

December 1, 1967

Dear Friends:

Enclosed is the latest of the series of Fact Sheets on southern Africa produced by the American Committee on Africa. This one deals with the historical, legal, social and political developments in SOUTH WEST AFRICA. It is a topic which should be of interest to those of us concerned with southern African affairs, particularly during this time when 36 South West Africans are on trial for their lives in a South African Court.

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Thank you,

Sincerely,

Janet MacLaughlin  
Executive Associate

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## INFORMATION SHEET

SOUTH WEST AFRICA

South West Africa is a territory which embodies the contradiction between legality and political power. It has been accorded international status by the world community, first through the League of Nations and now by the United Nations, yet in reality the country is controlled by a single nation--the white supremacist apartheid government of South Africa. The discrepancy between international intentions and political actuality is characteristic of the many contrasts which have been evident in the history and lives of the non-white people of South West Africa. These contrasts demand far more than international proclamations and make understanding the reality behind both the legal-political maneuvers and the veil of South African propaganda all the more imperative.

THE SETTING

South West Africa, a territory about the size of Texas and Oklahoma, is bounded in the west by the Atlantic Ocean; to the north by Portuguese ruled Angola; to the north-east by independent Zambia and white-ruled Rhodesia which border the Caprivi Zipfel; to the east by the new nation of Botswana; and to the south-east and south by the Republic of South Africa.

Geography

SWA is divided into three major geographic areas: the Namib coastal desert which extends inland from the Atlantic Ocean for 40-80 miles; the Central Plateau which covers about 50% of the territory and the dry Kalahari plains in the northeast. It has limited water supplies, both surface and rainfall, which reduce the country's agricultural potential. The economy is based primarily on mineral deposits: diamonds in the southern Namib and offshore and base metals (lead, copper, zinc, vanadium) in the northern central part of the country (Tsumeb). These are supplemented by the Atlantic fishing industry (sardines, rock lobsters) and karakul sheep farming (persian lamb) in the south.

History -- the  
legal fragments

1884-1915: GERMAN COLONY. Numerous internal conflicts between the Germans and Africans. During one war (1904-07) over 60,000 Hereros were exterminated by the Germans. Occupied during World War I by British/South African forces.

Dec. 17, 1920: Created a CLASS C MANDATE under the LEAGUE OF NATIONS to be administered by South Africa "as an integral portion" of its territory, but subject to the mandate obligation "to promote to the utmost the material and moral well-being and the social progress of the inhabitants of the territory." Thus the responsibility of the international community for the territory was established, while South Africa became the new administrator.

1946: Newly formed GENERAL ASSEMBLY OF THE UNITED NATIONS (GA) requested that Mandatory powers transfer their mandates to the supervision of the UN Trusteeship Council. GA voted that South Africa could not incorporate SWA as another of its provinces. Ignoring the UN request to establish a trusteeship, South Africa, after submitting one required annual report to the UN on its administration of SWA, announced in 1949 that it would no longer submit these reports.

1950, 1955, 1956: INTERNATIONAL COURT OF JUSTICE(ICJ) in three advisory (i.e., not legally binding) Opinions held, in essence, that SWA was still a territory under mandate; that South Africa was accountable for its administration of the territory to the UN; and that SWA's international status could not be changed unilaterally by South Africa, but only with UN consent. There was no provision though that South Africa was obliged to place SWA under the UN Trusteeship system.

Dec. 1960: ETHIOPIA AND LIBERIA, former members of the League of Nations, filed contentious proceedings with the ICJ, asking the Court to hold (in a legally binding judgement) that SWA was a territory under mandate, for which South Africa was accountable to the UN and that South Africa had violated the mandate by introducing apartheid in SWA, as well as by specific acts, such as failing to submit annual reports and refusing to submit petitions from inhabitants of SWA to the UN. South Africa replied that the ICJ had no jurisdiction to hear the case.

Dec. 1962: In a preliminary judgement the ICJ ruled, 8-7, that it had jurisdiction to hear arguments on the merits of the Ethiopian-Liberian contentions. South Africa argued that the mandate had lapsed on the dissolution of the League and that it was not accountable for its administration of the territory, and certainly not to the UN, and that its policy of racial separation was in any case adopted in good faith and was indeed beneficial.

July 18, 1966: The ICJ, in a seeming reversal of its 1962 judgement, held (7-7 with the Court President casting a second tie-breaking vote) that Ethiopia and Liberia had no legal interest in South Africa's conduct of its mandate and that therefore the Court could not rule on the merits of the case. Although not passing in any way on the previous Advisory Opinions, the decision did bolster South Africa's international political position and convinced the African freedom movements of SWA that the Court was an ineffectual instrument for their cause.

Oct. 27, 1966: The UN GENERAL ASSEMBLY adopted Resolution 2145 declaring that SWA remained a territory under international responsibility but that South Africa, by its conduct, had forfeited its right to administer the Territory and that its mandate was therefore terminated. The resolution stated that "henceforth South West Africa comes under the direct responsibility of the United Nations." Only South Africa and Portugal voted against the resolution; France, Britain and Malawi abstained.

1967: An AD HOC COMMITTEE of 14 nations met from January - March to "recommend practical means" of fulfilling the October resolution so as to enable the inhabitants of SWA to obtain through self-determination their independence.

April 21: A SPECIAL SESSION OF THE GENERAL ASSEMBLY was called to consider the SWA issue after having received three different proposals for action from the Ad Hoc Committee members. These were submitted by the African nations, the Western nations and the Latin American countries.

May 19: In RESOLUTION 2248 the GENERAL ASSEMBLY voted to establish an 11 member COUNCIL FOR SOUTH WEST AFRICA, with administrative and executive tasks assigned to a UN COMMISSIONER FOR SOUTH WEST AFRICA. The vote was 85 in favor, 30 abstentions. The resolution was a compromise between the Latin American and African ad hoc committee proposals, and in the voting it did not receive NATO bloc or Socialist bloc support. The resolution states that the Council shall proceed to SWA and there administer the territory until independence. It will promulgate necessary laws and maintain law and order until the formation of a legislative

assembly to be elected on the basis of universal adult suffrage. The Council will establish a representative constituent assembly which would draw up a constitution enabling the election of the legislative assembly and responsible government. The Council will enter into contact with the South Africa authorities in order to "lay down procedures...for the transfer of the administration of the Territory with the least possible upheaval." It must report to the GA at three month intervals and submit a special report to the 22nd General Assembly (autumn, 1967). Resolution 2248 calls on South Africa to comply with the resolutions and requests the Security Council "to take all appropriate measures to enable the United Nations Council for South West Africa to discharge the functions and responsibilities entrusted to it by the General Assembly." The administration of SWA will be financed from local SWA revenues; operations of the Council and Commissioner by the UN.

June 13: Member nations of the COUNCIL FOR SWA were elected and include: Chile, Guyana, Colombia, India, Indonesia, Pakistan, Nigeria, Zambia, U.A.R., Yugoslavia and Turkey. An acting Commissioner was appointed. Several meetings were held in the summer and fall of 1967.

Thus the question of SWA was transferred from a legal and moral issue into a political one at the UN.

POPULATION AND LAND

SWA is divided between the southern two-thirds or Police Zone (220,463 sq.mi.) and the Northern Native Reserves (97,798 sq.mi.). The Police Zone contains virtually all of the European population (largely South African, German, and English heritage), but also almost twice as many Africans living in segregated urban "townships", Native Reserves, and on white farms. The last cover 153,872 sq.mi. The Northern Reserves of Kaokoveld, Ovamboland, Okavango and Eastern Caprivi contain 54.5% of the population -- all Africans on less than one-third of the habitable land. The land and demographic patterns in SWA today have developed since colonial times through the careful implementation of restrictive legislation on the residence, land rights and freedom of movement of non-whites.

	<u>White</u>	<u>Non-White</u> (African, Colored)
Population (1960)	73,464	452,540
% of total population	14%	86%
Land area occupied (exclusive of game reserves & govt.land)	155,691 sq.mi.	84,489 sq.mi.
% of occupied land	65%	35%*
Population in Police Zone	73,106	166,055 (including migrants from Northern Reserves)

\*No African holds title to land in SWA with all Reserves being held by a South African agency, the Bantu Trust.

SOUTH AFRICA'S SCHEME -- ODENDAAL COMMISSION REPORT

Released in 1962, this South African plan is aimed at expanding and refining the geographic, economic and political aspects of apartheid. It provides for the creation of 10 new "Bantu Homelands" or Bantustans for Africans who would be separated on the basis of tribal and linguistic affiliations, with a special scheme for Coloreds. 40.07% of the total land would be allocated to non-whites, while the majority of SWA would still be reserved for whites or taken over by South Africa. On March 21, 1967 the South African Government announced the creation of the first eventually "self-governing" homeland of Ovamboland, and in other areas the transfer of people from reserves to new proposed tribal lands has already begun. In the Police Zone only 10% of the Africans now living in Native Reserves will remain on the same land. In essence the

Odendaal plan envisages the extension of the Bantustan system into SWA. All of the major economic region and cities of the territory would be included in the white areas, and none of the "homelands" would have direct access to the coast. Kaokoveld Reserve would even lose its coastal land under the Odendaal Plan. The "homelands" would thus lack economic viability while the Africans would be divided on archaic lines and given token "self-rule" -- yet remain under the control of the South African Government.

#### ECONOMY AND LABOR

The economy of SWA is divided between the modern-exchange sector where the whites play the dominant role and Africans provide unskilled labor, and the traditional subsistence economy confined to the majority of the African community; a division reinforced by administrative and social disparities. It is an economy based primarily on mineral exports, 60% going to the United Kingdom and the United States. With the proper planning and utilization of revenues, the total population of SWA could benefit now from the exploitation of the country's natural resources, but the diamond and base metals mines will probably be worked out in another 15-25 years. Meanwhile current revenues (Gross National Product in 1962 was \$205 million) accrue to South Africa, South West Africa's major trading partner; to foreign companies who receive 32% of the GNP in the form of profits, dividends and interest; and to the white populace of the territory. Very minimal returns, indirectly through the development of SWA's infrastructure and more directly through a few Odendaal Plan economic projects, go to non-whites.

The United States imports South West African gem diamonds, base minerals, persian lamb pelts, sardines and lobsters. The two largest companies involved in the mining of base minerals are American Metal Climax and Newmont Mining Corporation, both American corporations with controlling interest in the Tsumeb Corporation, Ltd., the largest mining complex in the territory, which is managed by Newmont. De Beers Consolidated Diamond Mines, a part of the Anglo-American Company complex, controls the diamond mines. Anglo-American deals with Engelhard Industries, a company controlled by Charles W. Engelhard, the largest single U.S. investor in South Africa. Other American companies hold concessions to prospect offshore diamonds and oil in South West Africa. Oil is desperately needed by South Africa in order to prevent the success of possible international economic sanctions, as discussed at the UN and elsewhere.

Throughout their history the whites of SWA have feared a shortage of African labor, and therefore have established a system of contracting labor from the Northern Reserves. Of the 65,998 non-white male laborers in the Police Zone, the center of economic activity, approximately half are "drafted" from the Northern Reserves (Ovamboland, Okavango) by the South West African Native Labour Association (SWANLA) for work periods of one to two and a half years in the mines, the fish and other industries, on white farms, as domestics and in public works. Men are not allowed to bring their families to the south, and at the close of the work period they must leave the Police Zone and return home. This ensures a controlled labor supply and denies the African freedom of choice or access to possible work opportunities which are almost entirely restricted to the Police Zone. Job categories and wages are prescribed by law or practice to relegate most Africans to unskilled jobs. While Africans supply most of the labor, they receive far less remuneration for their work than whites.



## EDUCATION (1962)

	<u>Whites</u>	<u>Coloreds</u>	<u>Africans</u>
Pupils in school	17,121	6,232	47,088
% of school age children	100%	90%	46%
% of total enrollment in primary school	70%	93.2%	90.7% (lower 4 grades)
% of total enrollment in secondary school	21.4%	6.2%	9.0% (next 2 grades)
% of total enrollment in high school	5.8%	0.6%	0.3% (both secondary and high school)

Per capita expenditure for Whites in Government schools - \$164.80

for Whites in Private schools - 42.25

for Africans in the Police Zone - 38.43

for Africans outside Police Zone - 11.44

Whites are required to attend school for at least ten years. The Bantu Education System, designed to create particular "tribal" forms of education, which reduces the quality of the Africans' education, has been applied in SWA. Students of all races must seek higher degrees in South Africa or elsewhere, but few non-whites have been allowed to leave the region to pursue higher education.

## THE POLITICS

### Whites:

Have extensive governmental powers through their own Legislative Assembly of 18 white representatives elected on an all-white roll. Have ten seats in the South African Parliament. All elected officials are members of the Nationalist Party, the architects of apartheid. The South African Government has announced its intention to assume a greater control over the SWA legislature, in line with the Odendaal Report.

### Coloreds:

Have an eleven man Coloured Council appointed by the South African Administrator of South West Africa. It has advisory functions only.

### Africans:

Since 1955 the African majority has been under the control of the Chief Bantu Commissioner for SWA, an executive of the South African Department of Bantu Affairs and Development. In the Native Reserves, both the Police Zone and northern area, chiefs and headmen are paid by the white Bantu Affairs Commissioners and are required to carry out their orders, thus making the African officials dependent upon the apartheid system for their existence. In urban areas Africans in segregated townships are administered by white Magistrates or, if working on a white-owned farm, they are under the control of their employer. African nationalist parties are not recognized by the white power structure; many of their leaders have been detained or deported.

South African sabotage legislation has been extended to cover South West Africa, and Africans are being arrested under the South African Suppression of Communism Act and detained under the 180 day detention law. The latest and most brutal South African law, created to apply specifically to SWA, is the Terrorism Act. This law defines "terrorism" in such a manner to have someone indicted for as vague an act as embarrassing the administration of the State. The minimum penalty under the Act is five years' imprisonment -- the maximum, death. Thirty-seven South West Africans were indicted under this Act, after having been held in solitary confinement for over 200 days while the South African authorities waited for the passage of the law. The trial which began in September, 1967 indicates South Africa's complete defiance of United Nations' resolutions on the international status of the territory of SWA.

### POLICE AND MILITARY

The South West African police and military forces are integrated with those of South Africa. In 1964, 661 police were stationed in the territory, of whom 228 were non-whites who receive exceptionally high wages for Africans. Only whites serve in the military, and receive compulsory training. The South African military system has undergone a massive build-up over the last five years, acquiring modern equipment, aircraft and communications. The Government realizes the military/strategic significance of SWA -- its long coastline and proximity to Angola where South African and Portuguese police work in close liaison to protect their mutual borders against growing anti-government operations. It is also fairly evident that South Africa has violated the terms of the mandate by establishing a military base in Windhoek, the capital of SWA; and President Kaunda of Zambia has charged that a jet port and base have been constructed in the Eastern Caprivi area.

THE FUTURE  
OF SWA IN  
THE UN

The chances that the Council for SWA will progress in its direct task to administer the territory are dim. This is due primarily to the lack of support from the major powers, none of whom sit on the Council, and of course the traditional recalcitrance of the South Africans. Instead South Africa is forging ahead with its implementation of apartheid in SWA. But with some encouragement the Council could perhaps undertake certain initial steps, even if it is not located within SWA. These include the issuing of UN visas for citizens of UN member nations planning to travel to SWA and more importantly, travel documents for South West Africans who at present have difficulty in leaving the country. In addition the Council could aggregate its funds through taxing corporations functioning in SWA, collecting them through the countries to which these companies owe allegiance. This would be particularly significant for U.S. policy, in that a number of the companies are American. But without even a slight change on the part of the US and other Security Council members, the attempts of the Council to be effective in these initial steps will be seriously hampered. The inability of international pressures to activate real change in SWA will naturally lead to a growing reliance by African nationalists on extra-legal means to bring independence to their homeland.

AND THE U.S.

In October, 1966 the United States voted with the majority of UN members for Resolution 2145. This was a bold assertion of the international community's responsibility to produce a political solution to the SWA deadlock. But several months later, at the time of final passage of Resolution 2248 implementing the October decision, the U.S. failed to cooperate even though the compromise resolution included a position that the American delegation had long advocated, that the Council "dialogue" with South Africa. It appears that the US decided to avoid a potential confrontation with South Africa, excluding the use of economic, political or military pressures. The absence of the US and the other major powers on the Council creates conditions for unilateral compromises between South Africa and the willing western nations (a situation the US seems to prefer) and shores up the futility in bringing the problem of SWA to the Security Council, a proviso stated in Resolution 2248.

Although the US has stated its regret for the further extension of apartheid into Ovamboland and the trial of 37 South West Africans in South Africa, it is apparent that America is not living up to its commitment as stated by Ambassador Goldberg on May 19, 1967 to "faithfully support the people of South West Africa in their just aspirations by every effective peaceful means, until those aspirations have been attained."