



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

VOLUME II

GENERAL ASSEMBLY

OFFICIAL RECORDS: THIRTY-FIRST SESSION

SUPPLEMENT No. 23 (A/31/23/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 VII to XIV*; volume I, chapters I-VI; volume III, chapters XV-XXIV; and volume IV, chapters XXV-XXXII.

* The present version of chaps. VII to XIV is a consolidation of the following documents as they appeared in provisional form: A/31/23/Add.1 of 8 October 1976, A/31/23/Add.2 of 24 September 1976, A/31/23/Add.3 of 29 September 1976, A/31/23/Add.4 of 6 October 1976, A/31/23/Add.5 of 25 October 1976, A/31/23/Add.5/Corr.1 of 29 October 1976, A/31/23/Add.6 of 19 October 1976, A/31/23/Add.7 (Part I) of 18 October 1976 and A/31/23/Add.7 (Part II) of 25 October 1976.

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CHAPTER VII

MEETINGS IN AFRICA OF THE AD HOC GROUP ESTABLISHED BY THE SPECIAL COMMITTEE AT ITS 1029th MEETING ON 1 APRIL 1976

A. CONSIDERATION BY THE SPECIAL COMMITTEE

1. In its report to the General Assembly at its thirtieth session 1/, the Special Committee, having regard to its programme of work for 1976, stated as follows:

"181. In the light of the provisions of the relevant General Assembly resolutions concerning the pattern of conferences, and taking into consideration its experience in previous years, as well as its probable workload for next year, the Special Committee has approved a tentative programme of meetings for 1976 which it commends for approval by the General Assembly. In the same connexion, the Committee took into consideration the provisions of paragraph 6 of resolution 1654 (XVI) and paragraph 3 (9) of resolution 2621 (XXV), by which the Assembly authorized the Committee to meet elsewhere than at United Nations Headquarters whenever and wherever such meetings might be required for the effective discharge of its functions. Following its consideration of the matter, the Committee, bearing in mind the constructive results flowing from the holding of meetings away from Headquarters in the past, decided to inform the General Assembly that it might consider holding a series of meetings away from Headquarters during 1976 and to recommend that, in making the necessary financial provision to cover the activities of the Committee during that year, the General Assembly should take that possibility into account."

2. By paragraph 4 of its resolution 3481 (XXX) of 11 December 1975, the General Assembly approved the programme of work envisaged by the Special Committee for 1976, including the possibility of holding a series of meetings away from Headquarters.
3. At its 1029th meeting, on 1 April 1976, the Special Committee, availing itself of invitations received from the Governments of Botswana, Ethiopia, Mozambique, the United Republic of Tanzania and Zambia and on the basis of the consultations undertaken by its Chairman, decided to dispatch a high-level ad hoc group of six of its members to the capitals of those countries, in connexion with the discharge of the mandate entrusted to it by the General Assembly, with specific reference to the questions of Southern Rhodesia and Namibia.
4. In taking the above decision, the Special Committee was mindful of its primary objective to seek the best ways and means of contributing effectively to the full and speedy implementation of the Declaration on the Granting of Independence to

1/ Official Records of the General Assembly, Thirtieth Session, Supplement No. 23 (A/10023/Rev.1), vol. I, chap. I, para. 181.

Colonial Countries and Peoples with respect to the Territories mentioned above. Bearing in mind the important changes brought about in southern Africa as a consequence of the emergence of the newly independent nations formerly under Portuguese domination, and in the light of recent developments concerning those Territories, the Special Committee requested the Ad Hoc Group to hold consultations in this regard with the following:

(a) Leaders and representatives of the national liberation movements concerned;

(b) Leaders and officials of the Governments referred to in paragraph 3 above and of the Government of the United Kingdom of Great Britain and Northern Ireland, as the administering Power responsible for Southern Rhodesia;

(c) The Administrative Secretary-General of the Organization of African Unity (OAU) and the Executive Secretary of its Co-ordinating Committee for the Liberation of Africa.

5. In entrusting the foregoing mandate to the Ad Hoc Group, the Special Committee also agreed that, with a view to enlightening and mobilizing world public opinion in support of the accelerating process of decolonization, maximum publicity should be given, as appropriate, to all phases of the related work of the United Nations, including in particular the activities of the Special Committee and the Ad Hoc Group itself. To that end, the Special Committee agreed to invite its Chairman, also in his capacity as Chairman of the Ad Hoc Group, to hold press conferences as deemed necessary, and requested the Office of Public Information of the Secretariat to give maximum coverage to those activities and to ensure the widest possible dissemination of the relevant information through all the media at its disposal.

6. In deciding to dispatch the Ad Hoc Group to Africa, the Special Committee was again guided by the relevant provisions of General Assembly resolutions 1654 (XVI) of 27 November 1961 and 2621 (XXV) of 12 October 1970, to which reference is made in paragraph 1 above. The Committee also took into account the relevant provisions of resolution 3481 (XXX), referred to in paragraph 2 above, and in this regard was especially aware of the considerable savings accruable to the Organization as a result of its decision to send the Ad Hoc Group to Africa, instead of holding meetings of the full Committee away from Headquarters.

7. The membership of the Ad Hoc Group, as constituted by the Special Committee on the nomination of its Chairman, was as follows:

Chairman: H.E. Mr. Salim Ahmed Salim
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of the United Republic
of Tanzania to the United Nations
Chairman of the Special Committee

Members: H.E. Mr. Nicolas Mondjo
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of the Congo to the United Nations

H.E. Mr. Rikhi Jaipal
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of India to the
United Nations

Mr. Tom Vraalsen
Minister Counsellor
Deputy Permanent Representative of Norway
to the United Nations

H.E. Mr. Frank Owen Abdulah
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Trinidad and Tobago
to the United Nations

H.E. Mr. Jakša Petrić
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Yugoslavia to the United Nations

8. On 8 April, the Chairman, on behalf of the Special Committee, issued a press communiqué concerning the forthcoming meetings of the Ad Hoc Group which was given wide dissemination by the Office of Public Information.

9. In pursuance of the Special Committee's decisions, referred to in paragraphs 3 and 4 above, the Ad Hoc Group travelled to London, Dar es Salaam, Lusaka, Gaborone, Maputo (formerly Lourenço Marques) and Addis Ababa, between 13 April and 4 May. Its report is set out in annex I to the present chapter.

10. At the 1031st meeting, on 12 May, the Chairman, in a statement to the Special Committee (A/AC.109/PV.1031), submitted an oral report on the activities undertaken by the Ad Hoc Group in the discharge of the tasks entrusted to it by the Committee. At the same meeting, a statement was made by the representative of Indonesia and a further statement was made by the Chairman (A/AC.109/PV.1031).

11. The Special Committee considered the report of the Ad Hoc Group at its 1040th meeting, on 17 June. In addition, the relevant sections of the report were placed before the Committee during its consideration of the questions of Southern Rhodesia and Namibia. An account of the Special Committee's consideration of these items, together with the text of its decisions, is set out in chapters VIII and IX of the present report (see pp. 96 and 140 below).

12. In connexion with its consideration of the report of the Ad Hoc Group, the Special Committee had before it the following communications: (a) letter dated 24 May 1976 from Australia addressed to the Chairman (see annex II to the present chapter); (b) letter dated 14 June 1976 from Somalia addressed to the Chairman (see annex III to the present chapter); and (c) a letter dated 15 June 1976 from the

Chairman addressed to Somalia (see annex IV to the present chapter). In addition, the Committee had before it a memorandum submitted to the Chairman of the Special Committee by the Minister for Foreign Affairs of Ethiopia on 3 May 1976 at Addis Ababa (see annex V to the present chapter). At the 1038th meeting, on 16 June, the Chairman made a statement relating to the two last-mentioned communications (A/AC.109/PV.1038).

13. At the 1040th meeting, on 17 June, the representative of Sierra Leone introduced a draft resolution on the report of the Ad Hoc Group (A/AC.109/L.1096) on behalf of the Congo, Cuba, Ethiopia, India, Iraq, Norway, Sierra Leone, the Syrian Arab Republic, Trinidad and Tobago, the United Republic of Tanzania and Yugoslavia. At the same meeting, following a statement by the representative of Mali (A/AC.109/PV.1040), the Special Committee adopted the draft resolution without objection (see para. 16 below). In so doing, the Special Committee, inter alia, approved the report of the Ad Hoc Group and commended the observations contained therein (see para. 17 below) for the consideration of the General Assembly. At the same meeting, statements were made by the representatives of the Ivory Coast, Australia and Fiji, as well as by the Chairman (A/AC.109/PV.1040).

14. On 18 June, a copy of the report of the Ad Hoc Group was transmitted to the President of the Security Council (S/12105). On the same date, the text of the resolution (A/AC.109/534) was transmitted to the Governments of the countries visited by the Ad Hoc Group and to OAU. On 21 June, copies of the resolution were transmitted to all States.

15. Having regard to the importance of the information and observations contained therein, the Special Committee took into account the report of the Ad Hoc Group in its consideration of a number of items on its agenda, including in particular the items listed below. An account of the Special Committee's consideration of these items, together with the texts of the decisions taken by the Committee, is contained in the relevant chapters of the present report as follows:

<u>Chapter</u>	<u>Item</u>	<u>Document</u>
II	Dissemination of information on decolonization	volume I
IV	Activities of foreign economic and other interests which are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Southern Rhodesia and Namibia and in all other Territories under colonial domination and efforts to eliminate colonialism, <u>apartheid</u> and racial discrimination in southern Africa	volume I
VI	Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations	volume I
VIII	Southern Rhodesia	(see p. 96 below)
IX	Namibia	(see p. 140 below)

B. DECISION OF THE SPECIAL COMMITTEE

16. The text of the resolution adopted by the Special Committee at its 1040th meeting, on 17 June (A/AC.109/534), to which reference is made in paragraph 13 above, is reproduced below:

The Special Committee,

Having examined the report of its Ad Hoc Group established at its 1029th meeting on 1 April 1976, 2/

Having adopted decisions on the questions of Southern Rhodesia 3/ and Namibia, 4/ taking into account the findings of the Ad Hoc Group,

Having been accorded the opportunity of consulting, through the Ad Hoc Group, with the Heads of State of Botswana, Ethiopia, Mozambique, the United Republic of Tanzania and Zambia on the situation obtaining in southern Africa,

Having received, in the same connexion, the views of the officials of the Governments of those countries, the Administrative Secretary-General of the Organization of African Unity, the Executive Secretary of its Co-ordinating Committee for the Liberation of Africa and the representatives of the national liberation movements concerned,

Deeply conscious of the urgent and continuing need to arouse world public opinion with a view to assisting effectively the peoples of Zimbabwe and Namibia to self-determination, freedom and independence, and to intensify the widespread dissemination of information on the courageous struggle for liberation being waged by the peoples of those Territories and their national liberation movements against the repressive, colonialist and racist domination over their countries by the minority régimes concerned.

1. Approves the report of the Ad Hoc Group established by the Special Committee at its 1029th meeting on 1 April 1976, and commends the observations contained therein 5/ for the consideration of the General Assembly;

2. Records its satisfaction and appreciation of the work accomplished by the Ad Hoc Group and the contribution made by the members of the Group in that connexion;

2/ See annex I to the present chapter.

3/ See chap. VIII of the present report, paras. 13 and 14 (p. 96 below).

4/ See chap. IX of the present report, para. 14 (p. 140 below).

5/ See para. 17 below.

3. Expresses its profound gratitude to the Heads of State of Botswana, Ethiopia, Mozambique, the United Republic of Tanzania and Zambia and the Governments and the peoples of those countries for the contribution they have made to the success of the work of the Special Committee through their active and constructive collaboration with the Ad Hoc Group in the discharge of the tasks entrusted to it by the Special Committee;

4. Notes with particular appreciation the continuing and intensified efforts of the Heads of State of the front-line countries towards the full and speedy implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples with respect to Southern Rhodesia and Namibia;

5. Expresses its appreciation of the assistance and co-operation extended to the Ad Hoc Group by the Administrative Secretary-General of the Organization of African Unity and Executive Secretary of its Co-ordinating Committee for the Liberation of Africa;

6. Requests the Secretary-General, in co-operation with the Chairman of the Special Committee and in consultation with the Organization of African Unity, to prepare for approval by the General Assembly at its thirty-first session, a proposal to convene in 1977 an international conference in support of the peoples of Zimbabwe and Namibia, as suggested by the Ad Hoc Group, for the purpose of mobilizing world public opinion in support of those peoples;

7. Invites its Chairman to continue to maintain a close working relationship with the Governments of the front-line States and other concerned Member States, the General Secretariat of the Organization of African Unity and the national liberation movements, including the holding of consultations on a regular basis with their representatives as appropriate, so as to enhance further the capacity and competence of the Special Committee to contribute positively to the endeavours of the peoples of Zimbabwe and Namibia to achieve the goals set forth in the Charter of the United Nations and the Declaration;

8. Requests the Secretary-General to transmit the report of the Ad Hoc Group to the Security Council so that it may be made aware of the latest developments in the struggle for the national liberation of the peoples of Zimbabwe and Namibia, and take such further measures as it may deem necessary to enable those peoples to achieve their independence.

C. OBSERVATIONS OF THE AD HOC GROUP

17. The text of the observations contained in the report of the Ad Hoc Group, to which reference is made in paragraph 13 above, is reproduced below:

(1) The Ad Hoc Group wishes to draw attention to the rapidly changing situation in southern Africa. The collapse of Portuguese colonialism in Africa through the victories scored by the liberation movements - the Frente de Libertação de Moçambique (FRELIMO) in Mozambique, the Movimento Popular de Libertação de Angola (MPLA) in Angola, the Partido Africano da Independência da Guiné e Cabo Verde (PAIGC) in Guinea-Bissau and Cape Verde and the Movimento de Libertação de São Tomé e Príncipe (MLSTP) in São Tomé and Príncipe - have made a tremendous positive impact on the southern African geopolitical scene.

(2) These changes have inspired and aroused the expectations of the people of the remaining Territories under colonial and racist domination in southern Africa in their quest for self-determination and independence. The changing geopolitical scene also provides the international community with a unique opportunity to make a decisive contribution towards the elimination of the remaining vestiges of colonialism in Africa. More specifically, the United Nations has unprecedented possibilities of clearly concerting its efforts towards the speedy implementation of the goals of the Declaration on the Granting of Independence to Colonial Countries and Peoples in respect to Southern Rhodesia and Namibia.

(3) As may be seen from its report, the Ad Hoc Group wishes to observe that the evolving situation in southern Africa has been characterized by two diametrically opposing thrusts of forces focusing on the future of Zimbabwe and that of Namibia: first, the initiatives and the inspiring efforts by the heads of the front-line States - Botswana, Mozambique, the United Republic of Tanzania and Zambia - supported by the Organization of African Unity (OAU), towards the final elimination of the critical situation in Southern Rhodesia which, as had been determined by the Security Council, 6/ constituted a threat to international peace and security; and second, the desperate attempt by the illegal minority régime in Southern Rhodesia to entrench further its illegal domination of the Zimbabwean people.

(4) Through extensive discussions held with the heads of the four front-line States, and as reflected in its report, the Ad Hoc Group was deeply moved and inspired by the genuine and sincere efforts which had been made by the Heads of State and by their irrevocable commitment and dedication to the cause of freedom and independence for the peoples of Zimbabwe and Namibia, as well as for the oppressed majority in South Africa, in conformity with the letter and spirit of the Lusaka Manifesto 7/ and of the Dar es Salaam Declaration on Southern Africa 8/

6/ Resolution 232 (1966) of 16 December 1966.

7/ Official Records of the General Assembly, Twenty-fourth Session, Annexes, agenda item 106, document A/7754.

8/ See chap. VIII of the present report, annex, paras. 61-64 (pp. 119-120 below).

adopted by the OAU Council of Ministers in April 1975. The Ad Hoc Group was similarly impressed by the commitment of the liberation movements and their many efforts in concert with the African leaders.

(5) The Ad Hoc Group notes with deep regret that these concerted efforts on the part of the Heads of State have not been met with any positive response on the part of the minority régimes. It is all the more regrettable that they have not only abused the opportunity provided for negotiations but have also taken further steps in the meantime to entrench their illegal presence in the two Territories. Thus, as may be observed from the vivid accounts given by the representatives of the African National Council of Zimbabwe (ANC (Zimbabwe)) before the Ad Hoc Group, 9/ acts of brutality by the security forces of the illegal régime have been further intensified against the Zimbabwean patriots; in particular, in the east and the north-east of the Territory, incidents are rampant of the wanton beating, torture and killing of innocent villagers. At the same time, the illegal régime has continued to take steps to strengthen its armed forces, through the increased recruitment by force of Africans, whites and others within the Territory, and of mercenaries from abroad. The régime has carried out a series of armed attacks inside Mozambique, using jet fighters and bombers, helicopters, artillery and infantry troops, which have resulted in the killing of a number of Mozambican citizens on their own soil.

(6) The minority régimes have also taken measures to relocate and arbitrarily transfer African populations in Zimbabwe and have continued to establish homelands or bantustans in Namibia. It is obvious that all the actions taken by the régimes are designed to consolidate their illegal occupation of the respective Territories, rather than to respond positively to endeavours for a negotiated settlement. The sham elections and the so-called constitutional talks conducted in Namibia, as well as the superficial appointments of chiefs to "ministerial" posts in Zimbabwe, are nothing but futile attempts to perpetuate the status quo.

(7) During the meetings with the Presidents of the four front-line States and the leaders of ANC (Zimbabwe), the Ad Hoc Group was highly impressed by their numerous and painstaking efforts made jointly over the past year to reach a negotiated and peaceful settlement on the basis of majority rule. However, all reasonable and meaningful proposals which have been submitted by the liberation movement and which would have secured a negotiated settlement on the basis of majority rule have been totally rejected by the illegal racist minority régime. These developments, which prove beyond doubt the futility of continuing negotiations under the present circumstances, have been rightly deplored by ANC (Zimbabwe) and the Presidents of the four front-line States.

(8) The Ad Hoc Group is convinced that in view of these developments and the intransigency shown by the illegal racist minority régime, the road to peaceful negotiations has been deliberately blocked. The only viable alternative now open to the people of Zimbabwe under the leadership of their liberation movement is recourse to armed struggle.

9/ See annex I to the present chapter, paras. 14-36.

(9) In the present phase of the struggle in Zimbabwe, it is quite clear that the people of the Territory will be called upon to make great sacrifices, both human and material. The international community has a heavy responsibility to explore all avenues in support of the struggle in an effort to reduce the magnitude and dimensions of the confrontation and minimize the sacrifices.

(10) The liberation movement in Zimbabwe, which bears the brunt of the struggle, has a particularly grave responsibility. It has to do everything in its power to close its ranks and to concert its efforts for the efficient prosecution of the struggle. In this respect, the Ad Hoc Group was clearly disturbed by the rifts prevalent within the political leadership of ANC (Zimbabwe) despite the very arduous efforts made by OAU and, particularly by the four Presidents, to overcome the differences that exist and to forge a united political leadership in the spirit and letter of the Zimbabwe Declaration of Unity, adopted at Lusaka on 7 December 1974. 10/

(11) In paying tribute to OAU and particularly the four Presidents for the tireless efforts made in this direction, the Ad Hoc Group shares their counsel that intensified efforts should be made with a view to securing a united political leadership. The Ad Hoc Group believes that the United Nations, by its words and actions, should endeavour to work for that objective. The Ad Hoc Group wishes to underscore the point that all the leaders of the liberation movement, without exception, have stressed that the only authentic and legitimate representative of the people of Zimbabwe is ANC (Zimbabwe). All claim unequivocal commitment and loyalty to ANC (Zimbabwe). Thus, notwithstanding the differences in the political leadership of the liberation movement, the Ad Hoc Group strongly recommends that the United Nations should continue to give active support to ANC (Zimbabwe) as a whole. In this connexion, the Ad Hoc Group fully endorses the call made by the four Presidents that all assistance to the liberation movement in Zimbabwe be channelled through the OAU Co-ordinating Committee for the Liberation of Africa.

(12) In making these recommendations, the Ad Hoc Group notes with particular satisfaction the overwhelming support which the unified liberation movement, ANC (Zimbabwe), receives at both the political and combatant levels. All the representatives of ANC (Zimbabwe) who met the Ad Hoc Group expressed complete loyalty and strict adherence to the principal goal of their organization: the total and speedy liberation of Zimbabwe for Zimbabweans. At this crucial stage of the struggle in Zimbabwe, the Ad Hoc Group strongly recommends that the Special Committee should address an earnest and urgent appeal to the political leaders of ANC (Zimbabwe) to refocus their attention on their common objective - a free, independent Zimbabwean nation - by uniting their forces forthwith and subordinating their differences to that lofty goal. Their solidarity and unified leadership should contribute immensely to a decisive victory over the illegal racist minority régime.

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

(13) Although the Ad Hoc Group is concerned with the disunity within the political leadership, it was gratified to learn that the division has not been allowed to permeate the fighting cadres of ANC (Zimbabwe). The Ad Hoc Group was particularly encouraged to learn from its discussions with the four Presidents and the Executive Secretary of the OAU Co-ordinating Committee that the fighting cadres are determined to struggle in unity and solidarity and have succeeded in overcoming the differences that had divided them as the former components of the divided liberation movements in Zimbabwe prior to the Zimbabwe Declaration of Unity, which brought ANC (Zimbabwe) into being. The Ad Hoc Group wishes to emphasize that there can be no viable solution to the situation in Zimbabwe without taking account of the views and the position of the fighting cadres.

(14) At this particular stage of the struggle in Zimbabwe, it is of vital importance that the united leadership of the fighting forces be maintained. In this respect, the Ad Hoc Group is in full accord with the conviction of the four Presidents and the OAU Executive Secretariat that everything must be done to preserve and consolidate the unity of the fighting forces. The Ad Hoc Group also shares the views expressed by the African leaders that every effort should be made to continue to support the united military command and encourage it to intensify its endeavours to consolidate its forces as well as to avert any possibility of schism within its leadership.

(15) The Ad Hoc Group deems it necessary to reiterate the declared position of the United Nations as to the primary responsibility of the United Kingdom of Great Britain and Northern Ireland as the administering Power for Southern Rhodesia, as affirmed in a number of resolutions adopted by both the General Assembly and the Security Council. The international accountability assumed by the administering Power under chapter XI of the United Nations Charter cannot be compromised. The solemn obligation accepted as a sacred trust by all the administering Powers to promote to the utmost the well-being of the people under their administration cannot be rescinded under any circumstances until the objectives of the Charter and the Declaration have been fully implemented.

(16) In the course of its discussions with the leaders of ANC (Zimbabwe), the Presidents of the four front-line States and the Administrative Secretary-General of OAU and his colleagues, the Ad Hoc Group found that the proposals made by the United Kingdom Government, 11/ while containing a number of positive elements, were not adequate to meet the urgent requirements of the existing situation in Zimbabwe. It was emphatically pointed out to the Ad Hoc Group that the proposals had come too late. Had they been made several years ago, they would have had an important impact and would have been received positively by those fighting for majority rule in Zimbabwe.

(17) Bearing in mind the present phase of the struggle, the Ad Hoc Group found that there were considerable misgivings, and in some cases outright opposition, on the part of the nationalist forces with regard to some aspects of

11/ See chap. VIII of the present report, annex, para. 44 (p. 116 below).

the United Kingdom proposals. The Ad Hoc Group also wishes to observe that the proposals contained in the statement were rejected outright by the rebel régime.

(18) In drawing attention to the failure of the United Kingdom to live up to its responsibilities as the administering Power and its inaction in allowing the situation to deteriorate to the present phase of confrontation, the Ad Hoc Group none the less considers that even at this eleventh hour, the United Kingdom could play a more responsible and positive rôle as befitting an administering Power. The close diplomatic, economic and other relationships which the United Kingdom maintains with the Government of South Africa, the primary supporter of the illegal minority régime in Southern Rhodesia, could certainly be used to bring indirectly the requisite pressure to bear on the Smith régime. Likewise, the United Kingdom may very well consider the possibility of convincing some of its allies and friends to reconsider their attitude and approaches towards the Smith régime, at least to eliminate all violations of sanctions via South African or other intermediaries. The United Kingdom should also play a meaningful role by working fully for the expansion of sanctions against the Smith régime and co-operating in the adoption and implementation of further measures envisaged under Chapter VII of the United Nations Charter.

(19) The Ad Hoc Group would also wish in particular to draw the attention of the United Kingdom to the proposal made by the President of the United Republic of Tanzania concerning the possibility of a scheme for assisting the emigration of those sections of the white minority willing to emigrate to other countries, with a view to possibly speeding the resolution of the conflict.

(20) The Ad Hoc Group considers it obligatory to draw the attention of the international community to the strong sentiments of disenchantment with respect to the United Kingdom role in Southern Rhodesia as expressed particularly by the entire leadership of ANC (Zimbabwe).

(21) As is clear from the testimony given and as indicated in the report of the Ad Hoc Group, the illegal régime continues to receive all types of support from the minority régime in Pretoria, which it uses in the maintenance of its illegal and repressive rule. The Ad Hoc Group strongly deprecates this continued defiance by South Africa of the mandatory decisions of the Security Council with respect to Southern Rhodesia. It is quite clear that it is South Africa's support which sustains the illegal minority régime. South Africa has a clear responsibility to comply with United Nations resolutions and decisions. The Ad Hoc Group believes that the United Nations should examine all avenues to ensure South Africa's compliance with United Nations resolutions on Southern Rhodesia. The Ad Hoc Group also believes that those Member States in a position to do so should use their influence to bring pressure to bear on the South African Government with a view to the attainment of the United Nations objective in Zimbabwe, namely, majority rule.

(22) Namibia, because of its status as an international Territory, is regarded as the special responsibility of the United Nations, which is expected to liquidate the illegal presence of South Africa in that Territory. The South West Africa People's Organization (SWAPO), the authentic representative of the majority of the people of Namibia, is totally opposed to any political settlement which does not

include majority rule and which is not on the basis of the territorial integrity and unity of Namibia. It is also firmly opposed to "bantustanization". The international community must resort to all avenues to force the termination of South Africa's illegal occupation of Namibia. South Africa's manoeuvres to divide the people of Namibia must be unequivocally condemned.

(23) The front-line States have expressed their unequivocal support of the liberation struggle of the Namibians under the leadership of SWAPO. It is felt that the liberation of Angola has created more favourable conditions for the freedom and independence of Namibia.

(24) South Africa's continued defiance of the decisions and will of the international community imposes on the latter the urgent responsibility of evaluating the type of effective action to be taken to realize United Nations objectives in Namibia. The Ad Hoc Group considers that, in the event of non-compliance by South Africa with paragraphs 9 to 11 of Security Council resolution 385 (1976) of 30 January 1976, the Security Council should consider the adoption of appropriate measures under Chapter VII of the United Nations Charter.

(25) At another level, the Ad Hoc Group is in full accord with the position of SWAPO, as fully supported by OAU and the front-line States, that, faced with the obduracy of the South African régime, the people of Namibia have no viable option but to resort to the intensification of their armed struggle. The responsibility for these developments lies squarely on South Africa. The international community has the clear responsibility to provide all assistance to the legitimate struggle of the Namibians under the leadership of SWAPO, their liberation movement.

(26) The Ad Hoc Group was deeply moved by the fact that, despite the suffering they have already experienced under the repressive domination by the Smith régime, the representatives of ANC (Zimbabwe) were unanimous in calling for: (a) stricter enforcement of the existing sanctions against the illegal régime; and (b) broadening of the scope of sanctions to include all the measures envisaged under Article 41 of the United Nations Charter. The Ad Hoc Group cannot but agree with this point of view, as such action would categorically set out beyond any shadow of doubt the united will and determination of the world community to put an immediate end to the reign of terror and torture against the African majority in Zimbabwe. The argument advanced in some quarters that the implementation of such measures would require an enormous apparatus for their enforcement and supervision may very well be valid. Notwithstanding some of the practical and organizational difficulties which might be anticipated in that regard, the Ad Hoc Group is of the firm view that the far-reaching moral, psychological and substantive effects of such a concerted action by Member States would amply justify the course of action called for by the representatives of the Zimbabweans. Their courageous stance and their preparedness to subject themselves to a further, although perhaps shorter, period of hardship must be recognized as still another essential contribution towards the ultimate solution of the problem of Zimbabwe. Intensified efforts should also be made to ensure scrupulous observance of existing sanctions by all States.

(27) Of no less importance, in the view of the Ad Hoc Group - and as it witnessed at first hand during its visit to Mozambique - is the urgent and acute need to extend economic assistance to Mozambique to meet the serious consequences of its decision to sever all trade and communication links with Southern Rhodesia in accordance with the relevant resolutions of the Security Council and in strict observance of the economic sanctions thus imposed. Mozambique, despite its preoccupation with the reconstruction of its own country, whose natural and human resources had been tragically depleted as a result of five centuries of colonialist plunder and more than a decade of brutal colonial warfare, is concurrently shouldering this additional burden on behalf of the international community for one of the most historic international undertakings which the United Nations as a whole has ever decided to carry out. The Special Committee will wish to address an urgent and earnest appeal to all States, the organizations within the United Nations system and all other governmental and non-governmental organizations to apply every effort to extend to Mozambique all the assistance necessary at this critical juncture, in accordance with the provisions of Security Council resolution 386 (1976) of 17 March 1976.

(28) Likewise, the magnitude of the problems confronting Botswana, Mozambique and Zambia in accommodating the increasing flow of refugees from the Territories concerned should not be overlooked. Although an encouraging beginning has been made by the United Nations High Commissioner for Refugees (UNHCR) in assisting those refugees, the requirements of the Governments concerned far exceed their available resources to date. In connexion with its consideration of the relevant item on the agenda, the Special Committee will no doubt wish to formulate appropriate recommendations in this regard. Further, the Chairman of the Special Committee might wish to draw the matter to the urgent attention of the President of the Economic and Social Council during the forthcoming consultations between the two presiding officers envisaged under General Assembly resolution 3421 (XXX) of 8 December 1975.

(29) During its visit to Botswana, the Ad Hoc Group was profoundly moved by the determination and commitment of the Government and people of that country to support the struggle for freedom and human dignity beyond its frontiers, thereby fulfilling its obligations as a faithful State Member of the United Nations. Considering the peculiar difficulties confronting Botswana because of its geographical location, surrounded by minority racist régimes, the Ad Hoc Group considers it incumbent on the international community to explore all possibilities in rendering assistance to Botswana. By so doing, the international community will be assisting in the consolidation of the freedom of Botswana and thus enhance its capacity to render assistance in the struggle for majority rule in Zimbabwe and the ending of South Africa's illegal occupation of Namibia.

(30) The Ad Hoc Group notes with satisfaction the signing of an agreement between the United Nations Development Programme (UNDP) and SWAPO, which took place during its stay at Lusaka, providing for assistance by the World Health Organization (WHO) in the establishment of a clinic within the SWAPO Farm/School/Clinic Complex in Zambia (see also annex I to the present chapter, para. 50). According to the testimony given by the representatives of the national liberation movements and as indicated to the Ad Hoc Group by the Executive Secretary of the

OAU Co-ordinating Committee, it appears that the procedures required by the organizations concerned in the preparatory stage of any programme are extremely complicated, time-consuming and cumbersome, in many cases taking a few years to finalize plans and to move on to their implementation. The Special Committee will wish once again to urge the organizations concerned to introduce a greater flexibility in the preparation and processing of assistance programmes beneficial to the peoples concerned.

(31) The Ad Hoc Group was also informed of the recent cancellation by the organizations concerned, owing primarily to the shortage of funds, of some of the programmes which had been approved by their respective governing organs or legislative bodies. The Ad Hoc Group considers this development extremely unfortunate and untimely, and deems it imperative that the executive heads of those agencies should take urgent steps, as appropriate, with a view to making the necessary arrangements for reinstating the programmes. In this connexion, the Executive Secretary of the OAU Co-ordinating Committee submitted to the Ad Hoc Group a memorandum on the current status of some of the assistance programmes by the organizations concerned. Bearing in mind the mandate entrusted to the Chairman of the Special Committee in connexion with the item, the Ad Hoc Group agreed to recommend that the Chairman, in consultation with the Chairman of the Sub-Committee on Petitions, Information and Assistance, should be invited to take appropriate action on matters raised in the memorandum.

(32) It may also be observed in this regard that the suggestion put forward by the Chairman of the Special Committee during his earlier consultations with the President of the Economic and Social Council 12/ - to the effect that, in order to secure additional financing from extrabudgetary sources to assist the colonial peoples, the international organizations concerned should consider establishing a system of funds-in-trust - had received positive responses from a number of Governments. For example, a UNDP fund, the Trust Fund for Assistance to Colonial Countries and Peoples, amounted to some \$US 2.8 million by 1975 - an amount grossly inadequate in terms of the requirements, but significant as an initial step. In the same connexion, the Ad Hoc Group wishes to underscore once again the importance of the need to channel any assistance to the Zimbabwean people through the OAU Co-ordinating Committee. Accordingly, the donor Governments, in making contributions to any funds-in-trust arrangements in this regard, should be invited to take due note of this procedure, as suggested by OAU, in the earmarking of such funds for specific objectives.

(33) The Ad Hoc Group wishes to endorse the suggestion made by the representative of ANC (Zimbabwe) that, bearing in mind the constructive results achieved through the holding of a similar conference at Oslo in 1973, 13/ the

12/ Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 23 (A/9623/Rev.1), vol. II, chap. VI, annex I, para. 8.

13/ International Conference of Experts for the Support of Victims of Colonialism and Apartheid in Southern Africa, held at Oslo from 9 to 14 April 1973. For the report of the Conference, see document A/9061, annex.

United Nations should organize during 1977 an international conference to mobilize world public opinion in support of the peoples of Zimbabwe and Namibia. Such a conference might be held at the capital of one of the countries adjacent to the areas of struggle for liberation and attended by leaders of the national liberation movements of the Territories and representatives of Member States, international organizations and non-governmental organizations concerned, as well as experts and individuals closely associated with the efforts of colonial peoples to secure freedom and independence. The Special Committee may wish to hold the necessary consultations with the Secretary-General and the members concerned with a view to submitting a concrete proposal in this regard to the General Assembly at its thirty-first session.

(34) The Ad Hoc Group, on the basis of its findings both through its visit to the areas adjacent to the struggle now going on in Zimbabwe and Namibia and through its extensive and serious discussions with the Presidents of the front-line States, the Head of State of Ethiopia, leaders of the liberation movements of Zimbabwe and Namibia and the Administrative Secretary-General of OAU and his colleagues, draws the attention of the international community to the extremely serious and grave situation now prevailing in southern Africa. The Ad Hoc Group is in no doubt that the current situation in southern Africa constitutes a serious threat to international peace and security. Consequently, the Ad Hoc Group considers it its duty to urge the international community, through the Security Council, that the time has come to make full use of the provisions of Chapter VII of the United Nations Charter against the minority racist régimes. Such a course of action would have the effect of reducing the sufferings and sacrifices which now appear inevitable in southern Africa if the cause of freedom, independence and justice, as enshrined in the Charter, is to triumph in that part of the continent.

(35) Finally, the Ad Hoc Group considers it imperative that, in the effective discharge of the tasks entrusted to it by the General Assembly with particular reference to Zimbabwe and Namibia, the Special Committee should continue to maintain a close working relationship with the Governments of the four front-line States and other concerned Member States, the General Secretariat of OAU and the national liberation movements. To that end, the Special Committee might consider inviting its Chairman to intensify his efforts in maintaining continuing contact with them, including the holding of consultations on the Committee's behalf with their representatives, so as to enhance further the capacity and competence of the Committee to contribute positively to the endeavours of the peoples still under colonial and alien domination to secure freedom and independence.

ANNEX I*

REPORT OF THE AD HOC GROUP ESTABLISHED BY THE SPECIAL COMMITTEE AT ITS 1029th MEETING ON 1 APRIL 1976

Chairman: Mr. Salim Ahmed SALIM (United Republic of Tanzania)

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* Previously issued under the symbol A/AC.109/L.1080.

** The observations of the Ad Hoc Group are set out in para. 17 of the present chapter.

INTRODUCTION

1. At its 1029th meeting, on 1 April 1976, the Special Committee, availing itself of invitations received from the Governments of Botswana, Ethiopia, Mozambique, the United Republic of Tanzania and Zambia and on the basis of the consultations undertaken by its Chairman, decided to dispatch a high-level ad hoc group of six of its members to the capitals of those countries, in connexion with the discharge of the mandate entrusted to it by the General Assembly, with specific reference to the questions of Southern Rhodesia and Namibia.

2. In taking the above decision, the Special Committee was mindful of its primary objective to seek the best ways and means of contributing effectively to the full and speedy implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples with respect to the Territories mentioned above. Bearing in mind the important changes brought about in southern Africa as a consequence of the emergence of the newly independent nations formerly under Portuguese domination, and in the light of recent developments concerning those Territories, the Special Committee requested the Ad Hoc Group to hold consultations in this regard with the following:

(a) Leaders and representatives of the national liberation movements concerned;

(b) Leaders and officials of the Governments referred to in paragraph 1 above and of the Government of the United Kingdom of Great Britain and Northern Ireland, as the administering Power responsible for Southern Rhodesia;

(c) The Administrative Secretary-General of the Organization of African Unity (OAU) and the Executive Secretary of its Co-ordinating Committee for the Liberation of Africa.

3. In entrusting the foregoing mandate to the Ad Hoc Group, the Special Committee also agreed that, with a view to enlightening and mobilizing world public opinion in support of the accelerating process of decolonization, maximum publicity should be given, as appropriate, to all phases of the related work of the United Nations, including in particular the activities of the Special Committee and the Ad Hoc Group itself. To that end, the Special Committee agreed to invite its Chairman, also in his capacity as Chairman of the Ad Hoc Group, to hold press conferences as deemed necessary, and requested the Office of Public Information of the Secretariat to give maximum coverage to those activities and to ensure the widest possible dissemination of the relevant information through all the media at its disposal.

4. The membership of the Ad Hoc Group, as constituted by the Special Committee on the nomination of its Chairman, was as follows:

Chairman: H.E. Mr. Salim Ahmed Salim
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of the United Republic
of Tanzania to the United Nations
Chairman of the Special Committee

Members: H.E. Mr. Nicolas Mondjo
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of the Congo to the United Nations

H.E. Mr. Rikhi Jaipal
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of India to the United Nations

Mr. Tom Vraalsen
Minister Counsellor
Deputy Permanent Representative of Norway
to the United Nations

H.E. Mr. Frank Owen Abdulah
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Trinidad and Tobago
to the United Nations

H.E. Mr. Jakša Petrić
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Yugoslavia to the United Nations

5. In deciding to dispatch the Ad Hoc Group to Africa, the Special Committee took into consideration the provisions of paragraph 6 of General Assembly resolution 1654 (XVI) of 27 November 1961, by which the Assembly authorized the Committee to meet elsewhere than at United Nations Headquarters whenever and wherever such meetings might be required for the effective discharge of its functions. The Special Committee also took into account paragraph 4 of General Assembly resolution 3481 (XXX) of 11 December 1975, by which the Assembly approved the Committee's programme of work for 1976, a/ including the holding of a series of meetings away from Headquarters during 1976, together with the necessary financial provision to cover the activities of the Committee thus envisaged. Accordingly, the Special Committee was specially aware of the considerable savings accruable to the Organization as a result of its decision this year to send the Ad Hoc Group to Africa, instead of holding a meeting of the full Committee away from Headquarters.

6. In pursuance of the foregoing decisions of the Special Committee, the Ad Hoc Group travelled to London, Dar es Salaam, Lusaka, Gaborone, Maputo (formerly Lourenço Marques) and Addis Ababa, between 13 April and 4 May. The chronology of the mission is given in part I below. An outline of the views expressed during the meetings of the Ad Hoc Group with representatives of the national liberation movements is contained in part II below. An account of the consultations of the Ad Hoc Group with representatives of Governments and of OAU is set out in parts III and IV below. The observations of the Ad Hoc Group which originally appeared in part V are reproduced in paragraph 17 of the present chapter.

a/ Official Records of the General Assembly, Thirtieth Session, Supplement No. 23 (A/10023/Rev.1), vol. I, chap. I, para. 181.

7. The Ad Hoc Group wishes to place on record its profound gratitude to the Heads of State of Botswana, Ethiopia, Mozambique, the United Republic of Tanzania and Zambia for the opportunity they so generously accorded the Group to participate in extremely thorough and candid exchanges of views. The Ad Hoc Group also wishes to express its deep appreciation to the Governments and peoples of those countries for the cordial hospitality and warm reception extended to the Group during its visit. The Ad Hoc Group further wishes to express its gratitude to the Administrative Secretary-General of OAU and to the Executive Secretary of its Co-ordinating Committee for the Liberation of Africa for their kind co-operation and assistance. The Ad Hoc Group is also most grateful to the Secretary-General for making available the necessary supporting staff and facilities and, in that connexion, wishes to acknowledge with appreciation the dedicated services of the staff, as well as the assistance extended to the Ad Hoc Group by various United Nations offices at the capitals concerned.

I. CHRONOLOGY OF THE MISSION

8. A brief chronology of the mission undertaken by the Ad Hoc Group in the discharge of its mandate is given below:

A. United Kingdom

Tuesday, 13 April (London)

11 a.m.-1.30 p.m. Meeting with the representatives of the United Kingdom Foreign and Commonwealth Office

B. United Republic⁵ of Tanzania

Wednesday, 14 April (Dar es Salaam)

1 p.m.-2.15 p.m. Meeting with the Minister for Foreign Affairs of the United Republic of Tanzania

Thursday, 15 April (Dar es Salaam)

9 a.m.-12.45 p.m. Meeting with representatives of the African National Council of Zimbabwe (ANC (Zimbabwe)), the South West Africa People's Organization (SWAPO) and the Pan-Africanist Congress (PAC) of Azania

1 p.m.-3 p.m. Luncheon given by the Minister for Foreign Affairs of the United Republic of Tanzania

7 p.m.-8 p.m. (Zanzibar) Meeting with the First Vice President of the United Republic of Tanzania, President of the Afro-Shirazi Party

8.30 p.m. (Zanzibar) Dinner given by the Director of International Relations of the Afro-Shirazi Party, member of the Revolutionary Council of the United Republic of Tanzania

Friday, 16 April (Zanzibar)

10 a.m.-12.30 p.m. Visit to rural areas

Saturday, 17 April (Dar es Salaam)

8 a.m.-9.30 a.m. Meeting with the Executive Secretary of the OAU Co-ordinating Committee for the Liberation of Africa

10 a.m.-12.15 p.m. Meeting with the President of the United Republic of Tanzania

C. Zambia

Monday, 19 April (Lusaka)

4 p.m.-4.30 p.m. Meeting with the Minister of State for Foreign Affairs of Zambia

5 p.m.-6.30 p.m. Meeting with the President of the Republic of Zambia

Tuesday, 20 April (Lusaka)

- 1 p.m.-2.30 p.m. Luncheon given by the Minister of Commerce of Zambia
- 3 p.m.-4.15 p.m. Meeting with representatives of ANC (Zimbabwe)
- 4.30 p.m.-5.30 p.m. Meeting with the Prime Minister of Zambia
- 6 p.m.-7 p.m. Meeting with representatives of SWAPO
- 9 p.m.-11.30 p.m. Meeting with representatives of ANC (Zimbabwe)

Wednesday, 21 April (Lusaka/Livingstone)

- 11 a.m. Visit to Livingstone

Thursday, 22 April (Livingstone/Kuzungula/Lusaka)

- 8.30 a.m. Courtesy call on the Cabinet Minister for the Southern Province
- 9.30 a.m.-11.30 a.m. Visit to the Kuzungula border area with Namibia and Southern Rhodesia
- 6.30 p.m. (Lusaka) Reception given by the Director of the United Nations Institute for Namibia

D. Botswana

Friday, 23 April (Gaborone)

- 5 p.m.-6 p.m. Meeting with the Vice President and Minister of Finance and Development Planning of Botswana

Saturday, 24 April (Gaborone)

- 11 a.m. Visit to border area with South Africa
- 6.30 p.m. Reception given by the Minister of Public Service and Information of Botswana

Sunday, 25 April (Gaborone)

- 10 a.m. Visit to the village of Mochudi
- 7.30 p.m.-11 p.m. Lecture on "Decolonization in the 70s, with particular emphasis on Zimbabwe and Namibia", given by the Chairman of the Ad Hoc Group at the University of Botswana, Swaziland and Lesotho

Monday, 26 April (Gaborone)

- 8.30 a.m.-11 a.m. Meeting with the President of the Republic of Botswana

E. Mozambique

Thursday, 29 April (Maputo)

- 9 a.m. Tour of the centre of Maputo
- 9.30 a.m. Reception given by Mayor Alberto Massavanhane
- 10 a.m. Laying of a wreath at the Monument of the Heroes
- 10.30 a.m. Meeting with the Minister of Labour of Mozambique at the headquarters of the Frente de Libertação de Moçambique (FRELIMO)
- 12.15 p.m. Reception given by the Dean of the Diplomatic Corps, the Ambassador of the United Republic of Tanzania to Mozambique
- 3 p.m.-5 p.m. Visits to the villages of Mafalala and Chinhambanine
- 7.30 p.m. Reception given by the Minister of Labour of Mozambique

Friday, 30 April (Maputo)

- 1 p.m. Luncheon given by the Ambassador of India to Mozambique
- 5 p.m.-6.30 p.m. Meeting with the President of Mozambique
- 8.30 p.m. Dinner given by the Ambassador of the Congo to Mozambique

Saturday, 1 May (Maputo)

- 9 a.m.-11.30 a.m. Dedication of Eduardo Mondlane University
- 10 p.m.-11.30 p.m. (Dar es Salaam) Chairman's consultation with members of the Executive Secretariat of the OAU Co-ordinating Committee for the Liberation of Africa

F. Ethiopia

Sunday, 2 May (Addis Ababa)

- 7.30 p.m. Dinner given by the Chargé d'Affaires, a.i. of Trinidad and Tobago to Ethiopia

Monday, 3 May (Addis Ababa)

- 10.30 a.m.-11.45 a.m. Meeting with the Administrative Secretary-General of OAU
- 5 p.m.-6.15 p.m. Meeting with the Minister for Foreign Affairs of Ethiopia
- 6.30 p.m.-7.30 p.m. Reception given by the Administrative Secretary-General of OAU
- 7.45 p.m. Dinner given by the Minister for Foreign Affairs of Ethiopia

Tuesday, 4 May (Addis Ababa)

10 a.m.-10.45 a.m. Meeting with the Chairman of the Provisional Military Administrative Council of Ethiopia

7.30 p.m. Dinner given by the Ambassador of the United Republic of Tanzania to Ethiopia

9. In response to the invitation addressed to him by the Special Committee, to which reference is made in paragraph 3 above, the Chairman of the Special Committee, also in his capacity as Chairman of the Ad Hoc Group, held press conferences and interviews as shown below:

14 April: Press conference upon arrival at Dar es Salaam Airport

17 April: Press conference at Kilimanjaro Hotel

19 April: Press conference upon arrival at Lusaka Airport

20 April: Televised interview with Zambia Television

21 April: Press conference at Livingstone

24 April: Radio interview and press conference with Radio Botswana

27 April: Press conference upon arrival at Dar es Salaam Airport

28 April: Press conference upon arrival at Maputo Airport

1 May: Radio interview at Maputo Airport with Radio Mozambique

2 May: Press conference at Addis Ababa Airport

4 May: Press conference at the headquarters of the Economic Commission for Africa (ECA), Addis Ababa

Thursday, 6 May: Background briefing at London with diplomatic correspondents.

10. In addition, the Radio Service of the Office of Public Information of the Secretariat carried radio reports on the activities of the Ad Hoc Group during its visit to Africa. Furthermore, the Ad Hoc Group was assured that it would receive extensive coverage in various publications of the Office of Public Information. b/

b/ The Office of Public Information issued the following press releases covering activities of the Ad Hoc Group: GA/COL/1686, 1688, 1689, 1692-1696, 1700, 1703, 1705, 1706 and 1709-1712.

II. MEETINGS WITH NATIONAL LIBERATION MOVEMENTS

11. The Ad Hoc Group held meetings with the following representatives of ANC (Zimbabwe), SWAPO and PAC, as indicated below:

Dar es Salaam (Office of the OAU Co-ordinating Committee)

15 April	Bishop Abel Muzorewa	ANC (Zimbabwe)
	Rev. Ndabaningi Sithole	"
	Mr. Rukudzo Murapa	"
	Mr. Lucas H. Pohamba	SWAPO
	Mr. Maxton Mutongolumbe	"
	Mr. Iyambo Indango	"
	Mr. D. D. D. Mantshontsho	PAC
	Mr. E. L. Ntloedibe	"

Lusaka (Hotel Intercontinental)

20 April	Mr. Samuel Monodawafa	ANC (Zimbabwe)
	Mr. Daniel Madzimbamuto	"
	Mr. Edward Ndlovu	"
	Mr. T. George Silundika	"
	Mr. Moses M. Garoeb	SWAPO
	Mr. John Ya Otto	"
	Mr. Peter Tsheehama	"

12. During the meetings held at Dar es Salaam, two members of the Office of the Executive Secretary of the OAU Co-ordinating Committee for the Liberation of Africa were also present: Mr. Jean Bitchoka, Information Officer, and Mr. Ngandu Leta, Auditor. During the meeting held at Lusaka, Mr. M. K. Simumba, Director, OAU Sub-Regional Office, was present. The regional representative of the United Nations Commissioner for Namibia also attended these meetings.

13. Given below is a summary of the views expressed by representatives of the national liberation movements and of the comments made by them in response to questions raised by members of the Ad Hoc Group during the meetings.

A. African National Council of Zimbabwe

1. Bishop Muzorewa and the Reverend Sithole

14. The people of Zimbabwe were highly politicized, well organized and determined to support the liberation struggle, despite the intensified repressive measures being taken against them by the illegal racist régime. Zimbabweans were leaving the

Territory by the thousands to receive military training. Meanwhile, the régime continued to recruit mercenaries from the United Kingdom, the United States of America, the Federal Republic of Germany, the Netherlands, Australia and South Africa. Mr. Ian Smith, the so-called Prime Minister of Southern Rhodesia, was determined to prevent majority rule and, to that end, had intensified the repression of Zimbabweans, including secret executions, torture and kidnappings. However, the will of the illegal régime to maintain white supremacy was equally matched by the determination of the masses to regain their birth-right.

15. There had been two different approaches to the solution of the anachronistic situation in the Territory: a negotiated settlement and an armed struggle. The former, which had been supported by the heads of Government of the four front-line States, Botswana, Mozambique, the United Republic of Tanzania and Zambia, had not produced the desired result. It was more realistic to take into account the determination of the settlers to keep the Territory white. The talks held with the Smith régime to date had proved beyond any doubt the futility of the exercise. Should there be talks in the future, it would be for the purpose of negotiating the surrender terms of the régime for the transfer of power to majority rule. The suggestion by the United Kingdom for a transitional period of 18 to 24 months was not to be entertained seriously. That might have been considered as a possibility 10 years ago, but not at the present late stage of the armed struggle.

16. Thus, there were divisions not only within ANC (Zimbabwe), at the basic policy level, but also with respect to its relationship with the four front-line States. As for the divisions within ANC (Zimbabwe), the fact that one of the four groups constituting ANC (Zimbabwe) had dissociated itself from the united front did not affect the unity of the remaining political groups. Furthermore, ANC (Zimbabwe) was prepared to receive Mr. Joshua Nkomo at any time he wished to return. The report widely circulated to the effect that Mr. Nkomo led the people internally while Bishop Muzorewa headed ANC (Zimbabwe) externally was malicious fiction designed to destroy the credibility of Bishop Muzorewa. It was an established fact that Bishop Muzorewa led the vast majority of the people internally and externally, through his authentic, political-military organization of the preponderant majority of ANC (Zimbabwe). Mr. Nkomo, by his separatist move, had forfeited a great deal of his political support. The National Executive of ANC (Zimbabwe) would shortly be holding a session on the question of unity, as all leaders were now in agreement that the only alternative was armed struggle.

17. Although it would have been virtually impossible to wage the military struggle had it not been for the indispensable assistance received from the four front-line States, it would be neither correct nor appropriate to ignore the fact that a military high command of Zimbabweans in the armed struggle had been created without the knowledge of, or in consultation with, the recognized political leaders of Zimbabwe. They had been kept completely away from the formation of such an entity and had not yet been able to visit its training camp sites. That was the way in which the "third force" had come about. The rationale behind this was that a new leadership should soon emerge from the military cadres, as had been the case in Mozambique. This situation would soon be resolved because it was clear that the so-called third force did not have any juridical basis and it was equally clear that ANC (Zimbabwe) was the only legal institution representing the people of

Zimbabwe as a whole. Continuation of this anomaly would certainly interfere with the liberation struggle, in particular with respect to logistic supplies for the front.

18. The so-called third force was not a creation of the people of Zimbabwe and was not recognized by OAU as such. The act of disregarding the recognized leadership of ANC (Zimbabwe) in the matter of the formation of the high command had introduced disunity between political and military leadership. The same high command was now referred to by the majority of ANC (Zimbabwe) cadres and the people of Zimbabwe as a "foreign high command"; these people looked forward to a high command, which had the approval and involvement of their own recognized leaders, who commanded the support of the masses within Zimbabwe. The suggestion that the cadres had been united whereas the political leaders had been disunited had no foundation because political disunity implied disunity in the ranks of the cadres. ANC (Zimbabwe) had already indicated to the heads of Government of the four front-line States the urgent need to establish concrete liaison between the high command and the political leadership.

19. As regards the position of the United Kingdom, Zimbabweans no longer considered the Territory as a "British colony". There was no United Kingdom presence in the country and there had not been one for the past 10 years. Furthermore, the United Kingdom had admitted that it had neither the power nor the intention to quell the rebellion by the use of force. Indeed, the concept of the United Kingdom having responsibility over the Territory as the administering Power was interfering with the proper carrying out of the struggle, since it was being utilized by the Smith régime to buy time and discourage those nations which might otherwise be willing to provide material aid. The true situation should be described as "two States at war": the illegal régime, on the one hand, as a colonial Power, and the fighting Zimbabweans, on the other, as a future independent State. There was no question whatsoever that ANC (Zimbabwe) was fighting for the country's independence and not for retrogression to a colonial status. Legitimizing the authority of the United Kingdom over the Territory also served as a protective shield of "kith and kin" over the minority whites, resulting in a psychological buffer for the latter against the inevitability of the Territory's imminent attainment of majority rule. Recognition that the United Kingdom had no legal responsibility concerning the Territory would undoubtedly have a positive effect on the white minority.

20. Support by South Africa was continuing and more arms and supplies than ever before were being brought into the Territory. Although it might be true that South Africa had attempted to make the Smith régime recognize the inescapable destiny of the country and the advantage of a negotiated settlement over a defeat after enormous human sacrifices, it was evident that South Africa wanted a settlement of its own which would guarantee the creation of a new, friendly and manageable buffer nation in order to preserve its policy of white supremacy.

21. ANC (Zimbabwe) had no intention of practising racial discrimination in reverse; those whites who remained in the country would be accorded the same rights and privileges as the African majority. It was encouraging to note in this connexion that some of the white population, particularly students and other young people, had come out in support of the eventual transfer of power because they had begun to

see that the war against the freedom fighters would not succeed. ANC (Zimbabwe) wished to urge the United Nations, within its programme of dissemination of information on decolonization, to take appropriate steps to encourage those segments of the white population to extend their support for a peaceful and speedy transition to majority rule.

22. There was an acute need for food, clothing, medical care and supplies for the thousands of Zimbabwean refugees who were crossing the border into neighbouring African States, particularly Mozambique. This could only be met through a massive assistance programme initiated by the international community. In addition to its urgent need for external assistance arising from the full application of economic sanctions, Mozambique would require, on a priority basis, both financial and material assistance for shouldering the heavy burden of aiding the Zimbabwean refugees. ANC (Zimbabwe) would submit to the Special Committee at a later date a detailed report on the various requirements in that regard.

2. Messrs. Monodawafa, Madzimbamuto, Ndlovu and Silundika

23. The conclusion by the liberation movement that armed struggle was the decisive element for liquidating the racist minority régime had been arrived at in the early 1960s and that decision remained valid. The intensified repressive measures taken against the innocent Zimbabweans fully justified that conclusion, which was also shared by the members of OAU.

24. The armed struggle was now being actively waged; it was an intensified phase of the decade-old war against colonialism. An important and encouraging factor was the unification of the fighting forces and their command, composed of former cadres of the Zimbabwe African People's Union (ZAPU) and Zimbabwe African National Union (ZANU), now fighting under the banner of ANC (Zimbabwe). The unity of the forces had come about in November 1975 through careful planning and a considered decision of the leadership and in close collaboration with the neighbouring countries concerned, which had generously offered the necessary services and facilities to that end. Thus, it was possible to eliminate the danger of creating parallel liberation armies and to give priority to the unity of the people of Zimbabwe.

25. The year 1975 had been characterized by a lull in the level of fighting which had given the people of Zimbabwe an opportunity to assert their sovereign authority on questions of policy, leadership and unity. This phase had proved the validity of the Lusaka Manifesto c/ and the Dar es Salaam Declaration (see chap. VIII of the present report, annex, paras. 61-64 (pp. 119-120 below)) in relation to the Smith régime. It had also given Zimbabweans an opportunity to prepare for intensification of the armed liberation struggle, a phase brought about as a result of the good offices of the Heads of State of the four neighbouring countries.

c/ Official Records of the General Assembly, Twenty-fourth Session, Annexes, agenda item 106, document A/7754.

26. In September 1975, the people of Zimbabwe had asserted their authority through the first congress of ANC (Zimbabwe) and elected their leadership, which had in turn sought the full implementation of the Manifesto; subsequently, through painstaking efforts to reach a negotiated settlement, it had found that the Manifesto was inapplicable to Ian Smith. It was now necessary, therefore, to intensify all complementary forms of struggle in military, diplomatic, economic, propaganda and other fields.

27. It was urged that the Special Committee, in the circumstances, should take the following action:

- (a) Call for financial and material support of the Zimbabwean struggle;
- (b) Call for the complete isolation of the régime;
- (c) In concert with OAU, declare the Lusaka Manifesto no longer applicable to the racist régime; and
- (d) Organize an international conference in support of the Zimbabwean people following the pattern established by a similar conference held at Oslo in 1973. d/

28. The situation in Zimbabwe was becoming acute: the greater the momentum gained by the liberation struggle within the Territory, the more intensified became the repressive measures by the Smith régime. Under the continuing state of emergency, a widespread network of informers had been instituted, resulting in indiscriminate imprisonments and detentions of a great number of innocent people. Torture and cruel and inhuman treatment of prisoners were rampant and, as revealed by the International Committee of the Red Cross (ICRC), many of them had been killed or had become deranged. The Salisbury prisons for example had, to all intents and purposes, become torture chambers.

29. Within the National Executive headed by Mr. Nkomo, all the tribes were represented and no question of tribalism existed in ANC (Zimbabwe) within the Territory. Under the circumstances, the movement received the widest possible popular support of the Zimbabweans both within and outside the Territory. It was true that repeated attempts had been made by former ZANU political functionaries outside the Territory, who had always operated on a tribal basis themselves, to bring a tribal issue into the Territory with the malicious intent of disrupting the unity within the leadership of ANC (Zimbabwe).

30. There was cause for deep concern that divisive elements still existed within the political leadership, as they would undoubtedly affect adversely the morale of the fighting people of Zimbabwe. Mr. Nkomo, for his part, had faithfully

d/ International Conference of Experts for the Support of Victims of Colonialism and Apartheid in Southern Africa, held at Oslo from 9 to 14 April 1973. For the report of the Conference, see document A/9061, annex.

implemented the provisions of the Zimbabwe Declaration of Unity issued at Lusaka on 7 December 1974. e/ While Mr. Nkomo stood ready to reinforce the unity of ANC (Zimbabwe) leadership, it was regretted that there were others whose only motivation was to advance their own self-interest, disregarding the well-being of Zimbabwe as a united, independent sovereign nation. Only when those factions realized that they should cease all self-motivated activities and discuss seriously the future and destiny of Zimbabwe, would further talks for reunification be possible at the leadership level. The likelihood of that eventuality was rather remote, as could be seen from past records of the numerous unsuccessful attempts made towards establishing a unified front. The Reverend Sithole, who had led the former ZANU, continued to reject any moves which might, in his mind, jeopardize or threaten his personal interest.

31. In October 1975, the former ZANU's fighting cadres had decided to dissociate themselves from their political leaders. In November, the former ZANU cadres and the former ZAPU cadres had decided to form a united armed command. Nothing was further from the truth than the accusation made by Bishop Muzorewa and the Reverend Sithole that they had been barred by Governments of front-line States from establishing contact with the freedom fighters. It was the fighting cadres themselves which had rejected Bishop Muzorewa, the Reverend Sithole, Mr. James Chikerema and all other leaders of the Zimbabwe Liberation Council (ZLC), the so-called external wing of ANC (Zimbabwe), for their activities contrary to the sovereign interests of Zimbabwe. Unless the persons concerned honoured their pledges to unite and reformed themselves, the fighting cadres would find it impossible to accept them as forming part of the ANC (Zimbabwe) political leadership, since it was patent that their action would endanger the ideological cohesion of the movement.

32. The ANC (Zimbabwe) leadership within the Territory considered it unlikely that further talks with Smith would produce an acceptable basis for the viable transition to majority rule. A proposal submitted by ANC (Zimbabwe) to the Smith régime at the outset of the latest talks on 17 March f/ had been rejected unconditionally. If the fundamental premises contained in the proposal (which included extensive concessions on the part of ANC (Zimbabwe) in the interest of a smooth transition) could not be accepted, how would it be possible to envisage meaningful talks covering matters of vital importance to the nation? An alternative suggested by Smith for the renewed intervention and mediation of the United Kingdom as the colonial Power was totally unacceptable to ANC (Zimbabwe). There was thus no question of holding further talks with the Smith régime.

33. Although there seemed to be no apparent alternative for the white population at present other than support for the Smith régime, the majority of that group was beginning to feel a sense of uncertainty as regards their future. There

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

f/ See chap. VIII of the present report, annex, paras. 35-38 (pp. 114-115 below). The text of the proposal has been placed in the files of the Secretariat and is available to members of the Special Committee upon request.

were, of course, the usual propaganda activities aimed at mobilizing the settlers' support for the régime, but it was evident that no censorship could be completely successful. Furthermore, the white population was aware of the probable repercussions of taking any realistic course of action or attitude towards a negotiated settlement. There was the possibility, given the circumstances, that a major exodus of whites from the Territory might take place as the inevitable transition approached. Even at present, a great number of whites were finding their way out of the Territory, as evidenced by the fact that the régime had ceased to publish statistics on population movements to or from the Territory.

34. Since 1964, a massive conscription of black soldiers had been conducted by the Smith régime on a quota basis through traditional chiefs; failure to meet the quota had often resulted in severe individual and group punishments. It was not difficult to detect widespread dissatisfaction among black soldiers and once the oppressor's shackles were removed, there was no doubt that the soldiers would revert to their original allegiance, the march towards majority rule.

35. South Africa was in the forefront in furnishing the supplies required for the survival of the illegal régime. A convoy of military trucks continued to flow from South Africa every day, furnishing the régime with arms, ammunitions, equipment and other strategic materials. Other supplies, including petrol and consumer goods, were also being poured into the Territory. The recent attack by freedom fighters on the rail and road link between Zimbabwe and South Africa would be repeated to obstruct further inroads of South African assistance to the régime. It was a serious mistake to hope that South Africa might possibly change its policy and sever relations with the Smith régime.

36. The effect of the Security Council sanctions on the economy of Southern Rhodesia had been agonizingly slow. Although some appreciable increases in the price of consumer goods were noticeable, it could not be considered as representing a conclusive force which might ultimately strangle the Territory's economy. In those circumstances, it was imperative that full and total sanctions be implemented without further delay. Blacks had suffered long under the repression of the Smith régime and would gladly face added hardships until victory was attained.

B. South West Africa People's Organization

1. Mr. Pohamba, representative in the United Republic of Tanzania

37. The situation in Namibia was deteriorating further, with intensified suppression and arrests of people opposing the illegal occupation of the Territory by South Africa. Most arrests took place without being followed by action in the courts and some of those arrested had been removed to South Africa. Through the so-called constitutional talks, begun at Windhoek in September 1975 (see chap. IX of the present report, annex, paras. 31-67 (pp. 154-161 below)), which were aimed at partitioning Namibia into bantustans, an attempt was being made to legalize the presence of South Africa in Namibia. A few chiefs had opposed resumption of the

talks unless SWAPO participated. SWAPO had refused to take part in the talks because it rejected tribalism and sought the establishment of a united, independent Namibia.

38. South Africa currently had about 40,000 troops in Namibia. Reinforcements had been sent following the events in Angola, and Namibia had been used as a base to invade that country. The South African troops withdrawn from Angola were relocating villagers and had cleared an area 48.2 kilometres in length along the Namibian border with Angola, with the aim of preventing SWAPO freedom fighters from entering Namibia.

2. Mr. Garoeb, Administrative Secretary

39. As the forces of national liberation made steady advances towards the freedom and national independence of the oppressed masses in the region, the whole of southern Africa - Namibia, Zimbabwe and South Africa - was decisively entering a crucial stage in the liberation struggle.

40. The situation was ripe with opportunity to achieve the liberation of southern Africa through peaceful means. The front-line African States, in concert with the liberation movements, had attempted to impress upon the racists in South Africa, Namibia and Zimbabwe the folly of their actions and the necessity for them to come to terms with the inevitability of black majority rule. As events had shown, the racists had opted for a confrontation with black Africa, which would inevitably lead to a blood-bath. Independent Africa and the liberation movements could not be held accountable in that situation. In the face of continued white intransigence, liberation movements had no choice but to escalate the wars of liberation through increased and intensified armed struggle.

41. It should be evident to the international community that, with respect to Namibia, South Africa had no intention of withdrawing its illegal administration from Namibia. The actions taken by South Africa in Namibia, including, among other things, "the military build-up in Namibia", had been condemned unanimously by the Security Council in its resolution 385 (1976) of 30 January 1976.

42. The so-called constitutional talks which were being held at Windhoek were nothing but a farce, because their primary objective was to divide Namibia into bantustans which could easily be controlled from Pretoria. Moreover, the so-called delegates attending the talks were handpicked stooges of the South African Government. They did not represent the Namibian people. SWAPO rejected the so-called constitutional conference for those reasons. The basic objective of SWAPO was the attainment of a united independent Namibia. SWAPO would never succumb to neo-colonialist control from Pretoria in any form.

43. While the so-called constitutional talks were being held, the illegal administration continued to set up more bantustans. As from 1 April 1976, the Caprivi Strip had become a full-fledged homeland. Rehoboth was next on the list and others were due to follow shortly.

44. All SWAPO leaders inside Namibia had recently been arrested on charges under the Terrorism Act of 1967, purportedly in connexion with the assassination of Chief Filemon Elifas. These acts were aimed at intimidating SWAPO and the people of Namibia into submission. But South Africa would not succeed.

45. There was no doubt that South Africa would eventually withdraw from Namibia. There was also no doubt as to the speediest method of compelling South Africa to withdraw from Namibia, and that method was through the use of armed force, which was also the policy of SWAPO. It was only through concerted armed struggle, irrespective of the cost involved - both human and material - that South Africa would withdraw from Namibia. SWAPO had accepted it as an inescapable reality.

46. SWAPO, nevertheless, would continue to be ready to hold talks with South Africa to effect the transfer of power. The immediate pre-conditions to holding such talks were as follows:

- (a) Acceptance by South Africa of the territorial unity and integrity of Namibia;

- (b) Release of all political prisoners and the return of Namibians expelled or those in exile on political grounds; and

- (c) Invalidation of all criminal charges against freedom fighters, dead or alive.

47. Although there had been serious and repeated attempts by the Vorster régime to undermine unity and solidarity within SWAPO, it had been possible to neutralize all such moves. The future prospects for the liberation struggle were extremely encouraging. As a result of the victory in Angola, for example, SWAPO now had two operational fronts. For the first time, white farmers were experiencing a real danger to their security; real estate values were declining sharply, a reflection of the deepening sense of uncertainty.

48. The people of Namibia were in desperate need of external aid. SWAPO was deeply appreciative of the continued flow of assistance from a number of friendly nations, particularly Socialist countries. It wished to appeal to all countries to extend whatever material and moral assistance they could render in that regard. In the same context, SWAPO noted with deep regret the activities of the Federal Republic of Germany, which had continued to maintain consular, cultural and other relations with the Government of South Africa with respect to Namibia. These activities were in clear contravention of the true interests of Namibians and contrary to the provisions of the relevant resolutions of the General Assembly and the Security Council.

49. SWAPO regarded the United Nations, particularly the Special Committee, as partners in the liberation struggle, bearing in mind the special responsibility assumed by the world Organization with respect to Namibia. It was SWAPO's sincere hope that the United Nations would live up to that responsibility by ensuring

the implementation of all relevant resolutions of the Security Council and the General Assembly. In particular, if the Pretoria régime chose to disregard the latest Security Council decision, g/ there would be no alternative but to call for the immediate application of mandatory sanctions against that régime.

50. SWAPO was grateful for the various programmes of assistance under preparation or in execution by some of the United Nations family of organizations, particularly the United Nations Educational, Scientific and Cultural Organization (UNESCO), for having provided educational supplies and equipment for the SWAPO Farm/School/Clinic Complex outside Lusaka; the United Nations Children's Fund (UNICEF); and the United Nations High Commissioner for Refugees (UNHCR). Within the allocation made from the United Nations Development Programme (UNDP), the World Health Organization (WHO) would shortly be helping in the establishment of the clinic at the SWAPO Complex. h/ It was hoped that those contacts already established with the international organizations would be further intensified so as to increase the flow of assistance, through SWAPO, to the suffering people of Namibia. In particular, the United Nations Institute for Namibia, which would shortly enter an operational phase, was in urgent need of massive assistance.

C. Others

51. Mr. Mantshontsho of PAC expressed the view that the independence of Angola and Mozambique had created favourable conditions for the liberation struggle in southern Africa, including that in South Africa. Unless assistance were given to the liberation movements in South Africa for their armed struggle, South Africa would continue to be a serious threat to all Africa, and its racist domination of Namibia would be perpetuated, as would the illegal régime in Zimbabwe.

g/ Resolution 385 (1976) of 30 January 1976.

h/ During the Ad Hoc Group's visit to Lusaka, the formal signing of an agreement on this project took place between UNDP and SWAPO.

III. CONSULTATIONS WITH GOVERNMENTS

3

52. Pursuant to the mandate entrusted to it by the Special Committee, the Ad Hoc Group held consultations with officials of the Government of the United Kingdom, as the administering Power responsible for Southern Rhodesia, and of the Governments of the United Republic of Tanzania, Zambia, Botswana, Mozambique and Ethiopia. An account of the views exchanged during those consultations is set out below.

A. United Kingdom, as administering Power

53. At the invitation of the Government of the United Kingdom, as the administering Power concerned, the Ad Hoc Group, en route to Africa, visited the Foreign and Commonwealth Office at London on 13 April and held consultations with the following representatives of the Office concerning the question of Southern Rhodesia:

The Rt. Hon. The Lord Goronwy-Roberts, Minister of State
Mr. Norman Aspin, Assistant Under-Secretary of State
Mr. P. J. Barlow, Rhodesia Department
Mr. M. L. Tait, United Nations Department
Mr. M. Reith, Central and Southern African Department
Mr. M. F. Parris, Rhodesia Department
Mr. D. Grennan, Special Adviser to the Secretary of State
Mr. A. C. Galsworthy, Private Secretary to the Minister of State

54. The views expressed by the representatives of the administering Power during the consultations are set out below.

55. Since the collapse of Portuguese colonialism in Africa and in the light of related developments during the preceding several months, including the policy statement issued on 22 March by Mr. James Callaghan, then Secretary of State for Foreign and Commonwealth Affairs (see chap. VIII of the present report, annex, para. 44 (p. 116 below)), conspicuous changes had been discernible in the awareness of the white minority of the inevitable political reality of the situation in Southern Rhodesia and of its destiny.

56. Prompted by fear, anxiety and unrest, and in the absence of other viable alternatives to the ruling régime, the majority of the white population had been driven for the present to strengthen their support for the Smith Government. To them, the transfer of power in any form still signified an outright "surrender". But as the realization grew that a transfer of power was inevitable in any case, and that no assistance in resisting it was to be expected ultimately from any outside source, it was hoped that this attitude would change and the minority would realize the advantages of negotiating a peaceful transition to majority rule while there was still time.

57. The United Kingdom Government was not necessarily in agreement with all the

recommendations adopted by the United Nations bodies concerned, particularly the call for armed liberation struggle. The United Kingdom Government stood ready to support all measures designed to seek a peaceful transition, however, guided by its special responsibility as the administering Power and bearing in mind the related legal and constitutional implications.

58. The United Kingdom Government whole-heartedly supported the thorough and vigorous application of sanctions and the other related measures taken by the Security Council, such as the assistance programme for Mozambique, to which it had already committed £15 million.

59. The United Kingdom Government was prepared in principle to examine measures aimed at broadening sanctions, both functionally and territorially. Nevertheless, it held the view that the current sanctions, if complied with fully and effectively, could bring about the desired results; thus, priority should be given to ensuring strict observance of those sanctions. It was opposed to taking any impractical measures - "cosmetic sanctions" - such as the severance of postal and other means of communication.

60. The United Kingdom Government was in continuous contact with several Governments, including those of Japan and the Federal Republic of Germany, at the technical level, with a view to eliminating loop-holes enabling their nationals and individuals to breach sanctions.

61. While it kept foremost in mind the prolonged and continued suffering of the African majority, the United Kingdom Government could not condone bloodshed in the decolonization process and thus was unable to support armed struggle by the liberation movement, which would have implications far beyond the confines of the African continent.

62. In the circumstances, efforts should be directed towards convincing the minority leadership of the inevitability of the transition to a new, majority régime, which would guarantee the basic rights of the white minority. It should be stressed that the transition must come as expeditiously as possible - at any rate within a period of 18 to 24 months.

63. To that end, steps had been taken to place maximum pressure on the minority leadership so as to dispel any expectation on its part that an armed intervention or takeover by the United Kingdom Government would take place under any circumstances. It had been made known to the régime that there could be no settlement of the illegal situation outside the framework of the principles enunciated in the statement by Mr. Callaghan (see para. 55 above), and that assistance could only be expected after the acceptance of the principle of "no independence before majority rule".

64. Further measures should include the reinforcement of economic sanctions and the intensification of co-ordinated efforts on an international level, such as a recent pledge by the countries of the European Economic Community (EEC) not to render any moral or material support to the Smith régime.

65. Although the current role of the South African Government was less prominent than at the time of the Victoria Falls talks, held in August 1975 (see chap. VIII of the present report, annex, paras. 24-30 (pp. 112-113 below)), there still appeared to be a strong desire on its part to settle the precarious situation in Southern Rhodesia as quickly as possible.

66. The withdrawal by the South African Government of its paramilitary forces from Southern Rhodesia following the Lusaka Declaration of Unity of December 1974 (see para. 30 above) and its continuing failure to replace them constituted a considerable setback for the illegal régime. If the South African Government were unable to replace the transport facilities lost to the illegal régime as a result of the closure of the border of Mozambique, this would be a further source of discouragement to it.

67. The United Kingdom Government planned to work closely with the four African Presidents of the States bordering Southern Rhodesia on further measures towards the elimination of the illegal situation.

68. The United Kingdom Government hoped that all efforts would be directed towards bringing about the reunification of ANC (Zimbabwe).

69. All steps should be taken to ensure full compliance with economic sanctions.

70. Of the 280,000 whites in the Territory, only 6,000 or so were farmers and the vast majority were people whose attachment to Southern Rhodesia was relatively recent and not beyond severance if pressures built up. Approximately 80,000 whites were United Kingdom citizens and about 150,000 had a legal right of abode in the United Kingdom. If all concerned decided to exercise that right, the cost to the United Kingdom Government of resettling them would be considerable: on a basis of only £1,000 per head, the total would be £150 million.

71. It should be noted in that connexion that statistics for the year 1975 indicated a distinct increase in the outflow of white Southern Rhodesians although there had been an influx of several thousand settlers from elsewhere, and it appeared that the trend would continue.

72. Although difficult to predict, it was probable that within a foreseeable period - perhaps three years, if not earlier - there would be a black majority Government in Southern Rhodesia. Whether that would come about through violence or through negotiated settlement would depend on the efforts not only of the United Kingdom Government but also of the international community. As the President of the United Republic of Tanzania had predicted, an end would perhaps come to the illegal régime through efforts at a dual level, that is, guerrilla warfare and negotiations.

73. It might also be well to bear in mind the need to give adequate time to the white population to readjust its thinking and approaches.

B. United Republic of Tanzania

74. During its visit to the United Republic of Tanzania between 14 and 17 April, the Ad Hoc Group held consultations with:

H.E. Mwalimu Julius K. Nyerere, President

H.E. Mr. Aboud Jumbe, First Vice President, President of the Afro-Shirazi Party

H.E. Mr. Ibrahim Kaduma, Minister for Foreign Affairs

1. Consultations with the President

75. During the consultations with President Nyerere, the following members of the Ministry of Foreign Affairs were present:

H.E. Mr. Ibrahim Kaduma, Minister for Foreign Affairs

H.E. Mr. A. B. Nyakyi, Principal Secretary

Mr. E. W. N. Mwasakafyuka, Director, Africa and Middle East Division,
Adviser on East and Central African States Affairs

Miss Tatu Nuru, Acting Director, International Organizations and Legal
Affairs Division

Colonel Hashim Mbita, Executive Secretary of the OAU Co-ordinating Committee for the Liberation of Africa, also attended the meeting. Given below are excerpts from the views expressed by the President during the consultations.

76. Prior to the collapse of Portuguese colonialism in Africa, South Africa had considered the Territories formerly under Portuguese domination, Southern Rhodesia and Namibia as a buffer against the tide of struggle for freedom and equality, which it regarded as threatening its national interest.

77. Following the liberation of Mozambique and Angola, South Africa appeared to have realized that the only viable alternative open to it was to accept the reality and to attempt to create a new buffer consisting of an acceptable, if not friendly, group of independent African States with which it could maintain a relationship of status quo vis-à-vis its own domestic policy of so-called separate development, i.e., apartheid. Included in that design was the establishment, as far as possible, of a non-revolutionary Government in Zimbabwe, which would not be inimical to the national interest of South Africa. A revolutionary neighbour, Mozambique, already had to be reckoned with as a reality. In Namibia, South Africa sought a manageable governing apparatus. In Zimbabwe, it was ready: (a) to accept a negotiated independence on the basis of majority rule; and (b) to be involved in the stages leading to the attainment of that objective.

78. It was against such a background that South Africa had approached Zambia, with the subsequent involvement of the Governments of Botswana, Mozambique and the United Republic of Tanzania, in attempts to bring about an expeditious, peaceful solution to the situation in Zimbabwe. As a condition to any mediation efforts, the

Vorster Government had been told that, if it were to be taken seriously: (a) all South African military and paramilitary forces in Zimbabwe should be withdrawn at once; and (b) political leaders detained or imprisoned by the Smith régime should be released unconditionally.

79. The African Heads of State had soon realized that South Africa appeared to be serious about its intention to seek a negotiated settlement and had the power to exercise over the Smith régime: the troops had been withdrawn and the leaders released. Indeed, the United Kingdom, despite several approaches made in the same direction, had been completely incapable of, if not unwilling to take steps towards, bringing about those changes. Furthermore, the United Kingdom had not even considered it appropriate to include an appeal for the release of the leaders in the final communiqué issued at the Conference of Commonwealth Nations held at Ottawa in 1973.

80. In the light of those developments and in keeping with the Lusaka Manifesto of 1969 (see para. 25 above), the four African Heads of State had agreed to render their assistance to any process which might peacefully lead Zimbabwe to freedom and independence. The position had been endorsed and supported by the members of OAU, as they were convinced that preference should be given to a negotiated settlement over violence. The decision of the African Heads of State had been based on a simple and correct logic: if the goals could be achieved without bloodshed and loss of life, all efforts must be made towards that end; morally, no one had the right to ask young Zimbabweans to die for their cause until and unless all other means had been exhausted. To that end, inconceivable as it might have seemed a few years previously, the Heads of State had found themselves discussing the modalities for such a transition with representatives of the illegal racist régime and of the minority Pretoria régime.

81. To the grave concern of those Heads of State, however, the political leaders so released, who had willingly agreed to form ANC (Zimbabwe) at Lusaka in December 1974, had soon begun factional, separatist moves along the party lines of their original allegiance (ZAPU, ZANU, etc.). Despite all the efforts to re-establish a unified political leadership for ANC (Zimbabwe), the political leaders had been unable to agree on the course of action to be taken.

82. Notwithstanding those difficulties, the Victoria Falls talks had taken place in August 1975, with the dismal results known to all. In the meantime, the split within the ANC (Zimbabwe) leadership had deteriorated further. Needless to say, the Smith régime had taken full advantage of these developments. The illegal régime had used the opportunity to harass, and ultimately to attempt to liquidate, whatever pockets of resistance the freedom fighters had been able to establish within the Territory, because during the period of negotiations, no attempt had been made to reinforce the nationalist forces. The régime had also taken every step to drive ANC (Zimbabwe) leaders to a further schism among themselves.

83. As early as July 1975 it had been realized that the efforts for a negotiated settlement had failed and that the only alternative was the use of force. Recognizing the fact that, on the one hand, the talks designed to bring about a

negotiated settlement had failed and that, on the other hand, the combat readiness of the freedom fighters should be reinforced as soon as possible, the Heads of State had agreed in August/September to begin helping to prepare the freedom fighters to sustain an eventual offensive to regain the sovereignty of their country. Yet the serious dilemma of a divided leadership had continued to damage the credibility of the liberation struggle, if not cripple the otherwise effective mounting of maximum pressure on the Smith régime towards an agreement for settlement.

84. It had soon become apparent that, while the political leaders were still divided, the rank and file of freedom fighters from all factions were in full accord that their strength lay in a unified military command. To the freedom fighters, a divided army or a proliferation of armies was inconceivable if they were to serve as an effective means to bring pressure to bear upon Smith. The Heads of State were unanimous in extending their complete support to that move. To date, thousands of young people had left the Territory to join in the intensified training programme outside the country. On the premise that the active armed struggle should thus continue, Mozambique had decided to apply sanctions fully against the illegal régime.

85. Although it was to be deeply regretted that, despite the numerous appeals addressed to them by the four Presidents to unite, the political leaders were still in disagreement, it would be unrealistic to expect the fighting men to remain without political guidance for long. Should the present situation be permitted to continue, it would not be difficult to anticipate, and it was indeed logical to expect, the emergence of a new cadre of political leaders from among the leading freedom fighters, as in the case of Mozambique.

86. The failure of Nkomo in his talks with Smith had had one advantage: it clearly demonstrated that Smith had no intention of negotiating seriously for the transfer of power and that any semblance of his doing so arose from his well-known dilatory tactics. At the current stage of development, the Heads of State had only the following advice for the political leaders of ANC (Zimbabwe): "Bury your differences: unite, lead the militants to armed victory, then achieve independence as a united nation; if you wish to quarrel as political parties, do so after independence. Under whatever pretext, don't try to divide the army." Unless the unification of the leaders became a reality in the near future, it was evident that a new leadership would necessarily emerge from within the existing political cadres or the freedom fighters.

87. The challenge by some of the political leaders of ANC (Zimbabwe) to the existence of a unified high command or third force (see paras. 17-18 above) should be seen in the context of Smith's broadcast on 6 February 1976, in which he had admitted the outbreak of serious fighting in the Territory. The high command was indeed waging a serious war against the oppressor. Its aim was directed towards convincing Smith of the futility of his efforts to maintain dominance over the African masses and not towards the political leaders who might have chosen to ignore the reality. The third force existed and Smith knew that. Smith was also aware that the co-ordinated command increased the effectiveness of the freedom fighters.

88. The OAU had decided that all aid to the freedom fighters of Zimbabwe should be channelled through its Co-ordinating Committee. At the same time, the big Powers had been told that any assistance they might extend to political groupings of Zimbabwe on a bilateral basis would be taken as being designed to advance their own spheres of influence, rather than in the true interest of the African liberation struggle. It was obvious that such assistance would only lead the country on the road to civil war. The big Powers should have learned by now that the only point of view acceptable to Africa was the African point of view; no other considerations could be tolerated. African issues should be viewed from the perspective of the Africans themselves.

89. At the Ottawa Conference of the Commonwealth Nations, the United Republic of Tanzania had considered putting forward the proposal that Commonwealth members should offer a home to Southern Rhodesians and that they should help the United Kingdom to compensate them. The rationale behind that proposal was that: (a) those "hard-line" racists headed by Smith, who were committed to maintain the status quo on an ideological basis, would continue to fight until the bitter end, while at the same time there was no doubt that they would leave the country when majority rule came; (b) those immigrants from England and other countries who supported Mr. Smith on economic grounds would also leave when the time came; (c) many within the group of white Southern Rhodesians who had been born in the country and who had no other home, would stay with the majority and attempt to find the role they could play in the birth of a new nation.

90. In the present circumstances, it was clear that the Smith régime was supported even by the country's most "liberal" elements, as being the only alternative available to them as a means of safeguarding what they considered to be their national interest and security.

91. It was also clear, on the other hand, that most of the minority would obviously leave the country when the time came. The longer the liberation struggle, the less chance of their remaining.

92. Although the relocation of whites outside the Territory would definitely provide the quickest possible means for the transfer of power to the majority, the Labour Government considered that the British people would have difficulty in accepting such a proposal. The idea of compensating the racists might be considered offensive. Further, the Government was already confronted by a serious financial problem owing to raging inflation.

93. Notwithstanding such practical difficulties, it should be recognized that the exodus of whites was inevitable and unpreventable. That being the case, it might be advisable for the United Kingdom and some of the Commonwealth members to prepare themselves well in advance for such an eventuality and make plans for their adequate reception. As regards the financial difficulties confronting the United Kingdom, Portugal - a poorer nation than the United Kingdom - had managed to make provisions for far more numerous white citizens from its former colonies.

94. There was concern expressed in some quarters that the shorter the duration of the liberation struggle, the greater the chance for the establishment in Zimbabwe of a puppet régime which would be more readily inclined towards the views of racist groups both within and outside the country. The United Republic of Tanzania, however, would not be too concerned for the time being with the type of new government to be installed in Zimbabwe, so long as it was a government of the majority.

95. The United Kingdom position, outlined as "cautious optimism", was a more or less permanent phenomenon. The United Kingdom had been "cautiously optimistic" in all of the colonial issues it had dealt with in the past. In the particular case of Zimbabwe, it might derive from a dual motivation: first, the wish to be involved in any new situation which might evolve; and second, the desire to create a Rhodesia which the United Kingdom could like and accept. As for possible foreign interventions in Zimbabwe, it was obvious that the United Kingdom did not envisage intervening militarily in Zimbabwe, although it appeared that some form of intervention could not be ruled out entirely. The position of the United Kingdom was clearly influenced by its real fear of successful guerrilla warfare, which had all the indications of becoming a reality.

96. For South Africa, likewise, the preference was apparently for an expeditious transfer of power to the majority, as it was convinced that a new government born out of a protracted war would necessarily be a radical one. It would perhaps be unrealistic to anticipate that South Africa would apply total economic sanctions against the Smith régime. Nevertheless, South Africa might take measures to regulate the flow of commercial transactions to and from Zimbabwe. South Africa might find a degree of comfort in the belief that, in so doing, the pressure from its own allies, including the United States and the United Kingdom, might be reduced on the possible application of economic sanctions against itself.

97. It was ironic that those Western Powers which condemned the arms supplies being received by the Zimbabwean patriots from certain quarters were the same Powers which, despite their ability and competence to do so, had refused to call unequivocally for the withdrawal of South Africa from the international Territory of Namibia. Those Powers should have realized that there would be no possibility whatsoever in the circumstances for the patriots to succeed unless they could rely on the inflow of such assistance. Today's problems had to be solved before those of tomorrow could be taken up.

98. Minor frictions and conflicts among the nationalists, some of which might be unavoidable and some not, would no doubt continue. Yet, as long as there existed a united aim, united command and united political leadership on the major goals to be attained, there should be no doubt that the struggle would succeed.

2. Consultations with the First Vice President

99. During the consultations with First Vice President Jumbe, the following officials were present:

Hon. Hassan Nassor Moyo, Minister of State, Office of the First Vice President,
Member of the Revolutionary Council
Hon. Ibrahim Makungu, Chairman Minister of Fisheries, Member of the
Revolutionary Council
Hon. Ali Mzee, Executive Secretary of the Afro-Shirazi Party, Chairman of
Harbours and Shipping, Member of the Revolutionary Council
Hon. Said Natepe, Member of the Revolutionary Council, Director of
International Affairs of the Afro-Shirazi Party
Mr. M. S. Mohamed, Principal Assistant Secretary, Foreign Affairs
Mr. Mohamed Fakh, Principal Assistant Secretary, Office of the First Vice
President
Mr. Ahmed Maulidi, Protocol Section

The views expressed by the First Vice President are summarized below.

100. Having regard to the liberation struggle in southern Africa, the change for the better which had resulted from the victories scored by FRELIMO in Mozambique and the Movimento Popular de Libertação de Angola (MPLA) in Angola had brought the reality of the liberation struggle closer to Zimbabwe, Namibia and even South Africa. The United Republic of Tanzania was committed to the liberation struggle as a whole and accorded first priority to Zimbabwe, which was at present the main preoccupation of what had now come to be called the frontline States of Botswana, Zambia, Mozambique and the United Republic of Tanzania. Namibia was the chief responsibility of the United Nations, including in particular the Security Council, which could take appropriate measures to force South Africa to abide by the deliberations and decisions of the world body. The position of his Government was amply reflected in its contribution, together with that of other countries, in assisting the oppressed people of southern Africa to exercise their right to self-determination, to enjoy freedom and independence and to regain their human dignity.

101. OAU had made abundantly clear in the Lusaka Manifesto (see para. 25 above) the principle of majority rule for the countries of southern Africa. OAU had expressed its desire that this be achieved preferably by peaceful means and had worked ceaselessly towards that end. Yet, Smith and his régime had deliberately indulged in foolhardy manoeuvres to sabotage every attempt without exception in order to buy time until some miracle saved him and to impose minority rule over the majority in blatant defiance of world public opinion. The situation left no alternative but armed struggle. The struggle would no doubt be increasingly costly in terms of human life and property, the longer it lasted. The United Republic of Tanzania would prefer a shorter struggle, although as stated by President Samora Moises Machel of Mozambique, there were revolutionary advantages in a protracted armed struggle, especially in the knowledge that victory lay with liberation.

102. Concerning the leadership essential to the success of the liberation struggle in Zimbabwe, it was unfortunate that the present political leadership of ANC (Zimbabwe) was divided. It ought to be stressed, however, that the division was not ideological but was due to an acute conflict of personalities. The masses of the

people both within and outside Zimbabwe accepted ANC (Zimbabwe), and what they needed was leadership that would unite rather than divide them. It was certain that, with time, such leadership was bound to appear. There was also another important factor, a third force: the freedom fighters, who were actually on the battle field fighting, and others who were under training to fight for their country. The freedom fighters had refused to be dragged into the struggle for political leadership, although they had remained and were fighting under the banner of ANC (Zimbabwe). If, however, the political leadership continued to quarrel while the fighting cadres were actively engaged in a do-or-die struggle for the liberation of Zimbabwe, it was conceivable that a new leadership could emerge from among the cadres.

103. That division was not the sole characteristic of ANC (Zimbabwe). The minority element in Zimbabwe was also divided, although the division had not been exploited. The white minority in Zimbabwe could safely be classified into three categories. The first group consisted of the die-hards who would prefer to fight it out rather than give up their special, privileged position. That group not only had to be fought but had to be completely defeated. It was the duty of Africa and the peace-loving and freedom-loving nations and peoples of the world to give all moral and material support to the freedom fighters through the OAU Co-ordinating Committee. In order to ensure early victory for liberation, freedom and peace, the liberation forces had to be given the tools so that they could finish the job as quickly and effectively as possible.

104. The second category of the minority group, which could not conceivably bring itself to accept majority rule, would prefer to go somewhere else - for example, Australia, New Zealand, certain countries in Europe, the United Kingdom, Canada or the United States - rather than fight, provided that they were given the opportunity to start a new life elsewhere in peace. The international community could help greatly by offering to assist such a group. If that kind of help were offered, perhaps a great majority of the first group of die-hards would leave Zimbabwe, thereby weakening Smith's strength and hence shortening the length of the struggle. That would, in turn, have the effect of reducing bitter feelings, whose magnitude was likely to be unlimited in a protracted struggle, and at the same time increasing the number of the white minority in the third category: those who would choose to remain and attempt to find a new life under majority rule.

105. The possible direct contribution of the United Nations to the liberation struggle in southern Africa could be envisaged at the following four levels:

(a) Stricter reinforcement and the broadening of economic sanctions;

(b) Speedy provision of all possible help to Mozambique so that it could most effectively apply United Nations sanctions;

(c) Provision of practical assistance to the freedom fighters of Zimbabwe and the complete denial of any assistance to Smith and his followers;

(d) Application of maximum pressure on the racist minority régimes until the attainment of majority rule.

On a bilateral level, a continued supply of arms, ammunition, medical supplies, food, clothing and other essentials was required for the people, who had been forced to take up arms in a popular uprising for their freedom and for justice.

3. Consultations with the Minister for Foreign Affairs

106. During the consultations with Mr. Kaduma, the following members of the Ministry were present:

Mr. E. W. N. Mwasakafyuka, Director, Africa and Middle East Division, Adviser on East and Central African States Affairs

Miss Tatu Nuru, Acting Director, International Organizations and Legal Affairs Division

Mr. A. Soud, Head of Section, East and Central African States Bureau

Mr. D. M. J. Kapyra, Head of Section, OAU Affairs

The views expressed by the Minister for Foreign Affairs are summarized below.

107. The Government of the United Republic of Tanzania viewed the question of Zimbabwe as a critical colonial issue to which a solution should be sought on a priority basis. The situation was distinctly different from that of Namibia, which was the special responsibility of the United Nations, as also from the system of apartheid practised in South Africa, notwithstanding the underlying common element - the domination of a minority over a majority. In that regard, his Government fully supported the work of the United Nations and the fight being waged by SWAPO, as also by PAC and the African National Congress (ANC) of South Africa.

108. The efforts for the liberation of Zimbabwe should be directed towards:
(a) intensification of guerrilla warfare by the ANC (Zimbabwe) Liberation Army; and (b) politicizing of Zimbabweans within and outside the Territory.

109. The split in the political leadership of ANC (Zimbabwe) did not affect its Liberation Army, which had not identified itself with either faction. Furthermore, OAU had decided that assistance should be given to the military forces of ANC (Zimbabwe) through the OAU Co-ordinating Committee. Thus, the extension of assistance was not contingent on the political unity of the leadership. As for the politicizing of Zimbabweans both within and outside the Territory, a successful campaign was being effectively conducted and would be intensified. The United Republic of Tanzania had no doubt that the African population within the Territory was becoming increasingly ready for its total liberation.

110. For the time being, efforts were being continued to bring about the reunification of the political leaders of ANC (Zimbabwe) because, united, they would form a formidable bulwark against the illegal and racist domination of their country. Even if it proved impossible to persuade the leaders, however, there would always be other alternatives, such as the ANC (Zimbabwe) Liberation Army.

111. In order to prevent the recurrence of foreign intervention as experienced in Angola, and bearing in mind the possibility of a United Kingdom military intervention on a factional basis, the United Republic of Tanzania had warned the United Kingdom Government of the serious implications of taking such an irresponsible action. Further, the United Kingdom was particularly warned against taking any measures in search of solutions which disregarded the guerrilla forces, inasmuch as any settlement, to be of a viable and lasting nature, had to be accepted by the ANC (Zimbabwe) Liberation Army. Even if the unilateral declaration of independence were to be rescinded today, a return to conditions prior to the declaration could not be tolerated, as the only acceptable course was the speedy establishment of majority rule and independence thereunder.

112. Economic sanctions would prove effective if they were comprehensive and fully complied with. They would be all the more effective if the freedom fighters could join in paralysing all routes to and from the Territory. The extension of sanctions to South Africa should also be considered as one of the effective steps required to be taken.

113. After the Angolan experience, it appeared to be unlikely that South Africa would be interested in intervening in Southern Rhodesian affairs. Furthermore, it was evident that the South African national interest would be best served by the earliest possible settlement of the situation. A protracted war in Southern Rhodesia would serve to radicalize the masses and would definitely produce a government in Zimbabwe unequivocally hostile to the South African régime. In any case, Africans would be ready to fight whoever intervened on the side of the oppressors.

114. The United Republic of Tanzania had proposed that some Commonwealth nations should undertake to receive white Southern Rhodesians from the Territory if they decided to leave the country, as indeed they would eventually.

4. Statement by the Minister for Foreign Affairs

115. At a luncheon given in honour of the Ad Hoc Group, Mr. Kaduma, Minister for Foreign Affairs, made a statement, a summary of which is given in paragraphs 116-123 below. The following members of the Ministry were present at the luncheon:

Mr. A. B. Nyakyi, Principal Secretary

Miss Tatu Nuru, Acting Director, International Organizations and Legal Affairs Division

Mr. J. Msolomi, Chief of Information and Research Bureau

Mr. D. M. J. Kapyia, Head of Section, OAU Affairs

Also present was Colonel Mbita, Executive Secretary of the OAU Co-ordinating Committee.

116. The situation in southern Africa had changed considerably in the two previous years. Although the Portuguese empire in that part of the continent had collapsed, the most difficult task in the liberation of Africa lay ahead, namely, the achievement of freedom and independence in Southern Rhodesia, Namibia and South Africa.

117. The success of the liberation struggle had been the result of the dedication and commitment to the cause of freedom and independence of the peoples of the Territories concerned. At the same time, the moral support given to the peoples by the Special Committee had been a significant contribution to the struggle.

118. Despite the achievements of the peoples of Mozambique and Angola, who had helped Africa to regain its dignity, there remained the onerous task of consolidating the independence of those countries, as well as the liberation struggle of the Territories still under colonial and alien domination. A bastion of colonialism had now been breached and every effort must be made to rout it from the continent.

119. What was now urgently required was concerted action to help Mozambique to overcome its economic problems resulting from the complete imposition by its Government of sanctions against the illegal régime in Southern Rhodesia. Angola also needed assistance in consolidating its independence, reconstructing its ravaged economy and replenishing it with technical and other resources for its administration. The Security Council had condemned the wanton aggression of South Africa against Angola i/ and had ordered the restoration to that country of all property taken away by the aggressor's forces, as well as indemnification for the property destroyed.

120. Although Mozambique and Angola were no longer colonial issues, those countries were important for the liberation efforts of southern Africa; their survival and strength were therefore vital to the work of the Special Committee.

121. The real problems of colonialism began after independence. The true friends of Mozambique and Angola were those who would ensure that the essentials were provided promptly to those countries, whose human and natural resources had been considerably depleted after five centuries of Portuguese colonialism. In the circumstances, there remained a grave responsibility on the part of the international community as a whole to ensure that all available assistance was rendered to those countries.

122. The position of the United Republic of Tanzania had been stated before: it was a peace-loving country and would work for peace in the world, but it must be peace in freedom and not in servitude. If, therefore, freedom could not be secured by peaceful means, it would be obtained by force.

123. That was precisely what was envisaged in Southern Rhodesia and Namibia. If the racists did not leave voluntarily, the United Republic of Tanzania would continue to support the freedom fighters so that they might regain their dignity.

i/ Resolution 387 (1976) of 31 March 1976.

C. Zambia

124. During its visit to Zambia between 19 and 23 April, the Ad Hoc Group held consultations with:

H.E. President Mr. Kenneth D. Kaunda
H.E. Prime Minister Mr. Elijah H. K. Mudenda
Hon. C. Mwananshiku, Minister of Commerce
Hon. Greenwood Silwizya, Minister of State for Foreign Affairs

1. Consultations with the President

125. During the consultations with President Kaunda, the following officials were present:

Hon. Aaron M. Milner, Minister of Home Affairs and Acting Minister for Foreign Affairs
Hon. Greenwood Silwizya, Minister of State for Foreign Affairs
Mr. P. M. Ngonda, Permanent Secretary, Ministry of Foreign Affairs
Mr. D. W. Kamana, Permanent Representative of Zambia to the United Nations
Mr. Peter Kasanda, Ambassador, Under-Secretary, Office of the President
Mr. Joshua S. Siyolwe, Director of International Organizations Division, Ministry of Foreign Affairs

Given below are excerpts from the views expressed by the President.

126. On the basis of its extensive discussions with the President of the United Republic of Tanzania who had been elected by the four front-line States as their Chairman, the Ad Hoc Group by now must be in possession of all the relevant facts and the latest information on the situation relating to Zimbabwe and Namibia and on the efforts by those four countries towards bringing about majority rule in the Territories.

127. The victories in Mozambique and Angola had given an added impetus to the struggle being waged by the peoples of Zimbabwe and Namibia against the oppression by the racist minority régimes. Now was the time for all concerned to take measures to consolidate their efforts towards the final liberation of the Territories. Zambia, for its part, was determined to continue to fight the war of liberation to the end, in order to secure human dignity and freedom for all. In so doing, Zambia was acting within the framework of its well-known and consistent principles and the principles embodied in the Charter of the United Nations and the charter and other instruments of OAU, the Non-Aligned Movement and the Commonwealth.

128. The basis of Zambia's foreign policy on southern Africa was reflected in the Lusaka Manifesto, adopted by OAU and endorsed by the United Nations, which was reaffirmed in the Dar es Salaam Declaration by the Council of Ministers of OAU in April 1975. The Manifesto, in effect, stipulated that, where possible, a peaceful solution should be found to the problem of southern Africa so as to avoid

unnecessary bloodshed, and that armed struggle would be resorted to if the option of a peaceful solution were rejected by the racist minority régimes. Pursuant to the above, Zambia had tried to reason with the Salazar and Caetano régimes of Portugal to no avail. Zambia's quest for a peaceful solution was also responsible for its contacts with South Africa and subsequent meetings with Vorster and Smith.

129. As a result of representations made by Zambia on behalf of the four front-line States, South Africa had withdrawn its troops from Zimbabwe and had also been instrumental in the release of Zimbabwean nationalist leaders who had been under detention for years. Attempts to have South Africa impose sanctions on the illegal régime had not gained the support of Vorster, partly because of his realization that if sanctions against the Smith régime succeeded they would ultimately be applied against South Africa itself.

130. Zambia's policy entailed the total rejection of imperialism, colonialism and neo-colonialism and all vestiges of capitalism. Zambia was also committed to the eradication of poverty, hunger, ignorance and other forms of human suffering, including, in particular, the exploitation of man by man.

131. Zambia's quest for a peaceful solution in consonance with the Lusaka Manifesto had been misunderstood or maliciously misconstrued in certain quarters to give the impression that Zambia had been seeking accommodation with the racists with a view to securing economic advantages. There was absolutely no foundation to these allegations. In fact, Zambia had turned down an offer from the racists to have the border opened; it had at no time received or asked for financial assistance from the South African régime. Zambia's actions were based on the position of principle, that is, to try to find a peaceful solution to the problem. Now that attempts at a peaceful solution had failed, armed struggle was the only answer. Zambia had tried to talk its way to Cape Town to no avail. Now it would have to support the fight all the way to Cape Town.

132. Zambia was not a racist State and had made it clear to the nationalists of Zimbabwe and Namibia that it would not support racism in reverse when majority rule prevailed; and if that were to happen, Zambia would fight against it in the same way it had fought against the white racists.

133. As regards the role the United Kingdom could play with regard to Zimbabwe at the current stage, the only one that could be foreseen was the provision of funds to compensate the die-hard racists so that they could emigrate.

134. As regards the current leadership crisis in the ranks of the Liberation Movement of ANC (Zimbabwe), Zambia had avoided meddling in the matter, as had been clearly demonstrated by the findings of the Special International Commission on the Assassination of Herbert Chitepo. j/ Only the Zimbabweans had the right to choose

j/ A copy of the Report of the Special International Commission on the Assassination of Herbert Wiltshire Chitepo, released in March 1976, which was made available by the Government of Zambia to the members of the Ad Hoc Group, has been placed in the files of the Secretariat and is available to members of the Special Committee upon request.

their own leaders. Zambia had no intention of imposing any leadership on them. Zambia's role in that connexion was limited to providing favourable conditions in which the people of the Territory and their leaders would be able to achieve unity.

135. The liberation struggle of Zimbabwe had been strengthened considerably with the independence of Mozambique and Angola. Prior to the independence of those two countries, only four independent countries had confronted the racists, namely, Botswana, the United Republic of Tanzania, Zaire and Zambia. Now their number had increased to six, thus weakening the bastions of the racist régimes against the front-line countries. Botswana's position was particularly appreciated by all concerned. Zambia was determined and would be prepared to make the necessary sacrifices.

136. There had been some misunderstanding concerning the policy of Zambia on Angola. Zambia was neither pro-West nor pro-East. As a matter of principle, Zambia was opposed to any foreign interference in the internal affairs of other countries. Every country should have the right to choose its own form of government or leadership without foreign interference.

137. Regarding the current state of the armed struggle, the people of Zimbabwe were capable of waging their own liberation war to achieve independence. If South Africa or any other country should decide to intervene militarily on the side of the white minority régime, however, the liberation movement would be free on its part to invite friendly countries to assist it. That was a decision which could only be taken by the liberation movement itself.

138. Concerning Namibia, there were currently some minor problems within SWAPO on which Zambia had submitted a report to OAU and which, it was hoped, would be resolved amicably. The conditions set out by OAU and the United Nations for the independence of Namibia entailed respect for the territorial integrity of the Territory, an end to "bantustanization" and recognition of SWAPO as the sole and authentic representative of the people of Namibia. As regards the possibility of United Nations military action in relation to Namibia, that was a matter for the United Nations to decide, but it would not be appropriate to undertake such action if it were to result in the division of the country, or otherwise adversely affect the territorial integrity and unity of Namibia.

139. As for South Africa, Zambia recognized it as an independent State. That did not mean, however, that Zambia supported the apartheid system of the régime. If Zambia was opposed to "bantustanization" in Namibia, it was also obvious that it could not support the same system in South Africa. Zambia would therefore continue to oppose the apartheid system in South Africa and also unequivocally oppose the creation of a so-called independent bantustan.

2. Consultations with the Prime Minister

140. During the consultations with Mr. Mudenda, the following officials were present:

Hon. C. Mwananshiku, Minister of Commerce
Mr. P. M. Ngonda, Permanent Secretary, Ministry of Foreign Affairs
Mr. Ali Simbule, Ambassador, Ministry of Foreign Affairs
Mr. Joshua S. Siyolwe, Director of International Organizations Division,
Ministry of Foreign Affairs

The views expressed by the Prime Minister are summarized below.

141. As a result of the increasing awareness on the part of the international community of the seriousness of the problems confronting the African continent in the elimination of the last vestiges of colonialism, the forces of liberation had gained the necessary momentum at a crucial stage of their struggle towards the realization of their true and legitimate aspirations. The progress made and the success achieved to date were due to the courage and determination of the peoples concerned, supported by a number of progressive nations of the world which stood firmly on the side of the freedom fighters. No less important than that support were the continuing efforts of the Special Committee in bringing all possible political and diplomatic pressures to bear on the racist minority régimes and in mobilizing world public opinion against those régimes.

142. As early as 1966, it had been envisaged that the liberation of the peoples under colonial and alien domination in Africa would follow three stages: (a) Angola and Mozambique phase; (b) Zimbabwe and Namibia phase; and (c) South Africa phase. Having completed the first stage successfully, all efforts could now be concentrated on the second and third stages, which were closely interlocked. It should be noted that some of the elements relating to the last two stages had already been implemented, including in particular the withdrawal of South African troops from Zimbabwe.

143. Zambia's resolute commitment to the liberation of Namibia and Zimbabwe and the actions it had taken in support of the peoples of those Territories required no elaboration. Zambia continued to stand ready to provide assistance at all levels in its efforts to secure freedom and independence for colonial Territories. Among other things, it had extended concrete programmes of assistance aimed at the preparation of cadres for the future administration of the Territories, through the provision of places and facilities at the University of Zambia for the training of their nationals and through contributions to the United Nations Educational and Training Programme for Southern Africa (A/10331, paras. 22-28). Admittedly, the financial requirements for the extension of these assistance programmes were extremely heavy, with obvious implications for the national budget. But Zambia would continue its endeavours irrespective of the cost involved in terms of human and material resources.

144. In the recent past, independent Africa, in co-operation with ANC (Zimbabwe), had made serious attempts to bring about majority rule in Zimbabwe by peaceful means. Those efforts, in both letter and spirit, were in accordance with the Dar es Salaam Declaration and based on the Lusaka Manifesto. The long overdue black majority rule could not be postponed indefinitely. Africa had already allowed a more than sufficient period of time and it could not afford to permit the Smith

régime to buy any further time, thus abusing the patience and goodwill of the nationalists of Zimbabwe, to negotiate for a peaceful solution. The racist régime should bear all the consequences of its delaying tactics aimed at frustrating efforts for a peaceful transfer of power.

145. Since armed struggle was now the only alternative in Zimbabwe, as a result of the intransigence of the minority régime, Zambia, as in the past, would not be found wanting: Zambia's total support of the liberation movement, ANC (Zimbabwe), in its legitimate struggle for independence, freedom and justice, would be further intensified. Zambia's commitment to the fundamental principles of liberty, justice and human dignity, as enshrined in the Charter of the United Nations, made it imperative to pursue such a course.

146. In the same context, Zambia hoped that the African leaders of Zimbabwe would resolve their differences in the interest of unity. To allow division in the ranks of the nationalist movement was to play into the hands of the enemy; nothing would please the Smith régime more. Unity was imperative, whether it was for the purpose of conducting peaceful negotiations or for waging an armed struggle. The Heads of State of Botswana, Mozambique, the United Republic of Tanzania and Zambia had undertaken to continue to use their good offices to bring about speedy reunification within the leadership of ANC (Zimbabwe), but the prospects for a successful mediation appeared discouraging. Zambia urged the United Nations also to address an urgent call for unity within ANC (Zimbabwe).

147. As regards the technical, financial and material assistance to Zambia envisaged under Security Council resolution 329 (1973) of 10 March 1973, Zambia was grateful for all the goodwill and assistance it had received, including some 5,000 metric tons of wheat from member States of EEC. Measured in terms of the magnitude of its needs, however, the assistance so far received had fallen far short of the actual requirements, especially in the light of the outflow of its national reserves, owing primarily to the stagnation of the world market in copper and other mineral resources. Convinced that united they would be able to overcome the difficulties, the four Heads of State had agreed that they would do their utmost to assist one another, with particular emphasis on Mozambique, in accordance with Security Council resolution 386 (1976).

3. Statement by the Minister of Commerce

148. At a luncheon given in honour of the Ad Hoc Group, Mr. Mwananshiku, the Minister of Commerce, made a statement, a summary of which is given in paragraphs 149 to 151 below. The following members of the Ministry of Foreign Affairs were present at the luncheon:

Mr. P. M. Ngonda, Permanent Secretary
Mr. Ali Simbule, Ambassador
Mr. Paul Kaunda, Deputy Chief of Protocol
Mr. Joshua S. Siyolwe, Director of International Organizations Division
Mr. S. H. Kalonga, Information Officer

149. As President Kaunda had already set out in a statement to the Ad Hoc Group (see paras. 126-139 above), Zambia's total commitment to the liberation of southern Africa as well as other countries still under colonial domination was well known. Zambia looked forward to the day when all colonies would be liberated and the Special Committee would no longer exist.

150. It was hoped that the liberation of Southern Rhodesia, Namibia and South Africa, which was the task of all peace-loving countries, would be achieved before long. Zambia would do everything possible towards that end, in close collaboration with independent neighbouring countries.

151. Zambia attached great importance to the work of the Special Committee. All the Zambian people were fully behind President Kaunda in his endeavours to assist the peoples struggling for liberation and were in the forefront in support of the objectives of the Special Committee.

4. Consultations with the Minister of State for Foreign Affairs

152. During the consultations with Mr. Silwizya, the following members of the Ministry were present:

Mr. P. M. Ngonda, Permanent Secretary
Mr. Joshua S. Siyolwe, Director of International Organizations Division
Mr. J. Maipambe, Deputy Director of International Organizations Division
Mr. E. W. Mbewe, Principal

The views expressed by the Minister are summarized below.

153. The independence of Mozambique and Angola had dramatically altered the situation in southern Africa. There was no doubt whatsoever as to the outcome of the armed struggle for the liberation of Zimbabwe and Namibia. Zambia was totally committed to the speedy and full liberation of Africa.

154. While it was clear that the racist minority régimes could not possibly survive an onslaught by the liberation movements, there still remained considerable difficulties standing in the way of the speedy achievement of freedom and independence in Zimbabwe, Namibia and South Africa. Zambia, one of the four front-line countries, would, however, continue to work for the attainment of freedom and independence in Zimbabwe, Namibia and South Africa.

155. It was hoped that, within the framework of the United Nations, in particular the Special Committee, the results of the constructive work of the Ad Hoc Group would serve as a basis for the formulation of specific and positive recommendations to be acted upon by the international community as a whole.

D. Botswana

156. During its visit to Botswana between 23 and 26 April, the Ad Hoc Group held consultations with:

Sir Seretse Khama, President

Hon. Q. K. J. Masire, Vice President and Minister
of Finance and Development Planning

1. Consultations with the President

157. During the consultations with President Khama, the following officials were present:

H.E. Mr. A. M. Mogwe, Minister for External Affairs

Hon. Daniel K. Kwelagobe, Minister of the Public
Service and Information

Mr. Lebang M. Mpotokwane, Private Secretary to the
President

Mr. Mbiganyi C. Tibone, Secretary for External Affairs

Mr. Samuel A. Mpuchane, Under Secretary for External
Affairs

Mr. Joachim H. Hulela, Assistant Secretary for
External Affairs

Given below are excerpts from the views expressed by the President.

158. Acting in conformity with the principles of the Lusaka Manifesto and in the light of the indications received in that regard, the heads of the four front-line States had, at a meeting held at Lusaka, agreed to render all possible assistance in accelerating the resolution of the anomalous situation obtaining in Southern Rhodesia. With the collapse of Portuguese colonialism in Africa, in particular as a consequence of the developments in Angola and Mozambique, it appeared clear that the South African Government was ready to accept the inevitability of majority rule in Southern Rhodesia. It was clear that Vorster's willingness to attempt a negotiated settlement in Southern Rhodesia had been predicated on the hope that the new Zimbabwe nation would not be hostile to the South African régime. The Heads of State had demanded, as a premise for any negotiation, the immediate withdrawal of the South African military and paramilitary forces from Southern Rhodesia and measures to effect the release of political prisoners and detainees by the Smith régime.

159. Soon after the foregoing conditions had been met, the ground was set for the unification of the separate activities of the liberation forces of Zimbabwe. Appeals had been made to the political leaders to bury their differences in order to attain their one and common objective: the liberation of Zimbabwe. The result had been the formation of ANC (Zimbabwe), which, despite the efforts of all concerned, had not been able to overcome the differing identities of its original constituents.

160. The Smith régime had, in the meantime, exploited the apparent disunity within the political leadership of ANC (Zimbabwe) by resorting to various devious tactics in order to buy time for taking further measures to consolidate its illegal domination of the Territory. The Smith/Vorster collusion had continued to obstruct the genuine efforts of the African leaders: it was clear that, while Vorster appeared to have been prepared to bring some pressure to bear on Smith, he had been unwilling to exercise the effective power he held over the destiny of the illegal régime. Thus, the South African supply line of arms, ammunition and other strategic material for the Smith régime had continued to be available in the prosecution of the latter's repressive war against the freedom fighters of Zimbabwe. Furthermore, South Africa had been categorically opposed to the application of any economic sanctions against the régime fearing that they might one day be applied against South Africa itself.

161. Those Zimbabweans who had left their country to join in the active struggle for liberation had become increasingly disturbed and frustrated by the disunity within their political leadership. The Zimbabweans were eager to continue the struggle and wished to see a united position. This yearning for unity was particularly manifest among those Zimbabweans bearing the brunt of the fighting. If disunity within the political leadership persisted, it was conceivable to envisage the emergence of a leadership from among the fighting cadres which would, in the name of the united freedom fighters of ANC (Zimbabwe), assume the dual role of furnishing to the people the requisite political leadership and providing the necessary military guidance, as had been the outstanding achievement of FRELIMO.

162. The political leaders of ANC (Zimbabwe) should immediately realign themselves to give foremost priority to their basic and common aim - the elimination of minority rule - by subordinating to that noble objective any differences in their modus operandi. To the four Heads of State, it was most disheartening to continue to witness the total lack of responsive action on their repeated appeals for unity, as they themselves had taken a number of measures to bring about the desired result. The four Heads of State had done as much as was expected of them. Some had taken steps, at great sacrifice in terms of their national economy, in attempting to assist Zimbabweans. But the response from the political leadership of ANC (Zimbabwe) left much to be desired. They had yet to show the leadership which both the Zimbabweans and the international community expected of them.

163. As regards the recent report about possible changes in the "cabinet" membership of the illegal régime, it was self-evident that any reshuffling, for cosmetic purposes, to include some chiefs at the "ministerial" level would be a futile

exercise, as it was hardly likely that those chiefs who might be chosen would be qualified to speak on behalf of anyone, least of all the people of Zimbabwe as a whole. There was no substitute for genuine majority rule based on universal adult suffrage.

164. The United Kingdom, still legally responsible for the Territory as the administering Power, appeared neither willing nor prepared to take steps to terminate the rebellious régime. Although the United Kingdom appeared to recognize the inevitability of majority rule in Southern Rhodesia, it did not have effective power to exercise over the Smith régime, unlike the Government of South Africa. Furthermore, because of the history of compromise made by the United Kingdom to the Smith régime in the past, it would hardly be fair to expect the Zimbabweans at the current late stage to have faith in the intentions of that Government. In the circumstances, it would be neither reasonable nor practical to envisage any active role for the United Kingdom which would be conducive to the expeditious elimination of the crisis.

165. There were some who had questioned the wisdom of having talks with the object of securing a negotiated settlement with the Smith régime. Yet, not to take advantage of all available opportunities, however slim the chances for success might be, would have been tantamount to doing a disservice and an injustice to the true interest of the Zimbabweans. The four Heads of State, faithful to the Lusaka Manifesto and the Dar es Salaam Declaration on Southern Africa, had agreed to assist in those efforts, and had done their utmost. Clearly, however, the efforts of the Zimbabwean nationalists, as supported by the four Heads of State, had not produced the desired results, owing to the intransigency of the Smith régime. In view of the refusal of the minority régime to negotiate seriously, one should accept the inevitable, namely, the only viable option left to the people of Zimbabwe - to intensify their armed struggle. In this connexion, the collapse of the Smith/Nkomo talks (see chap. VIII of the present report, annex, paras. 31-38 (pp. 114-115 below)) had perhaps been a blessing in disguise in that it had convinced not only Nkomo but the world at large that it was impossible to negotiate with the Smith régime and that the only recourse available now would be armed struggle.

166. In the case of South Africa's illegal occupation of Namibia, there remained the only viable solution - the immediate and unconditional withdrawal of the South African presence from the international Territory. The extension of apartheid to the Territory and the system of exploitation of human and material resources in the form of homelands or bantustans could not be tolerated: the sham elections and the so-called constitutional talks based on ethnic groupings constituted a direct violation of the principles enshrined in the Charter of the United Nations and other international instruments and conventions which guaranteed fundamental human rights and freedom and equality for all.

167. Because of its geographic circumstances, Botswana was confronted with the enormous task of meeting the needs of the refugees entering its Territory from unliberated Africa. While the national budget had its limitations, the requirements of those refugees were limitless: food, clothing, medical care and

medicines, housing and other essential needs would have to be satisfied on an urgent basis. Botswana wished to appeal to the international community to mobilize all available resources to assist it in that regard. With respect to the funds and other resources earmarked for assisting the people under colonial and alien domination, it would be essential that such assistance be provided to the people concerned in close consultation with OAU. In particular, it was imperative that all aid to Zimbabweans be channelled through the OAU Co-ordinating Committee.

2. Consultations with the Vice President and Minister of Finance and Development Planning

168. During the consultations with Mr. Masire, the following officials were present:

Hon. Daniel K. Kwelagobe, Minister of the Public Service
and Information and Acting Minister for External Affairs

Mr. Lebang M. Mpotokwane, Private Secretary to the
President

Mr. Mbiganyi C. Tibone, Secretary for External Affairs

Mr. Samuel A. Mpuchane, Under Secretary for External Affairs

Mr. Joachim H. Hulela, Assistant Secretary for External
Affairs

The views expressed by the Vice President and Minister of Finance and Development Planning are summarized below.

169. Botswana, aware of its special geographic circumstances - completely surrounded by minority régimes - and the resultant limitations, had long realized that the desired changes in the region could best be brought about through providing an object lesson to the adversaries. Whether the social system and political actions of the latter arose from the genuine fear of being a minority or from the anachronistic colonial design of conquest and domination, Botswana had been convinced, and had still not completely abandoned the hope, that the minority régimes, by observing the example of Botswana, would one day learn to understand the true meaning of a multiracial society built on the basis of mutual respect for human rights, equal opportunity and peaceful coexistence. As it had done during the past decade, Botswana would continue to demonstrate to the minority régimes those fundamental principles of human conduct.

170. It was with that firm conviction and in keeping with the aims and purposes of the Lusaka Manifesto, that Botswana had extended its full co-operation in the attempt by the heads of the front-line States to bring about an expeditious and peaceful settlement of the situation obtaining in Southern Rhodesia and to prevent further harm and hardship for the people of the Territory as a whole. The tragic consequences of all-out racial war needed no elucidation. The situation obtaining in Southern Rhodesia was reaching a crisis level, with far-reaching

implications with respect to the deteriorating situation in Namibia. Thus, Botswana was in complete agreement with the other heads of the front-line States and fully shared the views expressed by them to the Ad Hoc Group in that regard.

171. The position of the South African Government with respect to a possible solution of the Zimbabwean question was, at the very least, extremely unpredictable and devious. It was apparent that the South African leaders had either refused to realize, or had decided to ignore, the imminence of racial wars in southern Africa.

172. It was self-evident that there was an urgent need to mount further diplomatic and political pressures on South Africa's allies and friends, particularly the United States, in order to bring about the desired changes. As to the inability or the refusal of the United Kingdom to take effective measures, Botswana wished to stress the grave responsibility of that Government as the legal administering Power, and its international accountability for the Territory. It would be incumbent not only on the United Kingdom but also on the world community as a whole to take all appropriate steps to secure majority rule in Zimbabwe with a minimum of suffering.

173. It was regrettable that the efforts to bring about political unity within ANC (Zimbabwe) by the four Heads of State had not proved successful, as any endeavour towards liberation, to be effective, should be guided politically and should have an agreed political goal. If the two sides within the ANC (Zimbabwe) leadership continued to be irreconcilably divided, as indeed it so appeared, the possible outcome might be the eventual suppression of one by the other, or the emergence of a new leadership from among the cadres - as had been the case with FRELIMO - which would assume responsibility for both military undertakings and political leadership.

174. There was no doubt that economic sanctions against the minority régime must be complied with by South Africa, if they were to be effective. In addition to the direct and open benefit it received from South Africa, the illegal régime had established a network of commercial ventures within South Africa, in order to facilitate its extensive clandestine trade with the outside world, and had managed to reduce the effects of sanctions to a minimum. There were a number of Member States which, with full knowledge of the contrivance, continued to engage in such trade through intermediaries.

175. For its part, Botswana had done its utmost to reduce its trade with Southern Rhodesia and, with resultant severe economic hardship and sacrifices, had been able to eliminate completely the trade in non-essential goods. As regards the railway running through Botswana from Southern Rhodesia to South Africa, which was owned, operated and maintained by the minority régime, Botswana had been able to stop all strategic matériel, military hardware and petroleum from being transported by the railway. To sever the railway totally, a serious, if not insurmountable, obstacle existed, namely, the question of defraying the initial capital cost of approximately R 70 million. k/ In addition, it would necessitate employing some 500 expatriate

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

workers to maintain the operation and providing housing and accommodation for them. Even if massive external aid were to be received to enable Botswana to operate the railway and to overcome those difficulties, during the two-year minimum period required to mobilize that aid to build the necessary infrastructure, the economy of Botswana would suffer irrevocable damage, as the country had no alternate route for its exports, owing to the fact that its capacity for surface transportation of goods was extremely limited.

176. As to the situation in Namibia, the liberation struggle would be intensified despite the massive military presence of South Africa in that Territory. The only way in which a peaceful settlement could be achieved in Namibia would be for the South Africans to withdraw from the Territory forthwith.

177. As regards the situation within South Africa, the South African Government appeared to be buying time rather than making a serious effort to resolve the country's problems. The concept of bantustan was an example of the Government's policy. That policy was unacceptable because it sought to perpetuate the apartheid system by seeking to allocate 87 per cent of the land to the white minority and the remaining 13 per cent - mainly reject land - to blacks.

F. Mozambique

178. During its visit to Mozambique between 28 April and 1 May, the Ad Hoc Group held consultations with:

H.E. President Samora Moises Machel

H.E. Mr. Mariano Matsinhe, Member of the Central Committee, Minister of Labour

1. Consultations with the President

179. During the consultations with President Machel, the following officials were present:

H.E. Mr. Marcelino dos Santos, Vice-President of FRELIMO, Minister of Development and Economic Planning

H.E. Mr. Mariano Matsinhe, Member of the Central Committee, Minister of Labour

H.E. Mr. Mario da Graça Machungo, Minister of Industry and Commerce

Mr. Rafael Maguni, Director of Radio Mozambique

Mr. João Baptista Cosme, Senior Official, National Directorate of International Co-operation, Ministry of Development and Economic Planning

Mrs. Mariana Bragança, Senior Official, Documentation Centre, Ministry of Development and Economic Planning

Given below are excerpts from the views expressed by the President.

180. The People's Republic of Mozambique highly valued the presence of the Ad Hoc Group in Maputo as it considered the role of the international community crucial in the current phase of the struggle in southern Africa. From its own experience, Mozambique recognized the value of concerted international action in support of the decolonization process. The Special Committee, in particular, had played an effective role in Mozambique's liberation struggle. Thus, the victory of the people of Mozambique, under the leadership of FRELIMO, was no less a victory for the Special Committee. Mozambique had faith and confidence in the Special Committee. It was that confidence which had prompted FRELIMO and the Government of Mozambique to anticipate an effective contribution by the Special Committee, and through it an opportunity for the United Nations as a whole to play a meaningful role in the current situation in southern Africa.

181. After the triumph of the liberation forces over Portuguese colonial domination of its African Territories, the key to the solution of the remaining vestiges of colonialism and racism lay in the total eradication and destruction of the racist infrastructure on which South Africa based its perpetuation of white supremacy. It was South Africa, the arch-supporter of the illegal racist minority régime in Southern Rhodesia, which continued to furnish that régime with the tools for colonialist oppression of the majority by the minority and the means to sabotage the efforts of the international community to shatter the régime's economic foundation. There was no doubt that Smith's intransigency

was linked with the apartheid régime. Again, it was South Africa which, in deliberate disregard of world public opinion and basic human decency and in open defiance of the numerous decisions of the world body, persisted in the illegal occupation of the international Territory of Namibia and continued to take steps aimed at disrupting and destroying the territorial integrity and national unity of Namibia. Thus, when one talked of liberty and freedom in southern Africa, one had to talk about the obnoxious system of apartheid and finding the mechanism to destroy racism.

182. Mozambique, therefore, was ready to render all help to efforts directed at the restoration to the peoples of Zimbabwe, Namibia and South Africa of their fundamental human rights, of justice, freedom and equality. Mozambique was in full accord with the assessment of the other heads of the front-line States that at the current stage there could be no alternative but armed struggle - a most direct action to ensure the speediest elimination from southern Africa of the worst form of humiliation and degradation known to man. The armed struggle, therefore, was not directed against a particular group of people nor a specific race, but was against the system of injustice and repression, with its underlying despotic fanaticism. Armed struggle was the highest form of human sacrifice on the part of the suffering millions in southern Africa. In supporting that struggle, Mozambique was conscious of its position as a country located on the border between free and unliberated Africa. In a sense, Mozambique was the border where the light of freedom ended. Mozambicans felt the burden of subjugation still imposed on their African brothers and were determined to support the extension of the light of freedom to unliberated Africa.

183. The illegal occupation of Namibia by South Africa, which had been the subject of repeated condemnation by the international community, must be terminated without delay. Concurrent with the armed struggle which was being carried out by the people of Namibia under the able leadership of SWAPO, the United Nations should take all measures to bring pressure to bear on South Africa until the restoration to Namibia of its territorial integrity and to its people of freedom and independence. SWAPO, the legitimate and sole representative of the Namibian people, was the only organization - and instrument - capable of organizing the country as a united whole, guiding the people to their manifest destiny, developing an independent nationhood and successfully undertaking the task of national reconstruction. Under the leadership of SWAPO there would be no tribalism; there would be only one Namibia.

184. The international community must not only condemn South Africa for its continued illegal occupation of Namibia but must also denounce the manoeuvres of the apartheid régime calculated to divide the people of Namibia. Recent experiences in the international arena were rich in examples of what happened to "puppets" created by those wishing to disregard the legitimate demands and aspirations of peoples fighting for their liberation. South Africa should draw the necessary conclusions from those experiences and refrain from indulging in similar experimentations which were doomed to failure. South Africa must recognize SWAPO as the representative of the Namibian people. It must recognize, as Mozambique and the international community had done, that SWAPO was the only organization able to lead, guide, unite, organize and genuinely represent Namibians. South

Africa's refusal to do so only increased the prospects for intensification of the armed struggle currently under way, led by SWAPO. In that respect, it was pertinent to point out that, after having committed aggression in Angola, the South African forces had retreated into Namibia, creating an inflammatory situation in the international Territory. South Africa could not stop the fire that was burning in Namibia. The United Nations should actively support the armed struggle of the Namibians.

185. The people of Zimbabwe had concluded that only armed struggle could ensure the attainment of their legitimate demands for majority rule. That decision had been taken when the illegal racist minority régime had chosen to block avenues for a negotiated settlement. The people of Zimbabwe were solidly in support of armed struggle because they were convinced that their sacrifices in terms of the loss of human lives and their suffering under the oppressive rule could not be tolerated any longer. Thus, the only answer to the murderous Smith régime was armed struggle and all efforts should be geared to that end. Such a struggle would, in fact, in the final analysis, save lives. Those who questioned the propriety of armed struggle and attempted to inject humanitarian considerations into the problem to justify their opposition to armed resistance were getting their facts distorted and were confusing cause and effect. It was not armed struggle which caused human suffering, massacres of innocent civilians and bloody repression. Such were the by-products of colonial warfare against the colonized and oppressed peoples. Armed struggle in that instance was in fact a fight against wanton destruction of life and property. In Mozambique's own experience, far more Africans had been destroyed, both physically and intellectually, by the colonial régime during its repressive domination than those lost during a decade of struggle for liberation. Throughout its liberation struggle, FRELIMO, by progressively expanding the spheres of its control, had preserved more lives, while massacres of innocent Africans had continued to take place at the hands of the oppressor in unliberated areas. It was a fact that the imperialist oppressor had used Mozambicans as guinea pigs in those areas where armed struggle had not taken place.

186. The success of the liberation struggle depended on the unity and solidarity of the freedom fighters of Zimbabwe; indeed, victory depended on the discarding of all personality conflicts and difficulties. In that process, armed struggle, as a catalytic agent for transition and transformation, had emerged as an instrument for unification. Armed struggle was also an instrument for organization and consciousness. From within the ranks of the combatants - the freedom fighters formerly belonging to the now disbanded ZAPU and ZANU - a unity and solidarity had emerged in the form of the ANC (Zimbabwe) Liberation Army, not as a political party but as a cohesion of fighting cadres. The unity of the fighting forces provided a crucial nucleus for ensuring the greater unity of all Zimbabweans. Such a unity also provided a safeguard against the chance of civil war in Zimbabwe. In clear recognition of that development as being a positive step towards the realization of the final goal, the heads of the four front-line States had been responding to the urgent need of the cadres by supporting unified leadership within the army. The true perspective for Zimbabwe at the current time was the successful and concurrent development of armed struggle, on the one hand, and the emerging leadership within the fighting cadres on the other. Under no circumstances would Mozambique render support to factionalism at any level.

187. The people of Zimbabwe, and particularly those bearing the main brunt of the war, would overcome the quarrels between individuals. For the people, the only quarrel - the principal conflict - was between them and the enemy, the illegal racist minority régime. The Zimbabweans would consolidate their unity and solidarity in the course of their armed struggle. And the fighters knew how to identify the enemy, namely, the régime itself with its military, police and administrative apparatus. For the armed struggle in Zimbabwe was not against people because they were white. It was not the pigment of one's skin which was at issue. It was the régime's structure which had to be combated and demolished.

188. The United Nations should endeavour to reinforce sanctions against the illegal régime, because the basis on which the régime continued its persistent, but futile, attempt to perpetuate the status quo - the Territory's economy - had to be eliminated. To that end, sanctions must be comprehensive and effectively supervised; the sooner the régime was isolated from the outside world and victory in the economic war was achieved, the shorter would be the period of armed struggle and suffering. Mozambique, for its part, had imposed total sanctions against the illegal racist minority régime, both as a fulfilment of United Nations resolutions and as a contribution to the armed struggle now raging in Zimbabwe. The responsibility of the international community was therefore extremely grave; it should continue to intensify its support for the all-out liberation struggle and economic war.

2. Consultations with the Minister of Labour

189. During the Ad Hoc Group's visit to the headquarters of FRELIMO on 29 April, Mr. Matsinhe, the Minister of Labour, stated that since its establishment in 1961, the Special Committee had contributed greatly to the cause of freedom for all the people under colonial and alien domination, serving as a spearhead of the progressive forces within the United Nations. The work of the Special Committee had had a decisive impact on the accelerating forces of liberation, as it had represented a continuing source of support and encouragement for the struggling peoples. Despite numerous criticisms levied against it by the enemies of liberty, freedom and justice, the Special Committee had continued to extend moral, diplomatic and political assistance to the peoples concerned. The independence achieved by Mozambique and many others represented a victory for the Special Committee. FRELIMO was particularly grateful for the active role played by Ndugu Salim, the Committee Chairman, and for his outstanding leadership during the past four and a half years. A son of Africa, with his wisdom and dedication, he had been a continuing source of inspiration to all the freedom fighters. FRELIMO, with its own history and experience in the liberation struggle, would continue to collaborate closely with the Special Committee in its work until the remaining vestiges of colonialism were completely eliminated throughout the world.

190. In reply, the Chairman of the Special Committee recalled the long and close working relationship which had existed between FRELIMO and the Special Committee and paid a particular tribute to the cadres of FRELIMO which had "made Maputo possible". The activities of FRELIMO had long been admired not only by the Special

Committee but by the United Nations as a whole. The contribution made by FRELIMO to the liberation of Africa was singularly significant. FRELIMO, after more than 10 years of armed struggle, remained in the forefront of the war of liberation. In so doing, Mozambique was playing a crucial role in the liberation of Zimbabwe, at great sacrifice on its part. The Special Committee would continue to derive strength and encouragement from the steadfast support it received from FRELIMO and would in turn further intensify its efforts to bring pressure to bear on the minority régime.

191. At a reception given in honour of the Ad Hoc Group on 29 April, Mr. Matsinhe, the Minister of Labour, paid a further tribute to the work accomplished by the Special Committee in support of the peoples of the colonial Territories. Mozambique was grateful for the unceasing efforts of the Special Committee in discharging its responsibilities. Thanks to those efforts, Mozambique now constituted "a solid base for the struggle against colonialist oppression". Mozambique, under the leadership of FRELIMO, stood ready to assist by all available means the Committee's endeavours to liberate Zimbabwe and Namibia. Mozambique was confident that the people of Zimbabwe, who had taken up arms to regain their honour, dignity and equality, were destined to win the war of liberation and terminate the illegal Smith régime with dispatch. The wind of liberation which had swept down from the north had now gathered full force in southern Africa. Mozambique would not spare any effort in facilitating and expediting the final processes of decolonization in the area. It was determined to implement sanctions against the illegal régime until victory was won. At the same time, his country was grateful for the action being taken by the international community to help overcome the economic difficulties confronting Mozambique as a direct consequence of the closing of its border with Southern Rhodesia. Mozambique would co-operate fully with the Special Committee until the goals set forth in the United Nations Charter and the Declaration on the Granting of Independence to Colonial Countries and Peoples had been achieved by the peoples of Zimbabwe and Namibia.

F. Ethiopia

192. During its visit to Ethiopia between 2 and 5 May, the Ad Hoc Group held consultations with:

Brigadier General Teferi Bante, Chairman of the Provisional Military Administrative Council

H.E. Mr. Kifle Wodajo, Minister for Foreign Affairs

1. Consultations with the Chairman of the Provisional Military Administrative Council

193. During the consultations with Brigadier General Bante, the following members of the Ministry of Foreign Affairs were present:

H.E. Mr. Kifle Wodajo, Minister for Foreign Affairs

Mr. Tesfaye Mekasha, Head, Department of International Organizations

Mr. Berhanu Dinka, Head, African Department

Given below are excerpts from the views expressed by the Chairman of the Provisional Military Administrative Council.

194. Ethiopia, as an active member and firm supporter of OAU, had followed closely and extended its full support to the efforts of other African leaders in the search for a speedy solution to the critical situation obtaining in southern Africa, in accordance with the principles embodied in the Lusaka Manifesto and the Dar es Salaam Declaration on Southern Africa.

195. It was deeply regretted that, as a direct consequence of the refusal by the minority régime in Southern Rhodesia to respond positively to the approaches adopted by OAU - to hold a meaningful dialogue for the transfer of all powers to the majority - the talks so far had not brought about the desired results. It was now patent that there could be no recourse to a negotiated settlement and that the only alternative left for the people of Zimbabwe to attain liberation was through armed struggle, entailing the shedding of blood on all sides. The minority régime had closed all avenues of peaceful transition to majority rule.

196. In Namibia, a Territory which had been under extensive consideration by the United Nations since its inception, no appreciable progress had been made towards the full enjoyment by its people of their inalienable right to self-determination and independence. The international community could no longer be complacent about that situation. The measures envisaged under the United Nations Charter for the elimination of a threat to international peace and security should now be fully applied against the racist régime of Pretoria.

197. At the same time, the United Nations and its family of organizations should be requested to increase the provision of all possible help to the peoples of Namibia and Zimbabwe. An urgent appeal should also be addressed to all concerned to render aid to the peoples of those Territories, in close collaboration with OAU.

198. The problem of disunity besetting ANC (Zimbabwe) was one of the major obstacles to the effective conduct of the war of liberation. The reconciliation efforts undertaken by the heads of the four front-line States were greatly appreciated. Although the prospect for unity might not be too promising, it was the grave responsibility of the political leaders of Zimbabwe to try their utmost to resolve their differences at once so as to ensure their victory over the racist minority in the speediest possible time. The help of the United Nations in that regard would be of immense importance.

199. Ethiopia was therefore in full agreement with the assessment made by the heads of the four front-line States of the current situation in Zimbabwe and Namibia. The unequivocal stance of Ethiopia on matters of decolonization remained unchanged. It would fully support any and all measures taken in the prosecution of armed struggle.

200. As regards the question of Djibouti - a problem of vital national interest to Ethiopia - there was no question of the urgent need to enable the inhabitants of that Territory to accede to independence without delay. Ethiopia had no territorial or other designs on Djibouti. The problem was the continuing claim of Somalia over the Territory, clearly enunciated as its national policy in its Constitution, namely, to regain all lands which Somalis inhabited. Even if Somalia were to rescind its territorial claim, it was patent that without an international guarantee that it would do so only within the framework of OAU, and as required, within the United Nations, both before and after its independence, the absorption of the Territory by Somalia would not be an unlikely event. Ethiopia hoped that such a guarantee during the period before and after independence would dispel any doubt as to the viability of the Territory's future.

2. Consultations with the Minister for Foreign Affairs

201. During the consultations with Mr. Wodajo, the following members of the Ministry of Foreign Affairs were present:

Mr. Tesfaye Mekasha, Head, Department of International Organizations

Mr. Berhanu Dinka, Head, African Department

Mr. Tefera Shawl, Head, Press and Information Department

Mr. Seyoum Mohamoud, Counsellor, Department of International Organizations

Mr. Petros Solomon, First Secretary, Department of International Organizations

Miss Kongit Sinegiorgis, First Secretary, Department of International Organizations

The views expressed by the Minister for Foreign Affairs are summarized below.

202. As a founding member of the Special Committee, Ethiopia continued to support actively the Committee's endeavours to discharge its mandate effectively. In particular, it considered the activities of the Ad Hoc Group, as disseminated on a continuing basis through the world press, most appropriate and timely. The direct contacts and consultations of the Ad Hoc Group with the heads of the four front-line States not only clearly set out the current situation in that part of Africa in the proper and correct perspective but also served to focus world attention on the urgent need for decisive action to remove the potential crisis before the outbreak of an all-out racial war.

203. The entirely new situation created in southern Africa as a result of the victory scored by the peoples of the Territories formerly under Portuguese domination had provided a most suitable opportunity and favourable conditions for the final elimination of the human tragedy in Zimbabwe and Namibia. At the same time, those developments represented a serious challenge to, and a unique opportunity for, the international community as a whole to play a concrete role in that process. While armed struggle - the only alternative left for the peoples of Zimbabwe and Namibia - was being energetically prosecuted, it was incumbent on the international community to move decisively to work out specific, complementary steps with a view to the expeditious termination of the minority régimes concerned, thus mitigating the suffering of the peoples in their liberation struggle.

204. The United Nations, in keeping with its recognition of the legitimacy of the peoples of those Territories to achieve freedom and independence by all available means, and taking into account the extenuating circumstances which existed as a result of the continued intransigency of the renegade minority régimes, should now endorse the necessity of intensified armed struggle by those peoples in order to realize their true and legitimate aspirations. Such an endorsement at the present critical stage would serve as an added source of encouragement and inspiration for the courageous peoples of the Territories, and at the same time, as a final, irrevocable notice to the illegal régimes as to the readiness of the Organization to see to it that the aspirations of the African majority were fully satisfied.

205. As regards economic sanctions against the Smith régime, it was regretted that the measures taken to stamp out its illegal, clandestine trade with other countries had not been adequate. The Security Council should thus consider taking more effective enforcement action to close the loopholes which circumvented full implementation of sanctions. In addition, the Council should now consider the adoption of all the measures envisaged under the United Nations Charter to expand the scope of those sanctions. Although economic sanctions alone could not win the war of liberation, such steps would immensely enhance the effectiveness and forcefulness of the armed struggle concurrently being pursued by the people of Zimbabwe.

206. On another plane, the United Nations should render assistance in the preparation of the building of future cadres to administer a new, independent

Zimbabwe nation. As could be seen from the Organization's recent experience, the requirements of new nations in this regard were enormous and, in the light of the limited resources available, concerted efforts should be made, both bilaterally and on a multilateral basis, to strengthen the requisite training programmes, including the United Nations Educational and Training Programme for Southern Africa and the United Nations Fund for Namibia.

207. With respect to the Namibian situation, which constituted a serious threat to the peace and security of the region, it should be recognized that the hour had now come to take collective action to compel the régime to terminate its aggressive and obnoxious existence, while the intensified armed struggle by SWAPO continued. The extension of economic sanctions to the South African minority régime was a foregone conclusion. The members of the Security Council, particularly the allies and friends of that régime, should now be prepared to act swiftly and without equivocation, on the basis of the extent of the implementation of the resolution the Council had adopted unanimously in January. ^{1/} At the same time, the United Nations should take further measures to increase the flow of assistance to SWAPO, the sole and authentic representative of the true aspirations of the people of Namibia, in particular with respect to the training of cadres preparatory to the effective discharge of the tasks entailed in the consolidation of their national independence.

208. The apparent division within the leadership of ANC (Zimbabwe) was a cause for serious concern and Ethiopia shared the views expressed by the heads of the four front-line States in that regard. As it so developed, there appeared to be no fundamental differences between the two factions. The leaders concerned should therefore bury their differences in the interest of their noble goal. African nations would continue to pressure the rival groups to unite for the sake of the people of Zimbabwe as a whole and to attain sovereign nationhood without any further delay. The United Nations, within its spheres of competence, should take all steps to promote the unity of the people of Zimbabwe in their march towards freedom and independence.

209. Equally critical and capable of constituting a serious threat to peace and security in the African continent was the situation obtaining in, and relating to, the Territory of Djibouti under French domination.

210. The Territory had had long historical connexions with Ethiopia. Djibouti shared 643.7 kilometres of common border with Ethiopia and the two peoples were closely bound by blood and history and enjoyed a high degree of economic, cultural and security interdependence. The Territory was inhabited by two principal ethnic groups: the Afars and the Issas. The majority of the two groups lived in Ethiopia: of a total number of 630,000 Afars, 130,000 lived in the Territory, whereas the remaining 500,000 lived in Ethiopia. Similarly, the majority of the Issa ethnic group were Ethiopians. Djibouti had been a natural outlet to the sea for Ethiopia. The construction of the port of Djibouti and its subsequent link by railway with the interior of Ethiopia had led to the development of a highly interdependent economic relationship.

^{1/} Security Council resolution 385 (1976).

211. The people of Djibouti had a fundamental and inalienable right to independence, in accordance with the relevant provisions of the Charter of the United Nations, the Universal Declaration of Human Rights, the Charter of OAU and the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960.

212. The policy of the Provisional Military Government was one of unconditional and full support for the independence of Djibouti. The United Nations should address itself to the challenge of providing tangible guarantees so that the sovereignty and independent status of Djibouti and its territorial integrity would be respected by all. The United Nations, together with OAU, should exert every effort towards the creation of a united front of all political factions within and outside the Territory which supported immediate independence, and the discouraging of all political groups and factions from arming their followers clandestinely. The United Nations should also ensure that any and all claims to the Territory were completely renounced in compliance with General Assembly resolution 3480 (XXX) of 11 December 1975.

213. Ethiopia considered any policy aimed at altering the independent status of the Territory as a potential source of conflict endangering the peace and security of the area.

214. Unlike Ethiopia, which had long made clear its complete and unconditional support for the genuine independence of Djibouti, as well as its withdrawal of any and all claims it might have had to the Territory, the other neighbouring State, Somalia, had persisted only in reiterating its support for self-determination and in promising not to annex the Territory. It was clear that a mere renunciation of the concept of annexation, which denoted aggressive military action, could not be accepted by the international community as a valid and genuine undertaking, since it did not preclude the possibility of the deliberate subversion by a State of the political processes of another Territory, which would amount to the same thing. The General Assembly, in paragraph 6 of resolution 3480 (XXX), adopted on the initiative of Ethiopia at the thirtieth session, had called "upon all States to renounce forthwith any and all claims to the Territory and to declare null and void any and all acts asserting such claims". Regrettably, Somalia had chosen to express reservations on that particular paragraph, by simply stating that the call for renunciation did not apply to Somalia. The implication was that, since Somalia considered Djibouti part of its own national territory under "foreign occupation", the call for withdrawing claims did not apply to Somalia's continuing policy of creating a so-called Somali nation. That declared policy had intensified the fear of the people of Djibouti, as they were incapable of protecting themselves from the obvious designs of their ambitious and expansionist neighbour.

215. Ethiopia was in favour of allowing all bona fide residents to take part in the political process leading to independence. The problem was the establishment of a just criterion for determining who could be considered a bona fide resident. The population of the Territory was itinerant; during an economic boom the population increased and at other times it decreased. Therefore, the definition

of the term "refugee" posed a particular difficulty. All possible loopholes had to be closed to avoid any attempt at altering the demographic composition of the Territory. For its part, Ethiopia had stated its willingness to be guided by the 1969 OAU Convention Relating to the Specific Aspects of Refugee Problems in Africa in that regard.

216. The question of safeguarding the territorial integrity of Djibouti was also linked with Ethiopia's security. Ethiopia could not countenance the establishment in the Territory, by subversion, of an outside force inimical to its own vital national interests.

217. Because of the fact that the Territory of Djibouti was not endowed with any visible resources to sustain the expansion of its economy, the international community should take urgent steps to provide special assistance to the Territory.

218. At the conclusion of the meeting, the Minister for Foreign Affairs presented to the Ad Hoc Group a memorandum entitled "Views of the Provisional Military Government of Ethiopia on the Independence and Future of the Territory of Djibouti", the text of which appears in annex V to the present chapter.

219. The Chairman, in reiterating the affirmation by the General Assembly and the Special Committee of the inalienable right of the people of the Territory to self-determination and independence in accordance with the Charter and the Declaration, assured the Minister that the Special Committee would take full account of the views expressed on the question during its consideration of the item. Further, in noting that the special OAU mission was to submit its findings to the OAU Co-ordinating Committee at the end of May, to be considered subsequently by the Council of Ministers of OAU, the Chairman expressed the hope that, as in other issues on decolonization in the African continent, the United Nations would once again receive guidance and counsel from OAU on the question.

IV. CONSULTATIONS WITH THE ORGANIZATION OF AFRICAN UNITY

220. In the discharge of the specific mandate entrusted to it by the Special Committee (see para. 2 (c) above), the Ad Hoc Group held consultations with Mr. William Eteki Mboumoua, Administrative Secretary-General of OAU, on 3 May at the organization's headquarters at Addis Ababa, and with Colonel Hashim Mbita, Executive Secretary of the OAU Co-ordinating Committee for the Liberation of Africa, on 17 April at the headquarters of the Committee at Dar es Salaam.

A. Administrative Secretary-General

221. During the consultations with Mr. Mboumoua, the following members of the OAU general secretariat were present:

Mr. A. N. Chimuka, Director, Political Department
Mr. M. A. Daar, Chief, General Political Affairs Section
Mr. Dawit Egziabher, Chief, Decolonization Section
Mr. V. Wege Nzomwita, Acting Chief, Sanctions Section
Mr. F. Okoboi, Co-ordinator for Decolonization

The views expressed by the Administrative Secretary-General are summarized below.

222. Africa's desire for a peaceful settlement of the issues in southern Africa was set out explicitly in the Lusaka Manifesto and the Dar es Salaam Declaration. The efforts by the heads of the four front-line States to implement the principles embodied in those instruments, as mandated by OAU, had been completely frustrated, however, by the deceitful, dilatory tactics of the Smith régime.

223. It was therefore clear that the process of decolonization in southern Africa had now reached a most decisive and critical stage in that there existed no alternative but armed struggle in order that the peoples of Zimbabwe and Namibia might attain the goals set forth in the Charter of the United Nations and in the Declaration on the Granting of Independence to Colonial Countries and Peoples. The peoples of those Territories were more than ever ready to secure their freedom and independence, at any cost, from the obdurate minority régimes. OAU was determined to assist the peoples concerned in that endeavour. In particular, its Co-ordinating Committee had taken every possible measure to help to organize the liberation struggle by the freedom fighters. OAU particularly commended the initiatives taken by the four front-line States in continuing to assist the peoples of the Territories. Although OAU and the States directly concerned would continue to intensify their efforts in that regard, OAU would welcome added assistance from those Governments which had always been in the forefront in supporting the cause for liberation.

224. Regrettably, the existing division in the political leadership of ANC (Zimbabwe) had adversely affected the waging of a guerrilla war, as Zimbabweans both within and outside the Territory had been thrown into considerable confusion

as to how and through which leaders assistance to fighting cadres should be channelled. The one redeeming element, however, was the fact that there appeared to be no apparent differences in their belief in the urgent need for an intensified armed struggle against the oppressive régime. Furthermore, in terms of the actual conduct of the liberation war, those differences, pertaining mainly to individual struggles for power within the organization, were relatively unimportant, particularly in view of the fact that the fighting cadres were drawing closer together both within and outside the Territory. It was therefore incumbent on the international community to give full support to the cadres, as OAU had done, and to refrain from taking any action which might disrupt their unity and solidarity.

225. On a multilateral basis, the United Nations should continue to take supportive actions in the diplomatic, political and economic fields, in order to complement the armed struggle being waged by the peoples concerned. Thus, in continuing to condemn the racist minority régimes for their intransigence, the United Nations should ensure that sanctions against the illegal Smith régime were comprehensive and fully complied with, and were extended to cover South Africa. Furthermore, in the light of the continuing disregard by that Government of the obligations assumed under Article 25 of the United Nations Charter, the Security Council should consider taking appropriate measures envisaged thereunder. The decision taken by the Security Council as to the measures necessary to meet the economic needs of Mozambique should be fully implemented and all Member States should, within the United Nations and through their membership in the specialized agencies and other organizations within the United Nations system, take concrete steps to contribute to that end without delay. OAU would continue to synthesize the efforts of the African States Members of the United Nations and the organizations concerned with a view to the full and speedy implementation of all related decisions. In the same connexion, assistance on a bilateral basis should also be invited, as it was evident that there had to be an increase in the flow of arms and logistic supplies being channelled to the freedom fighters through the OAU Co-ordinating Committee.

226. OAU would categorically reject the recent move by the Smith régime to deceive the world through the appointing of tribal chiefs to "ministerial" positions. The spokesmen for the majority must be able to represent the majority and be qualified to speak on its behalf.

227. Although it contained constructive elements, the Callaghan statement (see para. 55 above) had come too late. The proposal had been overtaken by events; at such a late stage, to set a time-limit in excess of a year for the transition to majority rule was tantamount to aiding the illegal régime in that it would enable the régime to buy more time for further entrenchment of its illegal position and consolidation of its domination of the Zimbabweans. The United Kingdom should make it unequivocally clear to the Smith régime that it would not, under any circumstances, consider assisting the régime in the event of all-out war with the freedom fighters and that, on the contrary, the United Kingdom would fully support actions leading to the realization by the people of Zimbabwe of majority rule. The United Kingdom might give asylum to whites fleeing guerrilla warfare so as to speed up the processes leading to that goal with a minimum of suffering and hardship on all sides.

228. It was hoped that, while it might be possible that South Africa would provide the Smith régime with the economic outlet now closed by Mozambique, it would not intervene militarily in Zimbabwe. The implications and consequences of such a military intervention would be far-reaching in view of the drastically shifted political balance of power in the region.

229. As to the proposed international conference to be held in 1977 in support of the fighting peoples of Zimbabwe and Namibia, OAU fully endorsed the holding of such a conference under the auspices of the United Nations, to pledge the commitment and dedication of the international community in favour of the forces of liberation. As had been the case with the Oslo Conference held in 1973, m/ OAU stood ready to assist in the organization of such a conference.

B. Executive Secretary of the OAU Co-ordinating Committee
for the Liberation of Africa

230. During the consultations with Colonel Mbita, the following members of the Executive Secretariat of the Committee were present:

Mr. Metteden Lamine, Assistant Executive Secretary for Finances
and Administration

Mr. Jean Bitchoka, Information Officer

The views expressed by the Executive Secretary are summarized below.

231. Despite the various decisions adopted during the past few years by OAU concerning Zimbabwe, and the efforts by the organization to implement the Lusaka Manifesto, there were now no prospects for the realization of a successful, peaceful settlement with the Smith régime. At the same time, the chance for immediate reunification of the political leaders of ANC (Zimbabwe) appeared to be very slim.

232. In the circumstances, in the fall of 1975, the OAU Co-ordinating Committee had taken all possible steps towards, and had succeeded to a large extent in, bringing about unity among the freedom fighters. The militants, soon joined by the thousands of young people leaving Zimbabwe, were aware of the differences and difficulties existing at the level of their political leadership, but they had chosen not to recognize a divided leadership. Instead, they were determined to prepare jointly for the armed liberation of their country, while awaiting the re-establishment of unity among their political leaders. Thus, the fighting continued, and the militants fought as a united fighting force of ANC (Zimbabwe). It was therefore only logical for OAU to give all moral and material aid to the fighters and to endeavour to secure a deeper understanding of the situation within the framework of the international community.

233. The freedom fighters, for their part, continued to accept the political

m/ For the report of the Conference, see document A/9061, annex.

leadership of ANC (Zimbabwe) as a united whole and had called urgently for reunification at that level. Through their co-ordinated command, they had warned the political leaders that any move contrary to the Zimbabwe Declaration of Unity (see chap. VIII of the present report, annex, para. 6 (p. 108 below)) would at once signify the abandonment by the political leaders of their responsibilities and a breach of their solemn undertakings assumed under that agreement. The militants had thus considered it imperative, and had made it quite clear to their leaders, that visits to the camp sites were welcome if they were to go as a united group, not in separate groups.

234. Furthermore, contrary to the reported claim by Bishop Muzorewa that neither he nor the Reverend Sithole had yet been permitted to visit any of the training camps of the freedom fighters of ANC (Zimbabwe) outside the Territory, the OAU Co-ordinating Committee had extended no fewer than four invitations to those leaders to visit the camp sites during the period between December 1974 and July 1975. All of the invitations had eventually been declined for one reason or another. In one instance, in April 1975, when they had not been able to visit the camps they had opted to visit a camp site of FRELIMO in the United Republic of Tanzania.

235. Although the armed freedom fighters had discarded whatever party identities they had held in the past and now effectively functioned as a united army, the repressive measures by the Smith régime continued to be intensified. The régime's armed forces were equipped with highly sophisticated weapons, including modern fighter planes and other logistic equipment and supplies, some of which had no doubt been left behind by the South African troops at the time of their withdrawal from the Territory.

236. As for the role which the United Nations and its family of organizations had played in the past in the provision of humanitarian aid to the colonial peoples and their national liberation movements, the actions taken to date were extremely disappointing in terms of the substantive aid given. In many instances, assistance projects had taken far too long in their preparation and execution. A phase of a WHO/UNDP/UNICEF project, conceived as early as 1971 and drawn up in 1972, for example, had never been implemented and, in fact, had been scheduled to be terminated on 30 April 1976. The most damaging element in terms of needed assistance, however, was the extremely limited funds being allocated by the agencies and organizations concerned. Many projects planned by the liberation movements had had to be abandoned at preparatory stages owing to the unavailability of the funds initially envisaged by those organizations. Within the framework of the projects being prepared by UNDP, a shift in emphasis from individual programmes to multidisciplinary projects was taking place, which had resulted in the termination of several projects under preparation.

237. In keeping with the relevant decisions of OAU and of the United Nations, as a general guideline, the provision of any assistance to the liberation movements should be channelled through OAU. That was particularly important in the case of Zimbabwe. Although the extension of assistance on a bilateral basis was not excluded in the case of the other Territories, efforts should be made to undertake such assistance in close co-operation and consultation with OAU.

238. As regards the situation in Namibia, it was becoming increasingly clear that there existed no other alternative to armed liberation struggle. South Africa, supported militarily and politically by some member countries of the North Atlantic Treaty Organization (NATO), continued to engage in the armed repression of the Namibians. Against formidable odds, however, the freedom fighters of SWAPO had taken every possible step to lead and inspire the courageous Namibians towards their ultimate liberation. Their determination and commitment should be supported fully by the world community.

V. OBSERVATIONS n/

VI. ADOPTION OF THE REPORT

239. The present report was adopted unanimously by the Ad Hoc Group.

240. In adopting its report, the Ad Hoc Group agreed that the Chairman should be authorized to report to the Special Committee on the work of the Ad Hoc Group upon his return to Headquarters, it being understood that the Special Committee would subsequently give consideration to the present report in connexion with the questions of Southern Rhodesia and Namibia.

n/ The observations of the Ad Hoc Group are reproduced in para. 17 of the present chapter.

ANNEX II*

LETTER DATED 24 MAY 1976 FROM THE PERMANENT REPRESENTATIVE OF
AUSTRALIA TO THE UNITED NATIONS ADDRESSED TO THE CHAIRMAN OF
THE SPECIAL COMMITTEE

1. I have the honour to refer to the report of the Ad Hoc Group established by the Special Committee at its 1029th meeting on 1 April 1976, which recently visited southern Africa. a/
2. Upon instructions from my Government, I wish to draw your attention to paragraph 14 of the report, where the African National Council of Zimbabwe (ANC (Zimbabwe)) is reported as stating that mercenaries are being recruited by the Southern Rhodesian régime from Australia, among other countries.
3. It is possible that this statement with regard to Australia was based on newspaper reports which appeared during April in a number of countries in Africa and elsewhere. These reports were prompted by an advertisement which appeared on 10 April 1976 in an Australian newspaper, the Hobart Mercury, and which could have been an attempt to recruit mercenaries for overseas service.
4. The Australian Government was seriously concerned at the possibility that the recruitment of mercenaries for service in Southern Rhodesia might be taking place in Australia and it initiated police inquiries at both the federal and Tasmanian state level into this matter. The police inquiries have not revealed any evidence to suggest that Southern Rhodesia is attempting to recruit mercenary soldiers in Australia. Indeed, a man was subsequently arrested and charged before the Hobart magistrate's court with "placing a bogus advertisement contrary to section 44 (1) of the Tasmanian Police Offences Act".
5. Following on this incident, the Minister for Foreign Affairs of Australia, Mr. Andrew Peacock, has reaffirmed that the Australian Government does not approve the service of Australian citizens as mercenaries in other countries, nor the recruiting of Australian citizens for this purpose. The Minister has also stated that the Australian Government has under consideration the question of what measures may be necessary to deal with the question of mercenaries in the future.
6. I would be grateful if you could arrange for this letter to be circulated as a document of the Special Committee in connexion with the Committee's forthcoming consideration of Southern Rhodesia.

(Signed) Ralph L. HARRY

* Previously issued under the symbol A/AC.109/525.

a/ See annex I to the present chapter.

ANNEX III*

LETTER DATED 14 JUNE 1976 FROM THE PERMANENT REPRESENTATIVE
OF SOMALIA TO THE UNITED NATIONS ADDRESSED TO THE CHAIRMAN
OF THE SPECIAL COMMITTEE

1. On the instructions of my Government, I should like to call to your attention the fact that the report of the Ad Hoc Group established by the Special Committee at its 1029th meeting on 1 April 1976 a/ contains several paragraphs relating to the question of so-called French Somaliland (Djibouti) - a question completely extraneous to the mandate of the Ad Hoc Group.

2. These paragraphs refer to consultations held by the Ad Hoc Group with the Chairman of the Provisional Military Administrative Council and the Minister for Foreign Affairs of Ethiopia. The impropriety of including a discussion on French Somaliland in the report of a committee whose specific term of reference was the "questions of Southern Rhodesia and Namibia" is immediately apparent. Even more serious is the fact that the paragraphs in question contain grave distortions of the question of French Somaliland and present a one-sided and prejudiced viewpoint.

3. In his statement to the Special Committee on 1 April 1976 (see A/AC.109/PV.1029), the Chairman clearly defined the mandate of the suggested Ad Hoc Group then. The following is what the Chairman stated, inter alia:

"... it has been suggested, in view of the important developments relating to Southern Rhodesia and Namibia, and in view of the importance of associating the Committee with and having it fully informed and apprised on the basis of first-hand information of what is going on in the area, that instead of holding such meetings away from Headquarters, the Committee might consider dispatching this year a special mission to countries adjacent to those Territories, in order to discharge effectively the mandate entrusted to it by the General Assembly, namely, to seek the best ways and means of implementing resolution 1514 (XV) with respect to the Territories concerned."

4. The press communiqué released by the Chairman on 8 April 1976, further elucidates the terms of reference of the Ad Hoc Group during its visit to Africa. In this communiqué, which is contained in OPI Press Release No. GA/COL/1686 of the same date, the Chairman stated:

"Availing itself of invitations received from the Governments of Botswana, Ethiopia, the People's Republic of Mozambique, the United Republic of Tanzania and Zambia, the Special Committee has decided to send a high-level group of six of its members to the capitals concerned, in connexion with the

* Previously issued under the symbol A/AC.109/528.

a/ See annex I to the present chapter.

discharge of the mandate entrusted to it by the General Assembly, with specific reference to the questions of Southern Rhodesia and Namibia.

"Bearing in mind the important changes brought about in southern Africa as a consequence of the emergence of the newly independent nations formerly under Portuguese domination, and in the light of recent developments concerning Southern Rhodesia and Namibia, the Ad Hoc Group plans to consult with leaders and representatives of the national liberation movements. The Group will also avail itself of this opportunity to consult with the leaders and officials of the Governments concerned. The purpose of these consultations would be to seek the best ways and means to enhance the Special Committee's capacity to contribute effectively to the speedy implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples with respect to the remaining two colonial Territories in the area.

"In addition, the Ad Hoc Group will consult with the Administrative Secretary-General of the Organization of African Unity (OAU) and the Executive Secretary of its Co-ordinating Committee for the Liberation of Africa. The Group also envisages holding consultations with officials of the Government of the United Kingdom of Great Britain and Northern Ireland as the administering Power responsible for Southern Rhodesia."

5. From the foregoing quotations, it is evident that, in discussing the problem of so-called French Somaliland solely with the Government of Ethiopia and in incorporating that Government's viewpoints in its final draft report, the Ad Hoc Group clearly, in our view, overstepped its specific mandate by taking on its own initiative an action that is at best procedurally improper.
6. One can, of course, imagine the tremendous pressures that could be exerted on a visiting Ad Hoc Group of the United Nations Committee on Decolonization led by its Chairman by an over-zealous Government that is bent on promoting its own distorted version on a very delicate issue. But it was also expected that the Ad Hoc Group would resist such pressures on the grounds that the matter was at least temporarily outside its immediate domain.
7. It may also be recalled that OAU has already assigned a special commission to visit the Territory, study the situation on the spot and submit its findings to the impending meeting of the Assembly of Heads of State and Government of OAU to be held at Mauritius from 3 to 5 July 1976.
8. It should further be noted that even if the matter of French Somaliland had been within the mandate of the Ad Hoc Group, it would have been obliged to seek the views of all parties concerned in order to ensure the normal impartiality and factual nature of a United Nations report.
9. My Government is still studying the contents of the report to which I have

referred b/ and may wish to make further representations on this matter. We feel that it is a matter of urgency, however, to convey to you now our immediate reaction to the report in order to set the record straight.

10. Paragraph 200, which refers to consultations with Brigadier General Teferi Bante, Chairman of the Provisional Military Administrative Council of Ethiopia, contains a patently false accusation against the Somali Democratic Republic. It states, among other things, that the key to the problem of the urgent need to enable the inhabitants of Djibouti to accede to independence without delay is Somalia's continuing claim to the Territory. The Government of the Somali Democratic Republic rejects categorically such allegations as unfounded and slanderous.

11. We equally refute Ethiopia's baseless claims, as contained in paragraphs 210 and 216 of the report. The report also contains certain doses of both overt and covert threats against Somalia, which we regard as the mischievous products of a scaremonger. Ethiopia is a victim of its bad and puerile policy. If such an immature policy did not pay off, they have to blame themselves instead of using Somalia as a scapegoat. I should, in this regard, like to quote from an article by Mr. Jean-Claude Guillebaud which appeared in Le Monde of 9 June 1976, in which the writer has analysed the situation in the area. Commenting on the unholy alliance and conspiracy between the Ethiopian Government and Ali Aref - who has been described as "Thieu in Djibouti" - against Somalia, the correspondent had this to say:

"On 18 October there was a new tactical error. Mr. Ali Aref, in search of African support, grasped the hand offered him by Ethiopia and went to Addis Ababa. For someone who only yesterday supported his "Afar brothers" in Ethiopia against the military régime of Addis Ababa, it's something like a trip to Canossa. He thoroughly scandalized the Afar leaders of Djibouti, even his own immediate advisers, who were indignant that one could thus betray the subjects of the sultan Ali Mirah who were severely repressed in June by the Ethiopian Army.

"In November, Senator Barkat Gourat forsook the government majority and set in action a 'parliamentary revolt' whose members were swelling in number week after week. Two ministers of Mr. Aref resigned on 17 November, two others resigned in May. Mr. Ali Aref, who triumphed again on 18 November by a voting in the Territorial Assembly, none the less felt his majority on the wane and strove - with the vibronic aid and advice of the Ethiopian Consul - to close the gaps. In what way? By hastily mobilizing the Afar people of the bush country against the town, which was devoted to the opposition. The manoeuvre was tardy, risky, and irritating ...

"One of the President's close advisers sighed: 'The Ethiopians at the same time made a bad blunder with the President. For example, they egged him

b/ Ibid.

on to multiply anti-Somalian declarations. Now, in Djibouti, there are only two ways of governing: by force or with Somalia. When one loses force ..."

12. I must reiterate my Government's policy, clearly stated and established over the past decade, of "wanting only to see the people of French Somaliland free and independent in unity under the flag of their own choice". Our efforts towards this end in the forums of OAU and the United Nations are well documented and they speak for themselves.

13. I must recall also the clear and unequivocal statement on French Somaliland made by Jaalle Major-General Mohamed Siad Barre, President of the Somali Supreme Revolutionary Council, at the Assembly of Heads of State and Government of OAU at its twelfth ordinary session, held at Kampala from 28 July to 1 August 1975. Jaalle Siad stated:

"Somalia is solely interested in seeing that the people of the Territory decide on their ultimate destiny in a democratic manner, free from any pressure or interference from any country, no matter what vital interest that country might claim to have in the future of French Somaliland."

14. My Government has long insisted, and will continue to insist, that those legitimate citizens unjustly and arbitrarily deported be allowed to return to their natural homeland without fear of intimidation or arrest. In this context, the provisions of General Assembly resolution 3480 (XXX) of 11 December 1975, which would place this matter under the terms and guidelines of the 1969 OAU Convention Relating to the Specific Aspects of Refugee Problems in Africa, had the fullest support of the Somali delegation from the time it was first proposed by African representatives in the Fourth Committee, and not belatedly and reluctantly, as was the case with the Ethiopian delegation.

15. In this regard, it is relevant to quote from the statement of the Ethiopian representative who so clearly and abundantly demonstrated, both by his actions and by his statement, the half-heartedness with which his Government had supported the resolution. In explaining his "long over-due" affirmative vote in the plenary, the Ethiopian representative said:

"Even though my delegation is still not entirely satisfied with the formulation of some of the paragraphs of the draft resolution, as a gesture of goodwill on this eve of the fifteenth anniversary of the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples, in a spirit of harmony and reconciliation and also in accordance with our abiding interest in preserving African solidarity, my delegation supported the amendment to draft resolution XII and the draft resolution as a whole." c/

16. It should be recalled that the only negative vote cast against the resolution

c/ Official Records of the General Assembly, Thirtieth Session, Plenary Meetings, 2437th meeting.

in the Fourth Committee of the General Assembly was that of the Ethiopian delegation.

17. At no time did the Somali delegation, during the consideration of the item, be it at the committee level or in the plenary, show anything less than full and unswerving support for the resolution and for the process of enabling the people of the Territory of French Somaliland to exercise their inalienable right to self-determination and independence without interference from any quarter.

18. With all these records and more available at the United Nations and elsewhere, it is incredibly surprising to note that Ethiopia, whose negative attitude during the debate almost aborted the adoption of the resolution, and whose obvious alignment with the colonial Power had prompted the concern of everyone and specially the African countries, now claims that it was on its own insistence that the thirtieth session of the General Assembly adopted resolution 3480 (XXX) on the Territory of so-called French Somaliland. It is rather presumptuous on the part of the Ethiopian authorities, whose perennial alliance with colonial exploitation in Africa is well known and amply documented, to try and take credit for the enormous efforts made by the African Group, by its drafting committee, by the representatives of the people of the Territory and by the delegation of the Somali Democratic Republic.

19. The Ethiopian Government, in another futile attempt to confuse the issues involved, refers to the summary records of the Fourth Committee and once again chooses to misquote Somalia's representative as having explained after the vote "his Government's reservation".

20. These are fictitious allegations conjured up by the Ethiopian authorities who have obviously made a habit of continuously misrepresenting facts in an attempt to create doubts and confusion in order to hide their real intentions. Here is what the Somali representative said that day, as contained in the summary records of the Fourth Committee:

"... his delegation /Somalia's/ maintained that paragraph 6 was substantially superfluous, especially in view of the declarations of the Heads of State of Somalia and Ethiopia in which they solemnly renounced any claims over the Territory, as recalled in the eighth preambular paragraph of the draft resolution. In any case, his country felt that the provisions of paragraph 6 were not applicable to it." d/

21. In addition to the above remarks, it should be noted that the constitutional provisions of each country are to be seen as matters of internal affairs, and thus outside interference is a clear violation of the Charter of the United Nations. The real purpose for which Ethiopia had to introduce, and insist upon, paragraph 6 of resolution 3480 (XXX) was, and is, to use the terms of this paragraph as a "fence" and a kind of "precedent" with respect to the well-known territorial

d/ Ibid., Fourth Committee, 2183rd meeting.

disputes between Somalia and Ethiopia. With this in mind, it was only logical that Somalia had to place on record its explanation and the inapplicability of the paragraph to it.

22. Finally, it should be emphasized here that as far as we know there is no truth in the notion that there is fear and anxiety on the part of the people of so-called French Somaliland about a potential threat to their future and/or infringement on their rights as a newly born sovereign State. Such an argument is reminiscent of those baseless fabrications initially concocted by the French colonial authorities for the purpose of justifying and perpetuating their colonial presence in one form or in the other. We are not surprised if the same argument were to be espoused by the Government of Ethiopia. If there is any fear among the people of the Territory then there is no source for it other than Ethiopia's insistence on having "vital national interests" in that Territory.

23. I would be grateful if you could arrange for this letter to be circulated as a document of the Special Committee in connexion with the report of the Ad Hoc Group.

(Signed) Abdirizak Haji HUSSEN
Ambassador
Permanent Representative
to the United Nations

ANNEX IV*

LETTER DATED 15 JUNE 1976 FROM THE CHAIRMAN OF THE SPECIAL
COMMITTEE ADDRESSED TO THE PERMANENT REPRESENTATIVE OF
SOMALIA TO THE UNITED NATIONS

1. I have the honour to refer to your letter dated 14 June 1976 a/ concerning those paragraphs of the report of the Ad Hoc Group established by the Special Committee at its 1029th meeting, b/ which relate to the question of so-called French Somaliland (Djibouti).
2. In taking note of the views of your Government with regard to the inclusion of those paragraphs in the report, I should like to make the following observations.
3. The paragraphs referred to occur in a section of the report which comprises a record of meetings with the Chairman of the Provisional Military Administrative Council and the Minister for Foreign Affairs of Ethiopia. Since it is a matter of fundamental courtesy that the record should faithfully reflect representations made during such meetings, there was nothing inappropriate, procedurally or otherwise, in the inclusion of these paragraphs in the report.
4. In this connexion, your Government will, I am sure, appreciate that, by including these paragraphs in the record of its meetings, the Ad Hoc Group acted in accordance with the established practice in the United Nations, which requires that the records of meetings should reflect truthfully what transpired at those meetings.
5. Permit me to assure you that nobody was more conscious than the Ad Hoc Group of the terms of its mandate. You will doubtless note that, in drafting its observations, contained in section V of the report, c/ the Ad Hoc Group adhered strictly to the terms of its mandate.
6. With regard to the specific question of so-called French Somaliland (Djibouti), I should like to draw your attention to my statement, contained in paragraph 219 of the report, which reads as follows:

"219. The Chairman, in reiterating the affirmation by the General Assembly and the Special Committee of the inalienable right of the people of the Territory to self-determination and independence in accordance with the

* Previously issued under the symbol A/AC.109/529.

a/ See annex III to the present chapter.

b/ See annex I to the present chapter.

c/ The observations of the Ad Hoc Group are reproduced in para. 17 of the present chapter.

Charter and the Declaration, assured the Minister that the Special Committee would take full account of the views expressed on the question during its consideration of the item. Further, in noting that the special OAU mission was to submit its findings to the OAU Co-ordinating Committee at the end of May, to be considered subsequently by the Council of Ministers of OAU, the Chairman expressed the hope that, as in other issues on decolonization in the African continent, the United Nations would once again receive guidance and counsel from OAU on the question."

7. In conclusion, I should like to assure you that, in accordance with its established practice, the Special Committee will also take fully into account the views of your Government during its consideration of the question of French Somaliland (Djibouti).

8. In accordance with your specific request, I have arranged for your letter to be circulated as an official document of the Special Committee. You will understand that, in order to make clear the position of the Ad Hoc Group on the matter, it is necessary that this letter likewise be circulated as an official document of the Committee.

(Signed) Salim Ahmed SALIM
Chairman

Special Committee on the Situation
with regard to the Implementation
of the Declaration on the Granting
of Independence to Colonial
Countries and Peoples

ANNEX V*

MEMORANDUM SUBMITTED TO THE CHAIRMAN OF THE SPECIAL COMMITTEE BY
THE MINISTER FOR FOREIGN AFFAIRS OF ETHIOPIA, ON 3 MAY 1976 AT
ADDIS ABABA

MEMORANDUM

Views of the Provisional Military Government of Ethiopia on
the independence and future of the Territory of Djibouti

1. PURPOSE OF THE PRESENT STATEMENT

1. The present policy statement does not intend to assert on behalf of the people of Djibouti their right to self-determination and independence. Indeed, it would be inappropriate to do so, because no one should attempt to appropriate the right to speak on behalf of the people when they themselves are articulating their desire and when they themselves are organizing for independence.

2. This policy statement only sets out:

(a) The position of Ethiopia, a neighbouring State, which shares with the Territory of Djibouti over 640 kilometres of a common frontier and whose two peoples are closely bound by blood and history, and who enjoy today as they always have in the past, a high degree of economic, cultural and security interdependence.

* Previously issued under the symbol A/AC.109/521.

(b) An African position, which does not intend to supplant itself for the desire of the people, but one that aims to respond to the needs of the people for safeguarding their independence and territorial integrity after accession to independence.

2. RIGHT OF THE PEOPLE OF DJIBOUTI TO INDEPENDENCE

3. The people of Djibouti have a fundamental and inalienable right to an independent, national existence. This is a right which is universally recognized by the Charter of the United Nations, the Universal Declaration of Human Rights, the charters of the Organization of African Unity (OAU) and other international and regional organizations as well as by the constitutions of most States.

4. Like all peoples who had been and who still are under colonial rule, the people of Djibouti have the right to enjoy their independence through the exercise of free choice. There cannot be any other route to independence from colonial rule except through self-determination.

5. The right of peoples under colonial rule to self-determination and immediate independence is particularly enshrined in the United Nations Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960.

6. Under this historically important document, the right to independence of colonial peoples is declared to be absolute and unconditional, and one that cannot be pre-empted by any other right, nor restricted by economic and other considerations. To this end the Declaration states, inter alia, "that all peoples have an inalienable right to complete freedom, the exercise of their sovereignty and the integrity of their national territory ..." and that "Inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence".

7. In countless resolutions the United Nations has asserted the rights enunciated in this Declaration with respect to every and all peoples under colonial rule.

8. The charter of OAU lays down as one of the purposes of that organization the complete eradication of colonialism from the face of Africa. Thus the right of African peoples under colonial rule to self-determination and independence is not only enunciated as a fundamental and inalienable right, but also as an objective for the achievement of which all independent African member States of OAU have an obligation to work.

9. The link between the enjoyment of the right to independence and international peace and security has increasingly come to be recognized, so much so that today the international community as a whole, and the United Nations in particular, and such regional organizations as OAU, the League of Arab States (LAS), etc., have assumed special responsibility to assist peoples under colonial rule who are waging a struggle for their independence.

10. Thus, the people of Djibouti have a fundamental right to self-determination and immediate independence.

11. This right is absolute and unconditional, and cannot be circumscribed by any claim to their Territory, asserted on the basis of ethnic affiliation, economic or security interdependence.

12. This right to independence also includes the right of the people freely to determine without any interference the conditions of their independence. No one can arrogate to himself this right which belongs to the people of Djibouti.

13. OAU, the United Nations and the international community at large, have the duty and the responsibility to assist the people in their struggle for independence. But it should be clear that this assistance cannot be at the expense of the right of the people to a free and unimpeded choice.

3. POLICY OF ETHIOPIA FOR THE INDEPENDENCE OF DJIBOUTI

14. The policy of the Provisional Military Government for the genuine independence of the people of Djibouti can be described as one of unconditional and full support.

15. This policy has been articulated on several occasions by no less an authoritative spokesman for the Provisional Military Government than His Excellency, Brigadier General Teferi Bante, Chairman of the Provisional Military Administrative Council and the Council of Ministers. Suffice it to quote here important statements that he made on two occasions.

16. First, on the occasion of Africa Liberation Day on 25 May 1975, in a nation-wide address to the people of Ethiopia, he said:

"We now wish to address ourselves to the problem of Djibouti, which is located in our region. The people of Djibouti have close historic, geographic, religious, demographic and economic ties with the people of Ethiopia. For these reasons, it is obvious that the general well-being and security of our two peoples are interdependent. The Provisional Military Government of Ethiopia, therefore, warmly supports the right of the people of Djibouti to determine their own future without external interference."

17. Second, in another important address to the Assembly of Heads of State and Government of OAU at its twelfth ordinary session, held at Kampala from 28 July to 1 August 1975, he reaffirmed the policy of the Provisional Military Government as follows:

"The only French possession in Africa that has not gained its independence is the Territory of the Afars and the Issas, popularly known as Djibouti. Ethiopia believes that the future destiny of this Territory should be based on the free choice of the people. If independence is their choice, Ethiopia will accept that, and will be happy to live with an independent

neighbour whose sovereignty will be assured by its membership in the Organization of African Unity. Since history, geography and continuous historical interaction have created a mutuality of interest between this Territory and Ethiopia, the preservation of which will no doubt redound in increasing measures to the benefit of both, Ethiopia has every confidence that an independent State in this important part of the Horn of Africa will recognize her vital interests.

"The Provisional Military Government does not believe that Ethiopia's policy poses any difficulty to the independence of the Territory of the Afars and the Issas. Whatever historical rights Ethiopia might have had in this area, she recognizes that these are overridden by the right of the people to independence. If there is any difficulty to its independence it should be looked for elsewhere. I would like to make it clear that Ethiopia does not have any legal act or legislation on its books asserting any claim to the Territory."

18. The same policy has been stated by the Minister for Foreign Affairs of Ethiopia in an address on 3 October 1975 to the United Nations General Assembly at its thirtieth session, a/ and to the Council of Ministers of OAU and the OAU Co-ordinating Committee for the Liberation of Africa. Further statements by spokesmen of the Provisional Military Government defining Ethiopia's policy have been widely disseminated and commented upon by the Ethiopian press and media, as well as by the international press. The records are ample and can be referred to.

19. While Ethiopia has such a forthright and positive policy which does not lend itself to any ambiguity or misinterpretation, the Provisional Military Government believes that the African community of independent States, and the two neighbouring States to the Territory of Djibouti in particular, should assist the people so as to enable them to receive their independence in unity.

20. The Provisional Military Government opposes any and all attempts aimed at subverting the self-determination process by setting one ethnic or political group against another, or by introducing violence in order to influence the outcome of the political process, or by attempting to alter the demographic composition of the Territory.

21. The Provisional Military Government cannot, in particular, countenance a deliberate attempt from the outside directed at realizing any claim to the Territory of Djibouti.

22. Each colonial situation has its own characteristics, offering particular challenges and opportunities. In this regard, Djibouti is no exception. The decolonization process of the Territory presents certain challenges which call for constructive diplomacy on the part of the African community of nations.

a/ Official Records of the General Assembly, Thirtieth Session, Plenary Meetings, 2374th meeting.

4. CHARACTERISTICS OF THE POLITICAL SITUATION IN DJIBOUTI

23. Unlike most African Territories which became independent in the post-War years, the situation of Djibouti poses a special decolonization problem. The Territory of Djibouti covers an area of 23,299 square kilometres with an estimated population of over 285,000 persons. A good part of this population is concentrated in the administrative capital city of Djibouti. The population is divided between the two principal ethnic groups, the Afars and the Issas.

24. Moreover, residing mostly in Djibouti, there is a disproportionately large group of expatriate residents who come from the neighbouring countries as well as a sizable European population. According to the latest United Nations estimate, this group accounts for 30.4 per cent of the entire population.

25. With the tradition of constant movement of people in the area, the size of this expatriate group has ebbed and flowed according to the ups and downs of economic activities in the Territory. This in turn has created a problem as to who can legitimately be considered a bona fide resident of the Territory, with full rights to participate in the Territory's political process. On the other hand, it has also opened a potential avenue of interference from without in the affairs of the Territory. Attempts had been made in the past to alter the demographic composition from the outside with the hope of influencing the outcome of elections in the Territory.

26. As of now, no visible resources which could sustain the expansion of its economy have been identified in the Territory. Furthermore, as the Territory does not dispose of any agriculture hinterland, most of its economic activities are based on the transit trade of Ethiopia, especially on the railway traffic between the cities of Djibouti and Addis Ababa.

27. The administration budget of the territorial Government of 2.5 billion Djibouti francs (\$US 11 million) is almost entirely dependent on subsidies from the French Government. It is obvious, therefore, that an independent Djibouti, more than any of the least developed of the developing countries, will require the most generous international assistance for the development of its economy as well as close economic co-operation with its neighbours.

28. Apart from the above limitations, another important factor which has acted as a constraint on progress towards independence has been the concern that the people as a whole had and continue to have with actual or potential claims to their Territory by neighbouring States.

29. One of the neighbouring States has never hidden its designs to absorb Djibouti into its national territory. This claim is asserted on ethnic affiliation, and constitutes a part of its larger claims on territories of other neighbouring sovereign States.

30. Unlike Ethiopia, which has made clear its complete and unconditional support for the genuine independence of Djibouti as well as its withdrawal of any and all

claims it may have had to the Territory, the other neighbouring State has persisted only in reiterating its support for self-determination and in promising not to annex the Territory. It is obvious, however, that renunciation of the concept of annexation which denotes aggressive military action does not cover the deliberate subversion by a State of the political process of another territory which could have similar results.

31. Even after the twelfth ordinary session of the Assembly of Heads of State and Government of OAU, as well as the Conference of Ministers for Foreign Affairs of Non-Aligned Countries, held at Lima from 25 to 30 August 1975, called upon the neighbouring States to renounce their claims to Djibouti, one of the neighbouring countries continues to be ambivalent.

32. Moreover, during the thirtieth session of the United Nations General Assembly, the world body, at the insistence of Ethiopia, adopted resolution 3480 (XXX) of 11 December 1975, calling "upon all States to renounce forthwith any and all claims to the Territory and to declare null and void any and all acts asserting such claims". Had this call been accepted by all the neighbouring States, it would have obviated the fear the Territory's people have of potential infringement of their sovereignty and territorial integrity after independence. Unfortunately, however, the representative of one neighbouring State chose to express his Government's reservation on the particular paragraph of the resolution (para. 6) which called for renunciation of claims by the neighbouring countries, thus intensifying the fear of the people of Djibouti.

33. In explaining his Government's reservation, the representative of the neighbouring country declared that the call for renunciation did not apply to his country. b/ The implication of this declaration was obvious: since his Government considered Djibouti as part of its own national territory which was under "foreign occupation", it was only logical for him to believe that the call for withdrawing claims did not refer to his Government's continuing policy.

34. Looking at the brighter side of the political situation in the Territory of Djibouti, one finds a number of encouraging and positive developments.

35. Until quite recently, the only groups which demanded independence for the Territory were the two liberation movements, the Mouvement de libération de Djibouti (MLD) and the Front de libération de la Côte des Somalis (FLCS). All political parties and political groups, on the other hand, were in favour of remaining under French rule with some autonomy for local government.

36. Today all this has changed. The Territorial Council and Government have expressed their desire for total and immediate independence. They have taken substantial steps towards this end. The Government of France has agreed to this demand and is in the process of formalizing the Territory's accession to independence.

b/ Ibid., Fourth Committee, 2183rd meeting.

37. True, there are differences among the politicians of the Territory regarding the procedures to be employed for the self-determination process, but these are more apparent than real. These differences are based mainly on personal rivalries and are amenable to political solution once external interference ceases. It can be said therefore that the people of Djibouti almost have their independence in their hands. If there is any single obstacle in the way of the independence of the Territory, it is the uncertainty which hangs over its security and territorial integrity after independence. This is the most central and crucial issue to which solution must be found immediately.

38. Given the above-enumerated positive developments in the politics of the Territory, the increasing introduction of violence into it from the outside has been a matter of surprise and concern not only to Ethiopia but also to other African States which have closely followed the Territory's progress towards independence. Surprise because violence, both intercommunal and that directed at the personnel of the colonial administration, is a relatively new phenomenon; and concern because at this stage of the liberation struggle there are sufficient indications that violence is being introduced to advance an objective other than the Territory's independence.

39. It is incumbent upon the African community of nations to ask certain pertinent questions at this juncture. Why has there been increasing violence in the Territory at this particular time? Who are the perpetrators of this violence, and for what objectives, and in whose service is violence being employed?

40. FLCS, the liberation movement based in Mogadiscio, has claimed responsibility for some of the violence, including the latest mass kidnapping of school-children. The Provisional Military Government believes that given the positive trends in the political situation of the Territory, the increasing introduction of violence at this stage of the independence struggle cannot be justified on rational grounds. Furthermore, the Provisional Military Government is convinced that such violence at this time will not serve any purpose except to subvert the self-determination process of the Territory, polarize the people and possibly kindle an intercommunal war along ethnic lines, all the more so, as the group does not have any following within the Territory.

5. INTERDEPENDENCE BETWEEN ETHIOPIA AND THE TERRITORY OF DJIBOUTI

41. First, the Territory of Djibouti is inhabited by two principal ethnic groups. The majorities of these two groups, i.e., the parent groups, live in Ethiopia.

42. The entire Afar group on the Horn of Africa numbers approximately 630,000. Of this number, 130,000 live in the Territory of Djibouti, whereas the rest (500,000) live in Ethiopia.

43. All of the Issas ethnic groups are Ethiopians and have always lived in Ethiopia.

44. This ethnic affiliation has always manifested itself in an abiding mutuality of interest. An external situation which would affect the well-being of either people is thus bound to have consequences on the other.

45. Secondly, throughout history Djibouti has been a natural outlet to the sea for Ethiopia's hinterland. The construction of the port of Djibouti and its subsequent linking by a railway with the interior of Ethiopia around the turn of the century has led to the development of a highly interdependent economic relationship in the area. At present the port of Djibouti handles over 60 per cent of Ethiopia's external trade and it is bound to become even more important as an outlet when the vast region of Ethiopia south of the Rift Valley is fully developed.

46. The people of the Territory are almost wholly dependent on Ethiopia for their subsistence. Transit trade to and from Ethiopia constitutes the mainstay of the Territory's economic activity, and Ethiopia is its principal supplier of all types of food-stuffs, from vegetables to poultry and meat, as well as potable water.

47. Finally, the significance of the Territory of Djibouti to Ethiopia's security interests cannot be over-emphasized. Strategically situated as the Territory is at the cross-roads of the continents of Africa, Asia and Europe, any situation that would disturb the existing interdependence and mutuality of interests between Ethiopia and the Territory would seriously endanger the well-being and the security of both countries.

48. Because of this complex web of interdependence and mutuality of interests, Ethiopia believes the Territory's independence to be compatible with her interests and supports the genuine independence, unity, territorial integrity and continued existence of Djibouti as a sovereign State.

6. THE PROBLEM AND THE SOLUTION

49. Like all problems of decolonization, the case of Djibouti involves the transfer of the powers of government to the genuine representatives of the people. In colonial Territories where there have been single, well-organized liberation movements which have established their legitimacy through ardent struggle, the colonial Powers had no option but to transfer the powers of government directly to them. In situations where there have been more than one liberation movement, however, the colonial Powers have always fallen into the temptation of playing one against the other in order to slow down the process of independence or to create conditions that would favour the movement they considered to be amenable to preserving their interests after independence. Too often also, when the prospects of independence are in sight, rivalries for power and office intensify among the political leaders.

50. Now that Djibouti is on the threshold of independence, it manifests many of those familiar characteristics described above. As there is more than one

acceptable competing group, rivalries among the leaders have intensified. Since no one political group has developed an incontestable legitimacy by a long history of struggle, it has been convenient for each to claim that it has done more than the other for the independence of the Territory.

51. As has been done in similar situations, the only way to resolve such differences is by persuading those factional groups to see the advent of independence as an opportunity to work together rather than regard it as a bone of contention, and, where circumstances permit, to help organize free and democratic elections which would make it possible for all political groups to face their people through their political programmes.

52. If those leaders have been so far unwilling to ask for independence, it was because they have a genuine fear that their territorial integrity and sovereignty would be jeopardized by claims laid to their country by the neighbouring States. This fear is based on recognition of the fact that their Territory is not endowed with sufficient resources and could not therefore enable them to assure respect for the territorial integrity and sovereignty of Djibouti.

53. Now that Ethiopia, for her part, has made an unequivocal statement renouncing any and all grounds for potential claims to Djibouti, an opportunity has, for the first time, emerged to allow the people of the Territory to consider independence as a viable proposition for the future of Djibouti. Even though the apprehension of the people of the Territory has thus been partially allayed, unfortunately it still remains a matter of great anxiety for those people that the other neighbour continues to be committed to a policy of expansionism by maintaining constitutional provisions which seek the realization of the annexation of the Territory, as well as by public declarations to the same effect by high officials of that neighbouring State.

54. From the point of view of OAU, the problem should be viewed as having two phases, one pertaining to the stage before independence and the other after independence. Having regard to the considerations set forth above, if OAU is to assist the people of the Territory to accede to and enjoy their independence, it cannot a priori say that it can only be concerned with the process before independence. As the history of the Territory during the last 10 years has amply demonstrated, the two phases cannot be separated. The prospect after independence, particularly the fear the people continue to have that others may not respect their territorial integrity, has played a part in delaying their demand for independence. Inasmuch as OAU should address itself to the question of transferring the powers of government to the authentic representatives of the people, it should therefore consider the challenge of providing tangible guarantees to the effect that the sovereignty and independent status of the Territory will be respected by all.

55. True, membership of an independent Djibouti in OAU and in the United Nations might provide some guarantee. In the view of the Provisional Military Government of Ethiopia, however, in the absence of any modicum of defence capability on the part of the Territory, such guarantees could not be sufficient by themselves, especially against subversion or against attempts to abolish the independent

status of the Territory by altering the demographic composition of its population.

56. Given also the importance of the Territory for the security and economic well-being of all the neighbouring States, any attempt by any country in the region to alter the independent status of the Territory in pursuance of any policy under whatever guise or seemingly lofty ideals, could not be accepted by the other. As far as Ethiopia is concerned, it would consider such a policy as a potential source of conflict endangering the peace and security of the area.

57. Despite the fact that OAU may not be in a position to provide military guarantees for ensuring the territorial integrity of an independent Djibouti, the Provisional Military Government believes that OAU can offer certain tangible guarantees if this challenge is faced realistically and resourcefully.

58. The Provisional Military Government therefore wishes to make the following proposals which it hopes will meet the requirements of the situation both before and after independence.

A. Process before independence

59. The task facing OAU at this stage is to enable the different political groups to receive independence in unity, so that whatever differences there may be among them will not be exploited with a view to delaying independence, or to making sure that those who will be receiving independence on behalf of their people will be those who would be amenable to the objectives of outside interests. With this in view, OAU should undertake the following:

(a) Work for the creation of a united front of all political factions, within and outside the Territory, who wish immediate independence;

(b) Discourage all political groups and factions from arming their followers clandestinely, as it is now clear that such arms are intended for use against each other and not against the departing colonial Power;

(c) Encourage all political groups to promote conditions conducive to the free expression of views and, to this end, eschew appeals to tribal loyalties and instead formulate national political programmes which they can submit to their people.

B. Post-independence guarantees

60. In an agreement to be signed under its auspices, OAU should request and obtain from Ethiopia and Somalia, the two neighbouring States of the Territory of Djibouti, the following:

(a) A specific undertaking of renunciation of any and all claims to the Territory of Djibouti, in compliance with the provisions of CM/Res.431/Rev.1 (XXV),

adopted by the Council of Ministers of OAU at its twenty-fifth ordinary session held at Kampala, c/ and of General Assembly resolution 3480 (XXX), which called upon all States to renounce forthwith any and all claims to the Territory and to declare null and void any and all acts asserting such claims;

(b) Such other undertakings as may be required to respect the independence and the integrity of the Territory, to refrain from any and all acts designed to alter the independent statehood of the Territory, and to cease and desist from interfering in the internal affairs of the Territory, and particularly to abandon all attempts to change the demographic composition of the Territory.

61. In addition to such undertakings that the neighbouring States may be called upon to give, OAU and the United Nations should also provide other tangible guarantees as may be necessary and appropriate for ensuring the territorial integrity and independent statehood of the Territory, with a view to enhancing the sense of security of the people of Djibouti.

62. Considering the lack of visible natural resources for the development of the economy of the Territory, the international community should consider Djibouti as a special case requiring co-ordinated assistance for its development.

63. The Provisional Military Government of Ethiopia would like to make it absolutely clear that it is prepared to provide any guarantees that may be required of it by OAU along the lines indicated above. The Provisional Military Government also welcomes such additional guarantees that OAU and the United Nations may wish to provide in keeping with their paramount responsibility for the maintenance of peace and security in our region. The Provisional Military Government believes that, if OAU were to take into account the characteristics of the Territory's problems, which are more than the usual problems posed by the process of decolonization, it would make a constructive contribution to their solution. If, on the other hand, OAU were to ignore some aspects of the problem and if it were to let developments take their own course, it would not live up in full measure to its responsibility to the people of Djibouti and it would leave a time-bomb ticking away on the Horn of Africa.

c/ See A/10297, annex I.

CHAPTER VIII
(A/31/23/Add.2)
SOUTHERN RHODESIA

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CHAPTER VIII
SOUTHERN RHODESIA

A. CONSIDERATION BY THE SPECIAL COMMITTEE

1. The Special Committee considered the question of Southern Rhodesia at its 1031st, 1033rd to 1036th, 1038th and 1040th meetings, between 12 May and 17 June 1976.
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 3396 (XXX) and 3397 (XXX) of 21 November 1975 on the question of Southern Rhodesia and resolution 3481 (XXX) of 11 December 1975 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. By paragraph 11 of resolution 3481 (XXX), the General Assembly requested the Special Committee "to continue to seek suitable means for the immediate and full implementation of resolution 1514 (XV) in all Territories which have not yet attained independence and, in particular, ... to formulate specific proposals for the elimination of the remaining manifestations of colonialism and to report thereon to the General Assembly at its thirty-first session". The Special Committee also paid due attention to the relevant resolutions of the Security Council concerning Southern Rhodesia.
3. During its consideration of the item, the Special Committee had before it a working paper prepared by the Secretariat (see annex to the present chapter) containing information on developments concerning the Territory. The Committee also had before it a letter addressed to the Chairman, dated 24 May 1976, from the Permanent Representative of Australia to the United Nations (chap. VII of the present report, annex II (p. 76 above)).
4. In its consideration of the item, the Special Committee took into account the report of the Ad Hoc Group established by it at its 1029th meeting, on 1 April 1976 (chap. VII of the present report, annex I (p. 17 above)), which visited Africa during April and May 1976 in connexion with the discharge of the mandate entrusted to the Committee by the General Assembly, with specific reference to the questions of Southern Rhodesia and Namibia. At the 1031st meeting, on 15 April, the Chairman made a statement on the work of the Ad Hoc Group (A/AC.109/PV.1031).

Participation of the national liberation movement 1/

5. In conformity with the provisions of the relevant General Assembly resolutions and in accordance with established practice, the Special Committee, in

1/ For a summary of the meetings with the national liberation movement held in Africa by the Ad Hoc Group, see chap. VII of the present report, annex I, paras. 14-36 (pp. 25-31 above).

consultation with the Organization of African Unity (OAU), invited the national liberation movement of Southern Rhodesia, the African National Council of Zimbabwe (ANC (Zimbabwe)), to participate in an observer capacity in its consideration of the item.

6. In response to the invitation, the representatives of ANC (Zimbabwe) attended the relevant proceedings of the Special Committee (see para. 8 below).

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General debate

7. At its 1033rd to 1036th meetings, between 8 and 11 June, the Special Committee considered the question of Southern Rhodesia, with the active participation of the representative of the administering Power as well as the representatives of ANC (Zimbabwe) and, following the conclusion of the general debate, adopted two resolutions on the item (see para. 10 below). Statements in the general debate were made by the representatives of the United Kingdom of Great Britain and Northern Ireland, Yugoslavia and Norway at the 1033rd meeting (A/AC.109/PV.1033 and corrigendum); Czechoslovakia, Trinidad and Tobago, Australia, the United Republic of Tanzania, Sierra Leone, Bulgaria, India and Cuba at the 1034th meeting (A/AC.109/PV.1034); Iran, Afghanistan, the Syrian Arab Republic, China and Indonesia at the 1035th meeting (A/AC.109/PV.1035); and Chile, Iraq, the Union of Soviet Socialist Republics, Ethiopia and the Congo at the 1036th meeting (A/AC.109/PV.1036). An additional statement was made by the representative of the United Kingdom at the 1036th meeting (A/AC.109/PV.1036). At the same meeting, the representative of China made a further statement (A/AC.109/PV.1036). Statements in reply were made by the representatives of the Union of Soviet Socialist Republics and Bulgaria (A/AC.109/PV.1036).

8. The representatives of ANC (Zimbabwe) made statements as follows: the Reverend Ndabaningi Sithole at the 1033rd meeting (A/AC.109/PV.1033 and corrigendum) and Mr. Luke Munyawarara at the 1035th meeting (A/AC.109/PV.1035).

Draft resolutions

9. At the 1038th meeting, on 16 June, the representative of Trinidad and Tobago introduced two draft resolutions on the item, namely: (a) a draft resolution (A/AC.109/L.1091) relating to the question in general, which was sponsored by Afghanistan, Bulgaria, the Congo, Cuba, Czechoslovakia, Ethiopia, India, Indonesia, Iraq, the Ivory Coast, Mali, Sierra Leone, the Syrian Arab Republic, Trinidad and Tobago, the United Republic of Tanzania and Yugoslavia; and (b) a draft resolution (A/AC.109/L.1092) relating to specific aspects of the question, which was sponsored by Bulgaria, the Congo, Cuba, Czechoslovakia, Ethiopia, India, Indonesia, Iraq, Mali, Sierra Leone, the Syrian Arab Republic, Trinidad and Tobago, the United Republic of Tanzania and Yugoslavia.

10. At the same meeting, the Special Committee adopted the two draft resolutions without objection (A/AC.109/530 and A/AC.109/531) (see paras. 13 and 14 below).

Statements were made by the representatives of Norway, Australia and Fiji and by the Chairman (A/AC.109/PV.1038).

11. In addition to adopting the above-mentioned resolutions on the question of Southern Rhodesia, the Special Committee, at its 1040th meeting, on 17 June, considered and adopted an 11-Power resolution on the report of the Ad Hoc Group, to which reference is made in paragraph 4 above. The text of the resolution (A/AC.109/534) and an account of its consideration by the Special Committee is contained in chapter VII of the present report (p. 2 above).

12. On 17 June, a copy of the second resolution referred to in paragraph 10 above (A/AC.109/531) was transmitted to the President of the Security Council (S/12098). On 18 June, copies of that resolution and of the first resolution referred to in paragraph 10 above (A/AC.109/530) were transmitted to the Permanent Representative of the United Kingdom to the United Nations for the attention of his Government. Copies of both resolutions were also transmitted to all States. A copy of the first resolution (A/AC.109/530) was also transmitted to the specialized agencies and other organizations within the United Nations system and to OAU.

B. DECISIONS OF THE SPECIAL COMMITTEE

13. The text of resolution A/AC.109/530, adopted by the Special Committee at its 1038th meeting, on 16 June, to which reference is made in paragraph 10 above, is reproduced below:

The Special Committee,

Having considered the question of Southern Rhodesia (Zimbabwe),

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

Having heard the statements of the representatives of the national liberation movement, the African National Council of Zimbabwe (ANC (Zimbabwe)), who participated in an observer capacity in its consideration of the item, 3/

Taking into account the report of the Ad Hoc Group established by the Special Committee at its 1029th meeting on 1 April 1976, 4/

Recalling the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of

2/ A/AC.109/PV.1033 and corrigendum and 1036.

3/ A/AC.109/PV.1033 and corrigendum and 1035.

4/ Chap. VII of the present report, annex I (p. 17 above).

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

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

Taking note of the declared position of the administering Power that there shall be no independence before majority rule in Zimbabwe, 5/

Noting that the numerous, arduous efforts jointly made over the past year by the leaders of the African States concerned and other members of the Organization of African Unity, together with those of the African National Council of Zimbabwe, to secure a peaceful, negotiated settlement in Zimbabwe on the basis of majority rule, have deliberately been frustrated by the illegal racist minority régime, which has constantly resorted to dilatory tactics in order to perpetuate its illegal and racist domination over the Territory,

Taking note of the view held by the leaders of the African States concerned and of the African National Council of Zimbabwe that the only viable alternative open under the existing circumstances for the people of Zimbabwe is to intensify their liberation struggle, and stressing the grave responsibility of the international community to take all possible measures in support of that struggle in an effort to minimize the hardship and suffering of Zimbabweans in that regard,

Condemning the intensified oppression of the people of Zimbabwe by the illegal racist minority régime, the arbitrary imprisonment and detention of political leaders and others, the illegal execution of freedom fighters and the continued denial of fundamental human rights, including in particular the wanton beating, torture and murder of innocent villagers, arbitrary criminal measures of collective punishment and measures designed to create an apartheid State in Zimbabwe,

Taking note of the firm and unanimously expressed determination of the leaders of the national liberation movement to achieve freedom and independence at all costs and expressing its conviction that their unity and solidarity is fundamental to the rapid attainment of that objective,

1. Reaffirms the inalienable right of the people of Zimbabwe to self-determination, freedom and independence and the legitimacy of their struggle

5/ See annex to the present chapter, para. 44.

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;

3. Strongly condemns the continued brutal and repressive measures perpetrated by the illegal racist minority régime against the people of Zimbabwe and in particular the wanton killings of Africans carried out by that 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 in accordance with the aspirations of the majority of the population and not under any circumstances to accord to the illegal régime any of the powers or attributes of sovereignty;

5. Commends the relevant sections of the report of the Ad Hoc Group established by the Special Committee at its 1029th meeting, on 1 April 1976, to the administering Power for appropriate action;

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

7. Demands:

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

(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 measures, in particular the brutality committed in "the operational area", the arbitrary closure of African areas, the eviction, transfer and resettlement of Africans and the creation of so-called protected villages;

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

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

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

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

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

14. The text of resolution A/AC.109/531, adopted by the Special Committee at its 1038th meeting, on 16 June, to which reference is made in paragraph 10 above, is reproduced below:

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,

Noting with appreciation the decision of the Government of Mozambique to close its borders with Southern Rhodesia and to impose sanctions against the illegal racist minority régime in compliance with the relevant decisions of the Security Council,

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

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

3. Condemns 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. Highly commends the action taken by the Government of Mozambique in closing its borders with Southern Rhodesia and imposing total sanctions against the Smith régime, and considers that that action constitutes an important contribution in support of the liberation struggle in Zimbabwe and towards the maximum isolation of the illegal régime;

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 to extend to the Government of Mozambique all forms of financial, technical and material assistance in order to enable it to overcome any economic difficulties in connexion with its application of economic sanctions against the illegal régime, and requests the Security Council to undertake a periodic review of the question of economic assistance to that Government as well as to the Government of Zambia; .

7. Endorses the recommendation of the Ad Hoc Group established by the Special Committee at its 1029th meeting, on 1 April 1976 that the scope of sanctions against the illegal régime must be widened to include all the measures envisaged under Article 41 of the Charter and reiterates its request that the Security Council consider taking the necessary measures in that regard as a matter of urgency.

ANNEX*

WORKING PAPER PREPARED BY THE SECRETARIAT

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* Previously issued under the symbol A/AC.109/L.1068 and Add.1-2.

1. LAND AND PEOPLE

A. Geography

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

B. Population and immigration

2. At 31 December 1974, the total population of Southern Rhodesia was estimated at 6.2 million, composed of Africans, Europeans, Asians and Coloureds (see table 1 below). According to the estimates, between December 1973 and December 1974, the African population increased by 200,000 and the European population by 3,000.

3. As shown in table 2 below, Southern Rhodesia had a net gain of immigrants between January and July 1975. Furthermore, the gains were comparatively larger than those of the same period in 1974. It may be assumed that this increase was due largely to the influx of Europeans from Mozambique during the period that that Territory was approaching independence. The data also show, however, that in August 1975, two months after Mozambique had attained its independence, Southern Rhodesia experienced a net loss of migration. By August 1975, the population movement had stabilized in Mozambique, and Southern Rhodesia experienced one of its highest emigration rates since the end of 1972.

Table 1

Southern Rhodesia: estimated population 1968-1974
(thousands)

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

Source: Southern Rhodesia, Monthly Digest of Statistics, August 1975
(Central Statistical Office, Salisbury).

Table 2

Southern Rhodesia: migration of Europeans, 1973-1975

<u>Month</u>	<u>1973</u>			<u>1974</u>			<u>1975</u>		
	<u>Immi- gration</u>	<u>Emi- gration</u>	<u>Net gain</u>	<u>Immi- gration</u>	<u>Emi- gration</u>	<u>Net gain</u>	<u>Immi- gration</u>	<u>Emi- gration</u>	<u>Net gain</u>
January	1 096	620	+480	804	760	+40	1 089	1 070	+20
February	885	400	+490	705	390	+320	875	530	+340
March	800	580	+220	788	610	+180	955	744	+220
April	794	690	+100	804	1 090	-290	1 266	890	+370
May	1 041	540	+500	864	690	+170	1 178	880	+300
June	789	630	+160	628	690	-60	1 210	870 ^a	+340
July	681	630	+50	809	700	+110	1 132	930	+200
August	869	810	+60	872	660	+210	903	1 190	-290
September	675	770	-100	831	1 000	-170	982	850	+130
October	739	630	+110	949	670	+280
November	564	490	+70	770	620	+150
December	500	960	-460	825	1 170	-340
			<u>1 680</u>			<u>600</u>			<u>1 630</u>

Source: Southern Rhodesia, Monthly Digest of Statistics, October 1975.

C. Land distribution

4. As stated in a previous report, a/ the Land Apportionment Act, which was in force from 1930, until it was replaced by the Land Tenure Act b/ in 1969, had provided the mechanics for the distribution of land according to race. Under that act, 44 million acres were allocated to Africans and 41 million acres to Europeans, despite the fact that by then the population ratio between Africans and Europeans had reached 16:1. In addition, about 10 million acres were allocated to national parks and forests. Under the Land Tenure Act, the area allocated to Africans was increased in 1969 by about 2 per cent, to 44,944,500 acres, and the area allocated to Europeans was increased 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.

5. Under the Land Apportionment Act, the land allocated to Africans had included lands for Native reserves, Native purchase areas and African townships. Under the Land Tenure Act, the land allocated to 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. The increase in the land allocated to Europeans under the Land Tenure Act was made despite the fact that the population ratio between Africans and Europeans had been increasing steadily and by 1974 had reached 21:1. In terms of this ratio, the 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. AFRICAN NATIONAL COUNCIL OF ZIMBABWE SINCE DECEMBER 1974

6. It will be recalled that, on 7 December 1974, the African National Council of Zimbabwe, the Front for the Liberation of Zimbabwe (FROLIZI), the Zimbabwe African National Union (ZANU) and the Zimbabwe African People's Union (ZAPU) signed the Zimbabwe Declaration of Unity at Lusaka, by which they agreed to merge into a new, enlarged African National Council of Zimbabwe (ANC (Zimbabwe)) under the leadership of Bishop Abel Muzorewa. c/ It was also agreed at the time that a congress to elect the leadership and consolidate the unity of the people of Zimbabwe would be held within four months. It was hoped that a constitutional conference on Southern Rhodesia would be held within three months.

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

b/ It is necessary for information purposes to refer throughout this paper to legislation, 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.

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

7. Because of the differences in the interpretations of the agreement between the illegal régime and ANC (Zimbabwe), a constitutional conference was not held within the envisaged period of three months. Differences within the Council developed as to whether the congress should be held before or after the constitutional conference. The two main positions were articulated by Mr. James Chikerema and Mr. Joshua Nkomo. Mr. Chikerema was of the view that holding the congress before the constitutional conference would split the Council because the council leaders in exile, the Zimbabwe combatants and the Zimbabweans in protected villages would not be represented at the congress. He also thought that the competition for leadership at the congress would undermine the unity and common front which the Zimbabwe leaders had to present at the constitutional conference.

8. On the other hand, Mr. Nkomo maintained that the Zimbabwe Declaration of Unity specifically stated that the congress must be held within four months and that only the congress could decide that there would be no congress. He also considered it necessary that the question of leadership should be solved first so that ANC (Zimbabwe) would speak at the constitutional conference with one voice, representing the unity of Zimbabwe.

9. On 2 July 1975, Bishop Muzorewa summoned all executive members of the Council inside and outside Zimbabwe to meet at Dar es Salaam to discuss their differences. At the meeting it was decided, inter alia, that the proposed congress should be postponed indefinitely and that the Executive Committee of the Council should continue to operate under the leadership of Bishop Muzorewa. The leaders further pledged to work together for the liberation of Zimbabwe, including preparations for the resumption of armed struggle if peaceful and diplomatic approaches were to fail.

10. The Dar es Salaam meeting appeared to have strengthened the unity of the Council. This was reflected in the agreement reached at Lusaka in August 1975 to meet with the illegal régime at Victoria Falls on 25 August (see paras. 24-30 below). The Council took advantage of the presence of many of its executive members at Lusaka in August 1975 to restructure its external wing, which would be responsible for the armed struggle. On 1 September, following the Victoria Falls meeting, the Council set up the Zimbabwe Liberation Council (ZLC), charged with the responsibility of dealing with all external matters and consisting of 21 members, including the Reverend Ndabaningi Sithole, Mr. Chikerema and Mr. Jason Moyo. Mr. Nkomo agreed not to become a member of ZLC since he was to remain inside Southern Rhodesia.

11. On 7 September, Mr. Nkomo and Mr. Samuel Monodawafa, National Chairman of ANC (Zimbabwe), convened a meeting of some executive members of the Council at Salisbury, at which they condemned the setting up of ZLC and decided to convene a congress of the Council in order to restructure the Council, including its leadership.

12. Bishop Muzorewa subsequently declared that the date fixed for the congress was illegal. He accused Mr. Nkomo of collaborating with the enemy in promoting disunity by proposing to convene the congress, and expelled Mr. Nkomo and two other members from the Council. Several other members, whom he accused of collaborating with Mr. Nkomo, were suspended.

13. Nevertheless, Mr. Nkomo proceeded to convene the congress on 27 and 28 September 1975 at Salisbury. At the congress, which was reportedly attended by 5,000 people, Mr. Nkomo was elected President of the Council (inside Zimbabwe). In his new capacity, Mr. Nkomo pledged that he would seek "majority rule now" for Zimbabwe by negotiations, and that only if negotiations failed would his group intensify the armed struggle for the purpose of attaining independence for Zimbabwe.

14. It should be noted that since the signing of the Zimbabwe Declaration of Unity to merge all the Zimbabwe liberation movements (see para. 6 above), the illegal régime has exploited and even promoted the differences of opinion in the Council by issuing statements and taking actions which have been interpreted as favouring Mr. Nkomo. These actions seemed to increase the differences between Bishop Muzorewa and Mr. Nkomo.

15. On 26 October, Dr. Elliot Gabellah, Bishop Muzorewa's deputy, convened a consultative meeting of the Council at Salisbury. According to press reports, between 35,000 and 40,000 people arrived to attend the meeting, but, since the police permit for the meeting limited the gathering to not more than 6,000 people, Dr. Gabellah cancelled the meeting, stating that the will of the people of Zimbabwe had already been demonstrated.

16. During this difficult period both Mr. Nkomo and Bishop Muzorewa continued to affirm that their political goal was the attainment of majority rule in Zimbabwe. They both maintained that they wanted immediate majority rule with a possible transitional period of not more than 12 months leading to the desired majority rule.

17. This unity on the national goal of majority rule for Zimbabwe was particularly manifest at the Victoria Falls meeting between the Council and the illegal régime. At that meeting, the Council was fully united in its presentation and showed no signs of cleavage. Mr. Nkomo and Bishop Muzorewa on the one hand, and Mr. Sithole and Mr. Chikerema on the other, continued to differ, however, on the timing of holding the congress to elect the leadership for the united people of Zimbabwe.

3. EFFORTS TOWARDS A POLITICAL SETTLEMENT

A. Issue of a constitutional conference

18. It will be recalled that the exact terms of the agreement reached at Lusaka in December 1974 on the question of a constitutional conference were disputed from the beginning. d/ The Zimbabwe leaders were said to have understood that the illegal régime had agreed to: (a) the immediate release of all African detainees and prisoners; (b) the convening, without preconditions, of a constitutional conference; and (c) the creation of an atmosphere in Southern Rhodesia conducive to free political activities. On this understanding, the Zimbabwe leaders had agreed to an informal cease-fire which would be made de jure when the date for a constitutional conference had been set.

19. One of the main differences between the illegal régime and ANC (Zimbabwe) concerned the venue of the constitutional conference. The illegal régime asserted that the conference was likely to be lengthy and that it would be impossible for Mr. Ian Smith to be away from Southern Rhodesia for a long period. Thus, the illegal régime demanded that substantial discussions on all issues involved should be held in Southern Rhodesia, after which it would be prepared to hold a meeting outside Southern Rhodesia to ratify agreements already reached in the Territory.

20. The Council maintained that the constitutional conference should be held outside Southern Rhodesia because some of its delegates, including Mr. Chikerema, whom the illegal régime had condemned to death in absentia, and Mr. Sithole, who was under the threat of detention, could not return to Southern Rhodesia without the benefit of an amnesty. This was confirmed by the illegal régime, which informed the Council that "the law will take its full course" if men like Mr. Sithole and Mr. Chikerema were ever to return to Southern Rhodesia.

21. The Council offered to meet the illegal régime anywhere in the world except in Southern Rhodesia, because it feared that the illegal régime, if given the opportunity, would spare no efforts to eliminate some of the leaders of the Council. They even suggested Messina and Pretoria in South Africa, or Gaborone in Botswana, all within easy reach of Salisbury. Any of these sites would have enabled the delegates of the illegal régime to return to Southern Rhodesia whenever they wanted while attending the constitutional conference. The illegal régime rejected these proposals, however.

B. Visit of United Kingdom Minister of State to Southern Rhodesia

22. Towards the end of June 1975, Mr. David Ennals, Minister of State at the Foreign and Commonwealth Office, visited Southern Rhodesia following trips to South Africa and Mozambique. While in the Territory, he met with a number of

d/ Ibid., paras. 82-88 and 97.

delegations representing various political interests in Southern Rhodesia, including ANC (Zimbabwe) and the illegal régime, the principal parties in the efforts to achieve a political settlement in the Territory.

23. According to Mr. Ennals, the purpose of this visit was to discuss how matters could be moved forward in a constructive way and how the United Kingdom of Great Britain and Northern Ireland could help to find a solution which would "provide a secure future for all Rhodesians". After the visit, Mr. Ennals said "I have been influenced by the sense of urgency to find a peaceful way forward in Rhodesia which is shared by all the principal parties concerned with the problem. I am also satisfied that both Mr. Smith and the ANC leaders have a serious intention to enter into negotiations to seek a constitutional settlement."

C. Victoria Falls conference

24. Efforts towards working out a political settlement to the Southern Rhodesian problem were intensified in the month of August 1975. An agreement was reached following talks held on 9 August at Pretoria between Mr. John Vorster, Prime Minister of South Africa, Mr. Smith of Southern Rhodesia and Mr. Mark Chona, Special Adviser to the President of Zambia, Mr. Kenneth Kaunda. The Pretoria Agreement stated that:

"A formal meeting representing the Southern Rhodesian Government and the African National Council of Zimbabwe (ANC (Z)) would be held in train cars parked on the Victoria Falls Bridge. The objective of the meeting would be to give the Southern Rhodesian Government and the ANC (Z) the chance to express jointly a genuine desire to negotiate an acceptable statement.

"After the formal business of the Conference, the next stage would be the setting up in Rhodesia of a joint committee or committees to discuss proposals.

"If agreement resulted, the parties would meet again to ratify the committee proposals. This conference would be held at a mutually acceptable venue."

It was further agreed that the formal meeting on the Victoria Falls Bridge would be held not later than 25 August 1975.

25. The meeting was in fact held on that date and was attended by both President Kaunda and Prime Minister Vorster. Bishop Muzorewa headed the delegation of ANC (Zimbabwe) and Mr. Smith headed the delegation of the Southern Rhodesian régime.

26. Following statements by Mr. Kaunda and Mr. Vorster, both Bishop Muzorewa and Mr. Smith addressed the meeting. After their speeches, the council delegation submitted a document entitled "Declaration of Intention to Negotiate a Settlement", which contained the following five points:

(a) ANC (Zimbabwe) and the Rhodesian Front Government should publicly express their genuine desire to negotiate a constitutional settlement.

(b) Both parties should publicly state that the only genuine settlement for the majority of the people of Southern Rhodesia is one that shall be based on the transfer of power from the minority to the majority of the people, "that is to say majority rule now".

(c) Both parties should state that in order to make the talks genuine and successful, the element of coercion must be absent: "Accordingly all the talks must be held on the Bridge, or elsewhere outside Rhodesia, acceptable to both parties."

(d) Both parties should agree that "the deliberations of the conference should be dealt with by the plenary session and not by committees. The plenary session may, however, appoint committees where necessary. Such committees shall also deliberate outside Rhodesia."

(e) Both parties should acknowledge that "there is no explicit or implicit cease fire".

The illegal régime also submitted a document containing a summary of the Pretoria Agreement of 9 August 1975.

27. The Council maintained that it had neither been a participant in the negotiations which led to the Pretoria Agreement nor a signatory to that document; its position had always been that all negotiations must take place outside Southern Rhodesia. The illegal régime claimed that Zambia had signed the Pretoria Agreement on behalf of the Council and thus, according to that Agreement, a joint committee or committees was to carry out the negotiations inside Southern Rhodesia.

28. During the meeting, the Council introduced what it considered was a compromise on the point in dispute concerning the venue of the committee meetings. It suggested that since some of the members of its negotiating team, including Mr. Chikerema and Mr. Sithole, would face arrest if they entered Southern Rhodesia, the illegal régime would have to grant them immunity while they were in the Territory to attend negotiating sessions. The illegal régime replied that the question of immunity had not been raised in the Pretoria Agreement and therefore could not be discussed as it would amend that Agreement.

29. Since no accord could be reached on this point, the meeting broke up. On his return to Salisbury, Mr. Smith addressed the Southern Rhodesian House of Assembly, where he announced that he would begin to seek negotiations with African chiefs and other moderate Africans in the Territory. Mr. Smith blamed ANC (Zimbabwe) for having wrecked the Victoria Falls meeting.

30. Bishop Muzorewa, in a press statement after the Victoria Falls meeting, said that "Mr. Smith torpedoed every effort of ours that would have led to a full-scale conference". President Kaunda also stated that, in his opinion, "the ANC was quite right in demanding that Mr. Smith should allow all the ANC representatives back home to be present at the talks when they start in Salisbury".

D. Smith-Nkomo talks

31. As noted earlier (see paras. 11-13 above), immediately after the Victoria Falls Conference, ANC (Zimbabwe) divided into two factions, one led by Bishop Muzorewa and the other by Mr. Nkomo. In September 1975, Mr. Nkomo held a series of meetings with Mr. Smith concerning the possibility of convening a constitutional conference on Southern Rhodesia. The meetings led to a joint announcement on 1 December that Mr. Smith and Mr. Nkomo had signed an eight-point Declaration of Intention to Negotiate a Settlement. According to the Declaration, "both parties publicly expressed their commitment to work out immediately a constitutional settlement which will be acceptable to all the people" of Southern Rhodesia.

32. It was agreed that all plenary meetings and meetings of sub-committees would be held in Southern Rhodesia and all the representatives nominated by Mr. Nkomo to attend the constitutional conference would be granted immunity from arrest or detention. According to the terms of the Declaration, "when agreement has been reached on the form and content of the constitutional settlement a final constitutional conference will be arranged at a mutually agreed venue, which shall be outside Rhodesia". They also agreed to maintain secrecy in their negotiations.

33. The faction of ANC (Zimbabwe) led by Bishop Muzorewa issued a statement analysing the Smith-Nkomo Declaration paragraph by paragraph. In condemning the negotiations between Mr. Nkomo and Mr. Smith, it declared its intention not to take part in the proposed conference.

34. According to press reports, Mr. Smith and Mr. Nkomo met again on 11 December to determine the final form of the agenda of the constitutional conference. The conference between the Nkomo and the Smith delegations began on 15 December at the King George VI military barracks at Salisbury and set up committees to continue negotiations. The committees were asked to report to the full conference in January 1976.

35. After 13 formal meetings, the delegations announced on 19 March 1976 that the talks had reached an impasse and were therefore being broken off.

36. According to press reports, the Nkomo delegation had initially demanded introduction of the system of one man, one vote, but, "in the spirit of compromise", had requested, inter alia, the following: (a) that there be a National Assembly of 144 seats elected through three separate rolls: 36 seats elected by universal suffrage, 72 seats elected on the basis of lower education, income and property qualifications and 36 seats elected on the basis of higher education, income and property qualifications; (b) that the first election be held within one year of the establishment of an interim government; and (c) that the interim government be composed equally of members chosen from the Rhodesian Front and ANC (Zimbabwe) under a non-executive head of State appointed by the United Kingdom Government.

37. The Smith delegation is reported to have proposed that there should be parity in the cabinet between whites and Africans and a white majority in Parliament for

10 to 15 years, with the following distribution of seats: one third to Europeans, one third to Africans and the remainder to those elected on a national basis from a common roll with higher qualifications. (The qualifications would be such that the majority of those elected would be Europeans.)

38. Each delegation rejected the proposals of the other, with the ensuing impasse and the rupture in the talks.

E. United Kingdom position in regard to the Smith-Nkomo talks

39. On 4 December 1975, shortly after it had been announced that Mr. Smith and Mr. Nkomo would meet formally at Salisbury, Mr. Ennals (see paras. 22-23 above) flew to Zambia. He is reported to have met with both Bishop Muzorewa and Mr. Nkomo at Lusaka. On his return to London, he issued a statement warning Mr. Smith that if he did not come to terms with the Zimbabwe nationalists there would be bloodshed in Southern Rhodesia and the whites would lose the war. It was reported that the United Kingdom Government did not wish to be involved in the Smith-Nkomo talks until some progress had been made.

40. In February 1976, Mr. James Callaghan, then United Kingdom Secretary of State for Foreign and Commonwealth Affairs, was reported to have received information that Mr. Smith would welcome British participation and initiatives to help resolve the deadlock in the talks between Mr. Smith and Mr. Nkomo. After further contacts between Mr. Callaghan and Mr. Smith, the latter said in the Southern Rhodesian Parliament, on 20 February, that he would welcome any British "constructive and realistic effort to assist in our settlement". He said that the situation in southern Africa was serious and that Southern Rhodesia had to change its "tactics".

41. Mr. Callaghan is reported to have informed Mr. Smith that the United Kingdom would be willing to assist in the talks if the illegal régime agreed to renounce its state of illegality and to revert to the status of a British colony and if it gave assurances to the United Kingdom that it was prepared to make meaningful concessions to the African population. Subsequently, Mr. Callaghan decided to send Lord Greenhill, the former head of the Diplomatic Services in the Foreign Office, to Salisbury to hold exploratory talks with Mr. Smith on the Southern Rhodesian problem.

42. Lord Greenhill visited Salisbury for two days at the end of February and met with both Mr. Smith and Mr. Nkomo. The supporters of Bishop Muzorewa in Southern Rhodesia refused to meet with Lord Greenhill and reportedly staged a demonstration protesting his visit. According to the Reverend Max Chigwida, Acting Publicity Secretary of the faction of ANC (Zimbabwe) led by Bishop Muzorewa, the Council perceived the United Kingdom's "current manoeuvres" as irrelevant. Lord Greenhill submitted his report to Mr. Callaghan on 1 March. No details of the report have been released.

43. On 20 March, Mr. Smith called on the United Kingdom to play an active part in the attempt to resolve the impasse in the talks. He stated that if he found the British role in the talks to be in the best interests of Southern Rhodesia he would

be prepared to "retract" Southern Rhodesia's unilateral declaration of independence. However, in the same statement, Mr. Smith is reported to have said "I don't believe in black majority rule ever in Rhodesia ... not in 1,000 years."

44. On 22 March, the United Kingdom Government proposed a two-stage plan to Mr. Smith. The plan required prior agreement by all principal parties to the Southern Rhodesia dispute on the following four points: (a) acceptance of majority rule; (b) elections for majority rule to take place within 18 months to two years; (c) no independence before majority rule; and (d) preclusion of lengthy negotiations to reach a constitutional settlement. If these preconditions were agreed to, according to Mr. Callaghan, the second stage of negotiating the actual terms of an independence constitution could begin. ^{1A}

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

46. Early in April, Mr. Ennals, United Kingdom Minister of State at the Foreign and Commonwealth Office, visited Mozambique and the United Republic of Tanzania for consultations with the Governments of those States. While in the United Republic of Tanzania, Mr. Ennals reiterated the position of his Government that it would not use force in Southern Rhodesia but continued to hope that, at some stage, negotiations between the illegal régime and the Zimbabwe nationalists would be resumed. Mr. Callaghan had stated earlier in Parliament that the United Kingdom would not use force against the illegal régime and would not commit British troops on the side of the illegal régime.

47. While in Mozambique, Mr. Ennals reportedly discussed British aid to Mozambique to relieve that State from the effects of its application of full sanctions against Southern Rhodesia. It will be recalled that, on 3 March, the Government of Mozambique had announced that, from that date, it would apply full economic sanctions against Southern Rhodesia (see A/31/61-S/12005). ^{e/} It also called on all States to assist it in overcoming the effects of such action on its economy.

F. Meeting of four African Heads of State

48. On 25 March, President Julius K. Nyerere of the United Republic of Tanzania, President Samora Moises Machel of Mozambique, President Seretse Khama of Botswana and President Kenneth Kaunda of Zambia met at Lusaka to work out new strategy in the struggle against the illegal régime. Bishop Muzorewa and Mr. Nkomo reportedly attended part of the meeting. Although no communiqué was issued after the meeting, Mr. Nyerere, Mr. Machel and Mr. Kaunda, in separate interviews, stated that, in their view, only armed struggle in Zimbabwe would lead to the attainment of majority rule in the Territory. Mr. Kaunda also appealed to the United Kingdom to use force in Southern Rhodesia against the illegal régime.

^{e/} For the printed text, see Official Records of the Security Council, Thirty-first Year, Supplement for January, February and March 1976 (S/12005).

49. The ANC (Zimbabwe) reportedly decided to hold a consultative meeting at Lusaka on 16 April, with a view to the unification of its ranks inside and outside the Territory.

G. Reaction of white right-wing elements in Southern Rhodesia

50. The right-wing elements in Southern Rhodesia have been highly vocal since the initiation of steps to reach a settlement. An article published in the newspaper Property and Finance warned that Mr. Smith was preparing "the blackest political deceit ever perpetrated in the country's history ... after many months of secret moves with Nkomo". In November 1975, in an effort to strengthen their position, the right-wing groups joined the Rhodesian National Movement (RNM), which is a merger of the United Conservative Party and the Rhodesia National Party. The RNM has demanded that, since the three Southern Rhodesia constitutions adopted since 1923 had been placed before the electorate in referenda for approval, whatever agreement Mr. Smith worked out with Mr. Nkomo should similarly be placed before the electorate as presently constituted for approval. This position is also supported by the Southern African Solidarity Congress (SASCON), a consultative organization of right-wing groups in Southern Rhodesia. Mr. Des Frost, the Chairman of the Rhodesian Front, has assured the white population that not a single member of the Rhodesian Front sitting in Parliament would contemplate acceptance of an agreement which would assure majority rule in the foreseeable future.

4. ARMED LIBERATION STRUGGLE

A. Preparation for armed struggle

51. Early in July 1975, before ANC (Zimbabwe) divided into two factions, Bishop Muzorewa, Mr. Chikerema, Mr. Sithole and Mr. Nkomo, as well as their senior lieutenants, met at Lusaka and Dar es Salaam to discuss the new strategy for the liberation of Zimbabwe (see paras. 6-10 above). After the meetings, they pledged to intensify the armed struggle if negotiations failed. Several reports indicated that they were in the process of preparing for such a contingency.

52. Press reports at the time stated that it was the Council's aim to raise an army of 25,000 combatants, and that it did not appear to be having much difficulty in its recruitment programme. One report indicated that since December 1974, more than 6,000 young men and women had left Southern Rhodesia for training in military camps organized by the Council. Bishop Muzorewa, Mr. Chikerema, Mr. Sithole and Mr. Nkomo were also reported to have visited the new recruits in order to evaluate the training programme.

53. Reporting on the new strategy developed at the July meetings of the leadership of the Council, The Financial Times of London noted: "The opportunity for constitutional talks was left open but the onus was put on Mr. Smith and the British Government to initiate the talks. The meeting apparently hardened the ANC position and the final communiqué which said that the 'liberation struggle' would be intensified confirmed what was known to be a growing feeling within the organization that a resumed guerrilla war was the only way to win concessions from Mr. Smith and achieve black majority rule."

54. Following the integration of all the forces of the former liberation movements of Zimbabwe under the unified command of ZLC (see para. 10 above), it was reported that the combatants had been provided with many facilities and bases formerly used by the Frente de Libertação de Moçambique (FRELIMO). Several reports indicated that, if the negotiations failed, ANC (Zimbabwe) was determined to continue with the armed struggle.

55. Zimbabwe guerrillas have reportedly intensified their armed struggle against the illegal régime. Since January 1976, frequent guerrilla action has been reported along the 1,287-kilometre border between Southern Rhodesia and Mozambique, and many casualties have been reported on both sides.

56. The illegal régime has acknowledged the increase in guerrilla activity and appears to be seeking ways to strengthen its armed forces. Among the measures it is reported to be taking are a 60 per cent increase in the calling up of European civilians and attempts to recruit more mercenaries.

57. Reports indicate that the illegal régime has also intensified its aggressive actions against neighbouring States, particularly Mozambique, whose territory has allegedly been invaded by Southern Rhodesian units under the guise of being in

"hot pursuit" of Zimbabwe guerrillas, with a resultant loss of life of Mozambican civilians.

58. Further, the illegal régime has seized all Mozambican assets and finances in Southern Rhodesia in retaliation for the seizure by Mozambique of all Southern Rhodesian assets in that State.

B. Organization of African Unity

59. With the attainment of independence of the former Portuguese Territories, the decolonization efforts of the Organization of African Unity (OAU) have been directed mostly towards the struggle for the liberation of Zimbabwe and Namibia. Since January 1975, OAU has given increased attention to the liberation of African Territories still under white rule, with top priority to Zimbabwe and Namibia.

60. At its twenty-fourth ordinary session, held at Addis Ababa in February 1975, the Council of Ministers of OAU adopted a document calling on all liberation movements in African Territories still under white rule, inter alia, to:

(a) Identify the enemies of Africa and make distinctions between its friends and enemies;

(b) Avoid confusing the enemies of Africa with any given people or racial group;

(c) Encourage alliances designed to isolate enemies of Africa both at home and abroad;

(d) Preserve the determination of the liberation forces, having as a fundamental objective the service of the people.

61. In an extraordinary session, held at Dar es Salaam in April, the Council of Ministers adopted the Dar es Salaam Declaration on Southern Africa, in which it reaffirmed that "Africa's objective in Zimbabwe is independence on the basis of majority rule". According to the Declaration, this objective could be achieved either peacefully or by violent means. The Council of Ministers advanced what has become known as a double strategy for the liberation of Zimbabwe, based on combining the method of negotiations between ANC (Zimbabwe) and the Smith régime with that of armed struggle. "Either way", the Council declared, "Africa will lend its unqualified support to the freedom fighters led by their nationalist movement - the African National Council." The Council also declared that, should the Zimbabwe nationalists decide to negotiate with the Smith régime at a constitutional conference, "OAU has the duty to do everything possible to assist the success of such negotiations, in constant consultations with Zimbabwe nationalists themselves".

62. The Council of Ministers maintained that while OAU accepted the task of helping in genuine negotiations, it pledged that Africa "must remain absolutely vigilant and undertake the necessary preparations for the intensification of the armed struggle in the event that a peaceful solution was blocked. The Council of Ministers declared its readiness to provide the material, financial and diplomatic assistance needed for intensification of the armed struggle.

63. When the OAU Co-ordinating Committee for the Liberation of Africa met at Rabat in June 1975, it decided to support the Dar es Salaam Declaration with tangible action so as to underline the seriousness of OAU in its preparation for the intensification of the armed struggle in Zimbabwe. The Committee allocated funds to ANC (Zimbabwe) which were more than double the allocation made to any other liberation movement. In addition, more than one third of the budget of the Committee was allocated to training centres used by Zimbabwean and Namibian guerrillas. The Committee reiterated that there would be no basis for talks other than the principle of transferring political power to the majority and even this must be done "while having the gun within reach".

64. The Dar es Salaam Declaration was adopted by the Assembly of Heads of State and Government of OAU at its twelfth ordinary session, held at Kampala in July 1975.

5. BRUTALITY IN SOUTHERN RHODESIA

65. A report prepared by the Catholic Commission for Justice and Peace in Rhodesia recounted shocking incidents of brutality perpetrated by the forces of the illegal régime on unarmed African civilians. f/ These revelations were confirmed by Mr. Niall MacDermont, Secretary-General of the International Commission of Jurists, who said in Southern Rhodesia in October 1975 that he had received much evidence that violent brutality by security forces had been perpetrated on African civilians. He went on to say that the illegal régime was reluctant to take any action to put an end to this brutality for fear of "undermining the morale of the security forces".

A. Brutality in the "operational area"

66. The illegal régime has declared certain parts of Southern Rhodesia, especially in the north-east and the east, as the "operational area" where fighting takes place between the Zimbabwe forces and the forces of the illegal régime. According to the Catholic Commission for Justice and Peace in Rhodesia, "many instances of deliberate assaults and of gross disregard for the life and property of inhabitants in the operational area by members of the security forces" have been reported. The Commission decided to investigate these instances and "only what has been corroborated" was included in its final report. The Commission's report reveals many instances of brutality committed in this area. The Commission also believes that "there are an unknown number of other cases which have not been reported". Ten of the cases of brutality investigated are summarized below.

67. After Zimbabwean forces had undertaken some operations in Mudzi District, Mtoko, about 160 kilometres north-east of Salisbury, security forces went to the village of Mr. Antony Dzvinamurungu to question the villagers. In the course of the questioning, two sisters-in-law of Mr. Dzvinamurungu, whose names were given as Winnie (who was pregnant at that time) and Praxedes, were assaulted by the soldiers. When Mr. Dzvinamurungu complained about this brutality, he was taken to the Mtoko police station, where he was repeatedly beaten, his hair pulled out and a pair of scissors placed against his genitals with a threat to cut them off.

68. On 19 April 1974, five helicopters, accompanied by an attack aircraft, flew over a section of the country in the north-east. The aircraft made two attacks on a group of seven children between the ages of 5 and 14 years, near some cattle in the field. Two children were killed and the others were injured.

69. In August, Mrs. Monica Deka and her daughter, of the Chesa African Purchase Area near Mt. Darwin, were picked up by the police and assaulted at the Nyamahoboko Base Camp. The assault "involved kicking, striking, shackling, blindfolding and the application of an instrument with electrical effects". No clear reason was stated by the police for this assault.

f/ The Man in the Middle: torture, resettlement and eviction, compiled by the Catholic Commission for Justice and Peace in Rhodesia (Catholic Institute for International Relations, Salisbury, 1975).

70. In September, Mr. Tawandirwa, a farmer in the same Chesa African Purchase Area, together with his two daughters and two sons, were taken by the police to the Nyamahoboko Base Camp. For reasons unknown to them, they were assaulted by the police with an "instrument with electrical effects" and suffered prolonged beatings.

71. On 12 December, three young brothers, Cosmas, Kudakwashe and Weston Chiwandire, all under 16 years of age, went to seek permission to leave the Shopo protected village in Mazoe District. While their particulars were being taken, Kudakwashe leaned against a bench on which a gun was also leaning, thus accidentally causing the gun to fall. The District Assistant took the gun and after threatening to shoot the three brothers, fired the gun shooting all three. Cosmas and Kudakwashe died and Weston sustained a broken leg.

72. On 24 December, four members of the South African military contingent in Southern Rhodesia were killed by Zimbabwean forces in the Mt. Darwin area. Following this incident, Southern Rhodesian soldiers went to the Kamanika School in the district and removed everybody in the surrounding villages under armed guard to the Rusambo Camp. It is said that at the camp many of the people were beaten for having allegedly supplied the guerrillas with food and shelter. Among those who were assaulted were pregnant women, and it is reported that at least one of them had a miscarriage.

73. On 31 December, Mrs. Sorotiya Kaviya, who lives in Negomo Village, in the Chiweshe Tribal Trust Land, went to work in the fields with her daughter Tendai. At about mid-day, two shots were fired and one struck Tendai in the shoulder, penetrating her arm. Security forces came out of the bush and admitted that they had fired the shots.

74. On 2 January 1975, security forces rounded up the inhabitants of Chipandire Village in the Mt. Darwin area. Mr. Alois Mutanda, who arrived late, was struck by one of the soldiers in the face with a gun, which discharged, fatally shooting Mr. Mutanda who fell down "bleeding profusely with a wound through his head with an entrance site to the right and above his right eye".

75. On 16 January, residents of the villages in the vicinity of the Kamanika School were said to have been rounded up again (see para. 72 above) and told to take food for two days. Their crops and houses were destroyed. No adequate provisions were made to meet the day-to-day needs of these people.

76. On the night of 16 January, security forces, for no apparent reason, threw a hand grenade and began shooting into the bedroom where Mr. William Zamucha, a teacher at Chihuri School near Bindura, and his young child were sleeping. Both sustained injuries. The illegal régime has not offered any explanation for the incident.

B. Brutality in the "protected villages"

77. In 1973, the illegal régime ordered that people in the Zambezi Valley be resettled in what it called "protected villages". The eviction and resettlement of the population were apparently aimed at isolating the Zimbabwe guerrillas from any contact with the African civilian population.

78. By mid-1974, the illegal régime had decided that the entire population of the Chiweshe Tribal Trust Land, estimated to be between 43,000 and 47,000, should be resettled into 21 protected villages. Shortly thereafter, 13,500 Africans from the Madziwa Tribal Trust Land were moved into 10 protected villages. By January 1975, similar settlements had been created in the Mtoko, Mudzi and Mrewa areas; it is estimated that over 100,000 people have been placed in the so-called protected villages.

79. According to reports, a typical protected village covers an area of about 40 hectares, surrounded by a fence with gates which are guarded and locked during the night. The number of residents varies from village to village.

80. Many cases of brutality and sheer disregard of human life in the protected villages have been reported. The Catholic Commission for Justice and Peace in Rhodesia examined conditions in these villages and their findings confirmed these reports. One of the witnesses, Dr. Hill, a European doctor who has visited the protected villages in the Chiweshe Tribal Trust Land, told the Commission:

"Conditions at Nyachuru Protected Village where 200-300 people are behind wires are appalling. There was no sanitation or running water, and apart from one asbestos shelter, people were living in the open ... It is like picking up animals and moving them from one field to another."

81. People in the protected villages are reported to be very bitter. The experience of having been forced to abandon their homes and, in some cases, businesses, and of having to live on government-rationed food has played havoc with normal family life. According to these reports, the villagers are allowed to leave protected villages to work in their fields which are near their former homes. Consequently, in most cases, these villagers have to walk very long distances without food and have to return to the protected villages before curfew.

82. Health conditions are said to be very poor. Some villages have no toilet facilities and water is said to be insufficient and in some cases dirty. The Commission reported that in the Zambezi Valley, "towards the end of 1974, there were reports from one border area of a strange illness which caused children to shake violently and sometimes to die. The visiting doctor ascribed this to the spraying of vegetation from the air with defoliants."

83. During the 1974 rainy season, many of these villages reportedly had outbreaks of typhoid. A spokesman for the Chiweshe villages told the Commission:

"The health of our people is in great danger. The crowding of the people in the keeps /protected villages/ does not allow them to make the area tidy every time. The whole family is to live on a 15 square metre piece of land with all the property that the family might have, a toilet pit also as well as a fowl run etc. The very shallow toilet pits uncovered on top make the villages place a great danger on public health. Out of these toilets the big green flies come and get on to food stuffs and some even in water containers as well as in milk pots ... Due to the wet ground mosquitos are found in big numbers in most keeps, they breed easily and very quickly in these toilets and in some pools of standing water found everywhere in the keeps. As a result diseases like typhoid, diarrhoea and malaria have broken out in greater number of cases."

84. Apart from the disruption of the traditional economy and the breakdown of health care caused by the resettling of people in the so-called protected villages, there has been a complete social disruption which, according to the Commission, "undoubtedly leaves a deeper and more lasting scar in the long run". It is reported that with the disruption of the kinship system and of family life, communal controls have broken down. In these villages, it is not possible for the residents to carry on the spiritual and religious practices that form the basis of African communal life.

85. The resettlement programme of the illegal régime has also disrupted the education of many children. Teachers have been resettled in the protected villages; students have been moved to other parts of the country; schools have been closed; and no arrangements have been made to meet the educational requirements of the affected children.

86. In its study, the Catholic Commission for Justice and Peace in Rhodesia concluded by noting that:

"The suffering already experienced by the people in the protected villages can be seen to have affected every facet of their lives. It has been a declared aim of the Government to win 'the battle for the hearts and minds of the people'. The effectiveness or otherwise of the protected villages programme in this battle will no doubt be judged by historians but at this moment of involvement in the actual suffering it is difficult to see where success has been achieved."

C. Other incidents of brutality

87. In addition to the above-mentioned incidents of brutality perpetrated by the illegal régime on unarmed African civilians, another case was revealed in London at the end of February 1976. In an interview with a London newspaper, Mr. Thomas McCarthy, a British citizen who deserted from the Rhodesian Light Infantry, stated that he had participated in a raid on a village in which the Southern Rhodesian security forces had killed 60 men, women and children and had burned their bodies. The illegal régime acknowledged that Mr. McCarthy had served in the Southern Rhodesian security forces, but refused to say when and where he had served. The illegal régime has denied that the massacre ever occurred.

6. ECONOMIC CONDITIONS

A. General

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

89. In his budget speech to Parliament, Mr. John Wrathall, the Minister of Finance, revealed that in 1974/75 Southern Rhodesia had an unfavourable balance of trade and a deficit on current and capital accounts of \$R 15.7 million g/ (see table 3 below). According to Mr. Wrathall, the balance-of-payments deficit, made worse by "adverse leads and lags in payments" was the direct result of the severe drain on the liquid resources of the banking sector.

90. He also expressed the fear that both domestic and international economic factors would have a severe impact on the balance of payments in 1975/76, and said that "foreign currency allocations for imports have had to be markedly reduced, so much so that a few businesses may well be forced to suspend operations when current stocks are exhausted; others will be substantially curtailed in their operations. In blunt terms, Rhodesia faces a period of hardship, although one which should be of relatively short duration".

91. Southern Rhodesia's expenditure on imports rose by 42 per cent in 1974 but earnings from exports rose by only 26 per cent. There was also a net outflow on invisible transactions or \$R 131 million, mainly because of increased charges for external services such as freight, insurance and port dues. Mr. Wrathall noted, however, that the merchandise account had a surplus of \$R 52.4 million and that there was a net inflow in the capital account of \$R 63.3 million. Nevertheless these two favourable trends were insufficient to offset the deficit on invisible transactions (see table 3 below).

92. In 1974/75, the Rhodesia Railways again suffered a deficit, amounting to \$R 22.9 million or 15 per cent more than the deficit of the previous year. The illegal régime has had to continue to subsidize the Rhodesia Railways since, according to Mr. Wrathall, the alternative policy would be "a drastic upward revision of rates", which "would not be in the national interest". The illegal régime has decided to continue with large subsidization, together with a moderate increase in rates.

93. In 1974/75, the Tobacco Corporation continued to dispose of tobacco stocks to eliminate stockpiling, thus incurring further losses, which were partially offset by a subsidy of \$R 3.2 million from the illegal régime. Support given to the industry since 1965 now totals \$R 112.9 million.

g/ In September 1975, Southern Rhodesia revalued the Southern Rhodesian dollar (see para. 106 below).

Table 3

Southern Rhodesia: balance of payments, 1965-1974
(million Southern Rhodesian dollars)

Year	Merchandise, net	Invisible transactions, net			Net balance on current account	Capital transactions, net	Net inflow on current and capital accounts
		Services	Investment income	Transfers			
1965	77.1	-21.5	-26.1	- 4.4	26.2	4.0	30.2
1966	27.0	- 8.0	-19.2	- 4.1	- 4.3	- 4.6	- 8.9
1967	12.3	-15.5	-13.4	- 0.1	-16.7	23.7	7.0
1968	-26.0	- 8.2	-14.9	- 1.0	-50.1	39.5	-10.5
1969	27.7	- 2.0	-17.8	- 4.3	3.6	9.9	13.4
1970	23.1	-13.5	-21.0	- 2.6	-14.0	26.3	12.3
1971	- 1.6	-22.1	-30.4	- 3.3	-57.4	30.5	-26.9
1972	58.2	-19.5	-35.1	- 2.8	- 0.7	- 2.3	- 1.6
1973	83.0	-55.1	-38.5	- 6.9	-17.4	51.6	34.2
1974	52.4	-75.4	-37.3	-18.8	-79.0	63.3	-15.7

Source: Southern Rhodesia, Monthly Digest of Statistics, August 1975.

Note: Some of the figures provided by the illegal régime in its Monthly Digest of Statistics, June 1974, were amended in the Monthly Digest of Statistics, August 1975.

94. Wheat producers, who had also suffered losses in the year ending 31 March 1975, received a subsidy of \$R 2.2 million from the illegal régime.

95. According to Mr. Wrathall, losses in the cotton industry resulted from the sharp fall in world cotton prices during 1974/75. The illegal régime guaranteed a producer price of 22 cents a kilogram "to maintain confidence among growers, and to maintain stability". As a result, the Cotton Marketing Board received \$R 5.1 million in subsidies from the illegal régime to cover trading losses.

96. Mr. Wrathall expressed concern with the current trend of inflation in Southern Rhodesia, stating that, despite price control, inflation was rising at a high rate. The European consumer price index rose by 7.4 per cent in 1974/75, and 4.3 per cent in the first six months of 1975. The African consumer price index increased by 4.8 per cent between December 1974 and March 1975.

97. Mr. Wrathall stated that the Government had decided to reimpose a 10 per cent surcharge tax on personal and company income, which was expected to produce \$R 22 million to help offset an anticipated budget deficit of \$R 25 million. Lower tax scales would be introduced to enable persons earning more than \$R 5,000 annually to save \$R 100 a year, and company taxes would be raised from 40 to 44 cents of the Rhodesian dollar.

98. Mr. Wrathall also announced that the illegal régime planned to spend \$R 740 million on capital development for the three fiscal years 1975/76-1977/78. About 75 per cent of these funds were to be allocated to economic services with priority to transport, communications and power. Mr. Wrathall refused to give more details of the public sector investment programme because "sanctions surveillance, if anything, has been stepped up".

B. Gross domestic product and foreign exchange situation

99. According to statistics released by the illegal régime, the gross domestic product of the Territory in 1974/75 rose by 20 per cent in money terms, which is 9-10 per cent in real growth terms. This is viewed by the régime as an indication of economic improvement, especially when the 1974/75 real growth rate is compared with the 1973/74 real growth rate of 5 per cent. The industrial origin of the gross domestic product for the Territory since 1965 is shown in table 4 below.

100. The Economic Survey of Rhodesia, published by the illegal régime, attributes this seemingly improved economic situation to recovery in the agricultural industry and to steady growth in the manufacturing sector (see tables 5 and 7 below). The Economic Survey notes, however, that in 1975/76, the rationing of fuel and fertilizers will affect the agricultural industry and the fall of some mining commodity prices will affect the unit value of mining output.

101. In the first four months of 1975, the output of the mining sector was at roughly the same level as that for the same period in 1974 and 4 per cent below the 1973 level. The value of the output of the mining sector in the first four months of 1975 was a minimum of 9 per cent below those for the same periods between 1965 and 1974, despite the fact that lower prices for copper and tin have been offset by the higher prices of nickel and gold (see also table 6 below).

Table 4

Southern Rhodesia: industrial origin of the gross domestic product, 1965-1974
(million Southern Rhodesian dollars)

	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974
Agriculture and forestry:										
European, Asian and Coloured	83.0	85.5	82.0	76.0	100.2	95.2	122.3	143.5	149.9	187.6
African	32.6	49.0	69.7	44.7	65.5	53.7	72.8	85.2	59.3	94.7
Total, agriculture and forestry . .	115.6	134.6	151.7	120.7	165.8	148.9	195.1	226.7	209.2	282.4
Mining and quarrying	48.3	45.2	46.2	48.4	62.6	67.2	70.3	69.9	97.7	120.8
Manufacturing	134.7	122.9	142.1	157.2	182.4	220.3	262.0	308.2	347.7	424.4
Electricity and water	21.8	24.1	25.7	26.4	29.6	30.9	32.4	34.9	39.1	42.3
Construction	31.9	32.6	40.3	50.4	57.7	58.8	64.5	81.3	85.4	101.2
Finance and insurance	10.4	13.0	15.5	15.1	20.0	21.6	24.0	26.8	31.4	36.8
Real estate	16.9	17.7	19.3	22.5	27.7	31.8	34.9	38.5	42.5	45.1
Distribution, hotels and restaurants . .	104.5	89.5	101.2	111.6	134.8	138.2	155.5	175.6	201.1	234.5
Transport and communications	60.2	54.5	50.5	56.4	71.0	67.8	77.9	81.8	82.5	90.5
Public administration	39.4	43.8	46.1	49.0	54.1	57.5	65.1	72.0	79.1	88.1
Education	24.0	25.8	26.8	29.2	31.9	34.1	39.4	42.8	47.8	54.6
Health	11.5	12.5	13.0	14.2	15.2	16.4	18.8	20.7	22.0	25.5
Domestic services	23.1	23.7	25.0	27.0	28.2	30.5	33.5	37.8	38.4	42.7
African rural household services . . .	6.9	10.3	13.4	9.2	12.9	9.8	14.1	15.1	9.1	16.5
Other services	33.7	35.4	34.4	42.3	44.5	48.8	52.0	56.9	67.4	75.4
Gross domestic product	682.9	685.5	751.1	781.7	928.4	982.5	1 139.4	1 289.1	1 400.5	1 680.8

Source: Southern Rhodesia: Economic Survey of Rhodesia, Ministry of Finance, April 1975.

Note: Some of the figures provided by the illegal régime in its Monthly Digest of Statistics, June 1974, were amended in the Economic Survey of Rhodesia, April 1975.

Table 5

Southern Rhodesia: agricultural output, 1969-1974

(million Southern Rhodesian dollars)

<u>Year</u>	<u>European agriculture: gross output</u>	<u>African agriculture: approximate consumption by rural households</u>
1969	171.5	67.7
1970	168.4	55.8
1971	208.2	75.7
1972	233.0	86.5
1973	247.3	64.1
1974	311.8	100.6

Source: Southern Rhodesia, Monthly Digest of Statistics, August 1975.

Note: Some of the figures provided by the illegal régime in its Monthly Digest of Statistics, June 1974, were amended in the Monthly Digest of Statistics, August 1975.

Table 6

Southern Rhodesia: mineral output, 1969-1974

(million Southern Rhodesian dollars)

<u>Period</u>	<u>Value</u>
1969	87.7
1970	98.7
1971	101.2
1972	107.4
1973	135.9
1974	165.2

Source: Southern Rhodesia, Monthly Digest of Statistics, August 1975.

Table 7

Southern Rhodesia: gross output of the
manufacturing sector, 1968-1974
(million Southern Rhodesian dollars)

<u>Year</u>	<u>Gross output</u> (including sales of goods not produced in the premises)
1968	468.9
1969	548.7
1970	646.1
1971	753.0
1972	863.3
1973	1,006.9
1974	1,225.0

Source: Southern Rhodesia, Monthly Digest of Statistics, August 1975.

Note: Some of the figures provided by the illegal régime in its Monthly Digest of Statistics, June 1974, were amended in the Monthly Digest of Statistics, August 1975.

102. The Economic Survey expressed the fear that manufacturing production would be affected in 1975/76 by foreign currency limitations. In the first few months of 1975, manufacturing output rose by more than 6 per cent. Because of cuts in import quotas, however, this strong trend is not likely to be sustained in 1975/76.

103. Concern over the foreign exchange situation was expressed throughout the budget speech of the Minister of Finance (see paras. 88-98 above).

104. In 1974/75, Southern Rhodesia suffered greatly from a lack of foreign exchange, and the illegal régime had to take drastic conservation measures. All firms were ordered to save paper and packaging and were urged to use cardboard boxes for packing purposes. Grocery and liquor orders were to be delivered in reusable wire crates, and sweets and chocolates were to be delivered in returnable wooden trays.

105. In Bulawayo alone, building projects valued at more than \$R 3 million were shelved owing to the lack of foreign exchange. On 19 June 1975, the production of white bread was declared illegal, in order to ensure that all bakers use the new,

slightly darker, bread flour, which reportedly is obtained by "extracting more flour from a given amount of wheat and would save on foreign currency and subsidies".

106. In September 1975, Southern Rhodesia devalued its dollar by 8 per cent against non-South African rand areas and revalued its dollar by 10 per cent against the South African rand. This move was taken in response to the South African devaluation of the rand by 17.9 per cent. Southern Rhodesia collects most of its foreign exchange in South African rand. Thus, the Southern Rhodesian moves revalued the Southern Rhodesian dollar at R 1.34, compared with the previous rate of R 1.22. However, the Southern Rhodesian dollar is now valued at \$US 1.60, compared with the previous rate of \$US 1.73.

C. Employment

107. Information concerning the employment situation in Southern Rhodesia is contained in chapter IV of the present report, annex I (A/31/23/Rev.1, vol. I).

7. SANCTIONS AGAINST SOUTHERN RHODESIA

A. ^bGeneral

108. The question of violations of sanctions has continued to engage the attention of the General Assembly and the Security Council, as well as the Special Committee. By paragraph 4 (a) of its resolution 3397 (XXX) of 21 November 1975, the General Assembly called on all Governments which had not already done so "to take stringent enforcement measures to ensure strict compliance by all individuals, associations and bodies corporate under their jurisdiction with the sanctions imposed by the Security Council and to prohibit any form of collaboration by them with the illegal régime". By paragraph 6 of the same resolution, the Assembly requested the Special Committee to follow the implementation of that resolution.

109. The present report refers briefly to the activities of the Security Council Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia, and to the decision of the Government of Mozambique to apply full sanctions against Southern Rhodesia. It also summarizes several cases of violation of sanctions which have important implications, including: (a) the activities of Air Rhodesia as a source of revenue for the illegal régime; (b) the effects of the Byrd amendment (sect. 503 of the United States Military Procurement Act of 1971) and its status in the United States Congress; and (c) the participation of Southern Rhodesia in international sports events.

B. Special report of the Security Council Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia

110. Because of the importance of the developments in southern Africa, including in particular, the decolonization process that was taking place in the Territories under Portuguese administration, the Security Council Committee decided in March 1975 to review its programme of work with a view to expanding sanctions against Southern Rhodesia.

111. On 15 December 1975, following this review, the Committee decided to recommend to the Security Council "that insurance, trade names and franchises should be included within the scope of the mandatory sanctions against Southern Rhodesia". h/

112. In considering the expansion of sanctions, the Security Council Committee had before it a number of proposals from various members, including a proposal that sanctions be expanded so that Article 41 of the Charter of the United Nations be applied in its entirety. This proposal failed to obtain the unanimous approval of the Committee. If it had been accepted, it would have led to rail, sea, air,

h/ Official Records of the Security Council, Thirtieth Year, Supplement for October, November and December 1975 (S/11913), para. 13.

postal, telegraphic, radio and other communications sanctions being applied against the Territory. Other proposals which were put forward but failed to receive the unanimous approval of the Committee included: (a) a request that Member States deny landing rights in their respective territories to flights scheduled to include stopovers in Southern Rhodesia for the purpose of loading or unloading passengers and/or goods to and from Southern Rhodesia; (b) a recommendation that the Security Council decide to request Member States which have consular services or posts in southern Africa not to renew or issue passports to their nationals whom they believe to be residing in Southern Rhodesia; (c) a recommendation that the Security Council decide to request Member States to enact legislation making it illegal for their citizens to travel to Southern Rhodesia; and (d) a proposal to extend sanctions to include South Africa.

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

C. Decision of the Government of Mozambique to apply full sanctions against Southern Rhodesia

114. On 3 March 1976, President Samora Moises Machel of Mozambique announced that, in accordance with the decisions of the United Nations and OAU, as of that day, Mozambique was applying full sanctions against Southern Rhodesia (A/31/61-S/12005).

115. To this end, the Government of Mozambique closed its borders with Southern Rhodesia; prohibited all forms of communication with that Territory; denied passage through Mozambique and its air space of any persons or goods to or from Southern Rhodesia; and confiscated all goods belonging to the illegal régime, to firms based in Southern Rhodesia and to the citizens of that Territory who recognize the illegal régime.

116. Prior to the action taken by the Government of Mozambique, Southern Rhodesia had dispatched the bulk of its exports and received the bulk of its imports through the Mozambican ports of Beira and Maputo (formerly Lourenço Marques). With the application of full sanctions against the Territory by Mozambique, Southern Rhodesia

must now rely solely on the two railway lines connecting it with South African ports through Beitbridge and Mafeking.

117. In an address to the Security Council on 16 March 1976, Mr. Joaquin Alberto Chissano, Minister for Foreign Affairs of Mozambique, said that the application of full sanctions against Southern Rhodesia would have a heavy impact on some fundamental sectors of the economy of Mozambique (S/PV.1890). He requested all Member States collectively and/or individually to assist Mozambique economically and financially so that it might fulfil its internationalist duty.

118. On 17 March 1976, the Security Council adopted resolution 386 (1976) by which it requested the United Nations and all United Nations specialized agencies to assist Mozambique in its present economic situation. The Security Council also requested the Secretary-General, in collaboration with the appropriate organizations of the United Nations system, to organize, with immediate effect, all forms of financial, technical and material assistance to Mozambique to enable it to overcome the economic difficulties arising from its application of economic sanctions against Southern Rhodesia.

119. On 7 April 1976, the Secretary-General dispatched a mission to Maputo to organize, in consultation with the Government of Mozambique, a programme of assistance as envisaged in the Security Council resolution mentioned above.

D. Air Rhodesia

120. It will be recalled i/ that, according to the Interline Agreement Manual of the International Air Transport Association (IATA), as at April 1974, more than 35 national airlines had interline agreements with Air Rhodesia through the IATA Passenger Agreement and Cargo Agreement. Most of the Governments whose national airlines had been listed in the Manual have since informed the Security Council Committee that either their national airlines had already terminated their agreements with Air Rhodesia or that the Governments themselves had taken the necessary measures to terminate such agreements with Air Rhodesia.

121. However, according to The Chronicle, a Rhodesian newspaper, between 1 June 1974 and 30 May 1975, Air Rhodesia, through the interline agreements, was able to carry a record number of 455,252 passengers. Captain Pat Travers, the general manager of Air Rhodesia, told the press, "We have come through a year of fluctuating fortunes with a satisfactory result when the generally depressed economic climate is taken into consideration."

122. In addition to achieving a record in its passenger traffic in 1974/75, Air Rhodesia increased its cargo traffic by 29 per cent and showed a profit of \$R 343,126. Such a profit could only have been made as a result of violations of sanctions since it could not have been made without the co-operation of foreign

i/ Official Records of the General Assembly, Thirtieth Session, Supplement No. 23 (A/10023/Rev.1), vol. II, chap. IX, annex, para. 146.

airlines. It is particularly important to note that Air Rhodesia was able to make such a profit despite the fact that in 1974/75, there was a world-wide slump in airline traffic.

E. Status of the Byrd amendment

123. It will be recalled that, under the Byrd amendment (see para. 109 above), United States firms were permitted to import chrome and other minerals from Southern Rhodesia. Between 1 January and 30 September 1975, the United States received 43 shipments of minerals from Southern Rhodesia (see table 8 below).

124. On 18 December 1973, the United States Senate voted to repeal the Byrd amendment. The House of Representatives did not act on the amendment until 25 September 1975, however, when it refused a proposal to repeal the amendment. As a result, United States firms continue to violate sanctions against Southern Rhodesia by importing minerals from the Territory without fear of penalties being imposed on them.

125. According to a report published by the United Nations Association of the United States, national security and economic considerations have been advanced against the repeal of the amendment. The supporters of the amendment maintain that metallurgical grade chromite is essential to the United States economy and to its defence needs in a national emergency. They point out that the only other major source of supply is the Union of Soviet Socialist Republics; consequently the United States should have an alternate source of supply for such a vital product.

126. A second argument is that United Nations sanctions against Southern Rhodesia have caused a dramatic rise in chrome ore prices which has hurt the United States ferro-chrome industries by making their products too expensive to remain competitive. It is also said that the Southern Rhodesian ferro-chrome is important to the stainless steel industry of the United States.

127. Those in favour of the repeal of the amendment point out that the United States has stockpiled more than enough metallurgical grade chromite for its needs; since 1964 the stockpile has amounted to approximately seven times the national annual consumption, including civilian use, and is sufficient for 41 years of defence needs. In fact, between 1966 and 1971, the year the Byrd amendment was passed, the United States sold 204,491 tons of metallurgical chromite from the stockpile.

128. Supporters of the repeal also maintain that the United States does not have to depend on the Soviet Union for its metallurgical grade chromite, inasmuch as a number of other countries are also producers, including Brazil, Greenland, India, Iran, Pakistan and Turkey.

129. According to the same report, the Byrd amendment not only affected the price of chrome but also "any material determined to be strategic and critical". As a

result, the amendment "prepared the way for a boom in Rhodesian manufacture of ferro-chrome and its exports to the U. S.". One of the United States firms with interests in Southern Rhodesia is the Union Carbide Corporation, which since 1967 has owned and managed a ferro-chrome plant in Southern Rhodesia under the name Union Carbide Rhomet (Pvt.), Ltd. Another firm, Allegheny Ludlum Industries, Inc., which lobbied for the amendment in Washington, D.C. is one of the chief customers of Southern Rhodesian chrome.

130. To date, no further efforts have been made in the United States House of Representatives to repeal the amendment. It should be noted, however, that according to published sources, United States importation of these minerals since adoption of the Byrd amendment has substantially increased the sales of Southern Rhodesian minerals.

F. Participation of Southern Rhodesia in international sports events

131. It will be recalled that by paragraph 6 of resolution 217 (1965), the Security Council called on all States not to recognize the illegal régime in Southern Rhodesia.

132. Since the unilateral declaration of independence of 11 November 1965, the illegal régime has not been recognized by any Government. Nevertheless, it has repeatedly sought to participate in international sports events in order to obtain some form of recognition and has had some success in this regard. j/ For instance, Southern Rhodesia has been readmitted as a member of the International Lawn Tennis Federation (ILTF) and consequently to the Davis Cup tennis competitions. It has also attempted to gain readmission as a member of the Federation of International Football Associations (FIFA) and of the International Amateur Swimming Federation.

133. Moreover, the Territory continues to enjoy the support of other sports bodies. In January 1976, the World Amateur Golf Council (WAGC) reportedly rejected the application by New Zealand to be the host of the 1976 world amateur golf championship competition on the grounds that that Government had refused to accept Southern Rhodesian passports as valid documents for entry into New Zealand. WAGC reportedly wishes to have Southern Rhodesia represented at the competition. It will be recalled that, in 1974, WAGC changed the site of the competition for the Eisenhower Trophy from Kuala Lumpur for the same reasons.

134. Although Southern Rhodesian participation in international sports offers limited economic rewards for the Territory, the issue of recognition is at the heart of the question. The acceptance of Southern Rhodesian membership in international sporting events and the recognition of Southern Rhodesian passports for travelling purposes for Southern Rhodesian teams is a form of recognition of

j/ Official Records of the Security Council, Thirtieth Year, Special Supplement No. 2, vol. I (S/11594/Rev.1), paras. 118-148; and *ibid.*, Thirty-first Year, Special Supplement No. 2 (S/11927/Rev.1) paras. 78-87.

the illegal régime and the unilateral declaration of independence in contradiction to the resolutions of the Security Council.

G. Eighth report of the Security Council Committee

135. The eighth report of the Security Council Committee k/ indicates that there are still widespread violations of sanctions against Southern Rhodesia. The report shows that between 16 December 1974 and 15 December 1975 the Committee had before it 153 cases of possible violation of sanctions. Of this number, 114 concerned imports from Southern Rhodesia: metallic ores, metals and their alloys, 69; tobacco, 18; maize, 14; cotton and cotton seeds, 13. Thirty-nine cases concerned exports to Southern Rhodesia: fertilizers and ammonia, 15; and machinery, including aircraft and/or aircraft spares, 24.

136. The Committee also considered other cases, including possible violations of sanctions in the banking, insurance and related areas.

137. Non-governmental organizations have been a useful source of information for the Security Council. The eighth report of the Security Council Committee indicates that 11 cases under consideration were opened from information supplied by individuals and non-governmental organizations.

k/ Official Records of the Security Council, Thirty-first Year, Special Supplement No. 2 (S/11927/Rev.1).

Table 8

United States imports of strategic materials from Southern Rhodesia
from 1 January to 30 September 1975

<u>Commodity</u>	<u>Quantity</u> <u>(short tons)</u>	<u>Port of</u> <u>embarkation</u>	<u>Port of</u> <u>disembarkation</u>	<u>Estimated date</u> <u>of arrival</u>	<u>Vessel</u>	<u>Country of registry</u>
Low carbon ferro-chrome	1 104	Maputo, s/ Mozambique	Burnside, Louisiana	1 January	Yellowstone	United States
Ferro-chrome silicon	1 711	Maputo	Burnside	1 January	Yellowstone	United States
High carbon ferro-chrome	3 686	Maputo	New Orleans, Louisiana	4 January	Yellowstone	United States
Chromium ore	3 896	Maputo	New Orleans	4 January	Yellowstone	United States
High carbon ferro-chrome	543	Port Elizabeth, South Africa	Baltimore, Maryland	10 January	Austral Pilot	United States
Electrolytic nickel cathodes	20	Durban, South Africa	Seattle, Washington	5 February	Nedlloyd Kingston	Netherlands
Chrysotile asbestos fibres	134	Durban	New York, New York	6 February	Austral Pilgrim	United States
			Charleston, South Carolina			
Asbestos fibre	24	Durban	Charleston	12 February	Austral Pilgrim	United States
Asbestos fibre	32	Durban	Charleston	5 March	African Sun	United States
Chrysotile asbestos fibres	103	Durban	Charleston	6 March	African Sun	United States
Ferro-chrome silicon	1 378	Maputo	Burnside	1 April	Columbia	United States
Low carbon ferro-chrome	1 680	Maputo	Burnside	1 April	Columbia	United States
High carbon ferro-chrome	4 496	Maputo	Burnside	1 April	Columbia	United States
Chrysotile asbestos fibres	231	Maputo	Charleston	8 April	Austral Patriot	United States
Chromium ore	4 354	Beira, Mozambique	New Orleans	29 April	Columbia	United States
Ferro-chrome	11 023	Maputo	New Orleans	29 April	Columbia	United States
Low carbon ferro-chrome	1 378	Maputo	Burnside	30 April	Columbia	United States
High carbon ferro-chrome	545	Port Elizabeth	Baltimore	20 May	Austral Pilgrim	United States
High carbon ferro-chrome	2 341	Maputo	Burnside	20 May	Mohawk	United States
Low carbon ferro-chrome	1 102	Maputo	Burnside	20 May	Mohawk	United States
High carbon ferro-chrome	551	Maputo	Baltimore	26 May	Ascendant	Panama
Chromium ore	12 160	Maputo	Charleston	13 June	Sarina E. Rehmet	Pakistan
Chromium ore	7 716	Beira	New Orleans	15 June	Yellowstone	United States

Table 8 (continued)

<u>Commodity</u>	<u>Quantity</u> (short tons)	<u>Port of embarkation</u>	<u>Port of disembarkation</u>	<u>Estimated date of arrival</u>	<u>Vessel</u>	<u>Country of registry</u>
High carbon ferro-chrome	8 564	Maputo	New Orleans	15 June	Yellowstone	United States
High carbon ferro-chrome	1 662	Maputo	Burnside	15 June	Mohawk	United States
High carbon ferro-chrome	2 605	Maputo	New Orleans	16 June	Mohawk	United States
Chrysotile asbestos fibres	362	Durban	Charleston	1 July	Austral Pilot	United States
High carbon ferro-chrome	543	Port Elizabeth	Baltimore	4 July	Austral Pilot	United States
Electrolytic nickel cathodes	41	Durban	Baltimore	4 July	Sealand Resource	United States
Electrolytic nickel cathodes	143	Durban	Baltimore	12 July	Sealand Market	United States
Chrysotile asbestos fibres	66	Port Elizabeth	Charleston	16 July	Austral Pilot	United States
Electrolytic nickel cathodes	82	Durban	Baltimore	1 August	Sealand Market	United States
Chrome ore	16 325	Maputo	Charleston	2 August	Ogden Missouri	Panama
High carbon ferro-chrome	11 024	Maputo	New Orleans	11 August	Platte	Panama
Chrysotile asbestos fibres	212	Port Elizabeth	New York/ Philadelphia, Pennsylvania	18 August	Austral Pilot	United States
High carbon ferro-chrome	250	Maputo	Burnside	18 August	Great Faith	Panama
High carbon ferro-chrome	1 045	Maputo	Burnside	18 August	Great Faith	Panama
Chrome ore and concentrates	6 074 ^{b/}	Maputo	Charleston	25 August	Great Faith	Panama
Asbestos fibre	119	Port Elizabeth	Philadelphia	26 August	Austral Pilot	United States
Electrolytic nickel cathodes	55	Port Elizabeth	Baltimore	9 September	Mormacgen	United States
Crude chrysotile asbestos fibres	73	Port Elizabeth	Charleston	11 September	Austral Patriot	United States
Asbestos fibre	103	Port Elizabeth	Norfolk, Virginia	19 September	African Meteor	United States
High carbon ferro-chrome	545	Port Elizabeth	Baltimore	30 September	African Comet	United States

Source: United Nations press releases SC/3643 and SC/3685.

a/ Formerly Lourenço Marques.

b/ Exact tonnage being verified.

CHAPTER IX
(A/31/23/Add.3)

NAMIBIA

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CHAPTER IX

NAMIBIA

A. CONSIDERATION BY THE SPECIAL COMMITTEE

1. The Special Committee considered the question of Namibia at its 1031st and 1037th to 1040th meetings, between 12 May and 17 June 1976.

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 3399 (XXX) of 26 November 1975 on the question of Namibia and resolution 3481 (XXX) of 11 December 1975 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. By paragraph 11 of resolution 3481 (XXX), the General Assembly requested the Special Committee "to continue to seek suitable means for the immediate and full implementation of resolution 1514 (XV) in all Territories which have not yet attained independence and, in particular, ... to formulate specific proposals for the elimination of the remaining manifestations of colonialism and to report thereon to the General Assembly at its thirty-first 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 present chapter) containing information on developments concerning the Territory. The Committee also had before it a press release issued by the International Commission of Jurists on 11 June 1976 (A/AC.109/532).

4. In its consideration of the item, the Special Committee took into account the report of the Ad Hoc Group established at its 1029th meeting, on 1 April 1976 (chap. VII of the present report, annex I) (p. 17 above) which visited Africa during April and May 1976 in connexion with the discharge of the mandate entrusted to the Committee by the General Assembly, with specific reference to the questions of Southern Rhodesia and Namibia. At the 1031st meeting, on 15 April, the Chairman made a statement on the work of the Ad Hoc Group (A/AC.109/PV.1031).

1. Participation of the national liberation movement 1/

5. In conformity with the provisions of the relevant General Assembly resolutions and in accordance with established practice, the Special Committee, in consultation with the Organization of African Unity (OAU), invited the national liberation movement of Namibia, the South West Africa People's Organization (SWAPO), to participate in an observer capacity in its consideration of the item.

1/ For a summary of the meetings of the Ad Hoc Group with the national liberation movement, see chap. VII of the present report, annex I, paras. 37-50 (pp. 31-35 above).

6. In response to the invitation, the representative of SWAPO attended the relevant proceedings of the Special Committee (see para. 9 below).

2. General debate

7. In accordance with established practice, the President of the United Nations Council for Namibia participated in the work of the Special Committee relating to the item. The President of the Council addressed the Committee at its 1037th meeting, on 14 June (A/AC.109/PV.1037).

8. The Special Committee considered the question of Namibia at its 1037th to 1040th meetings, between 14 and 17 June, 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 Yugoslavia and Cuba at the 1037th meeting (A/AC.109/PV.1037); Australia, Bulgaria, Afghanistan, Czechoslovakia, Sierra Leone and the Syrian Arab Republic at the 1038th meeting (A/AC.109/PV.1038); India, Indonesia, China and Chile at the 1039th meeting (A/AC.109/PV.1039); and Norway, the Union of Soviet Socialist Republics and Iraq at the 1040th meeting (A/AC.109/PV.1040).

9. The representative of SWAPO, Mr. Mishake Muyongo, made a statement at the 1037th meeting (A/AC.109/PV.1037).

3. Draft consensus

10. At the 1040th meeting, on 17 June, the Chairman submitted to the Special Committee for its consideration a draft consensus on the item (A/AC.109/L.1095), prepared by him on the basis of consultations.

11. At the same meeting, the Special Committee adopted the draft consensus without objection (see para. 14 below). The representative of Australia made a statement (A/AC.109/PV.1040).

12. In addition to adopting the above-mentioned consensus on the question of Namibia, the Special Committee, at its 1040th meeting, on 17 June, considered and adopted an 11-power resolution on the report of the Ad Hoc Group, to which reference is made in paragraph 4 above. The text of the resolution (A/AC.109/534) and an account of its consideration by the Special Committee is contained in chapter VII of the present report (pp. 1-95 above).

13. On 18 June, the text of the consensus (A/AC.109/533) was transmitted to the President of the Security Council (S/12099). On 21 June, a copy of the consensus was transmitted to the Permanent Representative of South Africa to the United Nations for the attention of his Government. Copies of the consensus were also transmitted to the President of the United Nations Council for Namibia and to all States.

B. DECISION OF THE SPECIAL COMMITTEE

14. The text of the consensus (A/AC.109/533) adopted by the Special Committee at its 1040th meeting, on 17 June, to which reference is made in paragraph 10 above, is reproduced below.

1. Having considered the question of Namibia within the context of the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and having heard the statements by the President of the United Nations Council for Namibia 2/ and by the representative of the South West Africa People's Organization, 3/ participating as an observer, and taking fully into account the report of the Ad Hoc Group established by the Special Committee at its 1029th meeting on 1 April 1976, 4/ the Special Committee reaffirms its previous resolutions and decisions on the question and once again emphatically denounces the Government of South Africa for its persistent refusal to terminate its illegal occupation of Namibia in response to repeated demands by the Security Council and in conformity with its obligations under the Charter of the United Nations. The Special Committee condemns in the strongest possible terms the efforts by the South African régime to bolster its illegal presence by creating an atmosphere of terror and intimidation in the Territory and by employing tactics, based on the inhuman system of apartheid and "bantustanization", which are aimed at destroying the national unity and territorial integrity of Namibia.

2. In its further efforts to destroy the national unity of Namibia, the South African régime has not only continued to implement its policy of "bantustanization" in defiance of United Nations resolutions, but in 1975 resorted to the strategem of convening a so-called "constitutional conference" of hand-picked representatives, which has proposed a form of self-government based on the principle of apartheid. 5/ The Special Committee, noting that this so-called conference, from which representatives of non-white political parties were expressly excluded, was not representative of majority opinion amongst Namibians, considers that it must be disregarded as a device imposed by the South African régime to give a semblance of validity to its own preconceived policies.

3. The Special Committee reaffirms that the only political solution for Namibia must be one based on the free and unfettered exercise by all the Namibian people of their right to self-determination and independence within a united Namibia, in accordance with General Assembly resolution 1514 (XV) of

2/ A/AC.109/PV.1037.

3/ Ibid.

4/ CHAP. VII of the present report, annex I (p. 17 above).

5/ See annex to the present chapter, para. 31 et seq.

14 December 1960. The Special Committee fully endorses the position of the South West Africa People's Organization, the authentic representative of the people of Namibia, which is totally opposed to any political settlement that does not include majority rule and that is not based on the territorial integrity and unity of Namibia.

4. Mindful that the situation in Namibia poses a threat to international peace and security, the Special Committee considers that, in the event that South Africa does not comply with paragraphs 9 to 11 of Security Council resolution 385 (1976) of 30 January 1976, the Security Council should consider the adoption of appropriate measures under Chapter VII of the United Nations Charter in order to secure the implementation of its own decisions on the question. The Special Committee wishes to emphasize that, because of its status as an international Territory, Namibia is a special responsibility of the United Nations, which has a duty to do everything possible to terminate South Africa's illegal occupation of the Territory.

5. The Special Committee deplores the fact that recent actions by the Government of South Africa have so far been in flagrant contradiction to the letter and spirit of Security Council resolution 385 (1976).

6. Notwithstanding the fact that the Security Council in the above-mentioned resolution explicitly deplored the militarization of Namibia by the illegal occupation régime of South Africa and expressed its grave concern at South Africa's military build-up in the area, the Government of South Africa has continued the massive build-up of its armed forces in Namibia. The Special Committee condemns these provocative acts by South Africa as well as that Government's failure to take the necessary measures, including the release of political prisoners, the abolition of all racially discriminatory and politically repressive laws and practices and the provision of full facilities for the return to Namibia of political exiles without risk of arrest, detention, intimidation or imprisonment. In this connexion, the Special Committee notes with grave concern that the past six months have witnessed a wave of arrests and detentions of Namibians, including all the leaders of South West Africa People's Organization inside Namibia. These actions by the South African régime must be seen as an attempt to intimidate the Namibian people and as evidence of the intention of the Government of South Africa to resort to ever-increasing violence in an endeavour to obstruct the struggle of Namibians for self-determination and independence.

7. In this connexion, the Special Committee expresses its profound shock and indignation at the action taken by the illegal régime in Namibia in sentencing to death two members of South West Africa People's Organization, Aaron Mushimba and Hendrik Shikongo, and the sentencing of two women, Rauna Nambinga and Anna Nghihondjwa, to seven and five years' imprisonment respectively. The imposition of these sentences by a court having no jurisdiction in Namibia, which is an international Territory under the direct responsibility of the United Nations, is illegal, and the carrying out of these sentences, in particular the death sentences, would constitute a crime of the greatest magnitude. The Special Committee strongly supports the demand by the United

Nations Council for Namibia for the immediate and unconditional release of these prisoners, 6/ and also for the release of all other Namibian political prisoners in accordance with Security Council resolution 385 (1976). It earnestly hopes that all members of the international community will support this demand, and commends all those who have already done so.

8. At the same time, it is the clear responsibility of the entire international community to render all possible moral and material assistance to the Namibian people under the leadership of the South West Africa People's Organization, their national liberation movement, in their struggle for freedom and independence. To this end, the Special Committee reiterates its request that the Governments of all States Members of the United Nations should, inter alia, apply the provisions of Decree No. 1 for the Protection of the Natural Resources of Namibia, enacted by the United Nations Council for Namibia. 7/

9. Furthermore, mindful of the direct responsibility of the United Nations for Namibia and its people, the Special Committee strongly recommends that States Members of the United Nations contribute to the United Nations Fund for Namibia so as to provide greater assistance to the Namibian people in meeting present needs, particularly as regards the training of future governmental personnel. The Special Committee commends the example of those countries which are already contributing to the Fund and expresses the hope that they will increase their contributions. In this connexion, the Special Committee notes with satisfaction the forthcoming entry into operation of the United Nations Institute for Namibia at Lusaka and the establishment by the United Nations Development Programme of an indicative planning figure for Namibia for the period 1977-1981. It appeals to all States to assist or increase their assistance to the Institute.

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

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

6/ See A/31/93-S/12079, annex. For the printed text, see Official Records of the Security Council, Thirty-first Year, Supplement for April, May and June 1976 (S/12079), annex.

7/ Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 24A (A/9624/Add.1), para. 84. The Decree has been issued in final form as Namibia Gazette No. 1.

ANNEX*

WORKING PAPER PREPARED BY THE SECRETARIAT

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* Previously issued under the symbol A/AC.109/L.1069 and Add.1-2.

1. LAND AND PEOPLE

1A

A. Geography

1. Namibia, formerly known as South West Africa, lies along the South Atlantic Ocean between the 17th and 29th parallels of south latitude. It is bound on the north by Angola and Zambia, on the east by Botswana and on the south-east and south by the Republic of South Africa. The East Caprivi (also called 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 area of the Territory is approximately 824,296 square kilometres, including the area of Walvis Bay (1,124 square kilometres) which, although not formally a part of Namibia, is administered together with it.

B. Land distribution

3. Under South African administration, Namibia has been divided essentially into two parts: a northern part comprising about one third of the Territory where most of the Africans live, and a southern part, known as the Police Zone, for European settlement.

4. Since 1968, in the implementation of the Odendaal Plan, a/ the South African Government has further entrenched the division of the Territory into separate areas for black and white settlement. In accordance with the Plan, 40 per cent of the least desirable and least developed land has been allocated for the establishment of 10 separate non-white homelands b/ and a total of 43 per cent of the land containing most known mineral deposits has been reserved for white occupation. The remaining 17 per cent of the total area, containing all unsurveyed lands and the two large diamond areas on the south-west coast, is to revert to direct South African control.

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

b/ It is necessary for information purposes to refer throughout this paper to some terms commonly used by South Africans, such as "homelands" and "bantustans", as well as to legislation, 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", "Legislative Assembly", etc., without quotation marks does not in any way imply recognition by the United Nations of the illegal régime.

5. The legal basis for the establishment of homelands is contained in the Development of Self-Government of Native Nations in South West Africa Act of 1968, which delimits the boundaries of 6 of the 10 proposed homelands (Ovamboland, Kavangoland, East Caprivi, Damaraland, Hereroland and Namaland) and provides for the establishment of others by proclamation of the State President. By the end of 1972, three homelands, Ovamboland, Kavangoland and East Caprivi, had been proclaimed; their boundaries roughly correspond to the former so-called reserves occupied by the non-white groups involved, all of which stretch along the northern border of the Territory. Preliminary steps have also been taken towards the creation of other homelands (see paras. 68-83 below).

C. Population

6. According to official 1974 estimates, the population of the Territory was 852,000 (an increase of 89,800 compared with 1970), of which 738,000 were indigenous non-whites, 99,000 were whites, and 15,000 were classified as "others". The ethnic distribution of the population in 1960, 1970 and 1974 is shown in table 1 below. It may be noted that, according to the latest figures, in the period 1960-1974, the white population increased by some 34.8 per cent; Coloureds by 151 per cent; East Caprivians by 83 per cent; and Kavangos and Bushmen by more than 50 per cent.

7. In 1960, the last year for which information regarding population distribution is available, 54.5 per cent of the population of Namibia lived in four so-called northern Native reserves (Ovamboland, Okavango, Kaokoveld and East Caprivi), where there were only 358 non-Africans; and 45.5 per cent lived in the Police Zone, where white settlement was permitted. Of the total population in the Police Zone, Africans numbered 142,099; whites, 73,106; Coloureds, 12,699; and Basters, 11,257.

8. In November 1975, it was reported that, according to data acquired from political bodies and government spokesmen, some 5,000 Namibians had emigrated between 1972 and 1975, primarily to obtain high school and university education, owing to the lack of such facilities in Namibia.

Table 1

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

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

Sources: 1960 data from the 1960 population census; 1970 and 1974 data from the South West Africa Survey, 1974 (see S/11948/Add.1).

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

2. POLITICAL DEVELOPMENTS

A. General political situation

9. During 1975, South Africa continued to occupy and administer Namibia in defiance of the decisions of the United Nations and the International Court of Justice. Moreover, it continued its homelands policy for separate ethnic groups, strengthened its repression of the South West Africa People's Organization (SWAPO) and other dissident political groups, including in particular the Namibia National Convention (NNC) of which SWAPO is a member, and expanded its military presence.
10. In response to Security Council resolution 366 (1974) of 17 December 1974, South Africa further sought to create the impression that it was ready to introduce changes in the Territory and to grant the population the right to self-determination.
11. In particular, the South African press has given considerable publicity to the repeal or modification of a number of laws based on apartheid and other apartheid measures and to the convening of a so-called constitutional conference.
12. These developments are summarized below.

Security Council resolution 366 (1974)

13. It will be recalled that in 1974, by its resolution 366 (1974) the Security Council: (a) condemned the continued illegal occupation of Namibia by South Africa; (b) 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 of 21 June 1971 c/ and that it recognize the territorial integrity and unity of Namibia as a nation; (c) demanded that South Africa take the necessary steps to effect the withdrawal of its illegal administration and to transfer power to the people of Namibia; and (d) further demanded that South Africa, pending the transfer of power, inter alia, release all Namibian political prisoners and abolish the application of all racially discriminatory and politically repressive laws and practices, particularly bantustans and homelands. The Security Council decided to remain seized of the matter and to meet on or before 30 May 1975 to review South Africa's compliance with the terms of the resolution and, in the event of non-compliance, to consider appropriate measures to be taken under the Charter of the United Nations.
14. The official South African reply to the Security Council was preceded by a statement made on 20 May 1975 by Prime Minister B. J. Vorster, in which he said that his Government agreed in substance "with the most important aspects of the

c/ 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.

points of view" held by the United Nations and the Organization of African Unity (OAU) concerning "self-determination, independence and the maintenance of the territorial integrity of the Territory". d/

15. On 27 May 1975, Mr. Hilgard Muller, South African Minister of Foreign Affairs, transmitted his Government's reply to Security Council resolution 366 (1974) in a letter addressed to the Secretary-General. e/

16. In his letter, Mr. Muller recalled that

"the basis of the South African Government's approach to the question of South West Africa is that it is for the peoples of South West Africa themselves to determine their own political and constitutional future in accordance with their own freely expressed wishes ... and without interference from South Africa, the United Nations, or any other outside entity. All options are therefore open to them - including that of independence as one State if that is what they should choose. In accordance with this approach any political group in the Territory is free to campaign for and propagate any constitutional change it likes and to participate without hindrance in any peaceable political activities, including the election of representatives to the proposed conference on the constitutional future of the Territory provided only that they do so within the requirements of law and order." f/

17. Regarding the question of South Africa's withdrawal from the Territory and arrangements for the transfer of power, Mr. Muller said that it followed, from the policy enunciated above, that South Africa would remain in and continue to administer the Territory "only as long as the inhabitants so wish". He also asserted that his Government recognized "the distinct international status of South West Africa" and that it did not claim one inch of the Territory for itself.

18. Mr. Muller added that, despite the increasingly hostile and uncompromising attitude of the United Nations towards South Africa, and despite the fact that South Africa rejected United Nations supervision in the Territory, his Government remained prepared to negotiate with a personal representative of the Secretary-General, or to welcome African leaders or their representatives who might wish to visit the Territory or to learn at first hand about conditions there. It was also ready to discuss progress and developments with the President of the United Nations Council for Namibia or with the special OAU Committee on Namibia.

19. The Security Council considered Mr. Muller's letter at its 1823rd to 1829th meetings, between 30 May and 6 June 1975 (S/PV.1823-1829). Mr. Sam Nujoma, the President of SWAPO, attended the meetings at the invitation of the Council. Most members of the Council expressed the view that the South African Government had not indicated its intention to comply with the terms of resolution 366 (1974), particularly with regard to withdrawal from the Territory and recognition of the territorial integrity and unity of Namibia; as a consequence, the Security Council

d/ Official Records of the Security Council, Thirty-first Year, Supplement for April, May and June 1976 (S/11701), annex.

e/ Ibid., S/11701.

f/ See paras. 31-67 below.

would have to consider what further effective measures it should take under the Charter.

20. In a statement before the Council, Mr. Nujoma reported that after a careful examination of South Africa's reply, SWAPO had been unable to discern any change in South Africa's intention to continue with its previous policies, aimed at dividing the country into bantustans under the pretext of allowing each population group to choose its own future. Mr. Nujoma said that South Africa was cynically attempting to distort the position of OAU and the United Nations in order to justify its own imperialist designs to reduce Namibia to a weak confederation of ethnic "nations" which South Africa could continue to dominate and exploit.

21. Several members of the Security Council, including France, the United Kingdom of Great Britain and Northern Ireland and the United States of America, while agreeing that South Africa's response was unsatisfactory, did not consider that the situation in the Territory constituted a threat to international peace and security requiring action by the Security Council under Chapter VII of the Charter. They drew attention to what they considered one of the positive elements of South Africa's response, namely the offer to resume a dialogue with a representative of the Secretary-General and to enter into discussions with the President of the United Nations Council for Namibia and OAU. In this connexion, three members proposed that contacts with South Africa be resumed, with the goal of reaching agreement on the holding of free elections in Namibia under United Nations supervision.

22. On 6 June, the Security Council considered a draft resolution sponsored by Guyana, Iraq, Mauritania, the United Republic of Cameroon and the United Republic of Tanzania. g/ By this resolution, the Security Council would, inter alia, condemn South Africa's failure to comply with the terms of Security Council resolution 366 (1974) and declare that it was imperative that free elections be organized under the supervision of the United Nations not later than 1 July 1976. Further, acting under Chapter VII of the Charter, the Security Council would: (a) determine that the illegal occupation of the Territory of Namibia by South Africa constituted a threat to international peace and security; and (b) decide that all States should prevent any supply of arms and ammunition to South Africa. The resolution was not adopted, owing to the negative votes of three permanent members of the Security Council (France, the United Kingdom and the United States).

Assassination of Chief Filemon Elifas

23. On 16 August 1975, two weeks before the inauguration of the so-called constitutional conference, Chief Filemon Elifas, Chief Minister of Ovamboland and an advocate of separate development, was assassinated in the village of Ondangwa, in Ovamboland. Although no arrests were made for the murder, South African authorities suggested that SWAPO was responsible.

24. In a statement on 19 August, Mr. David H. Meroro, National Chairman of SWAPO, denied any involvement by his organization in the assassination and pointed out that SWAPO had on several occasions condemned acts of violence.

g/ Official Records of the Security Council, Thirty-first Year, Supplement for April, May and June 1976 (S/11713).

25. Immediately following the assassination, South Africa sent police reinforcements to Windhoek and Oshakati, the capital of Ovamboland, and detained 11 SWAPO and NNC leaders for questioning under the Terrorism Act, 1967. Numerous other arrests, particularly of lesser SWAPO members and of pastors of the Evangelical Lutheran Church of Ovambo-Kavango in Ovamboland, were reported. A list of detainees compiled by the Episcopal Churchmen for South Africa, based on reports from SWAPO, the Lutheran and Anglican churches and the press, contained 32 names, including those of six African Lutheran pastors and 11 SWAPO officials, among them Mr. Skinny Hilundua, Northern Chairman; Mr. Axel Johannes, Acting Secretary-General; Mr. Reuben Hauwanga, Secretary for Information and Publicity; Mr. Aaron Mushimba, National Organizer; and Mr. Samuel Shivute, Regional Secretary for Northern Namibia. Four members of NNC were also listed, including Mr. Albertus Kanguishi, its Chairman.

26. On 18 August, a meeting of prominent church leaders, including Bishop Lukas de Vries, head of the Evangelical Lutheran Church, adopted a resolution in which they concluded that the situation in the Territory was rapidly deteriorating because of the acts of "terror" committed by the tribal police in Ovamboland and the increasing numbers and activities of the South African army and police, whose presence was dividing the people into two antagonistic groups: the pro-South African headmen and government-elected leaders and the anti-South African black population. Subsequently, Bishop de Vries sent a petition to Mr. B. J. Van der Walt, Administrator of the Territory, strongly objecting to the arbitrary arrest of officers and other members of the Church and appealing to him to ensure an immediate trial for the detainees and to prevent further unnecessary intimidation and injury by police and soldiers.

27. On 29 August, the United Nations Council for Namibia issued a statement alleging that the real purpose of the "renewed acts of terror and brutality" was to arrest and imprison all the real and suspected political opponents of the régime before the so-called constitutional conference began. h/

28. On 26 August, the Ovamboland Legislative Council unanimously elected Pastor Kornelius Ndjoba to succeed Chief Elifas as Chief Minister. In various statements, Pastor Ndjoba has vowed to be relentless in his campaign against organizations and people who "indulge in intimidation and stand for violence", and to maintain law and order.

29. According to SWAPO, after Pastor Ndjoba's election, arrests continued nightly in Ovamboland: at least three homes were destroyed by fire and at least five civilians were killed and others injured by South African forces.

30. In October, it was reported that all but three of the SWAPO and NNC leaders held at Windhoek under the Terrorism Act had been released (see para. 25 above), but that at least 18 people were still being held incommunicado in Ovamboland

h/ Official Records of the General Assembly, Thirtieth Session, Supplement No. 24 (A/10024), vol. I, para. 214.

under the quasi-emergency proclamation. Africans still in detention were reported to include the top three SWAPO leaders in Ovamboland, four pastors of the Evangelical Lutheran Church of Ovambo-Kavango, Mr. Mushimba, Mr. Johannes and the Reverend Hisbia Uanivi.

B. So-called constitutional conference

31. It will be recalled that, in September 1974, the Executive Committee of the National Party of South West Africa first proposed talks between the whites and the representatives of the "other population groups" of the Territory, on the future pattern of the Territory's constitutional development (A/9775-S/11519). i/ The proposal for a conference was subsequently approved by the Territory's all-white Legislative Assembly, which stressed the traditional South African view of the separateness of the "other population groups" in the Territory and barred participation in the talks by non-white political parties, thereby assuring that each non-white "population group" would be separately represented.

Participation in the conference

32. In a letter dated 27 January 1976, addressed to the Secretary-General (S/11948), the Permanent Representative of South Africa to the United Nations said that representatives of groups constituting 74 per cent of the population (Coloureds, East Caprivians, Kavangos, Ovambos, Rehoboth Basters and whites) had been chosen to attend the conference "in accordance with established electoral machinery and by way of free elections witnessed by the press" and that representatives of the remaining groups (i.e., Bushmen, Damaras, Hereros, Kaokovelders, Namas and Tswanas), although designated "by more traditional means none the less" represent a majority of the rest of the inhabitants". As a result, he claimed, the conference was "as broadly representative as is possible at this time".

33. It may be noted that, as a result of the decision of the Legislative Assembly to ban non-white political parties, both SWAPO and NNC were excluded from sending representatives to the talks. Moreover, although South Africa claimed that the conference was widely representative, significant elements within several of the "population groups" also repudiated the representative value of the conference. According to press reports, where elections had taken place, as in Ovamboland, the results had been bitterly disputed. In the case of the Damaras, the members of the delegation were from a "splinter faction" which was only recognized after the Damara Tribal Executive Committee and the Damara Advisory Council, the traditional leaders of the group, refused to participate in the conference unless, inter alia, it was held under international supervision. Members of the Rehoboth Baster, Nama and Herero communities also challenged the legitimacy of their accredited delegates.

First phase

34. The first phase of the so-called constitutional conference, attended by

i/ For the printed text, see Official Records of the Security Council, Twenty-ninth Year, Supplement for July, August and September 1974 (S/11519).

156 delegates representing all the "other population groups" in the Territory as well as whites, was held in closed session at Windhoek from 1 to 12 September 1975. According to conference sources, the purpose of this phase was to decide generally on the form of the Territory's future independence.

35. On 10 September, an 11-member sub-committee presented to the plenary meeting a draft declaration of intent which, according to press reports, had been drafted by the two white delegates, both members of the ruling National Party of South West Africa. The Declaration of Intent was adopted with only minor modification on 12 September.

36. In the Declaration, the representatives, claiming that they were the "true and authentic representatives of the inhabitants of South West Africa", exercising their right to self-determination and independence: (a) condemned the use of force "or any improper interference" to overthrow the existing order; (b) resolved to create a form of government which would guarantee "to every population group the greatest possible say in its own and national affairs"; and (c) called for the drafting of a "constitution for South West Africa" within a period of three years. No mention was made of independence or of a unitary State, majority rule or a central parliament. One article in the press suggested that, although the Declaration did not postulate sovereign independence for each of the so-called population groups, it did in essence envisage the attainment of independence by Namibia as a loose confederation of ethnic states with whites retaining the most valuable land areas. Thus, it appeared that the Declaration represented only a refinement of South Africa's official policy of separate development.

Position of the United States, the United Kingdom and the Federal Republic of Germany

37. In September 1975, following the adjournment of the conference, 34 delegates representing all of the so-called population groups, accompanied by officials of the South African Ministry of Foreign Affairs, visited the United States, the United Kingdom and the Federal Republic of Germany in an effort to obtain international support for the proposals embodied in the Declaration and recognition of themselves as the true and authentic representatives of the Namibian people. Members of the delegation included Herero Chief Clemens Kapuuo, Mr. B. J. Africa, Chairman of the Baster Advisory Board, Mr. A. J. F. Kloppers, Chairman of the Coloured Representative Council, Mr. Peter Kulungulu, of Ovamboland, and Mr. Dirk Mudge, a white delegate (see para. 90 below).

38. At the time, SWAPO denounced the delegation as an "unrepresentative group" which was "clearly working in collusion with the enemy against the true aspirations and legitimate interests of our country". On 6 October, the Chief Representative of the SWAPO observer mission to the United Nations, in a telegram addressed to the Secretary-General, urged him not to receive the delegation.

39. After two days at Washington, D.C., the delegation met with Representative Edward Beister, Jr. of Pennsylvania, a member of the House of Representatives, and Mr. Roy T. Haverkamp, Director of the Office of Southern African Affairs at the

United States Department of State. Subsequently, The New York Times reported that both Mr. Beister and Mr. Haverkamp had expressed the view that the constitutional conference was not genuinely free of South African influence and had reiterated the position of the United States Government which did not recognize South African administration of the Territory.

40. At London, on 21 October, following a meeting with the delegation, Mr. David Ennals, Minister of State at the Foreign and Commonwealth Office, issued a statement in which he reiterated his Government's view that the Territory's constitutional future must be decided by an internationally supervised nation-wide election or referendum in which all political parties should take part. Mr. Ennals also repeated his Government's belief that South Africa's occupation of Namibia was illegal; expressed regret that political parties had not been involved in the talks; and deplored the lack of freedom in the Territory and detention without trial.

41. On 29 October, the Permanent Representative of the Federal Republic of Germany to the United Nations sent a letter to the President of the United Nations Council for Namibia on the talks held by the Federal Foreign Office with the delegation. In his letter, the Permanent Representative said that, as a matter of principle, the Federal Government was always willing, in the interests of a peaceful solution, to talk with all parties involved in a conflict and had taken advantage of the delegation's presence to explain the following views of his Government: (a) South Africa's presence in Namibia had no foundation in international law; (b) the population must be allowed to determine its political future through free elections under United Nations supervision; (c) Namibia must attain its independence without delay while preserving its territorial integrity; and (d) the political groups in Namibia must be allowed to take part in the process, since a solution on ethnic lines alone would not hold out any hope of success.

Second phase

42. On 10 November, the constitutional conference resumed after a two-month recess purportedly to consider questions of discriminatory practices and the establishment of a new social and economic order. Although initial press reports suggested that the session would last at least two to three weeks, the conference met for only four days and adjourned until March 1976. During the four days, separate committees were established to study various aspects of discrimination (see para. 44 below).

43. Prior to its adjournment, the conference also decided to decrease the total number of representatives from 156 to 136; to increase the size of the white delegation from two to six members, including Mr. A. H. du Plessis of the National Party of South West Africa and theretofore Minister of Public Works and Community Development in the South African Government; and to permit political parties to submit "evidence", provided they espoused a "peaceful solution" to the Territory's future and were approved by the plenary session.

Third phase

(a) Proceedings

44. The third session of the so-called constitutional conference was held between 2 and 19 March 1976 to consider the initial reports of the four committees assigned to make recommendations on the following: (a) discrimination in employment and the abolition of pass laws (first committee); (b) economic advancement of non-whites with special reference to the possibility of granting African property rights in urban and rural areas (second committee); (c) the social advancement of non-whites in the areas of housing and public amenities (third committee); and (d) education and educational facilities (fourth committee).

45. By the end of the session, preliminary reports had been tabled by all except the second committee, which informed the conference that it required additional expert assistance in drawing up a comprehensive development plan. According to press reports, the recommendations of the first and fourth committees were unanimously adopted by the plenary session; the report of the third committee had been tabled on the last day of the conference and was therefore not discussed (see paras. 55-56 below).

46. During the session, the conference also appointed two additional committees: a constitutional committee headed by Mr. Dirk Mudge, a member of the white delegation; and a finance committee, headed by Mr. Eben van Zijl, also white. According to press reports, the mandate of the constitutional committee is to arrive at "certain guidelines" on which the future political pattern of "South West Africa" is to be based; the finance committee is to consider the financial implications of decisions taken by the conference and ways and means to meet current expenditures.

(b) Herero constitutional proposals

47. On 8 March, Herero Chief Clemens Kapuuo submitted to the conference a document containing constitutional proposals on the basis of one man, one vote. According to one report, the proposed constitution would give each tribal or racial group its own representation in the legislature, and would thereby enshrine apartheid, although in a less rigid form. It would also provide for the establishment of a 100-member bicameral legislature, one house to represent East Caprivi, Kavangoland and Ovamboland, and the other the Police Zone and the Kaokoveld. The document also proposed that the South African Government recognize the constitutional conference as the true representative of the Namibian people and empower it to arrange within one year for democratic elections, under international supervision, for a constituent assembly and, pending the election, to grant the conference total legislative competence with respect to Namibia.

48. According to available information, the conference appears to have taken no action on these proposals.

(c) Protests

49. Despite the appearance of consensus achieved by the adoption of the recommendations of two committees, press reports on the session indicated that, in fact, many non-white delegates felt that the conference was moving too slowly and was being manipulated by the white delegation in order to delay the drafting of an independence constitution.

50. It was also reported that many delegates were dissatisfied with specific recommendations, especially those on education, and that two Rehoboth delegates had resigned in protest over the recommendation that new identity cards would identify all inhabitants of the Territory as "citizens of South Africa" (see para. 55 (a) (i) below).

51. On the last day of the session, members of the Coloured and Rehoboth delegations issued separate statements criticizing the conference. The statements had been specifically provoked by the tabling some days previously in the South African Parliament of a Rehoboth self-government bill which would give the Rehoboth Gebiet status equivalent to a homeland (see paras. 75-76 below).

52. In their statements, the Coloured delegates said that the introduction of the Rehoboth self-government bill before the conference had decided on a future constitutional pattern gave the impression that the South African Government was attempting to buy time while continuing to implement the Odendaal Plan (see para. 4 above). It also called on the Government to keep its "hands off" the Territory if it wanted to avoid totally destroying the credibility of the conference.

53. The Rehoboth delegates stated that the only achievement of the conference had been to give apartheid and discrimination a new mask, while pretending that Namibia had entered a new era. The delegates also said that the appearance of consensus had been achieved by allowing only the 11 so-called leaders, some of whom were in fact representatives of the South African Government, to vote, and that the conference had wasted time by investigating small matters rather than working on the formulation of a constitution in which such issues could have been finally resolved.

54. The conference has also continually been denounced by SWAPO. On 3 March, the SWAPO representative in West Africa issued a statement condemning the conference as illegal because it was "organized, supervised, and controlled by the illegal South African administration" and because it encouraged tribalism. He also said that the talks were being organized purely and simply in the interests of the white minority and were far from meeting demands for immediate majority rule.

(d) Recommendations

55. The principal recommendations of the three committees are as follows:

(a) First committee: (i) abolition of the present pass laws and their

replacement by a system under which every resident of the Territory would be issued a uniform identity card, denoting his ethnic group in code and carrying the phrase "citizen of South Africa" with "resident of South West Africa" in brackets if desired; (ii) retention of influx control; (iii) establishment of a minimum wage for unskilled workers within one year, amounting to R 54 j/ per month in cash if benefits (food, lodging, etc.) were included, or R 106 without benefits; (iv) equalization within three years of the wages of non-white professionals, artisans and other skilled workers with those of whites; (v) levying of an income tax on all residents; and (vi) introduction of a compulsory pension scheme for all workers. The committee recommended that none of its recommendations concerning wage increases should be made compulsory; compliance by employers in the private sector should be strictly on a voluntary basis.

(b) Third committee (preliminary recommendations on housing): all dwellings occupied by non-whites in the Territory should be equipped with ceilings, bathroom facilities, flush toilets and electricity and higher rents would be charged for any improvements made.

(c) Fourth committee: (i) consideration should be given to the gradual introduction of compulsory education for non-whites, depending on the availability of facilities; (ii) separate school systems for whites, Africans and other non-whites should be retained, although standards and curricula should be uniform; and (iii) priority should be given to establishing non-white schools in rural areas.

56. Available information indicates that the recommendations of the conference are purely of an advisory nature and have no binding effect either on the South African Government, the territorial administration or the private sector.

Opposition to the so-called constitutional conference

(a) General opposition

57. The conference has been widely criticized both inside and outside the Territory as yet another manoeuvre by South Africa to perpetuate separate development under the guise of allowing the people of the Territory to determine their own future. Similarly, the non-white delegates to the talks have been denounced as "stooges" of the South African Government by SWAPO and NNC and, in some cases, by the groups they claim to represent. The criticisms appear to have been fully borne out by the Declaration of Intent which failed to acknowledge the territorial integrity of the Territory (see paras. 35-36 above).

(b) SWAPO

58. SWAPO has consistently condemned the so-called constitutional conference as

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

a further device by the South African Government to entrench "bantustanization" in the Territory. As reported previously, shortly after the conference was first proposed, SWAPO called on Africans in Namibia to boycott any elections held for the purpose of choosing representatives to the conference, and itself organized a boycott of the Ovamboland elections which was rendered ineffective by the intervention of South Africa. SWAPO also warned South Africa that unless "meaningful" talks were held, the struggle for national liberation would continue and grow. SWAPO insisted that for the conference to be meaningful South Africa should: (a) acknowledge the right of the Namibian people to independence and national sovereignty; (b) accept the absolute inviolability of Namibian national sovereignty; and (c) recognize SWAPO's role as the sole authentic representative of the Namibian people.

59. South Africa has unsuccessfully attempted to stifle SWAPO's opposition to the conference by prohibiting the holding of public meetings (see paras. 97-100 below) and, more importantly, by arresting key SWAPO leaders under the Terrorism Act, allegedly in connexion with the assassination of Chief Elifas (see paras. 23-30 above).

60. Despite South African repression, a few days before the opening of the conference, SWAPO issued a discussion paper on the constitution of an independent Namibia in which it advocated the establishment of a republic, headed by a directly elected president, with a directly elected legislature of 100 members; a comprehensive bill of rights; the enactment of comprehensive and effective anti-discrimination legislation; and the retention of a national system of local government. An article published in The Star (Johannesburg) noted in particular that these proposals provided comprehensive safeguards against domination by the Ovambo of a unitary independent State, a development allegedly feared by minority groups.

61. On conclusion of the first phase of the conference, SWAPO issued a statement in which it said that the talks had simply served "to put a rubber stamp on the South African Government's bantustan policy" and were a "monumental exercise in Boer bad faith". According to one source, SWAPO expected that the conference would eventually approve the independence of Ovamboland, thus separating it from the rest of the Territory.

(c) Namibia National Convention (NNC)

62. Another political organization which has actively opposed the holding of the conference on an ethnic basis is NNC, a five-party coalition comprising SWAPO, the South West Africa National Union (SWANU), the Damara Tribal Executive Committee, the Nama People's Democratic Organization (NAPDO) and the Rehoboth Volkspartei. As noted in paragraphs 23-30 above, two weeks before the opening of the conference, key leaders of the organization were detained under the Terrorism Act.

63. On the first day of the conference, 60 members of NNC staged a silent demonstration in front of the conference hall, during which they carried placards

calling on South Africa to withdraw from Namibia. In a statement to journalists, Mr. Jephtha Tjonzongoro, President of NNC, said that his organization had rejected the conference because its delegates represented only a minority of the population of Namibia; therefore, NNC could not agree to any settlement for independence reached at the meeting. He added that NNC would consider participating in future constitutional talks, provided the South African Government met certain conditions, including: (a) the release of all political prisoners; (b) allowing all political exiles to return to Namibia without fear of persecution; (c) revocation of the quasi-emergency regulations in effect in Ovamboland; (d) the immediate cessation of all moves to establish homelands; (e) recognition of the territorial integrity of Namibia, including Walvis Bay and East Caprivi; and (f) withdrawal of all South African police.

Okahandja Summit

64. Following the adjournment of the first phase of the conference, the Damara Advisory Council and other opponents of the conference, including the Damara Tribal Executive Committee, members of the Herero and Nama communities and representatives of the Voice of the People (a political party representing Namas and Damaras) met at Okahandja in what is known as the Okahandja Summit to issue a statement officially dissociating themselves from the conference and expressing their intention to strive for a unitary State based on a universal declaration of human rights. They also announced their intention to seek a hearing at the United Nations during the thirtieth session of the General Assembly.

65. On 22 September, eight leaders of the Okahandja Summit addressed a telegram to the Secretary-General urgently appealing for an oral hearing in order to "give personal evidence against the forces of the South African Government" (A/C.4/784/Add.1). The request for a hearing was subsequently granted by the Fourth Committee.

66. The petitioners failed to appear, and it was reported at the end of December that 10 of the members of the Okahandja Summit had just received their passports after a delay of more than three months since submitting their applications. The other members of the group had not yet received an acknowledgement from the South African Government concerning their applications.

Statement by the United Nations Council for Namibia

67. In its statement, issued on 29 August 1975 (see para. 27 above), the United Nations Council for Namibia noted that the so-called constitutional conference excluded the authentic representatives of the Namibian people and urged the international community to frustrate the South African manoeuvre and to exercise pressure on the South African racist régime in order to compel it to withdraw from Namibia.

C. Policy of fragmentation: implementation
of the Odendaal Plan

68. It will be recalled that, since 1968, the South African Government has progressively implemented a policy of fragmentation of Namibia by establishing homelands along the lines recommended by the Odendaal Commission (see paras. 4-5 above). By the end of 1974, three homelands (Ovamboland, Kavangoland and East Caprivi) had been created. Ovamboland and Kavangoland, with elected legislative councils, have since been designated "self-governing areas within the Territory of South West Africa". On the other hand, East Caprivi, which has an appointed legislative body with more limited powers than the others, is considered to be in the first stage of self-government.

69. During 1975, South Africa took steps to establish Basterland and Namaland as homelands and to elevate East Caprivi to the same constitutional status as Ovamboland and Kavangoland. No clear position was taken, however, on the possible separation of Ovamboland from the rest of Namibia.

Basterland

70. As previously reported, in February 1975, five of the seven elected members of the Rehoboth Advisory Board, all members of the anti-government Volkspartei, resigned in protest against the draft constitution presented by the South African Government for Basterland, which provided, inter alia, for a government to be headed by a chief elected for life and a three-member Assembly (Volksraad). In submitting their resignation, the five members said the draft constitution was a "blueprint for a bantustan".

71. Elections of new members to the Rehoboth Advisory Board were held in April 1975. Four of the five newly elected members were members of the Bastervereniging, headed by Dr. Africa, a supporter of both the so-called constitutional conference and separate development. The elections were criticized by the head of the Rehoboth Volkspartei, who alleged that improper influence had been exercised by the parastatal Rehoboth Development Corporation. The United Nations Council for Namibia termed the elections "manipulated" and "fraudulent".

72. Shortly after his election, Dr. Africa announced that the new Rehoboth Advisory Board had submitted modifications to the draft constitution to the South African Government which, if approved, would make the constitution totally acceptable to the Board as the basis for a self-governing homeland. The modifications included reducing the term of office of the chief from life to five years, and increasing the composition of the Assembly from three to six elected members. Dr. Africa said that he had already discussed the proposed changes with the South African Minister of Coloured, Rehoboth and Nama Affairs who had provisionally accepted them, while making it clear that machinery to prepare the draft constitution in final form had still to be created, and that no action was possible before the next session of the South African Parliament.

73. On 16 May, Dr. Africa presented an eight-point programme for the future, in which he called for the rejection of SWAPO as the representative of the Territory's people; the use of the term "Namibian"; the concept of a unitary State; and the principle of "one man, one vote". The programme also endorsed co-operation with the South African Government and retention of Baster identity.

74. On 27 May, the Rehoboth Advisory Board formally accepted an invitation to participate in the constitutional conference.

75. While the constitutional conference was in session in March 1976, the South African Government introduced legislation in Parliament providing for the establishment of a Rehoboth legislative assembly with limited powers and for Rehoboth citizenship.

76. Introducing the bill, Mr. H. H. Smit, South African Minister of Coloured, Rehoboth and Nama Affairs, said that it had been proposed in response to Rehoboth demands for greater local self-government, and denied that it implied eventual sovereign independence. The bill has been condemned both by opposition members in the South African Parliament and by members of the Rehoboth community as constituting interference by South Africa in the affairs of the Territory. Opponents of the bill pointed out that because of insufficient evidence that the proposed legislation was acceptable to all the people of the Territory, its adoption would be contrary to the assurances given by South Africa to the United Nations that any independence moves would be in accordance with the wishes of the population of Namibia as a whole.

Namaland

77. The South African Government took the first steps towards the creation of Namaland in 1972, when it set aside land for Nama "use and occupation". Since then, according to the annual report of the South African Department of Coloured Relations and Rehoboth Affairs for the year ending 31 March 1974, k/ South Africa has taken further steps to complete the legal framework for a Nama homeland, including, most importantly, the drafting of a "Namaland" constitution. In addition, an over-all agricultural plan and other works continue to be carried out, including provision of a water supply and erection of boundary fences.

East Caprivi

78. In July 1975, Mr. M. C. Botha, South African Minister of Bantu Administration and Development, announced that East Caprivi would be elevated to the "same constitutional level" as Ovamboland and Kavangoland as soon as a draft constitution, then being prepared by his Department, was approved by the two tribes in the homeland. According to Mr. Botha, the draft constitution provided for a legislative council, which would include 12 elected members and would have the power not only to

k/ In November 1974, the Department was renamed the Department of Coloured, Rehoboth and Nama Affairs.

legislate for the homeland, but also to amend existing legislation of the Republic of South Africa in so far as it affected the people of East Caprivi. He also said that "in accordance with the South African Government's policy of self-determination", the final form of the constitution would be left to the East Caprivians themselves.

79. In March 1976, the South African Parliament promulgated a Caprivi Constitutional Proclamation granting the East Caprivi self-government and status as a homeland from 1 April 1976. The Caprivi Constitutional Proclamation grants the homeland the same self-governing powers as Ovamboland and Kavangoland. It also provides that the area shall be renamed "Caprivi" and have its own official language (Lozi), official gazette, flag and national anthem.

Ovamboland

80. Following his re-election in January 1975, the late Chief Minister Elifas of Ovamboland (see para. 23 above) announced that he was ready to negotiate with the South African Government for the eventual independence of his homeland. In subsequent statements during the year, however, Chief Elifas manifested a hesitant attitude towards the question of total independence, which was echoed in statements by Mr. J. de Wet, Commissioner-General for the Indigenous Peoples of South West Africa, who had originally proposed the idea of the creation of an independent Ovambo State. For instance, in a statement on 13 May, Chief Elifas said that his Government was taking steps on the road to political development, but that a final decision as to whether the homeland would seek full sovereign independence or another form of relationship with the remainder of the Territory would depend on the outcome of the constitutional conference. Shortly afterwards, in a statement at Oshakati on 22 May, Mr. de Wet said that "the deteriorating situation in Angola" had had the effect of causing the Ovambos to question the desirability of immediate independence and the withdrawal of South Africa's stabilizing presence.

81. On 6 August, a meeting was held between Prime Minister Vorster and the Ovambo Cabinet during which, according to press reports, the question of independence was alluded to only briefly by Chief Elifas, who was quoted as saying that he was continually endeavouring to lead Ovamboland to political independence, but that he and his people were depending on the support they received from the Government of South Africa. In reply, Mr. Vorster was reported to have said that he had given the Ovambo Cabinet assurances that the present system of government would be maintained as long as the people so desired and that the South African Defence Force and police would remain in Ovamboland for as long as the homeland government regarded their presence as essential to the maintenance of law and order and continued peaceful development. Mr. Vorster also assured the Ovambos that South Africa, within its ability under prevailing world economic conditions, would continue to assist Ovamboland to develop further. As regards greater autonomy for Ovamboland, Mr. Vorster said that he was ready to consider the request of Chief Elifas that responsibility for road transportation, health and information be added to the functions already exercised by the Ovamboland Government.

82. Mr. Vorster also announced that, in response to a request for strict control of the Angola border "in the interest of the people", no one in future would be allowed to cross into Angola without a special permit. According to reports, increasing numbers of Ovambos had again been crossing the border into Angola on their way to joining SWAPO camps in other countries.

83. On 24 September, in a statement relating to the constitutional conference, Pastor Ndjoba, Chief Elifas' successor, said that although he subscribed to seeking a satisfactory solution to the problems of South West Africa, he would be leaving his people "in the lurch" if he abandoned his aim for full political independence.

D. Policy of apartheid

84. As part of its general campaign to win support for its policy towards Namibia during 1975, the South African Government, as well as the Government of the Territory, repealed or amended a number of territorial laws based on the principle of apartheid. These changes were generally heralded by the Western press as being of major importance and reflecting a genuine intention on the part of the South African Government to move away from rigorous segregation on the basis of race in Namibia. As will be described below, however, a closer study indicates that the measures repealed were actually of marginal significance.

Measures taken by the Government of South Africa

85. In his letter of 27 May 1975 (see paras. 15-18 above), the South African Minister of Foreign Affairs informed the Secretary-General that, on 9 April 1975, 1/ his Government had repealed or modified various proclamations affecting the Territory's African population "because they were obsolete or embodied unnecessary restrictive or what might be termed discriminatory aspects".

86. The proclamations in question included in particular the Extra-Territorial and Northern Natives Control Proclamation No. 29 of 1935, which provided that every "northern Native" (resident of Ovamboland, Kavangoland, East Caprivi or Kaokoveld) must carry an identification pass at all times and produce it on demand to any police officer or authorized person. Repeal of this proclamation was described in the Namibian press as eliminating the Territory's pass laws.

1/ Proclamation No. 105.

87. Other proclamations reportedly repealed or modified on 9 April were:

(a) The Masters and Servants Proclamation No. 34 of 1920, which, inter alia, provided for mandatory employment contracts between Africans and whites and which defined any breach of contract by the former, including disobedience, as a criminal offence (repealed in toto);

(b) The Control and Treatment of Natives on Mines Proclamation No. 3 of 1917, of which various sections were repealed and which, inter alia, imposed criminal sanctions for disobedience by Africans employed on mines and works;

(c) The Native Administration Proclamation No. 11 of 1922, section 19 of which was repealed (forbidding any person other than an official appointed by the Administrator to recruit labour in Ovamboland or Kavangoland).

88. In a statement issued on 4 June, the United Nations Commissioner for Namibia noted that South Africa's claim to have repealed Namibian pass laws was completely misleading since numerous other laws affecting the same tribes, as well as all others in the Territory, remained on the books. According to the Commissioner's statement, proclamations which had essentially the same effect as the repealed "pass law", and which remained in effect included:

(a) The Native Administration Proclamation No. 11 of 1922, which requires every non-exempt African to carry a pass when away from his location, farm or place of residence;

(b) The Natives (Urban Areas) Proclamation No. 56 of 1951, which requires every African in an urban area to carry a permit to be in such area;

(c) The Employment Bureaux Regulations No. 323 of 1972, which, inter alia, require every employed African in the Police Zone to carry his employment authorization as a pass.

89. The repeal and amendment of the foregoing legislation has neither impressed the international community nor had much effect on the African population. In a statement on 29 May, Mr. Gerson Veii, President of SWANU, said that the abolition of the identification pass law was "just a sugar-coated pill used for bribery" and that his organization was fighting for total and complete independence. Subsequently, on 30 May, Mr. Rupiah B. Banda, then President of the United Nations Council for Namibia, in a statement before the Security Council, which was meeting to consider South Africa's compliance with resolution 366 (1974), dismissed the repeals as "nothing more than window-dressing". Mr. Banda added that "such manoeuvres by South Africa only demonstrate a lack of seriousness on its part to find a peaceful solution to the problem of Namibia" (see S/PV.1823).

Measures taken by the territorial Government

90. Referring to the question of race relations, Mr. Mudge, senior member of the Executive Committee of the Legislative Council, announced in June 1975 that, on

the basis of recommendations of a five-member commission of inquiry appointed to study the question, the Executive Committee had decided to move for the elimination of "certain irritating measures and practices" based solely on colour. As noted by Mr. Mudge, the changes to be made involved three categories of discrimination: (a) the admission of Africans to hotels, restaurants and cafés; (b) the segregation of people by race in public buildings; and (c) pass laws, influx control and freedom of movement. Mr. Mudge stated that legislation would soon be introduced to give to individual proprietors freedom of choice regarding the admission of Africans to their premises and that signs in public buildings specifying "whites" and "non-whites" would be removed. He also noted, however, that although the Executive Committee was "in principle" in favour of greater freedom of movement, it was of the opinion that essential influx control should be retained.

91. On 30 August, it was reported that the territorial Government had taken the first steps towards implementing the above recommendations by having "whites only" and "non-whites only" signs removed from most of Windhoek's public buildings.

92. Subsequently, on 17 September, the Legislative Assembly voted to amend Liquor Ordinance No. 2 of 1969, ostensibly to permit the admission of non-whites to previously restricted hotels, restaurants and cafés. An analysis of the legislation in The Windhoek Advertiser noted, however, that "although it appears on paper as if South West Africa will soon have hotels and accommodation establishments for all races, a close scrutiny of what was said in the Legislative Assembly yesterday tells a completely different story ... anyone who thinks that South West Africa is on the eve of multiracial hotels enjoying official blessing is completely wrong".

93. In support of its interpretation, the article referred to a statement by Mr. Adolf Brinkmann, a member of the Executive Committee, whom it quoted as having said that, under the new legislation, no proprietor would be compelled to admit Africans to his premises, whereas in cases where a multiracial permit was applied for and granted, any additional conditions on the admittance of Africans could be imposed, the licence repealed or certain "privileges" amended or withdrawn. Mr. Brinkmann was also reported to have stressed that exclusive hotels for whites would remain, as the absence of such hotels could lead to friction. The amended legislation became effective in December 1975.

94. With respect to recommendations on influx control, press reports indicate that despite pronouncements to the contrary, regulatory measures have been generally tightened rather than relaxed.

95. On 18 June 1975, for example, Brigadier W. Louw, Divisional Commander of Police, issued a warning that police would begin to crack down on the so-called illegal employment of Africans in the white area with an eye to removing unauthorized Africans to their respective homelands. Brigadier Louw said that illegal employment was of such magnitude that the efforts of police to control influx were being seriously hampered. He asserted that during the preceding 30 months, 9,000 Africans had been "repatriated" to their homelands at a considerable cost to the Government.

E. Other measures of repression

96. Before convening the so-called constitutional conference, South Africa made new efforts to silence individuals and organizations opposed to its occupation of Namibia. Apart from the massive detentions made in connexion with the assassination of Chief Elifas (see paras. 23-30 above), the South African régime prevented the holding of political meetings and related protests; ordered the deportation of Bishop Richard J. Wood, Anglican suffragan bishop of Damaraland; and banned the distribution of political insignia. Details of these repressive measures are summarized below.

Interference with public meetings

97. In June 1975, Windhoek municipal authorities forbade NNC and SWAPO to hold political rallies in the centre of Windhoek and subsequently enacted legislation to confine political activities by Africans and Coloureds to their respective townships.

98. On 11 June, the Windhoek City Council rejected an application by NNC to hold a peaceful parade through the centre of Windhoek on 14 June. Although the parade was subsequently cancelled, special police units armed with machine pistols and riot sticks were dispatched at dawn on 14 June to the designated gathering place in Katutura, the African township, where they remained for one hour, during which time a military helicopter circled the area. Later the same day, 18 members of NNC, including three members of its Executive Committee, peacefully protesting against the banning of the march by carrying placards in front of the Inland Revenue office in Windhoek, were arrested by a squad of riot police in full battle dress, armed with rubber truncheons and accompanied by police dogs. On 15 June, after a rally at Katutura attended by 1,500 Africans, riot police barricaded the main road between the township and the city of Windhoek, allegedly to prevent a march on the Windhoek city prison where the 18 arrested men were being held. The arrested men were released from gaol on 17 June.

99. On 18 June, the Windhoek Chief Magistrate, acting under instructions from Mr. J. T. Kruger, South African Minister of Justice and Police, invoked the Riotous Assembly Ordinance to ban a political rally at Windhoek called by the SWAPO Youth League. According to press reports, the Chief Magistrate said that the ban was necessary to maintain public peace which, he feared, would have been seriously endangered by the proposed gathering.

100. On 26 June, the Windhoek City Council unanimously passed a resolution confining African and Coloured political activities respectively to Katutura and to Khomasdal (the Coloured township). According to an article in The Windhoek Advertiser, the action was taken to forestall the possibility of a "black mass gathering within the city limits and delivering itself of political propaganda which would have devastating effects".

Deportation of Bishop Wood

101. On 16 June, Bishop Wood, the highest ranking Anglican clergyman in the Territory, along with Mr. Rolfe Friede, director of the Christian Centre at Windhoek, were ordered, under provisions of the Removal of Undesirables Act of 1920, to leave the Territory within one week. On the following day, Mrs. Wood was also ordered deported. Security police raided Bishop Wood's home and office, confiscating tapes and private correspondence.

102. Although no official reasons were given for any of the deportation orders, press reports said that Bishop Wood had been accused by a member of the Legislative Assembly of having written inflammatory press statements and speeches for SWAPO. Bishop Wood, denying the allegations, said that he was not at all surprised by the action, as the authorities seemed totally unable to grasp the fact that white agitation was not behind African political activity.

103. Both Bishop Wood and Mr. Friede left the Territory on 22 June, following a service at the Lutheran Church at Katutura, attended by 600 Africans.

104. On 25 June, Mrs. Wood, who had refused to leave the Territory on 23 June as ordered, was arrested by the South African police and put on a plane to Johannesburg. In a statement handed to the police, Mrs. Wood said that she had refused to leave because her expulsion was arbitrary and was based only on her relationship to her husband. Mrs. Wood added that her forcible removal without cause would make South Africa appear ridiculous in the eyes of the world.

105. On 28 June, the Reverend Edward Morrow, the replacement for Bishop Wood, accused South African immigration officials at Windhoek Airport of having confiscated his credentials and other documents upon his arrival the previous week.

Suppression of political expression

106. On 23 July, it was announced that the South African Government had decided to invoke provisions of the Merchandise Marks Act to ban the distribution of "Free Namibia" and other political stickers, which were reported to be proliferating, especially in Windhoek. In disclosing the impending action, Mr. J. C. Heunis, South African Minister of Economic Affairs, was reported to have clearly indicated that the ban was aimed at SWAPO.

Police action in Ovamboland

107. In June 1975, it was reported that one woman had been killed and two men seriously wounded in Ovamboland by police patrols conducting night-time investigations into the painting of political slogans on main roads in the homeland.

F. National liberation struggle

108. During the period under review, the national liberation struggle being carried out by SWAPO assumed added significance in view of the increasing frequency of military confrontations between SWAPO and South African forces and the South African military intervention in Angola (see paras. 126-130 below).

109. In the spring of 1975, SWAPO renewed its military offensive against South Africa's illegal occupation of Namibia. Since April, SWAPO has attacked South African military installations and patrols in East Caprivi and Kavangoland, where the struggle has been centred for the past few years, and has extended its activities to Ovamboland and the district of Grootfontein.

110. The exact nature of the military situation in the Territory has become progressively obscured by South Africa's military intervention in Angola and by the strict censorship of the South African press. South Africa's military communiqués, particularly those issued since Angola's accession to independence in November 1975, have referred only to military actions taking place in what is designated as the "border operational area", the boundaries of which have not been made public, but which are believed to include large areas of southern Angola. In general, these communiqués have omitted the exact location of military confrontations and have claimed that in many cases it was not clear whether the African forces involved were members of the Movimento Popular de Libertação de Angola (MPLA) or SWAPO. It may be noted that since October, when SWAPO's military presence in Ovamboland was first officially acknowledged by South Africa, that Government has openly claimed the right to follow a policy of "hot pursuit", under which South African army units have attacked camps in Angola to which it alleges SWAPO guerrillas have retreated. It has been reported that, as a result, the South African offensive against SWAPO is blurring into clashes with MPLA as well.

111. There has been no definite statement as to the strength of the SWAPO forces or the number of South African troops present in the border operational area. According to a statement by a South African official in July 1975, it was estimated at that time that between 2,000 and 3,000 SWAPO freedom fighters were being trained, of whom 500 had completed their training and were already armed. SWAPO forces were believed to be consolidating their position continuously and to be not only well-trained but also armed with "the latest weapons". As a result, he said, their military potential should not be underestimated.

112. South Africa has not made public the strength of its own forces in the Territory and has only admitted to having 150 troops in Angola, stationed at a base near Calueque to guard the hydroelectric station at Ruacana Falls. Press reports suggest that South Africa has a large concentration of troops in the border operational area, including some 2,500 paramilitary police withdrawn from Southern Rhodesia. A statement issued by SWAPO spokesmen on 26 November 1975 claimed that 12,000 white troops were fighting against MPLA in Angola and that the majority were members of the South African Defence Force, including both regulars and reservists. Earlier in November, South African authorities had announced that the number of troops stationed along the Angola border was being increased and that, in addition to the Defence Force, police reinforcements were being sent to Ovamboland "for the purpose of intercepting infiltrators".

Military activities of SWAPO

113. SWAPO has issued only a few communiqués on its military activities. At a press conference at London on 12 August, Mr. Moses Garoeb, Administrative Secretary of SWAPO, reported that between 9 April and 24 July 1975 the People's Liberation Army of Namibia (PLAN), SWAPO's external military wing, had fought three battles with South African forces in Kavangoland and East Caprivi, during which some 200 South African troops had been killed or injured. Six soldiers had been captured and were being held as prisoners of war at camps within Namibia. PLAN had also captured a large quantity of South African military equipment and supplies, including eight Land-Rovers, four trucks, eight mortars and 14 crates of FN rifles. Mr. Garoeb said that the battles had taken place on 9 April at Singalanwe, East Caprivi; on 18 July, when PLAN had blown up a military convoy; and on 24 July at Babwata, also in East Caprivi.

114. Subsequently, on 10 September, Mr. Andreas Shipanga, Director of Information for SWAPO in the United Republic of Tanzania, in an interview published in the Tanzania Daily News, stated that during the previous four months SWAPO had extended its power to the centre of Namibia, and had opened more operational zones in the western part of the country. Mr. Shipanga said that at the end of August, a large-scale confrontation between PLAN and South African troops had taken place near Lauban, in the south-eastern part of Namibia, at one of the strongest South African military camps.

115. On 13 October, the South African Defence Force reported that over the preceding week-end, a SWAPO patrol had attacked two border posts in Ovamboland, killing eight persons, including six tribal policemen. According to press reports, the raids were the first military action in Ovamboland in about 10 years and signalled the opening of a new phase in the struggle for liberation. In a statement issued at Dakar acknowledging the attack, SWAPO said that it had not been aimed at civilians, but at the "lackeys and political allies of Vorster" in Namibia.

116. Press reports have also attributed various other actions to SWAPO, including an unsuccessful attempt on the life of Mr. Tara Imbili, Ovambo Minister of Justice; landmine explosions in Ovamboland and East Caprivi; as well as the death of two whites in Grootfontein district. Inasmuch as the latter attack took place in daylight 16 kilometres from the Grootfontein air base, which is 378 kilometres south of Angola and 160 kilometres south of Ovamboland, press reports considered it an indication that PLAN has greatly extended its area of operation and indicated that, as a result, the white population was fearful that SWAPO was beginning a campaign to drive them from the Territory.

117. SWAPO has neither denied nor accepted responsibility for the Grootfontein attack. On 21 December, SWAPO spokesmen were reported to have said that the matter was still under investigation and that, although a state of war existed in Namibia, PLAN forces had received strict orders not to attack non-military targets, including civilians.

118. It was also reported in December that SWAPO was launching a new offensive into the northern part of Namibia, from Zambia.

119. In February 1976, the Director-General of Resources of the South African Army said that South Africans must accept the fact that war on the country's northern borders would escalate intensely over the next few years with full-scale "conventional" clashes between South African troops and SWAPO, as well as "guerrilla skirmishes". Another military source has been quoted as saying that South Africa was settling in for a bitter struggle and had devised new tactics to counter a redoubled offensive by SWAPO, including positioning shock troops on permanent alert along the Namibian/Angolan border.

120. Press reports indicate that, despite efforts by military and civilian authorities to "depanic" the white residents of the Territory, there is growing anxiety on the part of whites, as manifested in the increasing number of departures from the Territory and in falling real estate values. On 24 March, The Windhoek Advertiser reported that nine white doctors were preparing to leave the Territory and that a prominent white lawyer was also rumoured to be moving to Johannesburg. The same newspaper had previously reported that a 5,000-hectare cattle ranch, valued at a minimum of R 75,000 had been sold at auction for R 39,500.

121. According to press reports, there have been continued clashes between SWAPO units and South African forces, the most recent on 24 March, during which a South African soldier was killed. There have also been further landmine explosions. In a statement at Helsinki on 23 February, the SWAPO representative in Scandinavia said that SWAPO troops were striking deeper into central Namibia and that the problems of supply and maintenance had been dealt with satisfactorily. He also said that although SWAPO tried to avoid attacking civilians in its military operations, this sometimes proved difficult.

Military response of South Africa

122. At the end of December, South African sources claimed that, as a result of its operations against SWAPO, the number of guerrillas killed since July 1973 had risen to 341. South African casualties suffered since November 1975 were unofficially reported to stand at 29. South Africa has also reported numerous clashes with "terrorists" in the border operational area and claims to have wiped out at least two SWAPO bases in Angola.

123. In October 1975, it was reported that South Africa had been secretly expanding the military air base at Grootfontein in order to make it one of the largest bases of its kind in Africa, capable of handling jets of any size and including underground shelters for mobile weapons and other war equipment. Developments at the site were disclosed in an article in Der Spiegel, a German newspaper, which claimed that work was progressing rapidly and was scheduled for completion in February 1976. At the time of writing, the article said construction of aircraft hangars, storage depots, air force headquarters and a transportation complex for the sixteenth support command had already been completed.

124. In November 1975, it was reported that the South African Government had decided to establish a "no-man's land" 250 kilometres long by 5 kilometres wide along the Ovamboland/Angola border in order to facilitate the pursuit of terrorists by its troops. Creation of such a buffer zone was reported to involve the evacuation of an undisclosed number of Ovambos and their resettlement elsewhere in the Territory at the expense of tribal authorities, and the devastation of the evacuated area in order to prevent SWAPO forces from concealing themselves.

125. As a result of South Africa's military presence in Namibia, SWAPO sources have charged that Ovamboland, Kavangoland and East Caprivi are "under military occupation", that "a state of terror" prevails and that many people have been killed or injured or have disappeared as a result of the demolition of villages and the resettlement of their populations in specially guarded villages.

G. South African invasion of Angola from Namibia

126. As early as October 1975 it was reported that South Africa, in defiance of United Nations decisions, had been using Namibia as the springboard from which to launch its military invasion of Angola, and that some 5,000 South African regular army personnel, including mechanized cavalry units, had entered Angola from Namibia, which had also been used as a staging and supply area for military operations against MPLA.

127. Following the MPLA victory in Angola, South African troops were reported to have been withdrawn from action and to have been positioned along the length of the Namibian/Angolan border, in some places to a depth of 50 kilometres. According to a statement by Mr. P. W. Botha, South African Minister of Defence, the troops were to stay in Angola until the new Angolan régime assured Pretoria that "it will not provide bases for terrorist strikes across the border into South West Africa".

128. In a letter dated 25 March 1976, the Permanent Representative of South Africa to the United Nations informed the Secretary-General that, inasmuch as his Government had obtained assurances that the People's Republic of Angola would not damage the hydroelectric station at Ruacana Falls or endanger the workers, it had decided that all its troops would be withdrawn by 27 March 1976 (S/12024). On that day, it was reported that the South African troops in Angola, comprising two battalions, had pulled back into Namibia. According to a statement by the South African Minister of Defence, the troops would remain stationed on the Namibian side of the border "until peace exists properly ... to protect the interests for which we are responsible".

129. According to Mr. Peter Katjavivi, European representative of SWAPO, 11,000 South African troops are now stationed on the Namibian border with Angola at six major military bases. Mr. Katjavivi said that although South Africa had tried to create the impression that its withdrawal from Angola had ended its international aggression, the fact that Namibia remained under South Africa's illegal rule was proof of that country's continuing aggression.

130. On 31 March 1976, the Security Council, which had met to consider the question of South African aggression against Angola, adopted resolution 387 (1976), by which it demanded that South Africa scrupulously respect the independence, sovereignty and territorial integrity of Angola and desist from the utilization of the international Territory of Namibia to mount provocative or aggressive acts against Angola or any other neighbouring African State.

3. ECONOMIC DEVELOPMENTS

A. General

131. As previously reported, in 1965 South Africa ceased to publish separate economic data for Namibia and prohibited the publication of any data regarding the mining sector. As a result, over the past 10 years, information on the economy of the Territory has been based on the data released from time to time by the South African Government and on secondary sources.

132. In 1975, however, South Africa published some selected data on the economy of the Territory in the South West Africa Survey, 1974, which, inter alia, attempts to demonstrate the thesis that "in the foreseeable future, it /the Territory/ will be unable to sustain progress without the closest links with the Republic of South Africa".

133. Although, according to the Survey, the Territory's gross domestic product amounted to R 615.6 million in 1973, compared with R 142.2 million in 1960, the Territory's economy is still in its infancy and will, despite a number of favourable factors, continue to remain vulnerable and heavily reliant on South Africa.

134. In support of this argument, the Survey stresses the fact that the Territory is dependent on the output of vulnerable primary industries (mining, agriculture and fishing) for over 50 per cent of its gross domestic product, and that it is heavily reliant on imports of fuel, machinery, most consumer goods and a substantial amount of food. The Survey also contends that the manufacturing sector, which at present accounts for only 10 per cent of the gross domestic product, is unlikely to expand owing to the Territory's small domestic market, a shortage of raw materials, a high cost structure and the distances separating local industries from sources of supply and from customers.

135. As a result of these factors, the Survey states, the sustained economic and social advancement of the Territory's inhabitants can only be guaranteed by close association with South Africa's broadly based and dynamic economy.

136. A widely different appraisal of the Territory's potential for economic independence has been made by, among others, Mr. W. H. Thomas, senior lecturer in economics at the University of Cape Town. In a paper published in February 1975, Mr. Thomas noted that there was considerable room for expansion in all sectors of the economy, except possibly fishing, where, in any case, the price trend would probably be upwards in the long run. As regards manufacturing in particular, Mr. Thomas considered that rapid improvement in output could be attained by the correct strategy of "selective industrialization", that is, the processing of products of the primary sector rather than "cost-inflationary import-substitution industrialization". (According to the Survey, the processing of food products from fishing and agriculture accounted for nearly two thirds of the total value of all manufactured goods in 1971/72 (R 79.0 million).) Mr. Thomas concluded that the process of sharing the existing economic wealth of the Territory was currently more

crucial than the creation of wealth, which vested interests from foreign countries and from the Republic of South Africa, as well as the white population of Namibia, had already exploited profitably, notwithstanding impediments such as droughts, long distances and low labour productivity. In his view, the need was to broaden the resource base and to incorporate all groups of the small population into the modern economy.

137. Although complete economic data are not yet available for 1974, statements by South African officials indicate that during the year the over-all rate of growth diminished, compared with that for 1973, owing particularly to higher import prices for oil and food, less rainfall and falling mineral prices, especially for copper. Officials also commented that a "climate of doubt" about the feasibility of investing in the Territory had developed during the year. In a statement in May 1975, Mr. Van der Walt, Administrator of South West Africa, urged South West Africans not to allow themselves to be misled by fearmongers who were attempting to create a crisis of confidence for political gain; he assured the citizens of the Territory that they would not be "left in the lurch" by the Government of South Africa. On the basis of the limited information available, it is not yet possible to substantiate reports that during the year there was a significant outflow of capital from the Territory and an increase in properties offered for sale.

B. Mining

Diamonds and base metals

138. Mining is the single most important sector of the economy in terms of export earnings and its contribution to the gross domestic product (25 per cent). The sector is dominated by two companies: the Consolidated Diamond Mines of South West Africa, Ltd. (CDM) of South Africa, which accounts for all diamond production; and Tsumeb Corporation, Ltd., of the United States, which is responsible for 80 per cent of the base metal output of Namibia. In 1973, the latest year for which information is available, the total value of minerals produced amounted to R 230.0 million, of which diamonds accounted for 64.0 per cent (R 147.0 million) and base minerals 36.0 per cent (R 83.0 million). The principal base minerals exported were blister copper (R 34.2 million) and refined lead (R 17.0 million).

139. As previously reported, there were indications from Namibia in 1974 and early 1975 of a slowdown in the mining sector as a whole, owing to a combination of factors; in particular, the falling world market prices for copper resulted in the suspension of work on the development of a copper mine, expected to cost an estimated R 9 million, and the placing of three smaller mines on a care-and-maintenance basis.

140. Other sources have indicated, however, that despite reduced prices, the level of copper output would be maintained, if not increased. In February 1975, for instance, the General Manager of the Tsumeb Corporation said that copper output would not be cut back because a reduction would also adversely affect the

production of lead and zinc. In 1973, Tsumeb produced 23,904 metric tons of copper, 51,619 metric tons of lead and 2,580 metric tons of zinc, and reported sales totalling R 58.6 million and net profits of R 13.1 million.

141. Subsequently, the Johannesburg Consolidated Investment Company Ltd., (JCI) of South Africa, the major shareholder (52.5 per cent) in the Otjihase copper mine, which is expected to be the third largest mine in Namibia when completed, announced that development work was continuing and that the mine would come into production, as scheduled, in 1976. It is envisaged that the mine will initially process 120,000 metric tons of ore a month, producing 30,000 metric tons of copper annually. In October 1975, it was reported that preparatory work was virtually complete and that trial drilling had begun.

142. Although information on the diamond output for 1974 is not yet available, the continuing economic recession is reported to have affected sales. According to the provisional financial statement of CDM for 1974, net profits fell from R 96.2 million in 1973 to R 80.3 million in 1974, despite the fact that tax payments for the same period decreased from R 57.1 million to R 30 million. From 1971 to 1973, the company produced 1.6 million carats annually.

Uranium

143. Exploitation of uranium in the Territory is scheduled to begin in 1976 with the opening of the Rössing mine (also known as Marjorie Luow) near Swakopmund. Known deposits at the site, which are estimated at 100,000 metric tons of low-grade uranium ore (0.03 per cent), are said to be among the largest in the world. Production is expected to reach a maximum level of 1,000 metric tons of uranium oxide annually by 1980 and to continue for at least 25 years. According to reports in the international press, during the 1980s the mine is expected to provide a significant portion of the world's uranium needs, particularly in view of the fact that the other major uranium-producing countries (the United States, Canada and Australia) have recently announced their intention to reduce foreign sales.

144. As the South African Atomic Energy Act, 1948, prohibits the disclosure of any facts relating to uranium, all information on the Rössing operation has been obtained from unofficial sources. According to the limited information available, the mine is expected to involve a total investment of £750 million and is being developed by the Rio Tinto Zinc Corporation, Ltd., (RTZ) of the United Kingdom, in conjunction with South African and French interests, as follows: RTZ, 60 per cent; Rio Algom, an RTZ subsidiary, 10 per cent; the Industrial Development Corporation (IDC) of South Africa, 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.

145. According to a recent unpublished study, the sources of financing for the mine remain unknown, as information has been suppressed by the South African authorities and by the foreign companies and Governments involved. The study contends, however, that the raising of capital to finance the mine is known to have been contingent on the signing of a sufficient number of sales contracts to ensure a profitable scale

of operation, and, as a consequence, responsibility for the opening and financing of the mine in defiance of United Nations resolutions rests primarily with the purchasers. It is reported that sales contracts have already been concluded with the United Kingdom Atomic Energy Authority (7,620 metric tons of uranium oxide), CMN of France ("a substantial amount") and several Japanese companies.

146. The study infers that the extreme secrecy concerning the operation of the mine indicates that the uranium to be produced there may be totally or partially committed to use in South Africa's pilot plant for uranium enrichment. Although officials of RTZ deny the existence of any contracts with South Africa, SWAPO charges that 50 per cent of the uranium to be enriched at the proposed installation is to come from Rössing and that the implications of such a contract are particularly serious in view of the fact that South Africa is in the process of developing its own atomic weapons. In a statement on 21 May 1975, Sir Val Duncan, chairman of RTZ, affirmed that no contracts had yet been signed with South Africa, but said that he could not guarantee that contracts would not be signed in the future. In the same statement, Sir Val said that RTZ would continue to ignore Decree No. 1 for the Protection of the Natural Resources of Namibia, m/ enacted by the United Nations Council for Namibia in 1974, and that it would solemnly meet all contracts entered into.

147. Information obtained in 1975 indicates that development of the mine has given strong impetus to the expansion of the city of Swakopmund and the surrounding region, thus further strengthening the white presence in Namibia. In a statement in January 1975, the Mayor of Swakopmund noted that, owing to the influx of 250 white families, the town was entering a new phase of major development, involving almost all sectors of the economy. Projects under way included the construction of 246 houses for white staff at a cost of R 4 million; a road construction and surfacing programme, to which the territorial Administration was contributing R 1 million; expansion of the municipal sewer works; improvement of the water supply system and power network; expansion of school facilities for whites of both the primary and secondary levels; and the construction of an airport and a 17-kilometre railway spur to connect the main line directly with the mine.

148. The requirements of the mine are also reported to be one of the principal reasons behind the rapid expansion of Namibia's electric power resources, particularly the Cunene River Basin hydroelectric project. Developing the infrastructure as a means of attracting foreign capital is generally regarded as typical of South Africa's strategy further to secure its position in the Territory.

149. As regards the effects of the uranium mine on the African population, available information indicates that any short-range benefits which may be derived will be minimal at best. As regards the non-white labour force, for instance,

m/ Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 24 A (A/9624/Add.1), para. 84. The Decree has been issued in final form in Namibia Gazette No. 1.

which is expected to number about 850 by the time production starts, it is reported that a large proportion, possibly as much as 60 per cent, will comprise Africans recruited from South Africa, the remainder to be migrant Ovambo labourers. In contrast to the whites, who are being housed at Swakopmund itself, the non-whites are being housed in a new, "non-European" township under construction at Arandis in the southern tip of Damaraland, approximately 65 kilometres from Swakopmund. The township will reportedly cost an estimated R 4.5 million, and its principal accommodation is a 720-bed hostel being built at a cost of R 700,000. According to press reports in June 1975, a number of houses with full services had been completed. Plans call for the construction of 50 houses of the "better type".

150. In July 1975, rioting erupted at the Rössing mine, reportedly as a result of friction between Ovambos and the labourers recruited from South Africa, leaving 1 man dead and 15 seriously injured.

151. Following this development, Brigadier Luow, Divisional Commissioner of Police, announced that consideration was being given to erecting a temporary police station near the mine to maintain law and order, and that immediate arrangements were being made to house workers in separate hostels according to national groups and tribes. He said that the South African workers could be returned home if they chose, but that they would be replaced by an equal number of South African recruits. No reason has been given by the South African authorities for the recruitment of workers from South Africa. It has been reported, however, that work at the Otjijase copper mine (see para. 141 above) was falling behind owing to the difficulty in obtaining an adequate labour supply.

152. Later that month, SWAPO issued a statement accusing mine officials of failing to prevent the riot and condemning the compound housing system as "nothing but a second Robben Island prison".

Mining in non-white areas

153. Mining in non-white areas is controlled by the Government of South Africa, in which all mineral rights in Namibia are vested. In general, the Government follows a policy of encouraging white-owned mining companies to prospect in these areas. According to the Survey, between 1969 and 1974 prospecting permits were granted to 21 private companies, which spent a total of R 577,095 on exploration.

154. According to available information, two companies operate important mines in homeland areas at present: the Klein Aub Copper Company, Ltd., of South Africa in the Rehoboth Gebiet, which is owned by private South African interests; and the Uis Tin Mining Company (SWA), Ltd., in Damaraland, which is owned by the parastatal Iron and Steel Corporation of South Africa (ISCOR). Neither of these companies pays any share of its revenue or taxes to the local population.

155. Since the 1960s, the Bantu Mining Corporation of South Africa (BMC), a State-owned development corporation, has also been authorized to operate in homeland areas. The BMC is nominally charged with promoting the "development and utilization of the mineral resources of black areas to the benefit of their

inhabitants". According to the Survey, by 1974, BMC had spent almost R 500,000 for geological exploration of the homelands. As a result of its own explorations and those of private mining companies, BMC has reportedly initiated a large-scale drilling programme for copper in Kaokoland, and plans investigations in Bushmanland (copper), Damaraland (rare earths and radio-active minerals) and Ovamboland (iron ore).

156. The Survey notes that two small mining operations - one for sodalite in Kaokoland, and one for tourmaline in Damaraland - have been opened by BMC at a total cost of R 100,000. The sodalite mine, which is being worked by two African entrepreneurs, appears to be the only African-owned mining operation in the Territory.

C. Fishing

157. Fishing is the second most important sector of the Namibian economy in terms of revenue.

158. The sector is controlled by 10 companies of South African origin, all of which operate processing factories at Walvis Bay, the centre of the industry, for the production of fish-meal, fish oil and canned fish, which ensures the highest financial return. Capital investment amounts to R 35 million in factories and equipment, with a further R 14 million invested in fishing vessels. Non-white participation in fishing is traditionally limited to providing the bulk of the labour force in the processing factories (6,750 employees in 1974). In May 1975, however, it was reported that Mr. C. J. Heunis, South African Minister for Economic Affairs, had agreed to discuss the question of commercial fishing rights for Coloureds. Up to the end of 1975, no information was available on further developments.

159. In order to prevent overfishing, the South African Government determines the amount of fish to be landed annually, and each of the 10 companies shares equally in the over-all quota. The quota is itself divided between pilchards, the most lucrative species, and other types, principally anchovies. In 1974, the quota was set at 940,000 metric tons (900,000 in 1973), 60 per cent of which was allocated to pilchards and 40 per cent to other types of fish. The total catch landed amounted to 830,000 metric tons; failure to meet the quota was attributed to the chronic scarcity of fish other than pilchards in Namibian waters.

160. Owing to growing world demand for fish as a substitute for meat and the collapse of the previously competitive Peruvian anchovy industry, over-all earnings for 1974 were reported to have reached record levels. According to press reports, production of canned fish almost doubled over the previous year, reaching 10.3 million cartons valued at R 61.7 million, of which 4.1 million cartons entered the local market and 6.2 million cartons (R 39.0 million) were exported. Fish oil and fish-meal sales amounted to R 35.0 million and raw fish sales to R 17.0 million. It may be noted that, in 1975, the Metal Box Company, Ltd., of the United Kingdom undertook an expansion of its Walvis Bay plant which produces tins for canned pilchards. The expansion is expected to cost an estimated R 4.0 million.

161. The Survey reports that in recent years an increasing proportion of canned fish has been consumed locally, and that the industry is expected to meet domestic requirements before exporting the balance at substantially higher prices. The local price of canned fish is controlled by the Government, "to keep it within reach of the lower income groups".

D. Agriculture and livestock

162. Cattle ranching and karakul farming by whites remain the principal agricultural activities in Namibia, normally accounting for 98.5 per cent of total agricultural output. Of the 2.8 million head of cattle in the Territory, 500,000 are in Ovamboland, but owing to their generally inferior quality and to recurrent outbreaks of hoof and mouth disease, only a small number are marketed commercially.

163. Because of aridity, crop farming is of minor importance in the white area, which normally obtains the bulk of its maize and cereal from South Africa. The northern homelands usually produce sufficient amounts of grain for their own needs.

164. In 1974, Namibia's agricultural and livestock sales amounted to R 96.0 million, of which the principal sources were the following: beef, R 53.2 million; karakul pelts, R 27.6 million; fresh milk, R 2.1 million; and agronomy, R 1.0 million.

165. During the year, 275,769 head of cattle were marketed (507,000 in 1973) of which 212,478 were exported live to South Africa, and the remainder slaughtered by local meat-processing factories and butchers for canning and domestic consumption. Exports of karakul pelts dropped from 3.4 million in 1973 to 2.9 million, which went mainly to Western Europe and the United States. An average increase of 12 cents (South African) in the price per pelt reportedly compensated for the decline in exports.

166. According to the Survey, the South African Government, principally through the Bantu Investment Corporation (BIC) (see paras. 171-172 below), has begun systematic efforts to increase the over-all agricultural output of the homelands, especially in Ovamboland and Kavangoland, by encouraging measures to improve the health of livestock; promoting livestock sales; and initiating irrigation schemes. The Survey reports that, owing to these efforts, the combined value of cattle sales in Ovamboland and Kavangoland increased to R 1.5 million in 1972 (R 238,856 in 1964) and that, to stimulate output further, animal breeding stations have been established in Ovamboland, Damaraland, Kavangoland and East Caprivi. The most important agricultural projects undertaken so far by BIC are the construction of a combination abattoir and meat canning factory in Oshakati (Ovamboland) at a cost of R 2.0 million and a 250,000-hectare cattle ranching scheme in Kavangoland, which holds 10,000 head at present. The Ovamboland factory, which came into operation in October 1975, is adjacent to a 104,000-hectare grazing area and is expected to provide employment for 300 persons.

167. The Survey also reports that efforts are being made to introduce irrigation farming in Kavangoland and Ovamboland and that since 1973 the latter has received regular water supplies from a canal system partially fed by waters from the Cunene river (see para. 179 below). Research into irrigation farming is also being

conducted on a 4,000-hectare pilot project in Ovamboland with a view to extending it to a larger area.

168. In May 1975, it was reported that an irrigation project, expected to cost an estimated R 1.0 million, had been started at Mukwe in Kavangoland. This area is considered to have the richest agricultural potential in the Territory. Plans call for initial plantings of nuts, sorghum, maize, sunflowers and vegetables, to be followed by cotton, tobacco and other cash crops.

E. Economic assistance to the homelands

169. Four State-owned, white-directed development corporations have been established to "promote development" in the non-white areas: BIC; the Rehoboth Investment and Development Corporation (RIDC); the Coloured Development Corporation (CDC); and BMC. These corporations, which are directed by whites, are charged with providing funds and technical assistance to non-whites for the purpose of establishing their own enterprises or improving their present undertakings. The corporations may also establish and carry on industrial, commercial, mining and/or financial enterprises on their own account, which may eventually be sold to Africans.

170. The activities of BMC have been discussed earlier (see paras. 155-156 above). The activities of the other corporations are summarized hereunder.

BIC

171. Between 1964 and 1973, BIC invested a total of R 15.0 million in industrial and commercial ventures in African areas (mainly Ovamboland) primarily for bakeries, butcher shops, garages and filling stations, a soft-drink factory, restaurants, rest camps and wholesale concerns, a small number of which have been sold to Africans. The principal enterprise, a furniture factory, is located in Oshakati and is still under the control of BIC. In addition, BIC has reportedly granted loans totalling R 400,000 to African businessmen; constructed 47 buildings valued at R 500,000 for rent or sale to Africans; erected its own factories, shops, garages and administrative buildings, valued at R 14.0 million; purchased African handicrafts valued at R 500,000; and constructed tourist facilities valued at R 125,000. BIC has also initiated two agricultural schemes (see para. 166 above) and has received R 1.5 million in savings deposits from a total of 10,418 African depositors. In 1973, it was reported that the total gross turnover of all ventures combined amounted to R 13.0 million and that 1,450 jobs had been created, of which 600 were in industrial and commercial ventures and 600 were in construction.

172. According to the Survey, BIC planned to invest a further R 22.5 million in the homelands between 1972 and 1977, with the object of increasing the total number of jobs available to Africans to 5,000.

RIDC

173. The RIDC, which was established in 1969, has approved two schemes for providing

aid to the Baster community, one for business undertakings and the other for farming purposes. Between October 1970 and March 1973, RIDC granted R 742,684 in loans, mainly for farming purposes, including the purchase of breeding stock, fencing and land and the development of water supplies.

174. As previously reported, RIDC has met with great opposition in the Baster community. Among its objections are that RIDC, regardless of existing law and custom, has the power to acquire, own and dispose of land; hold shares in Baster businesses; and take immovable property and farms as security for loans. The Baster community also objects to the prohibition restraining its members from holding any shares in the corporation, and to the fact that the community has been denied any voice in its own development.

CDC

175. The CDC is charged with encouraging and promoting the advancement of Namibia's Coloured population in industry, trade and finance. According to the 1974 Survey, CDC issued few loans during its first five years of operation, but was expected to expend R 126,000 in 1974/75 because of the increase in the number of Coloured businessmen.

F. Water and power

176. The Survey notes that the Territory has natural limitations on its economic growth owing to the absence of indigenous fuel deposits and the scarcity of water. Two thirds of the total assured annual yield of surface and ground-water resources (500 million cubic metres) is already being utilized for human, animal and industrial consumption, and, on a limited scale, for irrigation. Owing to the increasing needs of mining and other industries, it is anticipated that by the year 2000 the demand for water will equal the resources available at present. The production of electricity is totally dependent on diesel oil and coal imported from South Africa, and the limited supply of electricity is already being held partly responsible for the low level of industrial development.

177. According to press reports, water and power development plans formulated by South Africa and currently being put into effect envisage the eventual expenditure of about R 1.0 billion for water and R 440.0 million for power before 1990. These plans are based largely on overcoming the shortages of power and internal water supplies through the tapping of the northern boundary rivers for water and hydroelectric power, and their distribution throughout Namibia via a network of canals and transmission lines.

Water

178. Water is provided in the Police Zone through 177 domestic water supply schemes, constructed at a cost of R 138.8 million, with a total capacity of 38.4 million cubic metres. In the homelands, water is obtained principally from 1,400 bore-holes

and about 500 dams with capacities ranging from 5,000 to 60,000 cubic metres. The total amount spent on water development in the homelands between 1 April 1963 and 31 March 1974 was R 11.4 million, or less than one tenth that spent in the Police Zone.

179. Since 1973, Ovamboland has also received water pumped from the Cunene river at Calueque in Angola, which is distributed through a 280-kilometre canal system constructed at a cost of R 6.0 million. The canal system, which also relies partially on flood waters, receives water from the Cunene river at the rate of 6 cubic metres per second.

Power

180. Electric power has traditionally been provided by a number of local thermal power generating stations, with a total capacity of some 70 MW. Steps towards the bulk generation and distribution of electricity to meet growing industrial demand were first undertaken in 1969, with the signing of the Cunene River Basin agreement by Portugal and South Africa. The agreement provides for the construction of 25 hydroelectric projects on the Cunene river largely financed by the South African Government. The cost of the first phase of the scheme (for completion in 1980) was originally estimated at R 188.0 million and has now risen to R 255.0 million. The most important of these projects to Namibia is the Ruacana Falls power station in Ovamboland, scheduled for completion in 1977, which will have an initial capacity of 160 MW and an eventual capacity of 320 MW, to be distributed throughout Namibia by wide-ranging transmission lines. It is expected to meet power requirements until 1990.

181. Pending the coming into operation of the Ruacana Falls power station, the South West Africa Water and Electricity Corporation (SWAWEK) has commissioned two additional thermal power stations, with a total capacity of 120 MW. The construction of the first of these stations, the 90-MW Van Eck station at Windhoek, was begun in 1972. Construction of the 30-MW station at Walvis Bay was scheduled to begin in 1975 and to be completed in 1976.

182. Power from both thermal power stations, as well as the power to be generated from Ruacana Falls, is to be distributed throughout Namibia via a national grid 1,588 kilometres in length, construction of which was begun in 1972. According to reports in The Windhoek Advertiser, the grid when completed will consist of a northern network to provide power to all towns north of Windhoek by means of the Windhoek and Walvis Bay power stations; a main supply route from Ruacana Falls leading to the Omaruru distribution point; and supply routes from South Africa to a point in the Warmbad area, past Karasburg, Keetmanshoop and Mariental up to Windhoek. The power lines, as drawn at present, make no provision for supplying energy to the homelands, including Ovamboland, where the Ruacana Falls are situated.

183. On 12 August 1975, the South African Government sent a 30-man patrol to the water pumping station at Calueque, located some 24 kilometres within Angolan territory, allegedly to protect workers who were there under the terms of the 1969

Cunene River Basin agreement. Despite a verbal protest from Portugal, South Africa has continued to maintain and increase its presence at Calueque, which now officially numbers 150 troops (see paras. 112 and 126-130 above).

G. Public finance

184. As previously reported, since 1 April 1969, the principal taxes levied in Namibia, including all taxes on mines and mining, are collected directly by the Government of South Africa and paid into the so-called South West Africa Account of the Consolidated Revenue Fund, which is used to finance South Africa's expenditures in Namibia, as well as to make statutory payments to the territorial Administration, computed on a formula basis. The Territorial Revenue Fund consists of the few taxes still collected by the local Administration (personal income tax, business licences, dog and game licences, wheel tax, motor vehicle tax and certain fines), as well as the statutory payment referred to above, and is used principally to finance expenditure on white education, health services and road maintenance.

185. Actual revenues and expenditures have risen steadily since 1969. As no tax increases have been imposed during this time, the increase in actual revenue solely reflects greater productivity in the white commercial sector.

186. In 1973/74, total taxes levied in Namibia amounted to an estimated R 128.1 million, of which R 93.5 million accrued to the South West Africa Account and R 34.5 million to the Territorial Revenue Fund (see table 2 below). The total income of the latter, including South Africa's statutory contribution of R 39.0 million (not shown in the table), amounted to about R 73.5 million. Taxes on mining, principally diamonds, amounted to R 43.5 million, accounting for almost 35 per cent of the total taxes levied, and provided South Africa with 45 per cent of its income from Namibia.

187. According to the Survey, expenditure during 1973/74 by South Africa and the local Administration combined was estimated at R 171.3 million, of which R 89.8 million was provided by the South West Africa Administration, and R 81.5 million by the South West Africa Account. Of the deficit of R 43.3 million, R 23.3 million would be made up by the Government of South Africa from the Revenue Fund of the Republic and the remainder by the territorial Administration from its own accumulated reserves.

188. No official budget estimates are available for 1974/75 or 1975/76. According to press reports, the combined estimated total expenditure for 1975/76 by South Africa and the territorial Administration is expected to increase to R 275.5 million: R 171.0 million to be financed from the South West Africa Account and R 104.5 million by the territorial Administration. For this period, South Africa's statutory payment to the Territory is expected to amount to R 42.9 million.

189. Principal estimated expenditures for 1975/76 from the South West Africa Account include Bantu administration and development, R 38.9 million; water affairs, R 20.3 million; Coloured, Rehoboth and Nama affairs, R 11.9 million; and agricultural technical services, R 7.0 million.

190. Planned expenditures by the territorial Administration for the same year were reported to include R 19.9 million for white education; R 13.0 million for health services; and R 35.6 million for the construction and maintenance of roads.

Table 2

Namibia: public finance, 1972/73 and 1973/74
(thousand rand)

A. Revenue

	<u>1972/73</u>	<u>1973/74</u> (estimate)
South West Africa Account	80,194	93,533
Revenue from mining	31,188	43,495
Diamond mines (income tax)	11,962	24,633
Diamond export duty	7,225	7,165
Diamond profits tax	8,328	9,161
Other mines (income tax)	3,342	2,200
Prospecting and claim licences	331	336
Customs and excise tax	16,684	17,200
Income tax on companies	8,389	9,943
Loan recoveries	2,478	1,972
Interest	3,578	770
Departmental receipts	9,271	11,559
Other revenue	8,606	8,594
Territorial Revenue Fund	36,009	34,530
Income tax	9,998	9,500
Other ordinary revenue	10,904	13,848
Extraordinary revenue	5,540	5,025
Roads Fund revenue	3,340	-
Portion of income tax on certain companies	1,447	1,657
Sales duty	4,780	4,500
Total	<u>116,203</u>	<u>128,063</u>

Table 2 (continued)

B. Expenditure a/

	<u>1972/73</u>	<u>1973/74</u> (estimate)
South West Africa Account	97,248	116,478
Bantu administration and development	14,327	19,506
Bantu education	3,686	4,350
Water affairs	11,906	14,287
Agricultural technical services	6,872	6,552
Agricultural credit and land tenure	3,800	3,364
Coloured relations and Rehoboth affairs	5,737	7,335
Transport	3,269	3,057
Other b/	47,631	58,007

Source: Republic of South Africa, Estimates of the Expenditure to be Defrayed from the South West Africa Account during the year ending 31 March 1974.

a/ No official information is available regarding expenditure from the Territorial Revenue Fund.

b/ Including miscellaneous, plus all items of expenditure that are less than R 3 million.

4. SOCIAL DEVELOPMENTS

191. According to the Survey, school attendance by Africans and Coloureds increased from 43,624 in 1960 to 138,890 in 1973 and the number of schools increased from 313 to 592.

192. Commenting on this data, a representative of the United Nations Educational, Scientific and Cultural Organization (UNESCO) pointed out that, of the total number of African schools, 480 were primary schools, 7 were junior secondary schools and 8 were secondary schools. Furthermore, of the total number of pupils enrolled in 1972, 30.68 per cent were in substandard A, only 3.53 per cent were in standard VI (the last grade of primary school) and 0.05 per cent were in form V, the last grade of secondary school (see table 3 below). These percentages, she noted, demonstrated that only a fraction of the reported school population completed the entire course of schooling, whereas the vast majority dropped out before completing primary school.

193. The Survey reports that teacher training and vocational training for both Africans and Coloureds are available at seven centralized, comprehensive boarding schools, which also offer academic tuition up to matriculation level. Of these institutions, which had a total enrolment of 2,664 pupils in 1973, two are located

in Windhoek, and one each in Ovamboland, Kavangoland, Hereroland, East Caprivi and Namaland. Only one of the schools (in Windhoek) is State-operated, the remainder being financed and controlled by various churches.

194. Admission to teacher-training programmes is open to those with primary school education, from which it may be inferred that, of the total number of non-white teachers (3,453 in 1973), the majority probably have had only primary level education.

Table 3

Namibia: enrolment of Africans by grade, 1972

Primary schools .	<u>Number</u>	<u>Percentage</u>
Substandard A	32,300	30.68
Substandard B	19,513	18.50
Standard I	15,925	15.10
Standard II	12,020	11.40
Standard III	9,005	8.53
Standard IV	6,536	6.20
Standard V	4,472	4.24
Standard VI	3,722	3.53
Secondary schools		
Form I	805	0.76
Form II	575	0.55
Form III	378	0.36
Form IV	110	0.10
Form V	51	0.05

Source: Johannesburg, Survey of Race Relations in South Africa in 1973
(South African Institute of Race Relations, 1974).

CHAPTER X
(A/31/23/Add.4)

SEYCHELLES

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CHAPTER X

SEYCHELLES

A. CONSIDERATION BY THE SPECIAL COMMITTEE

1. The Special Committee considered the question of the Seychelles at its 1028th meeting, on 23 February 1976.
2. In its consideration of this item, the Special Committee took into account the relevant resolutions of the General Assembly, including in particular resolution 3481 (XXX) of 11 December 1975 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 resolution 1514 (XV) in all Territories which have not yet attained independence and, in particular, ... to formulate specific proposals for the elimination of the remaining manifestations of colonialism and to report thereon to the General Assembly at its thirty-first session". The Special Committee also took into account the provisions of General Assembly resolution 3430 (XXX) of 8 December 1975 concerning the Seychelles, by paragraph 5 of which the Assembly requested the Committee "to keep the situation in the Territory under review".
3. During its consideration of the item, the Special Committee had before it a working paper prepared by the Secretariat (see annex I to the present chapter) containing information on developments concerning the Territory. The Special Committee also had before it a letter dated 10 February 1976 from the Deputy Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Chairman, forwarding to the Committee a copy of the final communiqué of the Seychelles Constitutional Conference held at London in January 1976 (see annex II to the present chapter).
4. The representative of the United Kingdom, as the administering Power, participated in the work of the Special Committee during its consideration of the item.
5. At the 1028th meeting, on 23 February, the Chairman made a statement (A/AC.109/PV.1028 and corrigendum). The representative of the United Kingdom made a statement (A/AC.109/PV.1028 and corrigendum). Statements were also made by the representatives of the United Republic of Tanzania, Indonesia, Iran, India, Australia, Norway, Trinidad and Tobago and China, as well as by the Assistant Executive Secretary of the Organization of African Unity (OAU) to the United Nations (A/AC.109/PV.1028 and corrigendum).
6. At the same meeting, the Special Committee adopted without objection the text of a statement concerning the accession of the Seychelles to independence (A/AC.109/515) prepared by the Chairman on the basis of consultations (see para. 10 below). Following this decision, the representative of the United Kingdom made a statement (A/AC.109/PV.1028 and corrigendum).

7. The Special Committee subsequently took note of a telegram dated 25 February 1976 addressed to the Chairman by the Prime Minister of the Seychelles (A/AC.109/516), in which, inter alia, he expressed the thanks of the Government and people of the Seychelles "for the interest taken by the Committee over the years" with regard to his country's "march towards nationhood".

8. On 24 February, the text of the statement adopted by the Committee (A/AC.109/515) was transmitted to the Permanent Representative of the United Kingdom to the United Nations for the attention of his Government.

9. The Special Committee was represented at the ceremonies marking the accession to independence of the Seychelles on 29 June by its Chairman, Mr. Salim Ahmed Salim, Permanent Representative of the United Republic of Tanzania to the United Nations.

B. DECISION OF THE SPECIAL COMMITTEE

10. The text of the statement (A/AC.109/515) adopted by the Special Committee at its 1028th meeting, on 23 February, to which reference is made in paragraph 6 above, is reproduced below:

(1) The Special Committee wishes to record its satisfaction at the conclusion of the agreement between the Governments of the Seychelles and the United Kingdom of Great Britain and Northern Ireland at the resumed Seychelles Constitutional Conference, held in January 1976, envisaging the entry into force of an independence constitution for the Seychelles, at midnight on 28 June 1976.

(2) The Special Committee wishes to pay a particular tribute to the Government and the people of the Seychelles on their achievements and to extend to them its warm congratulations and best wishes for peace, happiness and prosperity on the attainment of their independence. The Special Committee also wishes to pay tribute to the Government of the United Kingdom for the discharge of its obligations as the administering Power in relation to the Seychelles.

(3) The Special Committee expresses its confidence that the international community will render all possible assistance to the Government and the people of the Seychelles for the consolidation of their independence.

ANNEX I*

WORKING PAPER PREPARED BY THE SECRETARIAT

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* Previously issued under the symbol A/AC.109/L.1067 and Corr.1.

SEYCHELLES a/

1. GENERAL

1. Since 8 November 1965, when the islands of Aldabra, Farquhar and Desroches were included in the "British Indian Ocean Territory", the Territory of the Seychelles has comprised 89 islands, having a combined land area of approximately 277.1 square kilometres. The Territory is situated in the western Indian Ocean, approximately 1,600 kilometres east of the Kenya coast. Mahé, the largest island, lies over 1,600 kilometres east of Kenya, 985 kilometres north of Madagascar and approximately 2,800 kilometres south-west of Bombay. Victoria, the capital of the Seychelles and the only port of the archipelago, is on Mahé.

2. In 1973, the estimated population was 60,000. At the last official census, in 1960, the population numbered 41,425.

2. CONSTITUTIONAL AND POLITICAL DEVELOPMENTS

A. 1970 Constitution

3. It will be recalled that, as a result of the decisions taken at the Seychelles Constitutional Conference at London in March 1970, a new Constitution was introduced in the Seychelles in October 1970. Briefly, it provided for an advisory Council of Ministers consisting of a Chief Minister and up to four other ministers, with three ex officio members (the Deputy Governor, the Attorney-General and the Financial Secretary) and was to be presided over by the Governor. External affairs, defence, internal security, the public service and the government broadcasting service and newspapers remained the direct responsibility of the Governor. Other government business, however, was entrusted to Seychelles ministers.

4. Under this Constitution, general elections were held in 1970 and April 1974. At the 1974 elections, both the Seychelles Democratic Party (SDP) and the Seychelles People's United Party (SPUP) campaigned on a platform of early independence for the Territory. The SDP obtained 52.4 per cent of the votes and SPUP the remaining 47.6 per cent.

B. Constitutional Conference of March 1975

5. During 1974, a constitutional conference which had been agreed upon for November, was postponed until 1975. The Seychelles Constitutional Conference, which took place at London between 14 and 27 March 1975, considered: (a) the form of a possible constitution for an independent Seychelles; and (b) the form of a possible interim constitution. On the first item, a measure of agreement was reached on the

a/ The information presented in this section is derived from published sources and from information transmitted to the Secretary-General by the Government of the United Kingdom of Great Britain and Northern Ireland under Article 73 e of the Charter of the United Nations on 6 August 1975 for the year ending 31 December 1974.

following matters: status of the constitution; fundamental human rights; citizenship; office of the Governor-General; procedures of Parliament and its constituent parts; the executive Government, including the cabinet, ministers and assistant ministers; the Supreme Court, courts of appeal and appeals to Her Majesty in Council; pension laws and protection of pension rights; financial matters; and the public service. Agreement could not be reached on provisions relating to the electoral system, the size and composition of the national assembly and the amendment of entrenched clauses of the Constitution.

6. On the second item, related to the interim constitution, the Conference decided to introduce the following changes into the 1970 Constitution:

Fundamental rights and freedoms

7. The Constitution would include provisions for safeguarding the fundamental rights and freedom of individuals and provisions for their enforcement by the courts.

Governor

8. The Governor would continue to exercise the prerogative of mercy in his discretion, on the advice of an advisory committee constituted as provided for in the 1970 Constitution, except that the advisory committee would include one minister appointed on the advice of the Prime Minister. The Governor would retain special responsibility for external affairs, defence, internal security and the police (but not prisons), as well as the government broadcasting service and newspapers.

Legislature

9. The Deputy Governor and the Financial Secretary would cease to be ex officio members of the Legislative Assembly, and the Attorney-General, who would remain an ex officio member, would not have a vote. The Assembly would be enlarged by the appointment of 10 nominated members, 5 appointed by the Governor on the advice of the Prime Minister and 5 on the advice of the leader of the minority party. The Governor would assent or withhold assent to bills, or reserve them for the signification of Her Majesty's pleasure, in accordance with ministerial advice. However, he would reserve any bill that appeared to him to be inconsistent with treaty obligations, likely to prejudice the Royal Prerogative or be inconsistent with the Constitution, unless authorized to give assent by a Secretary of State. In addition, the Governor would be empowered to refuse assent to or reserve any bill that appeared to him to affect his special responsibilities. There would be no general power to disallow laws enacted by the Seychelles legislature, but a power of disallowance would continue to apply to laws affecting the rights of holders of Seychelles government stock.

Executive

10. There would be a cabinet collectively responsible to the Legislative Assembly, consisting of the Prime Minister, who would preside, and such other ministers as might be appointed. The Governor would appoint as Prime Minister the elected member of the Assembly who appeared to him best able to command the support of the majority of the elected members of the Assembly. Other ministers would be appointed by the Governor, in accordance with the advice of the Prime Minister, from among the elected and nominated members of the Assembly, but the total number of ministers (including the Prime Minister and assistant ministers) would not exceed 12. Portfolios would be allocated in accordance with the advice of the Prime Minister. Special responsibilities retained by the Governor would not be allocated to a minister, except at the Governor's discretion, or for the purpose of conducting business relating to such matters in the Assembly. In the absence of the Prime Minister, the Governor would attend and preside over meetings of the cabinet. A security council would advise the Governor on questions of policy relating to those matters over which he would retain special responsibility. There would also be an advisory committee on government newspapers and broadcasting.

Judiciary

11. The Chief Justice would be appointed by the Governor after consultation with the Prime Minister. The Governor, after consultation with the Chief Justice, would be empowered to appoint (and remove) puisne judges, magistrates, members of other subordinate courts and registrars and other officers of the courts.

12. The Constitutional Conference agreed that the interim constitution should be introduced not later than September 1975. The representative of the United Kingdom, Miss Joan Lester, informed the Conference that she would recommend to her Government the appointment of an electoral review commission, as a possible means of resolving the differing views regarding the system of elections and the size and composition of the legislature. The commission would be asked to make recommendations to the Secretary of State for Foreign and Commonwealth Affairs before the end of 1975, with a view to further discussion at a renewed conference in January 1976. At that conference, it would be the aim of the United Kingdom Government to determine the outstanding provisions of an independence constitution, so that, subject to the approval of Parliament, the Seychelles would be enabled to proceed to independence, as desired by both political parties, not later than 30 June 1976.

13. At the end of the Conference, the two political parties issued the following communiqué:

"Following discussions in London between the leaders of the two political parties and in the spirit of national reconciliation, the Seychelles Democratic Party have extended an invitation to the Seychelles People's United Party to join the Government on the introduction of internal self-government. In the same spirit the Seychelles People's Party have accepted the invitation.

"Both parties have agreed that this constitution should provide for the appointment of 10 additional members to the present legislature, 5 to be nominated by each of the two parties concerned. There will be a cabinet of 12 ministers. By agreement between the parties, 8 ministers will be drawn from the SDP membership in the legislature and 4 from the SPUP membership."

C. Developments after the Constitutional Conference

14. In August 1975, the United Kingdom Government named a three-man commission to review the electoral system: Tun Tan Siew Sin, Chairman, former Minister of Finance of Malaysia; Mr. Harvey Lloyd de Costa, former Attorney-General of the West Indies; and Sir Leslie Monson, former Deputy Under-Secretary at the United Kingdom Foreign and Commonwealth Office. The commission was scheduled to meet at London and to visit the Seychelles before reporting to the Constitutional Conference to be held at London in late 1975.

15. On 1 October 1975, Mr. James R. Mancham, the head of SDP, was officially sworn in as the first Prime Minister of the Seychelles, in implementation of the agreement reached at the Constitutional Conference. Thus, Mr. Mancham headed a coalition Government which included Mr. F. Albert René, head of SPUP.

16. In a broadcast speech, Mr. Mancham called on the United Kingdom and other foreign Governments to help his country to achieve meaningful independence. He also announced a series of land reforms to expedite economic development.

D. Constitutional Conference of January 1976

17. At the Constitutional Conference, held at London from 19 to 22 January 1976, b/ one of the questions raised by the Prime Minister of the Seychelles was the return of the three islands of Aldabra, Farquhar and Desroches which had been detached from the Territory in 1965 (see para. 1 above).

18. Subsequently, a representative of the United Kingdom announced that, subject to the approval of the British Government and Parliament, it had been agreed to grant independence to the Seychelles as an independent republic within the British Commonwealth at midnight on 28 June 1976. The agreement also provided for inclusion in an independent Seychelles of the three islands of Aldabra, Farquhar and Desroches. Mr. Ted Rowlands, Parliamentary Under-Secretary of State at the Foreign and Commonwealth Office, who signed the agreement on behalf of the United Kingdom, said he was confident that his Government's approval would cause no difficulty.

19. According to news reports from the Territory, Mr. Mancham would become President and Mr. René would become Prime Minister. The same sources indicated

b/ For the text of the final communiqué issued at the conclusion of the conference, see annex II to the present chapter.

that the United Kingdom had agreed to give the Seychelles £10 million in capital aid for specific projects over the next few years, plus £1.7 million in direct budget support, to be paid in decreasing amounts over the next four years.

20. In a statement to the press before the signing of the agreement, Prime Minister Mancham said that the Seychelles would request admission to the United Nations and the Organization of African Unity (OAU).

21. Following the January 1976 Constitutional Conference, at which the United Kingdom agreed to return the three islands to Seychelles, Mr. Mancham said that there would have to be tripartite talks before independence between the Seychelles, Britain and the United States on the question of the islands.

E. "British Indian Ocean Territory"

22. As previously reported, under a United Kingdom Order-in-Council dated 8 November 1965, Aldabra, Farquhar and Desroches were administratively detached from the Territory. c/ The three islands, together with the Chagos Archipelago, which is about 1,900 kilometres north-east of Mauritius, form a separate administrative unit entitled the "British Indian Ocean Territory". According to the administering Power, this arrangement was made with the consent of the Governments of Mauritius and the Seychelles. Diego García, the major island in the Chagos Archipelago, is equidistant from the east coast of Africa, the north shore of the Indian Ocean and the west coast of Australia.

23. It will be recalled that on 24 October 1972, the United Kingdom Government published an agreement between the Governments of the United Kingdom and the United States of America concerning the construction of a limited United States naval communications facility on Diego García.

3. ECONOMIC CONDITIONS

24. The economy of the Seychelles is based on agriculture, fisheries and tourism. The principal crops are coconuts, cinnamon, patchouli, vanilla and tea, all of which are produced for export. The Territory is heavily dependent on imports for most of its requirements, particularly staple food-stuffs such as rice, flour, meat, vegetables and dairy products. As a consequence, there is a chronic adverse balance of trade. The deficit is normally offset by aid from the

c/ Official Records of the General Assembly, Thirtieth Session, Supplement No. 23 (A/10023/Rev.1), vol. III, chap. XIV, annex I, para. 18.

United Kingdom, land purchases by foreigners, spending by personnel from the United States Tracking Station on Mahé and remittances from emigrants.

25. In 1974, both private and public investments from abroad amounted to approximately SeyRs 50 million. d/

26. In 1974, total imports amounted to SeyRs 152,105 (SeyRs 135,049 in 1973); total exports to SeyRs 18,548 (SeyRs 12,919 in 1973); and re-exports to SeyRs 21,000 (SeyRs 6,484 in 1973).

27. According to information provided by the administering Power for 1974, the policy of the Department of Agriculture has been to encourage optimum long-term use of the land, its products and other natural resources, with the objective of increasing exports and reducing imports. Towards this end, the Department's programme included the following activities: research into and experiments with import crops; advisory services to help improve agricultural practices; agricultural pest control; and imports of livestock, seeds, animal feed, insecticides and fertilizers for sale to the farmers. In 1974, the Department's total expenditure was estimated at SeyRs 5.1 million.

28. In 1974, the production of the principal export crops was as follows:

<u>Commodity</u>	<u>Number of units</u>	<u>Value (Seychelles rupees)</u>
Copra (long tons)	3,057	9,935,208
Coconut oil (kilograms)	17,280	76,047
Coconuts (thousands)	538	221,680
Cinnamon		
Bark (long tons)	1,448	7,000,745
Quills (kilograms)	321	3,485
Chips (long tons)	22	41,043
Powder (long tons)	1	1,674

29. Current statistics are unavailable on the quantity of stock and livestock products. A modern abattoir was constructed in 1973. During 1974, the administration conducted trials under a scheme sponsored by the United Nations Development Programme (UNDP) to investigate the suitability of using sugar cane as a basis for cattle feed.

30. An afforestation programme is in progress and some 40 hectares of new forests have been planted.

d/ The local currency is the Seychelles rupee (SeyRs). In 1974, approximately SeyRs 13.33 equalled one pound sterling (£).

31. The fishing industry is based mainly on hand lines and fish traps. Some 400 small (5-10 metres) open boats operate in the inshore areas of the main islands. A fleet of 10 larger vessels (10-13 metres) land fish from off-shore grounds. The estimated catch for 1974 was 3,500 metric tons, of which 100 metric tons of frozen fish were exported. Current cold storage space on Mahé totals about 100 metric tons. The administering Power reported that its first objective, to provide a sufficient supply of fish for the inhabitants of the Territory, had been achieved in 1974; its second objective is to produce more fish for export.

32. In 1974, there were 47 manufacturing establishments, with a total of 550 employees. A modern bakery and a small cigarette factory began operation during the year.

33. Approximately 25,000 people visited Seychelles in 1974 (20,000 in 1973). A 368-bed hotel and several smaller hotels or extensions were opened, increasing the total number of beds available for visitors to 1,300. Work is reported to be under way on another major hotel with a capacity of 352 beds.

4. SOCIAL AND EDUCATIONAL CONDITIONS

34. A substantial reduction was reported in the labour force of the building and construction sector which was partially offset by expansion in other sectors such as the hotel industry, transport, agriculture and manufacturing. In December 1974, the number of employed persons totalled 12,954, a drop of 212 since January 1974. The number of unemployed during 1974 was further increased by 1,170 school leavers.

35. Assistance to children and mothers in need is provided under the Poor Relief Ordinance. The Government operates two homes for the elderly with room for 180 residents at a cost exceeding SeyRs 300,000 per annum. Needy persons receive a monthly allowance as follows: SeyRs 50 for a single person; SeyRs 70 for one person with one dependant; and SeyRs 80 for one person with more than four dependants.

36. In 1974, school enrolment was as follows: primary schools, 10,379 (10,275 in 1973); junior secondary schools, 2,441 (2,052 in 1973); and secondary grammar schools, 781 (727 in 1973).

ANNEX II*

LETTER DATED 10 FEBRUARY 1976 FROM THE DEPUTY PERMANENT
REPRESENTATIVE OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND TO THE UNITED NATIONS ADDRESSED TO
THE CHAIRMAN OF THE SPECIAL COMMITTEE

I have the honour to forward to you a copy of the final communiqué of the Seychelles Constitutional Conference. I should be grateful if you would make arrangements for this to be circulated as a Committee of 24 document.

(Signed) James MURRAY

* Previously issued under the symbol A/AC.109/512 and Corr.1.

Enclosure

Final communiqué of the Seychelles Constitutional
Conference held at London (19-22 January 1976)

The resumed Seychelles Constitutional Conference, working on the basis of position papers presented by the Seychelles Government as a whole, has ended today, 22 January 1976, with agreement on the principles and timing of an independence constitution for submission to Her Majesty's Government and Parliament.

The Conference has recommended that, subject to the approval of Her Majesty's Government and Parliament, the independence constitution should enter into force at midnight on 28 June 1976.

In accordance with the wishes of the Seychelles delegation, which included the leaders and representatives of the Seychelles Democratic Party (SDP) and the Seychelles People's United Party (SPUP), the principles of the independence constitution agreed at the Conference include the following central features:

- (a) Seychelles is to be a sovereign republic with the constitution as the supreme law;
- (b) The Prime Minister in office on the entry into force of the independence constitution will assume the office of President. Thereafter, the President is to be elected by popular vote simultaneously with elections to the national assembly. The President is to exercise full executive powers;
- (c) There will be a cabinet consisting of a Prime Minister and 10 ministers appointed by the President from members of the national assembly;
- (d) Following the recommendations of the electoral review commission, the national assembly is to consist of 25 elected members, 8 elected for the existing constituencies and the remainder by proportional representation from the party lists;
- (e) There will be provisions relating to citizenship, the protection of fundamental human rights, the judiciary, the public service, finance and pensions on lines agreed at the Conference.

In the course of the Conference, the leaders of SDP and SPUP confirmed their intention to continue the present coalition after independence and to hold elections in 1979.

The Conference agreed in principle to recommend the transfer of the islands of Aldabra, Farquhar and Desroches to Seychelles sovereignty upon independence. A tripartite meeting between the Governments of the United Kingdom of Great Britain and Northern Ireland, the Seychelles and the United States of America will be held as soon as possible to conclude the necessary arrangements.

The leaders of SDP and SPUP stated their intention to seek membership of the Commonwealth.

CHAPTER XI
(A/31/23/Add.5 and Corr.1)

SPANISH SAHARA**

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** Also called Western Sahara.

CHAPTER XI
SPANISH SAHARA

A. CONSIDERATION BY THE SPECIAL COMMITTEE

1. The Special Committee considered the item at its 1054th meeting, on 10 September 1976.
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 3481 (XXX) of 11 December 1975 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 resolution 1514 (XV) in all Territories which have not yet attained independence". The Special Committee also took into account General Assembly resolutions 3458 A and B (XXX) of 10 December 1975 concerning the question of Spanish Sahara.
3. During its consideration of the item, the Special Committee had before it a working paper prepared by the Secretariat (see annex I to the present chapter) containing information on developments concerning the Territory. The Special Committee also had before it a letter dated 17 February 1976 from the Permanent Representative of Algeria to the United Nations addressed to the Chairman (see annex II to the present chapter).

B. DECISION OF THE SPECIAL COMMITTEE

4. At its 1054th meeting, on 10 September, following a statement by the Chairman (A/AC.109/PV.1054), the Special Committee decided, without objection, to refer the question to the General Assembly and to authorize its Rapporteur to transmit to the General Assembly the relevant documentation in order to facilitate the latter's consideration of the question.

ANNEX I*

WORKING PAPER PREPARED BY THE SECRETARIAT

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* Previously issued under the symbol A/AC.109/L.1121 and Add.1 and Add.1/
Corr.1 and Corr.2.

INTRODUCTION a/

1. Since May 1975, the Territory known variously as Spanish Sahara, Western Sahara or Sahara has witnessed a succession of developments which began with the visits undertaken by the United Nations Visiting Mission to the Territory, to neighbouring countries and to Spain. The present paper summarizes developments relating to the Territory since that time.

1. ACTION BY THE UNITED NATIONS PRIOR TO THE MADRID AGREEMENT

A. United Nations Visiting Mission

2. In May 1975, in accordance with a decision taken by the Special Committee at its 996th meeting on 27 March 1975, a United Nations mission composed of the representatives of Cuba, Iran and the Ivory Coast, and headed by the Permanent Representative of the Ivory Coast to the United Nations visited Spain, the Territory, Morocco, Algeria and Mauritania. The function of the Visiting Mission was to assist the Special Committee in the task entrusted to it by the General Assembly in resolution 3292 (XXIX) of 13 December 1974, namely, to review the situation in the Territory.

3. In its report to the Special Committee, the Visiting Mission concluded that "Although all the concerned and interested parties are in favour of the complete decolonization of the Territory, they none the less remain divided as to the way in which that decolonization should be carried out and as to the final status of the Territory." b/ The Mission noted that the Spanish Government had reaffirmed its wish to decolonize the Territory in conformity with the relevant United Nations resolutions and was ready to co-operate with the States in the region and with the United Nations, to enable the population of the Territory to exercise its right to self-determination. Spain had originally announced plans to hold a referendum in accordance with requests contained in a number of United Nations resolutions, of which the latest was General Assembly resolution 3162 (XXVIII) of 14 December 1973. Following the visit of the United Nations Mission, however, the Spanish Government considered that the people of Spanish Sahara had unequivocally expressed to the Mission their desire for independence. The Mission also reported that the Spanish Government had made known its wish to withdraw from the Territory as quickly as possible, without leaving a vacuum.

a/ For general information on the Territory, see Official Records of the General Assembly, Thirtieth Session, Supplement No. 23 (A/10023/Rev.1), vol. III, chap. XIII, annex, paras. 117-125.

b/ The text of the observations and conclusions of the Visiting Mission, which were adopted by the Special Committee at its 1023rd meeting, on 7 November 1975, is contained in Official Records of the General Assembly, Thirtieth Session, Supplement No. 23 (A/10023/Rev.1), vol. III, chap. XIII, para. 11.

4. According to the report of the Visiting Mission, the Governments of Morocco and Mauritania reaffirmed their respective territorial claims to the Territory, which they insisted should be integrated with their own national territory. The Moroccan Government stated, however, that, if necessary, it could accept a referendum subject to certain conditions, including the withdrawal of Spanish troops and the colonial administration; the temporary presence of the United Nations to supervise the maintenance of order and the proper functioning of the administration; and the return of refugees. Furthermore, the referendum could offer only two alternatives: integration with Morocco or administration by Spain. The Government of Mauritania, on the other hand, considered that, as there was to be an act of self-determination, the parties concerned (Mauritania and Morocco) should be associated, each within its respective area of influence, with the preparation and conduct of the act of self-determination.

5. According to the report, the Government of Algeria denied any territorial claim on the Territory, which it asserted should be decolonized in accordance with the principles laid down by the United Nations and the Organization of African Unity (OAU), giving the population of the Territory the opportunity to exercise its right to self-determination and to decide its future freely. The Algerian Government also indicated that it would accept and respect any settlement of the problem of the Territory, provided that the settlement had been freely approved by the population concerned.

6. Within the Territory, the Mission noted that "the population, or at least almost all those persons encountered by the Mission, was categorically for independence and against the territorial claims of Morocco and Mauritania". The population expressed the wish that the United Nations, OAU and LAS /League of Arab States/ should help it to obtain and preserve its independence. The population showed, by its demonstrations and statements, that it supported the objectives of the Frente POLISARIO /Frente Popular para la Liberación de Saguia el Hamra y Río de Oro/ and PUNS /Unión Nacional Saharani/ c/ favourable to the independence of the Territory.

7. On the basis of these findings, the Mission concluded that "any settlement, if it is to provide a lasting solution and preserve peace in the region, must be worked out with the agreement and participation of all the concerned and interested parties, namely the administering Power, the Governments of the countries adjoining the Territory and the representatives of the Saharan population". The Mission considered it was also important to stress that "the decolonization of Spanish Sahara must take into account the wishes and aspirations of all the Saharan population of the Territory, including those who are at present living abroad as political exiles or refugees". The Mission considered it necessary that all the concerned and interested parties should help to create a climate favourable to peaceful decolonization and was convinced that "a United Nations presence in the Territory, in a form and for a time to be determined, could be useful". Finally, the Mission felt that "the General Assembly should take steps to enable those

c/ Political parties in the Territory.

population groups to decide their own future in complete freedom and in an atmosphere of peace and security in accordance with the provisions of resolution 1514 (XV) and the relevant resolutions of the General Assembly".

B. Advisory opinion of the International Court of Justice

8. On 16 October 1975, the International Court of Justice delivered an advisory opinion on the question of Western Sahara d/ in a response to a request by the General Assembly contained in its resolution 3292 (XXIX). In paragraph 162 of its opinion, the Court stated as follows:

"The materials and information presented to the Court show the existence, at the time of Spanish colonization, of legal ties of allegiance between the Sultan of Morocco and some of the tribes living in the territory of Western Sahara. They equally show the existence of rights, including some rights relating to the land, which constituted legal ties between the Mauritanian entity, as understood by the Court, and the territory of Western Sahara. On the other hand, the Court's conclusion is that the materials and information presented to it do not establish any tie of territorial sovereignty between the territory of Western Sahara and the Kingdom of Morocco or the Mauritanian entity. Thus the Court has not found legal ties of such a nature as might affect the application of resolution 1514 (XV) in the decolonization of Western Sahara and, in particular, of the principle of self-determination through the free and genuine expression of the will of the peoples of the Territory ...".

9. In a statement to the Security Council at its 1849th meeting on 20 October 1975, the Permanent Representative of Morocco to the United Nations referred to the advisory opinion of the International Court of Justice and said:

"The Court has recognized and stated the existence of the Sahara's legal ties of allegiance with Morocco, and links of a territorial nature with Mauritania.

"Those two countries therefore rightfully claim that the principle of national unity and territorial integrity should be applied in this case. Hence they are perfectly justified in requesting that the opinion of the Court should lead to concerted negotiations between themselves and the administering Power" (S/PV.1849).

10. Similarly, at the same meeting, the Permanent Representative of Mauritania to the United Nations interpreted the Court's advisory opinion as justifying his country's demands for "respect for its territorial integrity and the unity of its people". He added that his country "therefore hopes that the United Nations will take the steps required by the need for an urgent solution, with due regard for the

d/ Western Sahara, Advisory Opinion, I.C.J. Reports 1975, p. 12

rights of the States concerned - that is, Morocco and Mauritania - to territorial integrity and national unity" (S/PV.1849).

11. On the other hand, the Permanent Representative of Algeria to the United Nations stated before the Security Council, at its 1850th meeting, on 22 October, that the International Court of Justice "could not ignore the special position of Algeria in relation to the problem of the Sahara". He also said that in the opinion of Algeria, both the report of the Visiting Mission and the advisory opinion of the Court "indicate ... that the valid settlement of the problem of the Sahara can be achieved only on the basis of the free self-determination of the Saharan people" (S/PV.1850).

C. Action by the Security Council

"Green march"

12. On 16 October 1975, following release of the advisory opinion, King Hassan II of Morocco announced that he would soon lead a march of 350,000 unarmed Moroccans, including more than 30,000 women, into the Sahara to claim that Territory for Morocco. The announced purpose of the march was "to gain recognition of its right to national unity and territorial integrity" e/

13. In a broadcast to the nation on that day, the King was reported to have declared that "we have to organize a green march from the north to the south of Morocco and from its east to its west ... In this march, 350,000 of the population may take part ... It will be a march without arms ... Here and now we ask Spain to note that we do not intend to fight it. We are not declaring war." The march was scheduled to begin at Marrakesh on 21 October, in 7,000 lorries and buses to Tarfaya, 30 kilometres from the border of the Territory. The marchers were to be protected by unarmed policemen in civilian clothes and by garrison troops.

14. On 21 October, Mr. Ahmed Osman, Prime Minister of Morocco, was reported to have given the signal for the departure of the first truck convoys from the oasis of Kasr es-Souk in eastern Morocco. Various official Moroccan statements issued at the time rejected the charge that the march "constituted an invasion" of the Territory and stressed that the basis for negotiations between Morocco and Spain was "the recognition of Morocco's eventual sovereignty" over the Territory.

15. On 18 October, the Ministry of External Relations of Spain announced that the march was "a grave threat to peace and international security". The Government of Spain "declined all responsibility for whatever results from Morocco's actions", and, as the Ministry of External Relations put it, "with a view to avoiding warlike evolution of the situation, an urgent Security Council meeting was called to discuss the situation". At the same time, it was reported that the Spanish Government had sent Mr. José Solís, Secretary-General of the Spanish National Movement, to Morocco where he conferred with King Hassan II on 20 October. Mr. Solís was reported to have indicated to the King that Spain was ready to abandon the Territory, provided that Morocco avoided a confrontation between Spanish troops and the marchers.

e/ Official Records of the Security Council, Thirtieth Year, Supplement for October, November and December 1975 (S/11852).

16. A representative of the Frente POLISARIO declared at El Aaiún that the Saharans would defend their frontier against an "invasion by Morocco". However, the representative added: "But we trust that Spain will defend our Territory against such invasion." The Frente POLISARIO issued a further statement in which it declared that it was leaving the responsibility of defending the Territory to the Spanish Government. "Spain", the statement added, "is responsible in its capacity as administering Power for the defence of our Territory."

17. On 18 October, in a letter addressed to the President of the Security Council, the Permanent Representative of Spain to the United Nations stated that "owing to the statements made by His Majesty King Hassan II of Morocco threatening to conduct a march of 350,000 people to invade Western Sahara, a situation of international friction has arisen that threatens international peace and security". On behalf of his Government, he urged the convening of an emergency meeting of the Security Council to take up the question. f/

18. On the same day, the Permanent Representative of Morocco to the United Nations also addressed a letter to the President of the Security Council, in which he stated that his Government protested "vigorously" against Spain's description of "the peaceful march announced by His Majesty the King" as an "invasion", which he said was a "misrepresentation of the facts". g/

19. On 22 October, the Security Council adopted resolution 377 (1975), by which it requested the Secretary-General "to enter into immediate consultations with the parties concerned and interested and to report to the Council as soon as possible the results of his consultations in order to enable the Council to adopt the appropriate measures to deal with the present situation". The Council appealed to the parties concerned and **interested** to exercise restraint and moderation, and to enable the mission of the Secretary-General to be undertaken in satisfactory conditions.

20. The Secretary-General undertook a mission to the area, between 25 and 28 October 1975. During the mission, he met with King Hassan II at Marrakesh, President Moktar Ould Daddah at Nouakchott, President Houari Boumediene at Algiers and President Arias Navarro of Spain at Madrid. The Secretary-General subsequently sent Mr. André Lewin, his Special Envoy, to Marrakesh and Algiers, from 3 to 6 November, to brief both Morocco and Algeria on the position of Spain.

21. In his report to the Security Council on the matter, the Secretary-General stated that "the situation in the area remains grave. I consider it, therefore, of the greatest importance that any action be avoided which might further escalate the tension". h/ As regards the position of the different parties, the Secretary-General reported that the Government of Morocco could not accept the thesis that decolonization in Western Sahara must be kept separate from the situation which had arisen as a result of the "green march". He said that Morocco hoped that direct contacts with Spain would "lead to an understanding", and that should those efforts not succeed, it appeared that Morocco would be prepared to consider other approaches in which the United Nations could be called upon to play an appropriate role. The Secretary-General described the position of the Government of Mauritania as basically similar to that of Morocco. Mauritania shared Morocco's view that a

f/ Ibid., S/11851.

g/ Ibid., S/11852.

h/ Ibid., S/11863.

solution to the decolonization of Western Sahara could be reached through direct negotiations with Spain. The Government of Algeria, on the other hand, categorically rejected the position taken by Morocco and Mauritania that Western Sahara belonged to them by historical ties. Algeria asserted that it had no territorial claims to Western Sahara, but it insisted that the people of the Territory "must be enabled to decide their own future through the exercise of their right to self-determination", by a referendum in the Territory. Under no circumstances would Algeria be prepared to endorse a *fait accompli*. It would accept the results of a referendum organized by the United Nations, but could not accept a bilateral settlement which might be agreed upon between Spain, Morocco and Mauritania. In Algeria's view, any takeover of the Territory by Morocco would have serious repercussions in the region.

22. The Secretary-General stated in his report that although the Spanish Government had established direct contacts with the Governments of Morocco and Mauritania because of the urgency of the situation created by the "green march", it had not committed itself to seeking a solution to the decolonization of Western Sahara on a bilateral or trilateral basis. Spain strongly desired to find an agreement that would be acceptable to all the parties in the area and was ready to co-operate with the United Nations, which could be called upon to plan an appropriate role that might include temporary administration of the Territory by the United Nations until the wishes of the people could be ascertained.

23. On the basis of these considerations, the Secretary-General concluded that "while not all parties have arrived at final decisions, it seems to me that they would be prepared to recognize the United Nations as an essential element in the search for an acceptable solution".

24. Having received a letter dated 1 November 1975 from the *Chargé d'affaires*, a.i. of the Permanent Mission of Spain to the United Nations stating that the situation in the Territory had "deteriorated to such an extent at the last moment, owing to the refusal of the Government of Morocco to halt the announced march of invasion of the Territory", i/ the Security Council met urgently on 2 November and adopted resolution 379 (1975). By this resolution, the Council urged all the parties concerned and interested to avoid any unilateral or other action which might further escalate the tension in the area and requested the Secretary-General to continue and intensify his consultations with the parties concerned and interested.

25. On 6 November, the day on which the Moroccan marchers were reported to have crossed into the Territory, the President of the Security Council addressed to the King of Morocco "an urgent request to put an end forthwith to the declared march into Western Sahara". j/ The Council also met that day and adopted resolution 380 (1975), in which it noted with regret that despite resolutions 377 (1975) and 379 (1975), as well as the appeal made by the Council's President, the march had taken place. The Council deplored the holding of the march and called on Morocco immediately to withdraw all the participants in the march from the Territory. It also called upon Morocco and all other parties concerned and interested "to co-operate fully with the Secretary-General in the fulfilment of the mandate entrusted to him in resolutions 377 (1975) and 379 (1975)".

i/ *Ibid.*, S/11864.

j/ *Ibid.*, S/11868.

26. On 8 November the Secretary-General submitted a further report to the Security Council k/ in which he gave an account of the results of the latest contacts by his Special Envoy with the four parties, and noted that it had not been possible to induce Morocco to halt the march and that Morocco still insisted on a trilateral solution among Spain, Morocco and Mauritania.

2. MADRID AGREEMENT

A. Negotiations leading to the agreement

27. During the crisis resulting from the "green march", contacts continued between Morocco and Spain, including a visit to Madrid on 24 October 1975 of Mr. Ahmed Laraki, Minister for Foreign Affairs of Morocco. According to a press report, Mr. Laraki said that his mission to Madrid was being undertaken in the spirit of Security Council resolution 377 (1975) "which called for continuing dialogue ... and for restraints from all parties concerned". Towards the end of October, diplomatic contacts among Morocco, Mauritania and Spain reportedly intensified.

28. On 9 November, in an address to his country, King Hassan II said that "I personally think and firmly believe that our march has fulfilled its mission and realized its aim and that ... it has achieved what all of us ... expected of it". The King, therefore, called on the marchers to "return to our starting point ... in order to tackle matters and issues by another method in new ways". On 14 November, the Permanent Representative of Morocco to the United Nations issued a press release announcing that "in conformity with Security Council resolutions 377 (1975) and 380 (1975), King Hassan II has decided, on the one hand to withdraw the marchers, and on the other, to enter into negotiations in agreement with Spain and Mauritania".

29. On 18 November, the Permanent Representative of Spain to the United Nations transmitted to the Secretary-General the text of a Declaration of Principles agreed on at Madrid on 14 November "as a result of negotiations entered into with Morocco and Mauritania within the framework of Article 33 of the Charter and in accordance with the recommendations of the Security Council concerning the situation created by the 'Green March' with a view to finding a solution to the resulting friction". 1/ In the letter transmitting the Declaration, the Permanent Representative stated that, under the terms of the Declaration, Spain proposed definitively to terminate its presence in the Territory by 28 February 1976 at the latest. It also proposed, in the interim, to transfer its powers and responsibilities as administering Power to a temporary administration which would be constituted by the appointment to the staff of the current Governor-General of two Deputy Governors to be nominated by Morocco and Mauritania respectively. The Jema'a (General Assembly), which would express the views of the Saharan population, would collaborate with that

k/ Ibid., S/11874.

1/ Ibid., S/11880, annex II.

administration. According to the Declaration, the views of the Saharan population, as expressed through the Jema'a, would be respected.

30. The Declaration also stated that the Madrid agreement would enter into force on the date of publication in the Boletín Oficial of Spain, of the law on the decolonization of the Sahara. Subsequently, it was announced at Madrid on 19 November that the bill on the decolonization of the Sahara had been adopted by the Spanish Cortes by a vote of 345 to 4.

31. On 18 November, the Secretary-General received from the Ministers for Foreign Affairs of Morocco and Mauritania a copy of the Declaration signed by the three parties. m/

32. On 24 November, details relating to the provisional administration were announced at Madrid. According to that announcement, Lieutenant-General Gómez de Salazar, the Spanish Governor-General would administer the Territory until the departures of Spain from the area. His two Deputy Governors, Mr. Ahmad Bin Sudah of Morocco, and Mr. Abdallahi Ould Cheikh of Mauritania, were to be presented to the Jema'a, "the supreme organism representing the Saharan people".

m/ Ibid., S/11880, annex III.

B. Position of Algeria

33. According to press reports, during the period of negotiations, Algeria sent two messages to Spain and sought contacts with that Government in an effort to head off a tripartite agreement and to ensure the right of the people of the Territory to self-determination and independence. In addition, on 4 November 1975, the Minister for Foreign Affairs of Algeria addressed a letter to the Secretary-General in which he said "all that remains for the /General/ Assembly to do ... is to decide upon practical procedures for permitting the people of the Sahara to exercise their inalienable right to self-determination" (A/10337-S/11872, annex II). n/

34. In late November, in an interview with the Spanish political weekly, Cambio 16, President Boumediene was reported to have accused the Spanish Government of repudiating its obligations, violating international law and giving in to external pressures in agreeing to hand over the Territory to Morocco and Mauritania.

C. Position of the political parties in the Territory

35. In their statements before the Fourth Committee of the General Assembly, the representatives of the Front de Libération et de l'Unité (FLU), the Mouvement de résistance pour la libération des territoires sous domination espagnole (MOREHOB), the Front pour la libération et le rattachement du Sahara occidental à la République islamique de Mauritanie (FLSRM) and PUNS all supported the Madrid Declaration. The representative of PUNS, for instance, said that the Saharan population had "never felt the existence of any national consciousness independent of Morocco". The representative of FLSRM said that the purpose of his movement was the restoration of lost Muaritanian unity and the destruction of the artificial barriers between the two parts of the country created by colonialism. o/

36. The President of the Jema'a, speaking on behalf of that body, said that the Saharan people were most gratified by the agreement, as a result of which "reunion was now possible". p/

37. The Frente POLISARIO, which the United Nations Visiting Mission had found to have considerable support among all sections of the population at the time of its visit, considered the Madrid Declaration as a manoeuvre between "the colonialist Power and the expansionists to frustrate the process of decolonization of the Sahara under United Nations auspices". Representatives of the party declared its determination to carry on an armed struggle to achieve independence for the Territory. q/

n/ For the printed text, see Official Records of the Security Council, Thirtieth Year, Supplement for October, November and December 1975 (S/11872), annex II.

o/ Official Records of the General Assembly, Thirtieth Session, Fourth Committee, 2173rd meeting.

p/ Ibid.

q/ Ibid., 2170th meeting.

38. In a letter dated 9 December 1975, the Permanent Representative of Algeria to the United Nations transmitted to the Secretary-General a document signed at Guelta Zemmur on 28 November 1975 by 67 members of the Jema'a, 3 Saharan members of the Cortes, the representatives of the other members of the Jema'a and more than 60 sheiks and notables of Saharan tribes (A/10481-S/11902, annex). r/ The signatories stated that the only way of consulting the Saharan people was by allowing them to decide their own future and to obtain their independence free of any outside interference. As the Jema'a had not been democratically elected, the signatories considered that it could not decide upon the self-determination of the Saharan people; and, in order to avoid being used, the Jema'a, by unanimous vote of its members present, had decided on its final dissolution. The document declared the Frente POLISARIO as the sole and legitimate authority of the Saharan people.

3. ACTION BY THE GENERAL ASSEMBLY FOLLOWING THE MADRID AGREEMENT

39. During the debates in the General Assembly in December 1975, the positions of the parties concerned and interested, namely Spain, Morocco, Mauritania and Algeria, remained the same as those presented at the meetings of the Fourth Committee on the question. s/

40. On 10 December 1975, the General Assembly adopted resolutions 3458 A (XXX) and 3458 B (XXX). By the first resolution, which was adopted by 88 votes to none with 41 abstentions, the Assembly reaffirmed the inalienable right of the people of Spanish Sahara to self-determination, in accordance with General Assembly resolution 1514 (XV) of 14 December 1960, and the responsibility of the administering Power and of the United Nations with regard to the decolonization of the Territory and the guaranteeing of the free expression of the wishes of the people of Spanish Sahara. It took note with satisfaction of the report of the United Nations Visiting Mission and endorsed its conclusion that measures should be taken to enable all Saharans originating in the Territory to decide on their future in complete freedom and in an atmosphere of peace and security, in accordance with resolution 1514 (XV). The Assembly also requested the Government of Spain, as the administering Power, to take immediately all necessary measures, in consultation with all the parties concerned and interested, so that all Saharans originating in the Territory might exercise fully and freely, under United Nations supervision, their inalienable right to self-determination. It further requested the Secretary-General, in consultation with the Government of Spain and the Special Committee, to make the necessary arrangements for the supervision of the act of self-determination. By the same resolution, the Assembly urged all the parties concerned and interested to exercise restraint and to desist from any unilateral or other action outside the decisions of the Assembly, and requested the Special Committee to follow the implementation of the resolution and to report on the question to the General Assembly at its thirty-first session.

41. By its resolution 3458 B (XXX), which was adopted by 56 votes to 42, with 34 abstentions, the General Assembly took note of the tripartite agreement concluded at Madrid on 14 November 1975 (see paras. 27-32 above); reaffirmed the

r/ For the printed text, see Official Records of the Security Council, Thirtieth Year, Supplement for October, November and December 1975 (S/11902), annex.

s/ Official Records of the General Assembly, Thirtieth Session, Plenary Meetings, 2367th, 2370th, 2377th and 2435th meetings.

inalienable right to self-determination, in accordance with General Assembly resolution 1514 (XV), of all the Saharan populations originating in the Territory; and requested the parties to the Madrid agreement to ensure respect for the freely expressed aspirations of the Saharan populations. In addition, the Assembly requested the interim administration to take all necessary steps to ensure that all the Saharan populations originating in the Territory would be able to exercise their inalienable right to self-determination through free consultations organized with the assistance of a representative of the United Nations appointed by the Secretary-General.

4. WITHDRAWAL OF SPAIN AND PARTITION OF THE TERRITORY

A. Termination of the Spanish administration

42. In January 1976, the Secretary-General appointed Mr. Olof Rydbeck, the Permanent Representative of Sweden to the United Nations, as his special representative to visit the Territory to explore the situation and to report thereon.

43. The termination by Spain of its administration in the Territory, scheduled to take place before the end of February, was effected in stages. As early as the end of October 1975, there were reports that the Spanish Government was planning to evacuate 5,000 Spanish civilians from the Territory by 15 November, and that 15,000 Spanish soliders would remain there until an agreement had been reached by the parties involved in the Madrid negotiations. It was also reported that auxiliary indigenous soldiers were being disarmed and that a dusk-to-dawn curfew had been imposed in El Aaiún to head off any public disorder. Press accounts indicated that the Spanish military authorities had imposed a curfew in the population centres until further notice as "a precaution against a possible surge of violence by the Saharans against Spanish nationals and property".

44. With the withdrawal of the Spanish troops, Moroccan forces moved into the northern and eastern areas of the Territory and Mauritanian forces into parts of the southern area. In some places, these forces met with armed confrontation by the forces of the Frente POLISARIO, which had announced that it intended to continue the guerrilla war.

45. The process of Spain's withdrawal continued until the end of February 1976, when the Permanent Representative of Spain to the United Nations, in a memorandum dated 25 February, informed the Secretary-General that "the Spanish Government, in accordance with ... the Declaration of Principles signed in Madrid on 14 November 1975 ... has decided that it will definitively terminate its presence in the Territory tomorrow, 26 February 1976". t/ The Spanish memorandum added that "a meeting of the Jema'a has been convened /on 26 February/ at which the present Spanish Governor, who is acting as a member of the temporary administration, will inform the Jema'a of this decision of the Spanish Government". According to the memorandum, the meeting "does not constitute the popular consultation provided for in the Madrid agreements of 14 November 1975 and in General Assembly resolution 3458 B (XXX) unless the necessary conditions are met, including, in particular, the presence of a representative of the United Nations appointed by you in accordance with paragraph 4 of the above-mentioned resolution".

t/ See also A/31/56-S/11997. For the printed text, see Official Records of the Security Council, Thirty-first Year, Supplement for January, February and March 1976 (S/11997).

46. In his reply, dated 25 February, the Secretary-General recalled paragraphs 7 and 8 of resolution 3458 A (XXX) and paragraph 4 of resolution 3458 B (XXX), and concluded as follows:

"It is evident from the paragraphs cited above that neither the Government of Spain, as the administering Power, nor the interim administration, of which Spain is a member, has taken the necessary steps to ensure the exercise of the right to self-determination by the populations of Western Sahara. Accordingly, even if time had permitted and the necessary clarifications had been furnished regarding the meeting of the Jema'a of which you informed me yesterday that your Government was not aware, the presence at the meeting of a representative of the United Nations appointed by me would not, by itself, constitute fulfilment of the General Assembly resolutions referred to above".

47. Morocco and Mauritania also addressed separate invitations to the Secretary-General, dated 24 and 25 February respectively, to send a representative to attend the deliberations of the Jema'a. In the invitation from Morocco, the Minister for Foreign Affairs also appealed "to all members of the Jema'a who are outside the Territory to participate in that meeting in order to express their views freely, and we assure them of freedom of movement under United Nations guarantee, including the possibility of leaving the Territory if that should be their wish".

48. In his replies to the invitations from Morocco and Mauritania, dated 26 February, the Secretary-General once more referred to resolutions 3458 A (XXX) and 3458 B (XXX) and said that it was evident that "the essential conditions for the implementation" of those resolutions "have not been fulfilled". The Secretary-General went on to state: "Accordingly, even if time had permitted and the necessary clarifications had been furnished regarding the meeting of the Jema'a, the designation by me of a representative of the United Nations who would attend the meeting ... would not constitute fulfilment of the General Assembly resolutions referred to above".

49. Also on 26 February, the Jema'a (whose exact number of representatives remaining in El Aaiún is subject to conflicting statements by Morocco on the one hand, and Algeria and the Frente POLISARIO on the other) issued a communiqué on the occasion of the termination of the Spanish presence in the Territory, in which it was stated that the Jema'a "expresses its satisfaction with the positive evolution registered in the Sahara province, during the transitory period which produced the withdrawal of the Spanish army, the appointment of Governors, the transfer of civil and military powers to Morocco and Mauritania, and the coming into service of Moroccan and Mauritanian administrations". The motion of the Jema'a which was reported to have been approved on the same day, expressed thanks to Spain "for the solicitude and aid it has always shown for the Saharan population during its presence in the Territory".

50. On the same day, the Permanent Representative of Spain to the United Nations informed the Secretary-General that

"The Spanish Government, as of today, definitively terminates its presence in the Territory of the Sahara and deems it necessary to place the following on record: (a) Spain considers itself henceforth exempt from any responsibility of an international nature in connexion with the administration of the said Territory, in view of the cessation of its participation in the temporary administration established for the Territory; (b) the decolonization of Western Sahara will reach its climax when the views of the Saharan population have been validly expressed" (A/31/56-S/11997). u/

51. On 27 February, the Permanent Mission of Morocco to the United Nations transmitted to the Secretary-General a message addressed to him by Mr. Khatri Ould Said a Ould El Jomâini, President of the Jema'a in which he said that "the Saharan Jema'a, meeting in special session today, Thursday, 26 February 1976, at El Aaiún, has unanimously approved the reintegration of the Territory of Sahara with Morocco and Mauritania in conformity with historical realities and with links which have always united the Saharan population to those two countries".

B. Partition of the Territory

52. With parallel 24° as the partition line between the Moroccan and the Mauritanian sectors, it was reported that Moroccan and Mauritanian civil administrations and military forces were being established in the Territory from January 1976. Prior to that date, Mr. Ben Souda, the Moroccan Assistant Governor-General in the temporary administration, had been designated by King Hassan II as "Governor of the Sahara".

53. According to a press report, even before any measure had been taken to consult the people of the Territory on its future, a report from El Aaiún had indicated that Morocco planned to divide the north-western and eastern parts of the Territory into two provinces, with El Aaiún and Semara as their respective capitals.

54. The partition line was later formalized by the Moroccan-Mauritanian agreements on the Saharan frontier and on economic co-operation which were signed at Rabat on 14 April 1976 (see paras. 67-68 below). In accordance with the first agreement, Morocco and Mauritania agreed that "the State frontier between the Islamic Republic of Mauritania and the Kingdom of Morocco shall be defined by the straight line linking the point of intersection of the 24th parallel north and the 13th meridian west, the intersection of this straight line with the present frontier of the Islamic Republic of Mauritania constituting the south-eastern limit of the frontier of the Kingdom of Morocco. From this last point, the frontier follows the present frontier of the Islamic Republic of Mauritania northwards ...". Thus, the partition line lies south of the Bu Craa phosphate mines and north of Villa Cisneros which lies in the Mauritanian sector.

55. On 11 February 1976, Algeria's Council of the Revolution and the Council of Ministers issued a statement which sets out Algeria's position in regard to developments in the Territory as follows:

u/ For the printed text, see Official Records of the Security Council, Thirty-first Year, Supplement for January, February and March 1976 (S/11997).

"The expansionist plan specified in the tripartite statement made public in Madrid on 14 November 1975 and implemented by the Moroccan and Mauritanian armed forces with active assistance by Spain, has resulted in brutal repression against the Saharan people and caused mass emigration by the inhabitants of the Western Sahara. The fierce resistance waged by the people under the leadership of the Frente POLISARIO against foreign invasion and military occupation of their national territory truly proves their determination and is considered a categorical denial of the tendentious rumours about their deep aspirations."

56. On 8 March, in a telegram addressed to the United Nations High Commissioner for Refugees (UNHCR) the Algerian Minister for Foreign Affairs stated that "refugees estimated at 5,000 at the end of December have increased in number by those who fled ... Refugees surpass 45,000. Requests the Secretary-General launch appeal for assistance to these refugees".

C. Mediation by the League of Arab States (LAS)

57. In late February, Mr. Mahmoud Riad, Secretary-General of LAS, embarked on a mediation mission to Morocco, Mauritania and Algeria. Prior to undertaking this mission, Mr. Riad had met with the ambassadors to Egypt of those three countries at Cairo, and had addressed telegrams to their Heads of State asking them "to avoid all further complication of the situation and /to/ leave the door open for talks". Copies of the telegrams had also been sent to other Arab leaders with a request that they do everything possible to aid the mediation effort.

58. In addition to talks at Fès with King Hassan II and at Algiers with President Boumediene and Mr. Abdelaziz Bouteflika, Minister for Foreign Affairs of Algeria, the Secretary-General of LAS was reported to have met on 21 February with leaders of the Frente POLISARIO and to have held talks with Mr. Ould Ziou, President of the Saharan National Provisional Council, and Mr. Habib Allah, a senior member of the Foreign Affairs Committee of the Frente POLISARIO. Subsequently, Mr. Riad was reported to have said in his opening statement at the LAS Council of Ministers meeting at Cairo on 15 March that "Arab solidarity has been shaken by painful experiences in Lebanon and the Western Sahara". He also called on the Council of Ministers to "assume joint responsibility and take serious action to mobilize Arab forces and potential".

5. FRENTE POPULAR PARA LA LIBERACION DE SAGUIA EL HAMRA Y RIO DE ORO (FRENTE POLISARIO) AND THE DECLARATION OF THE SAHARAN ARAB DEMOCRATIC REPUBLIC

59. According to reports, the Frente POLISARIO has described the Moroccan and Mauritanian partition of the Territory as an invasion which it declared would be resisted by force of arms (see paras. 65-66 below).

60. In early March 1976, it was reported that on the night of 28 and 29 February, representatives of the Frente POLISARIO at Bir Lahou (some 150 kilometres west of

the Algerian border, in the Saguia El Hamra region of the Territory) had declared the creation of the "Saharan Arab Democratic Republic". In that connexion, Mr. Ould Ziou, President of the Saharan National Provisional Council, is reported to have declared "in the name of the Almighty and with his help, to meet the will of the Arab people, to be faithful to our glorious martyrs and to crown our immense sacrifices, the flag of the 'Saharan Arab Democratic Republic' today floats over the Territory of Saguiet El-Hamra and Ouadi Dhahdad (Río de Oro)". Later reports indicated that the Saharan National Provisional Council was to be the legislative assembly.

61. On 7 March, following Algeria's recognition of the Saharan Arab Democratic Republic on 6 March, Morocco broke off relations with Algeria. The official Moroccan communiqué accused Algeria of being the "creator" of the Frente POLISARIO's "alleged Republic", and put "the entire responsibility for the present situation on the Algerian Government". It also reaffirmed Morocco's determination "to oppose any interference, from whatever source, in its internal affairs". The Moroccan Government also maintained that the Saharan Arab Democratic Republic had not been declared in the Sahara but on Algerian soil.

62. On 7 March, the Mauritanian Government also broke off relations with Algeria over the issue of its recognition of the Saharan Arab Democratic Republic. In its announcement, the Government maintained that "Algeria's attitude reduced to nothing the friendship and co-operation built up with Mauritania over a decade". The Mauritanian statement added that Algeria's stand on the Sahara question had "violated the elementary principle of respect for other nations' sovereignty, and non-interference in their internal affairs".

Position of the Organization of African Unity (OAU)

63. At an extraordinary meeting which ended on 1 March 1976 at Addis Ababa, the Council of Ministers of OAU considered whether the OAU should recognize the Frente POLISARIO as a "liberation front", as had been recommended by the OAU Co-ordinating Committee for the Liberation of Africa, at its meeting in February at Maputo (formerly Lourenço Marques). However, against the background of the declaration by the Frente POLISARIO of the Saharan Arab Democratic Republic, the Council adjourned without the adoption of a formal resolution on the question. Following the conclusion of the session, Mr. Peter Onu, Assistant Secretary-General of OAU, is reported to have declared that it was up to individual member States of OAU to recognize the Republic declared by the Frente POLISARIO. Mr. Onu is also reported to have stated that "by declaring an independent democratic Arab republic, the people of the region had exercised their right to self-determination and there was little or nothing OAU could do about the matter".

64. By the end of April, the following 10 States were reported to have recognized the Saharan Arab Democratic Republic: Algeria, Angola, Benin, Burundi, Guinea-Bissau, Democratic People's Republic of Korea, Madagascar, Mozambique, Rwanda and Togo.

6. ARMED CLASHES

65. Since early 1976, press reports and communiqués have been issued by the Governments of Morocco, Mauritania and Algeria, as well as by the Frente POLISARIO concerning armed clashes within the Territory between forces of the Frente POLISARIO, Morocco and Mauritania. Although these reports and communiqués are conflicting, on the basis of the available official and non-official accounts, it appears that several localities in the Territory have been affected by armed confrontations: Mahbés, Haouza, Semara, Amgala, El Aaiún, Bu Craa, Guelta Zemmour, Dakhla and La Güera. According to the various parties to the conflict, all of these confrontations were between the forces of the Frente POLISARIO and Moroccan and Mauritanian forces. Only in the case of Amgala were there reports of involvement by Algerian forces also. In this connexion, it is reported that Amgala changed hands a number of times in early 1976 until it was eventually secured by Moroccan forces. Estimates of losses in personnel and equipment varied widely.

66. Since the latter part of April, there have been reports about incidents in El Aaiún and Bu Craa. Press accounts refer to the first attack by the Frente POLISARIO on El Aaiún, on 25 April, using mortars and machine guns which "brought a few moments of panic to the capital" and inflicted human and material losses. In addition, it was reported that in early May guerrillas of the Frente POLISARIO attacked a Moroccan post guarding the phosphate mines at Bu Craa, with casualties sustained by both sides. Other reports state that forces of the Frente POLISARIO sabotaged the conveyor belt which carries the phosphate from Bu Craa to the coast "putting the mining complex out of action for the second time this year".

7. MOROCCAN-MAURITANIAN AGREEMENTS OF 14 APRIL 1976

67. According to press reports, on 14 April 1976, Morocco and Mauritania signed an agreement at Rabat defining "the state frontier" in the Sahara as described in paragraph 4 above. The agreement, which was signed by Mr. Hamdi Ould Mouknass, Minister for Foreign Affairs of Mauritania and Mr. Ahmed Laraki, Minister for Foreign Affairs of Morocco also established a joint Moroccan-Mauritanian commission to carry out the demarcation "of the frontier between the two countries".

68. An agreement between the two countries on economic co-operation was signed at Rabat on the same day. As reported in a broadcast from Rabat, this agreement, among other provisions of "economic co-operation for the development of the recovered Saharan territories", provides for "the participation of the Islamic Republic of Mauritania in the share capital of Fosfatos de Bu Craa, S.A. (FOSBUCRAA). The terms and conditions of this participation shall be fixed by joint agreement between the two countries".

69. According to press reports, the registered capital of FOSBUCRAA is about £75 million, of which 65 per cent is being bought by the Moroccan State Phosphate Mining Agency; the remaining 35 per cent is being held by Spain. Annual production of the mine is estimated at £175 million.

8. DECISIONS BY THE ORGANIZATION OF AFRICAN UNITY AND THE
CONFERENCE OF HEADS OF STATE OR GOVERNMENT OF
NON-ALIGNED COUNTRIES

70. The thirteenth summit meeting of the Assembly of Heads of State and Government of OAU, held at Port Louis from 2 to 5 July 1976, adopted a resolution on Western Sahara by which it invited all parties concerned and interested, including the people of the Western Sahara, to co-operate with a view to achieving a peaceful solution of the conflict in the interests of peace, justice and good neighbourliness in the region with due regard for the charter of OAU and of the United Nations. The Assembly also decided to hold a special session at the level of Heads of State and Government with the participation of the people of the Western Sahara for the purpose of finding a just and lasting solution to the problem of the Western Sahara (see A/31/136-S/12141, annex II, and A/31/138-S/12143).

71. The Fifth Conference of Heads of State or Government of Non-Aligned Countries, which met at Colombo from 16 to 19 August 1976, issued at its conclusion a political declaration containing the following paragraph:

"The Conference, taking note of the decision of the Organization of African Unity to hold an extraordinary summit on the question of Western Sahara and the situation which has resulted in the region, expressed its hope that this meeting would lead to a just and durable solution to this question." y/

y/ NAC/CONF.5/S.2, para. 35. See document A/31/197, annex I.

ANNEX II*

LETTER DATED 17 FEBRUARY 1976 FROM THE PERMANENT REPRESENTATIVE
OF ALGERIA TO THE UNITED NATIONS ADDRESSED TO THE CHAIRMAN OF
THE SPECIAL COMMITTEE

I have the honour to transmit to you herewith a long message from His Excellency Mr. Abdelaziz Bouteflika, member of the Revolutionary Council and Minister for Foreign Affairs of the People's Democratic Republic of Algeria, concerning the most recent developments with regard to the problem of Western Sahara. I should be grateful if you would have this letter circulated as an official document of the Special Committee.

(Signed) Abdellatif RAHAL
Permanent Representative of Algeria
to the United Nations

* Previously issued under the symbol A/AC.109/514.

Enclosure

Sir,

The steady deterioration of the situation in Western Sahara once again compels us solemnly to call your attention to the dangers inherent in such an explosive situation. Recognizing these dangers, Algeria has done its utmost not to lend itself to the arguments of violence and provocation. Thus, on 27 January 1976, the escort of a convoy bringing food and medicaments to the peoples of the Sahara who had been the victims of Moroccan aggression was engaged by the Royal Moroccan armed forces. The Algerian Government, regardless of the cost to itself, endeavoured to limit the scope of the incident, which could have provoked a more widespread conflagration. If one follows the logic of Morocco's policy of aggression, the situation can only lead to an aggravation of the conflict, which is contrary to the interests of the Saharan people and has resulted in massacres of people and in the radicalization of the liberation struggle.

On 15 February 1976, the Saharan resistance, led by the Frente Popular para la Liberación de Saguia el Hamra y Río de Oro (Frente POLISARIO), inflicted heavy losses on the Moroccan occupation forces. That prompted the Royal Government to implicate Algeria in order to add confusion to the facts underlying the problem and thus to create diversions and make extrapolations which would mask the responsibility which Morocco shares with its other partners in perpetrating aggression in Western Sahara. An official declaration, issued at the highest level of the Moroccan Government, sought to confront Algeria with the alternative of war. Algeria takes this opportunity to underscore the dangerous escalation which is part of a meticulously prepared plan of aggression; those who have caused that escalation bear full responsibility for denying the legitimate rights of the Saharan people and for the threats which are jeopardizing the peace and security of the entire region.

The special envoy of the Secretary-General of the United Nations, Ambassador Olof Rydbeck, who has just visited Western Sahara, undoubtedly observed this dangerous process of deterioration which is developing and which it is urgent and imperative to halt.

Algeria, as a country which is concerned and interested and deeply committed to solidarity with peoples struggling for their freedom, reaffirms its desire to contribute to the implementation of the decisions of the United Nations aimed at the attainment of the aspirations of the Saharan people to freedom and dignity through the exercise of their right to self-determination in a free and genuine referendum.

Abdelaziz BOUTEFLIKA
Member of the Revolutionary Council
Minister for Foreign Affairs
of the People's Democratic Republic
of Algeria

CHAPTER XII
(A/31/23/Add.6)

TIMOR

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CHAPTER XII

TIMOR

A. CONSIDERATION BY THE SPECIAL COMMITTEE

1. The Special Committee considered the item at its 1052nd and 1053rd meetings, on 8 and 9 September 1976.
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 3481 (XXX) of 11 December 1975 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 resolution 1514 (XV) in all Territories which have not yet attained independence". The Special Committee also took into account General Assembly resolution 3485 (XXX) of 12 December 1975 concerning the question of Timor.
3. During its consideration of the item, the Special Committee had before it a working paper prepared by the Secretariat (see annex I to the present chapter) containing information on developments concerning the Territory. The Committee also had before it a letter dated 15 December 1975 from the Permanent Representative of Portugal to the United Nations addressed to the Chairman (A/AC.109/510); two statements issued by the Chairman on 28 May and 14 June 1976, respectively (A/AC.109/526 and 527); and a note by the Secretary-General dated 2 September 1976, transmitting, at the request of the Acting Permanent Representative of Indonesia to the United Nations, a paper entitled "Indonesia's Position on Timor" (see annex II to the present chapter).
4. At the 1052nd meeting, on 8 September, the Chairman drew attention to a communication dated 2 September 1976 from Mr. José Ramos Horta, Frente Revolucionária de Timor Leste Independente (FRETILIN), containing a request for hearing. At the same meeting, the Committee agreed to accede to the request. The representative of Indonesia made a statement in that connexion (A/AC.109/PV.1052).
5. At the same meeting, the Deputy Permanent Representative of Portugal to the United Nations made a statement (A/AC.109/PV.1052). Mr. Ramos Horta made a statement (A/AC.109/PV.1052). With the Committee's consent, the representative of Benin made a statement (A/AC.109/PV.1052). Statements were also made by the representatives of the Congo, China and Iran (A/AC.109/PV.1052).
6. At the 1053rd meeting, on 9 September, statements were made, with the Committee's consent, by the Permanent Representatives of Guinea-Bissau and Mozambique to the United Nations (A/AC.109/PV.1053). Statements were also made by the representatives of India and Indonesia (A/AC.109/PV.1053).

B. DECISION OF THE SPECIAL COMMITTEE

7. At its 1053rd meeting, on 9 September, following a statement by the Chairman (A/AC.109/PV.1053), the Special Committee decided, without objection, to transmit the documentation relating to this item to the General Assembly in order to facilitate its consideration by the Fourth Committee.

ANNEX I*

WORKING PAPER PREPARED BY THE SECRETARIAT

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* Previously issued under the symbol A/AC.109/L.1098 and Add.1.

1. GENERAL

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

2. According to the 1970 census, the total population of the Territory was 610,541, compared with 517,079 in 1960. 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 mestiços 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 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. DECOLONIZATION INITIATIVES BY THE GOVERNMENT OF PORTUGAL

4. Following the change of régime in Portugal on 25 April 1974, the Portuguese Government reaffirmed its obligations under Chapter XI of the Charter of the United Nations and, on 24 July 1974, the Council of State of Portugal approved a constitutional law abrogating the former territorial definition of the Republic of Portugal and acknowledging the right to self-determination, including independence, of the Territories under Portuguese administration.

5. In late 1974, Colonel Mario Lemos Pires, then Governor of Timor, attempted to set up an advisory government council with the participation of the Associação Popular Democrática de Timor (APODETI), the Frente Revolucionária de Timor Leste Independente (FRETILIN) and the União Democrática Timorense (UDT), the three political parties established in Timor soon after the change in the Portuguese

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

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

Government (see para. 9 below). APODETI refused to participate in the council, however, because it desired integration with Indonesia and wished to negotiate solely with Indonesia. Later, FRETILIN also declined to participate on the grounds that some of the proposed members of the advisory council had links with the former régime.

6. In March 1975, Colonel Lemos Pires had talks with each of the three Timorese parties in accordance with the recommendations of the Portuguese National Decolonization Commission, with a view to establishing a time-table for the decolonization of the Territory. Subsequently, in May 1975, the Portuguese Government proposed that the three parties meet on Macau in order to draw up a decolonization programme. FRETILIN declined to participate, however, because it refused to recognize APODETI as a representative of the people of Timor and because, according to FRETILIN, the right of the Timorese to independence was non-negotiable". Nevertheless, the Macau talks were held from 26 to 28 June; a delegation from Lisbon, led by Major Vitor Alves, and representatives of APODETI and UDT participated in the talks.

7. The final communiqué of the Macau conference reaffirmed the right of the people of Timor to self-determination and announced that a draft constitutional law delineating a transitional government for Timor would be submitted to the Council of the Revolution for approval.

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

3. DEVELOPMENTS IN THE TERRITORY

A. Political parties

9. Soon after 25 April 1974, three political parties were formed in Timor. UDT, headed by Mr. Francisco Lopes da Cruz, advocated continued links with Portugal and a gradual movement towards independence. At the time, UDT was composed of former Portuguese officials and was reported to have followers among the traditional chiefs who served as territorial officers, some villagers, some businessmen of Chinese origin and the Portuguese community. FRETILIN, led by Mr. Francisco Xavier do Amaral and supported by the more junior civil servants,

teachers and students, demanded immediate independence for the Territory. APODETI, headed by Mr. Arnaldo dos Reis Araújo, favoured integration with Indonesia on the grounds of ethnic and historical links between Indonesia and Timor.

10. Later in 1974, two other parties were formed, the Klibur Oan Timor Aswain (KOTA), which advocated the continuation of the liurais as traditional leaders; and the Partido Trabalhista, which favoured independence "under a system somewhat similar to the commonwealth system".

11. On 22 January 1975, FRETILIN and UDT formed a coalition opposing APODETI and claimed the exclusive right to negotiate with the Portuguese Government. The coalition was dissolved in May, however, after a visit by UDT leaders to Indonesia, where they announced that their party would accept integration with Indonesia if such was the wish of the people of Timor. In August, Mr. Lopes da Cruz, leader of UDT, announced that, after meeting with Brigadier El Tari, Governor of Timor Barat, and taking into account the reality of the situation, UDT had decided to follow a political line acceptable to Indonesia.

12. After the dissolution of the coalition with UDT, FRETILIN intensified its activities in the interior and, during the elections of the chiefs, FRETILIN candidates reportedly won over the traditional chiefs who had previously supported UDT.

B. Withdrawal of Portugal from the Territory

13. On 11 August, UDT seized the radio station, the airport and some administrative buildings at Dili, and presented an ultimatum to the Portuguese authorities in the Territory demanding immediate independence and the imprisonment of all members of FRETILIN. The Portuguese Government rejected the ultimatum and called for talks with UDT and FRETILIN. Full-scale fighting soon broke out at Dili, however, as FRETILIN tried to gain control. Official Portuguese communiqués reported that by the end of the first week of fighting over 100 people had been killed.

14. Attempts by Colonel Lemos Pires to negotiate a truce failed as a result of the refusal of FRETILIN to recognize UDT. As the fighting continued, Timorese members of the Portuguese army deserted to join the warring parties, with the majority reportedly joining FRETILIN. The Portuguese authorities gradually lost control of the situation.

15. In the following weeks, as the fighting increased, hundreds of refugees concentrated at Dili's port zone, which was controlled by Portuguese authorities. Appeals were made to Australia and the International Committee of the Red Cross (ICRC) to help evacuation efforts. On 29 August, Colonel Lemos Pires and his remaining military garrison withdrew to the island of Ataúro, 48.3 kilometres north of Timor.

16. By mid-September, FRETILIN was reportedly in control of Timor. Most of the UDT leaders had either fled to Australia or Indonesia, or had been captured by FRETILIN. In these circumstances, FRETILIN announced that it had dropped its

demands for immediate independence in favour of the establishment of a provisional government in 1976 and independence a few years later.

17. Also in mid-September, UDT and APODETI forces that had taken refuge in Indonesia announced the start of a guerrilla war against FRETILIN. At the same time, UDT joined with KOTA and the Partido Trabalhista, to form a coalition called Movimento Anti-Comunista (MAC).

18. According to an assessment made by a team of the Australian Council for Overseas Aid (ACFOA) which visited Timor in October 1975, between 2,000 and 3,000 people lost their lives in the civil war, most of them in the area around the central mountain zone. The ACFOA team estimated that fewer than 500 persons were killed at Dili itself. At the same time, thousands of people, particularly those living in the border areas, crossed the frontier into Timor Barat to escape the war.

19. During October, the international press reported advances by pro-Indonesian troops as well as denials by Indonesian officials that Indonesian troops were involved in any military action against FRETILIN. By late November, the combined troops of MAC and APODETI were said to be near Dili.

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

21. On 30 November, APODETI, UDT, KOTA and the Partido Trabalhista also proclaimed the independence of the Territory and its integration with Indonesia (see A/C.4/808 and Corr.1, annex, enclosure). On 17 December, the pro-Indonesian parties declared the establishment of a "Provisional Government of East Timor" (A/31/42-S/11923, annex) c/ at Dili, headed by Mr. Reis Araújo, leader of APODETI. The "Provisional Government" called on the people of Timor to help fight FRETILIN and appealed to Indonesia for military and economic aid.

4. EFFORTS BY THE GOVERNMENT OF PORTUGAL TO FIND A PEACEFUL SOLUTION

22. On 20 August 1975, the National Decolonization Commission met at Lisbon in an attempt to find a peaceful solution to the problem. In order to obtain diplomatic support from countries neighbouring Timor, a special mission headed by Mr. António de Almeida Santos, former Portuguese Minister for Interterritorial Co-ordination, visited Australia, Indonesia and Timor between 29 August and mid-September. During these discussions, consideration was given to the establishment of a joint force with Australia and Malaysia to keep peace in the Territory, but no agreement was reached. Mr. Almeida Santos also proposed a meeting with representatives of APODETI, FRETILIN and UDT, to be held on Macau on 20 September. The meeting failed to materialize because FRETILIN refused to participate and announced that it would only negotiate directly with the Portuguese

c/ For the printed text, see Official Records of the Security Council, Thirtieth Year, Supplement for October, November and December 1975 (S/11923), annex.

Government. On the other hand, UDT refused to release some 23 Portuguese military prisoners as a prerequisite for negotiations with Lisbon.

23. In a new initiative, the Foreign Ministers of Portugal and Indonesia met at Rome on 1 and 2 November to discuss the situation in Timor. At the end of the talks, the Ministers issued a joint communiqué in which it was announced that Portugal would organize a meeting with all the political groups of Timor to restore peace and order (see A/C.4/802, annex). The statement noted that Portugal represented the legitimate authority in the Territory and held fundamental responsibility for decolonization.

5. REPORTED MILITARY INTERVENTION BY INDONESIA

24. On 14 September 1975, a FRETILIN commander charged that Indonesian troops had entered the Territory. Thereafter, there were increasingly more frequent reports of Indonesian assistance to the pro-Indonesian parties in their fight against FRETILIN. Indonesian government officials denied any military involvement in the Territory.

25. On 7 December, Indonesian troops and warships reportedly attacked and gained control of Dili amid conflicting reports that clashes had occurred between Indonesian troops and the FRETILIN forces which had held the capital for over three months. Although reports from Jakarta said that the situation at Dili was calm after the Indonesian military intervention, reports from Darwin quoted monitored radio messages to ICRC which indicated that there had been casualties. At Lisbon, Mr. José Ramos Horta, the Secretary-General of FRETILIN and Minister for Foreign Affairs in the "Government of the Democratic Republic of East Timor", charged that, as a result of shelling and attacks by the Indonesian Navy, at least 500 people had been killed in his country. Mr. Ramos Horta said that about 20 Indonesian warships and a combined force of 2,000 Indonesian paratroopers and marines had participated in the occupation of Dili. Other sources reported that the Indonesian attack had involved between 4,000 and 6,000 troops.

26. During December, fighting continued between FRETILIN and the troops of MAC/APODETI supported by Indonesian units. Although reports were often contradictory, by 18 December FRETILIN forces were said to have surrounded Indonesian troops in Baucau. Other sources indicated that FRETILIN troops were still holding out in the hills above Dili.

27. According to information received on 25 December, between 15,000 and 20,000 Indonesian marines had launched a new offensive against FRETILIN, attacking the coastal towns of Maubara, in the north, and Suai and Tilomar in the south. Dili and Baucau were reported to be under the control of Indonesian troops. FRETILIN sources alleged that Indonesian troops had attacked Liquiçá, another coastal town, and Basartete. On 29 December, FRETILIN announced that Aileu, a FRETILIN stronghold south of Dili, had fallen to Indonesian troops. Thereafter, the FRETILIN "Government of the Democratic Republic of East Timor" claimed that it had established itself in the mountain town of Ainaro and that it controlled the surrounding area, including an airstrip at Same and the coastal town of Suai, which was reported to be under artillery bombardment.

28. On 30 December, Ataúro Island, to which the Portuguese administration of the Territory had been withdrawn in August (see para. 15 above), was occupied by troops

reportedly led by Indonesians. The Portuguese officials had apparently been evacuated earlier in the month.

29. Although the new Indonesian offensive appeared to be geared to consolidating the control over Timor of the forces of MAC and APODETI, Antara, the official Indonesian press agency, announced on 8 January 1976 that pro-Indonesian troops controlled only one third of the Territory. At the same time, FRETILIN was said to be attempting to secure control of the Baucau-Dili route, one of the main arteries of communication in the Territory.

30. Later reports during the same month suggested that FRETILIN was continuing to wage a guerrilla war against MAC and APODETI troops supported by Indonesian military units. On 14 January, Mr. Alarico Fernandes, a member of the Central Committee of FRETILIN, said in a radio message monitored at Darwin that his party's forces had recaptured Liquiçá, Basartete and Maubara and had cut off the link between Baucau and the eastern tip of the island where there is an airport. Aileu, a mountain town, was said to be surrounded by FRETILIN forces.

31. According to Mr. Rogerio Lobato, Defence Minister of the FRETILIN "Government", some 10,000 people in Timor had been killed after Indonesian troops entered the Territory. He charged that Indonesia was dropping chemicals from planes, notably in the region of Baucau. He also said that Indonesian and pro-Indonesian forces had lost 1,500 men fighting against FRETILIN. These charges were subsequently denied by an Australian coffee planter who had lived for three years at Lospalos, Timor. In a statement to the Security Council on 14 April 1976, he said that he had seen no evidence of the use of chemical or biological methods of warfare or large-scale bombardment in the area (S/PV.1909).

32. On 27 January, there were reports that eight Indonesian warships and two aircraft had bombarded Betano, on the south coast, and that Indonesian troops had landed and were advancing towards Same. By early February, FRETILIN sources claimed that they had regained control over Same.

33. Subsequent statements from the "Provisional Government" at Dili suggested, however, that it controlled areas in the southern part of the Territory previously held by FRETILIN. The "Provisional Government" was reported to have dissolved all political parties in the areas under its control.

34. In February, Mr. Francisco Lopes da Cruz, Vice-Governor of the "Provisional Government", said that more than 60,000 people, mostly women and children, had been killed in the first six months of the war. Mr. Lopes da Cruz reportedly admitted that there had been reprisals against supporters of the "Democratic Republic of East Timor", often as revenge for its acts while in power. Later, in a telegram dated 25 March 1976 addressed to the Secretary-General, Mr. Reis Araújo, "Chief Executive" of the "Provisional Government", said that the 60,000 victims of the war since the outbreak of hostilities included more than 40,000 Timorese refugees who had fled to Indonesia. d/

35. Towards the end of March, Indonesian officials said that Indonesian "volunteers" who had participated in the fighting against the "Democratic Republic of East Timor" had been repatriated. According to Mr. Adam Malik, the Minister for Foreign Affairs of Indonesia, his country had been maintaining 1,500 volunteers in Timor. Mr. Ramos Horta, Foreign Minister of the "Democratic Republic of East

Timor", alleged, however, that at mid-April the number of Indonesian paratroopers and marines in Timor exceeded 30,000 and were continuously supplemented by reinforcements.

36. According to press reports, Indonesia had supplied more than 40,000 metric tons of rice and food-stuffs and more than 10,000 metric metres of textiles to Timor. Humanitarian aid to Timor had reached 722.9 million rupiahs e/ by March 1976.

37. In April, a spokesman for the "Provisional Government" claimed that life had returned to normal in Timor, except for a few disturbances caused by FRETILIN forces in isolated locations. In late May, however, a press release of the "Democratic Republic of East Timor" reported that FRETILIN forces were continuing to inflict heavy casualties on Indonesian "invasion forces" and that "Indonesian forces" were "making little headway despite intense bombardment with artillery and warships". FRETILIN forces were reportedly active in various regions of the Territory, including Ermera, Aileu, Same-Maubisse and Baucau.

38. There have been different reports as to the number of casualties in Timor. According to FRETILIN reports, by January 1976 15,000 Indonesian troops had been killed or wounded since December 1975. According to other reports, in June Indonesian sources estimated that its volunteer forces had suffered about 250 men killed and more than 400 seriously wounded since December 1975.

6. POSITIONS OF PORTUGAL, INDONESIA AND AUSTRALIA f/

A. Portugal

39. The Portuguese Government maintains that it is the sole legitimate authority in Timor and has rejected the declarations of independence by both FRETILIN and the combined groups of MAC and APODETI. As the administering Power, Portugal has taken the position that a conference between the Government of Portugal and the political parties of Timor should be held with a view to reaching an agreement on the procedures for self-determination and independence.

40. Portugal has broken diplomatic relations with Indonesia and has made statements strongly denouncing Indonesia's military intervention in the Territory. While conceding that it does not have the means to assure normalization of the situation in Timor, it has sent two Portuguese naval units to the region to maintain its presence there.

e/ At 13 August 1976, 415 rupiahs equalled \$US 1.00.

f/ See also Official Records of the General Assembly, Thirtieth Session, Supplement No. 23 (A/10023/Rev.1), vol. II, chap. VIII, annex, paras. 21-31.

B. Indonesia

41. As reported previously, g/ from the outset the Indonesian Government has emphasized that it would like to see the people of Timor exercise their right to self-determination; that it would in no way attempt to influence the choice of the population of Timor in respect to their future; and if the population of Timor, in exercising their right to self-determination, chose to unite with Indonesia, the Indonesian Government would be prepared to collaborate with them to that end.

42. During the meetings of the Security Council in December 1975, the Indonesian representative expressed the view that the prevailing situation in Timor at the time had resulted from Portugal's neglect of the Territory. Accordingly, Indonesia could not remain indifferent in the face of the prospect of chaos, and hundreds of volunteers had responded to the pro-integration forces in their fight against FRETILIN (S/PV.1864).

43. The Indonesian representative also stated that the proclamation of the "Provisional Government of East Timor" should be confirmed by the people in exercise of their right to self-determination and that the United Nations should be involved during the remaining stage of the decolonization process of the Territory (S/PV.1909).

C. Australia

44. The Government of Australia has called for an end to hostilities in the Territory and the withdrawal of outside forces. Australia has furthermore expressed its support for a genuine act of self-determination and the early resumption of international humanitarian aid to the Territory.

7. STATUS OF OECUSSE AMBENO

45. On 13 December 1975, the Portuguese enclave of Oecusse Ambeno in West Timor was reported to have officially merged with Indonesia. The ceremony involving the merger took place at Kupang, the capital of West Timor, at a special session of the local legislative assembly. According to news reports, the decision to integrate with Indonesia was peacefully reached by all political parties in the enclave.

46. Brigadier El Tari, Governor of Timor Barat, said that he had accepted the merger and would report it to the President of Indonesia. Subsequently, however, when the Special Representative of the Secretary-General of the United Nations visited the enclave on 20 January (see paras. 49-50 below), he was informed by the local authorities that they were still awaiting a decision of the Indonesian Government on the petition for integration, which they had signed on 7 December 1975.

g/ Ibid., paras. 23-26.

8. ACTION BY THE UNITED NATIONS

47. On 12 December 1975, the General Assembly adopted resolution 3485 (XXX) calling on the Government of Portugal to continue to make every effort to find a peaceful solution to the situation in Timor through talks with the political parties representing the people of the Territory; deplored the military intervention of the armed forces of Indonesia in Timor; called on the Government of Indonesia to withdraw its forces; and requested the Special Committee to send a fact-finding mission to the Territory as soon as possible.

48. From 15 to 22 December, at the request of Portugal, the Security Council met to discuss the question of Timor and to hear representatives of the political parties of the Territory (S/PV.1864-1869). On 22 December, the Security Council adopted resolution 384 (1975), calling on the Government of Indonesia to withdraw all its forces from the Territory without delay, and requesting the Secretary-General to send a special representative to the Territory for the purpose of making an on-the-spot assessment of the existing situation and of establishing contact with all the parties in the Territory and all the States concerned.

49. Subsequently, on 29 December, the Secretary-General appointed Mr. Vittorio Winspeare Guicciardi, Director-General of the United Nations Office in Geneva, as his Special Representative.

50. Early in January 1976, Mr. Winspeare Guicciardi held meetings with Portuguese officials at Lisbon and with Indonesian officials at Jakarta. On 21 January, he met with the leaders of the pro-Indonesian political parties at Dili. Apart from Dili, the capital, he visited the enclave of Oecusse Ambeno, the island of Ataúro and the towns of Manatuto and Baucau, which were all under the control of the "Provisional Government". It was reported that the Special Representative had been unable to visit areas held by FRETILIN because of the continuing armed conflict. In his report to the Secretary-General, he said that his intended visit to those areas had not been possible since "the 'Government of the Democratic Republic of East Timor' could not guarantee the safety of the United Nations delegation so long as the Indonesian forces had not been withdrawn from the Territory". h/ He later held talks with Mr. Ramos Horta at Darwin, and, on his return from the region, held further meetings with Portuguese officials at Lisbon.

51. From 12 to 22 April, the Security Council considered the report of the Secretary-General, together with the report of the Special Representative. i/ On 22 April, the Security Council adopted resolution 389 (1976), whereby it called on the Government of Indonesia to withdraw without further delay all its forces from the Territory; and requested the Secretary-General to have his Special Representative continue the assignment entrusted to him under paragraph 5 of Security Council resolution 384 (1975) and to pursue consultations with the parties concerned.

h/ Official Records of the Security Council, Thirty-first Year, Supplement for January, February and March 1976 (S/12011), annex, para. 31.

i/ Ibid., S/12011.

9. RECENT DEVELOPMENTS

52. On 12 April, a spokesman for the "Provisional Government" told the Security Council that, in line with a request of the Indonesian Government "to ensure that the implementation of the right to self-determination is carried out properly", the "Provisional Government" was planning to set up a "Regional Popular Assembly", whose membership would include traditional chiefs and other prominent figures in society and religion. Direct elections would be held only in population centres such as Dili and Baucau where the people had some education (S/PV.1908).

53. On 24 May, elections to the 13 "District Assemblies" took place in the Territory. Each "District Assembly" was composed of from 15 to 20 members, from which two were selected as delegates to the "Regional Popular Assembly", with the exception of Bobonaro "District Assembly", which selected three delegates because of its larger population. In addition to the 27 delegates chosen by the "District Assemblies", 10 prominent religious and political figures were appointed by the "Executive of the Provisional Government of East Timor" to serve in the "Regional Popular Assembly".

54. On 31 May, at its first meeting at Dili, the "Regional Popular Assembly" decided to petition Indonesia to formally integrate the Territory with that country. Only seven States accepted the invitation to send observers: India, Iran, Malaysia, New Zealand, Nigeria, Saudi Arabia and Thailand. Among those invited which did not accept were Australia, Japan, Papua New Guinea, the Philippines, Singapore and the United States of America. According to the Washington Post (Washington, D.C.), the observers had no opportunity to probe the authenticity of the meeting as "an act of self-determination", because the proceedings were in Portuguese, explanations were sketchy and the observers had no opportunity to meet the members of the "Assembly". FRETILIN has denounced the holding of the "Regional Popular Assembly" as a manoeuvre of Indonesia to legitimize the invasion of Timor.

55. Recent reports from Timor indicate that the fighting continues, particularly along the northern coast of the Territory where FRETILIN claims to have retaken several villages, including one near Dili. FRETILIN reported that its "Central Committee" had held a second plenary session in the Territory at which it announced that it would continue the armed struggle (S/12133, annex, enclosure 1).

56. On 17 July 1976, the President of Indonesia promulgated Law 7/1976 providing for the integration of Timor into the Republic of Indonesia and the establishment of East Timor as its twenty-seventh province. The Indonesian Government has appointed Mr. Reis Araújo Governor and Mr. Lopes da Cruz Vice-Governor.

ANNEX II*

NOTE BY THE SECRETARY-GENERAL DATED 2 SEPTEMBER 1976

The Acting Permanent Representative of Indonesia to the United Nations has requested the Secretary-General to circulate to the members of the Special Committee the annexed paper entitled "Indonesia's Position on Timor".

* Previously issued under the symbol A/AC.109/536.

INDONESIA'S POSITION ON TIMOR

1. Prior to the outbreak of strife in Timor, Indonesia outlined its position with respect to the decolonization of Portuguese Timor as follows:

"(a) The responsibility for decolonization lies with Portugal as the administering Power;

"(b) Indonesia itself has no territorial ambitions;

"(c) Indonesia has always respected and upheld the United Nations Declaration on decolonization;

"(d) Indonesia hopes that the act of self-determination will be exercised in a democratic manner which permits all groups to express their opinions concerning the Territory's political destiny;

"(e) If the population of Portuguese Timor, in a free and democratic exercise of its right to self-determination, should decide to become independent through integration with Indonesia, in view of the close links existing between the two peoples, Indonesia is prepared to agree to integration."

2. The Frente Revolucionária de Timor Leste Independente (FRETILIN), which was assisted by irresponsible elements in the colonial military forces which provided it with arms and military support, tried to impose its minority political beliefs on the people by force. As a result, thousands were forced to flee to the Indonesian part of Timor to escape death, violence and persecution. Taking into consideration the turmoil in the Territory and the appeal of four indigenous political parties for assistance, Indonesia allowed volunteers to enter East Timor to assist the people of East Timor in restoring peace and security.

3. FRETILIN declared the "independence" of the Territory on 28 November 1975 and the other four parties countered by declaring the integration of the Territory with Indonesia on 30 November 1975. In response to the declaration of integration, Indonesia insisted that any decision should be the outcome of the exercise of the right of self-determination by the entire people of Timor. On 17 December 1975, the four parties together constituted the Provisional Government of East Timor, which was recognized by the Indonesian Government as the de facto authority in the Territory.

4. In an effort to co-operate in implementing the provisions of Security Council resolution 384 (1975) of 22 December 1975, Indonesia persuaded the Provisional Government of East Timor to receive the Special Representative of the Secretary-General and to provide him with facilities necessary to carry out his mission. The Special Representative visited East Timor from 20 January to 22 January 1976.

5. On 31 May 1976, the duly elected People's Assembly of East Timor decided formally to request the Government of Indonesia to accept the decision of the people of East Timor for integration with the Republic of Indonesia. When the request for integration was presented to the Indonesian Government by a delegation

of the People's Assembly and the Provisional Government of East Timor on 7 June 1976, Indonesia decided, before approving the request for integration, to dispatch a fact-finding mission to the Territory to determine whether the request accurately represented the wishes of the majority of the people. Invitations were issued by the Government of Indonesia to the Secretary-General, the Security Council and the Committee to dispatch observers to East Timor concurrently with this mission's visit, or at some other time in the near future. Similar invitations were also extended by the then Provisional Government of East Timor, in their statement during the Security Council's deliberations on the question of Timor in April 1976. These observers would have enjoyed freedom of movement within the Territory, including in those places claimed by FRETILIN to be under its control. It was Indonesia's firm belief that such unimpeded access would provide opportunities to the appropriate organs of the United Nations to ascertain for themselves in the most objective manner the conditions existing in East Timor and to formulate, freely and independently, their own judgement concerning the genuine wishes of the majority of the people. Indonesia expressed regret that a positive response to these invitations was not forthcoming. In the meanwhile, the People's Assembly of East Timor and the Provisional Government of East Timor insisted that the Government of Indonesia take speedy action to formalize the integration of East Timor with the Republic of Indonesia.

6. In the absence of a positive response from the United Nations organs, the Government of Indonesia was left with no choice but to act in accordance with the persistent request from the people and Government of East Timor; but before doing so, it decided to seek to determine the wishes of the people through the medium of the fact-finding mission. Acting on the positive report of the mission submitted on its return, the Indonesian Parliament approved a bill of integration on 15 July 1976. The statute of integration was signed into law and formally promulgated by the President of Indonesia on 17 July 1976. With the completion of this constitutional process necessary for the formalization of the integration, East Timor has thus become an integral part of the Republic of Indonesia, constituting its twenty-seventh province.

CHAPTER XIII

(A/31/23/Add.7 (Part I))

GIBRALTAR

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CHAPTER XIII

GIBRALTAR

A. CONSIDERATION BY THE SPECIAL COMMITTEE

1. The Special Committee considered the question of Gibraltar at its 1054th meeting, on 10 September 1976.

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 3481 (XXX) of 11 December 1975 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 resolution 1514 (XV) in all Territories which have not yet attained independence and, in particular: ... to formulate specific proposals for the elimination of the remaining manifestations of colonialism and to report thereon to the General Assembly at its thirty-first session". The Special Committee also took into account the consensus on the question of Gibraltar adopted by the General Assembly on 8 December 1975. 1/

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

4. The representative of the United Kingdom of Great Britain and Northern Ireland, as the administering Power concerned, participated in the work of the Special Committee during its consideration of the item.

B. DECISION OF THE SPECIAL COMMITTEE

5. At its 1054th meeting, on 10 September, following a statement by the Chairman (A/AC.109/PV.1054), the Special Committee decided, without objection, to transmit to the General Assembly the working paper referred to in paragraph 3 above, in order to facilitate consideration of the item by the Fourth Committee and, subject to any directives which the General Assembly might give in that connexion at its thirty-first session, to consider the item at its next session.

1/ Official Records of the General Assembly, Thirtieth Session, Supplement No. 34 (A/10034), p. 120, item 23.

ANNEX*

WORKING PAPER PREPARED BY THE SECRETARIAT

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* Previously issued under the symbol A/AC.109/L.1126.

GIBRALTAR a/

1. GENERAL

A. Constitution

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

B. Population

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

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

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

2. POLITICAL DEVELOPMENTS

A. Statements made by Spain and the United Kingdom at the thirtieth session of the General Assembly

4. At the 2367th meeting of the General Assembly, held on 30 September 1975, the Minister for External Affairs of Spain said that, despite General Assembly

a/ The information contained in this section is based on published reports and on information transmitted to the Secretary-General by the Government of the United Kingdom of Great Britain and Northern Ireland under Article 73 e of the Charter of the United Nations on 8 July 1976 for the year ending 31 December 1975.

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

resolution 3286 (XXIX) of 13 December 1974, which urged the United Kingdom and Spain to conclude their negotiations, no satisfactory progress had yet been achieved. He contested the legal considerations based on the Treaty of Utrecht which had been raised by the United Kingdom and further pointed out that these considerations did not prevent the General Assembly from taking into account that the decolonization of Gibraltar contained two distinct elements: the territorial integrity of Spain, which he said had to be safeguarded, and the interests of some inhabitants who, although alien to the territorial problem, had to be protected. He therefore expressed the hope that the two Governments would be able to solve the dispute over Gibraltar through mutual agreement. c/

5. In reply, the Permanent Representative of the United Kingdom to the United Nations said that for his Government, the wishes of the inhabitants of Gibraltar were of paramount consideration and that it was these wishes that were reflected in the preamble of the Act of Parliament which had brought Gibraltar's current constitution into force. His Government had suggested that the Spanish Government should concentrate on the human element of the problem, in particular on the attitude of the Gibraltarians themselves, and it believed that it was important for the two Governments to continue, by discussions, to seek the elements of a negotiable agreement which might be acceptable to all concerned. He said that despite the contact between the two Governments, the stage **had** not yet been reached where a common basis had emerged on which substantive negotiations could begin. However, the discussions had been useful and his Government would go on trying. d/

6. According to press reports, conversations took place at London, on 2 March 1976, between Mr. James Callaghan, then Secretary of State for Foreign and Commonwealth Affairs, and Mr. José María de Areilza, Minister for External Affairs of Spain. During the talks, which covered, inter alia, the question of Gibraltar, each side is reported to have reaffirmed its position.

B. Discussions on the future of the Territory

7. During the past year, the two political parties in the Territory, the Association for the Advance of Civil Rights (led by Sir Joshua Hassan, the Chief Minister) and the Integration with Britain Party (led by Mr. Maurice Xiberras, Leader of the Opposition), are reported to have held intensive discussions on the Territory's future. The discussions reportedly covered the economy and citizenship in the context of "more formal links with the United Kingdom".

8. In view of the forthcoming elections to the House of Assembly, which have been scheduled for September 1976, the two political parties were also reported to have discussed the elimination of the formal government/opposition structure and its replacement by a system of government by committees. According to the press, these discussions had been prompted by "the feeling that Gibraltar is too small a place".

c/ Ibid., Thirtieth Session, Plenary Meetings, 2367th meeting.

d/ Ibid., 2368th meeting.

to maintain the current Westminster style of democracy which excludes a number of capable people from the process of government for four-year periods after elections".

9. In August 1976, it was reported that the Gibraltar Trades Council had suggested to the United Kingdom Government that it send a representative to the Territory to take part in the constitutional discussions. In reply, Mr. Anthony Crosland, Secretary of State for Foreign and Commonwealth Affairs, was reported to have indicated that he did not consider it the right time for such a visit and that what Gibraltar required was a period of calm during which the issues of interest and concern to the people could be discussed and fully debated in a quiet and reasonable way and during which the general elections could be held. It was reported that anxiety and concern had been expressed in the Territory over the United Kingdom's rejection of a request by the two political parties for wide-ranging constitutional reform "which would have further strengthened the Rock's ties with Britain". However, Sir Joshua issued a statement in which he said that he had every faith in the British Government and that the links joining Britain and Gibraltar were "too strong ever to be broken". The Chief Minister was also reported to have said that he saw Gibraltar's future developing in a European context and that he had been studying ways and means by which Gibraltar could benefit from its links with the European Economic Community (EEC).

C. Frontier situation

10. The frontier has remained closed since 1968, when Spain closed the land frontier at La Linea and ended the Gibraltar ferry service. In May, however, it was reported that there were hopes that the new Spanish Government would reopen the frontier, since Spain had agreed to restore telephone links during Christmas and Easter. There were also hopes in the Territory that the next step by the Spanish Government would be to permit Spanish citizens to travel to and from the Territory, while still refusing access to Spain by "foreign" Gibraltarians.

3. ECONOMIC CONDITIONS

A. General

11. Gibraltar has no agricultural or other natural resources. Industrial production is limited to a number of small industrial concerns engaged in the bottling of beer, mineral waters, etc., mainly for local consumption. There is a small but important commercial ship-repair yard. Tourism is reported to be one of the most rapidly expanding industries in the Territory.

12. Gibraltar serves as a port of call for cruise ships in addition to its functions as a bunkering port and a port of call for stores and water. The use of the port for varied purposes is due, in part, to its strategic position, because the Strait of Gibraltar is a main artery for sea traffic between the Mediterranean and Black Sea area, the Americas, Europe, Africa, India, the Far East and Australia.

During 1975, a total of 2,433 merchant ships aggregating 14.7 million net registered tons entered the Port of Gibraltar. Of these, 1,787 were ocean-going vessels aggregating 14.4 million net registered tons. In addition, 2,384 calls were made by yachts.

13. The general economic picture was summed up in a report by The Financial Times (London) of 3 June 1976, as follows:

"Gibraltar's small and open economy is very vulnerable to external influences, and although there has been a drive towards greater self-sufficiency, there is nothing dramatic that can be done. There is no agriculture or primary production. Light industries have not flourished and the economy continues to lean heavily on United Kingdom defence spending."

B. Imports and exports

14. During 1975, the value of imports (excluding fuel oils) amounted to £18.8 million. e/ The United Kingdom and other member countries of EEC provide the bulk of these imports. Other sources of supply include the countries of the European Free Trade Association (EFTA), Morocco, Japan and the United States of America.

15. Exports of goods of local origin are negligible and the Territory depends to a great extent on entrepôt trade.

C. Revenue and expenditure

16. Actual revenue for the year 1974/75 totalled £8.8 million and exceeded estimates by £612,550. Recurrent expenditure amounted to £8.7 million, an increase of £867,428 over the original estimate. Public debt charges amounted to £426,466. The principal items of recurrent revenue and expenditure for the year are listed in table 1 below.

e/ The local currency is the pound sterling.

Table 1

Gibraltar: recurrent revenue and expenditure, 1974/75
(Pounds sterling)

A. Revenue

Licences, excise and internal revenue not otherwise classified	2 195 095
Customs	2 151 051
Municipal services	2 025 881
Fees of court of office, payment for specific services and reimbursement in aid	752 670
Rent of government property	433 101
Miscellaneous receipts	422 549
Post office and telegraph	262 145
Interest	250 746
Lottery	208 265
Port harbour and wharf dues	88 707
	<hr/>
	8 790 210

B. Expenditure

Social services	4 954 795
Public works	2 324 491
Municipal services	1 325 295
Administration	1 077 485
Miscellaneous	748 180
Justice, law and order	504 060
Pensions	485 656
Public debt charges	426 466
	<hr/>
	11 846 428

17. Expenditure on capital works is financed through the Improvement and Development Fund. In 1974/75, the Fund received £3.4 million (£2.3 million in 1972/73). Expenditure from the Fund amounted to £3.2 million (£2.7 million in 1972/73), the principal items being housing (£2.5 million), a sports centre (£257,014), a refuse destructor (£118,596), municipal services (£74,916), schools (£68,671), car-parks (£46,194), an asphalt plant (£44,811) and medical services (£13,350).

D. Tourism

18. The tourist industry has grown in recent years, despite the increase in the cost of travel. In 1975, 129,643 visitors arrived in the Territory, 53,958 by air and 75,685 by sea. Of the total number, 57,559 were tourists, 65,641 were excursion visitors and 6,443 were passengers in transit. The number of tourists arriving by

air increased by 8.1 per cent, compared with 1974, while the number of tourists staying in hotels (40,232) rose by 14 per cent. The average hotel occupancy rate was 44.8 per cent. It is estimated that 95 per cent of the tourists come from the United Kingdom. In 1975, British Airways and Gibraltar Airways had 10 scheduled flights per week.

19. During the period under review, expenditure by the Gibraltar Tourist Office amounted to £171,663, including £97,310 (56.7 per cent) on promotion, and revenue amounted to £18,829. According to the administering Power, estimated expenditure by tourists totalled £4.0 million in 1975.

4. SOCIAL AND EDUCATIONAL CONDITIONS

A. Labour

20. Since Gibraltar has no agricultural or other natural resources, opportunities for employment are provided mainly by the Official Employers (namely, the Government of Gibraltar, the Ministry of Defence and the Property Services Agency), as well as the wholesale and retail trades, the hotel and catering trades, shipping services and the building industry. According to the administering Power, unemployment increased during 1975. All unemployed workers are granted credits in respect of contributions under the Social Insurance Scheme. f/

21. Wages and salaries in the Territory were recently reviewed by an expert employed by the Governor. In his recommendations, he stated that general wage and salary levels should bear some relationship to those negotiated in the United Kingdom and that, as a guiding principle, the Gibraltar rates of payment should be approximately 80 per cent of those in the United Kingdom for corresponding grades of employees.

22. The principal wage rates payable to adults at the end of 1975 for a standard five-day, 40-hour week were: labourers, £22.86; skilled labourers, £23.29; titular grades, £23.72 to £25.48; and tradesmen, £25.92 to £26.36. The cost of living allowance amounted to £3.05.

B. Health

23. The government medical and health services consist of: hospital services; specialist medical treatment outside government hospitals; child welfare and school health services, domiciliary and out-patient treatment of persons coming under the scope of the District Medical Service; domiciliary medical service; port and airport health service; public health inspection service and laboratories.

f/ For a description of the social security system in the Territory, see Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 23 (A/9623/Rev.1), chap. XIII, paras. 29-31.

24. On 6 January 1975, an extension of the Group Practice Medical Scheme came into effect. In exchange for increased contributions, registered persons and their dependants, aside from being able to obtain medical treatment at government surgeries or in their homes (the fees are 20 pence and 50 pence respectively), are now able to obtain medicine prescribed by a doctor employed under the scheme from scheme pharmacists on payment of 10 pence per item.

25. Expenditure on medical and health services during 1974/75 amounted to £945,427.

C. Education

26. Under a new law enacted on 26 April 1974, the Governor is advised on education by the Education Council. The Council consists of the Minister for Education (Chairman), six members appointed by the Governor, one member nominated by the Roman Catholic Bishop of Gibraltar and the Director of Education. The law also provides for the establishment of an Advisory Council on Religious Education.

27. Education is free and compulsory for all children between the ages of 5 and 15 years. At the end of 1975, there was a total of 4,378 pupils, including 3,759 in primary schools and 1,561 in secondary schools. Of the total attending primary schools, 2,278 were enrolled in government schools, 1,000 in service schools and 481 in private schools.

28. Recurrent expenditure approved in the budget estimates for 1975 totalled £728,560, representing 9.4 per cent of total recurrent estimated expenditure. Actual expenditure amounted to £909,593.

CHAPTER XIV
(A/31/23/Add.7 (Part II))
FRENCH SOMALILAND

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CHAPTER XIV

FRENCH SOMALILAND 1/

A. CONSIDERATION BY THE SPECIAL COMMITTEE

1. The Special Committee considered the question of French Somaliland at its 1054th meeting, on 10 September 1976.
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 3481 (XXX) of 11 December 1975 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 resolution 1514 (XV) in all Territories which have not yet attained independence and, in particular: ... to formulate specific proposals for the elimination of the remaining manifestations of colonialism and to report thereon to the General Assembly at its thirty-first session". The Special Committee also took into account General Assembly resolution 3480 (XXX) of 11 December 1975 concerning the question of French Somaliland.
3. During its consideration of the item, the Special Committee had before it a memorandum submitted to the Chairman by the Minister for Foreign Affairs of Ethiopia, on 3 May 1976 at Addis Ababa; a letter dated 14 June 1976 from Somalia, addressed to the Chairman; and a letter dated 15 June 1976 from the Chairman addressed to the Permanent Representative of Somalia to the United Nations (chap. VII of the present report, annexes III, IV and V (pp. 77-95 above)).
4. The Special Committee also had before it a working paper prepared by the Secretariat (see annex to the present chapter) containing information on developments concerning the Territory.

1/ Note by the Rapporteur: Terminology Bulletin No. 240 issued by the Secretariat on 15 April 1968 (ST/CS/SER.F/240) reads as follows:

"The new name of the Territory formerly known as French Somaliland is: French Territory of the Afars and the Issas ...

"This designation, which is being introduced at the request of the administering Power, should be used in all documents with the exception of those records or texts in which the speaker or author has used a different terminology."

B. DECISION OF THE SPECIAL COMMITTEE

5. At its 1054th meeting, on 10 September, following a statement by the Chairman (A/AC.109/PV.1054), the Special Committee decided as follows:

Considering the importance of this question and conscious of the limited time which remained before the opening of the thirty-first session of the General Assembly; bearing in mind General Assembly resolution 3480 (XXX) of 11 December 1975; welcoming the efforts of the Organization of African Unity (OAU) to expedite the process of decolonization of the Territory, in particular the resolution adopted by the Assembly of Heads of State and Government of that organization 2/ at its thirteenth session in Mauritius; and taking into account the decision on this question by the Fifth Conference of Heads of State or Government of Non-Aligned Countries as reflected in the political declaration adopted by the Conference, 3/ the Special Committee decides to authorize its Rapporteur to transmit to the General Assembly the relevant documentation on the item in order to facilitate its consideration by the Fourth Committee and, subject to any directives which the Assembly may give in this connexion, to resume consideration of the question at its session in 1977.

2/ A/31/269.

3/ A/31/197, annex I, para. 37.

ANNEX*

WORKING PAPER PREPARED BY THE SECRETARIAT

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* Previously issued under the symbol A/AC.109/L.1124 and Add.1-2.

FRENCH SOMALILAND a/

1. GENERAL

1. Situated on the east coast of Africa between 39° 30' and 41° east longitude and between 11° and 12° 30' north latitude, French Somaliland covers an area of 23,000 square kilometres, most of which is desert or semi-desert. The Territory has common frontiers with Ethiopia to the north, west and south-west, and with Somalia to the south. Its coastline is about 800 kilometres in length and runs from Ras Doumeira in the north to Loyada in the south. The terrain consists mostly of volcanic plateaux, bordered in places by sunken plains and lakes, some of which (Lake Assal and Lake Alol, for example) are below sea level. The Territory has no permanent surface watercourse. The climate is very hot during the major part of the year, averaging 29.44° centigrade at Djibouti, the capital. Humidity is high near the coast but decreases in the interior. Precipitation is scarce and irregular, averaging less than 127 millimetres annually.

2. The population is divided into the following four major groups: Afars or Danakil, comprising the Adohyammara and the Asahyammara; Issas, a Somali group comprising the Abgals, the Dalols and the Wardigs; Arabs, chiefly of Yemeni and Saudi Arabian origin; and Europeans.

3. According to Le Réveil de Djibouti of 11 March 1967, the total population in March of that year was estimated to number 125,000 persons, classified as follows:

Issas	58,240
Afars	48,270
Europeans and <u>assimilés</u>	10,255
Arabs	<u>8,285</u>
	125,050

4. Of this number, 28,430 Issas, 1,700 Afars, 2,600 Europeans and 5,120 Arabs were classified as foreigners.

5. According to the United Nations Demographic Yearbook, b/ the population of the Territory was estimated in 1974 at 104,000 persons, with a density of 5 inhabitants per square kilometre and a population growth rate of 2.3 per cent.

a/ For the new designation of the Territory, see Terminology Bulletin No. 240 (ST/CS/SER.F/240), issued by the Secretariat on 15 April 1968. For detailed information concerning this change, see also Official Records of the General Assembly, Twenty-third Session, Annexes, addendum to agenda item 23 (A/7200/Rev.1), chap. XV, annex, paras. 6 and 7.

b/ United Nations publication, Sales No. 75.XIII.1.

6. The OAU (Organization of African Unity) Fact-Finding Mission states in its report c/ that it was not able to establish the exact figure of the population either in Djibouti city or in the whole Territory. The figures given to the Mission varied from 250,000 to 500,000 for the whole Territory. The Union nationale pour l'indépendance (UNI) estimated the population between 200,000 to 500,000. Of these, between 100,000 and 130,000 were said to be resident in Djibouti city, 250,000 in the remaining part of the Territory and about 100,000 were foreigners. The Ligue populaire africaine pour l'indépendance (LPAI) estimated the population of the Territory to be approximately 500,000, with 230,000 living in Djibouti. The Front de libération de la Côte des Somalis (FLCS) estimated the population of the Territory at 450,000 living in the Territory, 30,000 refugees in Somalia and Ethiopia and 20,000 nomads. The Ethiopian authorities told the Mission that they estimated the population at 285,000 equally distributed between Afars and Issas, and of the total some 30 per cent were expatriate non-residents. The Somalian authorities reported to the Mission an estimated population of about 600,000 of whom 250,000 lived in Djibouti; in addition there were some 100,000 refugees in Somalia. d/

2. CONSTITUTIONAL AND POLITICAL DEVELOPMENTS

A. Structure of the Government

7. Basic information concerning the constitutional status of the Territory has been given in previous reports of the Special Committee to the General Assembly. e/ It may be recalled briefly that under the Statute approved by the referendum of 19 March 1967, French Somaliland has the status of an overseas Territory within the French Republic. The Territory is financially autonomous and is represented in the French Parliament and in the Economic and Social Council of France.

8. The political structure of the Territory was established by the Act of 3 July 1967 relating to the "organization of the French Territory of the Afars and the Issas". f/ Under the Act, the institutions of the Territory comprise a Conseil de gouvernement (Government Council) and a Chambre des députés (Chamber of Deputies) in which the various communities of the Territory are equitably represented.

c/ Report of the OAU Fact-Finding Mission to so-called French Somaliland (Djibouti), OAU CM/759/XXVII, 1976, mimeographed.

d/ The Permanent Mission of Somalia has since informed the Secretary-General that it estimates that there are some 40,000 refugees in Somalia.

e/ For the most recent, see Official Records of the General Assembly. Thirtieth Session, Supplement No. 23 (A/10023/Rev.1), vol. III, chap. XVI, annex, paras. 6-19.

f/ See Act No. 67-521 of 3 July 1967, published in the Journal Officiel of the French Republic on 4 July 1967 and in the Journal Officiel of the Territory of 10 July 1967.

9. For administrative purposes, French Somaliland is divided into the district of Djibouti and the four cercles of Dikhil, Ali Sabieh, Tadjourah and Obock. The Territory's judicial organs are a High Court of Appeals, a Court of First Instance and a number of customary courts.

B. 1973 elections

10. The most recent general elections, held in the Territory on 18 November 1973 designated the 40 members of the Chamber of Deputies. The official polling results indicated that the lists sponsored by Mr. Ali Aref Bourhan, the President of the Government Council, had received 26,855 votes, representing nearly 75 per cent of those cast, against 8,536 for the other lists. The government party, namely Union et progrès dans l'ensemble français (UPEF) thus won all 40 seats in the Chamber of Deputies. Following complaints about irregularities in the polling, made by the opposition parties, g/ the French Conseil d'Etat confirmed, on 5 February 1975, the decision of the Conseil du Contentieux Administratif of Djibouti of 14 February 1974 invalidating the election of seven candidates. The partial elections held in March 1975 were won by UPEF, the members of which later formed UNI. The LPAI did not take part in the partial elections.

C. Political groups

11. LPAI, whose platform centres on immediate independence, is the only legal opposition party. LPAI is a combination of several parties whose merger took place in the following stages.

12. On 28 February 1972, a new party, known as the Ligue populaire africaine (LPA), was formed as a result of the merger of the Ligue pour l'avenir et l'ordre (LAO), headed by Mr. Ahmed Dini Ahmed; the Union populaire africaine (UPA), headed by Mr. Hassan Gouled Aptidon; and the Rassemblement du peuple Issa (RPI).

13. Subsequently, in February 1975, LPA and the Action pour la justice et le progrès (AJP) merged to form LPAI. The leaders of LPAI are Mr. Hassan Gouled, President, Mr. Moumen Bahdou, Vice-President and Mr. Dini, Spokesman. In December 1975, the Mouvement populaire de libération (MPL) was established in Djibouti by a group of young civil servants, mainly Afars.

Liberation movements

14. There are two liberation movements recognized by OAU: the Mouvement de libération de Djibouti (MLD), with headquarters at Diredawa in Ethiopia; and FLCS, with headquarters at Mogadiscio in Somalia.

g/ After the November 1973 elections, the opposition parties complained of "electoral irregularities" on the grounds of what they called "control" and "padding the ballot box", "refusal to inscribe candidates on the opposition list" and an electoral system involving absolute majority in a single round of voting.

15. MLD was founded in 1964, and at that time its policy was aimed at the independence of Djibouti. After the 1973 referendum, MLD spokesmen stated that the party would use every possible means to liberate the Territory totally from the French colonial administration. FLCS was established in 1963. Its goal is the total liberation of the Territory.

3. OTHER DEVELOPMENTS h/

A. Situation in Djibouti

16. Since the latter part of 1975, the political situation has been steadily deteriorating in Djibouti and has been marked by increased repression with searches, expulsions from the Territory, police operations, the introduction of a curfew and arrests. There were also public demonstrations by LPAI.

17. Mr. Ali Aref (see para. 10 above) escaped an attempt on his life on 5 December. On 18 December, two children were killed by bodyguards of Mr. Ali Aref. On 3 January 1976, a policeman was killed. Mr. Dini, Spokesman for LPAI, who was imprisoned on 6 February and released on 20 February, reported the detention of 72 children between the ages of 8 and 16 years, in the same prison where he had been held captive, because, he reported, the children had no French papers. In that connexion, Mr. Dini stated "the children in the Loyada bus ultimately had a better chance and better prospects than the little prisoners in the Gabode prison, whose sufferings should be denounced" (see paras. 26-29 below).

18. On 18 February 1976, in reply to the charges made by Mr. Dini, the French authorities issued a statement pointing out that the Territory had two separate facilities for minors. It had a reformatory situated in the proximity of the Gabode prison where 19 minors were being held at that time for minor offences (robberies and vagrancy). Although all of the children were native to the Territory, they had no identity papers because they were minors. In addition, it had a reception centre in the Gabode prison, for "foreign" minors, which for humanitarian and social reasons was separated from the section allocated for adults. At that time, there were 60 minors at the reception centre, placed there by an order of a judge of the first instance or by a decision of the Prosecutor of the Republic, for legal infractions of a minor nature.

19. Mr. Dini also protested against what he called the operations conducted by the French army in Djibouti since 3 January 1976 and in particular the levelling on 2 February of Balbala, an African settlement outside the barbed wire fence surrounding the city of Djibouti. According to the Somali representative speaking in the Security Council, the French destruction of Balbala, and the subsequent expulsion from the Territory of the majority of the inhabitants, numbering several thousands, was one of a series of provocative actions by the French authorities.

h/ These developments cover the period up to the end of May 1976.

20. According to the French authorities, Balbala had gradually become an unregulated "shanty town" with no water or sanitation facilities and a population of almost 1,500 persons. Accordingly, Balbala had been cleared because of the health and public order problems it posed. On 13 April, Le Monde reported that an imprisoned member of FLCS had been killed on 10 April 1976 during an escape attempt by one of his companions.

21. Then in May, during the visit of the OAU Fact-Finding Mission to Tadjourah (see paras. 50-51 below), the second largest town in the Territory, the territorial guard fired on some peaceful demonstrators and 1 person was killed and 14 injured. The OAU Mission was later informed that the killed and injured were members of the MPL and the police did not take orders from the High Commissioner but from the territorial Government. i/ Representatives of LPAI accused France, in a communiqué of 3 May, of being "responsible for that incident". According to the office of the French High Commissioner, the local security forces had lost control of the situation. Subsequently, the French authorities resumed responsibility for the local police which had hitherto been under the local government.

22. On 4 March, the order prohibiting "any gathering of more than five persons and any parades in public thoroughfares" was revoked and on 5 March the curfew, which had been in force since 4 February 1976 in the African quarters of Djibouti, was lifted.

23. The activities of LPAI in the Territory have been marked by the organization of large public demonstrations, of which the most successful were those held on 21 December 1975 and 11 February 1976. Despite the ban on gatherings of more than five persons, LPAI managed to rally thousands of supporters. In an article in Le Monde of 13 February 1976, it was stated that the success of the LPAI demonstrations showed "a political maturity, a sense of organization and a seriousness which justify its will to present itself as a party ready to take power".

24. According to reports, in April 1976 the Government of Mr. Ali Aref was experiencing a crisis involving a number of resignations. On 7 May 1976, Mr. Ahmed Aouled Ali, Minister for the Civil Service, handed in his resignation after stating that "the Government of Mr. Ali Aref Bourhan no longer meets the aspirations of the great majority of the population". This resignation, preceded by the resignation of Mr. Mohammad Djama ELabe, Minister for Public Works, Transport and Tourism, was followed by the resignation of Mr. Abdellahi Ahmed Gad, Deputy for Djibouti. Of the 40 deputies in the Chamber of Deputies, 19 are now opposed to Mr. Ali Aref.

25. In mid-May, during his visit to Paris, Mr. Ali Aref was then quoted as saying that the situation in the Territory had become very disturbing and he charged that

i/ Report of OAU Fact-Finding Mission, op. cit., p.47.

France was not maintaining order in the Territory in accordance with its announced policy of leading the Territory to independence.

B. Abduction of children in Djibouti

26. In February, some children were reportedly abducted by militants of FLCS. According to the account given by the French authorities, on 3 February, four armed individuals, claiming to be members of FLCS, kidnapped 30 children between the ages of 6 and 12 years, who were travelling on a school bus in a suburb of Djibouti. After removing an adult from the bus, the kidnappers drove towards the Somali frontier where they were halted by a road block.

27. Responsibility for the abduction of the children was claimed by FLCS, which listed the following conditions for the release of the children: unconditional independence involving no foreign participation; destruction of the entire existing colonial system; and release of all political prisoners. These demands were accompanied by threats of immediate execution of the hostages in the event of a refusal by the French authorities.

28. On 1 February, after the unsuccessful attempts to negotiate, the French authorities of the Territory launched an operation to liberate the children. The assault on the bus enabled the French soldiers to release the children and resulted in the death of seven persons, including one child, four kidnappers and two Somalis who had boarded the bus during the negotiation attempts. There were also a number of injured among the children and the French soldiers. The operation also degenerated into a brief clash at Loyada resulting in deaths and injuries on the Somali side of the border. In this connexion, the Somali Government has said that when the French forces mounted their assault on the bus, the Government was engaged in delicate negotiations with FLCS aimed at securing the safety of the children.

29. At the request of France j/ and Somalia, k/ the Security Council met on 18 February 1976 to consider the incident. l/ It was stated in the letter from the Permanent Representative of France that a serious incident had occurred at Loyada on 4 February 1976 when the French forces engaged in freeing a bus in which 31 children were being held hostage were fired upon by heavy weapons from the Somali territory. The communications from Somalia m/ drew attention to the critical situation prevailing in French Somaliland and said that French armed forces based in so-called French Somaliland had committed an act of open and unprovoked aggression against the Somali Democratic Republic when on 4 February it launched an attack with tanks, armoured cars and heavy artillery on the border town of Loyada killing a number of policemen, women and children and injuring a number of other persons.

j/ Official Records of the Security Council, Thirty-first Year, Supplement for January, February and March 1976 (S/11961).

k/ Ibid., S/11969.

l/ See S/PV.1889. See also Official Records of the Security Council, Thirty-first Year, Supplement for January, February and March 1976 (S/11974, S/11977 and Add.1, S/11979, S/11987). See also S/11988 and S/11989.

m/ Official Records of the Security Council, Thirty-first Year, Supplement for January, February and March 1976 (S/11965 and S/11969).

4. FUTURE STATUS OF THE TERRITORY n/

A. Statements by French and local authorities

30. In a statement released in December 1975, the Government of France affirmed that the Territory was destined for independence and specified the ways and means of obtaining that end. According to the statement, France considered that it had a duty to ensure "the Territory's accession to international sovereignty by maintaining the integrity of its boundaries, ensuring its security and preserving the dignity of its peoples". To that end, France was ready "to guarantee its (the Territory's) integrity and security" and would endeavour to obtain the necessary guarantees from the countries directly concerned and from international or regional bodies.

31. The French Government also stated that, while assuring the people of the Territory of their right to self-determination, France would work out solutions designed to ensure that the new State would take its place in the international community under the best possible conditions and would pursue its development in friendship and co-operation with France. The French Government added that it was prepared to enhance the economic prospects of the future State by helping it to remain a maritime outlet for part of East Africa and by ensuring that communication and trade guarantees were preserved.

32. In the statement, the French authorities also called on the political leaders of the Territory, within the framework of local institutions, to define collectively the constitutional and democratic principles which would guarantee the rights of the minorities.

33. As to the date for the referendum referred to in the statement, Mr. Olivier Stirn, Secretary of State for Overseas Departments and Territories, announced on 12 February 1976 that, if all the guarantees were obtained in time, it was not impossible that a referendum would be held in Djibouti before the end of 1976.

34. According to an article published in Le Monde on 12 March 1976, the policy of the French Government includes the following three points:

(a) The arrangements for the referendum should be agreed upon among the various elements of the population, taking into account various views and political trends in the Territory;

(b) The international organizations concerned, the United Nations, OAU and the League of Arab States (LAS), would be allowed to send observers;

(c) The maintenance of a French military base would not be a pre-condition for the independence of the Territory, although France would be prepared to maintain

n/ The information in this section covers the period up to the end of May 1976.

a military presence after independence if the Government of the new State wished it to do so.

35. After the statement by the French Government had been issued, Mr. Ali Aref, President of the Government Council of the Territory, stated that almost all the inhabitants of the Territory desired independence in friendship with France and total co-operation in all areas, including military and economic matters and matters relating to the integrity of frontiers. France, Mr. Ali Aref said, was committed to holding negotiations, in particular in Africa, with a view to ensuring that Djibouti's two neighbours respected the integrity of the Territory and that OAU saw to it that those two countries respected the future State.

36. At the end of March, Mr. Stirn announced that he had called for a conference during the second half of April to bring together the various political groups to discuss constitutional matters. Both LPAI and FLCS were reported to have turned down the talks.

37. On 5 April, Mr. Jean François-Poncet, Secretary of State for Foreign Affairs, held a press conference at Paris following a week of travel abroad in the course of which he visited Cairo, Addis Ababa, Mogadiscio and Kampala. Mr. François-Poncet recalled the main principle of French policy for the Territory, namely, a referendum which, he said, would be held probably before the end of the year. The referendum would be preceded by consultations between the French authorities and the various political groups in the Territory. Elections would follow completion of the referendum. An OAU mission and observers would be invited to the Territory. France would make the new State an offer of co-operation, particularly military co-operation.

38. Mr. François-Poncet further stated that "the policy of the Territory's accession to independence and the way in which it is being conducted are well understood and fully accepted by all African countries with one exception, Somalia". Lastly, he stated that "those with whom I have held talks took a negative position on the matter of a military base". "But", he added, "we have never intended to maintain a base at Djibouti".

39. Subsequently, at a press conference held at Paris on 17 May, Mr. Stirn was reported to have declared that, starting on 25 May, important discussions on the Territory's future would be held at Paris, in which "all political groups of the Territory" would participate. In this connexion, Mr. Stirn indicated that the invitation extended by the French Government for the convening of a conference had been accepted by "all political formations" in the Territory.

B. Reaction of the political parties prior to the Paris meetings

UNI

40. Under the leadership of Mr. Ali Aref, the government party supported the French policy but called for the continued economic and military presence of France.

Mr. Ali Aref expressed the hope that a referendum would be held at the end of 1976. The results of the voting would then be ratified by the French National Assembly and a Constituent Assembly would be established at Djibouti.

41. In March, Mr. Ali Aref said that he would request OAU to guarantee that Somalia and Ethiopia would not make claims on the Territory after its accession to independence.

42. According to reports, in April 1976, a new opposition group was formed within UNI under the leadership of Mr. Barakat Gourad. This group, comprising 18 of the 40 members of the Chamber of Deputies was opposed to Mr. Ali Aref and said that it would not participate in the conference proposed by France under the existing circumstances.

LPAI

43. While recalling its decision in favour of "unconditional" independence, LPAI considered that the statement of the French Government concerning the ways and means of preparing for independence (see paras. 30-33 above) was ambiguous and requested clarification on many points.

44. In the view of LPAI, the December 1975 statement did not differ essentially from earlier statements by the French Government. According to LPAI, it was a delaying tactic, similar to those which preceded it and which, with the collusion of the so-called local government - which was an artificial, puppet government - had brought into being a state of non-legality which was having the effect of delaying or preventing the country's independence.

45. Previously LPAI had refused to participate in meetings proposed by France to discuss constitutional matters because it wished to hold direct bilateral talks with France since it considered that the only parties qualified to discuss independence were the colonized and the colonizer, that is the people of the Territory and the French Government.

C. Reaction of the liberation movements

FLCS

46. FLCS considered that if the French Government wished to decolonize French Somaliland "a mere statement of intent does not suffice; it must specify when and how decolonization will be carried out".

47. According to reports published in May 1976, FLCS stated in a white paper presented to the special OAU mission which visited the Territory (see paras. 50-51 below) that it rejected the French policy which it considered could lead to war. It therefore specifically requested that the French Government cancel the proposed referendum; dissolve the present Government of the Territory; remove the barbed wire fence around Djibouti; release all political detainees and repatriate deported nationalists; and repeal the emergency law.

MLD

48. Representatives of MLD expressed satisfaction that some of the remarks made by representatives of France regarding the future of Djibouti have been in favour of accelerating the independence of the people of Djibouti.

D. OAU and the League of Arab States (LAS)

49. During the twelfth ordinary session of the Assembly of Heads of State and Government of OAU, held at Kampala in 1975, the Conference congratulated Ethiopia and Somalia for their respective declarations in respect of total independence and their avowed non-involvement in the internal affairs of the Territory and called upon them to renounce any claims they might have on the Territory.

50. During the twenty-sixth ordinary session of the Council of Ministers, held at Addis Ababa in February 1976, OAU decided to send a mission to the Territory. The OAU Fact-Finding Mission, which comprised Egypt, Guinea, Liberia, Mozambique, Senegal, Uganda, the United Republic of Tanzania and Zaire, visited the Territory in May. The mission submitted its report to the OAU meeting of the Heads of State held in June in Mauritius (see para. 60 below).

51. The arrival of the OAU Fact-Finding Mission at Tadjourah, on 2 May, was marked by a violent incident which resulted in the death of one person and the wounding of several others (see para. 21 above). At Obock, in the northern part of the Territory, the members of the OAU mission reportedly witnessed the accidental explosion of a grenade and a scuffle between the militants of the government party, UNI, and those of LPAL. Earlier, the mission visited Loyada, a frontier post, where the kidnapping of the French school children had taken place (see paras. 26 to 29 above). At Addis Ababa and Mogadiscio, the mission also met representatives of the Ethiopian and Somali Governments and the leaders of MLD and FLCS. In Djibouti, the mission met the parties involved. On 2 May, it held a working meeting with the High Commissioner of the French Republic.

52. The Mission found, inter alia, that all parties concerned stated categorically that they wanted independence for so-called French Somaliland (Djibouti), and they agreed that independence should be attained through constitutional means. All the concerned parties both in the Territory and outside had misgivings regarding the forthcoming referendum and elections proposed by France. They were ready to accept a referendum and subsequent elections after certain questions had been resolved (e.g., the nationality questions, revised electoral roll, participation by all political parties, liberation movements, release of political prisoners and supervision by OAU). All the political parties and liberation movements were agreeable to the participation of all genuine citizens of the Territory in the referendum and elections. o/ The recommendations and observations of the OAU Fact-Finding Mission were subsequently approved by the Council of Ministers of OAU at its twenty-seventh regular session (A/31/196 and Corr.1, annex, resolution CM/Res.480 (XXVII)).

o/ Report of the OAU Fact-Finding Mission, op.cit.

53. On 17 March 1976, a spokesman for LAS announced at Cairo, that the League whole-heartedly supported independence for Djibouti. The League also asked its Secretary-General, Mr. Mahmoud Riad, to approach the Government of France regarding the organization of a referendum as soon as possible. In addition, the League decided to send a fact-finding mission to Djibouti, composed of Algeria, Jordan, Kuwait and the Libyan Arab Republic.

5. DEVELOPMENTS SINCE JUNE 1976

54. On 8 June, the French Government made public the text of identical statements issued by UNI, LPAI and the opposition members in Parliament. In their statements, they announced that they desired a true independence for the future State whose sovereignty and territorial integrity would be respected. Therefore, they hoped that the independence proposed by France would be recognized by international organizations and the neighbouring States. After the attainment of independence, the leaders of the political parties in the Territory favoured agreements on co-operation between the new State and France.

55. The two parties and the opposition members also took note of the decision of the French Government to revoke article 161 of the Nationality Code and to issue official identity documents to all inhabitants in the Territory, including those who would continue to be recognized as aliens. With respect to the forthcoming electoral consultations, the two parties expressed their approval of the law guaranteeing an "equitable balance" of the population and of the plan that only persons born in the Territory would be permitted to take part in the consultations.

56. The parties said that in case of a change of Government, they would be in favour of forming a Government of "durable union" which they would support and in which they would participate.

57. On 29 July, following the resignation on 17 July of Premier Ali Aref, a new transitional Government was elected by 24 of the Territorial Assembly's 40 deputies. The new Government is headed by Mr. Abdallah Mohamed Kamil, the former government Secretary-General.

58. Eight of the 10 ministers of the transitional Government are former members of the parliamentary opposition group. Two ministers are leaders of LPAI. Six ministers are from the Issa-Somali ethnic group. Four, including the Prime Minister, are from the Afar ethnic group. Three political movements, UNI, MPL and MLD, did not participate in the new Government and rejected any dealings with the new ministerial team.

59. In his inaugural address, Mr. Kamil said that the responsibility of his Government, which had been elected as a government of union, was to establish a sovereign State with a Government transcending all ethnic groups. He said that the principal tasks the Government intended to undertake were: (a) to apply to the letter the general principles of equal opportunity; (b) strengthen and maintain domestic peace both in people's minds as well as in actual fact; and (c) to prepare

for independence in national harmony and union. In order to allow the largest possible number of citizens to share in the political decisions, the Government proposed to participate actively in enforcing the law on nationality and in revising the list of registered voters. Free movement of all nationals had to be re-established by dismantling the barricade surrounding the city of Djibouti.

60. In its resolution CM/Res. 480 (XXVII) (see para. 52 above), the Council of Ministers of OAU reaffirmed the Kampala resolution (A/10297, annex I, resolution CM/Res. 431/Rev.1 (XXV)) which called upon neighbouring States to renounce any claim they might have to the Territory and approved the recommendations contained in the report of its Fact-Finding Mission to the Territory as well as the declaration of the 27th Ordinary Session of the OAU Co-ordinating Committee for the Liberation of Africa; reaffirmed the inalienable right of the people of the Territory to self-determination and called upon all States to refrain from interfering in the internal affairs of that Territory; and deplored "the manoeuvres that have hitherto hindered the independence of ... Djibouti ...". The Council of Ministers further urged "all the political parties and groups and the two liberation movements recognized by OAU (FLCS and MLD) to accept a round-table conference on neutral grounds under the auspices of OAU to agree on a common political platform before the referendum". In the preambular part of the resolution, the Council of Ministers registered "the solemn declaration of the leaders of the Ethiopian and Somali delegations before the Council affirming on behalf of their respective Governments to recognize, respect and honour the independence and sovereignty of so-called French Somaliland (Djibouti) and its territorial integrity after its accession to independence".

61. The thirtieth summit meeting of OAU, held at Port-Louis from 2 to 5 July 1976 approved the resolution adopted by the Council of Ministers (see above).

62. The Fifth Conference of Heads of State or Government of Non-Aligned Countries, which met at Colombo from 16 to 19 August 1976, adopted a political declaration in which it, inter alia, expressed "its deep concern over the critical situation prevailing in the so-called French Somaliland (Djibouti)" and reaffirmed "the inalienable and sacred right of the people of the Territory to self-determination and the immediate accession to genuine and unconditional independence" (A/31/197 annex I, para. 37). The Conference endorsed resolution CM/Res. 480 (XXVII) adopted at the twenty-seventh regular session of the OAU Council of Ministers, as approved by the summit on so-called French Somaliland (Djibouti) (see above), and called on all parties concerned to urgently undertake steps for the implementation of the resolution as well as the resolution adopted by the Conference of Ministers for Foreign Affairs of Non-Aligned Countries at Lima (A/10217 and Corr.1, annex I, resolution I). It also demanded that "France urgently take the necessary measures for the creation of a conducive atmosphere for insuring a peaceful, just and democratic process leading to immediate and unconditional independence and to that end to allow the return of the national liberation movements recognized by OAU in accordance with United Nations General Assembly resolution 3480 (XXX) before a referendum, in order to freely participate in the political life inside the Territory".

6. POSITION OF THE NEIGHBOURING STATES

A. Somalia

63. The representative of Somalia has criticized the past electoral practices in the Territory and pointed out that there could be no genuine referendum under the conditions prevailing in the Territory. p/

64. As reported in the press, Somalia takes the position that to bring about genuine independence, it is necessary that France should create a truly democratic atmosphere. These include the dismissal of the colonial Government headed by Mr. Ali Aref and the Parliament, release of all political prisoners, return of nationals expelled from the Territory and repeal of all repressive laws. Once a democratic atmosphere has been achieved, constitutional talks should be held by France with the political groups who represent the majority of the people. Somalia has also called for these measures as pre-conditions to a referendum. In addition, it has called for the repeal of the electoral law now in force (see also para. 10 above), the introduction of new measures to enable all people in the city and in the countryside of the Territory to vote and supervision of the referendum by OAU.

65. It is the position of the Somali Government that in recognition of the paramountcy of the ideals of national liberation and freedom, it has always maintained that the question of so-called French Somaliland (Djibouti) is strictly one of decolonization and that any attempt to confuse the issue and degenerate it into a bilateral dispute between Somalia and Ethiopia is totally unacceptable. The Somali Government considers that the calls for "guarantees" and "renunciation of claims" are an attempt to compromise the independence of the people of the Territory.

66. During the debates on the subject in the Fourth Committee at the thirtieth session of the General Assembly, the representative of Somalia said that, since his country's attainment of independence in 1960, the attitude of successive Somali Governments with respect to the future of the Territory had not changed. Their sole wish was to see the people of the Territory free and independent in unity under the flag of their choice.

67. He also said that his Government had on numerous occasions stated, and reaffirmed, that it had no intention of annexing the Territory. Its only interest was to see the Territory fully independent. The representative of Somalia further said that the President of the Supreme Revolutionary Council of the Somali Democratic Republic, in his address to the twelfth ordinary session of the Assembly of Heads of State and Government of OAU (see para. 49 above), had "reaffirmed Somalia's support for unconditional independence for the Territory, and had urged the Assembly to take the necessary action so that France's last colony could take its rightful place among the community of nations". q/ He added that his country

p/ See also Official Records of the Security Council, Thirty-first Year, Supplement for January, February and March 1976 (S/12001), annex, and chap. VII of the present report, annex III (p. 77 above).

q/ Official Records of the General Assembly, Thirtieth Session, Fourth Committee, 2170th meeting.

"harbours no ambition of annexation of that Territory and desires only its full and unconditional independence. It is solely interested in the liquidation of colonialism from French Somaliland and the restoration of the legitimate and inalienable right of the people of that Territory to decide their ultimate destiny independently in a free and democratic manner devoid of any presence or interference from any quarter or from any country no matter what vital interest that country may claim to have in shaping the future of French Somaliland".

68. Following the publication of the report of the Ad Hoc Group established by the Special Committee on 1 April 1976 (chap. VII of the present report, annex I, p. 17 above)), the Permanent Representative of the Somali Democratic Republic to the United Nations addressed a letter to the Chairman of the Special Committee setting out the views of his Government on the report. In his letter, the Somali representative expressed the view that on the basis of the records, "in discussing the problem of so-called French Somaliland solely with the Government of Ethiopia and in incorporating that Government's view points in its final draft report", the Ad Hoc Group clearly "overstepped its specific mandate by taking on its own initiative an action that is at its best procedurally improper" (*ibid.*, annex III). r/

B. Ethiopia

69. During its visit to Addis Ababa from 2 to 5 May 1976, the Ad Hoc Group received from the Minister for Foreign Affairs of Ethiopia a memorandum setting out the views of the Provisional Military Government of Ethiopia on the independence and future of the Territory of Djibouti, which includes a section on the nature of the problem and the solution (chap. VII of the present report, annex V (p. 85 above)). The Ad Hoc Group subsequently reported on its consultations with the Ethiopian Government, not only with regard to the situation in southern Africa but also on the question of Djibouti (*ibid.*, and annexes III and IV). Brigadier General Bante stated that his Government strongly supported the attainment of independence by the people of Djibouti through self-determination, without any foreign interference. In this connexion, Ethiopia has repeatedly stressed its close historical and economic ties with the Territory and the ethnic and cultural relations with the people. According to Ethiopia, Djibouti currently handles 60 per cent of its foreign trade and expects the port to increase in importance as Ethiopia becomes more developed. Ethiopia also considers Djibouti important to its national security. Therefore, Ethiopia believes that the Territory's independence is compatible with its interests and supports the genuine independence, unity, territorial integrity and continued existence of Djibouti as a sovereign State. Ethiopia has also called for international guarantees within the framework of OAU and the United Nations for the independence of the Territory.

r/ The Chairman of the Special Committee subsequently addressed a reply to Somalia explaining that the Ad Hoc Group had adhered to its mandate and had acted in accordance with the accepted practice (chap. VII of the present report, annex IV (p. 83 above)).

70. On the solution of the problem, Ethiopia stated in the memorandum that it considered it OAU's responsibility to assist the Territory in the period both before and after independence. In the period before independence OAU should especially assist in the creation of a united front of all political factions inside and outside the Territory and ensure that independence is attained in peace. OAU should also request from both Ethiopia and Somalia a specific undertaking of renunciation of any and all claims to the Territory of Djibouti, in compliance with the provisions of the resolution adopted by the Council of Ministers at Kampala (see para. 60 above) and of General Assembly resolution 3480 (XXX), which called on all States to renounce forthwith any and all claims to the Territory and to declare null and void any and all acts asserting such claims. In addition OAU should request other undertakings as may be required to respect the territorial integrity of the Territory, to refrain from actions designed to alter its independent statehood and to desist from interfering in the national affairs of the Territory, and particularly to abandon attempts to change the demographic composition of the Territory.

71. It should be noted that during the debate on the subject in the Fourth Committee at the thirtieth session of the General Assembly, the representative of Ethiopia drew the Committee's attention to the statement made by the Chairman of the Provisional Administrative Council of Ethiopia on his country's policy with respect to the Territory. The Chairman had said that the Provisional Military Government did not believe that Ethiopia's policy posed any difficulty to the independence of the Territory. "Whatever historical rights Ethiopia might have had in this area she recognizes that these are overridden by the right of the people to self-determination and independence." He had stated, moreover, that there was no law or provision in Ethiopian legislation asserting any claim to the Territory. Ethiopia believed that the future destiny of the Territory should be based on the free choice of the people. If independence was their choice, Ethiopia would accept that and would be happy to live with an independent neighbour whose sovereignty would be assured by its membership in OAU. s/

7. FRENCH FORCES AT DJIBOUTI

72. According to the French press, the French forces at Djibouti consist of 7,000 to 8,000 men, classified as follows: (a) land forces consisting of two motorized regiments reinforced by an artillery regiment and a detachment of transport or tactical helicopters; (b) the Fifth Combined Overseas Regiment, equipped with AMX-13 tanks carrying anti-tank missiles; (c) the Thirteenth Half-Brigade of the Foreign Legion, equipped with AML-90 armoured reconnaissance units and anti-tank missiles and (d) the Sixth Regiment, which has 155-millimetre tractor-drawn guns

s/ Official Records of the General Assembly, Thirtieth Session, Fourth Committee, 2172nd meeting.

and ground-to-air batteries. In all, there are reported to be over 3,000 men supported by a detachment of Puma tactical helicopters and attack helicopters equipped with anti-tank missiles. There is also a company of 500 men of the Second Foreign Parachute Regiment, detailed from France; a permanent police force supported by local auxiliaries and reinforcements from the metropolitan countries; and an autonomous nomadic force consisting of about 500 indigenous troops, locally recruited and under the command of naval officers and petty officers, which occupy some 20 posts in the interior of the Territory.

73. The air forces consist of approximately 600 men and about 10 F-100 Super-Sabre jet fighters, six Noratlas transport aircraft, patrol planes and Alouette helicopters.

74. Three fighting units are permanently stationed at Djibouti, including the missile-firing coast-guard vessel Combattante, supported by landing craft, and a Bréguet-Atlantique aircraft for anti-submarine warfare. These forces are regularly strengthened by the presence of other visiting vessels. Some 15 warships - with a complement of 3,500 men - patrol the northern and southern parts of the Indian Ocean and are available for emergencies.

8. ECONOMIC CONDITIONS

A. General

75. According to press reports, the reopening of the Suez Canal has benefited the port of Djibouti, even though traffic has not yet reached the 1966 level. Prior to the opening of the Canal, an average of 75 vessels a month called at the port; by December 1975, the figure had risen to 135 (260 in December 1966). Until 1966, nearly half the port's resources had come from bunkering traffic. As the second "service station" in the Red Sea after Aden, Djibouti had provided 1.8 million tons of fuel oil in 1966. Since the reopening of the Suez Canal, however, Jidda has threatened Djibouti's profits from bunkering traffic; fuel oil costs \$US 58 - \$US 60 a ton in Jidda while the price in Djibouti is \$US 70 a ton.

76. The movement of goods through the port appears to be developing favourably in large part because of increased exports from Ethiopia. Nevertheless, the port had a deficit of DF 100 million t/ in 1975.

77. According to the Director of the port, the port traffic is increasing slowly at the cadence of the canal traffic. Up to February 1976, however, the volume of traffic had failed to meet the modest level expected in the port's efforts to regain its earlier volume, mainly because of the loss of bunkering traffic which is vital to the port in the short term. In the long term, according to the Director, Djibouti should regain its prosperity with the economic development of Ethiopia.

t/ In February 1976, the Djibouti franc (DF) was equivalent to 0.025 French francs.

B. Public finance

78. Under a special agreement with the Fonds d'investissement pour le développement économique et social (FIDES), the expenditure of DF 376 million was authorized for development aid in 1975, when the French Secretary of State for Overseas Departments and Territories visited Djibouti in May 1975 and it was announced that steps would be taken to improve the Territory's roads, irrigation system, housing and port facilities.

79. According to the budget estimates of the territorial Government for 1975, income and expenditure balanced out DF 4,950 million. Estimated income was expected to amount to DF 2,700 million from indirect taxation and about DF 1,400 million from other contributions. It was anticipated that the new general income tax would provide a further DF 850 million in revenue, accounting for 17 per cent of income. The tax would consist of five elements: a sliding tax scale for salaries and wages; a tax on industrial and commercial profits; a company tax; an income tax on the liberal professions; and, lastly, a real estate tax. Incomes below DF 50,000 per month would be exempt from the tax, as would dividends and income from stocks and shares.

C. Transport and communications

80. Because of its geographical situation, Djibouti is both a stopping point on major international routes and a regional communications link. Its port and airport are therefore of special importance.

Airport

81. Djibouti airport is served by Air France, Air Madagascar, Air Djibouti, Ethiopian Airlines, Yemen Airline, Yemen Air, Alyenda (Aden) and Somali Airlines.

82. Djibouti is also an important centre for military aviation. The French Army uses a number of commercial aircraft for both passengers and freight. A few small private aircraft are also available for rental. The airport, which has a runway of about 2,900 metres, is under the joint control of the military authorities and the Civil Aviation Department.

83. There are 10 other smaller airports at Ali-Sabeih, Dikhil, As Eylal, Yoboki, Tadjourah, Randa, Dorra, Obock, Moulhoulé and Le Day.

Port

84. The commercial port of Djibouti comprises the following facilities: 2,700 metres of quays and piers, 26,000 square metres of private storage depot; 70,000 square metres of open storage area; and a duty-free zone of 14 hectares. The entire area is served by a railway. The cargo quays are equipped with refuelling and watering installations. The port is equipped with four tugs, an 80-ton floating crane and two smaller mobile cranes.

85. The oil companies with facilities at Djibouti have bulk storage space for up to 190,000 tons of black oil and port installations for unloading and delivery on the quay. Among the companies with facilities at the port are the Shell Oil Company, the British Petroleum Company (BP), the Exxon Corporation, the Mobil Oil Corporation, Total-Compagnie africaine des pétroles and Mory. The volume of traffic in the port of Djibouti declined drastically following the closure of the Suez Canal (see also para. 75 above).

Railway

86. The Compagnie du chemin de fer franco-éthiopien, which owns the railroad running from Addis Ababa to Djibouti (781 kilometres), was declared an Ethiopian company in 1959 pursuant to a treaty between Ethiopia and France. Ethiopia, which holds 51 per cent of the shares, may enjoy permanent free use of the port of Djibouti for all rail traffic in transit. Ethiopian custom officials therefore work with French custom officials at the port. The rolling stock includes 37 locomotives and three multiple-unit diesel trains and almost 800 waggons of various kinds.

87. According to the most recent official data, the railway carried over 300,000 passengers and 280,000 metric tons of goods in 1973. u/

Telecommunications

88. The urban telephone network has an automatic switchboard linked to the general radio network of the French Posts and Telecommunications Office which has radio-telephone links with Paris, Addis Ababa and Democratic Yemen. There is a radio link with Tadjourah, Obock and Dikhil and a line to Ali Sabieh. There is also a telex network with 15 subscribers and a radio service for shipping.

D. Agriculture

89. The main crops in the interior are sorghum, small beans of the niébé variety and some lemons. Some gardens around Djibouti produce a variety of vegetables in the cool season (lettuces, tomatoes, leeks) and melons and watermelons during the hot season.

90. In order to prevent an influx of nomads to the towns, the Department of Agriculture has supplied them with water and established agricultural co-operatives on the coastal plains at Ambouli, in the region of Dikhil, at Obock and at Bisidiro. The Department has also developed a nursery centre at Ambouli, which supplies or sells plants and seeds of all kinds.

u/ French Somaliland: Ministry of Economic Affairs, Bulletin de Statistique et de Documentation, No. 14, October 1975.

9. SOCIAL CONDITIONS

A. Labour

91. In 1974, the number of wage-earners was estimated at about 12,000, in addition to 1,200 civil servants, plus military personnel and territorial guards. The number of unemployed was estimated at between 30,000 and 50,000. In 1974, wage increases were authorized. The guaranteed minimum level for professionals was raised, graded salaries were increased through collective agreements in the private sector and civil servants received increases ranging from 6 to 20 per cent.

B. Public health

92. The hospitals and dispensaries in the Territory have a total of 877 beds: 577 at the Pellétier hospital at Djibouti; 104 at the anti-tuberculosis dispensary; and the remaining 196 distributed among 16 dispensaries and outpatient centres throughout the Territory. There are three pharmacies in Djibouti. In 1973, there were 24 doctors in the Territory, not including doctors serving in the armed forces.

93. Expenditure on public health for 1975 was estimated at DF 627 million.

10. EDUCATIONAL CONDITIONS

94. Primary school enrolment in the Territory was 9,980 in 1974 (7,177 in Djibouti). Enrolment in secondary and technical schools was 1,930 in 1974 (1,342 in secondary schools and 588 in technical schools). The Territory has a high school (lycée) for the last three years of secondary education and three secondary education colleges.

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