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# DECOLONIZATION



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## ISSUE ON NAMIBIA

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## I. BACKGROUND INFORMATION ON NAMIBIA

### The Land and its people

Namibia 1/ lies alongside the South Atlantic coast of Africa and borders on South Africa, Botswana, Angola and Zambia. It covers an area of 318,261 square miles (824,269 square kilometres), approximately the size of France and Britain put together, but its population according to the 1970 South African census figures numbered only about 746,300, one of the lowest population densities in Africa.

Economically the Territory is rich in natural resources: diamonds, found mainly in the coastal desert and coastal waters; copper, lead, zinc, vanadium and uranium; its rich off-shore fisheries and its karakul industry, all of which are white-owned and, in the case of minerals and fishing, dominated by large South African or international companies. Namibia is one of the world's largest producers of diamonds; in recent years there has been extensive development of copper and exploration of uranium and prospecting for petroleum has been intensified. Almost all of these economic activities are located in the area reserved for white settlement 2/

Owing to the dry nature of the climate with prolonged droughts there is little cultivation of food crops except by African subsistence farmers and commercial agriculture consists mostly in rearing cattle and Karakul sheep in the plateau hardveld which at the time of the German conquest in 1885 was the home of the same Black peoples who today have been moved into the desert margins.

Of the 746,300 inhabitants of Namibia 655,670 were classified in the South African census as "non-whites" and 90,658 as "whites". 3/ The former are in turn subdivided in various groups according to South Africa's policy of subdividing the black, but not the white population, into tribal or ethnic subgroups. 4/ Africans compose more than 80% of the population, the largest

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1/ The name Namibia was adopted by a decision of the General Assembly in 1968. The South African Government refuses to recognise the change as valid and still refers to the territory by its former name, South West Africa.

2/ See Maps 2 and 3 at the back of this issue.

3/ Unofficial figures released this year speak of a total population of 850,000 of whom only 90,000 would be "white".

4/ Of the white population, some 61,000 are estimated to be Afrikaans speaking, 20,000 German speaking and 9,000 English speaking.

tribal group being the Ovambos (342,000), followed by the Damara, Herero, Nama, Okavango, East Caprivians, Bushmen (or San), Tswana and Kaokovelders (numbering variously from 65,000 to 14,000). There are, besides, about 28,000 "Cape Coloureds" (of mixed descent and of relatively recent arrival in the Territory) and 16,400 "Rehoboth Bastards" who are descendants of a Coloured group from South Africa which settled in the Rehoboth area -- south of Windhoek -- a century ago and formed a semi-autonomous community.

At the time of the German annexation in 1884-1890 the Africans lived in all the habitable areas of Namibia with four main areas of settlement: the Nama and related groups occupied the south and central plateau area, the Herero the central and western regions, the Damara the central region and the Ovambo people the area stretching into Angola and the Okavango delta. Namibia, however, was Germany's only colony regarded as suitable for white immigration and from the very beginning it became German policy to encourage white settlement in the lands previously owned by the African inhabitants. As the head of the Settlement Commission wrote at the time:

"The decision to colonize in South (West) Africa means nothing else than that the native tribes must withdraw from the lands on which they have pastured their cattle and so let the white man pasture his cattle on those self-same lands. If the moral right of this standpoint is questioned, the answer is that for people of the cultural standard of South African Natives, the loss of their free national barbarism and the development of a class of workers in the service of and dependent on the whites is primarily a law of existence in the highest degree..."<sup>5/</sup>

The take-over of the rich lands in the Plateau Hardveld which extends roughly through the centre and south of the country between the Namib and the Kalahari deserts met with fierce resistance on the part of the African people culminating in the Herero and Nama rebellions (1904-1907) which were savagely crushed by the German colonial army. General von Trotha who had acquired notoriety in Tanganyika and during the Boxer Uprising in China was appointed Governor and Commander-in-Chief of the German expeditionary force of the Territory and issued a proclamation calling for the extermination of every Herero man, woman and child found within the borders of the German Protectorate. By the time the rebellions ended the Herero population in Namibia had been reduced from 80,000 to 15,000, three-quarters of the Namas had been killed and their lands and cattle confiscated.

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<sup>5/</sup> Paul Rohrbach: "Deutsche Konialwirtschaft", Band i: Südwest-Africa, Berlin (1907) page 286, quoted by Wellington in "South West Africa and its human issues". (Oxford Univ. Press, 1967).

When South West Africa became a Mandated Territory under South Africa in 1920 it might have seemed to the Africans that the time had come for the recovery of their lands. They had been encouraged in this belief by the Allied denunciations of the German colonial system, as well as by frequent promises made by the Governor-General of the then Union of South Africa, Lord Buxton. But the South African conquest, if anything, made their struggle for survival even more difficult. Though the "well-being and development" of the people formed, in the paternalistic words of article 22 of the Covenant, "a sacred trust of civilization" and though under the terms of the Mandate the Mandatory Power was to promote to the utmost the material and moral well-being of the inhabitants, the South African government did not return the lands to the original owners but in fact proceeded to allocate new farms to white settlers. By 1928 the white population had increased to 28,000, double the 1915 figure, despite the repatriation of some 6,000 Germans.

The Africans thus found themselves restricted to reservations mostly in the poor agricultural land in the north or in the sandvelds of the Kalahari or to "urban locations" near centres of industry where they were normally permitted to stay only for purposes of employment.<sup>6/</sup>

The South African administration retained the German division of the Territory into a northern sector, comprising less than one-third of the Territory where most tribal reserves were located and where to-day about half of the African population lives, and a "Police Zone" for European settlement comprising most of the rich mining and farming region of the central plateau. Within this zone there are a few Native Reserves for the Damara, Herero and Nama groups which serve mainly as a reservoir of cheap labour for the surrounding white farms. In the rest of the "Police Zone" Africans can only live in restricted "locations" or as servants or labourers in white-owned farms. They are not allowed to move about without passes or remain for more than 72 hours in an urban area other than their place of permanent residence.

#### Colonial government and administration

In 1925, in order to enable the white population to manage their own affairs, the Government of South Africa set up a government in the Territory, though reserving for itself full and overriding legislative and administrative authority in all matters. Besides, certain subjects, including "native" affairs and the administration of "native reserves" were kept under the direct control of South Africa. At present the "Territorial Government" consists of an "Administrator" appointed by South Africa, an "Executive Committee",

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<sup>6/</sup> Maps 1 and 3 at the back of this issue illustrate the European usurpation of African land in Namibia since the beginning of this century.

composed of the "Administrator" and four other persons elected by the "legislature" from among its own members, and an eighteen-member "Legislative Assembly".<sup>7/</sup> Since the right to vote is restricted to whites over the age of 18, there is no African or Coloured representative in either the "Legislature" or the "Executive Committee".

In addition, since 1951 the Territory has been represented in the South African Parliament; there are six members in the House of Assembly elected directly by white suffrage, and four senators, two of them elected indirectly to represent the white voters in the Territory and the other two nominated by the State President of South Africa. All the South West Africa members of the South African Parliament as well as the 18 members of the Territory's "Legislative Assembly" belong to the ruling Nationalist Party of South Africa which consistently polls a higher percentage of white votes in Namibia than it does in South Africa.<sup>8/</sup>

#### The Odendaal Plan and South Africa's policy of fragmentation

In 1964, the Commission of Inquiry into South West African Affairs, appointed by the South African government under the chairmanship of Mr. F.H. Odendaal, drew up a report on the future development of the "non-white" peoples of the Territory. After classifying the population into twelve "ethnic" groups, it recommended that each of the eleven groups classified as "non-white", other than the (Cape) Coloureds,<sup>9/</sup> should be provided with a separate "self-governing" reserve. This in turn meant the removal of the small African reserves still in existence on the plateau hardveld and the resettlement of their inhabitants in reserves on the desert margins. Namibia was thus to follow South Africa's Apartheid pattern with a giant white area with the African population relegated to the poor border areas grouped into Bantustans to be known in Namibia as "homelands" because unlike in South Africa many of the African population is not Bantu-speaking.

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<sup>7/</sup> Since 1969 the jurisdiction of the territorial government extends only to the white area and its legislative and administrative competence over it has been reduced to a level akin to that of one of the four provincial governments in the Republic. See below page 7

<sup>8/</sup> The other two "white" political parties are the South West Africa branch of South Africa's United Party which advocates a "federal system" in the Territory on the lines advocated for the Republic by South Africa's main opposition party and the "Herstigste Nationale" Party a right-wing splinter group of the National Party.

<sup>9/</sup> Except for a rural irrigation settlement for Coloured farmers to be established in the Orange River, the Plan called for the resettlement of the Coloured population in "Coloured Townships" in the three areas of their greatest concentration (Windhoek, Walvis Bay and Lüderitz).

Under the Plan a total of about 40 per cent of the Territory would be allocated for the non-white "homelands"; of the remainder of the Territory, about 43 per cent would become a "white" area and the rest, including the rich diamond deposits in the Namib desert, would pass directly under South African control. The proposed homelands not only would have to sustain a much larger population density than the white area but for the most part they are situated in areas where ground-water is either much deeper or absent altogether. According to the Odendaal Report, only about 500 of the 35,000 boreholes in the territory were on African land. Only the Rehoboth Bastards, who are categorized as coloured under the Apartheid system, will retain land that compares favourably with most white owned land. However, they have 1,400,000 hectares to support 14,000 people compared with about 39,000,000 hectares available for the 20,000 white farmers. 10/

The Odendaal Plan signified the beginning of a sustained effort to apply the apartheid system in Namibia. In 1968 and 1969, after the termination of the Mandate by the United Nations General Assembly, the South African Parliament promulgated two Acts which substantially put the Plan into effect.

The Development of Self-Government for Native Nations Act, 1968, provided for the creation of six "native nations" to be called Ovamboland, Damaraland, Hereroland, Kaokoland, Kavangoland and Eastern Caprivi, and authorized the establishment in each of "legislative" and "executive councils", thus removing those areas from the jurisdiction of the territorial government. The "Councils" were to be empowered to legislate on a number of internal matters but in all cases the State President of the Republic of South Africa would retain the right to amend or repeal legislation, to make new laws for any "native nation" by proclamation, and to replace the "government" of any tribe or community.

The South West Africa Affairs Act, 1969, drastically altered the pre-existing relationship between the Territory and South Africa by transferring legislative and administrative responsibility in respect of twenty-five broad categories of subjects, including African and Coloured affairs, mining, fishing, labour, taxation and the administration of justice, from the territorial government to that of the Republic. This change has been followed by extensive action to bring the laws of the Territory into line with those of South Africa and to make South African laws applicable to the Territory.

So far three African "homelands", Ovamboland, Kavangoland and Eastern Caprivi have been established, each with a "legislative council" with members appointed by the South African government or elected on a tribal system of selection and an "executive committee" chosen from amongst the members

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10/ See the article by Peter Fraenkel in the October 1974 issue of the Geographical Magazine.

of the "legislative council" and headed by a "Chief Councillor" or "Chief Minister".

The attempt by South Africa to fragment Namibia has encountered the resolute resistance of the African people. Following the proclamation of Ovamboland as a "self-governing area", with effect from 1 May 1973, new "elections" were held for the Ovamboland Legislative Council. Heeding the call of SWAPO the people of Ovamboland boycotted the elections; only 2.5 per cent of the electorate went to the polls. As a consequence, the illegal regime in Namibia has been forced to announce that new elections are to be held in January 1975.<sup>11/</sup> Likewise the attempt in 1972 by South Africa to "elevate" Damaraland to the status of a full "homeland" met with the refusal of the Damara leaders to discuss the question until they were allowed to hold talks with the South African Prime Minister "on profound policy problems" which they said were rooted in South Africa's policy of "multinational development".

#### Growth of the national liberation struggle

Faced with South Africa's increasing campaign of repression (see below) and confronted with the impossibility of finding a negotiated withdrawal of South Africa from Namibia in accordance with United Nations resolutions and the International Court of Justice's opinion,<sup>12/</sup> it has become increasingly apparent to Namibians that the only road to freedom lay in the intensification of their liberation struggle.

The principal movement involved in this campaign is SWAPO, which was founded in 1960 by San Nujoma. SWAPO operates both inside and outside Namibia and is the movement officially recognized by the Organization of African Unity, and by the United Nations.<sup>13/</sup> A second political movement is the National Convention which came into existence in 1971 and comprises a number of political groups inside Namibia including SWAPO, the South West Africa National Union (SWANU), the South West Africa National Independence Organization (SWANIO), the National Unity Democratic Party (NUDO) and others.<sup>13a/</sup>

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<sup>11/</sup> The announcement added that the composition of the "Legislative Council", at present composed of thirty-five nominated members and twenty-one members elected on a sub-tribal basis would be altered to allow for an increase in the number of "elected" members. According to the Commissioner-General of the Indigenous People of South West Africa, no political party, including SWAPO, will be prohibited from campaigning. He declined to say, however, whether the emergency regulations in force in Ovamboland, (see below page 9) which provide that permission must be obtained before any political meeting may be held, would be lifted.

<sup>12/</sup> See Chapter II, pages 22-23 below.

<sup>13/</sup> See General Assembly resolution 3111 (XXVIII)

<sup>13a/</sup> Chief Clemens Kapuuo, Vice-Chairman of the National Convention appeared as a petitioner before the Council for Namibia and before the Fourth Committee of the General Assembly at its 28th session in 1973.



The curbing of African nationalist activities in Namibia exemplified by the 1963 ban on public meetings and the extension of South Africa's repressive legislation to the Territory <sup>14/</sup> made it apparent that the struggle for the liberation of Namibia would have to be carried out not solely by political means. SWAPO thus initiated a military training programme which culminated in the first reported armed clash with South African military forces in August 1966. Since then the external wing of SWAPO and its military arm, the People's Liberation Army of Namibia (PLAN), have continued their military activities.

The growth of the armed struggle in Namibia has forced the South African occupation regime to expand its training of police and military personnel in anti-guerrilla activity and to increase the number of its armed forces stationed in Namibia's Northern border. Several army and air force bases have been set up in the Caprivi Strip bordering Zambia to ward off attacks by national liberation forces.

The change of regime in Lisbon and the approaching installation of an African government in Angola have intensified South Africa's concern about security along Namibia's 1200 kilometer border with Angola. On 14 June 1974 the South African Minister of Defence, Mr. Piet Botha, announced that the police units in the Caprivi Strip would be replaced by army units. It was also announced that African troops, previously used in a non-combatant activity, would henceforth be armed and used to guard military installations, and it was reported shortly afterwards that recruitment of Africans for a border patrol force had begun.

SWAPO and the other nationalist movements have also intensified their political struggle inside Namibia. In December 1971 Ovambo workers went on strike in Windhoek to protest against the iniquities of the labour contract system (see below). The strike immediately spread to a number of other industrial centres seriously disrupting the economic life in the Territory. By the middle of January 1972, the labour action had affected 23 industrial centres, including 11 mines, seven of which had to cease all operations. Almost all the 13,500 strikers were sent back to Ovamboland but efforts to recruit workers elsewhere failed and the South African regime had no option but to negotiate for the Ovambo workers' return. New contracts, now known as "agreements", were produced. In these, the former terms "Masters" and "Servants" had become "Employers" and "Employees", but other than these changes in terminology and some pay increases there were few changes in substance; the restrictions on mobility, enforced separation from families, inadequate wages and miserable accommodation in compounds remained.

In order to strengthen its powers of repression the South African government proclaimed in February 1972 a State of Emergency in Ovamboland which is still in force. Scores of people were reported shot by the police

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<sup>14/</sup> See below page 10

while hundreds of men and women were rounded up and gaoled.

Faced with increasing repression, no alternative jobs, lack of cash and mounting hunger at home the contract workers had no option but to return to work. However recent reports <sup>15/</sup> speak of the increasing political awareness and defiant atmosphere amongst African workers. On at least three occasions in 1973 police are reported to have opened fire during riots in the migrant labourers' compounds.

In July and August 1973, SWAPO called on the people of Ovamboland to boycott the elections for the Ovamboland "Legislative Council". As pointed out above this resulted in a massive abstention with only 2.5 per cent of electorate going to the polls.

#### Measures of Repression

Confronted with the growing resistance of the Namibian people the South African occupation authorities have resorted to increased repression. All the major legislation aimed at stifling political activity in South Africa is applicable to Namibia. <sup>16/</sup> To a large extent this purpose is served by the pass laws which restrict the freedom of movement of the Africans but there are also laws specifically relating to censorship, freedom of association, surveillance by the Bureau of State Security (B.O.S.S.) and the Security Police, detention without trial and punishment for any conduct deemed "subversive" in the broadest sense.

Several trials have taken place of Namibians accused of conspiracy to overthrow the government of the Territory. The most significant one took place in 1967 when a group of Namibians who had been held in detention for some time were brought to trial in Pretoria under the 1967 Terrorism Act on charges arising out of guerrilla fighting in the Territory in 1966 and 1967. The trial caused intense reaction abroad for several reasons amongst them the retroactive application of the Act to actions committed since 1962, the fact that it had been enacted after the termination of the Mandate and the draconian

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<sup>15/</sup> See inter-alia the Minority Rights Group Report on "The Namibians of South West Africa" by Peter Fraenkel from which some of the data in this paper are taken.

<sup>16/</sup> With the passing of the South West Africa Act, in 1969 -i.e. three years after the revocation of the Mandate - three notorious South African legislative enactments, the Suppression of Communism Act of 1950, the Terrorism Act of 1967 and the General Law Amendment Act of 1969 (the BOSS Act) have been purportedly extended to Namibia. For a description of South Africa's repressive legislation see UN document A/9781

nature of the Act's provisions, most of which clearly violate the Universal Declaration of Human Rights. <sup>17/</sup> Both the General Assembly and the Security Council adopted resolutions calling for the release and the repatriation of the defendants. <sup>18/</sup> In spite of this, thirty of the accused were convicted under the Terrorism Act and sentenced to terms of imprisonment ranging from five years to life.

Early in 1974 ten SWAPO leaders, including Mr. David Meroro, the National Chairman, were arrested under article 6 of the Terrorism Act which allows for indefinite detention without charges. Mr. Meroro was granted bail on 16 July after being held incommunicado for five months, and, according to his defence counsel, repeatedly tortured. He is at present standing trial under the Suppression of Communism Act.

Two other SWAPO leaders detained in January 1974, Mr. Ezriel Taapopi and Mr. Joseph Kashea, Acting Chairman and Secretary respectively of the SWAPO Youth League were tried and sentenced in July to five years imprisonment (of which three were conditionally suspended) on charges of "incitement to violence". A political demonstration erupted when the Judge was about to pass sentence. Demonstrators carried placards which read "viva SWAPO; long live all freedom fighters; one Namibia one nation; Vorster away with your apartheid; no more Caetano, no more Vorster, no more bantustans, no more advisory council; we want Namibia Commissioner office in Namibia (Windhoek); release all SWAPO political detainees; independence is the only solution to Namibia dispute".

#### Mass Arrests

In addition, mass arrests have become increasingly commonplace in Namibia. In January 1974, for instance, the police raided the black township of Katutura and arrested 141 men and 45 women. A few days earlier the police with tracker dogs and automatic weapons arrested 127 Africans who were on their way from Windhoek to Rehoboth to attend a political meeting. In July the police raided Windhoek's Ovambo hostel and arrested 119 Africans, 111 of whom were charged with being in Katutura without the proper papers. Six thousand Ovambo migrant labourers live in the hostel in Katutura under appalling conditions universally decried as appalling. <sup>19/</sup>

According to information received by the Council for Namibia, as of July 1974 19 Namibians were serving life sentences following conviction in 1966; 16 were serving 20-year prison terms; 13 were under detention without trial; 86 were serving three to five year prison terms after being arrested in

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<sup>17/</sup> The Act provides inter alia for indefinite detention incommunicado of persons believed to be "terrorists" or to have information about "terrorism". Persons so held are denied any recourse to the Courts.

<sup>18/</sup> General Assembly resolution 2324 (XXII) of 16 December 1967 and Security Council resolution 245 (1968) and 246 (1968) of 25 January and 14 March 1968 respectively.

<sup>19/</sup> See document A/9624 (Vol.1), para.18-21. See also page 14 below

Ovamboland in 1973; 32 were serving terms of various duration after being arrested in Windhoek in 1973 and 1974; and 7 were serving other sentences.

These figures do not include persons taken in the mass arrests described above, nor do they include other arrests which have not been disclosed by the South African police. Moreover, it is impossible to know with any accuracy how many people are currently being detained in Ovamboland, because in July 1973 the Commissioner-General of Indigenous People of South West Africa barred all press representatives from the "homeland" except the representative of the South African Press Association.

#### Public flogging:

Since the proclamation on 1 May 1973 by the South African regime of a so-called "self-governing region" in Ovamboland, the "authorities" in that area have systematically introduced a policy of publicly flogging suspected political opponents, especially members of SWAPO and of the Democratic Development Co-operative Party (DEMKOP).

The public flogging inflicted upon Namibians in the Ovamboland area disregard sex and age and have been applied to people of all social backgrounds including teachers, students, church leaders and nurses.

Despite widespread public condemnation in Namibia, South Africa and in other countries as well as by the Council for Namibia of this mode of punishment, the South African occupation authorities have refused to restrain the "tribal authorities" from flogging Namibians on the grounds that they do not wish "to intervene in the affairs of homelands" or in "tribal customs".

#### Economic exploitation

The economic wealth of Namibia consists primarily in its rich mineral deposits. <sup>20/</sup> The most important mining companies are the Consolidated Diamond Mines of South West Africa, the largest producer of gem diamonds in the world, which is a subsidiary of De Beers Consolidated Mines of South Africa; the Tsumeb Corporation partly owned by American Metal Climax, which produces lead, copper and other base minerals; and several consortia of South African companies. Rio Tinto of South Africa is presently developing what is expected to become one of the largest uranium mining operations in the world. The reserves in the uranium mine at Rössing near Swakopmund are estimated to be 100,000 tons, which added to South Africa's own reserves would bring the total uranium ore currently under control of the South African regime to 300,000 tons, enough to satisfy one third of the anticipated world demand in 1985. Eight large international oil companies are prospecting for petroleum but so far without success.

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<sup>20/</sup> Situated almost entirely in the area under white ownership or direct South African government control. See maps 2 and 3 at the back of this issue.

Off-shore fishing is the second largest industry and is carried on by eight large South African companies or their affiliates, most of their produce being canned for export.

Commercial farming is almost entirely restricted to the export of cattle and the production of Karakul (persian lamb) and is carried out mainly by white farmers.

Sales of Namibian base minerals, primarily copper and lead, increased by 54 per cent in volume in 1973 as compared to the previous year. Diamond sales were reported to have increased by 66 per cent during the same period.

As is well known foreign interests dominate the economic life in Namibia. The International Court of Justice in its 1971 Advisory Opinion on Namibia<sup>21/</sup> delivered in response to the Security Council's request stated that there was an obligation on the part of States to abstain from entering into economic forms of relationship or dealings with South Africa on behalf of or concerning Namibia.<sup>22/</sup> However foreign companies continue to invest in Namibia notwithstanding the Court's opinion and the resolutions of the Security Council and the General Assembly. Furthermore most of the profits derived from foreign-owned companies are still sent out of the country. It is estimated that at least one third of Namibia's G.N.P. is exported as profits by foreign mining companies while the taxes paid by the companies serve to pay for the maintenance of the illegal occupation of the territory. Another indication of the financial benefits reaped by outside economic interests is provided by the extraordinary discrepancy between the Gross Domestic Product (GDP) and the Gross National Product (GNP). The last official figures published in 1962 showed that the latter was 30 per cent less than the GDP. Though no recent figures have been published owing to the new South African policy of merging Namibian statistics with those of the Republic, the Johannesburg "Financial Mail" estimated in March 1973 that the discrepancy between the GDP and the GNP had risen by then to as much as 50 per cent.

The last information on separate per capita incomes for Namibia published in the "South West Africa Survey 1967" show an annual per capita income of 1,602 Rands for Whites, 310 Rands for "Non-Whites" in the Police Zone and 61 Rands for Africans in the northern reserves. <sup>23/</sup>

The huge profits made by foreign companies in Namibia derive largely from cheap labour. An illustration of this was provided by an advertisement in the "Wall Street Journal" of 3 May 1974 according to which Tsumeb Corporation earned \$367 million on sales of minerals amounting to \$1 billion between 1947 and 1971, while labour costs amounted to only \$91 million during that period. The figures for this Company's wages published in relation to the second half of 1973 gave the average monthly wages for blacks as R.36

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<sup>21/</sup> See International Court of Justice Reports (1971) para.124. Extracts of the Court's Opinion appear in Annex IV.

<sup>22/</sup> See below page 17 "Namibia at a glance".

<sup>23/</sup> One South African Rand equals approximately US\$ 1.50

while monthly wages for whites averaged R.460. It should be noted that even lower wages are paid in other sectors: in the fishing industry wages average R.24.70, while those paid to farm workers were estimated in 1973 to range from R.6 to R.12 per month.<sup>24/</sup>

#### Labour conditions

Three quarters of the African labour force in Namibia are regarded as migratory workers who are allowed to enter the white areas only if in possession of a contract binding them to a specific (white) employer. Migrant workers are recruited in their "homelands", given a medical test, classified A, B and C according to physical fitness, labelled with the name and address of their future employer and packed into lorries to their destination. Once there, workers are confined in segregated compounds; they may not bring their wives and children and, once under contract, they may not leave the designated area; after their contracts expire they must return to their reserve. Under new regulations promulgated in February 1974 no person is to be permitted to cross the checkpoint between Ovamboland and "South West Africa" unless he is in possession of travel and identification documents.

Conditions in the compounds invite comparisons with prisons. The compound for Ovambo contract workers at Katutura near Windhoek, for example, is surrounded by barricades and its walls are crowned by broken glass and barbed wire. Sanitary conditions are appalling with men sleeping twenty to a room.

The exiled Anglican Bishop of Damaraland, The Rt. Rev. Colin Winter, has called the contract labour system worse than slavery in the sense that slaves cost their masters money and were regarded as valuable "property" while contract labourers are expendable and can be replaced from the reservoir of cheap labour in the so-called "homelands".

#### Exodus from Ovamboland

In order to avoid being enlisted in South Africa's border militia <sup>25/</sup> or threatened with indefinite detention in special camps, and in the face of the brutality of tribal rulers, large numbers of Africans have left Ovamboland since mid-June 1974. According to the testimony of Mr. John Otto, a member of the SWAPO National Executive who himself left Namibia in June, as many as 3,000 refugees have crossed the border into Angola since then and have found their way into Zambia. The "Commissioner-General of the Indigenous Peoples of South West Africa" who in July was still claiming that only

<sup>24/</sup> See table at the end of this Chapter

<sup>25/</sup> See above page 9

<sup>26/</sup> See below pages 28 - 33

about 40 persons had gone to Angola had to admit two months later that the figure was near 2,000. In an effort to stem the tide, the Ovamboland "Minister of Justice" warned on 28 June that the punishment for attempting to leave the country illegally was a heavy fine or a year in jail, while the death penalty could be imposed for "inciting" people to undergo training constituting a threat to "law and order".

#### Proposals for "multi-racial" talks

On 24 September 1974 the Executive of the "National Party of South West Africa" issued a statement announcing its willingness to undertake discussions with representatives of the other population groups on "South West Africa's future pattern of constitutional development" to a point where "final agreement" could be reached.<sup>27/</sup>

The statement said that although the National Party's position on what it considered the best way of "ensuring peaceful co-existence" between the various population groups was well known (i.e., separate development), it intended to approach the proposed consultations "in a spirit of goodwill" in terms of which "standpoints [ ] would [ ] be weighed against each other and misconceptions eradicated".

The statement noted that so far as the whites were concerned, the discussions would be conducted by senior members of the Executive. As regards African representation, the Executive assumed that each population group would decide for itself who its representatives would be, adding that it was "highly desirable" that these representatives should be accepted as such by their people as a whole. For the purposes of securing official backing of this initiative, the Legislative Assembly would be convened as soon as possible.<sup>28/</sup>

The statement concluded by saying that the Executive had set its objective in the knowledge that the dispute over "South West Africa", which had dragged on for almost three decades, was not in the interests of progress and was thus to the disadvantage of all the people of the Territory.

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<sup>27/</sup> The statement was transmitted to the Secretary-General of the United Nations by the South African Minister of Foreign Affairs in a letter dated 26 September 1974. See United Nations document A/9775, S/11519.

<sup>28/</sup> The Legislative Assembly met on 20 November 1974 and approved the Party's call for a "Constitutional Conference".

Coinciding with the timing of these proposals a number of Western newspaper articles appeared reporting that "great changes" in South Africa were in the offing. On 13 October, however, the "Commissioner-General of the Indigenous People of South West Africa", Mr. Jahnne de Wet, disclosed what he stated was his "personal" plan for South West Africa namely the partition of the territory with an independent Ovamboland in the North possibly comprising the 120,000 Ovambos across the border in southern Angola. According to this plan each of the other "Non-White" ethnic groups would either be able to opt for "independence" in their "traditional" areas or form a federation with the 91,000 whites who, with the separation of Ovamboland, would become the largest single "ethnic" group in Namibia and would be left in occupation of approximately two thirds of the Territory and of virtually all its mineral wealth. This white area, Mr. de Wet added, would be free to join South Africa if it so wished.

The disclosure of this "new" South African plan, which is but a re-statement of previous South African schemes going back to the proposals put forward in 1958 to a United Nations Good Offices Committee headed by Sir Charles Arden-Clarke and rejected by the General Assembly at its thirteenth session,<sup>29/</sup> clearly embarrassed the South African Prime Minister, Mr. B.J. Vorster, who warned his parliamentary colleagues in the Nationalist Party to "stop making premature statements and speculations on the constitutional future of South West Africa".

Mr. Vorster himself, told the South African Senate on 23 October 1974 that the chaos elsewhere in the world would be child's play with what would happen in Namibia if South Africa left. This statement is in tune with others by South African leaders including the leader of the National Party of South West Africa and Minister of Community Development in Mr. Vorster's Cabinet, Mr. A.H. Du Plessis, who a few days after disclosing his Party's proposals reiterated in a Radio South Africa broadcast that there was no question of South West Africa being separated entirely from South Africa.

The "proposals" of the Executive Committee of the South West Africa National Party were quickly repudiated by SWAPO in a statement in Lusaka on 26 September <sup>30/</sup> which called them a ploy to mislead world public opinion. The proposals were also categorically rejected by the United Nations Council for Namibia in a statement adopted on 23 October. <sup>31/</sup> The texts of the statements by SWAPO and by the Council are reproduced in full below. (see pages 39 - 41)

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<sup>29/</sup> See page 19 below

<sup>30/</sup> The statement was transmitted by the President of the United Nations Council for Namibia to the Secretary-General on 1 October (doc.A/9786 and S/11526).

<sup>31/</sup> See United Nations document A/AC.131/36



Namibia at a glance

Surface: 318,261 square miles (824,269 square kilometres)

Population: 850,000 (unofficial); Blacks and persons of mixed descent: 760,000; Whites: 90,000

Government: By Res. 2145 (XXI) of the General Assembly South Africa's Mandate was terminated and the Territory placed under the direct responsibility of the U.N. which administers the Territory through the Council for Namibia and a United Nations Commissioner. South Africa has refused to withdraw from the Territory in spite of repeated calls by the General Assembly and the Security Council and the Advisory Opinion of the International Court of Justice.

Political parties: Main African political movements are the South West Africa People's Organization (SWAPO) and the National Convention. Most whites support the "South West Africa" section of the ruling National Party of South Africa.

Trade Unions: African trade unions are proscribed as are strikes by Africans.

Economic Resources: Diamonds, copper, lead, zinc and uranium as well as rich off-shore fisheries, all of which are under the control of foreign companies.

Land distribution (Odendaal Plan)

<u>Africans and Rehoboth Basters</u>	<u>Whites</u>
Percentage of total population: 85%	12%
Percentage of land allocation: 40%	60% <u>a/</u>

Annual "per capita" incomes b/ (1967 figures)

<u>Whites</u>	<u>"Non whites" in "Police Zones"</u>	<u>Africans in Northern Reserves</u>
R. 1602	R. 310	R. 61

Average monthly wages c/ (1973 figures)

<u>Mining Sector</u> (based on Tsumeb Co. figures) <u>d/</u>		<u>Fishing Industry</u>	<u>Farming</u>
<u>Whites</u>	<u>Africans</u>	<u>Africans</u>	<u>Africans</u>
R. 460	R. 36.40	R. 24.70	R. 6 - 12

Expenditure on Health e/ (1962 figures)

	<u>Whites</u>	<u>"Non-Whites"</u>
Overall expenditure	R. 440,934	R. 235,404
"Per capita" expenditure	R. 6.01	R. 0.54

Education e/

	<u>Whites</u>	<u>"Coloured"</u>	<u>Africans</u>
Percentage of school age population (7 - 16 years) (1960-62)	99 %	84 %	38%
Secondary education - total number of pupils (1960-62)	2,995	181	147
Overall expenditure (1964-65)	R. 3,315,966	R. 673,912	R. 799,534

a/ Including land under direct South African government ownership

b/ Figures are given in South African rand. One rand equals approximately US\$ 1.50. Owing to the fact that South Africa has ceased to publish separate statistics for South West Africa, it has not always proved possible to quote recent figures for the Territory. However there is no reason to believe that the gap between whites and "non-whites" has in any way narrowed since then.

c/ The Windhoek Non-European Affairs Dept. admitted in 1973 that R.60 was the minimum monthly subsistence wage in Windhoek. In South Africa where price levels are somewhat higher than in Namibia the Poverty Datum Line was put by the Johannesburg Chamber of Commerce in January 1973 at R.76.16 per month for a family of five.

d/ Wages paid by Tsumeb are considered typical for the mining industry in the Territory.

e/ Quoted in the Odendaal Report.

II. HISTORY OF THE RELATIONS BETWEEN THE UNITED NATIONS AND SOUTH AFRICA CONCERNING NAMIBIA

Developments prior to the termination of the Mandate 1946-1966

From its inception the United Nations has been confronted with South Africa's obstinate refusal to abide by its obligations under the Mandate, its refusal to bring South West Africa into the Trusteeship System and its determination to annex the Territory "de jure" or "de facto".

As early as 1946 the General Assembly<sup>32/</sup> rejected South Africa's proposal to incorporate South West Africa into the Union and recommended that the Territory be placed under the International Trusteeship System. This recommendation was renewed in 1947 and in successive years. <sup>33/</sup>

In 1949 South Africa, now under Nationalist Party rule, informed the United Nations that it would no longer transmit information on its administration of the Territory on the grounds inter alia that the Mandate had lapsed with the demise of the League.

The International Court of Justice in an Advisory Opinion handed out in 1950 in response to a General Assembly request<sup>34/</sup> found inter alia that South West Africa was still a territory under international mandate, that South Africa continued to have international obligations under the League of Nations Covenant and Mandate, including the obligation to submit reports on, and transmit petitions from, the Territory. The Court further declared that the supervisory functions of the League were to be exercised by the United Nations, that the General Assembly was the organ legally qualified to exercise those functions previously entrusted to the Council of the League and that South Africa was bound to submit to the supervision and control of the Assembly. <sup>35/</sup>

South Africa refused to accept the Court's opinion and continued to oppose any form of United Nations supervision over the Territory's affairs.

There followed a fifteen year period in which the General Assembly, through its committees and by other means sought by negotiations to reach agreement with South Africa on the implementation of the 1950 advisory opinion.

From 1951 to 1953 an Ad Hoc Committee of the General Assembly met with representatives of South Africa without any agreement being reached. The Ad Hoc Committee reported that the main points of difference were: a) a "fundamental" disagreement on how supervision of South Africa's administration of the Territory should be carried out and b) failure to agree on who should be the "second party" with whom South Africa would conclude a new instrument for the administration of the Territory. (South Africa proposed to conclude the agreement not with the United Nations but rather with the United Kingdom, France and the United States as the three remaining members of the Principal Allied and Associated Powers at the Versailles Conference).

<sup>32/</sup> Resolution 9 (I)

<sup>33/</sup> Resolutions 141(II), 227(III), 337(IV), 449B(V), 570B(VI), 749B(VIII), 852(IX), 940(X), 1055(XI), 1141(XII), 1246(XIII) and 1360(XIV).

<sup>34/</sup> Resolution 338 (IV)

<sup>35/</sup> The 1950 Advisory Opinion was the subject of further interpretation by the International Court in two subsequent Opinions delivered in 1955 and 1956.

Following the failure of the Ad Hoc Committee, the General Assembly established <sup>36/</sup> in 1953 a Committee on South West Africa to assist in carrying out the supervisory responsibilities formerly exercised by the League, and to report to the General Assembly on conditions in the Territory. South Africa refused to cooperate with the Committee or to continue negotiations with it.

In 1956, the General Assembly requested <sup>37/</sup> the Secretary-General to explore ways and means of solving the question of the Territory, and to take whatever steps he deemed necessary, with a view to finding a satisfactory solution in line with the principles of the Charter and the 1950 advisory opinion of the Court. No positive results, however, were accomplished.

In 1957, the General Assembly made a further attempt to reach a solution through negotiation; it established <sup>38/</sup> a Good Offices Committee, composed of the United Kingdom and the United States and a third member, Brazil, selected by the President of the General Assembly, "to discuss with the Government of the Union of South Africa a basis for an agreement which would continue to accord to the Territory of South West Africa an international status", and to report to the General Assembly.

The Good Offices Committee, under the chairmanship of Sir Charles Arden-Clarke, met with representatives of the South African Government in Pretoria in 1958. In its report to the General Assembly the Committee stated that its own proposals, involving United Nations supervision over the whole Territory either under a modified Mandate System or under the Trusteeship System, were unacceptable to South Africa.

The Committee reported, however, that if the General Assembly were willing to consider a solution based on the partition of the Territory, with the northern portion which contained a majority of the native population to be placed under Trusteeship and the balance of the Territory to be annexed to South Africa, the latter would be willing to investigate the practicability of such a scheme and, if it proved practicable, would submit proposals to the United Nations for partitioning the Territory. The Committee expressed the hope that the General Assembly would encourage the South African Government to undertake such investigation.

The suggestions contained in the report of the Good Offices Committee, met with strong opposition from the majority of members in the General Assembly; the Assembly rejected the suggestions, but invited the Committee to renew discussions with South Africa to find a basis for an agreement which would continue to accord an international status to the mandated Territory "as a whole". <sup>39/</sup>

In 1959, the Committee reported to the General Assembly that it had not succeeded in finding a basis for agreement under its terms of reference.

On 4 November 1960, Ethiopia and Liberia, both former members of the League of Nations, instituted contentious proceedings against South Africa in a case concerning the continued existence of the Mandate for South West Africa and the duties and performance of South Africa as mandatory power, charging that South Africa had violated its obligations under the Mandate. In its judgement

<sup>36/</sup> Resolution 749 (VIII)

<sup>37/</sup> Resolution 1059 (XI)

<sup>38/</sup> Resolution 1143 (XII)

<sup>39/</sup> Resolution 1243 (XIII)

delivered on 18 July 1966,<sup>40/</sup> the Court found that Ethiopia and Liberia could not be considered to have established any legal right or interest appertaining to them in the subject matter of their claims and that it had accordingly decided to reject them. (The Court was divided equally on the matter, the decision being reached by the casting vote of the President).

In the meantime, in October 1961, following hearings in Africa on the situation in the Territory, the Committee on South West Africa recommended to the General Assembly that, in the light of South Africa's refusal to modify her policies in the Territory, the administration of the Territory should be terminated and an immediate United Nations presence be instituted with a view to the ultimate independence of the Territory.

In May 1962, the Chairman and Vice-Chairman of the Special Committee for South West Africa which had replaced the Committee on South West Africa in 1961 by Resolution 1702 (XVI) of the General Assembly, visited South Africa and South West Africa in response to an invitation of the South African Government. Reporting to the Committee on their discussions with representatives of the Government in Pretoria and their meetings with representative groups of the African, Coloured and European population in South West Africa, the Chairman and Vice-Chairman concluded that it was the overwhelming desire of the Africa Territory and take all preparatory steps to grant freedom to the indigenous population; they further concluded that there seemed no way of carrying out the tasks assigned to the Committee "short of the use of force or other compulsive measures within the purview of the Charter".

In December 1962, the General Assembly<sup>41/</sup> decided to dissolve the Special Committee for South West Africa and assigned its functions, to the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. The Assembly also requested the Secretary-General to appoint a United Nations Technical Assistance Resident Representative for South West Africa and to take all necessary steps to establish an effective United Nations presence in the Territory. However, in 1964, South Africa informed the Secretary-General that it had come to the conclusion that it would be neither necessary nor desirable to make use of any outside expert advice which might be offered by the United Nations.

During 1964, the South African Government endorsed in principle the recommendations made by the Odendaal Commission of Inquiry into South West African Affairs for the establishment of separate "non-white homelands" in the Territory on a tribal or ethnic basis, and a separate "white area" (for further details, see page 6 above). The Special Committee, in 1964, viewing the situation with concern, called upon South Africa to desist from implementing the commission's recommendations, which it noted would result in the partition and desintegration of South West Africa and its absorption into South Africa. In 1965, the General Assembly declared<sup>42/</sup> that any attempt to partition the Territory or to take any unilateral action, directly or indirectly, preparatory thereto, constituted a violation of the Mandate for South West Africa and of the Declaration on the Granting of Independence to Colonial Countries and Peoples;

<sup>40/</sup> International Court of Justice Reports, 1966

<sup>41/</sup> Resolution 1805 (XVII)

<sup>42/</sup> Resolution 2074 (XX)

it further considered that any attempt to annex a part or the whole of the Territory would constitute an act of aggression.

Termination of the Mandate by the General Assembly

In 1966, following the negative results of the contentious proceedings instituted against South Africa by Ethiopia and Liberia in the International Court, and incensed by South Africa's decision to implement the recommendations of the Odendaal Commission, the General Assembly by an overwhelming vote <sup>43/</sup> decided by Resolution 2145 (XXI) to terminate South Africa's mandate over South West Africa and to place the Territory under the direct responsibility of the United Nations in view of the fact that South Africa had failed to fulfil its obligations in respect of the administration of the Mandated Territory and to ensure the moral and material well-being of its indigenous inhabitants.

Establishment of the United Nations Council for Namibia

In 1967 the Assembly, at its fifth special session convened for the purpose of discussing the question of South West Africa, decided by Resolution 2248 (S-V) <sup>44/</sup> to establish a United Nations Council for South West Africa to administer South West Africa until independence and to promulgate such laws, decrees and regulations as were necessary for the administration of the Territory until a legislative assembly was established on the basis of universal adult suffrage. The Assembly also decided that the Council should entrust such executive and administrative tasks as it deemed necessary to a United Nations Commissioner for Namibia who is responsible to the Council and that the latter should be based in Namibia to contact the South African authorities in order to lay down procedures for the transfer of the administration of the Territory.

Later in 1967 the Council reported that it had been prevented from developing effectively its functions by the refusal of the South African Government to comply with the terms of the Assembly's resolutions.

South West Africa renamed Namibia

By Resolution 2372 (XXII) adopted in June 1968 the General Assembly proclaimed that, in accordance with the desire of the people of the territory, "South West Africa" would henceforth be known as "Namibia" and the name of the Council for South West Africa would be changed accordingly. Furthermore, in view of South Africa's defiance, the resolution entrusted the Council for Namibia to perform, as a matter of priority, the following functions: establishment of an emergency programme in coordination with the specialized agencies to render technical and financial assistance to Namibia; organization of a programme to develop a cadre of Namibian civil servants, and of technical and professional personnel and finally the issuing of travel documents to Namibians to enable them to travel abroad.

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<sup>43/</sup> The Resolution was adopted by 114 votes in favour to two against (Portugal and South Africa) with three abstentions (France, Malawi and the United Kingdom).  
<sup>44/</sup> The text of the Resolution is reproduced in full in annex I.

Action by the Security Council

Early in 1969 the Security Council responding to repeated requests from the General Assembly adopted a resolution<sup>45/</sup> which inter alia recognized that the General Assembly had terminated South Africa's mandate over Namibia, considered that the action of South Africa designed to destroy the national unity of Namibia through the establishment of "bantustans" was contrary to the Charter, called upon the Government of South Africa to withdraw immediately its administration from the Territory and decided that in the event of failure by South Africa to comply with the resolution, the Council would meet immediately to determine the necessary steps or measures.

South Africa's response was to inform the Security Council that it did not recognise the legality of the Assembly's decision to terminate the mandate and regarded as invalid all the resolutions flowing therefrom, including the Security Council resolution.

The response of the Security Council has been to adopt a succession of resolutions each more severe but all falling short of enforcement action.

Thus, in August 1969 the Security Council<sup>46/</sup> specifically recognized the legitimacy of the struggle of the people of Namibia against the illegal presence of the South African authorities in the Territory, requested all States to increase their moral and material assistance to the people of Namibia in their struggle and called upon all States to refrain from all dealings with the Government of South Africa purporting to act on behalf of the Territory of Namibia.

In January 1970, the Security Council adopted Resolution 276 (1970)<sup>47/</sup> reaffirming its previous resolutions on Namibia and explicitly declaring for the first time that "all acts taken by the Government of South Africa on behalf of or concerning Namibia after the termination of the Mandate are illegal and invalid."

In a resolution adopted a few months later<sup>48/</sup> the Security Council called on all States to take a series of measures designed to end any trade or commercial dealings and investments by their nationals or companies of their nationality in Namibia.

The 1971 Advisory Opinion of the International Court of Justice and its aftermath

In July 1970 the Security Council<sup>49/</sup> asked the International Court of Justice for an advisory opinion on the legal consequences for states of the continued presence of South Africa in Namibia, notwithstanding Security Council Resolution 276 (1970).

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<sup>45/</sup> Resolution 264 (1969)  
<sup>46/</sup> Resolution 269 (1969)  
<sup>47/</sup> Reproduced in full in Annex II below  
<sup>48/</sup> Resolution 283 (1970)  
<sup>49/</sup> Resolution 284 (1970)

In reply <sup>50/</sup> the Court declared (1) that the continued presence of South Africa was illegal and that therefore South Africa was under obligation to withdraw its administration from Namibia immediately; (2) that States Members of the United Nations were under obligation to recognize the illegality of South Africa's presence in Namibia and the invalidity of its acts on behalf of or concerning Namibia and to refrain from any acts or dealings with the Government of South Africa implying recognition of the legality of such presence and administration and (3) that it was incumbent on States not Members of the United Nations to cooperate in the action taken by the United Nations with regard to Namibia. (For extracts of the Court's opinion see Annex IV below).

On 20 October 1971 the Security Council <sup>51/</sup> agreed with the Court's opinion, declared that any further refusal by South Africa to withdraw from Namibia could create conditions detrimental to the maintenance of peace and security in the region and called upon states to take a series of measures designed to put an end to, or avoid, any recognition of South Africa's control of the Territory.

At its special session in Addis Ababa in February 1972, the Security Council <sup>52/</sup> invited the Secretary-General, in consultation with a group of the Security Council composed of representatives of Argentina, Somalia and Yugoslavia, to establish contact as soon as possible "with all interested parties" with a view to establishing the necessary conditions to enable the Namibian people to exercise their right to self-determination and independence in accordance with the Charter of the United Nations. At the same time the Council reiterated in a second resolution <sup>53/</sup> that the defiant attitude of South Africa undermined the authority of the United Nations, considered that the continued occupation of Namibia by the Government of South Africa created conditions detrimental to the maintenance of peace and security in the region and called on South Africa to withdraw immediately from the Territory.

In pursuance of the Security Council's mandate, the Secretary-General visited South Africa and Namibia from 6 to 10 March 1972 for talks with the Prime Minister and Minister of Foreign Affairs of South Africa. Further discussions between the South African government and the Secretary-General, or his special representative Mr. Escher, took place in the course of 1972 and in the early part of 1973, the Security Council having twice extended the Secretary-General's mandate in August and December 1972. <sup>54/</sup> In his report to the Security Council of 30 April 1973 <sup>55/</sup> the Secretary-General concluded that the position of the South African Government was still far from coinciding with that established by the resolutions of the United Nations concerning Namibia and that it did not provide "the complete and unequivocal clarification of South Africa's policy in regard to self-determination and independence for Namibia envisaged in Resolution 323 (1972)".

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- <sup>50/</sup> International Court of Justice Reports, 1971
  - <sup>51/</sup> Resolution 301 (1971)
  - <sup>52/</sup> Resolution 309 (1972)
  - <sup>53/</sup> Resolution 310 (1972)
  - <sup>54/</sup> Resolution 319 (1972 and 323 (1972)
  - <sup>55/</sup> Document S/10921

The Council for Namibia in the Lusaka Declaration of 14 June 1973 termed the results of the contacts as laid down in the Secretary-General's report not only unsatisfactory but counterproductive and called for their discontinuation. The same view was expressed by the Organization of African Unity and by the United Nations General Assembly 56/. In the light of the above the Security Council decided 57/ in December 1973 to discontinue the contacts with South Africa.

On 27 September 1974 the Council for Namibia 58/ enacted a Decree with the aim of protecting the natural resources of the people of Namibia and of ensuring that those resources are not exploited without the Council of Namibia's consent. The Decree, the full text of which is reproduced in Annex III below, provided inter alia that any natural resource from Namibia taken from that Territory without the Council's consent was liable to be seized and forfeited and that any vehicle, ship or container found to be carrying such products were also subject to seizure and forfeiture by the Council for Namibia.

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56/ Resolution 3111 (XXVIII)

57/ Resolution 342 (1973)

58/ As of December 1974 the Council was composed by the following Member States: Burundi, Chile, China, Colombia, Egypt, Guyana, India, Indonesia, Liberia, Mexico, Nigeria, Pakistan, Poland, Romania, Turkey, Union of Soviet Socialist Republics, Yugoslavia and Zambia.



III. THE QUESTION OF NAMIBIA AT THE TWENTY-NINTH SESSION OF  
THE GENERAL ASSEMBLY

The Fourth Committee of the General Assembly held its annual debate on the Question of Namibia from 29th October to 11th November 1974.<sup>59/</sup> An opening statement was made by Ambassador Rashleigh E. Jackson of Guyana, in his capacity as President of the United Nations Council for Namibia. The Committee also heard statements by Mr. John Gwanipupu Ya Otto of SWAPO and by Mrs. Yokô Kitazawa on behalf of the World Council of Churches. Extracts from these statements are reproduced below as well as a letter dated 17 October from Mrs. Mgdalena Shamena addressed to the President of the United Nations Council for Namibia concerning repression in Namibia.

Extracts from the statement by H.E. Ambassador Rashleigh E. Jackson,  
President of the United Nations Council for Namibia before the Fourth  
Committee of the General Assembly at its Twenty-Ninth session on  
29 October 1974

For the first time in many years, the Fourth Committee is considering the Question of Namibia against the backdrop of swiftly moving changes in the field of decolonization. The declaration of independence by Guinea-Bissau on 24th September 1973, and its subsequent consolidation, the developments following the success of the liberation movements in other parts of colonial Africa - particularly in Mozambique - have introduced new positive elements in the struggle for human dignity by the oppressed peoples of Southern Africa. However, while we take note of the evolving situation which has served as a tremendous inspiration to freedom fighters everywhere, and while we remain assured that victory will inevitably attend the efforts of all colonial peoples, there still remain areas in which the racists and the colonialists, buttressed by support - some overt and some covert - from their friends, continue, against the tide of history, to subjugate peoples and to deny them their freedom.

Namibia, is a glaring example of blind obduracy and callous intransigence. For in that international territory, the South African regime continues to violate international law by entrenching its illegal occupation, defiantly ignores international public opinion, and ruthlessly oppresses the people.

The confrontation between the people of Namibia and their racist oppressors, and between the illegal occupying power of South Africa and the international community is open. Against the manifest resolve of the Namibians to wrest their freedom from South Africa, the Pretoria regime, led by desperate men, escalated its vicious campaign of intimidation, repression and brutality. Public floggings, mass arrests, and other forms of organised violence are part of the armoury of the South African authorities in their vain onslaught against

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<sup>59/</sup> G.A.O.R. 29th session, A/C.4/SR 2100 - 2110