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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*

(covering its work during 1967)

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CHAPTER IV

SOUTH WEST AFRICA

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* This document contains chapter IV of the Special Committee's report to the General Assembly. The general introductory chapter will be issued subsequently under the symbol A/6700 (part I). Other chapters of the report are being reproduced as addenda.

I. ACTION PREVIOUSLY TAKEN BY THE SPECIAL COMMITTEE
AND THE GENERAL ASSEMBLY

1. On 9 June 1966, the Special Committee adopted a resolution reaffirming the inalienable right of the people of South West Africa to freedom and independence and the legitimacy of their struggle to achieve this right. By this same resolution the Committee, among other things, set up a sub-committee to make a thorough study of the situation in the Territory and, among other matters, to recommend an early date for independence.
2. On 18 July 1966, the International Court of Justice delivered a judgement on the contentious case brought before it by Ethiopia and Liberia wherein it was charged that South Africa, the Mandatory Power, having violated its Mandate obligations, should be ordered to abolish apartheid in the Territory and to submit its administration of South West Africa to the United Nations. In its judgement, the Court rules that Ethiopia and Liberia could not be considered to have established any legal right in the subject matter of the claim and that accordingly it could not decide on the merits of the case.
3. In its report to the Special Committee, the Sub-Committee expressed its grave concern at the situation in the Territory following the judgement and made specific recommendations regarding steps to be taken by the United Nations to prevent a serious threat to peace in the Territory. Among these recommendations were that the United Nations should decide to exercise the right to revert the Mandate to itself and that, the responsibilities of South Africa as a Mandatory Power having been terminated, it should assume direct administration of the Territory until independence. Independence would follow the holding of elections on the basis of universal adult suffrage and the formation of a government.
4. The report of the Sub-Committee was adopted by the Special Committee on 15 September 1966, subject to reservations expressed by some members, and was submitted to the twenty-first session of the General Assembly together with the report of the Special Committee.^{1/}
5. At its twenty-first session, the General Assembly considered the question of South West Africa directly in plenary meetings, and on 27 October 1966, it adopted

^{1/} A/6300/Add.2.

resolution 2145 (XXI), whereby it terminated South Africa's Mandate over South West Africa and resolved that the United Nations must discharge the responsibilities with respect to the Territory.

6. Operative paragraphs 1-7 of the resolution read as follows:

"1. Reaffirms that the provisions of General Assembly resolution 1514 (XV) are fully applicable to the people of the Mandated Territory of South West Africa and that, therefore, the people of South West Africa have the inalienable right to self-determination, freedom and independence in accordance with the Charter of the United Nations;

"2. Reaffirms further that South West Africa is a territory having international status and that it shall maintain this status until it achieves independence;

"3. Declares that South Africa has failed to fulfil its obligations in respect of the administration of the Mandated Territory and to ensure the moral and material well-being and security of the indigenous inhabitants of South West Africa and has, in fact, disavowed the Mandate;

"4. Decides that the Mandate conferred upon His Britannic Majesty to be exercised on his behalf by the Government of the Union of South Africa is therefore terminated, that South Africa has no other right to administer the Territory and that henceforth South West Africa comes under the direct responsibility of the United Nations;

"5. Resolves that in these circumstances the United Nations must discharge those responsibilities with respect to South West Africa;

"6. Establishes an Ad Hoc Committee for South West Africa - composed of fourteen Member States to be designated by the President of the General Assembly - to recommend practical means by which South West Africa should be administered, so as to enable the people of the Territory to exercise the right of self-determination and to achieve independence, and to report to the General Assembly at a special session as soon as possible and in any event not later than April 1967;

"7. Calls upon the Government of South Africa forthwith to refrain and desist from any action, constitutional, administrative, political or otherwise, which will in any manner whatsoever alter or tend to alter the present international status of South West Africa."

7. The Ad Hoc Committee on South West Africa, established pursuant to operative paragraph 6 of the above resolution, met between January and March 1967 and submitted a report (A/6640) to the General Assembly at its Fifth Special Session. In this report, the Committee, having been unable to arrive at an agreed conclusion,

submitted to the General Assembly three separate proposals: one sponsored by Ethiopia, Nigeria, Senegal and the United Arab Republic, later joined by Pakistan; one by Canada, Italy and the United States of America; and one by Chile and Mexico, supported by Japan. The report of the Ad Hoc Committee also contained suggestions by Czechoslovakia and the Union of Soviet Socialist Republics, reflecting a fourth position.

8. The proposal put forward by the African States and Pakistan called for direct temporary administration through a United Nations council for South West Africa assisted by a commissioner. The council, which would be given legislative authority, would proceed to South West Africa with a view to taking over the administration and ensuring the withdrawal of South African police, military and other personnel and their replacement by United Nations personnel, and would also, in consultation with the people, establish a constituent assembly to draft a constitution. New elections by universal adult suffrage would be held to establish a legislative assembly and, upon the formation of a government, South West Africa would be declared independent no later than June 1968. Any action by South Africa to impede the council's work would constitute a flagrant defiance of United Nations authority, calling for action by the Security Council under Chapter VII of the Charter.

9. The proposal by Canada, Italy and the United States called for the appointment of a special representative who would make a comprehensive survey of the situation in the Territory, establish all contacts he deemed necessary and, among other things, determine the conditions necessary to enable the Territory to achieve independence. He would report to the General Assembly at its twenty-second session.

10. Under the proposal by Chile and Mexico there would be a United Nations council and commissioner with functions similar to those proposed by the African States and Pakistan. However, rather than calling for enforcement action, this proposal envisaged contact with the authorities of South Africa to lay down procedures for the transfer of the Territory to the council.

11. Czechoslovakia and the Union of Soviet Socialist Republics stating that they were opposed to direct administration of the Territory by the United Nations, proposed that the General Assembly should declare the Territory independent immediately and allow the Organization of African Unity (OAU) to assist the national liberation movement and the formation of a new government.

12. On 19 May 1967, the General Assembly adopted resolution 2248 (S-V) on South West Africa. By this resolution the General Assembly decided, among other things, that: (a) all efforts should be made to ensure independence for South West Africa by June 1968; (b) during the period before independence a United Nations Council for South West Africa, to be comprised of eleven Member States elected by the Assembly, should administer the Territory with the maximum participation of the people; (c) the Council should entrust executive and administrative tasks to a United Nations Commissioner for South West Africa and report at three-month intervals to the General Assembly; and (d) the Council should be based in and proceed to South West Africa where it would immediately enter into contact with the authorities of South Africa to lay down procedures for the transfer of the administration of the Territory. The resolution called upon the Government of South Africa to comply without delay with its terms and with those of resolution 2145 (XXI), and to facilitate the transfer of the administration of the Territory. It also requested the Security Council to take all appropriate measures to enable the United Nations Council for South West Africa to discharge its functions and requested the specialized agencies and the appropriate organs of the United Nations to render South West Africa technical and financial assistance through a co-ordinated emergency programme to meet the exigencies of the situation.

13. On 13 June 1967, the General Assembly elected Chile, Colombia, Guyana, India, Indonesia, Nigeria, Pakistan, Turkey, the United Arab Republic, Yugoslavia and Zambia to the United Nations Council for South West Africa.

Mr. Constantine A. Stavropolous, Legal Counsel of the United Nations was appointed Acting United Nations Commissioner for South West Africa.

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II. INFORMATION ON THE TERRITORY

General

14. Information on the Territory is contained in previous reports of the Special Committee to the General Assembly^{2/} and in the report of the Ad Hoc Committee for South West Africa (A/6640). Supplementary information on recent developments is set out below.

Position of the Government of South Africa

15. Following the adoption by the General Assembly of resolution 2145 (XXI), the South African Cabinet met specially to discuss the situation. A series of policy statements were later made by the Prime Minister of South Africa, Mr. B.J. Vorster, and other government ministers.

16. On 1 November 1966, at the Cape congress of the Nationalist Party, held in East London, South Africa, the Prime Minister stated that South Africa intended doing nothing about the General Assembly decision, which it regarded as illegal, unconstitutional, impossible to implement, and also dangerous in that it laid the foundation for further action against South Africa. He explained South Africa's position as follows:

"We are a small nation and we know it. We do not challenge anybody nor seek hostility. All we ever ask the world and ask anew is to leave us alone. We will solve our own problems in our own time and in our own way.

"... And as for the question of what we are going to do about this decision and what the Government's advice to you is - I say go on with your work. We will continue to administer South West Africa as we have always done and we will carry out what has been planned, taking into account the demands of the times.

"We are aware that there is peace and calm and progress not only in South Africa but also in South West Africa and as far as we are concerned it will continue like this."

^{2/} Official Records of the General Assembly, Seventeenth Session, Annexes, addendum to agenda item 25 (A/5238), chapter IX; *ibid.*, Eighteenth Session, Annexes, addendum to agenda item 23 (A/5446/Rev.1), chapter IV; *ibid.*, Nineteenth Session, Annex No. 8 (A/5800/Rev.1), chapter IV, and Annex No. 15 (A/5840); *ibid.*, Twentieth Session, addendum to agenda item 23 (A/5000/Rev.1); A/6300/Add.2.

17. The Prime Minister's statement followed an opening address to the congress by the Minister of Finance of South Africa. The latter maintained that South Africa's case was too sound and its faith too great to be frightened by resolutions of the United Nations. Stating that South Africa would stand firmly by the warning of the Minister of External Affairs to the United Nations to keep its hands off South West Africa, he added:

"We must therefore be prepared to stand by that warning. We must be prepared at all times but I can only hope that the more responsible nations will not ignore the warning and be misled by the false logic of appeasement. They are the nations who will ultimately have to pay the price in money and lives.

"We must also be prepared to withstand mandatory sanctions, and the world may as well know that the Government is already taking steps to meet this eventuality."

18. On 3 November 1966, the South African Minister of Defence, addressing a civic reception in Port Elizabeth, South Africa, stated that South West Africa would remain an integral part of the Republic and that South Africa would "never allow this area to be taken away from us".

19. The South African Minister of Agricultural Technical Services and of Water Affairs, opening the Nationalist Party congress in Windhoek on 8 November 1966, emphasized that South Africa would stand with South West Africa to the utmost of its ability and would not give the area to the United Nations. He stated that the economy of South Africa was so strong that it could withstand trade sanctions for years. Internally, preparations had been made and the necessary goods stockpiled so that in case of sanctions, the country's factories could continue working. On the military front South Africa had prepared itself. The Minister, who had previously been Minister of Defence, explained that on his return from overseas he had brought back 128 licences to manufacture armaments in South Africa. "From a .22 cartridge to the newest in armoured vehicles, from the smallest item to the latest in bombs - today everything can be manufactured locally", he said.

20. Later, on 14 December 1966, he claimed that South Africa was strong enough to withstand sanctions for at least three years while, without strategic supplies such as gold and uranium, the countries applying sanctions could only keep them up for two years at the most. On this occasion, he referred in particular to the

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problem of Southern Rhodesia, stating that United Nations discussions of the issue made it clear that there was a possibility that sanctions could be extended to South Africa. However, he said the Republic was determined to continue her trade with Rhodesia as she had in the past. Referring to South West Africa, the Minister said there was no cause for alarm because there was no army in Africa, either singly or combined, which could attempt a military attack on South Africa. Even the United Nations was not able to do so. Only the major Powers could afford such a thing. He was also reported to have stated that South Africa was strong enough militarily to hold out until a third world war had been started.

21. Meanwhile, on 15 November 1966, the Prime Minister of South Africa affirmed that South Africa would resist all attempts to take over South West Africa.

22. In a New Year's message broadcast on 31 December 1966, after the adoption by the Security Council of resolution 232 (1966) of 16 December 1966 on Southern Rhodesia, the Prime Minister dealt with that issue as well as General Assembly resolution 2145 (XX) on South West Africa. In his New Year's message, the Prime Minister referred to the possibility that South Africa might in 1967 consider withdrawing from the United Nations. He was quoted as stating:

"That question has not yet been considered nor has a decision been taken, but it remains in my thoughts all the time."

23. Describing South West Africa as "an annoying item on the agenda of 1967 as a result of the clearly unlawful and senseless decision of the General Assembly of the United Nations", the Prime Minister stated:

"While we must not allow this decision to worry us unduly and while it is equally unnecessary to reaffirm South Africa's standpoint in this regard, we must face the fact that it will create certain problems."

24. The Prime Minister described the Security Council decision on Southern Rhodesia, as one which had "created a very serious problem for South Africa - a problem which if not handled very delicately can lead to confrontations with very far-reaching effects".

25. The Prime Minister summed up the situation as follows:

"From this it is clear that the year 1967 will find the peoples and nations of the world, including ourselves, confronted by ~~the~~ naked realities of ill-conceived decisions.

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"I cannot minimize this problem. The year 1967 might be a year in which we too might get hurt. We might be bruised - but I verily believe - we will not be broken."

South African information campaign

26. In November 1966, according to publications of the Republic of South Africa Government Information Service, the Prime Minister of South Africa announced that the South African Government planned to undertake a large-scale campaign to inform other Governments and international organizations of South Africa's policies and of the progress made in their application. On 8 December 1966, the Minister of External Affairs made a statement in Pretoria concerning this matter. The text of this statement was transmitted to the Secretary-General by the Permanent Representative of South Africa by letter dated 9 December 1966. The statement read in part as follows:

"I would emphasize that we, like previous South African Governments, continue to deny that we owe any accountability regarding South Africa's administration of South West Africa to the United Nations, and to affirm that the United Nations accordingly has no supervisory powers in that respect. Where we thus make information about South West Africa available, inter alia, to the United Nations, this will be in exercise of our own deliberate choice and subject to all juridical reservations.

"Subject to these reservations and to purely practical considerations we will, as mentioned above, make information on South West Africa available to Governments and international organizations, including the United Nations. We will seize every opportunity for putting our case positively, without prejudice, of course, to the basic principles enunciated above.

"As a first step a detailed survey of our policy in South West Africa, its objective, and results achieved, is now being compiled for overseas distribution in the near future."

Later, by letter dated 25 March 1967 from the Acting Permanent Representative of South Africa, the South African Government transmitted to the Secretary-General a publication entitled South West Africa Survey 1967.

27. In addition, the Prime Minister appealed to all South Africans to start a letter-writing campaign to inform those outside about conditions and the mood of the people. He stated that in the circumstances it was necessary to tell the world that the people were determined to solve their problems without outside help and that the various sections of the population, whatever their differences, were unanimous in their determination to resist any attempt at interference to the last and to defend what was justly theirs with every possible means.

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Following the Prime Minister's appeal, the head of South Africa's largest mail advertising organization launched "Operation Friendship", a plan to send goodwill letters by the "hundreds of thousands" to people of influence overseas. His plan, sent to advertising agencies throughout South Africa, emphasized that the letters must go to the right people. To that end, lists of about 2 million influential people and opinion leaders in Europe and America were available.

Extension of Sabotage Legislation to South West Africa

28. The General Law Amendment Act No. 61 of 1951 extended to the Territory the sabotage provisions of the General Law Amendment Act No. 76 of 1962, making sabotage an offence, punishable by a minimum sentence of five years' imprisonment and a maximum sentence of death. Sabotage, as defined by the Act, includes any wrongful and wilful act whereby the accused damages or tampers with any property of any other person or of the State.

29. The 1966 Act also further amended the Suppression of Communism Act of 1950 which has been in force in the Territory since 1950. One amendment provides that if it is proved that a person on trial in connexion with military training or training in sabotage left the country without the requisite travel documents after the coming into force of the Departure from the Union Regulation Act of 1955, then he shall be presumed to have undergone or attempted, consented or taken steps to undergo such training, unless he can prove otherwise beyond a reasonable doubt.

30. Another amendment authorizes exemption from prosecution for witnesses who incriminated themselves in giving evidence. In commenting on this provision in the South African House of Assembly on 11 October 1966, the Minister of Justice explained: "We have in mind particularly such persons as receive ill-legal military training in foreign countries".

31. The 1966 Act introduces a new form of detention applicable in South West Africa as well as South Africa, whereby a senior police officer may arrest any person whom he suspects of being a terrorist or of intending to commit certain security offences. The person may be detained for fourteen days, subject to such conditions as the Commissioner of Police may from time to time determine. During that period, no court of law may order the release of the detainee and the

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conditions fixed by the Commissioner are not subject to review or appeal. Detention for longer than fourteen days may be authorized by a judge or a court on application in writing by the Commissioner of Police pending the result of the application, the person may continue to be detained as if the application had been granted. The judge or court may afford the detainee an opportunity of submitting reasons in writing why he should not be detained and must then afford the Commissioner an opportunity of replying in writing. No provision is made for the detainee to appear before the judge or court and the latter are explicitly required, in considering an application, to have regard only to the information furnished by the Commissioner, the reasons advanced by the detainee and the reply of the Commissioner. The judge or court may amend the conditions of detention or order the immediate release of the detainee and their decision is final. The Act defines "terrorist" as follows: "'terrorist' includes any person who favours terroristic activities".

32. In addition to the new detention provisions, the "180-day" detention provisions earlier incorporated in the Suppression of Communism Act remain in force. The "180-day" detention provisions are also applicable under the sabotage legislation now extended to South West Africa.

33. Under the 1966 Act, South West Africans accused under the security laws may be tried in South African courts as well as in South West Africa itself.

Outbreak of guerilla fighting in South West Africa

34. According to statements made by South African government ministers and other officials, Africans from South West Africa, trained and equipped with automatic weapons in other countries, have been returning to the Territory in small groups with instructions to start a campaign of terrorism.

35. The Deputy Minister of the South African police disclosed on 30 September 1966 that the first group to cross into the Ovamboland native reserve from Angola consisted of ten men, of whom eight were arrested in March 1966. The police are reported to have learned from them that others were grouping in Angola and were preparing to infiltrate into Ovamboland.

36. The information obtained by the police led to a gunfight in Ovamboland on 26 August 1966 between South African police and about sixteen Africans armed with two hand machine-guns and automatic pistols. Two of the Africans were killed and another later died of wounds received; eight others were arrested and the rest

escaped. According to South African Government sources, none of the police was injured. According to a statement issued by the South West Africa People's Organization (SWAPO) in Dar es Salaam, the clash was with soldiers rather than police. SWAPO claimed that fifteen soldiers were killed.

37. On 22 September 1966, the Deputy Minister of the South African Police informed the House of Assembly that the police had already succeeded in arresting twenty-three trained Ovambo "terrorists". The police were aware that others remained in the northern Native reserve and were trying to apprehend them. The police also had at their disposal evidence that over 150 trained Ovambo "terrorists" were in transit camps in other African States waiting to return to South Africa.

38. In September 1966, a "terrorist" training camp in Ovamboland - the first to be discovered in South West Africa - was raided by the police and further arrests were made.

39. A few days later, in the early morning hours of 28 September 1966, between twelve and twenty Africans burned two administration buildings at Oshikango in Ovamboland - the house of a white clerk of the Department of Bantu Administration and Development, and single quarters for unmarried white men. Shots were exchanged between the attackers and the white men who rushed out of the burning buildings. One man, an Ovambo night watchman, was wounded by the attackers, all of whom escaped (see, however, para. 41 below).

40. On 4 October 1966, it was reported that air and motor patrols had been increased in northern Ovamboland. On 11 October 1966, the chief of the South African security police went to Ovamboland. He stated that his visit would mark the launching of a new offensive intended to clear up the "terrorists". He explained:

"We have big problems in Ovamboland. The terrain and people are not known to our police. At places the border is only an imaginary one and it is difficult to apprehend these terrorists because they are moving continuously."

41. On 19 November 1966, the South West Africa Nationalist Party congress decided to ask the territorial Administration to provide white farmers in remote areas with practical means of communication such as radio communication, as a safety measure, since trained "terrorists" would be likely to cut telephone wires when they became active in the Police Zone, the area in which the white population has settled.

42. On 14 December 1966, seven armed Africans attacked and wounded a white farmer on a farm eighty miles north-east of the town of Grootfontein. This marked the first such attack in the Police Zone of South West Africa. A continuous search by police, supported by helicopters, Bushman trackers, tracker dogs and armed white farmers resulted in the capture of five of the seven Africans by 27 December. One was wounded before being captured. One was captured on 16 December, three on 19 December and the fifth on 27 December. The two others had not been reported found by the end of January 1967.

43. On 28 December 1966, one of the guards of Headman Ashipala of the Ovambo area of Ovamboland was shot and killed and two others were wounded. It was reported that the African assailants had not been arrested as of 5 January 1967. They were said to belong to a small group which had entered Ovamboland just prior to the clash with the police on 26 August 1966. As stated in the Special Committee's previous report (A/6300/Add.2, para. 26) Headman Ashipala had shot and killed one SWAPO official and wounded another in March 1966. Following a trial in July 1966, Headman Ashipala was discharged on a plea of self-defence.

44. On 29 December 1966, the Commissioner of the South African police said there were only six "terrorists" still free in South West Africa.

45. The editor of The Windhoek Advertiser reported on 12 January 1967, that at least forty Africans had been detained by the South African police in South West Africa since the beginning of "terrorist" activities in August. It was said that ten of them would give evidence for the State, leaving the others to face trial. According to the Attorney-General of the Transvaal, where the South West Africans were apparently being held, it would be weeks before any decision about their trial could be taken.

Arrests of South West Africans outside the Territory

46. On 30 September 1966, thirty "terrorists" who had escaped from South West Africa were reported to have been captured by Portuguese soldiers experienced in guerilla warfare who had been sent to the Ovamboland border with instructions "to clean up". It was said that there had never before been "terrorist activities" in southern Angola. In addition, the Polícia Internacional e de Defesa do Estado (PIDE), the Portuguese security police, have co-operated with the South African police in the Territory. Testimony was given in the South West Africa Supreme Court in November 1966 by an Angolan agent of PIDE who had been given an assignment

in Ovamboland. The PIDE agent stated that the South African police had received information from the Portuguese security police concerning gun running in Ovamboland and had begun observation of an Ovambo businessman. The PIDE agent, after meeting in Angola with a detective of the South African police, had proceeded to Ovamboland, befriended the Ovambo businessman and attempted to obtain diamonds, ammunition and rifles from him. According to testimony by a South African detective, a Portuguese member of PIDE accompanied South African detectives when they later arrested the businessman, on 17 February 1966.

(He was charged and convicted of being illegally in possession of diamonds.)

47. Eight SWAPO members were declared prohibited immigrants by Botswana on 14 November 1966. This action followed reports that seven armed Africans, on their way to Ovamboland, had been arrested at Kasana, in the north of Botswana, on 29 September 1966, the eve of independence.

Arrest of African political leaders in South West Africa

48. Three SWAPO officials were arrested on 1 December 1966, reportedly under the Suppression of Communism Act: Mr. I.G. Nathaniel Maxuiriri, Acting President; Mr. John Ja Otto, Secretary; and Mr. Jason Mutumbulua, Secretary for Foreign Affairs. A week later, on 8 December 1966, Mr. Gerson Vei, the Acting President of SWANU, was also arrested. All were residents of Windhoek, except Mr. Nathaniel Maxuiriri, who was a resident of Walvis Bay.

49. These were reported to be the first arrests in South West Africa under the Suppression of Communism Act, which has been in force in the Territory since 1950.

50. Another SWAPO official, Mr. Toivo Ja Toivo, had earlier been arrested in Ovamboland, following clashes in that Native reserve, and was reportedly being detained in Pretoria.

51. The Acting Presidents of the two organizations had been the leading spokesmen at a joint SWAPO/SWANU public meeting in the old Windhoek location early in November 1966, at which they had criticized South Africa and any States supporting it, protested against the extension of the new security legislation to the Territory, and welcomed the adoption by the General Assembly of resolution 2145 (XXI).

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52. Following an announcement by the South African Minister of Bantu Administration and Development that the Government intended closing the old Native location in Windhoek, Mr. Veii, after obtaining an official permit for the purpose, had called a meeting of non-whites in the old location. At that meeting, on 4 December 1966, at which members of the special branch of the South African police were present, Mr. Veii had spoken against the anticipated compulsory removal of residents of the old location to the new Native location. He was later charged with sabotage in that in his 4 December speech he had "incited, encouraged, instigated or advised people to injure police informers, members of the police and white people and thereby had threatened the maintenance of law and order". He was tried and convicted early in May 1967 in Swakopmund, South West Africa, and sentenced to five years' imprisonment with hard labour.

53. Charges against the other African political leaders and South West Africans detained in connexion with guerilla activities had not been published by the beginning of May 1967.

Other incidents

54. During 1966, there were several instances of mass action by Africans in the Police Zone of a character not previously noted in the Territory. All appear to have involved migrant workers from Ovamboland.

55. In May 1966, about 300 Africans at the Ovambo compound at Katutura, the new Native location in Windhoek, stoned an African detective who had been called in after the Africans had marched into the kitchen demanding to be allowed to serve their own meat. They dispersed after the detective left and before the arrival of police reinforcements.

56. In June 1966, a crowd of Africans in Walvis Bay began throwing stones following a traffic accident in which an Ovambo was killed. Police, using gunfire to quell the crowd, wounded two Ovambos. A police officer was reported to have been slightly injured.

57. On 29 October 1966, when about thirty municipal police raided the Ovambo compound in the Katutura location in Windhoek for illicit beer brewing and arrested two Ovambos, some 1,000 Ovambos began throwing burning logs, pieces of iron, bricks and stones at the police. Three policemen reportedly suffered injuries.

The brewing and selling of "Bantu beer" in urban areas of the Territory is reserved to the white local government authorities which use the profits to defray some of the costs of administering the locations.

Removal of the old location in Windhoek

58. In South West Africa, a "Native location" forms part of a white urban area. It was defined as follows by former Prime Minister H.F. Verwoerd:

"The Bantu residential area near the city is only a place where the European provides a temporary home in his part of the country for those who require it because they are employed by him and earn their living there."

59. South African Government policy requires that Native locations be established far enough away from the urban centres to permit the future expansion of separate racial areas while maintaining between them a "buffer strip" of 500 yards, on which no development is allowed. After the transfer of the administration of Africans from the Administrator of the Territory to the South African Department of Bantu Administration and Development, on 1 April 1955, a comprehensive review and planning of the urban areas in the Territory was made and "correctly situated" Native location areas were selected, entailing the replanning and removal of "incorrectly situated" and already segregated Native locations in all of the main urban areas of the Territory.

60. In Windhoek, African opposition to moving to the new location, named "Katutura", and their consequent opposition to preparatory measures such as the evaluation of homes in the old location with a view to compensating owners, led to the disturbances of 18 December 1959 in which a number of Africans were killed and wounded by police and South African Defence Force personnel.^{3/}

61. Municipal and other government officials have since attempted by various means to persuade the remaining residents of the old location to move to Katutura. Nevertheless, some 1,000 houses in Katutura have remained vacant.

62. In January 1960, the Chief Native Affairs Commissioner for South West Africa sought the assistance of African members of the Katutura Advisory Board in the hope they might be able to persuade old location residents to move. Old location residents included friends and members of families of Board members.

^{3/} See General Assembly resolution 1561 (XV) of 18 December 1960.

63. In October 1966, each of the Board members reported on their unsuccessful efforts and indicated their reluctance to make any further attempt to persuade the old location residents to move. It was said that residents of the old location maintained that they would not move unless blood flowed.

64. In these circumstances, the South African Minister of Bantu Administration and Development announced on 30 November 1966 that, for reasons of health and sanitation, regulations would be framed for the transfer of residents of the old Native location in Windhoek to Katutura. He indicated that the residents of the old location would be offered aid and compensation to move. After preparatory work had been completed, the old location would be deproclaimed, and it would then be illegal to live in the old location and an offence to employ anyone living there; business rights and all services, including education and health services, would be withdrawn from the old location; and no compensation would be paid after the deproclamation.

65. At the time of the announcement, it was estimated that over 9,000 Africans, including some 3,000 migrant workers, lived in Katutura and that almost 8,000 Africans and some Coloureds remained in the old location.

66. In January 1967, the Windhoek City Council accepted a tender for the erection of 1,000 additional houses at Katutura at an average cost of R505 per house to accommodate all of the remaining residents of the old location. It served notices on every resident of the old location, offering assistance and compensation to those desiring to move and stressing the advantages of moving early and the better surroundings at Katutura. An appeal was also made to employers to assist those in their service still residing in the old location to move.

67. In a petition dated 1 December 1966 from Mr. Clemens Kapuuo, Chief Designate of the Herero people, on behalf of Chief Hosea Kutako, National Leader of the National Unity Democratic Organization (NUDO), Mr. Kapuuo stated that the situation was explosive and that only the United Nations presence in South West Africa would save the situation. It was their view, the petition stated, that the South African Government had no right to make decisions concerning South West Africa after the termination of the Mandate in October 1966 and they would therefore ignore all decisions made by that Government.

68. At a public meeting called jointly by SWAPO and SWANU in the old location on 8 January 1967, speakers urged the people to face death rather than to move.

69. A statement issued to the Press by NUDO in January 1967 indicated that some employers were attempting to force their employees to move to the new location at Katutura. The organization asked non-whites to furnish NUDO with the names of any firms and other employers who dismissed them from employment for refusing to move to Katutura, so that it could keep a record of such employers. At a subsequent rally of location residents on 29 January 1967, Mr. Clemens Kapuuo urged the people not to move and to destroy posters and leaflets advising them to move. He also advised residents to clean the location themselves.

70. According to the annual report of the Mayor of Windhoek, only forty-two families comprising 245 people had moved from the old location to Katutura during 1966. At the end of February 1967, the manager of non-white affairs of the Windhoek municipality stated that families were still moving from the old to the new location. Some three to four families a week were said to be moving and officials were disappointed that the number moving had not come up to their expectations. Meanwhile, construction of the 1,000 new houses at Katutura, originally scheduled for completion in October 1967, was said to be proceeding well ahead of schedule.

71. In May 1967, as previously noted, the Acting President of SWANU was convicted of sabotage for statements he made on 4 December 1967 in connexion with the proposed removal of the old location.

Implementation of the recommendations of the Odendaal Commission

72. During the last half of 1966, the implementation of the political recommendations of the Odendaal Commission preparatory to the partitioning of South West Africa reached an advanced stage.

73. The committee of experts from South Africa and South West Africa, formed in December 1964 to report on all the practical problems to be taken into account in connexion with the rearrangement of administrative and financial relations between South Africa and South West Africa pursuant to the recommendations of the Odendaal Commission, submitted its report to the Prime Minister of South Africa during 1966. It will be recalled that the Odendaal Commission had recommended the transfer back to South Africa of the major portion of the government functions now carried out by the white territorial governing bodies.

74. In Ovamboland, a "Parliament" building for the proposed "homeland" of Ovamboland has been constructed at Oshakati, the future capital of the area. The new building, a conference hall capable of seating about 230 people, is part of a complex including a residence for the Commissioner-General for South West Africa - the "diplomatic representative" of South Africa to the African population of South West Africa - houses for officials and other facilities. It was reported that the hall would be used for discussions between the Ovambo chiefs and officials of the South African Department of Bantu Administration and Development, the consideration of draft laws, and the showing of films.

75. Following these preparatory measures, on 21 March 1967 the Minister of Bantu Administration and Development informed a gathering of chiefs, headmen and councillors at Oshakati that the South African Government was of the opinion that they were in a position to make important advances towards self-government and would assist them to advance in all spheres of their people's development including self-government; the Government intended making the same offer of self-government to other "national units" in South West Africa. He also informed them, inter alia, that a comprehensive plan had been prepared providing for the expenditure of approximately R30.6 million by his department in Ovamboland during the succeeding five years on stock breeding, fencing, water affairs, electricity, towns, buildings, roads, airports, economic affairs, education, ambulance and welfare services.

76. Almost without exception, according to a report in The Windhoek Advertiser, the chiefs asked the Minister to convey their thanks to the Prime Minister for having sent him to Oshakati. They said their people did not want to be governed by any foreign Power, including the United Nations, but wanted to be led toward self-government by South Africa. They also stressed that they would give the Government every assistance to eradicate terrorists infiltrating into their territory.

77. By the end of September 1966, over 400 of the white farms or portions of farms recommended to form part of the proposed "homelands" for Hereros, Damaras and Namas had been sold to the territorial Administration on a voluntary basis and there were only some twenty white-owned farms still to be acquired, if necessary by compulsory arbitration procedure.

78. It may be recalled that according to official 1960 population figures classifying the population by ethnic groupings, a total of 9,017 of the 35,354 Hereros in the Territory were living in Native reserves to be included in "Hereroland"; in the same reserves, there were 10,313 Bushmen, Damaras, Namas Basters, Ovambos, Tswanas and others. Of 44,353 Damaras in the Territory, only 2,400 lived in Native reserves to be included in "Damaraland" and those same reserves had 5,223 residents of various other ethnic classifications. Of 34,806 Namas, only 2,292 lived in Native reserves to form part of "Namaland" while 1,342 others lived in the same reserves. A total of 6,847 Africans, Basters and Coloureds lived in Native reserves to be abolished and 3,935 Africans lived in the Rehoboth Baster Gebiet. Under the Odendaal Plan, each "homeland" would be restricted to one ethnic group and all others included in the above figures would be among those having to move into the "homeland" established for them. Subject to exceptions for mining and other officially approved purposes, only the "white area" with its non-white majority would remain a multiracial area.

79. In October 1966, some of the Nama residents of the Bondels Native reserve, and their livestock, were being transferred to the proposed "Namaland" area. Approximately 10,000 sheep had already been transferred from the reserve by 24 October 1966. Bondels, to be abolished under the Odendaal Plan, is one of two Native reserves in the Police Zone which was throughout the Mandate period recognized by South Africa as the tribal property of the Bondelswartz Namas. Under the Odendaal Plan, the Herero and Baster residents of the Bondels Native reserve would be transferred to "Hereroland" and the Rehoboth Baster Gebiet; there were also Coloured residents of the Bondels Native reserve in 1960, for whom a "homeland" was not proposed. In the urban area of Gibeon, which the Odendaal Commission proposed be included in "Namaland", a school for white children was closed down permanently toward the end of 1966 and most other "white" establishments had been acquired by the territorial administration.

80. For "Damaraland", the Odendaal Commission had proposed that the former "white" urban area of Welwitschia form part of the Damara "homeland". In that town, the local white governing body was abolished effective 1 July 1966.

81. In the Rehoboth Baster Gebiet, the one remaining white-owned farm was to be transferred to the territorial administration following arbitration procedures, as a mutually acceptable price had not been fixed. In addition, a valuation

committee met in September 1966 to set a value on the white-owned businesses in the Gebiet with a view to transferring them to the administration for resale to Rehoboth Basters. If Baster purchasers could not be found, the properties were to be leased, but not permanently disposed of, to Coloureds.

Other developments

82. A new copper mine was opened in 1966 at Klein Aub, in the Rehoboth Baster Gebiet. The mine was established by Marine Products, Ltd., General Mining and Finance Corporation, Ltd., and Federale Mynbou Beperk, which have a concession covering over 120 square miles. The three parent companies are South African companies, which also have other interests in the Territory. Between March 1965, when extensive prospecting was commenced, and the end of 1966, over R2.5 million had been invested on plant and equipment, housing for twenty-three white officials and thirty-four Coloureds and a compound for 262 Ovambos. The mine was expected to produce about 150,000 short tons of ore a year, yielding about 6,000 short tons of copper concentrates. The Klein Aub mine is the second operating mine to be established in a proposed "homeland".

83. A still larger mining venture was undertaken by the South African Government Iron and Steel Corporation (ISCOR), which holds a concession to mine zinc ore and other metals in the southern part of South West Africa. The concession area, which covers over 1,200 square miles in the southern part of South West Africa bounded by the Orange, Fish and Konkiep Rivers, has an ore reserve estimated at about 5 million tons with an average grade of somewhat over 6 per cent zinc as well as minor values of other minerals. Exploratory work on the mine known as the Rosh Pinah Mine, was completed during 1966 and ISCOR had called for tenders for the erection of large reduction works, capable of handling an estimated daily ore recovery of 2,000 tons. Expenditure for the mine, including a 5,600 yard tarred runway, was estimated at R5 to R6 million. Industrial Minerals Mining Corporation (Pty.) Ltd. (IMCOR), a wholly owned subsidiary of ISCOR, holds 51 per cent of the shares in the operating company, known as Imcor Zinc (Pty.) Ltd., and the balance is owned by Moly Copper Mining and Exploration Co. (SWA) Ltd., a company in which Diamond Mining and Utility Co. has an indirect 26.9 per cent interest and Industrial Diamonds of S.A. (1945) an indirect 25.2 per cent interest.

84. It was subsequently announced, in March 1967, that a new R14.15 million electrolytic zinc industry, whose zinc requirements are to be entirely supplied from South West Africa, was being established in South Africa. Two new companies were being formed for the purpose: the Zinc Corporation of South Africa (Zincor) and Kiln Products.

85. Zincor, whose capital requirements were estimated at about R10 million, was to construct and operate an electrolytic zinc plant, with a capacity of 36,500 tons of zinc a year, on the site of the uranium plant at Vogelstruisbult in South Africa. It would have a fifteen-year contract to supply the entire zinc requirements of ISCOR. Most of the zinc concentrates required by Zincor would be supplied by Imcor Zinc from the Rosh Pinah mine; the balance would be supplied by Kiln Products, which was to erect a Waelz kiln at Berg Aukas and buy zinc-bearing materials produced at the Berg Aukas mine from the mine owner, the South West Africa Company.

86. Consolidated Gold Fields would own 51 per cent of Kiln Products and 33 per cent of Zincor. The balance of Kiln Products was to be owned as follows: 34 per cent by Anglo-American Corporation; 10 per cent by Vogelstruisbult Gold Mining Areas; and 5 per cent by Johannesburg Consolidated Investment Company. The balance of Zincor would be owned 35 per cent by ISCOR, 22 per cent by Vogelstruisbult; and 10 per cent by Kiln Products. The owners of Kiln Products were to subscribe R2.25 million of that company's capital, and another R1.9 million was to be raised by loans. Zincor's issued capital was to be R5 million in ordinary shares, and the balance of about R5 million was to be raised by loans.

87. It was also reported that another South African company, the Van Ryn Mining Corporation, Ltd., would revive two former tin mines in South West Africa, the Schimanski and Sidney mines near Karibib and Omaruru.

88. In 1966, Otavi Miner and Eisenbahn Gesellschaft, which formerly owned the Tsumeb copper mine and other properties seized by the South African Custodian of Enemy Property, was granted a two-year concession between the Swakop and Omaruru Rivers extending to the western boundary of the proposed Damara~~land~~ "homeland". The concession entitles the company to prospect for minerals other than salt, oil, gypsum and limestone.

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89. Other new foreign interests established in the Territory include a subsidiary of the French petroleum company, Total Oil Products. The subsidiary, Total Oil Products (Pty.) Ltd., was registered in South West Africa in September 1966 with a capital of R15 million. In terms of the registration, the company intended to extract, refine, compound, store and transport animal and vegetable oils, grease and waxes. A French tanker discharged the first shipment of some 8,600 tons of petroleum products into the company's newly completed storage tanks in April 1967. Apart from Total, the Territory is served by Shell Oil, Mobil, Caltex, British Petroleum and Swasol.

90. At the end of January 1967, it was reported that capital investment in South West Africa had been estimated at R352 million, as follows: R82 million by foreign investors other than South African; R170 million by the South African Government, including R105 million invested in the railway system; and R100 million by local and South African private enterprise.

91. Other developments in the Territory during 1966 included the establishment of the first government hospital in Ovamboland, at Oshakati, the opening of the new building complex for the Commissioner-General for South West Africa at Oshakati (see para. 74), and the construction or planning of additional townships in Ovamboland and other northern Native reserves.

92. In addition, Africans in the Territory became eligible in 1966, from 1 April 1965, to pensions or grants under the South African Old Age Pensions Act No. 38 of 1962, the Blind Persons Act No. 59 of 1962 and the Disability Grants Act No. 41 of 1962. South West Africa legislation covering old age pensions, pensions for blind and disabled persons applies to whites (since 1942) and to Coloureds (since 1962). The benefits vary considerably, being highest for whites, next highest for Coloureds, and lowest for Africans.

III. CONSIDERATION BY THE SPECIAL COMMITTEE^{4/}

Introduction

93. The Special Committee considered the question of South West Africa at its 524th to 526th, 535th, 537th and 539th meetings held in Africa between 7 and 19 June 1967.

Written petitions and hearings

94. The Special Committee circulated the following written petitions concerning South West Africa.

<u>Petitioner</u>	<u>Document No.</u>
Mr. Jackson Kambode, Secretary-General, Union of South West Africa Workers (USWAW)	A/AC.109/PET.585 and Add.1
Mr. Mburumba Kerina, Co-ordinating Secretary, South West Africa National United Front (SWANUF)	A/AC.109/PET.586
Mr. John G. JaOtto, Secretary and Mr. Gottfried H. Geingob, Representative in the United States, South West Africa People's Organization (SWAPO)	A/AC.109/PET.587
Mr. Jacob Kuhangwa, Secretary-General and Mr. Sam Nujoma, President, South West Africa People's Organization (SWAPO)	A/AC.109/PET.587/Add.1
Mr. Oretu Nganjone, Publicity and Propaganda Secretary, South West Africa People's Organization (SWAPO)	A/AC.109/PET.587/Add.2

^{4/} Additional comments on the question of South West Africa are contained in the statements made at the opening of the Special Committee's meetings at Kinshasa, Kitwe and Dar es Salaam (see chapter II of the Special Committee's report (A/6700 (Part II))).

<u>Petitioner</u>	<u>Document No.</u>
Mr. Solomon Mifima, Chief Representative in Zambia, and Lucas Pchamba, Deputy Chief Representative in Zambia, South West Africa People's Organization (SWAPO)	A/AC.109/PET.587/Add.3
Mr. Peter Nanyemba, Chief Representative, South West Africa People's Organization (SWAPO)	A/AC.109/PET.587/Add.4
Chief Hosea Kutako, National Leader, National Unity Democratic Organization (NUDO)	A/AC.109/PET.588 and Add.1
Mr. Carlos Hamatui, President, South West Africa Workers' Union (SWAWU) and Representative of SWANUF in East Africa	A/AC.109/PET.589
Rev. Michael Scott	A/AC.109/PET.590
Mr. Linekala Kalenga, President, National Union of South West African Students (NUSWAS)	A/AC.109/PET.591
Paramount Chief David Goraseb	A/AC.109/PET.592 and Add.1
Chief Fritz Gariseb	A/AC.109/PET.593
Mr. Clarence Kapuuo, Chief Fritz Gariseb, Mr. Aaron Shavite, Mr. Fanuel Kambara, Mr. Paul Kale, Mr. Noah Gariseb	A/AC.109/PET.594
Mr. Omer Eacu, General Secretary, International Confederation of Free Trade Unions (ICFTU)	A/AC.109/PET.595
Mr. Keith Gottschalk	A/AC.109/PET.621
Mrs. S.B. Bunting, World Campaign for the Release of South African Political Prisoners	A/AC.109/PET.622

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<u>Petitioner</u>	<u>Document No.</u>
Chief H.S. Witbooi and Headman D. Isaak	A/AC.109/PET.631
Unsigned petition from Tsumeb, South West Africa, forwarded by Mr. Vakulukuta Kasaka	A/AC.109/PET.632
Mr. Jorma Pauku, Secretary of the Seminar on Africa arranged by Students of Political Science Association in the University of Helsinki and the United Nations Students Association in Helsinki	A/AC.109/PET.647
M. R. Contreras, Deputy General Secretary, World Federation of Democratic Youth (WFDY)	A/AC.109/PET.648
Mr. Alfred Kgokong, Director of Publicity and Information, African National Congress of South Africa (ANC)	A/AC.109/PET.649
Mr. L. Masimini, Chief Representative in Zambia, Pan-Africanist Congress of South Africa (PAC)	A/AC.109/PET.680
Mr. David M. Sibeko, Chief Representative in East Africa (PAC)	A/AC.109/PET.680/Add.1
Mr. Ferdinand R. Meroro, Chief Representative, South West African National Union (SWANU)	A/AC.109/PET.693
Mr. Tunguru Huaraka	A/AC.109/PET.694
Mr. Pyoti Shankar Singh, Secretary-General, World Assembly of Youth (WAY)	A/AC.109/PET.695
95. The Special Committee heard the following petitions concerning South West Africa.	

<u>Petitioner</u>	
Mr. Solomon Mifima, Chief Representative in Zambia, South West African People's Organization (SWAPO) (A/AC.109/PET.587/Add.3)	(524th meeting)

Petitioner

Mr. T.T. Letlaka, Member of the National
Executive Committee of the Pan-Africanist
Congress (PAC) (A/AC.109/PET.680) (524th, 525th and 526th
meetings)

Mr. Moses M. Garoeb, Director, and
Mr. Jacob Kuhangwa, Secretary-General,
South West Africa People's Organization
(SWAPO) (A/AC.109/PET.587/Add.4) (535th meeting)

96. Mr. Mifima, speaking on behalf of SWAPO, said that the people of South West Africa had regarded the adoption of General Assembly resolution 2145 (XXI), terminating South Africa's Mandate by the overwhelming vote of 114 to 2, as an historical and important occurrence in the history of the United Nations. However, they had been disappointed by the delay in the establishment of a Council for South West Africa. If the United Nations could not solve the problem of terminating South Africa's presence in South West Africa, all people throughout the world who believed in freedom and the equality of man would lose faith in it. Delaying action could do no good to the suffering people of South West Africa but would give the fascist Government of South Africa the opportunity to continue to administer and divide the Territory into the so-called Bantu homelands. The Special Committee was certainly well informed about recent developments in Ovamboland, through which South African Prime Minister Vorster had cunningly tried to deceive the world by announcing that South Africa wanted to give so-called self-government to the region. This self-government was nothing but another Bantustan similar to that of the Transkei in South Africa.

97. South Africa had turned South West Africa into a battleground, killing innocent men, women and children. It had extended its repressive laws, such as those prescribing 180 days' detention and the suppression of communism, in a country which had international status.

98. According to the South African Sunday Times of 28 May 1967, the South African fascist Minister of Justice had introduced the so-called Terrorism Bill, dealing with "acts of terrorism" in the Republic of South West Africa. Those convicted of terrorism or participation in terrorist activities were liable, after a summary trial by a judge without a jury, to the penalties laid down for treason.

99. Since the founding of SWAPO, the people of South West Africa had come to understand the weakness and failures of the United Nations and had decided to take up arms and free themselves from the racist régime of Pretoria. Since March 1966 an armed struggle had been launched against the South African colonialists. In August 1966 two freedom fighters had been killed and eight arrested when they had exchanged fire with the South African police. Some of the arrested members of SWAPO had been flown to South Africa and detained in Pretoria prisons.

100. Vorster and his Government had launched an oppressive campaign, terrorizing innocent men, women and children and arresting everyone suspected of being a member of SWAPO. All the SWAPO leaders had been arrested and detained at Pretoria under the 180 days' detention system. More than seventy members of SWAPO, including its acting President, Deputy Secretary-General and Secretary for Foreign Affairs, were detained at Pretoria. According to a report which had recently reached them in Zambia, those detainees were facing daily torture and the Deputy Secretary-General was reported to have been tortured to death. After two full years' detention, a member of the SWAPO National Executive, a former President of CANU (Caprivi African National Union), was still being held in a remote area on the border of South West Africa and the Republic of South Africa. He was not allowed to move outside a half mile area and forbidden to talk to anyone. It was reported that seven people had been killed recently by the South African police in the Caprivi Strip.

101. South Africa had also set up large military bases throughout the country; among those already completed was the air base at Mpacha in the Caprivi Strip, fifteen miles from the Zambian border, which was guarded by South African soldiers. The military bases and installations had been built not only for internal security but also for provocative and aggressive use against the newly independent African States, particularly Zambia, in the event of confrontations between the African forces and those of imperialism. However, military bases and installations could not prevent people from fighting for freedom.

102. Since the war of liberation had broken out, the South African police and soldiers had been patrolling Zambia's borders with South West Africa and Angola, using helicopters, military police cars and police dogs.

103. On 18 May 1967, Mr. Tobias Hainyeko had been shot dead by the South African police for shooting three South African policemen (two South African whites and one African) in self-defence. Such provocation was a daily occurrence in South

West Africa. The United Nations should therefore realize that the situation in that country was a threat to peace and the security of the African people.

104. He did not intend to criticize the United Nations as such but only to draw attention to the inhuman treatment inflicted by the fascist Government of South Africa in his country. If the United Nations wished to prevent bloodshed in South West Africa it should act before it was too late.

105. The Special Committee should send a letter of protest to the South African Government demanding the release and return to their homeland of all South West African political prisoners detained in South African prisons. SWAPO felt strongly that South Africa's action was not only injustice but a violation of international law.

106. Despite all intimidation and torture, however, the South West African people were determined to fight to the bitter end. SWAPO was already committed to the national fight for liberation and there would be no peace until all the people of South West Africa had achieved freedom and equality.

107. The petitioner then read out a letter from one of his colleagues who was in a Pretoria prison, in which he reported that more than seventy members of SWAPO were with him on 180 days' detention, including many top officials. They were tortured every morning and afternoon in the electric chair and by other means and those who refused to give information about SWAPO activities were killed secretly. He himself expected death at any time but exhorted his countrymen to continue their fight until their country was finally liberated.

108. He had also received a report from the Caprivi Strip to the effect that the South Africans had instructed teachers and loyal villagers to report any unfamiliar faces seen in their districts and the return of any people who had left the country. A reward of £25 was offered for such reports and £150 for reports on any leaders of the movement who were to be shot on sight. Only four people had agreed to carry out the latter order. A new camp had been completed in the area for about 150 soldiers and policemen who constantly patrolled the Zambian border to check on the movements of freedom fighters. Some 150 members of SWAPO had been arrested but it was not known whether they were being detained in South West Africa or had been sent to Pretoria.

109. Answering a question as to whether South Africa was pursuing a policy of settling Europeans in and deporting Africans from parts of South West Africa so as to change the racial composition of the population in those parts, the petitioner

said that there had, indeed, been a considerable increase in white immigration in recent years, the largest group coming from South Africa and the Federal Republic of Germany.

110. In answer to questions concerning the reaction of the South West African people to General Assembly resolution 2248 (X-V) and South Africa's announced intention of granting self-government to Ovamboland, he said that Premier Vorster had already announced that South Africa would not recognize the United Nations Council for South West Africa and would forbid it to enter the Territory. The proposed referendum to be held in Ovamboland was yet another trick to prevent a United Nations take-over, for not only was it an attempt to separate South West Africa, but the conditions necessary for a genuine referendum would not exist. SWAPO had challenged South Africa to permit a referendum to be held throughout the whole Territory under conditions of freedom of association and movement, withdrawal of troops, police and administrators, release of political prisoners and return of political exiles; furthermore, the referendum should be conducted by the United Nations Council for South West Africa.

111. Since South Africa had refused to recognize the Council, it was the duty of the United Nations to enforce its resolution 2248 (S-V) by whatever means were required and it appeared that the only way to do so was by force.

112. Answering questions concerning the size and organization of his movement, the petitioner said that it was difficult to state the total membership of SWAPO since many persons were not able to join it openly. There were, however, 4,000 card-carrying members. Despite the difficulty of movement, SWAPO had succeeded in establishing branches throughout the Territory. It was organized in regions and there were branches in mines, factories and other undertakings. SWAPO was in favour of a united front against the common enemy and was willing to co-operate with any organization actively opposing South Africa's rule in South West Africa.

113. In reply to further questions, Mr. Mifima said that in addition to the seventy members of SWAPO in prison at Pretoria, a number of other members, fifty-seven in all, had recently been arrested and their whereabouts were unknown. Moreover chiefs in South West Africa had been given powers to detain people but he had no idea how many people had been detained under those powers. Large numbers of Africans had been arrested and held for questioning, for periods of varying lengths at Windhoek, the capital of South West Africa, but all the statistics that he was

able to give concerned 200 people who had been arrested since January 1967 and, to the best of his knowledge, were still in detention. Any statistics he gave were bound to be approximate since the situation changed daily. Some people would be arrested; others would be released. The 200 detainees to whom he had referred had been under restriction for some time. Apparently, it was being considered whether they should be taken to South Africa or charged in South West Africa.

114. Mr. Letlaka, speaking on behalf of the Pan-Africanist Congress (PAC) said that PAC's interest and deep concern about South West Africa derived not only from the fact that both South Africa and South West Africa had been taken over by the same robbers in the same manner, but also and primarily because both countries were subjected to the same type of oppression and shared the same fate. In both countries the white colonialists had appropriated to themselves total political, economic, military and social power.

115. The technique of herding Africans like pigs into sties called reserves was applied in both countries. Those ghettos were euphemistically called "homelands" or, derisively, "Bantustans". Invariably they were set up in the poorer and less productive portions of the country and split up into small units on tribal and ethnic lines. While Vorster constantly called for unity among all the white ethnic groups from Europe in South Africa and South West Africa, he put into effect a policy of disunity for the indigenous people, forcibly splitting them into meaningless and antagonistic tribal units. Whereas the purpose of the call to unity among the white Europeans was clearly to secure their political domination, military strength and economic hegemony so that they could better exploit the human and material resources of South Africa and South West Africa, the unmistakable purpose of the retribalization and division of the African people into small weak units was to inspire jealousy and fratricidal strife among them so that they could be better exploited by the white racialists and their partners in the Western imperialist countries who reaped astronomical profits from their large investments in both countries. The erudite but cheap talk about separate freedoms was infantile, designed to fool the United Nations and to dull the enlightened democratic conscience of mankind.

116. The advocates of white supremacy in South Africa had consistently applied the policy of apartheid which facilitated the oppression of the African people by the imposition of racially discriminatory laws designed to enslave a whole people and

perpetuate the policy of white supremacy. The proposed Bantustans of Ovamboland and the other regions were nothing but the studied sinister fragmentation of the South West African people in order to continue and intensify economic exploitation of the African people by the method of "divide and rule".

117. Much of the inhuman and ruthless legislation used to suppress the indigenous population in South Africa had been extended to South West Africa; under one of those laws the President of SWANU had been arrested. Those laws were still in force despite the fact that the United Nations had divested South Africa of its Mandate.

118. This system could obviously never be maintained unless coercion was used, cruelly and heartlessly. Both in South Africa and South West Africa the knock of the Gestapo and security police at midnight was well known and generally expected even by young children; the 90-day and 180-day persecution period was the cursed baptism of freedom fighters. Men and women were made to stand for long hours in narrow circles drawn on the floor; the strait jacket and the electric current shock were normal treatment to extract information and impose perjured statements; innocent and dedicated people went mad and even committed suicide; not infrequently brutal assaults were also resorted to.

119. Turning to the question of education, the petitioner said that it was used in South Africa as a method of oppression. Educational systems had always been used since the beginning of civilization to launch a new social revolution designed to produce a new people with a new philosophy of life.

120. In South Africa the racist régime aimed, through its separate educational systems, namely the so-called European Education, Bantu Education, Coloured Education and Indian Education, to create four species of human beings, each with its own philosophy. That system was based on the belief that the whites, as a different nation, were a God-chosen people destined perpetually to dominate and exploit the Africans. The system denied all respect for human dignity, and thus condemned four fifths of the population in South Africa to the status of second class citizens. The same callously inhuman system had been extended to South West Africa. The system did not tolerate attitudes and ideas foreign to those of apartheid; it was meant not only to imprison the African people's minds but totally to enslave their entire mental make-up. The division of the country's children started from the crèche. Furthermore, in South West Africa there was not a single university, not even a tribal one.

121. Turning to the question of economy, the petitioner said that the economies of South Africa and South West Africa formed an interdependent unit. The South African régime, having applied all the economic laws in force in South Africa to South West Africa, had fully integrated the two economies, creating a more viable economic system dependent on the precarious foundation of slave labour.

122. That economic interdependence had not been an accident, but the result of calculated scheming by the South African colonialist economic and political experts. Since the administration of the Territory of South West Africa had been vested in the racist and colonialist régime of South Africa by the League of Nations Mandate in 1920, a well-calculated scheme of intertwining the two economies had been put into practice. South Africa had attempted to "swallow" South West Africa completely.

123. Access to the Territory by sea was via Walvis Bay (which had been part of South West Africa but had been forcibly taken over and converted into an armed base by South Africa), by rail to Luderitz from Upington (South Africa) and by air from such places as Johannesburg and Kimberley. The railways in the Territory were part of the South African system.

124. South West African trade figures were included in those of South Africa. During 1954, the last year for which separate figures had been published, exports from the Territory amounted to R73.8 million (£36.14 million). The United Kingdom's share in the 1954 total had been 45.6 per cent, that of South Africa 23 per cent. Total imports during 1954 were valued at R45.4 million (£22.12 million). South Africa, with 62.1 per cent of the total, was the main supplier.

125. Notes of the South African Reserve Bank, of which a branch had been established in Windhoek in February 1961, were legal tender. The South African commercial banks maintained branches throughout the Territory. The duties payable in South West Africa were identical to those of South Africa. The taxation applicable in South Africa was levied in South West Africa at the same rate. The whole South African economy was based on inhuman cheap labour laws, such as the contract system, the Industrial Conciliation Laws, the "tot" system, etc. The extending of the Bantu Labour Act 67 of 1964 to South West Africa regulated the movement and kind of employment an African worker could obtain.

126. The establishment of the Ovamboland Bantustan was in keeping with the general Bantustan pattern formulated by the South African régime, which aimed, inter alia, at the establishment of vast reserves of cheap African labour.

127. South African capitalists and their United Kingdom collaborators had vast vested interests in South West Africa. The Anglo-American Corporation of South Africa was the biggest shareholder in South Africa. In co-operation with Federale Mynbou, the biggest mining combine in South West Africa, it virtually controlled financial interests in that Territory. Details of the ramifications of interlocking financial interests between South Africa, South West Africa and foreign investments had already been submitted to the Special Committee.

128. As a direct result of the slave labour system to which the Africans in South Africa and South West Africa were subjected by the racialists in South Africa and their imperialist masters, the average miner in South Africa earned less than \$18 per month, compared with almost \$90 per month in neighbouring Zambia. In South West Africa, African wages were even lower, averaging about \$9-\$10 per month. The average wage of whites, about \$300 per month and the high profits recorded by the various monopoly capitalists (United States companies netted profits of over \$90 million last year and United Kingdom monopolists over \$180 million) were in striking contrast with those figures.

129. Thus the average annual wage of the over 500,000 African miners in South Africa and South West Africa was only \$200 (less than 10 cents an hour) compared with nearly \$900 in Zambia. One South West African mine where the average wage had been 25 cents a day in 1960 had been able to pay a dividend of nearly \$10 million. Those statistics disproved the claim of the South African capitalists and the apologists for oppression and apartheid that African wages were higher in South Africa and South West Africa than anywhere else in Africa.

130. Foreign companies which went to great lengths in their home countries to avoid being accused of racial discrimination had flocked to South Africa and South West Africa. A United States businessman, Marcus D. Banghart, Vice-President of Newmont Mining Corporation, had described profits in South Africa as "tantalizing", and had added pointedly, "We know the people and the Government and we back our conviction with our reputation and our dollars." (Africa Today, March 1964, p. 9).

131. Since the Second World War, United States investments in South Africa had been increasing rapidly. Dollar investments were still second to sterling, but the share of the United Kingdom had been declining while the United States share had risen.

132. The sinister role played by foreign investments to bolster up the vicious colonial slave system in South Africa and South West Africa was evident in the role of United States bankers and monopoly capitalists during the Sharpeville incident. That event had caused a financial crisis resulting in the flight of capital from South Africa and thus from South West Africa. Some investors were afraid that the oppressive white Government's vicious massacre of Africans at Sharpeville and Langa might trigger off a long-expected revolution. Others had feared that the incipient boycotts by smaller countries might snowball, or that South Africa's expulsion from the Commonwealth might reduce profits.

133. The United States had come to the rescue, by contributing almost the entire amount of foreign exchange needed to reverse the precipitous decline of the South African economy. By June 1963, as a result of its help, South African gold and foreign-exchange reserves had more than tripled to a record and the boom was on.

134. The increasing financial involvement of the Federal Republic of Germany in South Africa and South West Africa was well known. The threat of the resurgence of fascism in the Federal Republic of Germany was also clearly to be seen in South West Africa, and, of course, in South Africa. There were many German experts in South Africa and South West Africa, including the Caprivi Strip, among them many military experts. The threat of that base to independent Africa, and especially independent Zambia, need hardly be stressed. The Federal Republic of Germany had also helped South Africa in building the huge military and naval base at Walvis Bay, in the mandated Territory of South West Africa, which had been made part of South Africa and was under the complete control of the South African Navy. There, too, German instructors were active under the supervision of a well-known Nazi sympathizer.

135. South Africa's apartheid Government, as part of the "free world", received financial support and strategic materials from it. The crimes against the Africans in South Africa and South West Africa were committed in the name of the profits made by the investors from the United States, the United Kingdom, the Federal Republic of Germany, France and Japan. Those countries derived profits from the sufferings of the African people of South Africa and South West Africa. They were partners in oppression and exploitation, and the props on which the oppressive régime of Vorster rested.

136. Those countries had aided the oppressive régime of South Africa to flout the Mandate of the League of Nations; they had abetted it in its refusal to recognize and apply to South West Africa the principles and ideas embodied in the Declaration on the Granting of Independence to Colonial Countries and Peoples; and they had supported the extension of the policy and practice of apartheid to South West Africa. Their action was responsible for the present situation.

137. The United Nations as now constituted was unable to champion the cause of decolonization; some of its powerful Members still retained vested interests in colonial domination and imperialist exploitation, and it had failed to reflect the wishes of the newly independent countries and the oppressed peoples of the world. It had fallen prey to the imperialists who were using it to perpetuate their domination over the rest of mankind. He made those criticisms honestly and without malice.

138. The General Assembly resolution of October 1966 on which the United Kingdom and others had abstained, had terminated the Mandate for South West Africa exercised by South Africa since 1920 and brought South West Africa under the direct control of the General Assembly. That resolution must be put into immediate effect if the United Nations hoped to retain any of the confidence of the oppressed peoples of Africa, and especially southern Africa.

139. However, the indecisive attitude of the capitalist imperialists from the West within the United Nations had fully confirmed his party's belief that they had never had the slightest intention of pulling out of South West Africa. On the contrary, they were clearly intent, by trickery and subterfuge, on frustrating the genuine efforts of the African, Asian, Latin American and socialist countries in effecting decolonization. Consequently, PAC was immensely strengthened in its conviction that the United Nations, as now constituted, could never assist in driving the colonialist oppressors from South West Africa. There could be no doubt that the Western imperialist trading partners of racist South Africa would not support any move by the United Nations to implement the resolution in question. Their prevarication was a clear danger sign for the peace of the world. The people of South West Africa, like those of South Africa, would be their own liberators. Only by their own armed struggle, supplemented by the help of the progressive people of Africa, Asia and Latin America, and the other freedom-loving peoples of the world, would they be able to attain that freedom and independence which was their legitimate and inalienable right.

140. Asked whether he could provide information concerning the supply of arms by NATO countries and Israel to put down the struggle in South West Africa, the petitioner replied that although it was known that there were weapons of Israeli origin in South and South West Africa, it was difficult to furnish precise figures. There was a tremendous flow of capital from South Africa to Israel, and South African volunteers had recently gone there.

141. Mr. Garoeb speaking on behalf of SWAPO, said that SWAPO had come before the Special Committee to describe the role played by the great Powers in sabotaging the African and Asian moves at the United Nations since the beginning of the twenty-first session of the General Assembly; to examine the role of foreign interests in southern Africa, and in South West Africa or Namibia as it was known in Africa, in particular; and to disprove the myth that only the great Powers could do anything for Namibia and that their co-operation and participation was indispensable.

142. At the General Assembly session, in September 1966, all Member States, except South Africa and Portugal, had seemed to agree that South Africa had "forfeited" its right to administer South West Africa. The African and Asian move to have the Mandate terminated forthwith had found apparent sympathy with the great Powers, although those Powers had not concurred in their demand that the United Nations should use force to wrest Namibia from South Africa. The great Powers, led by the United States, while supporting the African and Asian move to terminate the Mandate, had insisted on the establishment of a special committee to examine practical ways through which the Assembly could take over the administration of Namibia. At that point, the African and Asian countries, which had at first been opposed to the idea, had given in to the Western demand. Thus, on 27 October 1966, the General Assembly had adopted resolution 2145 (XXI) ending South Africa's Mandate and setting up the United Nations Ad Hoc Committee for South West Africa, a move denounced at the time by SWAPO as a "delaying tactic". That was exactly what the great Powers had wanted; they had won the first round.

143. The Ad Hoc Committee duly opened its first meeting on 17 January 1967. Soon after, its fourteen members submitted their proposals to the Committee. The African proposal called among other things for the creation of a United Nations Administrative Council for Namibia, which was to run the country until the formal

declaration of independence, at which time it was to hand over power to the Africans. It had also called for Security Council enforcement if South Africa failed to comply. The Western Powers had called for the establishment of a United Nations Council, headed by a special representative whose duties would include making a comprehensive survey of the conditions prevailing in the Territory. The Latin American proposal had called for the establishment of a United Nations Council for South West Africa. 144. However, while the members of the Ad Hoc Committee appeared to have been in agreement on the establishment of the United Nations Administrative Council, they seemed to have essentially disagreed on how the Council was to take over control of the Territory. For instance, while the African proposal called for Security Council enforcement in case of South Africa's failure to comply, the Western and Latin American proposals said nothing about it. The Latin American proposal even suggested that the United Nations Council for the Territory should contact the Pretoria régime in carrying out its work, the most fantastic idea that had emerged from the Ad Hoc Committee. The Ad Hoc Committee had completely failed.

145. The Ad Hoc Committee had failed just as the Western Powers, led by the United States, had hoped, and, with the special session of the Assembly in sight, they had spoken of a "dialogue" with South Africa. They had won the second round too.

146. When the General Assembly opened its special session on 21 April 1967, the African and Asian countries had called once more for the use of force to implement General Assembly resolution 2145 (XXI) of October 1966. The great Powers had unanimously cautioned moderation and made it perfectly clear that they would not support such a move. The African and Asian countries, in an attempt to obtain the great Powers' support for their fifty-eight-nation resolution, had decided to include a provision to the effect that they would be willing to make contact with South Africa if the Vorster Government accepted in principle the right of the people of Namibia to self-determination and independence, a major concession on the part of the African and Asian nations. But when the Assembly voted, all the great Powers had abstained. They had scored another victory.

147. All those events proved, beyond a shadow of doubt, the extent to which the great Powers had obstructed and sabotaged the cause of Namibia in the United Nations. Why had they acted in that way? The answer was clear: they had gigantic economic and financial interests in South Africa and Namibia. The leading investors in

South Africa, the United Kingdom and the United States, firmly believed that South Africa was the most politically stable nation on the African continent. They might condemn its policy of apartheid and racial discrimination, but were not willing to jeopardize the millions of pounds and dollars they had invested in that country. That United Kingdom and United States investment was the foundation of the South African racist régime and its administration in Namibia. If the United Kingdom, the United States, France, the Federal Republic of Germany and Italy disengaged themselves economically from South Africa, even to the extent of withdrawing their investments, the racist régime of Vorster would inevitably collapse.

148. Prior to 1959-1960 the South African economy had gone through a spectacular boom. In December 1959, the South African police had opened fire on a crowd of Africans in Windhoek, who had been demonstrating against their forcible removal to a new segregated location. Thirteen Africans had been killed on the spot and more than forty wounded. In March 1960, the world had witnessed the brutal massacre of innocent Africans at Sharpeville, followed by general political unrest both in South Africa and Namibia.

149. Following these events South Africa underwent a severe financial crisis involving much flight of capital. It was obvious that, had the trend continued, had the Western Powers withdrawn their investments and suspended their huge trade with South Africa, the racist régime would have fallen. Unfortunately that had not been the case. What were the reasons behind South Africa's spectacular economic and financial recovery?

150. At the time of the economic crisis the Western Powers had come to South Africa's rescue before the innocent African victims of Sharpeville and Windhoek had been properly buried. An Italian bank consortium had extended a three-year loan of \$9.8 million; the Federal Republic of Germany had followed with another \$9.8 million loan from the Deutsche Bank. A United States banking consortium, including the First National City Bank of New York and the Chase Manhattan Bank, had made a generous loan of \$40 million. A United Kingdom banking consortium had had no small part in the rescue operation which had saved South Africa from complete downfall.

151. South Africa was again as strong as ever and its economy booming, thanks to Western investment and the support the Pretoria régime enjoyed from the United States and the United Kingdom.

152. It was more than obvious that, so long as Western economic and financial interests were so involved in South Africa, there would be no change in Namibia; most Member States had agreed that South Africa had "forfeited" its right to administer Namibia but, in spite of the general consensus, the great Powers were reluctant to embark on the only course - namely, military action - to evict the racists from Namibia. What could be done under those circumstances? Was the participation of the great Powers really required to change the status quo in Namibia?

153. SWAPO strongly believed that the intervention of the great Powers, in spite of their economic, military and political strength, was not essential to bring about a change in South West Africa.

154. There were 122 nations in the United Nations, five of which - the United States, the United Kingdom, France, China and the Soviet Union - were recognized or regarded as the great Powers; they were also the permanent members of the Security Council. Any Security Council enforcement measure had to have their unanimous support. Using their veto, they were able to block what was unpalatable to them in the Security Council. The remaining members of the Council were automatically rendered ineffectual by the veto of the great Powers.

155. The United Nations had just appointed the eleven-nation Administrative Council for Namibia, on which no great Power was represented, as might have been expected, since they had all abstained in the vote. Vorster had made it perfectly clear that his Government would not allow the Council to enter the Territory to perform its duties as laid down in General Assembly resolution 2248 (S-V). What did the other Members of the United Nations propose to do in the light of the great Powers unco-operative attitude? Would they do nothing because the great Powers were not willing to participate?

156. SWAPO strongly believed that those Members could act without the great Powers and that certain conditions had to be created which would force the great Powers to take a positive and active stand on the question of Namibia. SWAPO wished to make some suggestions as to how that could be achieved: if South Africa refused to allow the United Nations to enter Namibia, thus obstructing it in the performance of its duties under the terms of the General Assembly resolution, the African, Asian and other friendly nations should take the matter to the Security Council for

enforcement action under Chapter VII of the Charter. If there was the expected veto in the Security Council, then the African, Asian and other friendly countries should take the issue back to the General Assembly under the "Uniting for Peace" resolution.

157. SWAPO considered those steps to be vital in an over-all strategy which would eventually prompt the big Powers to bring about the expulsion of the racists from Namibia. It wished to explode the myth that only the great Powers could do anything to change the status quo in Namibia. The African, Asian and other friendly nations should try to use their power to bring about a change in Namibia. If it came to the use of force, the rest of the Member States should use whatever military power they possessed to implement the United Nations resolution. By doing so, they would not only fulfil their sacred obligation towards the people of Namibia, but such action would also enhance the prestige of the United Nations. The greatest threat to the existence of the United Nations was its inability to implement its own resolutions. To avoid the recurrence of such a situation, the other nations should not wait for the great Powers, but should combine to do what was right and honourable.

158. SWAPO had decided long ago that it could not rely entirely on the United Nations to liberate the country. It recognized that the United Nations had an obligation towards the people of Namibia and strongly urged it to live up to it, but believed that Namibia itself should create the conditions which would bring freedom and independence to its people. When that happened - and it was happening - he urged the African, Asian and other friendly nations to come to its assistance without waiting to see what the great Powers would do.

159. Since July 1966, the situation in Namibia had changed drastically. On 26 August, following the International Court's verdict, SWAPO, having realized long before that Namibia could be liberated, had launched an armed struggle, and had since fought many battles against the South African army in the northern region. South Africa had reacted with characteristic brutality, first by extending the Suppression of Communism Act to Namibia and then by arresting SWAPO leaders in their homes. The Government had since given a second reading to a more sweeping new repressive measure, the Anti-Terrorism Bill, which included a maximum penalty of execution by hanging for such offences as "terrorism", "withholding information

from the police" or "being in possession of fire-arms". About 200 Namibians, including SWAPO's Acting President, Acting Secretary-General and a senior member of its National Executive, were being held without trial in South African jails. The Acting Secretary-General had virtually disappeared; there were reports that he had been tortured to death at Pretoria. When SWAPO resorted to arms to liberate the country, it was under no delusions as to the reactions of the South African régime. It expected no mercy and would give none. The recent brutal laws were essentially aimed at SWAPO. It was the first time that South Africa had been challenged by Africans with guns.

160. Having started the armed struggle for liberation, SWAPO would not falter until final victory. SWAPO's over-all aim was the establishment of a Republic of Namibia; to achieve that end, it was willing to engage in protracted war. It foresaw a period of death and destruction not only in Namibia but in the whole of southern Africa. If it took death, blood and destruction to liberate the country, then SWAPO promised the racist Republic of South Africa, the international community and the United Nations, that there would be death, blood and destruction, such as the world had never witnessed before, until Namibia was completely free.

161. Mr. Kuhangua (SWAPO) said that the African States were determined to rid South West Africa of colonialism and apartheid. The failure of their efforts to solve the problem peacefully through recourse to the International Court of Justice had confirmed not only that the problem was a political rather than a judicial one, but also that the composition of many United Nations organs should be revised in the light of changed conditions. The problem of South West Africa, notwithstanding its complexities, was in essence a simple one: the decolonization of the Territory.

162. Unless the United Nations was prepared to take effective action and the people of South West Africa were prepared to sacrifice themselves for their fatherland, South Africa would remain in control of the Territory. Nothing worth-while had ever been won without a fight. In any case, whatever SWAPO was doing was the decision of the people of Namibia as a whole. Although young South West Africans were dying even as he addressed the Special Committee, he did not regret their sacrifice.

163. Some Members of the United Nations showed apathy and a lack of initiative in the matter, while others were deliberately unco-operative. Quibbling and

hypocritical statements did not deceive his people. The United Nations was directly responsible for the deaths of young South West Africans who were dying in the mines, on the farms, in the forests and in the mountains of their homeland. Nevertheless, he was confident that, just as the United Republic of Tanzania, a former German colony and Mandated Territory, had attained its independence, so, one day, his own people would become masters in their own house. No power in the world could obstruct the inevitable course of African history. Namibia, an integral part of Africa, was protected by the Declaration of the African Heads of State which provided that any attempt by the South African Government to annex any part of South West Africa would be declared an act of aggression.

164. On the basis of those principles, the people of South West Africa were determined to liberate their fatherland from foreign domination. It should be remembered that South Africa had not conquered the Territory but had been entrusted with it for the purpose of carrying out specific responsibilities: to promote to the utmost the material and moral well-being and social progress of the indigenous inhabitants until such time as they were capable of governing their country and controlling their own affairs. In complete violation of that trust, the South African Government had introduced into the Territory its abominable policy of apartheid which had divided the nation and hampered the progress of its people. South Africa was legislating for the Territory, determining the powers and forms of its administration and moulding the structure of its society. Not only did it trade with the Territory, it also largely dictated the conditions under which the latter could trade with other countries. It thus controlled the economy of South West Africa and the course of its development.

165. Contract labour, which was virtual slavery, was a normal institution in his country and had been introduced as part of a plan to exterminate the indigenous population and prevent the growth of the nation of Namibia. That notorious and destructive institution was managed by the administrators with the co-operation of various large companies active in the Territory. Those companies were mercilessly pillaging the natural resources of the area and plundering its indigenous inhabitants in direct violation of General Assembly resolution 1899 (XVIII) of 30 November 1963. They were active in both South Africa and South West Africa, aided by certain Members of the United Nations, and contemptuously ignoring

General Assembly resolutions. They had helped South Africa to strengthen its military potential and had turned it into a nuclear Power in order to reap profits ranging from 25 to 45 per cent by the brutal suppression and exploitation of the indigenous population.

166. SWAPO denounced in the strongest and most indignant terms the South African racist régime's declaration that a Bantustan was to be established in Ovamboland. His movement would ignore any such declaration. Psychological stratagems of that kind would have no effect whatever on the outcome of the fight for freedom and independence. He insisted that, in its battle for emancipation, his country had no interest whatever in the cold war. On the contrary, it needed the co-operation of all Members of the United Nations acting together to achieve the desired goal. Ideological conflicts were a luxury it could not afford.

167. It had been a matter of deep regret to his people that some Powers had felt unable to vote in favour of the recent African, Asian and Latin American resolution - the most practical resolution ever drafted in the United Nations - and, whatever their reasons, whether economic or otherwise, he appealed to them to realize the appalling consequences of pandering to South Africa and to reconsider their decision. He warned them that they were permitting the situation which had occurred in Europe in 1939 to be repeated in southern Africa.

168. During his stay at the Rusk Medical and Rehabilitation Centre, he had widely distributed a prospectus on the establishment of a school for young South West Africans who were deprived of education in their fatherland. The project had unfortunately not materialized. The United Nations said that South West Africa would attain its independence in June 1968. Such independence would be a mockery if the people were not prepared in advance for their future responsibilities. It was SWAPO's aim to represent all the people of the Territory, irrespective of race, colour, religion or national origin. Its greatest desire was to achieve freedom, justice and respect for human dignity and it yearned to eliminate poverty, disease, illiteracy, racial inequality and all other affronts to the human personality. It sought to achieve the mutual understanding and co-operation of all Namibians in building a strong society founded on the will and voluntary participation of the whole people. All activities useful to society would be fostered in the common interest so that the real needs of the people could be met. All citizens would

have equal opportunities of sharing in the progress towards prosperity. Education would be compulsory and private property respected.

169. In reply to a question, the petitioner stated that there were refugees from South West Africa in the United Republic of Tanzania, their chief refuge, and in Zambia and Botswana. All of them were very badly in need of educational facilities. They had been deprived of education in their own country under the so-called Bantu Education Act. His people would be extremely grateful if a formula could be found whereby some kind of school could be established, either in Tanzania or in Zambia. A missionary in the United Republic of Tanzania had told him that four establishments were available in which refugee students could be accommodated if the necessary funds were forthcoming. The same missionary was also in a position to find teachers. Unfortunately, without financing nothing could be done. If, through the good offices of any country, the necessary funds could be found, his people would be grateful.

170. Commenting on the statements by the petitioners, the representative of the Union of Soviet Socialist Republics said that it was essential to condemn the South African régime unequivocally for its refusal to comply with General Assembly resolution 2145 (XXI) and also to condemn the countries which were obstructing the implementation of that resolution and helping to perpetuate colonial rule.

171. The newly announced policy of the Pretoria Government, which claimed to be granting self-government to Ovamboland, was extremely dangerous. The policy of "bantustans" was not new. It had already been applied in South Africa. The so-called "self-government" being granted was a mere fiction designed to mislead public opinion and to prevent the country from attaining independence by dividing it up into a number of provinces.

172. It was essential to insist that South Africa should give up South West Africa immediately, withdraw its troops and administration from the Territory and allow the freedom fighters to return home. South West Africa could not attain independence until the racists had been expelled and until the racist administration which now ruled the Territory had been liquidated. The Western Powers - and particularly the United Kingdom, the Federal Republic of Germany and the United States of America - should therefore stop helping South Africa. Many delegations had stressed that the Western Powers with financial and economic

interests in South Africa and South West Africa had a special responsibility in the matter. It was the duty of the General Assembly to call upon those States to take economic, diplomatic and other measures aimed at bringing pressure to bear on the South African Government to give up South West Africa.

173. It would be wrong to create the impression that the United Nations was merely replacing the Mandate in South West Africa with United Nations trusteeship.

Trusteeship régimes of any kind represented a danger to liberation movements, and trusteeship might delay South West Africa's attainment of independence. An administration consisting of foreigners rather than representatives of the Territory could never create a new State.

174. The Soviet Union had serious doubts regarding the effectiveness of the measures envisaged in General Assembly resolution 2248 (S-V) and had therefore been unable to vote for it. It advocated a more realistic and more radical solution, namely, immediate and unconditional independence for the people of South West Africa. Such a solution would not exclude the possibility of taking steps to hold elections and create the best possible conditions for the transfer of power.

175. The Soviet Union, like the Afro-Asian countries and all States which valued freedom and independence, would do everything in its power to devise effective measures for liberating the people of South West Africa from the racist colonial yoke.

IV. ACTION TAKEN BY THE SPECIAL COMMITTEE

176. At the 537th meeting on 16 June 1967 the representative of Iran introduced a draft resolution (A/AC.109/L.412) on behalf of Afghanistan, Ethiopia, India, Iran, Iraq, the Ivory Coast, Madagascar, Mali, Sierra Leone, Syria, Tunisia, the United Republic of Tanzania, and Yugoslavia.

177. In presenting the draft resolution the representative of Iran emphasized that its sole object was to safeguard the territorial integrity of South West Africa in accordance with the wishes of virtually all members of the General Assembly.

178. On 27 October 1966, the General Assembly had adopted resolution 2145 (XXI) which declared that South Africa had forfeited the right and authority to administer the Territory of South West Africa. The South African Government had since taken steps to carry out the odious Odendaal Plan, designed to break up South West Africa into three or more divisions in the hope that that would enable South Africa to perpetuate its domination. The first step towards the fragmentation of the Territory had already been taken and was about to be completed in Ovamboland.

179. The Iranian delegation which, by sponsoring resolutions 2145 (XXI) and 2248 (S-V), had from the outset stood firmly for the independence and territorial integrity of South West Africa, was shocked by South Africa's complete disregard for those resolutions. That defiance of the world organization constituted a serious challenge which should not be taken lightly.

180. In the past there had been virtual unanimity on the reaffirmation of the territorial integrity of South West Africa, in particular in the statements made at the special session of the General Assembly on Ovamboland. All the members of the Special Committee had expressed their full support of the territorial integrity of South West Africa. The sponsors of the draft resolution therefore hoped that all members of the Committee would agree to condemn the measures taken or proposed by the Government of South Africa with respect to Ovamboland as illegal and contrary to the above-mentioned General Assembly resolutions and as a flagrant defiance of the authority of the United Nations. He appealed for a unanimous vote in favour of the draft resolution.

181. The representative of Afghanistan, seconding the draft resolution, fully endorsed the statement by the representative of Iran and urged the Special Committee to adopt the draft resolution unanimously.

182. The representative of Madagascar thanked the representative of Iran for introducing the draft resolution on South West Africa: his statement reflected the feelings of the majority of the members of the Special Committee. It was to be hoped that the draft resolution would be adopted by a large majority.

183. The representative of the United States of America said, in explanation of his vote, that at the time the South African Government had announced its plans for Ovamboland, his Government had expressed its concern and regret. The establishment of Bantustans in the Territory was inconsistent with the resolution of the General Assembly which forbade South Africa to make any substantial change in the circumstances of that Territory. His delegation therefore intended to vote in favour of the draft resolution (A/AC.109/L.412) noting that South Africa's expressed intention regarding Ovamboland had not yet been implemented, in the hope that the new resolution would cause the South African Government to pause and consider.

184. The draft resolution (A/AC.109/L.412) was then adopted unanimously.

185. The resolution on the question of South West Africa (A/AC.109/250), adopted by the Special Committee at its 539th meeting on 19 June 1967, reads as follows:

"The Special Committee,

"Having heard the statements of the petitioners,

"Recalling General Assembly resolution 2074 (XX) of 17 December 1965 and in particular operative paragraphs 5 and 6 thereof, as well as previous resolutions on the question of South West Africa, adopted by the General Assembly and by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

"Recalling further General Assembly resolution 2145 (XXI) of 27 October 1966 and in particular operative paragraph 7 thereof and resolution 2248 (S-V) of 19 May 1967 and in particular Part I thereof,

"Deeply concerned at the measures taken by the Government of South Africa to alter the status of Ovamboland, an integral part of South West Africa, by the establishment of so-called self-government,

"Considering that these measures are an extension of the universally condemned system of apartheid and racial discrimination and are a method of fragmenting the Territory with a view to covering up South Africa's domination,

"1. Reaffirms the territorial integrity of South West Africa and the inalienable right of its people to freedom and independence, in accordance with the Charter of the United Nations, General Assembly resolution 1514 (XV) and all other relevant resolutions concerning South West Africa;

"2. Condemns as illegal and contrary to the above-mentioned General Assembly resolutions and as a flagrant defiance of the authority of the United Nations, the measures taken and proposed by the Government of South Africa with respect to Ovamboland."

V. SUPPLEMENTARY INFORMATION CONCERNING THE TERRITORY

Trial of thirty-seven South West Africans by South Africa for alleged terrorist activities

186. As reported above (paras. 34-53) numerous arrests of South West Africans have been made by the South African police since the beginning of guerrilla activities in Ovamboland in 1966. Many of the persons arrested were apparently transferred to prisons in South Africa and held incommunicado for many months without being charged or brought to trial.

187. On 22 June 1967, however, the Attorney-General of the Transvaal, Mr. R.W. Rein, announced that thirty-seven South West Africans were to be formally charged with taking part in terrorist activities and committed in the Pretoria Magistrate's Court for summary trial by a judge without jury. Those arrested included the Acting President of South West Africa People's Organization (SWAPO), Mr. Nathaniel Maxuiriri, the Acting Secretary-General, Mr. Ja Otto, the Secretary for Foreign Affairs, Mr. Jason Mutumbulua, and the Regional Secretary of the North, Mr. Toivo Ja Toivo. Twenty-one of the men were described either as labourers or unemployed; there were also four peasants, three farmers, two teachers, one mechanic and one clerk. The occupations of the remainder were not known. The trial was set to begin in Pretoria on 7 August 1967.

188. Mr. Rein was said to have stated that evidence would show that eighteen of the accused had received training in several countries and that seven of the accused were political leaders of SWAPO.

189. Mr. Rein was reported to have added that evidence would be given that SWAPO was responsible for the training of terrorists in foreign countries and in Ovamboland. According to Mr. Rein, the evidence would be that all the accused were members of a conspiracy aimed at overthrowing the existing government of South West Africa and replacing it with a government consisting of SWAPO members.

190. Firearms, including automatic weapons, ammunition and various other weapons, were also to be handed in as exhibits. It was further reported that the State intended to call between 150 and 160 witnesses and hand in about 500 exhibits of a documentary nature.

191. It was later announced that the thirty-seven men were to appear before the judge on a main charge under the recently published Terrorism Act (Terrorism Act,

No. 83 of 1967) and on two alternative charges under the Suppression of Communism Act. Under the Terrorism Act the accused may be sentenced to death if found guilty of some of the alleged charges they are facing.

192. The Terrorism Act was passed during this year's session of the South African Parliament and was promulgated on 21 June 1967 only the day before the announcement of the charges against the accused and subsequent to the adoption of General Assembly resolutions depriving South Africa of the Mandate for South West Africa.

193. Under this Act, any person who commits the following acts shall be guilty of the offence of participation in terrorist activities and liable on conviction to the penalties provided for by law for the offence of treason, provided that, except where the death penalty is imposed, a sentence of imprisonment for a period of not less than five years shall be compulsory whether or not any other penalty is also imposed:

(a) any person who with intent to endanger the maintenance of law and order in the Republic or any portion thereof, in the Republic or elsewhere commits any act or attempts to commit, or conspires with any other person to aid or procure the commission of or to commit, or incites, instigates, commands, aids, advises, encourages or procures any other person to commit, any act; or

(b) any person who in the Republic or elsewhere undergoes, or attempts, consents or takes any steps to undergo, or incites, instigates, commands, aids, advises, encourages or procures any other person to undergo any training which could be of use to any person intending to endanger the maintenance of law and order, and who fails to prove beyond a reasonable doubt that he did not undergo or attempt, consent or take any steps to undergo, or incite, instigate, command, aid, advise, encourage or procure such other person to undergo such training for the purpose of using it or causing it to be used to commit any act likely to have any of the results referred to in subsection (2) in the Republic or any portion thereof; or

(c) any person who possesses any explosives, ammunition, fire-arm or weapon and who fails to prove beyond a reasonable doubt that he did not intend using such explosives, ammunition, fire-arm or weapon to commit any act likely to have any of the results referred to in subsection (2) in the Republic or any portion thereof.

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194. The Act provides that acts likely to have such effects as hampering or deterring any person from assisting in the maintenance of law and order, promoting by intimidation the achievement of any object, causing or promoting general dislocation, furthering or encouraging the achievement of any political aim by violence or forcible means or with the assistance of any foreign Government or international body, causing substantial financial loss to any person or the State, or embarrassing the administration of the affairs of the State shall be presumed to have been committed with intent to endanger the maintenance of law and order in the State, unless it is proved otherwise beyond a reasonable doubt.

195. The Act further provides that any person who harbours or conceals or renders any assistance to a terrorist shall be guilty of an offence and liable to the same penalties as for the main offence.

196. The Act provides that any commissioned officer of or above the rank of Lieutenant-Colonel may, if he has reason to believe that any person who happens to be at any place in the Republic, is a terrorist or is withholding from the South African Police any information relating to terrorists or to offences under this Act, arrest such person or cause him to be arrested without warrant and detain or cause such person to be detained for interrogation at such place in the Republic and subject to such conditions as the Commissioner of the South African Police may, subject to the directions of the Minister of Justice, from time to time determine, until the Commissioner orders his release when satisfied that he has satisfactorily replied to all questions at the said interrogation.

197. Under the Terrorism Act any superior court or the Attorney-General in the Republic shall have jurisdiction in respect of any offence under the Terrorism Act committed outside the area of jurisdiction of such court or the Attorney-General, as if it had been committed within such area. The trial of any person accused of having committed any offence under this Act may be held at any time and at any place within the area of jurisdiction of the division of the Supreme Court of South Africa concerned.

198. The Act also provides that any person charged in the Republic with having committed an offence under this Act, shall be tried by a judge without a jury.

199. The Terrorism Act is retrospective to 27 June 1962, the date when the law making acts of sabotage a criminal offence, came into force. For the purposes of the Act, the Republic is defined as including South West Africa.

200. The Thirty-seven South West Africans appeared at a magistrate's court in Pretoria on 27 June 1967 and were asked if any of them had arranged for his own legal representation. Mr. Jason Mutumbulua, one of the accused men, was reported to have replied that this was impossible as they were all thousands of miles from home and asked that the trial be heard at Windhoek, South West Africa, where they would be able to get attorneys to defend themselves. The magistrate explained that the Government had ordered the trial to be heard in Pretoria and that it could not be altered. Mr. Mutumbulua is reported to have said that the accused were not prepared to conduct their own defense but wanted pro deo counsel to be appointed. In any event Mr. W. Phillips was appointed defence counsel; there is no information available as to how, or by whom, the appointment was made.

201. The trial was opened in Pretoria on 7 August 1967. The thirty-seven accused were charged with entering South West Africa with the intention of creating a violent revolution and taking over the government of the country. It was alleged that they had received training in terrorism in various countries and had set up training camps in Ovamboland where they taught others guerrilla warfare. It was also alleged that they were responsible for terrorist attacks on white and African government officials and farmers and their homes during the period from June 1966 until May 1967.

202. According to press reports the forty-one-page indictment set out a long list of charges and also contained thirty pages detailing places, times, and each man's part in the alleged terrorist activity. It also listed eighty-one co-conspirators not before the Court who were alleged to have taken part in the activities. It was alleged that some of the accused plotted the deaths of three pro-government headmen; one headman was alleged to have been killed.

203. The defence counsel, Mr. W. Phillips, was reported to have challenged the right of South Africa to hold the trial. In applying for the delay of the trial until 11 September 1967, the counsel made the point that one reason for adjourning was to consider if the Terrorism Act, retrospective to 1962, was within the legislative competence of the South African Parliament as it applied to South West Africa. He added that that involved questions of international law. The defence counsel also submitted at the hearing that many of the accused were illiterate and could only speak Ovambo.

204. It was also reported that Mr. Phillips requested the Court for further particulars of the indictment, including precise details of the aims and objectives of SWAPO during the period covered in the indictment; in what manner and when SWAPO became party to the alleged conspiracy and how it was involved in the alleged training of guerrillas; how SWAPO conspired to bring about hostility between whites and non-whites, and how the organization attempted to intimidate headmen in Ovamboland to withdraw their support from the Government. The defence counsel was said to have further stated that as the defence of each man must be separately considered, this was complicated by the fact that each of the accused was said to have acted in conjunction with others. Further, the counsel was said to have stated that the acts alleged were numerous and covered a period of five years in some cases. In other cases the acts were said to have been committed in foreign countries.

205. The judge granted the application for a postponement of the trial until 11 September 1967.

VI. FURTHER CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

206. The Special Committee gave further consideration to the question of South West Africa at its 554th, 556th and 557th meetings held in New York between 8 September and 12 September 1967. The Committee had before it information on the trial of thirty-seven South West Africans by South Africa for alleged terrorist activities, contained in a working paper prepared by the Secretariat (see paras. 186-205 above) at the request of the Committee. The Secretariat paper was introduced by the Chairman at the Committee's 556th meeting, on 11 September 1967.

Written petitions and hearings

207. The Special Committee also circulated the following written petitions concerning South West Africa:

<u>Petitioner</u>	<u>Document No.</u>
Mr. D. Nokwe, Secretary-General, African National Congress of South Africa (ANC)	A/AC.109/PET.649/Add.1
Mr. Jackson Kambode, Secretary-General Union of South West Africa Workers (USWAW), and Chief Representative in Eastern Africa, South West Africa National United Front (SWANUF)	A/AC.109/PET.585/Add.2
Mr. Jackson Kambode, Secretary of Labor Mr. Isaiah Emvule, Mr. Thomas Nepaya, South West Africa People's Organization (SWAPO)	A/AC.109/PET.585/Add.3
Mr. G.H. Geingob, Representative of SWAPO in the United States of America	A/AC.109/PET.585/Add.4
Mr. Ewald Katjivena, Representative in Algeria, South West Africa People's Organization (SWAPO)	A/AC.109/PET.587/Add.6
Mr. Sam Nujoma, President, South West Africa People's Organization (SWAPO)	A/AC.109/PET.587/Add.7
Paramount Chief David Goraseb	A/AC.109/PET.592/Add.1
Mr. Preston T. Gibson, Jr.	A/AC.109/PET.711

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203. The Special Committee heard the following petitioner concerning South West Africa.

Mr. G.H. Geingob, Representative of South (554th meeting)
West Africa People's Organization (SWAPO)
in the United States of America
(A/AC.109/PET.587/Add.5)

209. Mr. Geingob, speaking on behalf of SWAPO, said that Namibia, or South West Africa, had been misruled by South Africa from 17 December 1920 until 27 October 1966, when the General Assembly, by an overwhelming majority, had adopted its resolution 2145 (XXI). Despite that action, however, South African racists were still continuing their barbaric system of white supremacy in South Africa. They had illegally arrested thirty-seven South West Africans and transported them to South Africa, where they had been remanded in custody until 11 September 1967. Those arrested included the Acting President, Secretary for Foreign Affairs and Acting Secretary of SWAPO. The majority of the patriots had been charged with entering South West Africa with the intention of creating a violent revolution and taking over the Government. Some countries called the freedom fighters of South West Africa terrorists; however, he would recall that the Declaration of Independence of the United States maintained that it was the right of the people to alter or abolish any form of government which did not derive its powers from the consent of the governed. The revolutionary struggle now taking place in southern Africa was the proper reflection of the real demands and aspirations of the people of that part of the world, who were suffering intolerable oppression, exploitation, repression and humiliation.

210. Even viewed in purely legal terms, the arrest of the freedom fighters was wrongful. First, they had been arrested illegally in the United Nations Territory; secondly, they had been denied a speedy trial, since some of them had been kept in jail for more than a year before appearing in court; thirdly, they were on trial under an ex post facto law; fourthly, they were being tried away from their country and thus were deprived of legal advisers. Moreover, their illegal arrest and transportation to a foreign country violated United Nations resolutions and was a defiance of United Nations authority. He therefore urged the United Nations to demand the unconditional release of those patriots, whose land, cattle, and other possessions had been stolen by South Africa.

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VII. FURTHER ACTION TAKEN BY THE SPECIAL COMMITTEE

211. At the 556th meeting on 11 September 1967, Afghanistan, Ethiopia, India, Iran, Iraq, Ivory Coast, Madagascar, Mali, Sierra Leone, Syria, Tunisia, United Republic of Tanzania, and Yugoslavia submitted a draft resolution (A/AC.109/L.428) for the consideration of the Special Committee.

212. Introducing the thirteen-power draft resolution the representative of the United Republic of Tanzania said that the South African régime's arrest of the thirty-seven African patriots of South West Africa was an act of international piracy and abduction which flagrantly violated the letter and spirit of the United Nations decision establishing the international status of South West Africa and constituted a direct challenge to the authority of the United Nations. His delegation, together with those of the overwhelming majority of Member States, had always called for the most concrete and speedy action to eliminate the crimes arising from the policies and practices of apartheid.

213. Despite categorical denunciations by the United Nations, apartheid and colonialism still existed, mainly because of the complacent attitude of those who pursued selfish interests. At the same time, it was gratifying to observe that colonized peoples and freedom-loving peoples throughout the world, as exemplified by the petitioner heard by the Committee at its 554th meeting, were determined to carry on the struggle to eliminate those inhuman systems once for all.

214. The African and Asian members of the Special Committee and Yugoslavia had prepared a draft resolution (A/AC.109/L.428) condemning the illegal arrests and calling upon the South African authorities to cease all illegal acts in South West Africa and to release the arrested African patriots immediately. The adoption of that draft resolution was the minimum action the United Nations could take. He hoped that the Committee would unhesitatingly adopt the draft resolution and thereby indicate its solidarity with the people of South West Africa who were dedicated to achieving their liberation.

215. The representative of India said his delegation was gratified that its suggestion should have been taken up so promptly by the Special Committee and embodied in a draft resolution. Ever since the International Court of Justice had delivered its judgement on the South West Africa case in July 1966, the

international community had exercised the utmost vigilance over the question of the future of the Territory's inhabitants. The question had been under almost continuous consideration in the United Nations, and it was proper that the Committee charged with the task of looking after the interests of colonial peoples should be seized of the matter once again. The occasion was not a happy one, since it concerned the deprivation of the fundamental rights of the people of a colonial Territory.

216. As far as his delegation was concerned, the thirty-seven nationals of South West Africa who were being detained by the South African Government were not terrorists by any standards. They were patriots fighting for their right to freedom and independence, and India had always recognized the right of colonial peoples to wage their struggle for independence in any form they chose. Since the trial of the thirty-seven South West Africans was due to open that day, at Pretoria, it was very fitting that the draft resolution should have been introduced concurrently. He hoped that it might be possible for the Special Committee to vote on it immediately, as it contained nothing controversial.

217. The representative of Bulgaria said that he fully supported the draft resolution. Having listened with indignation to the statements by the petitioners from South West Africa concerning the criminal activities of the apartheid régime at Pretoria, he considered that the draft resolution called for the minimum that the United Nations could do at the present stage - namely, to condemn the illegal acts of the South African régime and demand the release of the thirty-seven South West African patriots. He hoped that the Special Committee would not hesitate to condemn the apartheid régime in South Africa in the strongest terms.

218. The representative of Chile said that he entirely agreed with the draft resolution. His country had participated in the work of various committees dealing with questions of decolonization, and at the last regular session of the General Assembly his delegation had unequivocally stated its views on the South African Government's policies of apartheid. The draft resolution before the Special Committee recalled resolutions 2145 (XXI) and 2248 (S-V), which had been approved by an overwhelming majority in the General Assembly. Considering how it had voted on those occasions, Chile was bound to support a draft resolution which condemned the illegal arrest of thirty-seven South West African nationals by the Pretoria régime.

219. Chile also endorsed the call to South Africa, which was unlawfully maintaining its rule over South West Africa, to cease its illegal acts. For all those reasons, his delegation considered itself to be in effect a sponsor of the draft resolution, which it would unreservedly support. The latest action by the South African Government merely confirmed the policy which it had been pursuing for a number of years and which the General Assembly had categorically condemned.

220. The representative of the United States of America said that she shared the concern of members of the Special Committee at the arrest and trial of thirty-seven inhabitants of South West Africa under the Terrorism Act. While she did not have the full facts about the cases against the accused and must therefore reserve judgement about many questions that might arise, it was clear that the Act itself violated the rights of the inhabitants of the Territory and the international status of South West Africa. This retroactive legislation which made it possible for the accused to be stripped of rights essential to a proper and fair trial also shut off avenues of peaceful dissent in the Territory, thus generating the behaviour it sought to punish. It was another instance of violation of the terms of the Mandate of the kind which had led the General Assembly to pass resolution 2145 (XXI), depriving South Africa of its right to continue its administration of South West Africa. In its application to South West Africa, the legislation was without lawful authority and in violation of the international status of the Territory.

221. Although it had thus forfeited its rights in South West Africa, the South African Government still remained obligated to the people of the Territory, to the United Nations and to the international community, to respect the rights vested in the inhabitants of the Territory by the Mandate and to account for its conduct in respect to the Territory through the United Nations and otherwise. In the view of the United States Government, the nature of the legislation and the responsibilities of the United Nations toward the inhabitants of the Territory require that the Committee call on the Government of South Africa to halt the prosecutions and cease to apply the Terrorism Act in South West Africa. That did not mean, of course, that the Territory should be without law and order nor that an independent judiciary should not apply the law, but the Terrorism Act was so contrary to the principles of fairness and justice that its application to South West Africa was inadmissible. Her delegation would vote in favour of the draft resolution.

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222. The representative of Italy said that his delegation would vote in favour of draft resolution, however, he wished to clarify his delegation's position with regard to the legal grounds for the condemnation contained in the draft resolution. On the basis of General Assembly resolution 2145 (XXI), the illegality of the South African Government's action lay in the decision to extend the application of a South African law to South West Africa. Italy would therefore have preferred a wording for operative paragraph 1 that would give a broader scope to the condemnation, since he believed that it was directed not so much against the arrest of thirty-seven persons as against any arrest or trial of South West Africans under an Act illegally extended to the Territory.

223. At its 557th meeting the Special Committee adopted the draft resolution (A/AC.109/L.428) by a roll-call vote of 21 to none, with 2 abstentions as follows:

In favour: Afghanistan, Bulgaria, Chile, Ethiopia, Finland, India, Iran, Iraq, Italy, Ivory Coast, Madagascar, Mali, Poland, Sierra Leone, Syria, Tunisia, Union of Soviet Socialist Republics, United Republic of Tanzania, United States of America, Venezuela, Yugoslavia.

Against: None.

Abstaining: Australia, United Kingdom of Great Britain and Northern Ireland.

224. The representative of Australia, speaking in explanation of his vote, recalled that his delegation had voted in favour of General Assembly resolution 2145 (XXI) and abstained from voting on resolution 2248 (S-V). Having examined the draft resolution in the light of the provisions of those two General Assembly resolutions, his delegation had concluded that it could not vote in favour of it.

Resolution 2248 (S-V) recognized that although its Mandate over South West Africa had come to an end, South Africa still exercised physical control over the Territory, and the use of the word "illegal" in the draft resolution might imply that all acts of the South African Government in South West Africa were illegal. Australia believed that, until an international administration was established in South West Africa, the South African authorities remained in effective control of the Territory. For those reasons, his delegation had abstained from voting.

225. The representative of the United Kingdom of Great Britain and Northern Ireland recalled that the draft resolution which had been adopted derived directly from

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General Assembly resolutions 2145 (XXI) and 2248 (S-V). His delegation, which had abstained from voting on both those resolutions, had frequently explained the reasons for its reservations with regard to them, and it did not think it necessary to repeat them. In its view, the adoption of the resolutions had given rise to many legal doubts and uncertainties. Consequently, his delegation had been obliged to abstain from voting also on the draft resolution now adopted, but it wished to state that its abstention did not imply any judgement upon the merits of the draft resolution.

226. The representative of the United Republic of Tanzania, speaking in exercise of his right of reply, thanked those members of the Special Committee who had found wisdom in recognizing justice and in condemning the brutality of the South African Government's methods.

227. When introducing the draft resolution, his delegation had explained the reasons motivating its sponsors. To them, as to those who had voted in favour of the draft resolution, the status of South West Africa was perfectly clear: the United Nations had revoked any and all rights that might have been vested at any time in the South African Government. Only the United Nations had authority over the Territory of South West Africa. Consequently, the Pretoria régime could not deal with even the most minor offences. In any event, the Special Committee believed that it should express its solidarity with the people of South West Africa and assist them in their struggle for independence and international peace; for peace would be threatened so long as South Africa continued to pursue its policies of apartheid in South West Africa.

228. The representative of Uruguay said he regretted that, for reasons beyond its control, his delegation had been unable to participate in the voting. However, it would have voted in favour of the draft resolution which concerned a matter on which its position had been stated in some detail, both in the Special Committee and in the General Assembly at the time of the voting on resolutions 2145 (XXI) and 2248 (S-V). On both occasions, his delegation had explained its views on the question, which was of concern not only to the United Nations but to the entire world.

229. The Chairman stated that in view of the urgency of the question, it was to be hoped that the Secretary-General would ensure that the resolution which had been

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adopted was acted upon as soon as possible. The text of the resolution should also be transmitted to the President of the United Nations Council for South West Africa.

230. Although it was not customary for the Chairman to speak after a draft resolution had been adopted, he would like, on behalf of the Special Committee to urge the Republic of South Africa to heed the appeal addressed to it. He would also like to ask these Governments which still had some influence on the Pretoria Government to draw its attention to the international community's desire that South West Africa should be respected. In view of the position taken by the United Nations with regard to South West Africa, any attempt by South Africa to extend its racist laws to that Territory was illegal and should continue to be condemned by the international community.

231. The Chairman also expressed the hope that all organizations, both those affiliated and those not affiliated with the United Nations, would assist it in making its appeal heard in the Republic of South Africa.

232. The text of the resolution on the question of South West Africa (A/AC.109/271) as adopted by the Special Committee at its 557th meeting on 12 September 1967, reads as follows:

"The Special Committee,

"Having heard the statement of the petitioner,

"Recalling General Assembly resolutions 2145 (XXI) of 27 October 1966 and 2248 (S-V) of 19 May 1967,

"1. Condemns the illegal arrest by the authorities of South Africa of thirty-seven African nationals from South West Africa in flagrant violation of the international status of the Territory;

"2. Calls upon the authorities of South Africa to cease all illegal acts in the international Territory of South West Africa and demands the immediate release of the thirty-seven African nationals mentioned above."

233. The text of the resolution was transmitted to the President of the United Nations Council for South West Africa on 12 September 1967 (A/AC.131/2).
