Private domestic service	0.3	0.3	0.4	0.4	0.4	0.4	0.5	0.5	0.5	0.5
Other services	15.3	15.7	16.5	17.4	20.2	22.2	24.1	25.5	27.5	32.6
Total	216.8	231.4	240.2	249.0	270.4	296.2	322.9	363.9	409.6	454.2

Source: Southern Rhodesia, Economic Survey of Rhodesia, April 1974.

9. EVASION OF SANCTIONS

A. General

125. The question of the violation of sanctions has continued to engage the attention of the General Assembly and the Security Council, as well as the Special Committee. By paragraph 12 of its resolution 3297 (XXIX) of 13 December 1974, the General Assembly invited "Governments, the specialized agencies and other organizations within the United Nations system, the United Nations bodies concerned ... to take steps, as appropriate, to give widespread and continuous publicity through all the media at their disposal to information on the situation in Zimbabwe and the relevant decisions and actions of the United Nations, with particular reference to the application of sanctions against the illegal régime". By paragraph 13 of the same resolution, the Assembly requested the Special Committee to keep the situation in the Territory under review.

126. According to various reports, there have been numerous instances of possible violations of sanctions against Southern Rhodesia. The present paper concentrates on examining two possible major violations: (a) RISCO; and (b) Air Rhodesia's connexion with international airlines. Their importance lies in the stimulating effect they would have on the economy of the Territory.

127. The present paper also briefly reviews the report on sanctions prepared by OAU (CM/585 (XXIII), Rev.1), which cites certain countries for gross violations of sanctions against Southern Rhodesia, and the status of the Byrd Amendment (section 503 of the United States Military Procurement Act of 1971) in the United States Congress. All the information in this paper has been derived from published sources.

B. RISCO

128. Reports published by The Sunday Times of London in April and May 1974 indicated that the illegal régime of Southern Rhodesia had entered into an agreement with a number of international companies and financial institutions to expand production of RISCO. The agreement was considered to be of great importance to the economy of Southern Rhodesia and, if proven to have been concluded, would represent a major violation of the United Nations economic sanctions. The following is a summary of the background of the position of RISCO in the Southern Rhodesian economy and of several publications relating to the deal.

Background

129. RISCO is located in Que Que about 110 miles south-west of Salisbury. Apart from the illegal Southern Rhodesian régime, the shareholders of RISCO are the Anglo-American Corporation of South Africa, Ltd.; British South African Investments, Ltd.; Tanganyika Properties (Rhodesia), Ltd.; the Lancashire Steel

Corporation, Ltd.; the Messina (Transvaal) Development Company, Ltd. (Messina); the Roan Selection Trust, Ltd. (RST); and Stewarts and Lloyds, Ltd. All of these companies are subsidiaries of companies originally registered in the United Kingdom, the United States and South Africa. In 1972, the output of RISCO was about 410,000 tons of iron and steel.

130. The Southern Rhodesian régime has always considered RISCO as one of the most important economic enterprises in the Territory. Based on the anticipation of the rising needs of the developed world for iron and steel, it had been envisaged as early as 1963 that RISCO could play a part in fulfilling those needs and thereby increase the foreign exchange earnings of the country.

131. Thus, soon after the unilateral declaration of independence, in November 1965, the illegal régime moved to declare RISCO a designated corporation, which made it a public company for all purposes. The régime appointed a custodian with power to administer the conduct of business of the corporation.

132. Since Japan was considered to be a possible importer of iron and steel, among other mineral products, in October 1965, at the invitation of the régime, a four-man trade mission from Japan, representing business companies and the secretariat of the Japanese Machinery Exporters Association, visited Salisbury. There is evidence that Japan imported iron ore and concentrates valued at \$US 4.3 million from Southern Rhodesia in 1966, after the unilateral declaration of independence. k/

133. At that time, the illegal régime began the expansion of RISCO as being central to the growth of the Southern Rhodesian economy. It was envisaged that the final scheme would be likely to "have far-reaching effects on the Rhodesian economy and the banking system in particular". 1/ This scheme has come to be known as the "RISCO deal".

Prospective customers

134. Before a final decision was made on the expansion scheme, it was decided to ascertain whether there would be a prospective market for any iron and steel production in excess of the 1972 output of 410,000 tons.

135. Negotiations were reportedly initiated and concluded with Neunkircher Eisenwerk, AG, of the Federal Republic of Germany, and Getraco-Finmetal, SA, tentatively identified as a Swiss company. The two companies agreed that together they would buy at least 350,000 tons of iron and steel annually from RISCO. They further agreed to provide RISCO with an advance payment of \$R 9.3 million.

k/ Official Records of the Security Council, Twenty-fourth Year, Supplement for April, May and June 1969, document S/9252 and Add.1, appendix, sect. IX.

1/ The Sunday Times of London, 14 April 1974.

136. As a result of this agreement, the illegal régime decided to expand the production of RISCO to 1 million tons of iron and steel a year. The total cost of the scheme was estimated at \$R 62.8 million.

RISCO consortium

137. After much discussion among the participants, several plans for financing the scheme were put forward. According to published reports, it was finally decided to finance the scheme as follows:

(In millions of Southern Rhodesian dollars)

Contractor finance	13.8
Delivery payments	2.0
Foreign loans	26.3
Southern Rhodesian and South African finance	20.7
	<hr/>
	62.8

An Austrian state company, Vereinigte Österreichische Eisen und Stahlwerke Aktiengesellschaft (VOEST), agreed to provide the contractor finance and the delivery payments, and the Standard Bank of South Africa, originally of the United Kingdom, guaranteed the contractor finance. The European-American Banking Corporation, a consortium of foreign banks registered in the United States, offered to provide a \$R 19.3 million secured multicurrency loan through Handelskredit Bank, AG of Switzerland, towards meeting the amount needed for the foreign loan. This loan would be guaranteed by Neunkircher Eisenwerk, AG and Klockner and Company, both of the Federal Republic of Germany, in proportion to the amount of steel each contracted to purchase. Handelsgesellschaft in Zurich, AG (HGZ) would lend the money from the European-American Banking Corporation to RISCO against the guarantees of five Southern Rhodesian banks. HGZ would also provide \$R 3.7 million of its own money to RISCO (which would be guaranteed by VOEST towards meeting the amount needed for the foreign loans). Getraco-Finmetal, SA, would provide an unsecured loan of \$R 3.3 million as part of the \$R 26.3 million foreign loan.

138. Five financial institutions in Southern Rhodesia and South Africa agreed to provide the \$R 20.7 million needed to meet the share of the financing of the scheme that was to come from local sources.

Transfer of funds to Southern Rhodesia

139. By November 1972, all the agreements necessary to begin the actual transfer of funds to Southern Rhodesia for the scheme had been reached. However, some Swiss participants in the scheme feared that the Swiss authorities would discover their role in the scheme. Thus, it was decided that a new company, the South African Steel Corporation (Pty.), Ltd., should be registered in South Africa to act as the intermediary in the transfer of loans from foreign institutions to RISCO.

140. The first loan actually paid was in the amount of \$US 29.0 million. Records show that the European-American Banking Corporation of New York had its Bermuda branch (European-American Finance (Bermuda), Ltd. (EAF)), pay the loan to HGZ, which in turn transferred the money to FEMETCO, AG, a Swiss company. FEMETCO in turn sent the money to the South African Steel Corporation (Pty.), Ltd., which then transferred the money to RISCO.

141. It is reported that after The Sunday Times of London had revealed this arrangement, investigations were started by the competent authorities in the countries in which the international companies involved were registered. According to the report of the Security Council Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia, m/ the Committee is in the process of considering the alleged violations of sanctions in this scheme. The Committee has requested all the Governments concerned to investigate the allegations relating to companies under their jurisdiction.

C. Air Rhodesia and the international airlines

142. According to a report published by Travel Weekly on 2 May 1974, foreign visitors to Southern Rhodesia spend approximately \$US 6.3 million annually in the Territory. Travel to Southern Rhodesia is facilitated by arrangements which the international airlines have made with Air Rhodesia through the International Air Transport Association (IATA).

143. There are three ways by which international airlines appear to be violating the United Nations sanctions against Southern Rhodesia: (a) by providing group tours to Southern Rhodesia; (b) by issuing tickets for travel on Air Rhodesia and/or honouring tickets issued by Air Rhodesia; and (c) by maintaining representatives in Southern Rhodesia.

144. Reports indicate that in 1974 alone there were no fewer than 33 tour operators in the United States and Europe who arranged group tours that included Southern Rhodesia. In fact, according to a study by the Center for Social Action (the United Church of Christ (a non-governmental group active in the United States and Europe)), approximately 580 tours were scheduled to travel to Southern Rhodesia on Air Rhodesia in 1974. Among the airlines which have reportedly participated in this operation are Pan American World Airways (Pan Am), Alitalia Airlines, British Caledonian Airways and Sabena Belgian World Airlines. According to Air Rhodesia computer printouts for March 1974, 16,406 persons were booked by United States travel agents and airlines on charter flights connecting with Air Rhodesia for the rest of the journey. The study by the Center for Social Action also indicates that in 1974 at least 240 tours from Europe were arranged to include passengers visiting Southern Rhodesia. Each tour was said to have had an average of 15 passengers scheduled to travel to Southern Rhodesia by Air Rhodesia. The international airlines involved in this operation are reported to have been Alitalia, South African Airways, Air France, Swissair, KLM Royal Dutch Airlines, Transportes Aéreos Portugueses (TAP), Lufthansa-German Airlines and Sabena.

m/ Official Records of the Security Council, Thirtieth Year, Special Supplement No. 3, document S/1159.

145. In almost all instances, the international airlines were scheduled to transport the tourists to South Africa, where they would be picked up by Air Rhodesia for the final leg of the journey to Southern Rhodesia. The financial transactions for the entire trip to and from Southern Rhodesia were handled between the tour operator and the international airlines involved. Simply stated, the financial arrangements were as follows: the tourist paid the tour operator the total fare to and from Southern Rhodesia. The tour operator paid the international airlines involved, which in turn paid Air Rhodesia for its part of the journey to and from Southern Rhodesia.

146. Various international airlines have been booking their travellers on Air Rhodesia and have also been honouring tickets issued by Air Rhodesia. Through these arrangements, Air Rhodesia has been able to operate its day-to-day flights to and from South Africa and Malawi. As at April 1974, 71 international airlines had interline agreements with Air Rhodesia through the IATA Passenger Agreement and Cargo Agreement (see table 11 below). The United States has informed the Security Council Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia that, since April 1974, all United States airlines have broken whatever interline agreements may have existed with Air Rhodesia.

Table 11

Southern Rhodesia: international airlines reported to have had interline agreements with Air Rhodesia as at April 1974

Aerolineas Argentinas (AA)	Eastern Airlines
Aeronaves de Mexico	Empresa de Transportes Aéreos de Angola, SARL (DTA)
Air Afrique	Finnair
Air Botswana	Hawaiian Airlines
Air Canada	Hughes Air West
Air France	Iberia Air Lines of Spain
Air India	Icelandic Airlines - Loftleidir
Air Inter	Indonesian Airways
Air Jamaica	Itavia
Air Lisbon (MEA)	Japan Air Lines (JAL)
Air Madagascar	KLM Royal Dutch Airlines
Air Malawi	Korean Airlines
Air Manila	Kuwait Airways
Alaska Airlines, Inc.	Leeward Islands Air Transport (LIAT)
Alitalia Airlines	Linhas Aereas de Moçambique (DETA)
American Airlines, Inc.	Lufthansa - German Airlines
Austrian Airlines	Luxair
Avianca Airlines	Malaysian Airlines System
Braniff International (BI)	National Airlines, Inc.
Canadian Pacific Air	Northwest Airlines, Inc.
Cathay Pacific Airways, Ltd.	Olympic Airways
China Airlines, Ltd.	Ozark Air Lines, Inc.
Continental Airlines	Pakistan International Airlines (PIA)
Cyprus Airways	Paz American World Airways (Pan Am)
Czechoslovak Airlines (CSA)	Philippine Air Lines
Delta Air Lines, Inc.	Polish Airlines (LOT)
Dutch Antillean Airlines (ALM)	

Table 11 (continued)

Sabena Belgian World Airlines	Trans-Mediterranean Airways
Saudi Arabian Airlines	Transportes Aéreos Portugueses (TAP)
Singapore Airlines (SIA)	Trans World Airlines, Inc. (TWA)
South African Airways	Turk Hava Yollari (THY)
Southern Airways, Inc.	Union de transports aériens (UTA)
Swissair	United Air Lines
Syrian Arab Airlines	Varig Brazilian Airlines
Thai Airways International	Western Airlines
Transair	Zambia Airways

Source: International Air Transport Association, Interline Agreements Manual, sixth edition.

147. It was reported that in July 1974, IATA advised all IATA carriers that it had nullified its multicarrier, interline agreements with Air Rhodesia. This decision was said to have prompted a number of international airlines to cancel their interline agreements with Air Rhodesia. However, the impact of the decision has not yet been fully assessed.

148. A number of international airlines still maintain representatives and/or offices in Southern Rhodesia. Among such airlines are British Airways, Lufthansa, Alitalia, Pan Am, South African Airways and TAP. Although it is claimed that these offices are maintained in Southern Rhodesia for "information and public relations purposes", according to the study of the Center for Social Action, they have been involved in arranging bookings and financial transactions between the international airlines and Air Rhodesia. It can also be fairly assumed that if these airlines did not have business to transact in Southern Rhodesia, they would have no incentive to conduct activities for "information and public relations purposes".

149. Air Rhodesia has appointed individuals to serve in an "unofficial capacity" as its representatives in foreign countries. Until 25 May 1974, Air Rhodesia had an official office in New York run by a Mr. Renter Cowley, who operated under a licence issued by the United States Department of the Treasury. It was reported that under the licence, he could receive and send money to Southern Rhodesia for "humanitarian" purposes.

150. In a research paper published in October 1974 by the Corporate Information Center in New York, entitled "Tourism to Rhodesia: breaking sanctions", it was stated that:

"In fact, the Air Rhodesia office facilitated numerous commercial transactions between the United States and Rhodesia in violation of the law. For example, Mr. Cowley helped arrange the importation /into the United States/ of trophies from hunting trips in Rhodesia, and he served on the African Trophies Committee for the American Society of Travel Agents. He assisted with the export of Hertz Rent-A-Car uniforms to Rhodesia and facilitated the purchase of technical United States military manuals along with engineering and other equipment for the régime."

151. Mr. Cowley's licence was suspended by the United States Treasury Department on 25 May 1974 and the Air Rhodesia office in New York, which had been in operation for more than six years, was officially closed. In a letter dated 5 July 1974, addressed to his agents in the United States, Mr. Cowley wrote:

"We are all most appreciative for the custom we have enjoyed in the past from you, and greatly look forward to being able to welcome your future clientele to our fair land. If at any time you should need some assistance in clearing air space on our flights, or specific information, particularly in connexion with the general field of tourism, do feel free to contact me and I shall make it a point to reply by return."

152. He reminded his agents that Southern Rhodesia is a party to the Visa Abolition Agreement and thus holders of current United States, Canadian and British passports, "to name but a few", are not required to have a visa to enter Southern Rhodesia.

153. According to the report of the Security Council Committee established in pursuance of resolution 53 (1968) concerning the question of Southern Rhodesia, n/ the Committee requested IATA to ask the international airlines under its jurisdiction to terminate their interline agreements with Air Rhodesia.

D. OAU report

154. In his report on sanctions submitted to the Council of Ministers (CM/585 (XXIII) Rev.1), the Administrative Secretary-General of OAU said that "Japan is the most notorious country with regard to breaking sanctions". The report cites Japan for exporting cars, scooters and electrical equipment to Southern Rhodesia, and for disregarding the notes verbales from the Secretary-General of the United Nations on the question of its violations of sanctions. The report also cites France as a competitor with Japan for the Southern Rhodesian car market. The report states that "France has never disguised her contempt for sanctions" and that some ministers and trade representatives of the illegal régime of Southern Rhodesia had visited France "to arrange for sanction breaking in Europe".

155. The report also notes that the Netherlands Embassy in Addis Ababa had admitted in a note verbale addressed to the Administrative Secretary-General of OAU that some of the enterprises in the Netherlands, such as Zephyr Holland Transito, MV, had succeeded in violating sanctions by shipping goods to Southern Rhodesia. Italy, Switzerland, the Federal Republic of Germany and the United Kingdom were also cited for having violated in one way or another the economic sanctions imposed against Southern Rhodesia.

156. According to the OAU report "Rhodesia would have found it impossible to stand the sanctions war if all African States had co-operated with the United Nations

n/ Ibid., para. 156.

from the beginning". However, the report does not identify the African countries that are suspected of violating sanctions. It states only that, on 13 September 1973, the Administrative Secretary-General of OAU had received a note listing the African countries that were breaking sanctions and that notes verbales had been sent to these countries. By June 1974, when the report was issued, the Administrative Secretary-General noted that "no replies have been received".

E. Status of the Byrd Amendment

157. It may be recalled that, under the Byrd Amendment (section 503 of the United States Military Procurement Act of 1971), United States firms were permitted to import certain minerals from Southern Rhodesia. As previously reported, o/ between 24 January 1972 and 12 January 1973, United States companies imported minerals from Southern Rhodesia valued at \$US 13.3 million. Between 1 January and 30 September 1974, the United States continued to receive minerals from Southern Rhodesia as shown in table 12 below.

158. On 18 December 1973, the United States Senate voted to repeal the Byrd Amendment. Action in the House of Representatives had been expected before the end of 1974, but it was announced in December that the House would not act on the amendment until some time in 1975.

F. Support for Mozambique at Commonwealth summit meeting

159. At their summit meeting held in Kingston, Jamaica, the heads of Government of the Commonwealth countries emphasized in their communiqué issued on 6 May 1975 "the importance of taking immediate practical steps to assist an independent Mozambique in applying sanctions since the great bulk of Rhodesia's exports and imports is dependent on Mozambique's transit facilities" (see also paras. 102-103 above). In this regard, the summit was unanimously "in favour of providing immediate financial assistance" to the new Government of Mozambique which will assume power on 25 June 1974, the date set for independence.

160. In addition, the heads of Government of the Commonwealth countries recommended that "an initiative should be taken" by these Governments at the United Nations "to establish a programme of assistance for Mozambique in terms of Articles 49 and 50" of the United Nations Charter.

161. Press reports indicate that the heads of Government of the Commonwealth countries had decided at their summit meeting to set up a fund of £20 million a year for the support of Mozambique.

o/ Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 23 (A/9623/Rev.1), chap. VIII, annex, para. 204.

Table 12

United States imports of strategic materials from Southern Rhodesia,
1 January to 30 September 1974

Commodity	Quantity (short tons)	Port of embarkation	Port of debarkation	Date of arrival	Vessel	Country of registry
High carbon ferro-chrome	264	Lourenço Marques	Savannah, Georgia	12 January	Mormscape	United States
Nickel cathodes	335	Beira				
Chrysotile asbestos fibre	745	Lourenço Marques	Charleston, South Carolina	25 January	Hellenic Destiny	Greece
Nickel cathodes	36	Rotterdam	Norfolk, Virginia	25 January	Western Express	Federal Republic of Germany
High carbon ferro-chrome	7.762	Lourenço Marques	Burnside, Louisiana	26 January	Sacramento	United States
Low carbon ferro-chrome	1.487		New Orleans, Louisiana			
Ferro-chrome silicon . .	1.005	Lourenço Marques	Burnside	5 February	Stockenfels	Federal Republic of Germany
Nickel cathodes	291	Beira	Savannah	17 February	Marmacleke	United States
Nickel cathodes	44	Lourenço Marques	Baltimore, Maryland	19 February	S. A. Huguenot	South Africa
Asbestos	205	Lourenço Marques	Boston, Massachusetts	6 March	African Sun	United States
Asbestos	307	Durban	Boston	6 March	African Mercury	United States
Nickel cathodes	69	Lourenço Marques	Savannah	17 March	African Dawn	United States
Nickel cathodes	42	Beira	Savannah	4 April	Austral Pilot	United States
Asbestos fibre	69	Lourenço Marques	New York, New York Charleston	8 April	Hellenic Laurel	Greece
Chrysotile asbestos fibre	50	Lourenço Marques	Charleston	1 April	Hellenic Laurel	Greece
Electrolytic nickel cathodes	42	Beira	Savannah	4 April	Austral Pilot	United States
Chrysotile asbestos . .	4	Lourenço Marques	New York	8 April	Hellenic Laurel	Greece
Asbestos fibre	65	Lourenço Marques	Charleston	9 April	Hellenic Laurel	Greece
Electrolytic nickel cathodes	84	Lourenço Marques	Baltimore	25 April	Mormscape	United States
Electrolytic nickel cathodes	36	Lourenço Marques	Los Angeles, California	1 May	Nedlloyd Kimberley	Netherlands
Electrolytic nickel cathodes	6	Lourenço Marques	Seattle/Tacoma, Washington	4 May	Nedlloyd Kimberley	Netherlands
Electrolytic nickel cathodes	20	Lourenço Marques	Seattle/Tacoma	30 May	Nedlloyd Kambila	Netherlands
Electrolytic nickel cathodes	107	Lourenço Marques	Baltimore	30 May	Potomac	United States
High carbon ferro-chrome	572	Lourenço Marques	Baltimore	31 May	Potomac	United States
High carbon ferro-chrome	7.730	Lourenço Marques	New Orleans	4 June	American Condor	United States

Table 12 (continued)

Commodity	Quantity (short tons)	Port of embarkation	Port of debarkation	Date of arrival	Vessel	Country of registry
Chrome ore	5.119	Lourenço Marques	New Orleans	4 June	American Condor	United States
High carbon ferro-chrome	2.323	Lourenço Marques	Burnside	6 June	Potomac	United States
Chrysotile asbestos fibre	150	Lourenço Marques	Charleston	15 June	Hellenic Carrier	Greece
Asbestos fibre	100	Lourenço Marques	Charleston	21 June	Hellenic Carrier	Greece
Electrolytic nickel cathodes	42	Lourenço Marques	Los Angeles	6 July	Nedlloyd Kyoto	Netherlands
Electrolytic nickel cathodes	84	Port Elizabeth	Savannah	14 July	Austral Pilot	United States
Electrolytic nickel cathodes	126	Lourenço Marques	Savannah	22 July	African Dawn	United States
High carbon ferro-chrome	551	Lourenço Marques	Baltimore	24 July	African Dawn	United States
Electrolytic nickel cathodes	126	Lourenço Marques	New Orleans	7 August	Diana Skou	Denmark
Low carbon ferro-chrome	1.653	Lourenço Marques	Burnside	21 August	Yellowstone	United States
Ferro-chrome silicone .	552	Lourenço Marques	Burnside	21 August	Yellowstone	United States
Chrome ore	842	Lourenço Marques	New Orleans	21 August	Yellowstone	United States
High carbon ferro-chrome	1.648	Lourenço Marques	New Orleans	21 August	Yellowstone	United States
Chrome ore	6.220	Beira	New Orleans	21 August	Yellowstone	United States
Chrome ore	5.466	Beira	New Orleans	21 August	Yellowstone	United States
Electrolytic nickel cathodes	32	Port Elizabeth	Savannah	23 August	African Comet	United States
Chrome ore	14.927	Lourenço Marques	Burnside	9 September	James	United States
Electrolytic nickel cathodes/offcuts . . .	493	Lourenço Marques	New Orleans	9 September	James	United States

APPENDIX

Map of Southern Rhodesia

CHAPTER X

(A/10023/Add.3)

NAMIBIA

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CHAPTER X

NAMIBIA

A. CONSIDERATION BY THE SPECIAL COMMITTEE

1. The Special Committee considered the question of Namibia at its 1002nd to 1009th meetings, between 13 and 18 June 1975, during its session held at Lisbon.

2. In its consideration of this item, the Special Committee took into account the provisions of the relevant General Assembly resolutions, including in particular resolutions 3295 (XXIX) of 13 December 1974 on the question of Namibia and 3328 (XXIX) of 16 December 1974 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. By paragraph 11 of resolution 3328 (XXIX), the General Assembly requested the Special Committee "to continue to seek suitable means for the immediate and full implementation of resolutions 1514 (XV) and 2621 (XXV) 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 thirtieth 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.

5. In response to the invitation, the representative of SWAPO attended the relevant proceedings of the Special Committee during the Committee's meetings at Lisbon (see para. 8 below).

2. General debate

6. At its 999th meeting, on 14 May, by adopting the seventy-sixth report of the Working Group (A/AC.109/L.1011), the Special Committee decided to take up the question of Namibia during its meetings at Lisbon in June and to hold a general debate covering the questions of Southern Rhodesia and Namibia, on the understanding that draft resolutions or consensuses on matters relating to those items would be considered separately.

7. Accordingly, at its 1002nd to 1009th meetings, between 13 and 18 June, the Special Committee considered the question of Namibia, with the active participation of the representative of SWAPO, and on the conclusion of the general debate, adopted a consensus on the item (see para. 11 below). Statements in the general debate were made by the representatives of Cuba, Australia, Indonesia, Bulgaria, the Congo, Mali and India at the 1004th meeting (A/AC.109/PV.1004); Denmark, Sierra Leone and Yugoslavia at the 1005th meeting (A/AC.109/PV.1005 and Corr.1); Trinidad and Tobago, Czechoslovakia, Iraq, the Union of Soviet Socialist Republics and the Ivory Coast at the 1006th meeting (A/AC.109/PV.1006); Iran, Chile and the United Republic of Tanzania at the 1007th meeting (A/AC.109/PV.1007); and Ethiopia, Tunisia, Portugal and Afghanistan at the 1008th meeting (A/AC.109/PV.1008).

8. As referred to in paragraphs 4 and 5 above, the representative of SWAPO, Mr. Moses Garoeb, made a statement at the 1005th meeting (A/AC.109/PV.1005 and Corr.1).

9. Statements relating to the item were also made by the Chairman of the Special Committee against Apartheid, the Executive Secretary of the OAU Co-ordinating Committee for the Liberation of Africa and representatives of specialized agencies and other organizations within the United Nations system and non-governmental organizations (A/AC.109/PV.1001-1003, 1006 and 1007; see also chap. II of the present report (A/10023/Rev.1, vol. I)).

3. Draft consensus

10. At the 1007th meeting, on 17 June, the Chairman submitted to the Special Committee for its consideration a draft consensus on the item (A/AC.109/L.1031), prepared by him on the basis of related consultations.

11. At the 1009th meeting, on 18 June, following a statement by the representative of Australia (A/AC.109/PV.1009), the Special Committee adopted the draft consensus without objection (see para. 13 below). The representative of Denmark made a statement (A/AC.109/PV.1009).

12. On 27 June, the text of the consensus (A/AC.109/495) was transmitted to the Permanent Representative of South Africa to the United Nations for the attention of his Government. On the same day, copies of the consensus were transmitted to the President of the Security Council (S/11745) and to the President of the United Nations Council for Namibia. Copies of the consensus were also transmitted to all States and to the specialized agencies and other organizations within the United Nations.

B. DECISION OF THE SPECIAL COMMITTEE

13. The text of the consensus (A/AC.109/495) adopted by the Special Committee at its 1009th meeting, on 18 June, to which reference is made in paragraph 11 above, is reproduced below:

1. Having considered the question of Namibia within the context of the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and having heard the statement by the Administrative

Secretary of the South West Africa People's Organization (SWAPO), 1/ participating as an observer, as well as the related statements by the Chairman of the Special Committee against Apartheid 2/ and by the Executive Secretary of the OAU /Organization of African Unity/ Co-ordinating Committee for the Liberation of Africa, 3/ the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples reaffirms its previous resolutions and decisions on the question and strongly condemns South Africa's continued illegal occupation of Namibia, its outright violation of its obligations under the Charter of the United Nations with regard to the Territory, its inhuman practice of "bantustanization" and apartheid, its deliberate policy of destroying the national unity and territorial integrity of Namibia and, in particular, its failure to implement the relevant provisions of Security Council resolution 366 (1974) of 17 December 1974.

2. The Special Committee notes with deep concern that during the past year the Pretoria régime has further escalated its reign of terror over the Namibians, including in particular the members of their national liberation movement, SWAPO, by killings, mass arrests, detentions, floggings and other repressive measures and practices. The Special Committee condemns such actions as a flagrant violation of the fundamental rights of the Namibian people and as an affront to human dignity and social justice; calls for the immediate cessation of these repugnant acts of oppression and repression against the Namibian people; and demands, in particular, the unconditional release of all political prisoners, detainees and restrictees. The Special Committee calls upon the South African régime to end forthwith its policies and practices of "bantustanization" of the Territory.

3. In reaffirming the inalienable right of Namibians to self-determination and independence in accordance with General Assembly resolution 1514 (XV) of 14 December 1960, the Special Committee considers it essential for the people of the Territory to exercise that right in an atmosphere of complete freedom and security, devoid of any form of harassment, arrest, detention, intimidation or imprisonment. To this end, the Special Committee firmly declares that, for the purpose of enabling the people of Namibia to determine their own future in accordance with their true wishes and aspirations, it is imperative that free elections, under the supervision and control of the United Nations, be organized without delay. Consequently, the Special Committee categorically rejects and denounces the staging of all sham elections and the instituting of so-called constitutional changes by the Vorster régime in Namibia.

1/ A/AC.109/PV.1005 and Corr.1.

2/ A/AC.109/PV.1003.

3/ A/AC.109/PV.1007.

4. Aware that the victories and advances achieved by the forces of liberation in their fight for freedom in southern Africa have turned the balance in favour of the final termination of the illegal presence of the Pretoria régime in the international Territory, and mindful of the need to bring about, at this critical stage, the maximum isolation of that régime until it has renounced its policy of colonialist and racist domination over Namibia, the Special Committee strongly urges those States which have not yet done so to discontinue forthwith all diplomatic, economic, consular and other relations with South Africa, purporting to act on behalf of, or concerning, Namibia, as well as all military and strategic collaboration with that régime. The Special Committee also calls upon South Africa's major trading partners and those financial, economic and other interests which collaborate with the régime in exploiting and depleting the Territory's natural resources to the detriment of their rightful owners, to cease all such support and collaboration, in keeping with the provisions of the Decree on the Natural Resources of Namibia enacted by the United Nations Council for Namibia on 27 September 1974, 4/ in order to ensure the protection and preservation of those resources for the benefit of the Namibian people.

5. The Special Committee reaffirms its continued support of, and solidarity with, the people of Namibia, led by their national liberation movement, SWAPO, in their courageous and unyielding struggle against the ruthless repression by the South African authorities. The Special Committee notes with satisfaction the various programmes of assistance initiated both bilaterally and on a multilateral basis and calls upon all States and the specialized agencies and institutions within the United Nations system, in close co-operation with the United Nations Council for Namibia, to take all the necessary measures with a view to providing increased moral and material assistance to the Namibian people through their national liberation movement. The Special Committee also notes that concrete steps are being taken by the United Nations Council for Namibia to launch the Institute for Namibia at Lusaka and urges all concerned to co-operate fully with the Council in the elaboration of the required programme of assistance.

6. In view of the continued illegal occupation of Namibia by South Africa and that Government's persistent and contemptuous disregard of United Nations decisions, in particular Security Council resolution 366 (1974), and bearing in mind the direct responsibility of the United Nations for the Territory, the Special Committee urges the Security Council to consider taking all appropriate measures under the Charter, including those provided for in Chapter VII, with a view to securing the full and speedy compliance of the Government of South Africa with these decisions. The Special Committee launches a solemn appeal to States to observe scrupulously the arms embargo against South Africa. In particular, the Special Committee calls upon them

4/ Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 24A (A/9624/Add.1), para. 84.

to desist forthwith from entering into military arrangements of any kind with the South African régime and from the sale or supply of all arms and military matériel to South Africa, including civil aircraft, ships and other means of transport capable of being used for transporting military matériel and personnel, as well as supplies, equipment and material for the manufacture or maintenance of weapons and ammunition which South Africa uses to perpetuate its illegal racist occupation of Namibia. At the same time, the Special Committee recommends to the Security Council that it declare mandatory the arms embargo against South Africa without any qualification whatsoever.

7. The Special Committee deplores the attitude and activities of those States which continue to frustrate decisive international action against South Africa's illegal occupation of Namibia. In this regard, the Special Committee urges those permanent members of the Security Council whose negative votes on various proposals relating to the question have helped South Africa to perpetuate its illegal racist domination over Namibia and have thus continued to frustrate the efforts and wishes of the overwhelming majority of the international community in this regard, to reconsider their negative attitude with a view to the elimination forthwith of the explosive situation obtaining in the Territory, which poses a serious threat to international peace and security.

8. The Special Committee commends the United Nations Council for Namibia on the vigorous measures which it has taken to carry out the mandate entrusted to it by the General Assembly and in particular to protect and safeguard the interests and well-being of the Namibian people. The Special Committee calls upon all States and intergovernmental and non-governmental organizations to co-operate, or continue to co-operate, with the Council - the legitimate authority responsible for the administration of Namibia - in bringing about the full and speedy implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples with respect to the international Territory of Namibia.

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* Previously issued under the symbols A/AC.109/L.1007 and Add.1.

NAMIBIA

1. LAND AND PEOPLE

1. Namibia, formerly known as South West Africa, lies along the South Atlantic Ocean between the 17th and 29th parallels of south latitude. It is bound on the north by Angola and Zambia, on the east by Botswana, and on the south-east and south by South Africa. The area of the Territory is approximately 318,000 square miles. Its length is approximately 800 miles from north to south, and its width, from east to west, averages 350 miles. The Caprivi Strip, an elongated piece of land in the north-east corner of Namibia, runs east as far as the juncture of Zambia and Southern Rhodesia.

2. The last official census of the population of Namibia was taken in 1960. At that time, the population totalled 526,000, comprising 452,540 non-whites and 73,464 whites.

3. According to non-official sources, Namibia's population in 1970 was estimated at 746,300 (an increase of 220,300 compared with 1960), of whom 125,400 were classified as whites and 620,900 as non-whites. a/ The ethnic distribution of the population in 1960 and 1970 is shown in table 1 below.

Table 1

Namibia: ethnic distribution of population, 1960 and 1970

Ethnic group	1960 total	1970 total (estimate)
Ovambos	239,363	326,900
Whites	73,464	125,400
Damaras	44,353	60,500
Hereros	35,354	47,800
Namas	34,806	47,700
Kavangos	27,871	38,100
East Caprivians	15,840	21,700
Coloureds	12,708	19,700
Rehoboth Basters	11,257	16,400
Bushmen	11,762	16,300
Tswana and others <u>a/</u>	9,992	12,400
Kaokovelders	9,234	13,400

Source: 1960 data from the official census; 1970 data compiled from published sources.

a/ Of the total, an unspecified number comprised extraterritorial migrant workers, including 4,000 Angolans.

a/ The South African Government released current population statistics in August 1974. These have not yet become available to the Secretariat. According to press reports, the South African data give a total population of 850,000 of whom 90,000 are whites (The New York Times, 29 September 1974).

4. In 1960, the last year for which information regarding population distribution is available, 54.5 per cent of the population (including 358 non-Africans) lived in four so-called northern Native reserves (Ovamboland, Okavango, the Kaokoveld and the Eastern Caprivi), with a total area of 56,185 square miles. The remainder of the population (45.5 per cent), lived in the so-called Police Zone (the area of permanent white settlement, with an area of 183,995 square miles), of which 15 per cent was set aside as Native reserves. Of the total Police Zone population, 73,106 were whites, 142,099 were Africans (including 28,761 migrant workers from the northern Native reserves), 12,699 were Coloureds and 11,257 were Bastards. Of the total African population in the Police Zone, 64,314 lived on white farms, 48,919 lived in urban areas, 24,931 were in Native reserves and 3,935 were in the Rehoboth Gebiet.

2. STATUS OF NAMIBIA

5. By its resolution 2145 (XXI) of 27 October 1966, the General Assembly decided to terminate South Africa's mandate over Namibia (then known as South West Africa) and to place the Territory under the direct responsibility of the United Nations. Subsequently, by resolution 2248 (S-V) of 19 May 1967, the General Assembly decided to establish a council to administer the Territory until independence and to enter immediately into contact with the authorities of South Africa in order to lay down procedures for the transfer of the administration of the Territory. By the same resolution, the General Assembly also decided that the Council should entrust such executive and administrative tasks as it deemed necessary to a commissioner.

6. The decision of the General Assembly to terminate the mandate was reaffirmed by the Security Council in its resolution 276 (1970) of 30 January 1970 which declared that the continued presence of the South African authorities in Namibia was illegal. On 21 June 1971, the International Court of Justice, in an advisory opinion delivered in response to a request by the Security Council, confirmed that the continued presence of South Africa in the Territory was illegal and that therefore South Africa was under obligation to withdraw its administration from the Territory. b/

7. The Government of South Africa, for its part, has continued to defy the authority of the United Nations. In a letter dated 26 September 1969, the Minister for Foreign Affairs of South Africa informed the Secretary-General that his Government did not recognize the legality of resolution 2145 (XXI) and that as a consequence it considered that all subsequent United Nations resolutions flowing from it, including those of the Security Council, were equally invalid. c/ The South African Government has refused to withdraw its administration from Namibia and has prevented the United Nations Council for Namibia from proceeding to the Territory in order to carry out the functions entrusted to it.

8. In 1974, the Security Council, by its resolution 366 (1974) of 17 December, condemned the continued illegal occupation of Namibia by South Africa, demanded that South Africa make a solemn declaration that it would comply with the resolutions and decisions of the United Nations and the advisory opinion of the International Court of Justice and demanded further that South Africa take the necessary steps to effect the withdrawal of its illegal administration and to transfer power to the people of Namibia. The Security Council decided to remain seized of the matter and to meet on or before 30 May 1975 for the purpose of reviewing South Africa's compliance and, in the event of non-compliance, for the purpose of considering the appropriate measures to be taken under the Charter of the United Nations.

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

c/ Official Records of the Security Council, Twenty-fourth Year, Special Supplement No. 2, document S/9463, annex I.

3. ADMINISTRATION AND SEPARATE DEVELOPMENT

A. "Homelands" policy and the fragmentation of Namibia

9. As reported previously, since 1968 the South African Government has formally put into effect its policy of establishing "homelands" as recommended by the Odendaal Commission. d/ As envisaged by the Commission, an aggregate of 40 per cent of the least desirable and least developed land would be set aside as separate "homelands" for each of the non-white groups, other than the Coloureds, which eventually, depending on the "readiness" of the inhabitants would become so-called "self-governing areas". A total of 43 per cent of the land containing most known mineral reserves and all urban areas, seaports and transportation facilities, would be a white area; control over all unsurveyed lands and the two large diamond areas on the south-west coast, constituting 17 per cent of the total area of Namibia, would pass directly to South Africa.

10. Implementation of the plan also posited massive dislocations of the non-white population. Except for the Ovambos, Okavangos, East Caprivians, and Kaokovelders (i.e., the inhabitants of the four Native reserves stretching along the northern border of the Territory), and the Rehoboth Basters, few of the other non-white groups, including the Damaras, Hereros and Namas, lived in the areas designated as their "homelands". In 1960, of the Damara population of 44,353, for example, only some 2,400 lived in the proposed "Damaraland"; of the remainder, 1,224 lived in other Native reserves in the Police Zone and 38,329 lived in white urban and rural areas.

11. In implementation of the Odendaal Plan, the South African Parliament enacted the Development of Self-Government for Native Nations in South West Africa Act e/ in 1968, and the South West Africa Affairs Act in 1969. These two acts provided the legal basis for the establishment of 6 of the 10 proposed "homelands" and the transfer back to South Africa of a major portion of the government functions exercised by the territorial Legislative Assembly.

12. Up to the end of 1974, only the Ovamboland, Kavangoland and Eastern Caprivi "homelands" had been established, with essentially the same boundaries as the former Native reserves. Owing to the resistance of the larger African groups in

d/ 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 I), document A/5800/Rev.1, chap. IV, paras. 18 et seq.

e/ It is necessary for information purposes to refer throughout this paper to legislation, various parts of the governmental structure and to the titles of various members of the illegal minority régime in Namibia. The use of such terms as "constitution", "Administrator", "Executive Committee", "Legislative Assembly" etc. without quotation marks does not in any way imply recognition by the United Nations of the illegal régime.

the Police Zone to resettlement (see paras. 49-51 below), the South African Government has not yet pressed its plan to create "homelands" in that area. It has none the less made clear that it intends to persevere in the full implementation of the "homelands" policy, also referred to as "separate development". Since the 1968 legislation envisaged the development of the "homelands" into "self-governing Native nations", it is the South African Government's position that such development will constitute compliance with the resolutions of the General Assembly calling upon it to grant the African majority the right to self-determination and independence.

B. Administration of whites and non-whites

13. In keeping with its policy of separate development, the South African Government has established different administrative arrangements for whites, Africans and Coloureds, as well as for Namas and Rehoboth Basters.

WHITES

(a) Territorial Government

14. The basic governing instruments of the white area are the South West Africa Constitution Act of 1968, No. 39, as amended, and the South West Africa Affairs Act of 1969. The latter Act divests the territorial Government of the majority of powers conferred upon it by the Constitution, although it leaves the structure of that Government intact. In effect, the white area is reduced to the status of a fifth province of the Republic.

15. Under the 1968 Constitution, the white area is administered by a Government consisting of an Administrator appointed by the South African Government; an Executive Committee, consisting of the Administrator as Chairman and four members of the Legislative Assembly; and an 18-member Legislative Assembly elected by the white voters. All members of the current Legislative Assembly, elected on 25 April 1974, are members of the National Party, which forms part of the South African governing party.

16. Under the Constitution, the Legislative Assembly exercises authority by ordinance over those matters delegated to it by the Government of South Africa. All ordinances must be assented to by the Administrator or the State President of South Africa and may be overridden by them at any time. Until 1969, the Legislative Assembly exercised virtually unlimited powers of local self-government.

17. By the South West Africa Affairs Act of 1969, the South African Government withdrew 25 areas of authority from the Legislative Assembly and transferred control over them to legislative and executive branches of the Government of South Africa.

18. The only matters over which the Legislative Assembly now exercises control are health services in the white area; environmental services for the Territory as a

whole; local authorities, including the establishment of towns; public works; personal income taxes; and the licensing of businesses, motor vehicles and entertainment. Legislative authority over all other matters is exercised by the South African Parliament, in which the white electorate of Namibia has been represented since 1951. The Territory's white representatives in the South African Parliament comprise six directly elected members of the House of Assembly and four senators, two indirectly elected and two nominated by the State President. Currently, all 10 members representing Namibia in the South African Parliament are members of the National Party.

(b) Matters reserved to South Africa

19. Under the 1968 Constitution, legislative authority over the following matters was reserved to the South African Parliament: native affairs; railways and harbours; the public service; the Constitution; jurisdiction and procedure of the courts; posts, telegraphs and telephones; the military organization and the police force; movements and operations in the Territory of the South African defence force; customs and excise; and currency and banking.

20. The South West Africa Affairs Act of 1969 transferred the following areas of authority formerly exercised by the Legislative Assembly to the South African Parliament: arms and ammunitions; cruelty to animals; prisons and prisoners; water affairs; social welfare; monuments, archives and museums; mining and minerals; forestry; matters affecting Coloureds, Namas and the Rehoboth community; companies and corporations; trade marks; patents, designs and emblems; weights and measures; explosives; fish and fishing; supplies and facilities for South African government departments in Namibia; censorship; marriage; labour relations; income and other taxes; stock and produce thefts; riotous assembly and racial hostility; immorality; and registration of births, deaths and marriages.

21. The administration of matters reserved to the South African Parliament is controlled either by South African government departments or agencies, with branches and staff in Namibia, or indirectly through the Administrator of the Territory. Control of the administration of Africans is vested in the Minister of Bantu Administration and Development.

(c) District and urban administration

22. The white area is divided into 18 magisterial districts each of which is administered by a white district magistrate, i.e., a judicial officer appointed by the Administrator. Urban areas are under the control of local government authorities.

23. In 1966, the latest year for which complete information is available, there was a total of 29 urban local government authorities, comprising 17 municipal councils and 12 village management boards. The authority of a municipal council or a village management board covers the white town or city; the African township; and the Coloured township where one exists. All local government authorities

operate under the control of the Administrator in respect of whites and Coloureds and under the control of the South African Minister of Bantu Administration and Development in respect of Africans.

24. Residence in African townships is generally limited to Africans born in the urban area concerned or those who meet other requirements for permanent residence. Other Africans are not entitled to remain in urban areas for more than 72 hours or to seek work there without an official permit. Africans unable to find work, or who become unemployed, must leave the area within 14 days and return to their respective "homelands" or reserves.

25. Day-to-day administration of African townships in the white area is carried out by superintendents who are white employees of the urban local authorities. Each African township also has an advisory board consisting of at least three African residents of the area and a chairman, who is usually the township superintendent. (The Odendaal Commission recommended that the composition of the advisory boards should be revised so that at least 60 per cent of the members would be elected by local residents and the balance would be appointed by the Legislative Council of the "homeland". No information is available as to what extent this recommendation has been carried out.) The functions of the advisory boards are to consider and report on any regulations proposed by the local administrator affecting residents of the township and on other relevant matters, and to recommend the making of regulations which they consider necessary or desirable.

26. Since 1965, similar advisory boards or consultative committees have been set up for Coloured townships.

NON-WHITES

(a) "Self-governing homelands"

27. The Development of Self-Government for Native Nations Act, 1968, provided for the establishment of six "Native nations" to be known as Ovamboland, Kavangoland, Eastern Caprivi, Damaraland, Hereroland and Namaland. Apart from providing that each "homeland" shall have a legislative council and an executive committee, headed by a chief councillor, there are no specific provisions for the internal political structures of these areas. Instead, discretionary authority is vested in the State President of South Africa, who is empowered to determine: (a) when each "homeland" shall be declared; (b) the size of each legislative council and whether its members shall be elected or appointed or both; and (c) the scope of the functions to be exercised by each legislative council, out of a total of 22 "scheduled" matters. The State President is also empowered to legislate for the "homeland" by proclamation and to repeal or amend any enactment passed by the legislative council. Matters over which the legislative councils may have limited authority include: education; welfare services; administration of civil and criminal justice according to tribal and customary law; taxation; farming and agriculture; industry; public works; markets; and the administration of revenue funds.

28. Amendments to the Native Nations Act of February 1973 empowered the State President of South Africa to "elevate" a "homeland" to the status of a "self-governing" area. Such areas appear to differ from "homelands" only in that the enactments of their legislative councils, although still requiring the assent of the State President, theoretically have the effect of law, and the executive government is said to be vested in a chief minister and cabinet composed of ministers, instead of in an executive committee headed by a chief councillor.

29. As noted above (para. 12), by the end of 1974 only three "homelands", (Ovamboland, Kavangoland and the Eastern Caprivi) had been established. Of these, only Ovamboland and Kavangoland had been declared to be "self-governing" in terms of the 1973 amendments. The Eastern Caprivi, for which a Legislative Council had been established in 1972, is to become "self-governing" in 1975.

30. Liaison between the "homelands" and/or "self-governing" areas and the South African Government is carried out by an official referred to as the Commissioner-General to the Indigenous Peoples of South West Africa, who is appointed by the South African Government. The South African Government is further represented by both a Chief Commissioner and a Commissioner in Ovamboland and by commissioners in Kavangoland and the Eastern Caprivi. Although these officials purportedly serve only in an advisory capacity to the local governing bodies, it is widely understood that they ensure the enforcement of South African policy, which is implemented by an unknown number of white civil servants seconded by the South African Government to assist the councillors and/or ministers in the exercise of their functions.

31. A brief description of the governmental structure of the "homelands" is given below, together with an account of recent important developments in those areas.

(i) Ovamboland

32. Ovamboland was designated a "self-governing area within the Territory of South West Africa", with effect from 1 May 1973 (the Ovamboland Constitution Proclamation 1973, as amended). The proclamation provides for: (a) a 77-member Legislative Council, comprising 35 members designated by the seven Ovamboland tribal authorities and 42 members elected by direct adult franchise; and (b) a Cabinet consisting of a Chief Minister elected from among the members of the Legislative Council, and six other ministers appointed by him from among members of the same body. According to the proclamation, the life of the Legislative Council is to be five years. Administration is effected through seven executive departments headed jointly by a member of the Cabinet and a white director. The departments are economic affairs, interior, public works, agriculture and forestry, justice, education and finance.

33. Since its establishment in 1968, the Ovamboland Government has been denounced, particularly by the South West Africa People's Organization (SWAPO), as being composed of puppets of the South African régime. Many of the actions by the Ovamboland Government in 1974 have been widely criticized. Such actions include the flogging of supporters of SWAPO and the Democratic Co-operative Development

Party (DEMKOP), both of which are opposed to the "homelands" policy; a cash contribution, collected in the form of taxes, made to the South African Government to combat "terrorism"; and joining the South African Government in accusing those Ovambos who fled the "homeland" after June 1974 to escape repression of seeking "terrorist" training (see para. 89 below).

34. On 1 October 1974, the Ovamboland Cabinet announced that it would dissolve the Legislative Council elected in August 1973, and hold new elections in January 1975, in order to elect representatives to the proposed multiracial talks (see paras. 105-124 below) and to increase by three the elected representatives per tribe. According to press reports, by 6 November 1974, 111 candidates, none representing a political party, had been nominated.

35. Elections to the Ovamboland Legislative Assembly were held from 13 to 17 January 1975. According to official tabulations, a total of 66,000 Ovambos, or 55 per cent of the eligible voters, cast ballots. The South African and "homeland" authorities have considered the vote as a rebuttal to SWAPO, which had called upon the Ovambos to boycott the elections, and a vote in favour of the policy of separate development and of the proposed multiracial talks.

36. On the other hand, the validity of the election results has been challenged by SWAPO, which has accused the South African Government and the Ovamboland authorities of coercion and intimidation. These charges have been supported by leading churchmen in the Territory, particularly Bishop Leonard Anala f/ and Bishop Kleopas Dumanu of the Evangelical Lutheran Church of Ovambo-Kavango. A report compiled by SWAPO and submitted to the United Nations Commissioner for Namibia, and later substantially endorsed by the International Commission of Jurists, enumerated the following coercive tactics employed by the authorities: (a) the importation of large numbers of additional security forces and officials into Ovamboland during the five days of the elections; (b) patrol of the 116 polling booths by helicopters, security police, Ovambo tribal police and army personnel; and (c) threatening of Ovambos with the loss of employment, pensions and permits to enter the white area either to work or for personal reasons. The report also stated that: (a) a special "election mark" was made on the back of the identity card of each person voting; (b) clerks at the polling places "advised" people how to vote and in some cases filled out their ballots; (c) persons in government service who refused to vote were dismissed or forced to resign, or threatened with the loss of medical services and other benefits; (d) Chief Josia Taapopi threatened Ovambos that they would be prevented from cultivating maize or grains unless they voted; (e) in at least one region, tribal police armed with rifles, batons and tribal swords forced people from their homes and fields to the polling booths; and (f) there were cases of multiple voting and impersonation.

37. The report also noted that the boycott had succeeded in the Police Zone, where only 4 per cent of the 40,000 Ovambo contract workers (who had not been subjected to similar pressure) voted.

f/ Bishop Anala is also president of the United Evangelical Lutheran Church.

38. On 14 April, bishops of three Namibian churches issued a statement accusing the South African authorities of impeding their efforts to make a legal investigation into the allegations of government intimidation during the elections. The statement was signed by the Right Rev. R. J. Wood of the Anglican Church, Bishop Lukas de Breis of the Evangelical Lutheran Church of South West Africa, and Bishop Auala.

39. In the statement, the bishops said that a prima facie case of intimidation "at all levels from the highest officers in the area, to the lowliest tribal policemen" could be deduced from sworn affidavits which they had already obtained, and that a powerful case for voiding the election could undoubtedly be made. Investigations undertaken by a team of lawyers to obtain sufficient evidence to test the legality of the elections in the courts had, however, been thwarted by the South African Government. If the tactics employed by the Government continued, the statement said, "the belief that the allegations of grave and extensive irregularities are true, will be unavoidable".

40. Describing the tactics of obstruction employed by the Government, the bishops said that an investigative team of two lawyers had obtained official permission to enter Ovamboland on 5 April to hold interviews with "homeland" residents in order to obtain affidavits. While in Ovamboland, however, the lawyers had been restricted to holding interviews on official premises, namely the Ondangua courtroom, located close to the police station. Few persons had come forward to be interviewed, and the lawyers had been told by Ovambos that almost everyone was afraid to give evidence because of the restriction.

41. The bishops also alleged that, following these efforts to investigate the elections, the life of one person had been threatened and others had received threats of dismissal from their jobs, loss of pensions, refusal of ploughing rights, fines and other reprisals; furthermore, the tribal authorities were again resorting to acts of violence.

42. Shortly before the publication of the bishops' statement, it was reported that the life of Mr. Sam Shivute, a SWAPO member investigating charges of coercion, had been threatened by Ovambo tribal police. Mr. Shivute is now in hiding.

43. As noted above, the Ovamboland elections have been construed by the South African Government and the Ovamboland Government as a victory for official policies. In a statement on 20 January, the late Ovambo Chief Minister, Philemon Elifas, said that steps would be taken against SWAPO and warned "the self-appointed leaders of SWAPO" to be "careful in the future". In a later statement, Chief Elifas said he was ready to negotiate with South Africa for the eventual independence of Ovamboland.

(ii) Kavangoland

44. Kavangoland was granted "self-governing" status on 9 May 1973. The Government comprises a 30-member Legislative Council, of whom 15 are elected and

15 are nominated, all on a tribal basis, and a Cabinet composed of five ministers, each representing one of the five tribes recognized by South Africa. The Cabinet comprises a Chief Minister and ministers for justice and the interior, agriculture, education and public works.

(iii) Eastern Caprivi

45. A Legislative Council was established in the Eastern Caprivi in March 1972. No information is available as to the composition of the Council or of the Executive Committee, if any.

46. In April 1974, the Legislative Council was reported to have accepted a motion calling on the State President of South Africa to declare the "homeland" a "self-governing" area from 1 April 1975.

(b) Traditional government within the "homelands"

47. The South African Government has maintained the traditional tribal system of chiefs and councils of headmen in all three "homelands". Under law, these officials, who are salaried by the South African Government, are required to ensure the compliance by the local population with both government and tribal laws. The penalty for neglect or disregard of any duty or obligation may be suspension from employment and allowances or summary dismissal from office. Chiefs and headmen are required, inter alia, (a) to report to the South African or tribal authorities, crimes and offences as well as meetings held for "unlawful" or "undesirable" purposes; (b) to convene meetings and to try to secure attendance; (c) to disperse or order the dispersal of all so-called riotous or unlawful assemblies; and (d) to arrest and hand over to the police anyone who fails to comply with an order.

48. As an example of the extent to which the "homeland" governments are dominated by South Africa, it may be noted that since the institution of floggings in Ovamboland (see paras. 84-88 below), chiefs and headmen have testified in court to the effect that such punishments are typical in tribal society, a view widely repudiated by experts, and have urged the continuation of corporal punishment as necessary to the maintenance of law and order.

(c) Administration of other African groups

49. Africans living in the Kaokoveld as well as in the so-called Police Zone (Hereros, Damaras, Tswanas and Bushmen) continue to be administered directly by the South African Department of Bantu Administration and Development.

50. Apart from the appointment of a Herero Affairs Commissioner in 1968, the appointment of a Commissioner for Bushmen in 1970 and the establishment of an interim administration in the proposed Damara "homeland" in 1971, there have been no reports of any other initiatives on the part of the South African Government towards establishing the "homelands" for the groups mentioned above.

51. The Bushmen, Tswanas and Kaokovelders are the three smallest African groups in the Territory, while the Hereros and Damaras have strongly resisted resettlement to remote areas.

(d) Coloureds, Namas and Rehoboth Basters

52. As noted above, the South West Africa Affairs Act, 1969, transferred control of the Coloureds, Namas and Rehoboth Basters from the territorial Government to the Government of South Africa. Administration of these groups is carried out by the Department of Coloured, Rehoboth and Nama Affairs. g/

(i) Coloureds

53. It will be recalled that in regard to the Coloured population, who had previously lived in African townships throughout the white area, the Odendaal Commission had recommended their relocation to the areas of their greatest concentration and the establishment of separate Coloured townships managed by Coloured authorities. So far, 11 such townships have been established, including those at Gobabis, Grootfontein, Mariental, Keetmanshoop, Swakopmund, Windhoek, Lüderitz and Walvis Bay. Each township has either a consultative or management committee composed of residents, either elected, appointed or both, which serves as an advisory body to the white local government authorities.

54. There is no provision for the eventual "self-government" of the Coloured population. Coloureds are represented on a so-called national level exclusively by the Coloured Representative Council of South West Africa, an advisory body established in 1961.

55. In its report, the Odendaal Commission recommended that the membership of this Council, which then consisted of members appointed by the Administrator of the Territory, should be expanded to include elected members. An ordinance was passed in 1966 revising the composition of the Council to comprise six elected and five nominated members.

56. The first elections to the Coloured Representative Council were held on 30 October 1974. All six seats were won by candidates of the Federal Coloured People's Party. According to its leader, Mr. A. J. F. Kloppers, the party's policy is one of consultation and dialogue with the South African Government, the goal of obtaining more rights and advantages for the Coloured people and a better understanding of their problems.

(ii) Namas

57. In November 1974, the South African Government announced that it would accord recognition to the Namas as a separate racial group. Previously, the Namas had

g/ The Department was renamed in November 1974. Previously it was known as the Department of Coloured Relations and Rehoboth Affairs.

been grouped with the Coloureds for purposes of administration. Although the Namaland Consolidation and Administration Act was passed in 1972 to reserve and set apart land for their use and occupation, no further steps have been reported. In 1960, of the total Nama population of some 34,806, only 2,292 lived in the area designated as "Namaland". An advisory board has been established and meets four times a year under a white chairman.

(iii) Rehoboth Basters

58. It will be recalled that the Odendaal Commission recommended the granting of "homeland" status to the Baster community in their traditional area, the Rehoboth Gebiet, located in the white area, which was to be enlarged by some 73,000 hectares. Although the Basters originally favoured such an arrangement, they have since joined the other non-white groups in opposing the "homelands" policy. Liaison between the South African Department of Coloured, Rehoboth and Nama Affairs and the Baster community is carried out by a white South African official who is also responsible for managing all Baster affairs.

59. The Baster community has had an elected Advisory Council since 1928. At present, the Council comprises seven members elected for three-year terms. In addition to advising the white Administrator of the Rehoboth Gebiet, the principal function of the Board is the nominal one of assenting to the sale of land owned by members of the community to whites.

60. In the latest elections, held on 3 September 1974, candidates of the Rehoboth Volkspartei, which is opposed to the policies of the South African Government, were re-elected to all seven seats. In a statement issued following the elections, the party expressed its total opposition to separate development, apartheid, and the "homelands" policy, which, it said, resulted in inequities and repression.

61. In 1969, over strong Baster opposition, the South African Government established a state-owned Rehoboth Investment and Development Corporation, purportedly to promote the development of agriculture, mining, trade, industry and finance in the Rehoboth Gebiet. The corporation, which has a capital of R 500,000 h/ and an all-white board of directors, has been opposed by the community on the grounds, inter alia, that regardless of existing law and custom, it has the power (a) to acquire, own and dispose of land; (b) to hold shares in Baster businesses; and (c) to take immovable property and farms as security for loans. No information is available regarding recent activities of the corporation in the Gebiet.

62. New elections to the Rehoboth Advisory Board were held on 8 April 1975. The elections were made necessary by the resignation in February of five of the Board's seven members in protest against a draft constitution drawn up by the South African Government which would establish a Baster "homeland" under the leadership

h/ One rand (R 1.00) equals approximately \$US 1.49.

of a three-member Chief's Council, headed by an elected captain who would serve for life unless dismissed by the South African Government. All the resigning members belonged to the anti-government Rehoboth Volkspartei which had previously held all seven seats on the Board. Four of the newly elected members, on the other hand, belong to the Bastervereniging, headed by Mr. B. J. Africa, who, according to a report in the local press, is regarded in some quarters as a government "stooge" (see also para. 121 below).

63. In an election day statement, Mr. Africa said that the victory of his party indicated popular acceptance of the Government's draft constitution for the Rehoboth Baster Gebiet with its implications of eventual self-rule, closer co-operation with the South African Government and participation in the multiracial talks.

64. Mr. F. F. Stellmacher, the leader of the defeated Rehoboth Volkspartei and the only re-elected Volkspartei candidate, said that his party's setback should be ascribed to the way in which the election was conducted. In particular, he accused officials of the parastatal Rehoboth Investment and Development Corporation of influencing voters, especially farmers who were in need of loans. Mr. Stellmacher also accused the Bastervereniging Party of exploiting the issue of domination by SWAPO.

4. LAW AS AN INSTRUMENT OF REPRESSION

65. In its repression of African political opposition, the South African Government uses the judicial system to enforce repressive legislation enacted by Parliament. On the other hand, the judicial system provides no protection against the repressive measures as no court may rule on the validity of acts of Parliament. Moreover, all trials in Namibia are held by a judge or judges sitting alone, without benefit of a jury.

66. Under present legislation, in political cases the accused may be held in detention and solitary confinement for long periods of time; may be deprived of the benefit of counsel until the opening of the trial; and may be tried summarily, i.e., without preparatory examination. Only the Attorney-General is empowered to lift a detention order or to release a prisoner from solitary confinement.

67. In an attempt to prevent gross miscarriages of justice in the cases of the 10 SWAPO members tried under the Terrorism Act during 1974 (see paras. 75-82 below), Sweden, the United Kingdom of Great Britain and Northern Ireland, Australia, the United States of America and the Federal Republic of Germany sent members of their diplomatic missions in South Africa to Windhoek to attend the trials as observers.

A. Judicial organization

68. The judicial system in Namibia consists of superior and inferior courts. A jury system has never been established. The superior courts are integrated into the Supreme Court system of South Africa and comprise the South West Africa Division of the Supreme Court and two circuit courts. The jurisdiction of the Supreme Court extends over the whole Territory and that of the circuit courts over such areas as may be determined by the Judge President. Appeals against the decisions of the Supreme Court lie to the Appellate Division of the Supreme Court of South Africa.

69. Inferior courts, dealing with minor criminal and civil offences, include principally magistrate's courts and courts of the Native Affairs Commissioner with jurisdiction equivalent to that of a magistrate's court in all African criminal and civil cases in the white area. Appeals from the decisions of these courts lie to the South West Africa Division of the Supreme Court.

70. In Ovamboland, Kavangoland, the Eastern Caprivi and the Kaokoveld, chiefs and councils of headmen traditionally have full civil and criminal jurisdiction over members of their own tribe, except in cases of murder, rape, high treason and severe assault, which are dealt with by the South West Africa Division of the Supreme Court or, in the case of the Eastern Caprivi, by the Transvaal Division of the Supreme Court of South Africa.

71. The Development of Self-Government for Native Nations in South West Africa

Amendment Act, 1973, provided for the establishment of "high courts" in the "self-governing homelands". No information is available as to whether any courts have been established.

B. Repressive legislation

72. The principal legal instruments used by South Africa to repress African political activity are the Sabotage Act, 1962, and the Terrorism Act, 1967, whose definitions of "subversion" and "terrorism" encompass almost all expressions of opposition to government policies. The Terrorism Act, for example, defines "terrorism", inter alia, as the commission of "any act" with the "intent" to endanger the maintenance of law and order. Under the Act, intent may be assumed if an action results, inter alia, in encouraging hostility between whites and non-whites, in financial loss to any person or to the State, or in causing a general dislocation or disturbance or disorder. The accused may be acquitted only if he can prove that he had no intention of producing any of the enumerated results. Under this definition, any quasi-political action, such as participating in a strike for higher wages, may be construed as terrorist activity.

73. Under section 6 of the Terrorism Act, any high-ranking police officer is empowered to arrest any person on suspicion of either being or having aided a "terrorist", and to have him detained until the Commissioner of Police is satisfied that he has satisfactorily replied to all questions. The section further provides that detainees shall be held in solitary confinement without access to anyone except police and prison officials, and forbids any court to order the release of a detainee, or to "pronounce upon the validity of any action taken under this section".

74. The penalty for "terrorism", as for sabotage (i.e., committing any "wrongful" act which, inter alia, destroys or endangers law and order or State or private property), is a minimum of five years' imprisonment and a maximum of death, the same sentence as that for treason.

C. Arrests under the Terrorism Act in 1974

75. In January and February 1974, South African police detained 10 members of the SWAPO executive and the SWAPO Youth League under section 6 of the Terrorism Act. Mr. David Shikomba, the Chairman of the SWAPO Youth League, was arrested during the same period under the Sabotage Act. According to an official in the South African Ministry of Foreign Affairs, the arrests were made because of mounting organized opposition to South Africa's presence in the Territory.

76. The disposition of these cases by the courts is described below.

77. On 15 March 1974, Mr. Shikomba was convicted in the Windhoek Supreme Court on charges of having spoken of "bloodshed" and advocating violence at a SWAPO rally on 12 August 1973. Mr. Shikomba was sentenced to six years' imprisonment.

78. On 15 July 1974, the Windhoek Magistrate's Court released Mr. David H. Meroro, the National Chairman of SWAPO, on R 200 bail. Mr. Meroro, who had been held in solitary confinement until that time, in what was described by the press as a "top secret" prison, was charged with having been in "unlawful possession of eight editions of the African Communist". Mr. Meroro's trial has been repeatedly postponed.

79. On 30 July 1974, Mr. Ezriel Taapopi and Mr. Josef Kashea, Acting Chairman and Acting Secretary, respectively, of the SWAPO Youth League, were found guilty of incitement to commit murder, violence and malicious damage to property. They were sentenced to five years' imprisonment (of which three years were conditionally suspended). The evidence on the basis of which the men were found guilty was a letter to Mr. Sam Nujoma, SWAPO President-in-exile, in which they allegedly called upon him to bring about an "onslaught" against the Boers before July 1974.

80. In late July 1974, Mr. Thomas Kamati, public relations officer of the SWAPO Youth League, was found guilty in the Windhoek Magistrate's Court of having written the slogan "One Nation, one Namibia" on the walls of the police cell in which he was being held in solitary confinement. On 14 August, Mr. Kamati, who had been released earlier on bail following charges of an improper trial, was reported to have escaped to Angola.

81. On 7 June 1974, Mr. Benjamin Namalambo, a member of the Windhoek SWAPO Executive Committee, was released from prison unconditionally. On 4 September, Mr. Axel Jackson Johannes, then acting Secretary-General of SWAPO, and Mr. Lot Zacharias were released on R 250 bail. According to the acting magistrate the charges against them were ambiguous.

82. Three Namibians are still believed to be in detention, including Mr. Shihepo Muili, a member of the SWAPO Youth League Executive Committee, and Mr. Daniel Shiwangula, SWAPO Secretary in Walvis Bay. No information is available about their whereabouts or whether any charges have been brought against them.

D. Repression in Ovamboland

83. As previously reported, the South African Government has concentrated its efforts at repression in Ovamboland, where a state of quasi-emergency has been in effect since early 1972 (Emergency Proclamation No. R.17 of 1972). The emergency regulations prohibit all political meetings, unless authorized by special permit, and categorize as crimes: (a) all statements or acts "subverting or interfering with authority"; (b) refusal to obey any "lawful" order of a chief or headman; and (c) treating a chief or headman with "disrespect, contempt or ridicule". The regulations empower Native commissioners or police officers to arrest anyone believed to have committed or to have the intent to commit an offence and to detain him until he has answered "fully and truthfully all questions put to him". A detainee has no right to consult a lawyer.

84. Since August 1973, the South African Government has also authorized "homeland" authorities to employ corporal punishment. Supporters of SWAPO and DEMKOP, which is also actively opposed to South Africa's illegal occupation of the Territory, have been arrested by both the South African and tribal police for minor infractions of the emergency regulations and handed over to the "homeland" government whereupon they have been summarily flogged in public. Despite protests by bar associations, newspapers and churches that the public floggings, of up to 30 or 40 lashes, are sadistic and barbaric, the South African Government has refused to rescind its authorization, on the grounds that floggings are "absolutely a tribal matter and an old custom of the tribe".

85. Efforts to have the flogging stopped have also been made through the courts. All attempts at obtaining recourse in terms of a court order permanently interdicting the floggings, however, have so far failed. Although a temporary interdict was issued by the Windhoek Supreme Court, it was not renewed following its expiration on 26 March, thus allowing the floggings to resume. The Court subsequently ruled that its refusal to grant a permanent interdict could not be appealed on the grounds that the applicants, who were not victims, had no standing in the case. In May 1974, the Appellate Court at Bloemfontein, overruling the Windhoek Supreme Court, agreed to hear an appeal against the refusal of the Territorial Court to issue a permanent interdict against the tribal authorities. The Appellate Court, however, also refused to issue a temporary interdict, meaning that the tribal authorities would be permitted to inflict floggings at least until the case had been heard. As of November 1974, the Appellate Court had not begun hearings on the question.

86. On 17 October, it was reported that Chief Jefta Mukundi, the Ovamboland Minister of Justice, had introduced in the Ovamboland Legislative Council an amendment to existing legislation which would take "serious steps" to eliminate the "annoyance" of South African and foreign "interference" in the criminal procedure of Ovamboland's tribal courts. To this end the amendment would establish an appeal council designed to serve as a "partial counter-measure against possible future applications for interdicts and against unfavourable foreign criticism against the present tribal law system in Ovamboland". The amendment would also prohibit corporal punishment for women.

87. The Appeal Council is to consist of a chairman, with the legal qualifications of a magistrate, plus a maximum of seven other members. At the end of 1974 there was no information as to whether this amendment had been approved.

88. In his testimony before the Fourth Committee of the General Assembly on 31 October 1974, Mr. John Ja Otto, Chairman of SWAPO in Ovamboland, said that, between September and November 1973, 66 persons had been flogged, 105 people had been arrested at political rallies in Ovamboland, 20 SWAPO members had had to pay fines to the chiefs for their political activities and several teachers and nurses had lost their jobs for political reasons. i/ According to the

i/ Official Records of the General Assembly, Twenty-ninth Session, Fourth Committee, 2103rd meeting.

Reverend Richard Wood, Bishop of Damaraland and an applicant in the petition to the courts to have the floggings stopped, as many as 300 to 400 floggings in all may have been administered.

89. Beginning in June 1974, in response to these and other repressive measures, from 1,500 to 2,000 Namibians, including SWAPO leaders and most of the small number of educated Ovambos crossed the border to Angola, in what was referred to in the press as a "mass exodus" from the Territory. According to Mr. Ja Otto, the reason for the exodus was the "brutality of tribal rulers", the suppression of political opposition, as well as new regulations requiring Ovambos to enlist in a border militia or face indefinite detention in special camps. The South African Government as well as the Ovamboland tribal authorities have maintained that the Namibians had been incited by SWAPO instigators to leave for the purpose of receiving terrorist training in Zambia and the United Republic of Tanzania. In this connexion, on 28 June, Chief Mukundi, the Ovamboland Minister of Justice, announced that persons found guilty of helping Namibians to leave the country without a passport would be fined the equivalent of \$US 6,000 or sentenced to one year in prison, or both. Those found guilty of inciting Ovambos to undergo "terrorist" training would be sentenced to death.

90. In a reversal of the Government's previous position, in early September, a week prior to the announcement by the National Party of its proposals for multiracial talks, Mr. J. de Wet, South African Commissioner-General to the Indigenous Peoples of South West Africa, offered "amnesty" to Namibians who had left the country, provided they returned with "peaceful" intentions and utilized whatever experience they had obtained "for the general well-being and progress of their peoples".

91. On 2 October, Mr. Axel Johannes, Secretary-General of SWAPO, summarily rejected the offer. Mr. Johannes said that the forthcoming Ovamboland elections (see paras. 34-43 above) would force even more people to cross into Angola for destinations in "certain African countries".

E. Other repressive measures

92. Other means of suppressing African political activity throughout Namibia have been the breaking up of public meetings and/or the wholesale arrest of Africans on charges of being in an area either illegally or without proper identification.

93. The large-scale police actions of January and February 1974, during which some 400 Africans were arrested, were described in the previous report of the Special Committee. j/ Police repression continued in the following months. On 14 March, police arrested 79 Africans in the Ovambo workers' hostel near Walvis Bay, of whom 60 were charged with being without identity documents. Press reports suggested

j/ Ibid., Twenty-ninth Session, Supplement No. 23 (A/9623/Rev.1), chap. IX, annex, paras. 32-34.

that the arrests were possibly another move against SWAPO. On 13 May, police armed with machine-pistols and accompanied by tracker dogs prevented the SWAPO Youth League from holding a meeting in Katutura, Windhoek's African township, on the grounds that the speakers had not been authorized and that three of the four men scheduled to address the meeting were in Katutura without permission. The meeting was dispersed without any arrests. On 17 July, over 200 police sealed off Windhoek's Ovambo hostel, which has 6,000 residents, purportedly to "clean" the hostel of criminals and people who were in Windhoek illegally. Approximately 120 Africans were arrested, 111 of whom were charged with not possessing the necessary documents.

94. On 23 April, rioting broke out in the Ovambo hostel in Katutura in response to a documents check aimed at "purging" the hostel of "vagrants". According to a statement by the Windhoek Town Clerk, the search had originally been motivated by the presence in the hostel of "inciters" and "organizers of a labour strike". Police summoned to the hostel opened fire, killing at least one Ovambo and injuring 10. Subsequently, 295 Ovambos were arrested, 127 on allegations of committing violence and 168 for being without documents. It was reported in the local press that, although rioting had ceased on the same day, large numbers of South African police reinforcements, some of them mechanized, had been brought to Windhoek to be on stand-by duty for an indefinite period of time.

5. STRUGGLE FOR NATIONAL LIBERATION

95. SWAPO is the largest African political organization in Namibia and the only one recognized as a national liberation movement by OAU and the United Nations. The goals of the organization are the franchise for Africans, the complete withdrawal of South Africa's administration and total independence for Namibia.

96. During 1974, the South African authorities, on the pretext that SWAPO leaders were inciting Namibians to violence, took various measures aimed at rendering the party powerless without banning it.

97. As noted above, the most conspicuous of these measures were the detention of 10 high-ranking SWAPO members under the Terrorism Act, the dispersal of SWAPO meetings by police and the arrest of SWAPO supporters on specious grounds.

98. On 24 February, at its first public meeting held following the detention of SWAPO leaders, speakers representing the SWAPO Youth League said that the arrests had not brought SWAPO to a standstill and would not deter its supporters from their efforts to make Namibians politically conscious.

99. Military operations conducted by SWAPO are at present limited to Ovamboland, Kavangoland, the Eastern Caprivi and the Grootfontein District, all northern rural areas. According to SWAPO officials, the organization has ruled out sabotage in towns to prevent reprisals against the civilian population and it does not expect to create liberated areas in the Territory. Instead, it plans to establish guerrilla strongholds in key regions. Tactics consist mainly of small-unit sabotage, ambush and harassment of South African military posts.

100. Little information is available regarding SWAPO military operations during 1974, which were centred in the Caprivi Strip. In June 1974, the South African Government replaced the police units which had been patrolling the northern border of the Caprivi Strip since the mid-1960s by regular army forces. According to a statement by the officer-in-command of the South African troops, the situation in the area was one of "low intensity insurgency" characterized by frequent crossing of the border with Zambia by nationalist forces. He also said that since 1971, a total of 10 South African police had been killed in the Caprivi Strip by nationalist forces. In October 1974, a further South African casualty was reported east of Katima Mulilo, the site of a South African air strip.

101. In 1971, SWAPO also became a member of the National Convention, an organization comprising six non-white political parties in the Territory, all of which are opposed to continuing South African rule. On 17 January 1975, SWAPO announced its withdrawal from the National Convention on the grounds that it had been ineffective and was being used by the South African Government as "an instrument in their attempt to divide and rule Namibia". SWAPO accused the National Convention in particular of failing to protest the arrests and floggings of SWAPO members by South African authorities.

6. FORMATION OF NAMIBIA NATIONAL CONVENTION

102. On 23 February 1975 five non-white political parties, previously members of the National Convention, including SWAPO, announced their decision to establish a new coalition to be designated as the Namibia National Convention (NNC). All members of NNC which, apart from SWAPO, include the South West African National Union (SWANU), the Damara Tribal Executive, the Nama People's Democratic Organization (NAPDO) and the Rehoboth Volkspartei, oppose the holding of multiracial talks on a tribal basis. Officers of NNC are Mr. Jephtha Tjozongoro (SWANU), President; Mrs. Martha Ford (Rehoboth Volkspartei), Vice-President; Mr. Kuzuko Kangveshi (SWANU), Chairman; and Mr. B. B. de Klerk (Rehoboth Volkspartei), Vice-Chairman.

103. In a statement on 25 February, Mr. Tjozongoro said that the aim of the new coalition was to maintain the unity of Namibia and of the African people. He added that NNC was against federalism, multinationalism, separate development or any form of differentiation based on race.

104. Political parties remaining in the National Convention, which is headed by Chief Clemens Kapuuo, are the National Unity Democratic Organization (NUDO); the Nama Chiefs' Council; and the Herero Chiefs' Council.

7. PROPOSALS FOR MULTIRACIAL TALKS

105. The change of government in Portugal in April 1974 and the imminent prospect of the installation of black majority Governments in Mozambique and Angola have led to new moves by the National Party of South West Africa and the Government of South Africa.

A. National Party of South West Africa

106. On 24 September 1974, shortly after the opening of the twenty-ninth session of the General Assembly, the Executive Committee of the National Party of South West Africa issued a statement proposing the holding of multiracial talks with the object of reaching a mutually satisfactory solution for the Territory's future constitutional development. In a letter dated 26 September, the Foreign Minister of South Africa transmitted a copy of the statement to the Secretary-General. k/

107. The statement said that although the party's position on what it considered the best way of "ensuring peaceful coexistence" between the various population groups of the Territory was well known ("separate development"), it intended to approach the proposed consultations "in a spirit of goodwill in terms of which standpoints will be weighed against each other and misconceptions eradicated".

108. According to the statement, the party's Executive Committee had set its objectives in the knowledge that the dispute over "South West Africa", which had dragged on for almost three decades, was not in the interest of progress and was thus to the disadvantage of all the people of the Territory. It was hoped, therefore, that the greatest measure of co-operation would be forthcoming from all population groups so that the desired objectives might be attained.

109. As regards participation in the talks, the statement said that so far as whites were concerned, the discussions would be conducted by senior members of the National Party's Executive Committee, and it was assumed that each non-white population group would decide upon its own representatives. The statement also said that although the party's initiative had been endorsed by Mr. B. J. Vorster, the South African Prime Minister, whose position was that the people of "South West Africa" should decide their own future, it still required the sanction of the Legislative Assembly, which would be convened for this purpose as soon as possible.

110. On the same day on which the proposals were announced, Mr. A. H. du Plessis, leader of the National Party in Namibia, told a press conference that he wanted to make it "absolutely clear" that the "homelands" policy was not a sine qua non for the talks and that all options were open for discussion from a federation to a unitary State. However, in a subsequent statement a week later, Mr. du Plessis said that although the Territory might eventually become a unitary State, there was no question of its being separated entirely from the Republic because this would lead to total economic collapse.

k/ A/9775. For the printed text, see Official Records of the Security Council, Twenty-ninth Year, Supplement for July, August and September 1974, document S/11519.

B. Commissioner-General to the Indigenous Peoples of South West Africa

111. At the beginning of October, Mr. J. de Wet, Commissioner-General to the Indigenous Peoples of South West Africa, outlined what he described as his personal plan for the Territory's future. According to this plan Ovamboland would be cut loose from the Territory and, with the consent of the Angolan Government, amalgamated with the 120,000 Ovambos in Angola to form a separate independent State. The remaining African population in Namibia would then be grouped in separate "homelands" according to the traditional concept of "separate development", which would have the option of forming a federation or joining in a loose confederation with the white population. If the African population rejected confederation, the white area could elect to become a sovereign State or alternatively to associate with South Africa.

112. Mr. de Wet's statement was reported to have caused consternation in the South African Government. On 22 October, the South African Minister of Bantu Administration and Development said in reply to a question in the House of Assembly that the Commissioner-General had not made any proposals to him or to the Government about the future of the Territory. On the same day, Mr. de Wet announced that he would step down from office when his term expired in April 1975.

C. Legislative Assembly

113. On 22 November, the Legislative Assembly adopted a motion approving the holding of multiracial talks. By the motion, the Legislative Assembly, inter alia, (a) endorsed Prime Minister Vorster's position that the inhabitants of the Territory should decide their own future without the interference of the United Nations or South Africa; (b) acknowledged that there were various population groups in the Territory and that the right of each to its culture and language should be recognized; (c) expressed the opinion that non-whites were less interested in political rights than in the recognition of human dignity; (d) noted that law and order should be maintained in "South West Africa" during the process of moving towards self-determination and that South Africa should not withdraw from the Territory because that would lead to chaos; (e) barred participation in the talks by non-white political parties on the grounds that "there were many political parties in the ranks of the non-whites and no one knew precisely who was represented"; and (f) noted that no solution on the basis of majority rule could be expected at the talks which were designed only to reach agreement on a political pattern. The motion also excluded the white opposition party, the United Party, from the talks on the grounds that the white population would be represented by the Legislative Assembly.

D. Reactions to the proposals

114. The proposals for multiracial talks have been greeted with scepticism by African leaders and by the United Party.

United Party

115. In a statement on 26 September 1974, Mr. Bryan O'Linn, Vice-Chairman of the United Party, said that although he welcomed the premise that the solution to the problems of the Territory must be found by all the peoples, the document issued by the National Party was none the less a "masterpiece in evasion, self-contradiction and obscurity". Among other things, he noted that the insistence on one voice for the whites but separate ethnic representation for each black and brown ethnic group gave the appearance of the "ganging up" of white against non-white and exposed the National Party to the accusation by the "blacks" that this was another badly disguised effort to perpetuate "separate development". If the Government was sincere, he said, it would withdraw all the legislative and other obstacles created in the "homelands" which made normal, peaceful and responsible political activities impossible. Mr. O'Linn proposed, among other things, that the quasi-emergency regulations in Ovamboland should be lifted; that simultaneous country-wide elections should be held among all the population groups to elect representatives to the talks; and that urgent steps should be taken to eliminate discrimination based exclusively on race in the fields of education, training and social relationships.

South West Africa People's Organization (SWAPO)

116. In a statement issued in Lusaka on 26 September, 1/ SWAPO spokesmen said that it wished to make it categorically clear that the announcement to hold so-called multiracial talks was a "well-calculated and deliberate political manoeuvre" aimed at entrenching "bantustanism" and subsequently annexing Namibia to "white-minority-ruled South Africa". SWAPO called upon the world community not to be misled or confused by these "selfish and deliberate, desperate attempts" and announced its intention to continue and intensify its armed national liberation struggle until freedom and genuine national independence under one central government were achieved. SWAPO subsequently called on Africans in Namibia to boycott any elections held for the purpose of choosing representatives to the talks.

117. At a press conference in Windhoek on 17 January 1975, SWAPO spokesmen reiterated the organization's refusal to participate in the currently proposed multiracial talks "because they are tribally oriented and do not involve the true leaders of the Namibian people". They indicated, however, that SWAPO was not opposed to talks "provided they can be meaningful" and provided that Prime Minister Vorster unconditionally accepted three principles: (1) the right of the Namibian people to independence and national sovereignty; (2) the absoluteness and inviolability of Namibian territorial integrity; and (3) SWAPO's role as the sole authentic representative of the Namibian people. Before talks were held, SWAPO would further insist that the South African Government: (a) release all political prisoners, whether they were held in Namibia or in South Africa; (b) set aside the banning order on Mr. Immanuel Macuulili, the acting President of SWAPO; (c) recall the Emergency Regulations still in effect in Ovamboland; (d) enable all Namibians currently in exile to return freely to their country without fear of arrest or any other form of victimization; and (e) commit itself to the withdrawal of all South African troops and police from Namibian territory.

1/ Ibid., Supplement for October, November and December 1974, document S/11526.

118. Stressing that the onus lay with the "unlawful occupier" to show his good faith, the spokesmen emphasized that if talks were not held the struggle for national liberation would continue and grow.

119. In the course of the same press conference, the SWAPO spokesmen also said that the organization fully supported the United Nations and warmly acknowledged all its activities on behalf of the Namibian people. They added, however, that, in the event of a transitional authority prior to the Territory's accession to independence, SWAPO alone must exercise governmental power, reserving the right to seek appropriate help from the United Nations in a suitable manner, if and when any such need arose.

Prime Minister's Advisory Council

120. On 24 September 1974, the same day on which the National Party announced the proposals for a multiracial conference, the South African Government convened the first meeting in 13 months of the Prime Minister's multiracial Advisory Council, which SWAPO has characterized as consisting of "hand-picked stooges" and as a "move to frustrate the people's demand for independence". At the conclusion of the meeting, the Advisory Council unanimously endorsed the proposed talks and expressed appreciation to the South African Government "for the help and protection given to the various population groups". The Council also was said to have rejected United Nations intervention in the Territory.

E. Status of proposed multiracial talks

121. According to a statement by Prime Minister Vorster, in the South African House of Assembly on 18 March 1975, up to that date the Ovambos, Kavangos, Coloureds and Namas had agreed to participate in the so-called multiracial talks. Subsequently, on 9 April, Mr. B. J. Africa, leader of the pro-South African Bastervereniging in the Rehoboth Baster Gebeit also expressed readiness to participate in the talks. Mr. Africa and three other members of his party had on the same day been elected to the seven-man Baster Advisory Board (see also para. 62 above).

122. The other non-white groups in the Territory continue to refuse to participate in the talks, including most importantly the Hereroes and Damaras, who have demanded that South Africa meet certain pre-conditions before "A fruitful contact could be entered into between the people of South West Africa and the South African Government".

123. The eight pre-conditions which Herero Chief Clemens Kapuuo has insisted must be met are the following. The South African Government must: (a) declare that it would abandon all schemes of "bantustans" and the dismemberment of the Territory; (b) acknowledge the right of the people of Namibia to a united Namibia "from the Kavango River in the north to the Orange River in the south"; (c) undertake to negotiate on the basis of total freedom and independence for the Territory; (d) release all political prisoners regardless of their place of detention;

(e) respect Namibian sovereignty; (f) withdraw all elements of coercion and subversion from the Territory; (g) undertake to proceed at once with negotiations to transfer power to the Namibian people; and (h) permit all exiles to return and to participate freely in the work of their choice, and guarantee them immunity against prosecution for any part in current political activities.

124. In April, Prime Minister Vorster announced in the South African House of Assembly that a Division of Constitutional Development within the South West Africa Administration had been established effective 10 April to act as a steering and liaison body to arrange interviews, appointments and meetings between the white "delegation" to the talks and "future black and non-white emissaries".

8. SOUTH AFRICA'S EXTERNAL RELATIONS AFFECTING NAMIBIA

A. United Kingdom

125. In September and October 1974, the Royal Navy engaged in joint exercises with the South African Navy off the South African coast. The first set of exercises, which began on 4 September, involved six British warships and three fleet auxiliaries, together with South African ships and naval aircraft. The second set of exercises, which began on 21 October, were described by the South African press as involving the most powerful British task force ever to arrive at the Cape. It included a helicopter cruiser, six frigates, among which was the first to be equipped with the Ikara anti-submarine missile system, a nuclear-powered submarine and three replenishing vessels. Together with seven South African vessels and aircraft from the Maritime Command, this force engaged in four days of intensive weapons training.

126. The manoeuvres drew strong criticism from the left wing of the Labour Party in the United Kingdom on the grounds that they represented increasing military co-operation between the United Kingdom and South Africa and raised serious doubts about the sincerity of the Labour Government's declared opposition to apartheid. One member of Parliament characterized the Government's decision to approve the exercise as "morally, socially and economically indefensible".

127. On 11 October, a spokesman for the United Kingdom Foreign Office denied that the arrival of the British fleet in South African waters represented a change of policy towards South Africa, but was instead a routine visit undertaken for operational reasons related to the Simonstown Agreement. Asserting that there was a distinction between operational visits and those of goodwill, the spokesman said that two goodwill visits scheduled by the previous Government had been cancelled.

128. According to South African authorities, one of the objects of the manoeuvres was to test the effectiveness of telecommunications from ship to shore and ship to air.

129. SWAPO also sent a telegram to Mr. Roy Mason, the United Kingdom Secretary of Defence, in which it criticized the joint exercises on the grounds that they gave respectability to the South African Government at a time of mounting international pressure against its "racist policies" and its "illegal occupation of Namibia". The telegram said that South Africa would judge the new Labour Government by its actions, not its promises.

130. On 4 December, Mr. James Callaghan, Secretary of State for Foreign and Commonwealth Affairs, made a statement in the House of Commons on the review of policy towards southern Africa which had been just completed by his Government (see A/9918, annex I). In his statement he announced the intention of the United Kingdom to hold discussions with the South African Government to bring the Simonstown Agreement to an end. m/ Regarding Namibia, Mr. Callaghan said that his

m/ The Agreement was subsequently allowed to lapse, on 16 June 1975.

Government's conclusion was that the League of Nations Mandate could no longer be regarded as being in force, that South Africa's occupation of Namibia was unlawful and that that Government should withdraw from the Territory. There were, however, certain elements of the 1971 advisory opinion of the International Court of Justice which his Government did not accept. In particular, his Government could not agree that the existing resolutions of the Security Council concerning Namibia were mandatory. Nevertheless, in keeping with the spirit of these resolutions, the United Kingdom Government had decided to give no further promotional support to trade with Namibia.

131. The United Kingdom Government's attitude towards the advisory opinion of the International Court of Justice was further explained in a separate statement circulated in the House of Commons (see A/9918, annex II). According to that statement the United Kingdom Government remained of the opinion that the Security Council could not take decisions generally binding on Member States unless there had first been a determination under Article 39 of the Charter of the United Nations of the existence of a threat to the peace, a breach of the peace or an act of aggression. The United Kingdom considered that in view of the absence of such a decision under Chapter VII of the Charter, it had no obligation to take measures which were in the nature of sanctions. Therefore the United Kingdom did not accept an obligation to take active measures of pressure to limit or stop commercial or industrial relations of its nationals with the South African administration of Namibia.

B. France

132. It will be recalled that France has never joined in an embargo of arms sales to South Africa and has continued to supply that country with military equipment. During 1974, France also engaged in naval manoeuvres with the South African Navy.

133. On 15 April the French training cruiser, the Jeanne d'Arc, accompanied by an escort ship, participated in a 24-hour exercise with a South African frigate and submarines.

134. SWAPO protested these manoeuvres in a telegram to Mr. Michel Jobert, the Minister for Foreign Affairs of France, charging that the exercises had taken place in part "in Namibian territorial waters" and "were in contravention of the resolution of the United Nations imposing an embargo on arms destined for South Africa". French sources said the exercises were part of the cruiser's traditional world tour.

135. SWAPO has also protested against other French involvements in the Territory, including in particular participation in the Rössing uranium mine (see paras. 165-169 below). On 1 July, Mr. Peter Katjavivi, the representative of SWAPO in London, said that, given the intensification of the operations of the South African army in Namibia, France's decision to purchase uranium from Namibia placed it in the same category as the South African occupiers.

136. On 12 September, Mr. Mishaki Muyongo, interim Vice-President of SWAPO, said in Paris that countries of the North Atlantic Treaty Organization (NATO), and France in particular, were supplying weapons used by the South African armed forces in the Territory. Mr. Muyongo noted that other French interests in the Territory included the government-owned Société nationale des pétroles d'Aquitaine, which was prospecting for oil off the Namibian coast and the French Bank of Indochina which had a branch in Windhoek. Mr. Muyongo also alleged that the French Embassy in South Africa had opened two consulates in Namibia.

C. United States

137. The United States has had an embargo on arms sales to South Africa since 1963 and a prohibition on visits by its naval ships to South African ports since 1967. In 1974, The Washington Post reported that South Africa had mounted a major behind-the-scenes campaign aimed at reversing these policies and at obtaining United States support for its "repression of the activities of national liberation movements". To this end Mr. Cornelius P. Mulder, the South African Minister of Information, and Admiral Hugo H. Biermann, Chief of the South African Defence Force, had come to the United States on what were described as "private visits" during the course of which they had made numerous contacts with senior United States officials. Mr. Mulder's talks, in particular, were referred to in the South African press as being the most important talks between the two countries in several decades.

138. As reported in the press, during the course of his visit in January, Mr. Mulder had paid calls on, among others, Vice-Admiral Ray Peet, Deputy Assistant Secretary of Defense and Director of the Defense Security Assistance Agency dealing with military roles and aid. He had also visited Mr. Gerald Ford, then Vice-President, and several senators and representatives. In May 1974, Admiral Biermann visited, among others, Admiral Thomas H. Moorer, Chairman of the Joint Chiefs of Staff, and Mr. J. William Middendorf II, Acting Secretary of the Navy. No details of any of the talks were made available. Other South African officials, including the Minister for Foreign Affairs and the Minister of Finance were scheduled to arrive in the United States for talks to private groups.

139. In July 1974, Weatherby, Inc., an arms manufacturer based in California, informed a Windhoek client that it would no longer be able to ship hunting rifles to Namibia. It was confirmed by SWAPO that the ban had been imposed by the United States Department of State. According to reports, arms imported by white farmers had been used to help equip the semi-official militia.

D. Portugal

140. The decision of the new Portuguese Government to grant independence to Angola and Mozambique is widely considered to have had a critical influence on South Africa's policies towards Namibia. Although South Africa had formerly co-operated with Portugal and Southern Rhodesia in mutual military repression of the struggle for national liberation, the forthcoming independence of Angola, in particular, has

prompted South Africa not only to fortify Namibia's borders against an envisaged upsurge in nationalist military activity, but also, according to some observers, to attempt to placate Namibia's African majority by formulating the proposals for multiracial talks on the Territory's constitutional future. In particular, SWAPO views Mr. de Wet's plan to allow Ovamboland to withdraw from Namibia and join with the Ovambo population of Angola (see para. 111 above) as a means of making Namibia a powerless "buffer State" between South Africa and independent Africa.

141. In general, South Africa has avoided commenting on the situation in Angola and Mozambique. On 16 June, Admiral Hugo Biermann said that his Government was "not completely unprepared for the change which occurred in Lisbon and that this change /did/ not ipso facto portend an aggravation of the threat against our security". Admiral Biermann noted that South Africa had never committed its own forces "to internal struggles in Mozambique and Angola" and that there was no reason to change this posture unless "these territories themselves initiate aggression against us". At the same time, Admiral Biermann said that a threat to South Africa's security was being posed by guerrilla forces on its borders who had been granted sanctuary in foreign countries. His country's forces, however, had at no time been better trained, equipped and organized.

142. Speaking before the South African House of Assembly on 30 August, Prime Minister Vorster reiterated that South Africa had no intention of intervening in Mozambican affairs and had no plans for invasion. He added that, as always, South Africa would defend itself with all its strength if it were attacked.

E. Communiqué issued by participants in commonwealth summit meeting

143. On 6 May 1975, the heads of Government attending the Commonwealth summit meeting in Kingston, Jamaica, issued a communiqué in which, inter alia, they: (a) expressed deep concern over South Africa's continued illegal occupation of Namibia in defiance of world opinion; (b) reaffirmed that the fragmentation of Namibia was unacceptable; (c) recalled the obligation of the international community to maintain the territorial integrity of the Territory and the right of its people to self-determination and independence; and (d) looked forward to the time when the Government and the people of Namibia might be welcomed into the Commonwealth if that were their wish.

144. The heads of Government also reaffirmed their total and unequivocal condemnation of apartheid and all forms of racialism, and welcomed the decision of the Government of the United Kingdom to comply strictly with the United Nations embargo on the sale of arms to South Africa and to terminate the Simonstown Agreement.

9. ECONOMIC DEVELOPMENTS

145. During 1973, exploitation of the natural resources of Namibia by the white settler minority, by South Africa and by other foreign economic interests continued. According to the Administrator of the Territory, by the end of the year, the gross domestic product had risen to R 615.6 million, representing an increase of 65 per cent as compared to 1970 (R 373.1 million). Although no official data are available, n/ it may be assumed that the largest portion of the total increase in the gross domestic product was accounted for by mining, which is the sector most heavily dominated by foreign capital as well as the main source of exports and government revenues. In recent years, the production and sale of diamonds and base minerals, primarily copper, have accounted for approximately 60 per cent of the gross domestic product, while fishing and agriculture (primarily ranching), the next two most important sectors, have each accounted for about 20 per cent of the gross domestic product.

146. As a result of the high proportion of foreign capital to total investment in mining and fishing in particular, there is traditionally a great discrepancy between the gross domestic product and the gross national income, owing to money leaving the Territory in the form of profits accruing to foreign companies. In 1962, for example, the last year for which such information is available, the gross domestic product was 30 per cent higher than the national income; it is believed that the gap has widened even further since.

147. In accordance with the policy of apartheid, African participation in the commercial sector is restricted to providing low-paid unskilled migrant labour for white enterprises. Africans outside the white commercial sector are dependent for their livelihood on subsistence-level agriculture. In 1954, it was estimated that the value of the uncommercialized activities of the non-white population amounted to only 3.5 per cent of the gross domestic product of the Territory. Although no recent data are available, it may be assumed that the proportionate contribution of the subsistence sector to the gross domestic product remains relatively unchanged:

A. Mining

148. Although diamonds are still the principal mineral mined in Namibia, base minerals, primarily copper, zinc, lead and tin, account for an increasingly larger share of total output, having increased from 33.8 per cent of total mineral production in 1966 to about 46 per cent in 1970 and 1971. Approximately 90 per cent of total mineral production is accounted for by two companies, Consolidated Diamond Mines of South West Africa, Ltd. (CDM) and the Tsumeb Corporation, Ltd. In 1973, some 18 companies were engaged in mining production and a further 44 in prospecting.

n/ Since 1965, the South African Government has consolidated economic data relating to Namibia with data relating to the Republic of South Africa. It also prohibits the publication of data concerning the mining industry.

149. According to a statement by the Administrator of the Territory, in 1973 the sale of diamonds increased by 66 per cent compared with 1972, and the sale of base minerals by 54 per cent. In 1972, diamond sales earned R 88.0 million; copper, R 29.0 million; lead, R 12.0 million; zinc, R 7.0 million; tin, R 2.0 million; and other minerals, R 5.0 million.

150. The activities of the two principal mining companies, as well as developments regarding new mines and the forthcoming production of uranium, are summarized below.

Consolidated Diamond Mines of South West Africa, Ltd. (CDM)

151. Since 1971, CDM, a subsidiary of De Beers Consolidated Mines, Ltd. of South Africa, which is itself a subsidiary of the Anglo American Corporation, has been the sole producer of diamonds in Namibia. In 1973, group net profits of the company amounted to R 97.0 million, after allowing for taxes of R 59.9 million. Production of diamonds amounted to 1.6 million carats, with an average stone size of 0.88 carats.

152. In February 1974, a Commission of Enquiry into the Diamond Industry of the Republic of South Africa and the Territory of South West Africa set up by the South African Government, predicted that the Territory's diamond production would decline sharply over the next 20 years unless important new discoveries were made. For the combined diamond production of Namibia and South Africa the drop in production was estimated at 8.5 per cent per annum, with a total decrease to 22 per cent of the current level of output by 1990.

153. To compensate producers for decreased output, the Commission recommended two alternatives. One proposal was to abolish the diamond export duty, which is used to subsidize the diamond-cutting industry in South Africa and which yielded R 7.0 million in 1973, so that producers in Namibia would receive 10 per cent more of the London sale price of their diamonds. In the Commission's view, this would not result in a tax loss to the South African Government since the increased company profits would lead to a higher company tax liability.

154. The Commission suggested alternatively that Namibia's diamond production should be withdrawn from the world market and allocated solely to the South African diamond-cutting industry.

155. It will be recalled that diamond taxes constitute the largest single item of public revenue in the Territory, accounting for a total of R 200.0 million in taxes from 1962 to 1972. Since 1969, the taxes have been collected directly by the Government of South Africa.

Tsumeb Corporation, Ltd.

156. The Tsumeb Corporation accounts for over 80 per cent of Namibia's base mineral production and over 20 per cent of its total exports. Principal shareholders in the company, each with 29.2 per cent interest, are American Metal Climax, Inc. (AMAX), and the Newmont Mining Corporation, both of the United States.

Shares are also held by the Selection Trust, Ltd. of the United Kingdom (14.2 per cent); the O'okiep Copper Company Ltd. (9.5 per cent) and the Union Corporation, Ltd. (9.4 per cent), both of South Africa; and the South West Africa Company, Ltd. (SWACO) of the United Kingdom (2.4 per cent).

157. Since its inception in 1946, Tsumeb has paid the equivalent of more than \$US 140.0 million in taxes in the Territory. In 1970, its tax payment of \$US 14.0 million was reported to comprise about 25 per cent of the Territory's total revenue.

158. In 1973, production of recoverable metals in concentrates from Tsumeb was as follows: copper, 23,904 short tons; lead, 51,619 short tons; zinc, 2,580 short tons; cadmium, 131,154 kilograms; and silver, 41.7 million grams. Total metal sales were valued at R 58.6 million and net profits, R 13.1 million, an increase of R 8.0 million, compared with 1972. Higher profits were attributed to increased sales of copper and lead at higher world market prices. Company taxes paid to the South African Government, at an effective rate of 35.9 per cent, amounted to R 6.7 million.

159. In addition to the principal mine at Tsumeb, the corporation also operates a smaller copper/lead mine at Kombat, 65 miles from Tsumeb, and the Matchless mine, near Windhoek, which produces pyrite as well as a small amount of copper.

160. In mid-1974, Tsumeb announced its plans to build, in conjunction with the O'okiep Copper Company, a copper refining plant in the Cape Town area. The plant, which is to cost an estimated \$US 40.0 million, and will have an annual capacity of 134,000 tons, will be the largest copper refinery in South Africa and will process the entire output of blister copper from the African smelters of both parent companies. Newmont Mining owns 37.5 per cent and AMAX 18 per cent of O'okiep Copper.

New developments in the base mineral sector

161. The most important development in the base mineral sector in recent years will be the opening in mid-1976 of the Otjijase copper mine which is expected to become the third largest mining operation in Namibia. The mine, which is located 27 kilometres north-east of Windhoek, has estimated reserves of 16 million tons at an average grade of 2 per cent copper, with zinc, silver and gold recoverable as by-products.

162. The principal shareholder in the mine is Johannesburg Consolidated Investment Company, Ltd. (JCI) of South Africa with a 52.5 per cent interest. The remaining shares (47.5 per cent) are held by Minerts Development (Pty.), Ltd., of South Africa, which in turn is owned equally by the Continental Ore Corporation of the United States and FEDMAR, Ltd., which is controlled by South African interests. The mine will be managed by JCI, while FEDMAR will direct sales, using for this purpose its connexions with the Continental Ore Corporation.

163. According to the owners, the capital cost of the mine, R 44.0 million, is expected to be recovered in the first two years of operation, when pre-tax profits are anticipated to amount to R 12.5 million annually.

164. In January 1974, it was reported that two Canadian companies, Laurasia Resources and Noranda, had begun percussive drilling at a site near Windhoek. The concession area consists of 600 acres, said to contain three mineralized zones each 30 to 50 feet in width and up to 3,000 feet long, with surface assays varying from under 1 per cent to over 4 per cent copper.

Uranium

165. As previously reported, the first uranium mine in Namibia, the Rössing mine (recently renamed Majorie Louw), near Swakopmund, is expected to come into production, in mid-1976, at a cost of £750.0 million. The mine has estimated reserves of 100,000 tons of uranium oxide, with an average grade of 0.03 per cent.

166. Shareholders in the mine comprise the Rio Tinto Zinc Corporation, Ltd. (RTZ) of the United Kingdom (60 per cent); Rio Algom, an RTZ subsidiary (10 per cent); the Industrial Development Corporation of South Africa (IDC) (13.2 per cent); Total-Compagnie minière et nucléaire (CMN) of France (10 per cent); and the General Mining and Finance Corporation of South Africa (6.8 per cent).

167. As the South African Atomic Energy Act of 1948 prohibits the disclosure of any facts relating to uranium, there is no official information available regarding any aspect of the Rössing operation, including delivery contracts. Spokesmen for RTZ have said, however, that all sales contracts will be with overseas countries and that there are no contracts for the supply of uranium to South Africa. Reported contracts include one with the United Kingdom for a total of 7,500 tons of uranium oxide, valued at R 65 million, to be delivered between 1976 and 1982; one with CMN for a "substantial quantity"; and several with Japanese companies.

168. Power for the mine is to come from the Ruacana Falls power station in the Cunene River, which forms part of the joint South African-Portuguese Cunene River hydroelectric scheme. o/ According to a report in The Financial Times of London, major potential customers such as Rössing are crucial to the viability of the Cunene project, which in turn is designed to facilitate close integration between the Namibian and South African economies. SWAPO, whose national liberation army is said to be within striking distance of the Ruacana Falls power station, has condemned the mine as part of a deliberate strategy on the part of South Africa to retain control over Namibia.

o/ For details, see Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 23 (A/9623/Rev.1), chap. IV, annex, appendix I, paras. 64-70.

169. It is reported that the prospects at Rössing have encouraged confidence in a general uranium bonanza in the Territory and have led to further involvement by foreign economic interests. Early in 1974, by extending the Strategic Mineral Resources Act to include "South West Africa and the Eastern Caprivi", the South African Government made it possible for money from the Strategic Mineral Resources Fund to be used to finance uranium and oil prospecting in Namibia. At present the Anglo American Corporation of South Africa, De Beers Consolidated Mines, the General Mining and Finance Corporation and Gold Fields of South Africa, all South African companies, are involved in various degrees in prospecting in a series of concession areas in the Namib Desert, north of Rössing.

Petroleum

170. No significant discoveries were reported during 1974 with regard to the search for petroleum and natural gas in Namibia.

171. By the end of 1973, the intensive oil prospecting which had been started in 1968 involved 12 foreign companies, the majority belonging to United States interests. These included Société nationale des pétroles d'Aquitaine (France); De Beers Consolidated Mines (South Africa); Chevron Oil (a subsidiary of Standard Oil of California); Regent Petroleum (a subsidiary of the Texaco Oil Company of the United States); Etosha Petroleum (Pty.), Ltd. (a subsidiary of Brilund Mines, Ltd. of Canada); the organization of Mr. B. J. H. du Preez (South Africa), a consortium consisting of the Getty Oil Company, the Continental Oil Company, the Phillips Petroleum Company and Arracca Exploration, Ltd. (United States); Milford Argosy (United States); and the Texas Gulf Corporation (United States). By the end of 1974, none of the companies had reported the discovery of oil.

172. In January 1975, four of the United States companies prospecting in Namibia (Texaco, Continental, Phillips and Getty) announced their decision to terminate their operations. According to a spokesman for Phillips, the withdrawal of his company from the Territory was "attributable to the lack of foreseeable resolution of the issue of sovereignty".

B. Fishing

173. In recent years fishing has accounted for sales of between R 55 and R 65 million. The industry is dominated by 10 companies of South African origin, all of which share equally in a total quota established by the South African Government. Africans are involved only as migrant workers in the processing factories, located in Walvis Bay.

174. In 1973, the total quantity of fish caught amounted to 705,937 metric tons, an increase of 191,385 metric tons over 1972, although still under the territorial quota of 903,013 metric tons. The catch was processed into 339,791 tons of fishmeal (R 14 million), 71,500 tons of fish oil and about 8 million cartons of canned fish, most of which was exported. The total value of sales for 1973 has

not yet been reported. According to press reports, however, world prices of fishmeal and fish oil were at record levels. (In 1971, a relatively poor year and the last year for which information is available, total profits of the major fishing companies amounted to \$US 11.5 million, after \$US 4.9 million had been paid to South Africa in taxes.)

C. Agriculture

175. Although commercial agriculture contributes only about 20 per cent to the gross domestic product, in terms of the number of people employed, it continues to constitute the main economic activity of Namibia. The principal agricultural activities are the production of karakul pelts for export to Western Europe and the United States and cattle raising for the export of beef, mainly to South Africa. In 1968, animal husbandry accounted for 98.1 per cent of the total gross output of commercial agriculture (R 60 million). Cattle contributed 61 per cent of the total, and sheep, mostly karakul, 36 per cent. Sales by Africans normally constitute about 1 per cent of the total.

Karakul farming

176. Karakul farming is practised on about one third of the approximately 6,000 white-owned farms in Namibia, principally in the arid country south of Windhoek. Herds average about 2,000 head per farm, although some farms have as many as 5,000. According to South African sources, the ability of karakul sheep to thrive in arid conditions, including drought, is largely responsible for the over-all success of commercial agriculture in Namibia, which is the second largest producer of karakul pelts in the world. The rapid increase in the number of sheep from 2.8 million in 1963 (considered the maximum the Territory can satisfactorily sustain), to 3.4 million in 1973 has, however, reportedly resulted in severe soil erosion and related forms of deterioration.

177. In 1973, sales totalled about 3.4 million pelts valued at R 34 million.

Livestock and meat industry

178. In 1971, there were approximately 1.8 million head of cattle in Namibia. Most of the cattle ranching is carried on in the less arid areas in the northern part of the Police Zone. The northern "homelands", especially Ovamboland, are also suitable for ranching, which is in fact an important activity. Because of stock diseases prevalent in the "homelands", including hoof and mouth disease, the animals are for the most part of poor quality and are prohibited from being sold in the white areas.

179. Although the quality of cattle bred on white-owned farms is of a relatively high grade, South African sources report that owing to the methods of stock-raising imposed by the physical environment, sufficiently regular supplies of high-grade beef suitable for competitive overseas markets cannot be produced. As

a result, apart from the local canning industry, which is absorbing an increasingly large share of the total output, most cattle are exported on the hoof to South Africa (507,000 in 1973) for auction, slaughter and consumption. Owing to the Territory's small population and the limited purchasing power of Africans, only a fraction of the meat produced is consumed locally.

D. Public finance

180. Under the provisions of the South West Africa Affairs Act, 1969, most of the taxes levied in the Territory are collected directly by the Government of South Africa and paid directly into the South West Africa Account of the South African Consolidated Revenue Fund. The account is used to defray expenditures by South Africa in the Territory as well as to make statutory payments to the territorial Administration.

181. Taxes collected by the Government of South Africa include taxes on mines, companies (other than mining), prospecting and claims, diamond exports, diamond profits, undistributed profits, stamps, transfers and rents. Additional money paid into the account includes money appropriated for it by the South African Parliament and a share of the Republic's total customs and excise receipts.

182. Official statements of South Africa's revenues from and its expenditures in the Territory have not been available since the 1970/71 financial year. Partial data for more recent years, based on press reports, are summarized in table 2 below.

Table 2

Namibia: estimated revenue and expenditure under the
South West Africa Account 1972/73 and 1973/1974

(In millions of rand)

	1972/1973	1973/74
<u>A. Revenue</u>		
Diamond tax	11.7	24.6
Diamond profits tax . . . . .	...	9.2
Diamond export duty . . . . .	...	7.2
Base mineral tax . . . . .	...	2.2
Company tax . . . . .	...	9.9
Total	92.5	93.5
Revenue unaccounted for	80.8	40.4
<u>B. Expenditure</u>		
Department of Bantu Administration and Development	14.3	19.3
Department of Water Affairs	11.9	14.3
Department of Coloured Relations . . . . .	...	7.3
Salaries and allowances of government employees	8.7	11.1
Statutory payment to the Territorial Revenue Fund . . . . .	...	35.0
Total	92.9	110.2
Expenditure unaccounted for	58.0	23.2

Source: The Windhoek Advertiser, 30 March and 19 June 1973.

183. From the above table, it may be seen that the various taxes on mines and minerals together account for the largest part of the revenue collected by South Africa in the Territory, amounting to R 43.2 million (40.5 per cent) in 1973/74.

184. The territorial Administration collects revenue in the form of personal income taxes, business licences, dog and game licences, wheel-tax, motor vehicle

taxes and certain fines. It also receives a statutory payment from the South West Africa Account. The statutory payment, which normally accounts for about 50 per cent of the total revenue, is composed of a relatively large sum calculated according to formula and a smaller amount representing a percentage of taxes levied on non-mining companies.

185. The Territorial Revenue Fund is used to finance expenditures on white education and health and road maintenance. In addition, normally over 50 per cent of the total income is appropriated to the Territorial Development and Reserve Fund, which was set up in 1944 as a separate source of finance for capital works and emergency relief. Expenditure from this fund is at the discretion of the Administrator who is not required to make a public accounting.

186. The budget of the South West Africa Administration for 1973/74 and estimated revenue and expenditure for 1974/75 are set out in table 3 below.

Table 3

Namibia: estimated revenue and expenditure of the South West Africa
Administration, 1973/74 and 1974/75

(In millions of rand)

	1973/74	1974/75
<u>A. Revenue</u>		
Subsidy from the South West Africa Account .	35.0	43.0
Personal income tax	6.5	8.5
Licences	1.7	2.0
Company tax	1.7	1.9
Cash balance from previous year	1.2	...
Total revenue	70.3	85.3
<u>B. Expenditure</u>		
Appropriation to Territorial Development and Reserve Fund	46.3	44.0
Current expenditures	37.6	44.1
Education	10.8	12.4
Health	8.9	11.0
Works	4.8	5.2
Roads	1.0	1.5
Total expenditure	86.6	88.1 ^{a/}

Source: The Windhoek Advertiser, 15 May 1973 and 17 May 1974.

^{a/} The deficit for 1974/75 was to be met from the surplus of the previous year.

APPENDIX

Map of Namibia

CHAPTERS XI AND XII

(A/10023/Add.4)

PAPUA NEW GUINEA AND COMORO ARCHIPELAGO

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CHAPTER XI

PAPUA NEW GUINEA

A. CONSIDERATION BY THE SPECIAL COMMITTEE

1. The Special Committee considered the question of Papua New Guinea at its 1010th and 1019th meetings, on 5 and 20 August 1975, respectively.
2. In its consideration of this item, the Special Committee took into account the provisions of the relevant General Assembly resolutions, including in particular resolution 3328 (XXIX) of 16 December 1974 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. By paragraph 11 of this resolution, the Assembly requested the Special Committee "to continue to seek suitable means for the immediate and full implementation of resolutions 1514 (XV) and 2621 (XXV) 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 thirtieth session". The Special Committee was particularly guided by General Assembly resolution 3284 (XXIX) of 13 December 1974, by which the Assembly resolved, in agreement with the administering Power, that on the date on which Papua New Guinea should become independent the Trusteeship Agreement for the Territory of New Guinea, approved by the General Assembly on 13 December 1946, 1/ should cease to be in force; and requested the administering Power to notify the Secretary-General of the date on which Papua New Guinea would accede to independence and on which the Trusteeship Agreement should cease to be in force. 2/
3. At the 1010th meeting, on 5 August, the Chairman informed the Special Committee (A/AC.109/PV.1010) of the receipt of a letter dated 28 July 1975 from the Permanent Representative of Australia to the United Nations (A/AC.109/499) concerning an invitation from the Government of Papua New Guinea to the Chairman and three members of the Special Committee to attend the celebrations of the attainment of independence of Papua New Guinea to be held at Port Moresby, from 14 to 17 September 1975. The Special Committee noted in that connexion that, in accordance with the provisions of resolution 3284 (XXIX), the administering Power had notified the Secretary-General on 19 June 1975 that Papua New Guinea would accede to independence on 16 September 1975 3/
4. At its 1019th meeting, on 20 August, following a statement by the Chairman (A/AC.109/PV.1019), the Special Committee agreed to accept the invitation of

1/ Trusteeship Agreement for the Territory of New Guinea (United Nations publication, Sales No.: 47.VI.A.8).

2/ See also Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 4 (A/9604), paras. 216-222.

3/ Ibid., Thirtieth Session, Annexes, agenda item 13, document A/10122.

the Chief Minister of Papua New Guinea and requested the Chairman to undertake the necessary consultations with a view to the dispatch of a delegation of the Committee to the independence celebrations.

5. Subsequently, the Chairman designated the following members to comprise the delegation:

Mr. Paul Milyango Rupia (United Republic of Tanzania)
Mr. Arun Kumar Budhiraja (India)
Mr. Hassan Abduljalil (Indonesia)
Mr. Vincent David Lasse (Trinidad and Tobago)

6. Also at the 1019th meeting, the Chairman submitted to the Special Committee for its consideration a draft statement on the item (A/AC.109/L.1060), prepared by him on the basis of related consultations. The Special Committee adopted the draft statement without objection (see para. 9 below).

7. On 21 August, the text of the statement (A/AC.109/508) was transmitted to the Permanent Representative of Australia to the United Nations for the attention of his Government.

8. On 16 September, Mr. Rupia, Alternate Permanent Representative of the United Republic of Tanzania to the United Nations, in his capacity as head of the delegation of the Special Committee to Papua New Guinea (see para. 5 above), presented to the Prime Minister of Papua New Guinea a letter of the same date from the Chairman of the Special Committee extending on behalf of the Committee, warm congratulations and best wishes to the Government and people of Papua New Guinea on the occasion of their country's accession to independence (see annex to the present chapter).

B. DECISION OF THE SPECIAL COMMITTEE

9. The text of the statement (A/AC.109/508) adopted by the Special Committee at its 1019th meeting, on 20 August, to which reference is made in paragraph 6 above, is reproduced below:

(1) The Special Committee takes note with satisfaction that Papua New Guinea will become independent on 16 September 1975.

(2) The Special Committee notes in this connexion the letters exchanged between Mr. M. T. Somare, the Chief Minister of Papua New Guinea, and Mr. E. G. Whitlam, the Prime Minister of Australia, recording the agreement by the Governments of Papua New Guinea and Australia to the date for independence of 16 September 1975, which had been nominated by the Papua New Guinea House of Assembly. ^{4/} The Special Committee also notes

^{4/} Ibid.

the notification by the Australian Government to the Secretary-General that, as agreed, Papua New Guinea will accede to independence on 16 September 1975. In accordance with General Assembly resolution 3284 (XXIX) of 13 December 1974, the Trusteeship Agreement for New Guinea 5/ will thus cease to be in force on 16 September 1975.

(3) Having regard to recent developments, the Special Committee wishes to reaffirm its strong endorsement of the policies of the administering Power and of the Government of Papua New Guinea aimed at discouraging separatist movements and at promoting national unity. In so doing, the Special Committee recalls that in its resolution 3109 (XXVIII) of 12 December 1973, which was adopted unanimously, the General Assembly underscored the imperative need to ensure that the national unity of Papua New Guinea was preserved.

(4) The Special Committee expresses its deep appreciation to the Chief Minister of Papua New Guinea for the generous invitation conveyed to its Chairman for the Committee to be represented at the forthcoming independence celebrations. 6/ Having accepted the kind invitation, the Special Committee notes that the necessary consultations are in progress with a view to the dispatch of its delegation.

(5) The Special Committee wishes to extend its warm congratulations to the Government and people of Papua New Guinea on their attainment of independence and to express the hope that Papua New Guinea will soon be joining the community of free nations. The Special Committee wishes to pay tribute to the Government of Australia for the full discharge of its obligations as the Administering Authority under the Trusteeship Agreement.

5/ Trusteeship Agreement for the Territory of New Guinea (United Nations publication, Sales No. 47.VI.A.8).

6/ A/AC.109/499.

ANNEX

Letter dated 16 September 1975 from the Chairman of the Special
Committee addressed to the Prime Minister of Papua New Guinea

On behalf of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and on my own behalf, I have the honour, on the historic occasion of Papua New Guinea's accession to independence, to extend to the Government and people of your country the Special Committee's warmest congratulations and most sincere wishes for happiness, peace and prosperity in the coming years.

The achievement by your country of the objectives of the Declaration on the Granting of Independence to Colonial Countries and Peoples on this day signifies the culmination of the untiring endeavours and the irrevocable determination of the people of Papua New Guinea to secure their freedom and independence. At the same time, it represents for the Special Committee - which has since its inception followed closely the progress towards self-determination and independence of your country under the guidance of the Government of Australia - the successful discharge of the important responsibility entrusted to it by the General Assembly in this regard.

I am confident that, under your able leadership and guidance, Papua New Guinea will make a significant contribution to the attainment of the aims and purposes of the Charter of the United Nations. I look forward to your country's joining the world community in the very near future.

CHAPTER XII

COMORO ARCHIPELAGO

A. CONSIDERATION BY THE SPECIAL COMMITTEE

1. The Special Committee considered the question of the Comoro Archipelago at its 1019th meeting, on 20 August 1975.
2. In its consideration of this item, the Special Committee took into account the provisions of the relevant General Assembly resolutions, including in particular resolution 3328 (XXIX) of 16 December 1974 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. By paragraph 11 of this resolution, the Assembly requested the Special Committee "to continue to seek suitable means for the immediate and full implementation of resolutions 1514 (XV) and 2621 (XXV) 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 thirtieth session". The Special Committee also took into account the provisions of General Assembly resolution 3291 (XXIX) of 13 December 1974, by paragraph 8 of which the Assembly requested the Special Committee "to continue its examination of the question, including the dispatch, as appropriate and in consultation with the administering Power, of a United Nations visiting mission to the Territory, and to report thereon to the General Assembly at its thirtieth session".
3. During its consideration of the item, the Special Committee had before it a working paper prepared by the Secretariat (A/AC.109/L.1033) containing information on developments concerning the Territory.
4. At the 1019th meeting, on 20 August, the Chairman submitted to the Special Committee for its consideration a draft statement concerning the item (A/AC.109/L.1059), prepared by him on the basis of related consultations. At the same meeting, the Special Committee adopted the draft statement without objection (see para. 6 below).
5. On 21 August, the text of the statement (A/AC.109/507) was transmitted to the Permanent Representative of France to the United Nations for the attention of his Government. A copy of the statement was also transmitted to the President of the National Council of Comoro.

B. DECISION BY THE SPECIAL COMMITTEE

6. The text of the statement (A/AC.109/507) adopted by the Special Committee at its 1019th meeting, on 20 August, to which reference is made in paragraph 4 above, is reproduced below:

(1) Following the approval by the General Assembly, at its twenty-seventh

session, of the recommendation of the Special Committee that the Comoro Archipelago should be included in the list of Territories to which the Declaration on the Granting of Independence to Colonial Countries and Peoples applied, 1/ the Special Committee examined the situation in the Territory during the past three years, with a view to the speedy and full implementation of the Declaration with respect to the Territory. In a resolution adopted on 16 August 1973, the Special Committee, in reaffirming the inalienable right of the people of the Comoro Archipelago to self-determination and independence in accordance with General Assembly resolution 1514 (XV) of 14 December 1960, called upon the administering Power to take further necessary measures to ensure the full and speedy attainment of freedom and independence by the people of the Territory. 2/ The Special Committee also strongly affirmed the national unity and territorial integrity of the Territory and deprecated any attempt aimed at partial or total disruption thereof. In a further resolution, adopted on 6 September 1974, 3/ the Special Committee, in reiterating the foregoing recommendations, took note of the statement made by the Government of France on 26 August 1974, to the effect that the consultation on the independence of the Comoro Archipelago would be organized on an "archipelago-wide" basis; that the Territory would retain "the frontiers that it had as a colony"; and that, for the French Government, "a multiplicity of different statuses for the various islands of the Archipelago is inconceivable". 4/

(2) In its resolution 3291 (XXIX) of 13 December 1974, the General Assembly likewise took note of the aforementioned statement by the Government of France. The Assembly also noted the statement made by the representative of France on 20 November 1973 that the French Government had affirmed "the readiness of the Comoro Archipelago for independence" and "its intention to respond faithfully to the aspirations" of the Comorian people, and had stated that the Comorian Government could request independence for the Territory at any time. 5/

(3) The Special Committee notes that, in the popular referendum conducted on 22 December 1974, 94.56 per cent of the people of the Comoro Archipelago voted for independence. 6/ In connexion with its ratification of the results of the referendum, however, the French National Assembly, on 27 June 1975, enacted legislation to permit individual islands within the Territory to vote separately on a constitution to be drawn up by the Territory's Chamber of Deputies for the independent State of Comoro. The Special Committee strongly deplores this action as a direct contradiction of the position of the Government of France.

1/ Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 23 (A/8723/Rev.1), vol. I, chap. I, para. 77.

2/ Ibid., Twenty-eighth Session, Supplement No. 23 (A/9023/Rev.1), vol. IV, chap. XI, para. 12.

3/ Ibid., Twenty-ninth Session, Supplement No. 23 (A/9623/Rev.1), chap. XI, para. 11.

4/ Ibid., annex, para. 32.

5/ Ibid., Twenty-eighth Session, Fourth Committee, 2064th meeting, paras. 22 and 27.

6/ A/AC.109/473.

(4) The Special Committee notes with satisfaction that Comoro declared its independence on 6 July 1975. The Committee considers this declaration a logical fulfilment of the clearly expressed wishes of the people of Comoro, as manifested in the decisive results of the popular referendum. It wishes to extend its warm congratulations and support to the people of Comoro on their achievement of the goals set forth in the Declaration and the Charter of the United Nations.

(5) At the same time, the Special Committee wishes once again to recall the specific provision of the Declaration in which the General Assembly affirmed that any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country was incompatible with the purposes and principles of the Charter. The Committee considers any such attempt as being not only in direct contravention of the above provision of the Declaration, as well as the provisions of a number of other resolutions adopted by the General Assembly and the Special Committee, including those relating specifically to the question of the Comoro Archipelago, but also counter to the wishes of the overwhelming majority of the population of Comoro. The Special Committee calls upon the Government of France to respect the independence, unity and territorial integrity of Comoro. To this end, it strongly supports the demand by the people of Comoro for the withdrawal of all French troops from their country.

(6) The Special Committee stresses the responsibility of the international community to render all possible assistance to the people of Comoro for the consolidation of their freedom and independence. It invites all States to take effective measures in this regard, both bilaterally and on a multilateral basis.

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