



# SECURITY COUNCIL

## OFFICIAL RECORDS

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THIRTY-FIRST YEAR

*SUPPLEMENT FOR JANUARY, FEBRUARY AND MARCH 1976*

UNITED NATIONS





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**UNITED NATIONS**

New York, 1977

#### NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

Documents of the Security Council (symbol S/ . . . ) are normally published in quarterly *Supplements* of the *Official Records of the Security Council*. The date of the document indicates the supplement in which it appears or in which information about it is given.

The resolutions of the Security Council, numbered in accordance with a system adopted in 1964, are published in yearly volumes of *Resolutions and Decisions of the Security Council*. The new system, which has been applied retroactively to resolutions adopted before 1 January 1965, became fully operative on that date.



**CHECK LIST OF SECURITY COUNCIL DOCUMENTS ISSUED DURING THE PERIOD  
1 JANUARY-31 MARCH 1976**

The titles of the documents printed in the present *Supplement* appear in bold type.

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## DOCUMENTS S/11663/ADD.20-24\*

### Further reports on the status of the cease-fire in the Israel-Lebanon sector

#### DOCUMENT S/11663/ADD.20

[Original: English]  
[2 January 1976]

The Acting Chief of Staff of UNTSO has submitted the following report on developments in the sector during December 1975:

1. Activity remained at a relatively low level during the month except for increased air activity, including an air attack (see S/11663/Add.19), during the first week.

2. Israel forces personnel continued to occupy daily, during daylight hours, five positions on the Lebanese side of the armistice demarcation line (ADL) near border pillars 11 (AMR 1799-2788)<sup>1</sup> (except on 9 and 27 December), 14 (AMR 1838-2734) (except on 7 to 9, 22, 25 to 28, 30 and 31 December), 18 (AMR 1880-2740) (except on 7, 9, 21, 22, 27 and 28 December), 19 (AMR 1907-2749) (except on 7, 9, 27 and 28 December) and 33 (AMR 2004-2904) (except on 16, 21, 27 and 28 December).

3. There were 42 cases of firing across the ADL or across the line between Lebanon and Israel-occupied Syrian territory, four of which involved exchanges of fire. There were also two crossing violations. These incidents were reported as follows:

(a) OP Lab,<sup>2</sup> south of the village of Labbouna, reported automatic-weapons fire on 13, 15, 16, 19 and 20 December, artillery fire on 14 December and small-arms fire on 19 December, all by Israel forces.

(b) OP Hin, east of the village of Marouahine, reported automatic-weapons fire on 10, 30 and 31 December, mortar fire on 14 and 15 December and artillery fire on 29 and 30 December. On 10 December automatic-weapons fire by Israel forces passed within 50 metres of the OP. There were no injuries to United Nations personnel or damage to United Nations material. OP Hin also reported an exchange of automatic-weapons fire on 29 December between unidentified forces east of the OP and Israel forces, initiated by the unidentified forces.

(c) OP Ras, south-east of the village of Maroun Er Ras, reported mortar fire by unidentified forces on 15 and 19 December and by Israel forces on 22 December. It also reported exchanges of fire on 19 and 21 December, involving mortar fire by unidentified forces and artillery fire by Israel forces, initiated by the unidentified forces, and an exchange of fire on 26 De-

ember, involving automatic-weapons and small-arms fire by Lebanese forces and automatic-weapons fire by Israel forces, initiated by the Lebanese forces. Crossing violations by Israel forces were observed on 16 and 19 December (maximum penetration 100 metres in each instance).

(d) OP Mar, south-east of the village of Markaba, reported mortar fire on 15, 28, 29, 30 and 31 December and automatic-weapons fire on 29 December, all by Israel forces.

(e) OP Khiam, south of the village of El Khiam, reported artillery fire by Israel forces on 2, 23 and 24 December and mortar fire by Lebanese forces on 2 December.

(f) Naqoura Outstation, on the coast near the village of Naqoura, reported mortar fire on 2 December and artillery fire on 13, 14 and 15 December, all by Israel forces.

(g) An UNTSO mobile patrol, while located at AMR 1991-2880, reported artillery fire by Israel forces on 11 December.

4. An air attack by Israel forces was reported on 2 December (see S/11663/Add.19). In addition, there were 26 overflights reported during the period. Overflights by Israel forces jet aircraft were reported on 1 and 12 December (one each day), on 3, 14, 18, 23 and 24 December (two each day), on 11 December (three overflights), on 2 December (four overflights) and on 5 December (six overflights). One overflight by an Israel forces light aircraft was reported on 2 December.

5. The Lebanese authorities submitted 60 complaints during the period under review, as follows:

(a) Thirty-five complaints were submitted alleging that Israel forces fire had fallen on Lebanese territory on 30 November, 2, 4 to 11, 13, 15, 16, 19 to 21, 23 to 25 and 31 December (one complaint each day), on 1, 3, 12, 14, 22 and 28 December (two complaints each day) and on 18 December (three complaints). Six of these complaints were confirmed by United Nations observation, except for damage.

(b) Eleven complaints concerned Israel forces jet aircraft overflights on 1, 2, 5, 10 to 12, 18, 23 and 24 December (one complaint each day) and on 3 December (two complaints). Ten of these complaints were confirmed.

(c) One complaint was submitted alleging that on 2 December Israel forces jet aircraft attacked targets within Lebanese territory in the vicinity of Nabatiye (AMR 1958-3090) and Tripoli, causing casualties and material damage. The complaint was confirmed in respect of the attack in the vicinity of Nabatiye, except for casualties and damage (see S/11663/Add.19).

(d) Three complaints concerned Israel forces helicopter overflights on 7, 24 and 25 December. The complaints were not confirmed.

\* For documents S/11663 and Add.1-5, see *Official Records of the Security Council, Thirtieth Year, Supplement for April, May and June 1975*; for documents S/11663/Add.6-15, *ibid.*, Supplement for July, August and September 1975; for documents S/11663/Add.16-19, *ibid.*, Supplement for October, November and December 1975.

<sup>1</sup> AMR—approximate map reference.

<sup>2</sup> The location of observation posts and the Naqoura Outstation are given in paragraph 13 of document S/11057, dated 29 October 1973.

(e) Two complaints were submitted alleging that Israel forces naval vessels penetrated Lebanese territorial waters on 19 and 24 December. The complaints were not confirmed.

(f) Five complaints were submitted alleging that Israel forces penetrated Lebanese territory with a bulldozer and mechanized escort in the vicinity of border pillar 19 on 15, 16, 19, 21 and 22 December. Two of these complaints were confirmed.

(g) Three complaints were submitted alleging that Israel forces patrols penetrated Lebanese territory in the vicinity of Aadeisse (AMR 2011-2955) on 17 December (one complaint) and on 29 December (two complaints); it was also alleged that during one of the penetrations on 29 December three Lebanese citizens were abducted. The complaints were not confirmed.

(h) In addition, one complaint was submitted with a request that an inquiry into it be conducted by United Nations military observers (see para. 6 below).

6. The complaint referred to in the preceding paragraph alleged that on 27 November between 0045 and 0100 hours GMT, Israel forces penetrated Lebanese territory in the vicinity of Kfar Kela (AMR 2020-2980), dynamited one house and fired automatic weapons, causing the death of one Lebanese, wounding another and causing other material damage. The inquiry, requested on 9 December, took place on 11 December. The complaint was confirmed in so far as severe damage to one house and other material damage were concerned.

#### DOCUMENT S/11663/ADD.21

*[Original: English]*  
*[2 February 1976]*

The Chief of Staff of UNTSO has submitted the following report on developments in the sector during January 1976:

1. Activity remained at a relatively low level throughout the whole month.

2. Israel forces personnel continued to occupy daily, during daylight hours, five positions on the Lebanese side of the armistice demarcation line (ADL) near border pillars 11, 14 (except on 4 to 6, 8, 10, 12, 26 to 28 and 30 January), 18 (except on 3 to 7 and 12 January), 19 (except on 5 and 12 January) and 33 (except on 4 and 19 January).

3. There were 56 cases of firing across the ADL or across the line between Lebanese territory and Israel-occupied territory and three crossing violations. The incidents were reported as follows:

(a) OP Lab reported small-arms fire on 1, 2, 4, 9 to 11, 13 and 22 January, automatic-weapons fire on 2, 4, 9 to 11, 13, 14, 19 and 25 January, flares on 19 January and mortar and artillery fire on 25 January, all by Israel forces.

(b) OP Hin reported automatic-weapons fire by Israel forces on 1 to 3, 7, 8, 10, 13, 15, 16 and 19 to 21 January.

(c) OP Ras reported mortar fire by Israel forces on 12 January.

(d) OP Mar reported flares on 1 January, mortar fire on 2, 7, 9, 10, 16, 17, 20 and 24 January, small-arms fire on 9 January and automatic-weapons fire on

13 January, all by Israel forces. It also reported crossing violations by Israel forces on 8 and 9 January (maximum penetration 100 metres in each instance).

(e) OP Khiam reported artillery fire by Israel forces on 2, 7 and 9 January and by unidentified forces east of the OP on 20 January. It also reported a crossing violation by Israel forces on 18 January (maximum penetration 1,000 metres).

4. There were 17 overflights reported during the period. Overflights by Israel forces jet aircraft were reported on 1, 6, 10 and 25 January (two each day), on 13, 15 and 20 January (one each day) and on 14 and 22 January (three each day).

5. The Lebanese authorities submitted 40 complaints during the period under review as follows:

(a) Twenty-three complaints were submitted alleging that Israel forces fire had fallen on Lebanese territory on 31 December, 1 to 3, 5 to 10, 12, 13, 16, 19, 20, 22 to 24 and 30 January (one complaint each day) and on 4 and 17 January (two complaints each day). Six of these complaints were confirmed by United Nations observation, except for damage.

(b) Twelve complaints concerned Israel forces jet aircraft overflights on 1, 6, 10, 13, 15, 20, 22, 25, 27 and 28 January (one complaint each day) and on 14 January (two complaints). Nine of these complaints were confirmed.

(c) One complaint was submitted alleging that an Israel forces naval vessel penetrated Lebanese territorial waters on 1 January. The complaint was not confirmed.

(d) Two complaints were submitted alleging that Israel forces patrols penetrated Lebanese territory in the vicinity of Aadeisse on 26 and 28 January; it was also alleged that during the penetration on 26 January two Lebanese citizens were abducted. The complaints were not confirmed.

(e) One complaint was submitted alleging that Israel forces penetrated Lebanese territory with a bulldozer and mechanized escort in the vicinity of border pillar 19 on 30 January. The complaint was not confirmed.

(f) In addition, one complaint was submitted with a request that an inquiry into it be conducted by United Nations military observers (see para. 6 below).

6. The complaint referred to in paragraph 5 (f) alleged that on 22 January at 2320 hours GMT an Israel forces patrol penetrated Lebanese territory in the vicinity of Mazraat Ez Zalloutiye (AMR 1734-2795) and dynamited two houses causing damage to one automobile and other material damage. The inquiry took place on 23 January. The complaint was confirmed in so far as destruction of two houses, damage to one automobile and other material damage were concerned.

#### DOCUMENT S/11663/ADD.22

*[Original: English]*  
*[27 February 1976]*

The Chief of Staff of UNTSO has submitted the following special report on developments in the sector on 26 and 27 February 1976:

1. A complaint was received from the Lebanese authorities alleging that between 1830 and 1910 hours GMT on 26 February an Israel force penetrated into



Lebanese territory in the village of Yarine (AMR 1723-2789), where it dynamited a house, causing the death of a Lebanese citizen and material damage.

2. At the request of the Lebanese authorities, the Chief of Staff of UNTSO authorized an inquiry, which took place on 27 February. A representative of the Senior Lebanese Delegate to the Israel-Lebanon Mixed Armistice Commission accompanied the United Nations military observers, who interviewed witnesses and examined the evidence presented to them.

3. Witnesses in Yarine stated that an Israel force of approximately 100 men had entered the village at approximately 1800 hours. About 15 soldiers had entered the house of the deceased. The 7 occupants of the house, who were in bed downstairs at the time, had been ordered to get up. The deceased had been asked his name and occupation, which he gave; his hands had been tied in front of him, and he had been taken upstairs by 3 soldiers. The other 6 occupants had been taken outside the house, which was surrounded by soldiers. The witnesses further stated that they had heard shooting and a cry from upstairs and had been taken to the road, where they were held by approximately 20 soldiers for about 30 minutes. During that time they had heard a loud explosion from the direction of the house.

4. The military observers saw in Yarine one house destroyed, one car destroyed, one donkey killed and other material damage. They also saw traces of blood on the floor of the house and a dead body in the house of a neighbour. The body had one small hole in the stomach area and a large wound in the abdomen.

5. Based on the findings of the inquiry, the complaint is confirmed in so far as the destruction of one house, the death of one man and other material damage are concerned.

#### **DOCUMENT S/11663/ADD.23**

*[Original: English]  
[1 March 1976]*

The Chief of Staff of UNTSO has submitted the following report on developments in the sector during February 1976:

1. Activity remained at a low level during the month.

2. Israel forces personnel continued to occupy daily, during daylight hours, five positions on the Lebanese side of the armistice demarcation line (ADL) near border pillars 11 (except on 11 February), 14 (except on 3, 5 to 7, 9, 10, 25, 26 and 28 February), 18 (except on 8 to 10 February, 19 (except on 9 to 10 February) and 33.

3. There were 19 cases of firing across the ADL, reported as follows:

(a) OP Lab reported small-arms fire on 4, 21 and 22 February and automatic-weapons fire on 6, 18 and 21 February, all by Israel forces.

(b) OP Hin reported artillery fire on 3 February, small-arms fire on 11 February, automatic-weapons fire on 11, 13, 14, 21 and 24 February and flares on 24 February, all by Israel forces.

(c) OP Mar reported flares by Israel forces on 1 February.

(d) An UNTSO mobile patrol, while located at AMR 1840-2745, reported artillery fire on 1 February and, while located at AMR 1693-2773, reported mortar fire on 25 February, both by Israel forces.

4. There were seven overflights reported during the period. Overflights by Israel forces jet aircraft were reported on 13 and 19 February (one each day) and on 16 and 18 February (two each day). An overflight by unidentified jet aircraft was reported on 24 February; United Nations military observers were unable to identify the aircraft owing to cloudy conditions.

5. The Lebanese authorities submitted 16 complaints during the period under review as follows:

(a) Five complaints were submitted alleging that Israel forces fire had fallen on Lebanese territory on 13, 18, 22, 24 and 25 February. One of these complaints was confirmed by United Nations observation, except for damage.

(b) Six complaints concerned Israel forces jet aircraft overflights on 4, 15 and 16 to 19 February. Three of these complaints were confirmed.

(c) One complaint was submitted alleging that an Israel forces naval vessel penetrated Lebanese territorial waters on 6 February. The complaint was not confirmed.

(d) Three complaints were submitted alleging that Israel forces penetrated Lebanese territory. Two of the complaints alleged penetration in the vicinity of Aadeisse on 1 and 7 February; it was also alleged that during the penetration on 1 February Israel forces abducted one Lebanese citizen. One of the complaints alleged a penetration in the vicinity of Tel Nahas (AMR 2028-2985) on 13 February; it was also alleged that Israel forces abducted one Lebanese citizen during the penetration. The complaints were not confirmed.

(e) In addition, one complaint was submitted with a request that an inquiry into it be conducted by United Nations military observers. The inquiry has been dealt with in a special report (see S/11663/Add.22).

#### **DOCUMENT S/11663/ADD.24**

*[Original: English]  
[4 March 1976]*

The Chief of Staff of UNTSO has submitted the following special report on developments in the sector on 3 March 1976:

1. A complaint was received from the Lebanese authorities alleging that between 1930 and 2005 hours GMT on 3 March 1976 an Israel force penetrated into Lebanese territory in the village of Meiss Ej Jabal (AMR 1991-2862), dynamited a house, causing material damage, and abducted three Lebanese citizens.

2. At the request of the Lebanese authorities, the Chief of Staff of UNTSO authorized an inquiry, which took place on 4 March. A representative of the Senior Lebanese Delegate to the Israel-Lebanon Mixed Armistice Commission accompanied the United Nations military observers, who interviewed witnesses and examined the evidence presented to them.

3. Witnesses in Meiss Ej Jabal stated that at approximately 1930 hours on 3 March an Israel force of approximately 100 men entered a house in the village,

took away £L 6,500 and the identity cards of the occupants and forced the owner to show them the house of his sons. The witnesses further stated that the Israel force entered this second house, abducted the two sons and a neighbour and dynamited the house, departing the village at approximately 2000 hours with the three Lebanese citizens.

4. The military observers saw in Meiss Ej Jabal one house and one automobile recently destroyed by explosives and other material damage.

5. Based on the findings of the inquiry, the complaint is confirmed in so far as the destruction of one house and other material damage are concerned.

## DOCUMENT S/11926

### Letter dated 30 December 1975 from the representative of Cyprus to the Secretary-General

[Original: English]  
[2 January 1976]

Upon instructions from my Government, and further to my earlier letters on the same subject, I have the honour to bring to your notice additional cases of expulsion and harassment of indigenous Greek-Cypriot inhabitants in the occupied part of Cyprus, in still more demonstrable bad faith, and in violation of fundamental principles of international law, the Geneva Conventions, as well as of specific provisions of the relevant General Assembly and Security Council resolutions, recently adopted. A detailed list is annexed hereto.

I shall be grateful if this letter is circulated as a document of the Security Council.

(Signed) Zenon ROSSIDES  
Permanent Representative of Cyprus  
to the United Nations

#### ANNEX

On 24 December 1975, the following Greek-Cypriot inhabitants of the township of Lapithos and the village of Ayios Epikitios were forcibly expelled:

1. Christoforos Hadjipavli, 81 years old;
2. Areti Christoforou, 75 years old;
3. Augusta Mina, 55 years old;
4. Katerina Ouloupi, 85 years old;
5. Chrystalla Ouloupi, 35 years old;
6. Nicolaos Petrou, 54 years old;
7. Kyriacos Psara, 60 years old;
8. Anastasia Fani, 70 years old;
9. Aristofanis Dimitriou, 63 years old;
10. Siona Aristofanous, 62 years old.

Agathi Koumoussi, 80 years old, died a few hours before her expulsion and after she was faced with immediate and forced expulsion.

These new cruel and unlawful acts by the Turkish military amply confirm Ankara's sinister scheme to change the demographic character of the Island through such uprooting of the indigenous Greek-Cypriot population and their replacement by massive importation of colonists from mainland Turkey.

While strongly protesting, on behalf of my Government, these inhuman Turkish practices, I earnestly hope that you will find it necessary to initiate, through the Security Council or otherwise, immediate steps towards arresting this abhorrent process of fait accompli.

## DOCUMENT S/11928\*\*,\*\*

### Letter dated 9 January 1976 from the representative of the Union of Soviet Socialist Republics to the Secretary-General

[Original: Russian]  
[12 January 1976]

I should be grateful if you would circulate as an official document of the General Assembly and of the Security Council the attached statement by the Soviet Government on the Middle East, dated 9 January 1976.

(Signed) Y. MALIK  
Permanent Representative  
of the Union of Soviet Socialist  
Republics to the United Nations

#### ANNEX

#### Statement by the Soviet Government on the Middle East

The attention of all those concerned for the strengthening of international peace and security and the deepening of the

relaxation of international tension has again been drawn recently to the question of a settlement of what is one of the most complex and dangerous conflicts, the conflict in the Middle East. This is because the development of events in and around the Middle East is still fraught with great dangers.

On the one hand, more favourable conditions are now being created for the achievement of an over-all political settlement in the Middle East. As was shown, in particular, by the recent discussions on this question in the General Assembly, there is a much better and wider understanding of the essence of the Middle Eastern conflict and the ways and means of settling it. Now an overwhelming majority of States believe that in order to establish a just and lasting peace in the Middle East it is necessary to solve three basic problems which are organically linked with each other.

Israeli troops must be withdrawn from all Arab territories they occupied in 1967; the legitimate rights of the Arab people of Palestine, including its inalienable right to create its own State, must be ensured; the security of all Middle Eastern

\* Incorporating document S/11928/Corr.1 of 14 January 1976.

\*\* Circulated under the double symbol A/31/43-S/11928 and Corr.1. (For the new system of numbering General Assembly documents, see A/31/INF/1.)

States and their right to independent existence and development must be guaranteed.

It is especially important that the recognition of the need to resolve the Palestine problem in the framework of a Middle East settlement is increasingly gaining ground. Such recognition was clearly reflected in the latest resolutions of the General Assembly, which clearly stated that the Arab people of Palestine is one of the principal parties to a Middle East settlement, and the Palestine Liberation Organization is its legitimate representative. The participation of that organization in the consideration of all aspects of a settlement has now been confirmed by the practice not only of the General Assembly but also of the Security Council; both of these bodies have specially invited the Palestinians to participate in their work.

The proposal for resumption of the functioning of an international machinery which was created expressly for settling the Middle Eastern conflict—the Geneva Peace Conference on the Middle East—is receiving broad support. The overwhelming majority of States firmly hold that all the parties directly concerned, including the Palestine Liberation Organization, should participate in the Geneva Conference from the very start and on the basis of equal rights.

On the other hand, Israeli ruling circles continue stubbornly to oppose any real progress towards settlement. They do not want to return the occupied lands to their lawful owners, and they refuse to recognize the legitimate national rights of the Arab people of Palestine. The Israeli authorities are driving the Arab population from its native lands and ostentatiously creating their own settlements there. The territory of Lebanon has become the target of armed Israeli raids. Armed clashes inside that country are continuing, largely provoked from outside by the forces that are striving to maintain a tense situation in the Middle East.

Certain States that have long encouraged Israel's aggressive policy are also continuing to sabotage the process of over-all political settlement in the Middle East. They continue striving to bypass the Geneva Peace Conference and are seeking separate arrangements that fail to deal with key problems of the settlement. They clearly hope to find weak links among the Arab countries, to disunite the Arab States and subject them to their own influence and control.

This is a risky and hopeless policy. It cannot lead to a settlement and the establishment of a lasting peace in the Middle

East. It can only result in a further aggravation of the situation and an increase in the danger of new military explosions in the region. It is high time for those who continue to follow this policy to understand that it only enhances the determination of the Arab countries and the Arab peoples to strengthen the unity of their ranks and their defences.

The situation in the Middle East is to be discussed in the Security Council shortly. If all the members of the Council, particularly the States which are permanent members of the Council, display political responsibility and a genuine interest in ending the dangerous situation in the Middle East and ensuring conditions for the peace and security of all States in the region, the Council will be able to make an important contribution to a positive development of events.

The Soviet Government believes that the Security Council must base its discussion of the situation in the Middle East on its well-known resolutions adopted after the 1967 war and the 1973 war respectively and also should fully take into account those decisions of the General Assembly which relate directly to this question.

The main result of the Security Council's discussion of the situation in the Middle East must be the creation of the necessary conditions for the resumption and effective work of the Geneva Conference.

With broad international support, the Arab countries are showing readiness to reach a Middle East settlement on a reasonable basis. This position should be evaluated on its merits. But the Arabs have a right to expect that the other side will also, at long last, display a sense of realism.

The present situation in the Middle East urgently demands the further intensification of efforts by all those who truly want the peoples of that region to find peace and confidence in the morrow.

As to the Soviet Union, its policy on the question of a Middle East settlement is well known and will continue to be principled and constructive. Supporting the just cause of the Arab countries and peoples which are upholding their legitimate rights, the Soviet Union will do all in its power, in the Security Council and elsewhere, to promote the earliest attainment of an over-all political settlement in the Middle East.

Moscow, 9 January 1976.

## DOCUMENT S/11929

### Letter dated 10 January 1976 from the representative of Mexico to the President of the Security Council

[Original: Spanish]  
[13 January 1976]

With regard to the debate on "the Middle East problem including the Palestinian question", which the Security Council is to continue on Monday 12 January 1976 in accordance with its resolution 381 (1975) of 30 November 1975, on instructions from my Government I have the honour to refer to the statement made by Mexico at the 2441st plenary meeting at the thirtieth session of the General Assembly, on 15 December 1975, during the consideration of the resolutions of the World Conference of the International Women's Year.

In that statement it was stressed that the position of Mexico regarding the item under consideration is a faithful reflection of an international policy which, like ours, is based on unchanging principles of permanent validity which coincide essentially with the principles of the Charter of the United Nations, such as the sovereign equality of States, self-determination of peoples, prohibition of the threat or use of force in international

relations and non-intervention. Mexico then went on to state that its position could be summed up as follows:

"First, Mexico is firmly convinced that, as the General Assembly declared 10 days ago in its resolution 3414 (XXX) of 5 December, 'the present situation prevailing in the Middle East continues to constitute a serious threat to international peace and security' and that for that reason urgent measures should be taken in order to ensure full compliance with the relevant resolutions of the General Assembly and the Security Council on the questions of the Middle East and Palestine, Council resolutions 242 (1967) and 338 (1973) being particularly important in that respect.

"Secondly, Mexico is equally convinced of the need for a speedy solution of the problem by the withdrawal of Israeli armed forces from all the territories occupied in 1967, by recognition of the sovereignty, territorial integrity, political independence and



right to live in peace of all States in the area, including, of course, Israel, and by the exercise by the Palestinian people of their legitimate national rights.

“Thirdly, Mexico considers that the participation of Israel and the Palestine Liberation Organization in the debate to be resumed on 12 January 1976 in the Security Council on the Middle East problem including the Palestinian question, ‘taking into account all relevant United Nations resolutions’, in accordance with the decision taken by the Council itself on 30 November 1975, is essential if there is to be any reasonable prospect of a just and lasting settlement of this serious problem, based on a comprehensive solution of the problem under United Nations auspices.”

We venture to hope that the members of the Security Council will share our belief that the three basic points I have recapitulated above are axiomatic. Equally obvious and incontrovertible are the facts that the question of the Middle East at present constitutes the most serious potential threat to world peace and security, the fact that in order to eliminate once for all the dangers inherent in it a comprehensive solution to the problem is necessary, and the fact that such a solution will be attainable only within the framework of “all relevant resolutions of the United Nations”—in the words used by the Council itself—through a dialogue in which the spokesmen both of Israel and of the Palestinian people participate.

In this connexion, we believe that the following points must be borne very much in mind.

First, that the permanent members of the Security Council, by virtue of the privileged position granted to them by the Charter, have primary responsibility for the maintenance of international peace and security, which makes it imperative that they should demonstrate by action that they do not wish the relevant resolutions of the United Nations to remain indefinitely a dead letter.

Secondly, that there is no justification for continued attempts by any of the parties directly involved in this conflict to ignore an undertaking which figures prominently among the fundamental principles of the Charter of the United Nations and which requires the fulfilment in good faith of the obligations deriving from the Charter itself.

In requesting you to have this letter reproduced as an official document of the Security Council, I would inform you that the Government of Mexico reserves the right to participate in the Council's debate on the item in question, in accordance with the relevant provisions of the Charter and of the provisional rules of procedure of the Council, should it deem such participation desirable in view of the course of the debate.

(Signed) Alvaro CARRANCO AVILA  
Chargé d'affaires a.i. of the  
Permanent Mission of Mexico  
to the United Nations

## DOCUMENT S/11930

### Letter dated 12 January 1976 from the representative of Turkey to the Secretary-General

[Original: English]  
[13 January 1976]

I have the honour to enclose herewith a letter dated 12 January 1976 addressed to you by Mr. Nail Atalay, Acting Representative of the Turkish Federated State of Cyprus.

I should be grateful if you would circulate this letter as a document of the Security Council.

(Signed) Ilter TÜRKMEN  
Permanent Representative of Turkey  
to the United Nations

#### ANNEX

##### Text of the letter dated 12 January 1976 from Mr. Nail Atalay to the Secretary-General

About 24 hours after the General Assembly had voted on a resolution concerning Cyprus in New York, one of the leading Greek daily newspapers in Cyprus—*Haravghi*—came out with an astounding admission: “EOKA horde killed innocent Turkish Cypriot women and children”, it announced in bold front-page headlines.

The editor of *Haravghi*, Mr. Costas Partassides, had, in fact, made this startling revelation a few days earlier during a discussion group session in a Nicosia club. In his talk, Mr. Partassides accused EOKA “B” of “killing innocent Turkish Cypriot women and children, together with thousands of democratic elements among the Greek Cypriot community”.

He also strongly criticized the Makarios administration for failing to bring to justice the Fascist members of EOKA, the police and the National Guard who were responsible for the

coup of 15 July 1974 and for the barbarous crimes committed against the Greek and Turkish Cypriot citizens thereafter.

The following is a faithful translation of Mr. Partassides' disclosures and criticisms as published in his newspaper *Haravghi* on 22 November 1975:

“After the 20 July 1974 attacks, members of EOKA ‘B’, the police and the National Guard, who were in power, were going round villages and towns, collecting Turkish Cypriots' arms and hiding them. In fact, these people have done nothing but remain behind the fighting lines, gathering booty and brutally killing innocent Turkish women and children. In this way, thousands of livestock, innumerable jewellery, furniture and household effects came into their possession.

“While the true sons of the people were being sent to the ‘front’, to face the armour of the enemy, the captains of EOKA passed away their days and nights in drinking and feasting—gorging themselves with ‘shish kebab’ and ‘oven-baked meat’. On top of all that, they were reinstated in jobs and positions from which they had been dismissed because of their illegal and subversive activities.

“After Makarios returned to Cyprus and forgave them, offering them the ‘olive branch’, these people continued in their insults, threats and provocative actions. Not only have they not shown any signs of remorse, but they actually continued to act and behave as they had done before. They are still holding on to thousands of arms in their possession, delivering only a few weapons to authorities from time to time, to hoodwink the people. They are also keeping up their campaign of demagogy and incitement in schools and other places and, as before, they are receiving financial

assistance and publishing various kinds of subversive literature.

"Some of these people are claiming to have repented. But, if so, why do they not disband their organization? What have they to fear? A general amnesty already exists.

"In foreign countries the following questions are being asked:

"1. Since the coup leaders and murderers are roaming the streets freely and, moreover, still holding their previous posts, what kind of democratic order has been established in the island?

"2. Since we have not yet divorced our responsibility, as a State, from the heinous crimes committed by fascism against Turkish Cypriot women and children, and thousands of democratic elements within the Greek community, what sort of a democracy do we have?"

"3. Since lawlessness is formally accepted and the State lives in harmony with armed terrorists, what kind of justice do we have?"

"4. Does a policy of such co-existence—between the State and lawlessness—ensure the unity and the solidarity of the people?"

Mr. Partassides concludes with a searching question of his own:

"Since the 'Coup-President' and his Ministers can still act and behave in Cyprus as they did during the coup days, has anyone pondered what foreigners must be thinking of us?"

I should be grateful if you would have this letter circulated as a document of the Security Council.

## DOCUMENT S/11931\*

### Letter dated 9 January 1976 from the representative of the Union of Soviet Socialist Republics to the Secretary-General

[Original: Russian]  
[13 January 1976]

I have the honour to transmit to you a letter dated 9 January 1976 from the Minister for Foreign Affairs of the Union of Soviet Socialist Republics, Mr. A. A. Gromyko, which is a reply to your letter of 19 November 1975<sup>a</sup> concerning General Assembly resolution 3375 (XXX).

I request you to arrange for this letter from the Minister for Foreign Affairs of the USSR to be circulated as an official document of the General Assembly and of the Security Council.

(Signed) Y. MALIK  
Permanent Representative of the  
Union of Soviet Socialist Republics  
to the United Nations

#### ANNEX

### Letter dated 9 January 1976 from the Minister for Foreign Affairs of the Union of Soviet Socialist Republics to the Secretary-General

I have studied your letter of 19 November 1975, in which you requested me to keep you informed of any action that may be taken in relation to the well-known General Assembly resolution 3375 (XXX) inviting the Palestine Liberation Organization to participate in the work of the Geneva Conference on the Middle East as well as in all other efforts for peace in the Middle East. In this regard I wish to inform you of the following.

The Soviet Union consistently advocates the establishment of a just and lasting peace in the Middle East. It is making persistent efforts aimed at solving the main, cardinal questions involved in the political settlement of the Middle East problem—the complete withdrawal of the Israeli troops from all Arab territories occupied in 1967 and the realization of the legitimate national rights of the Arab people of Palestine, including its right to create its own State. Only when these questions are solved will it be possible to establish a truly lasting peace in the Middle East and to ensure stable conditions for a secure, independent existence and development of all the States of the region.

The Soviet Union believes that the only reliable way of reaching a fundamental settlement of the Middle East problem

\* Circulated under the double symbol A/31/44-S/11931.

<sup>a</sup> In pursuance of paragraph 3 of resolution 3375 (XXX), the Secretary-General, on 19 November 1975, sent identical letters to the Co-Chairmen of the Peace Conference on the Middle East, informing them of that resolution and asking them to keep him informed of any action that might be taken in relation to it.

is through joint, collective efforts by all the parties directly concerned including, of course, the Arab people of Palestine represented by the Palestine Liberation Organization.

The urgent need for the participation of the Arab Palestinian people in the achievement of a Middle East settlement was reflected in the relevant decisions of the General Assembly at the twenty-ninth session, in which it was pointed out that the Arab Palestinian people is a principal party in the establishment of a just and lasting peace in the Middle East and that the Palestine Liberation Organization is the representative of the Arab people of Palestine. At the thirtieth session the General Assembly came out in favour of the participation of the Palestine Liberation Organization in all efforts, deliberations and conferences on the Middle East which are held under the auspices of the United Nations, on an equal footing with other parties. The practice of the Security Council and the General Assembly, which specially invited PLO to participate in their work, also shows the importance and necessity of PLO participation in the consideration of all aspects of a Middle East settlement.

Guided by the goal of attaining a comprehensive political settlement of the Middle East conflict, the Soviet Union on 9 November 1975 proposed to the United States that the USSR and the United States as Co-Chairmen of the Geneva Peace Conference on the Middle East should take a joint initiative aimed at the resumption of its work. We stressed that all the parties directly concerned, including PLO as the representative of the Arab people of Palestine, should from the very beginning participate in the Conference on an equal footing.

In this connexion it should be noted that the various ideas which have been advanced concerning the convening of some kind of unofficial preliminary meeting without the participation of the PLO representatives is nothing but an attempt to avoid implementing the decisions of the United Nations and to block the resumption of the work of the Geneva Conference. The Soviet Union continues to hold the firm view that the most appropriate forum for working out fundamental decisions on a Middle East settlement based on the relevant decisions of the Security Council and the General Assembly is the international machinery specially created for this purpose—the Geneva Peace Conference. The Soviet Union resolutely advocates the speediest possible resumption of this Conference with the full and equal participation of the representatives of the Palestine Liberation Organization. It will make every effort to ensure that the work of the Conference is successful and leads to the establishment of a lasting and just peace in the Middle East.

(Signed) A. GROMYKO  
Minister for Foreign Affairs  
of the Union of Soviet Socialist Republics

Letter dated 14 January 1976 from the representative of Israel  
to the President of the Security Council

[Original: English]  
[14 January 1976]

On instructions from my Government, I have the honour to refer to the current debate in the Security Council on "the Middle East problem including the Palestinian question" and to the participation at the meeting of the so-called PLO—an umbrella organization of several Palestinian terrorist groups, with equal rights in the deliberations of the Council. It is relevant to draw your attention to the PLO's ideological basis, as well as to recent statements by its leaders.

The Palestinian Covenant, the organization's political programme and the various statements made by its leaders clearly demonstrate that the principles and purposes of this organization, which has been seated at the table of the Security Council in flagrant contravention of the Charter of the United Nations, are incompatible with, and clearly contrary to, the principles and purposes of the Charter.

I. The Palestinian National Covenant, published in 1964 and amended in 1968, defines the PLO's ideology, principles and objectives. The following are excerpts from the Covenant:

*Article 9.* Armed struggle is the only way to liberate Palestine and is therefore a strategy and not a tactic. . .

*Article 15.* The liberation of Palestine, from an Arab viewpoint, is a national duty. . . to purge the Zionist presence from Palestine. . .

*Article 19.* The partitioning of Palestine in 1947 and the establishment of Israel is fundamentally null and void, whatever time has elapsed. . .

*Article 20.* The Balfour Declaration, the Mandate document, and what has been based upon them are considered null and void. The claim of a historical and spiritual tie between the Jews and Palestine does not tally with historical facts. . .

*Article 21.* The Arab Palestinian people, in expressing itself through the armed Palestinian revolution, rejects all solutions which are substitutes for a complete liberation of Palestine, and rejects all plans that aim at the liquidation of the Palestinian problem or its internationalization.

*Article 22.* . . . Israel is a constant source of threat to peace in the Middle East and the entire world. Since the liberation of Palestine will liquidate the Zionist and imperialist presence and bring about the stabilization of peace in the Middle East. . .

II. The Palestine National Council, meeting in Cairo in June 1974, adopted 10 resolutions to be included in the political programme of the PLO. Points 3, 4 and 7 read as follows:

"3. The PLO will struggle against any proposal to set up a 'Palestinian entity' at the price of recognition (of Israel), peace (with Israel) and secure boundaries. . ."

"4. The PLO will consider any step toward liberation which is accomplished, as a stage in the pursuit of its strategy for the establishment of a democratic Palestinian state, as laid down in the decision of previous National Council meetings."

"7. The Palestine National Authority will strive to call on the Arab States in confrontation [with Israel] to complete the liberation of the whole of the soil of Palestine as a step on the way to comprehensive Arab unity."

III. The leaders of the PLO have repeatedly reaffirmed, in interviews with the world press, the principles and objectives of the PLO as they appear in the Palestine National Covenant and the 10-point political programme. The following are but a few recent examples:

1. Yasser Arafat, the Chairman of the PLO, stated in an address to the General Convention of Palestinian Workers that:

"The Ramadan (October) War is but the beginning of the Arab nation's advance—an advance that will stop only in Tel-Aviv, when we establish our democratic Palestinian state."

(*Voice of Palestine, Cairo, 10 June 1974*)

Addressing a youth group in Syria, Yasser Arafat said:

"You are the generation that will reach the (Mediterranean) Sea and hoist the flag of Palestine over Tel-Aviv."

(*Quoted by ANSA, Cairo, 25 July 1974*)

2. Farouk Kaddoumi, Arafat's deputy, who is a member of the PLO Executive Committee and head of its political department, stated in a press conference at the United Nations on 5 November 1975 that the PLO considers Tel-Aviv to be "occupied territory". He further stated in another interview that:

"Israel is a Jewish Zionist state. This means there is no tolerance on our part for Israel. . . this Zionist ghetto of Israel must be destroyed."

(*Newsweek, 5 January 1975*)

3. Zuheir Mohsein, a member of the PLO Executive Committee who is in charge of its Military Department, when asked if he expects Israel to agree to what is in effect national suicide replied:

". . . They'll see this as the only solution when we force them to their knees—after we've smashed them to pieces militarily."

(*Die Zeit, 12 December 1975*)

IV. 1. In his address at the thirtieth General Assembly, on 30 September 1975,<sup>4</sup> the Foreign Minister of Israel, Mr. Yigal Allon, stated:

"And for our part I solemnly reiterate that the Government of Israel is ready and willing to enter into peace negotiations. . . without prior conditions, as called for by Security Council resolution 338 (1973), at any place and at any time."

2. In its decision of 4 January 1976, the Government of Israel called for "progress in the peace efforts

<sup>4</sup> See *Official Records of the General Assembly, Thirtieth Session, Plenary Meetings, 2368th meeting.*

of the region and for the convening of the Geneva Peace Conference in accordance with the letter of invitation of the Secretary-General of the United Nations on 18 December 1973 for the purpose of deliberating, in accordance with an agreed agenda, on all matters requiring solution so as to achieve a just and lasting peace between the Arab States and Israel".

I have the honour to request that this letter be circulated as an official document of the Security Council, together with the annex to this letter entitled "The Palestinian National Covenant (1968): An Israeli commentary by Y. Harkabi".

(Signed) Chaim HERZOG  
Permanent Representative of Israel  
to the United Nations

## ANNEX

### The Palestinian National Covenant (1968)

An Israeli commentary by Y. Harkabi\*

The Palestinian National Covenant is perhaps the most important document of this stage of the Israel-Arab conflict, especially with regard to the Arab side. It represents a summation of the official position of the Palestinian organizations in the conflict.

The previous version of the Covenant was adopted by the First Palestinian Congress, which convened in Jerusalem in May, 1964 at the time of the establishment of the Palestine Liberation Organization. In the official English translation of the previous version it was called "Covenant" and not "Charter," in order to emphasize its national sanctity, and the introductory words to the Covenant conclude with an oath to implement it. The Congress stipulated that a Palestinian National Council, the highest institution of the Palestinian organizations, would meet periodically, and that a two-thirds majority of the Council members would be required to amend the Covenant. As a result of the changes which came about in the Palestine Liberation Organization after the Six-Day War the Palestinian National Council convened in Cairo for its fourth session on July 10-17, 1968 and amended the Covenant. It should be noted that representatives of almost all the Palestinian organizations existing in Arab countries participated in this session, including all the fedayeen organizations. Fatah and the fedayeen organizations under its influence had thirty-seven representatives in the National Council of one hundred members and the Popular Front had ten. Fatah's style is recognizable in the new Covenant. This amended version was certainly not formulated casually; it represents a position that was seriously considered and weighed. The amended version is here presented. In order to highlight the changes we shall compare this version with its predecessor.

The main principles which were set down in the Covenant are:

In the Palestinian State only Jews who lived in Palestine before 1917 will be recognized as citizens (Article 6).

Only the Palestinian Arabs possess the right of self-determination, and the entire country belongs to them (Articles 3 and 21).

Any solution that does not involve total liberation of the country is rejected. This aim cannot be achieved politically; it can only be accomplished militarily (Articles 9 and 21).

Warfare against Israel is legal, whereas Israel's self-defense is illegal (Article 18).

For the sake of completeness the Covenant is presented here in its entirety.

## The Palestinian National Covenant\*\*

This Covenant will be called "The Palestinian National Covenant" (*Al-Mithâq Al-Watani Al-Filasfîni*).\*

In the previous version of the Covenant of May, 1964 the adjective "national" was rendered by *qawmi*, the usual meaning of which in modern Arabic is pan-Arab and ethnic nationalism, whereas here they use the adjective *watani*, which signifies nationalism in its narrow, territorialistic sense as patriotism toward a specific country. This change intends to stress Palestinian patriotism.

### Articles of the Covenant

**Article 1.** Palestine is the homeland of the Palestinian Arab people and an integral part of the Great Arab Homeland, and the people of Palestine is a part of the Arab nation.

In most Arab constitutions it is simply stipulated that the people of that country constitutes an integral part of the Arab nation. Here, because of the special problem of territory, it is also stressed that the land is an integral part of the general Arab homeland. The previous version in the Covenant of 1964 was more vague: "Palestine is an Arab homeland bound by strong Arab national ties to the rest of the Arab countries which together form the Great Arab Homeland." The combination "the Palestinian Arab people" recurs often in the Covenant and is also intended to stress the special status of the Palestinians, though as Arabs.

**Article 2.** Palestine with its boundaries that existed at the time of the British Mandate is an integral regional unit.

The same formulation as in the previous version. It is implied that Palestine should not be divided into a Jewish and an Arab state. Although it is an accepted tenet of Arab nationalism that existing boundaries should be abolished, since they were artificially delineated by the imperialist powers, here they are sanctified. The expression "that existed at the time of the British Mandate" is vague. The article is subject to two interpretations: 1. The Palestinian State includes also Jordan and thus supersedes [sic] it; 2. The West Bank is detached from Jordan.

**Article 3.** The Palestinian Arab people possesses the legal right to its homeland, and when the liberation of its homeland is completed it will exercise self-determination solely according to its own will and choice.

The decision concerning the problem of the internal regime is deferred until after the liberation. The crux of this article is to postpone the decision concerning the relation to the Kingdom of Jordan and Hashemite rule. There is also the emphasis here that only the Palestinian Arabs possess a national legal right, excluding of course the Jews, to whom a special article is devoted below.

**Article 4.** The Palestinian personality is an innate, persistent characteristic that does not disappear, and it is transferred from fathers to sons. The Zionist occupation, and the dispersal of the Palestinian Arab people as result of the disasters which came over it, do not deprive it of its Palestinian personality and affiliation and do not nullify them.

The Palestinian, therefore, cannot cease being a Palestinian. Palestinianism is not citizenship but an eternal characteristic that comes from birth. The Jew is a Jew through the maternal line, and the Palestinian a Palestinian through the paternal line. The Palestinians, consequently, cannot be assimilated. This article implies that Palestinian citizenship follows from the Palestinian characteristic. This is the Palestinian counterpart to the Law of Return.

**Article 5.** The Palestinians are the Arab citizens who were living permanently in Palestine until 1947, whether they

\*\* The body of the document is translated from the Arabic original. Articles of the 1964 Covenant repeated here are rendered on the basis of the official English translation of that Covenant but with alterations of style and terminology. The same procedure is followed in translating quotations from the earlier Covenant cited in the commentary (Y. H.)

\* Text of the Covenant is printed in all upper case type. Commentary by Y. Harkabi appears in upper and lower case type.



were expelled from there or remained. Whoever is born to a Palestinian Arab father after this date, within Palestine or outside it, is a Palestinian.

A reinforcement of the previous article. This definition refers solely to the Arabs. With reference to the Jews the matter is different. This is because being Palestinian is basically equivalent to being Arab.

*Article 6.* Jews who were living permanently in Palestine until the beginning of the Zionist invasion will be considered Palestinians.

In the section on resolutions of the Congress, in the chapter entitled "The International Palestinian Struggle" (p. 51), it is stated: "Likewise, the National Council affirms that the aggression against the Arab nation and its land began with the Zionist invasion of Palestine in 1917. Therefore, the meaning of "removal of the traces of the aggression" must be removal of the traces of the aggression which came into effect from the beginning of the Zionist invasion and not from the war of June, 1967. ..."

"The beginning of the Zionist invasion" is therefore at the time of the Balfour Declaration. This conception is current in Arab political literature. In the 1964 version the corresponding article was: "Jews of Palestinian origin will be considered Palestinians if they are willing to endeavor to live in loyalty and peace in Palestine." The expression "of Palestinian origin" is vague, for the article does not specify which Jews are to be considered of Palestinian origin. Since in the previous article (5 in the new version, 6 in the old) the date which determines being Palestinian is set at 1947, the implication could be that this applies also to the Jews. Since the aim is the return of the Arab Palestinians, it is necessary to make room for them. However, in the meantime, Jews have taken up residence in Arab dwelling-places, especially those Jews who immigrated after 1947; hence also from a practical aspect it is necessary to remove these Jews in particular.

The Jews who will not be recognized as Palestinians are therefore aliens who have no right of residence and must leave.

The National Covenant is a public document intended for general distribution. The Executive Committee of the Palestine Liberation Organization specified in its introduction to the official report of the proceedings of the Congress as follows: "In view of the importance of the resolutions of the Palestinian National Council in its session convened in Cairo from July 10 to 17, 1968, we published them in this booklet so that the Palestinians in every place may read them and find in them a policy and a program. ..." (pp. 17-18).

One might expect that those hundred members of the National Council would have recoiled from adopting such an extreme position which could serve as a weapon against the Palestinians. The fact that they did not is itself of great significance and testifies to the severity of the Palestinian Arab position.

A year and a half has elapsed since the Covenant was amended, sufficient time to raise criticism against this manifestation of extremism. However, until now no Arab body, including the Popular Front for the Liberation of Palestine, which is usually critical of the Palestine Liberation Organization and Fatah, has dissociated itself from the position presented in this article. To the best of my knowledge, no article has been published in an Arab newspaper that raises criticism against it. This silence is also highly significant.

The amended version of this article points to a radicalization of the Palestinian Arab position. It contains decisive evidence as to the nature of the slogan Arab leaders brandish concerning a "pluralistic, democratic state." Pluralism that is expressed in the elimination of two million four hundred thousand Israeli Jews is nothing but throwing dust in the eyes.

Arab spokesmen add that the aim is for the Palestinian state to be secular, as opposed to Israel, which they condemn as an anachronistic state founded upon a religious principle. It should be noted, however, that in all the constitutions of the Arab states (except Lebanon) Islam is explicitly established

as the state religion. The Syrian constitution of 1964 stipulates that the president of the state must be a Muslim. In most of the constitutions it is also emphasized that the *Shari'a* (Islamic Law) is the source of the laws of the state. Fatah appealed to a congress held in al-Azhar University in September, 1968 to consider contributions to the fedayeen *Zakat* (a religious alms tax) and warfare against Israel, *Jihad*. Thus they wage a religious war in order to establish a secular state. The crown of democracy, with which Palestinian spokesmen adorn the Palestinian state, also arouses scepticism in view of the Arabs' failure to set up democratic regimes.

Even if the Palestinians, realizing how this article damages their cause, amend it, such an amendment would be tactical and reactive, a response to foreign criticism, while the 1968 version reflects the more spontaneous mood.

*Article 7.* The Palestinian affiliation and the material, spiritual and historical tie with Palestine are permanent realities. The upbringing of the Palestinian individual in an Arab and revolutionary fashion, the undertaking of all means of forging consciousness and training the Palestinian, in order to acquaint him profoundly with his homeland, spiritually and materially, and preparing him for the conflict and the armed struggle, as well as for the sacrifice of his property and his life to restore his homeland, until the liberation—all this is a national duty.

The second part, the preparation for the struggle, is new and was formulated under the influence of the special place that is now given to fedayeenism.

*Article 8.* The phase in which the people of Palestine is living is that of the national (*Watani*) struggle for the liberation of Palestine. Therefore, the contradictions among the Palestinian national forces are of a secondary order which must be suspended in the interest of the fundamental contradiction between Zionism and colonialism on the one side and the Palestinian Arab people on the other. On this basis, the Palestinian masses, whether in the homeland or in places of exile (*Mahajir*), organizations and individuals, comprise one national front which acts to restore Palestine and liberate it through armed struggle.

It is necessary to postpone internal disputes and concentrate on warfare against Israel. The style of "secondary contradictions" and "fundamental contradictions" is influenced by the language of Fatah and the younger circles. In the previous corresponding article it is stated: "Doctrines, whether political, social or economic, shall not divert the people of Palestine from their primary duty of liberating their homeland. ..."

*Article 9.* Armed struggle is the only way to liberate Palestine and is therefore a strategy and not tactics. The Palestinian Arab people affirms its absolute resolution and abiding determination to pursue the armed struggle and to march forward toward the armed popular revolution, to liberate its homeland and return to it, [to maintain] its right to a natural life in it, and to exercise its right of self-determination in it and sovereignty over it.

The expression "a strategy and not tactics" is from the lexicon of Fatah expressions (see Y. Harkabi, *Fedayeen Action and Arab Strategy* [Adelphi Papers, No. 53, The Institute for Strategic Studies, London, 1968], p. 8). They use it with reference to fedayeen activities: they are not a support weapon but the essence of the war. "The armed struggle" is a broader concept, but here too stress is placed on action of the fedayeen variety. "The armed popular revolution" signifies the participation of the entire people in the war against Israel. It is depicted as a stage that will be reached by means of broadening the activity of the fedayeen. They are merely the vanguard whose role is to produce a "detonation" of the revolution until it embraces all levels of the people.

The radicalism in the aim of annihilation of the State of Israel and the "liberation" of all its territory eliminates the possibility of a political solution, which is by nature a compromise settlement. Such is the reasoning in this article and in Article 21. There remains only the way of violence.



**Article 10.** Fedayeen action forms the nucleus of the popular Palestinian war of liberation. This demands its promotion, extension and protection, and the mobilization of all the mass and scientific capacities of the Palestinians, their organization and involvement in the armed Palestinian revolution, and cohesion in the national (*Watanî*) struggle among the various groups of the people of Palestine, and between them and the Arab masses, to guarantee the continuation of the revolution, its advancement and victory.

This article is new. It describes the "alchemy" of fedayeenism, how its activity broadens and eventually sweeps the entire people. The masses in Arab countries are described in the language of Fatah as constituting "the supportive Arab front," the role of which is not only to offer aid but to assure that the Arab states will not deviate, on account of local interests and pressures, from their obligation to support the Palestinian revolution.

**Article 11.** The Palestinians will have three mottoes: National (*Watanîyya*) Unity, National (*Qawmîyya*) Mobilization and Liberation.

Here there is no change. These mottoes are inscribed above the publications of the Palestine Liberation Organization.

**Article 12.** The Palestinian Arab people believes in Arab unity. In order to fulfill its role in realizing this, it must preserve, in this phase of its national (*Watanî*) struggle, its Palestinian personality and the constituents thereof, increase consciousness of its existence and resist any plan that tends to disintegrate or weaken it.

The idea of Arab unity requires giving priority to the pan-Arab character over the local character. From the aspect of a consistent doctrine of unity, stressing local character or distinctiveness is divisive because it strengthens difference, whereas unity rests on what is common and uniform. The issue of the relation between local distinctiveness and pan-Arab unity has much preoccupied the ideologues of Arab nationalism. The conservative circles tend to stress the need for preserving local character even after unity has been achieved. By this means Arab unity will be enriched through variegation. The revolutionary circles, on the other hand, stress unity and homogeneity. This is based either on a practical consideration, that internal consolidation will be reinforced in proportion to the reduction of distinctive factors, or on the view that the local character is part of the heritage they wish to change. The controversy between distinctiveness and unity is also reflected in the conception of the structure of unity. Those who seek to preserve distinctiveness deem it necessary to conserve the existing political frameworks in a loosely confederated unified structure. Those who stress unity tend to try and obliterate the existing political frameworks, along with their boundaries, which were merely the adjunct of a colonial system, with the object of achieving a more consolidated political structure. This controversy may be represented as an antinomy in which Arab nationalism is caught: Unity which tries to suppress the distinctive character of its parts will arouse local opposition; unity which conserves the local distinctive character may abett [sic] divisive tendencies.

This article intends to answer the charge that stressing Palestinian distinctiveness is an objective that conflicts with Arab unity (in the language of Arab nationalism, the sin of *Shu'ûbiyya* or *Iqlîmiyya*). This charge was heard, for example, from within circles of the *Qawmîyyûn al-'Arab* movement, who were dedicated to the idea of Arab unity. Previous to the Six Day War this charge also had a practical aspect, namely, the assessment that excessive stress on the Palestinianism of the struggle against Israel diminished the role of the Arab states as direct participants in this confrontation. The response to this charge is, therefore, that preservation of Palestinian distinctiveness is merely a temporary necessity, to be transcended in favor of Arab unity. There is, however, a contradiction between this contention and the previous assertion of the eternity of the Palestinian personality.

**Article 13.** Arab unity and the liberation of Palestine are two complementary aims. Each one paves the way for realization of the other. Arab unity leads to the liberation of Palestine,

and the liberation of Palestine leads to Arab unity. Working for both goes hand in hand.

This again is an antinomy. Victory over Israel requires concentration of all Arab forces upon the struggle, a concentration made possible only by the establishment of a supra-state authority to control all these forces, that is, a common government. Nasser repeatedly warned that unity is a precondition for initiating war against Israel. But attaining unity is a long-range affair. Consequently, war against Israel is deferred until a remote time, because undertaking a war without unity would only lead to defeat. On the other hand, unity can be attained only by the detonation of a spectacular event, like victory over Israel. The ideologues of Fatah were much preoccupied with this issue (see *Fedayeen Action and Arab Strategy*, p. 9). Their response is contained in their slogan: "The liberation of Palestine is the road to unity, and this is the right substitute for the slogan, 'unity is the road to the liberation of Palestine.'" Actually, this article offers a verbal solution, circumventing the problem of priority by characterizing both events as contemporary, just as in the previous version of the Covenant.

**Article 14.** The destiny of the Arab nation, indeed the very Arab existence, depends upon the destiny of the Palestine issue. The endeavor and effort of the Arab nation to liberate Palestine follows from this connection. The people of Palestine assumes its vanguard role in realizing this sacred national (*Qawmî*) aim.

This is a common notion in the Arab position. It is often stated in Arab political literature that the Palestine issue is *fateful* for the very Arab existence. It is maintained that the existence of Israel prevents the Arabs from achieving their national goal. Furthermore, the existence of Israel necessarily leads to its expansion and the liquidation of the Arabness of additional Arab lands. The Palestinians have an interest in stressing the fatefulness of the struggle against Israel and its centrality for the whole Arab world. They thus spur on the others to take an active role in the struggle against Israel. It may be that there is also hidden here the intention to lend symmetry to the conflict. Thus, both sides threaten each other with extinction, and the Arabs are not alone in this. A formula for division of labor is also presented here. The Palestinians will be the vanguard marching before the Arab camp.

**Article 15.** The liberation of Palestine, from an Arab viewpoint, is a national (*Qawmî*) duty to repulse the Zionist, imperialist invasion from the Great Arab Homeland and to purge the Zionist presence from Palestine. Its full responsibilities fall upon the Arab nation, peoples and governments, with the Palestinian Arab people at their head.

The goal is, therefore, twofold: defense of the rest of the Arab countries and removal of Zionism from Palestine.

For this purpose, the Arab nation must mobilize all its military, human, material and spiritual capabilities to participate actively with the people of Palestine in the liberation of Palestine. They must, especially in the present stage of armed Palestinian revolution, grant and offer the people of Palestine all possible help and every material and human support, and afford it every sure means and opportunity enabling it to continue to assume its vanguard role in pursuing its armed revolution until the liberation of its homeland.

There is the implied concern lest, without the support of the Arab states, the drive of "the Palestinian revolution" will dissipate. The distinction of this version as compared with its predecessor, is mainly in the accentuation of "the active participation" of the Arab states and the issue of "the armed Palestinian revolution," which is certainly to be attributed to Fatah's ideological influence upon the Palestine Liberation Organization.

**Article 16.** The liberation of Palestine, from a spiritual viewpoint, will prepare an atmosphere of tranquillity and peace for the Holy Land, in the shade of which all the Holy Places will be safeguarded, and freedom of worship and visitation to all will be guaranteed, without distinction or discrimination of race, color, language or religion. For this reason, the people of Palestine looks to the support of all the spiritual forces in the world.

**Article 17.** The liberation of Palestine, from a human viewpoint, will restore to the Palestinian man his dignity, glory and freedom. For this, the Palestinian Arab people looks to the support of those in the world who believe in the dignity and freedom of man.

The very existence of Israel and the lack of a Palestinian homeland create alienation in the Palestinian, for these deprive him of his dignity and bring him to a state of subservience. As long as Israel exists the Palestinian's personality is flawed. This is an addition in the spirit of Fatah which was not in the previous version, and it is probably influenced by recent revolutionary literature, such as the teaching of Franz Fanon.

**Article 18.** The liberation of Palestine, from an international viewpoint, is a defensive act necessitated by the requirements of self-defense. For this reason, the people of Palestine, desiring to befriend all peoples, looks to the support of the states which love freedom, justice and peace in restoring the legal situation to Palestine, establishing security and peace in its territory, and enabling its people to exercise national (*Wataniyya*) sovereignty and national (*Qawmiyya*) freedom.

As in the previous version, the existence of Israel is illegal; therefore war against it is legal. In Palestinian literature there is a frequent claim that the fedayeen assaults against Israel are legal, while the self-defense and reactions of Israel are illegal, for their aim is to perpetuate the state which embodies aggression in its very establishment and existence. To the foreign observer this distinction between the legality of attacking Israel and the illegality of the response may appear as sham innocence that is indeed even ludicrous. Nevertheless, it may be assumed that there are Arabs for whom this is not only a matter of formal argument but a belief.

Ibrahim al-'Abid, in an article entitled "The Reasons for the Latest Israeli Aggression" (The Six Day War), writes: "Fedayeen action is a right of the people of Palestine because the right of national liberation is an extension of the right of peoples to self-defense, and it is the right which the United Nations Charter affirmed as an original natural right" (Anis Sayegh, ed., *Filasṭiniyyât*, PLO Center for Research, Beirut, 1968, p. 107).

**Article 19.** The partitioning of Palestine in 1947 and the establishment of Israel is fundamentally null and void, whatever time has elapsed, because it was contrary to the wish of the people of Palestine and its natural right to its homeland, and contradicts the principles embodied in the Charter of the United Nations, the first of which is the right of self-determination.

It is often found in Arab literature that the Mandate and the Partition Resolution, though accepted by the League of Nations and the United Nations Organization, have no legal force. They represent an aberration and not a norm of international law. The reason for this is that they contradicted the fundamental principle of the right of self-determination. This article is copied from the previous version.

**Article 20.** The Balfour Declaration, the Mandate document, and what has been based upon them are considered null and void. The claim of a historical or spiritual tie between Jews and Palestine does not tally with historical realities nor with the constituents of statehood in their true sense. Judaism, in its character as a religion of revelation, is not a nationality with an independent existence. Likewise, the Jews are not one People with an independent personality. They are rather citizens of the states to which they belong.

Again an identical formulation. This article incorporates the principal claims concerning historical right: The Jews lived in Palestine for only a brief time; their sovereignty over it was not exclusive; the Arabs did not conquer it from them and need not restore it to them; and the Arabs remained in the country longer than the Jews. Moreover, a state embodies a national, not a religious, principle. The Jews, as having merely religious distinctiveness, do not need a state at all, and a Jewish state that makes of Judaism a nationalism is a historical and political aberration. Therefore, Zionism, as a manifestation of Jewish nationalism, distorts Judaism.

Since the State of Israel is not based on a true nationalism, it is very often described in Arabic as "an artificial entity." This is also brought as proof that Israel can be destroyed. This conception is also at the basis of fedayeen theory: since the Jews have no real nationalism, terror will cause their disintegration to the point that they will consent to relinquish Jewish statehood.

The conception that the Jews do not constitute a national entity is a vital principle for the Arab position. For if the Israelis are a nation, then they have the right of self-determination, and the claim that only the Palestinian Arabs have the right of self-determination, and that only they must decide the national character of the country, is not valid. Moreover, the Arab claim for exclusive national self-determination appears in all its starkness as chauvinism that demands rights for itself while denying the same rights to the other.

**Article 21.** The Palestinian Arab people, in expressing itself through the armed Palestinian revolution, rejects every solution that is a substitute for a complete liberation of Palestine, and rejects all plans that aim at the settlement of the Palestine issue or its internationalization.

This rejection of any compromise settlement is an addition to the previous version. In the resolutions of the fourth session of the Palestinian National Council a long and detailed section is devoted to the rejection of the Security Council Resolution of November 22, 1967 and any peaceful solution, with insistence upon the intention to undermine any attempt in this direction.

**Article 22.** Zionism is a political Movement organically related to world imperialism and hostile to all Movements of liberation and progress in the world. It is a racist and fanatical Movement in its formation; aggressive, expansionist and colonialist in its aims; and Fascist and Nazi in its means. Israel is the tool of the Zionist Movement and a human and geographical base for world imperialism. It is a concentration and jumping-off point for imperialism in the heart of the Arab homeland, to strike at the hopes of the Arab nation for liberation, unity and progress.

In this new version there is an accentuation of Israel's relation to world imperialism and intensification of its denunciation. This is in the spirit of the Leftist sentiments that prevail among the up-and-coming Arab generation. The claim that the hostility of Zionism is directed, not only against the Arabs, but against all that is good in the world, is also an addition. Thus, warfare against Israel is elevated from an Arab interest to a universal humanistic mission.

Israel is a constant threat to peace in the Middle East and the entire world. Since the liberation of Palestine will liquidate the Zionist and imperialist presence and bring about the stabilization of peace in the Middle East, the people of Palestine looks to the support of all liberal men of the world and all the forces of good, progress and peace; and implores all of them, regardless of their different leanings and orientations, to offer all help and support to the people of Palestine in its just and legal struggle to liberate its homeland.

**Article 23.** The demands of security and peace and the requirements of truth and justice oblige all states that preserve friendly relations among peoples and maintain the loyalty of citizens to their homelands to consider Zionism an illegitimate Movement and to prohibit its existence and activity.

The attachment of Jews to Israel expressed in Zionism creates dual-nationality and political chaos. Arabs apparently do not sense the contradiction in this claim. Despite the prevalence of supranational tendencies among circles in the progressive world, with which the Palestinians claim to have an affinity, a narrow, formal nationalistic approach is stressed here, which maintains that a man cannot cherish a loyal attachment to any factor apart from his own state.

**Article 24.** The Palestinian Arab people believes in the principles of Justice, Freedom, Sovereignty, Self-determination, human dignity and the right of peoples to exercise them.

**Article 25.** To realize the aims of this Covenant and its principles the Palestine Liberation Organization will undertake its full role in liberating Palestine.

This article (with the omission of the conclusion, "in accordance with the fundamental law of this organization") is identical to the previous version. In this and the next article the Palestine Liberation Organization is presented as the umbrella organization bearing the general responsibility for the struggle of all the Palestinians against Israel.

*Article 26.* The Palestine Liberation Organization, which represents the forces of the Palestinian revolution, is responsible for the Movement of the Palestinian Arab people in its struggle to restore its homeland, liberate it, return to it and exercise the right of self-determination in it. This responsibility extends to all military, political and financial matters, and all else that the Palestine issue requires in the Arab and international spheres.

The addition here, as compared with the previous version, is that the organization assumes also the role of bringing into effect the regime it prefers after the victory.

*Article 27.* The Palestine Liberation Organization will cooperate with all Arab states, each according to its capacities, and will maintain neutrality in their mutual relations in the light of, and on the basis of, the requirements of the battle of liberation, and will not interfere in the internal affairs of any Arab state.

The obligation of neutrality, therefore, is not absolute but is qualified by the requirements of the battle of liberation.

*Article 28.* The Palestinian Arab people insists upon the originality and independence of its national (*Wataniyya*) revolution and rejects every manner of interference, guardianship and subordination.

The Palestinian movement is not the tool for any Arab state and does not accept orders from any outside authority.

*Article 29.* The Palestinian Arab people possesses the prior and original right in liberating and restoring its homeland and will define its position with reference to all states and powers on the basis of their positions with reference to the issue [of Palestine] and the extent of their support for [the Palestinian Arab people] in its revolution to realize its aims.

This is a new article, which includes a threat that the friendship of any state toward Israel will entail the enmity of the organization. A similar principle was established in the First Arab Summit Conference.

*Article 30.* The fighters and bearers of arms in the battle of liberation are the nucleus of the Popular Army, which will be the protecting arm of the Palestinian Arab people.

In other words, there is a future in the fedayeen or military career.

*Article 31.* This organization shall have a flag, oath and anthem, all of which will be determined in accordance with a special system.

*Article 32.* To this Covenant is attached a law known as the Fundamental Law of the Palestine Liberation Organization, in which is determined the manner of the Organization's formation, its committees, institutions, the special functions of every one of them and all the requisite duties associated with them in accordance with this Covenant.

*Article 33.* This Covenant cannot be amended except by a two thirds majority of all the members of the National Council of the Palestine Liberation Organization in a special session called for this purpose.

## DOCUMENT S/11933

### Letter dated 15 January 1976 from the representative of Cyprus to the Secretary-General

[Original: English]  
[15 January 1976]

Upon instructions from my Government, I have the honour to draw your attention to a highly provocative statement by Mr. Osman Orek, who, presenting himself as "Vice-President and Minister of Defence" of the so-called Turkish Federated State of Cyprus, alleged on 9 January 1976, in a statement published in the "Special News Bulletin" issued by the Turkish Cypriot leadership, that he considered the non-occupied areas of the Republic "unliberated Turkish areas", adding that the Greek Cypriots who remained in the north were free "to cross over to the unliberated Turkish areas if they so desired".

That arrogant and inflammatory statement and recent similar statements by Turkish leaders clearly reveal the aggressive intentions of Turkey and are calculated to undermine any positive efforts for the resumption of meaningful and constructive negotiations in accordance with the relevant United Nations resolutions.

I should be grateful if this letter were circulated as a document of the Security Council.

(Signed) Joseph J. STEPHANIDES  
Chargé d'affaires, a.i.  
of the Permanent Mission of Cyprus  
to the United Nations

## DOCUMENT S/11934

### Letter dated 15 January 1976 from the representative of Portugal to the Secretary-General

[Original: French]  
[16 January 1976]

On behalf of my Government and further to our talks regarding the invasion of East Timor by Indonesia, I have the honour to draw your attention to the following facts.

The Portuguese Government has learned that on 9 January 1976, the Minister for Foreign Affairs of Indonesia, Mr. Adam Malik, visited several places in East Timor. East Timor is a Non-Self-Governing Territory,



which Indonesia has partially occupied by force. Furthermore, the General Assembly and the Security Council, in resolutions 3485 (XXX) and 384 (1975) respectively, have deplored the intervention of Indonesian armed forces in East Timor and have asked the Indonesian Government to withdraw all its forces from the Territory without delay.

In the circumstances, the visit of Mr. Adam Malik, Minister for Foreign Affairs of Indonesia, to East Timor constitutes not only interference on the part of the Indonesian Government in the internal affairs of the Territory but also a serious violation of United Nations resolutions.

It is, in fact, an act the illegality of which is beyond all doubt. In the present case it will certainly not be easy for the Indonesian Government to claim that its Minister for Foreign Affairs is a "volunteer".

This attitude of the Indonesian Government is all the more alarming in that it follows a series of acts which clearly indicate a complete lack of respect by that Government for international law, for the sovereignty of the people of East Timor with regard to their own destiny and for the above-mentioned resolutions of the General Assembly and the Security Council.

Among these acts, mention must be made once again of the military offensive launched by Indonesia against

Dili and Baucau in the final days of 1975, which was fully reported in the international press and regarding which I had occasion at that time to express to you the indignation and concern of my Government.

At a time when the mission entrusted to your special representative, on the initiative of the Security Council, is entering a decisive stage, the Portuguese Government ventures to believe that the Indonesian Government will, despite everything, refrain from other acts contrary to the above-mentioned resolutions of the General Assembly and the Security Council and that it will, on the contrary, be prepared to implement those resolutions fully by withdrawing all its forces from the Territory without delay and by ceasing to violate the territorial integrity of East Timor.

Only thus will the people of that Territory be able freely to exercise their right to self-determination and independence. Only thus will Portugal be able to discharge fully its responsibilities as administering Power.

I would request you to arrange for the text of this letter to be circulated as an official document of the Security Council.

(Signed) José Manuel GALVÃO TELES  
Permanent Representative of Portugal  
to the United Nations

#### DOCUMENT S/11936

Note verbale dated 19 January 1976 from the representative of Zaire  
to the Secretary-General

[Original: French]  
[19 January 1976]

The Chargé d'affaires, a.i., of the Permanent Mission of the Republic of Zaire to the United Nations has the honour to transmit below the text of the letter dated 18 January 1976, addressed to the Secretary-General by Mr. Mandungu Bula Nyati, Commissioner of State of the Department of Foreign Affairs and International Co-operation at Kinshasa, by message of the same date:

"I have the honour to inform you that on 10 January 1976 the Soviet and Cuban forces which are fighting in Angola on the side of the Movimento Popular de Libertação de Angola (MPLA) blew up the rail and road bridges which link the frontier centre of Dilolo (in the Republic of Zaire) with that of Teixeira de Sousa (in Angola). These bridges are situated on the Kasai river, which forms the natural frontier between the Republic of Zaire and Angola.

"More than 70 per cent of our exports from the Shaba mining region are transported on the railway which, after Dilolo, joins up with the Benguela railway (in Angola). The latter railway runs from Teixeira de Sousa to the Atlantic port of Lobito. In addition, sizable imports of various products needed for the operation of the mining and other industries and for the use of the population of the region are carried on that same railway.

"For some months, our exports and imports transported on the Benguela railway have been seized by the Soviet-Cuban troops which are fighting on the

side of MPLA and which have disposed of them arbitrarily. This constitutes real pillaging and is a flagrant violation of all the international rules concerning trade and transport.

"In addition to the destruction of the road and rail bridges which link Dilolo with Teixeira de Sousa and which are the joint property of the Republic of Zaire and of Angola, the Soviet-Cuban troops have engaged in intensive bombing of the urban centre of Dilolo, destroying schools, hospitals, public buildings, houses in the camp for the workers of the Société Nationale des Chemins de Fer Zaïrois and private dwellings, thus forcing the population to leave the town.

"Nine large shell holes have been found. The remains of these shells which are in our possession bear the mark of their Soviet origin.

"The act perpetrated by the Soviet-Cuban forces which are fighting in Angola on the side of MPLA is in fact a *casus belli* which is threatening the sovereignty, territorial integrity and security of the Republic of Zaire.

"I therefore wish to inform you of this matter, requesting you to bring it to the attention of the current President of the Security Council and of the President of the General Assembly and of all the States Members of the United Nations. Consequently, I request you to arrange for this letter to be circulated as a document of the Security Council."

**DOCUMENT S/11937**

**Letter dated 22 January 1976 from the representative of Indonesia  
to the Secretary-General**

[Original: English]  
[22 January 1976]

On behalf of my Government I have the honour to reply to certain allegations made by the Permanent Representative of Portugal in document S/11934 concerning the visit of Foreign Minister Adam Malik to East Timor.

The Members of the United Nations and the members of the Security Council have previously been informed in document S/11923 of 30 December 1975 of the establishment of the Provisional Government of East Timor, headed by representatives of APODETI, KOTA, UDT and Trabalhista parties.

The Provisional Government was established in view of the vacuum of authority in the Territory which resulted from the incapacity and irresponsibility of Portugal, as the administering Power, in an effort to ensure the maintenance of government and the administration of law and order, so as to restore normal life to the people of East Timor.

After months of strife marked by bloodshed and suffering for the people of East Timor, there is a markedly progressive return to normal life in the Territory. By virtue of the authority vested in the Provisional Government by the people, it invited the Foreign Minister of Indonesia, Mr. Adam Malik, to visit East Timor.

It is obviously not necessary, and indeed would be inappropriate, for the Provisional Government to seek the permission of an absentee and impotent administering authority before inviting the Indonesian Foreign Minister, or for that matter, whomever it might choose to invite, to visit the Territory.

It should be noted also, that in the past visits to East Timor have frequently been made by Indonesian

officials, including the Governor of the province of Nusa Tenggara and others, upon the invitation of the local authorities and that such visits have never before been considered illegal by the Portuguese Government.

The view of the Portuguese Government as expressed by its Permanent Representative is all the more surprising in the light of the fact that the visit of Mr. Malik was undertaken not only in response of the invitation of the Provisional Government of East Timor, but also for the purpose of persuading its members to react positively to the visit of the Special Representative of the Secretary-General in accordance with the spirit of resolution 384 (1975). As you are aware, the Provisional Government of East Timor was initially very reluctant to receive the visit of the Special Representative, having requested in its letter of 22 December 1975 that it be postponed.

It was in this context that the Indonesian Foreign Minister decided to make a personal effort to persuade the Provisional Government of East Timor to agree to the visit of the Special Representative and it is due to this effort that the Provisional Government has finally agreed to receive the Special Representative. Thus, Mr. Malik's visit can in no way be considered contrary to the resolution adopted by the Security Council, but in fact was carried out in pursuance of its aims.

I would be grateful if you would have the text of this letter circulated as an official document of the Security Council.

(Signed) August MARPAUNG  
Acting Permanent Representative  
of the Republic of Indonesia  
to the United Nations

**DOCUMENT S/11938**

**Letter dated 22 January 1976 from the representative of South Africa  
to the Secretary-General**

[Original: English]  
[23 January 1976]

I have the honour to attach the text of a letter addressed to you on 22 January 1976 by the South African Minister for Foreign Affairs, Mr. H. Muller, on the question of Angolan refugees.

I should be glad if this letter could be issued as a document of the Security Council.

(Signed) R. F. BOTHA  
Permanent Representative of South Africa  
to the United Nations

**ANNEX**

**Letter dated 22 January 1976 from the Minister for Foreign  
Affairs of South Africa to the Secretary-General**

On 12 September 1975, I informed you of the serious situation necessitating the reception, care and repatriation of almost

10,000 refugees, who, on that date, had already crossed into South West Africa from Angola. At a subsequent stage, as many as 13,000 refugees from Angola were taken care of by the South African Government before many of them could be repatriated to Portugal. During the past five months, the South African Government has spent more than \$US 5 million on maintaining the various refugee camps in South Africa and South West Africa and on supplying food, medical services, transportation and other provisions to the refugees. At the present time, South Africa still provides food, medical services and other necessities to more than 2,800 refugees at three locations near the Angola-South West Africa border.

In the past week, some 2,200 refugees sought entry into South West Africa by way of the South African port of Walvis Bay. So far, 1,000 of these refugees have disembarked at Walvis Bay and are now being cared for by the South African authorities. Apart from supplying the necessary services

to the refugees and assisting them in various other ways, the South African health authorities also had to take steps to prevent the outbreak of health hazards. When I raised this matter with you in September last year, you responded that "since this is a matter which falls within the immediate competence of the Government of Portugal, I have arranged to bring the contents of your communication to its attention".

The Portuguese Government has undertaken to repatriate

all Portuguese citizens among the refugees, but this still leaves large numbers who are not citizens of Portugal.

My Government wishes to express its concern at the plight of those remaining refugees and to ask you to request the United Nations High Commissioner for Refugees to assist in resolving this problem.

(Signed) H. MULLER  
Minister for Foreign Affairs of South Africa

## DOCUMENT S/11939\*

### Letter dated 22 January 1976 from the representative of the Libyan Arab Republic to the Secretary-General

[Original: English]  
[23 January 1976]

I have the honour to enclose the text of the Declaration of Dakar on Namibia and Human Rights adopted by the Dakar International Conference on Namibia and Human Rights, held from 5 to 8 January 1976, and request that you have this text circulated as an official document of the General Assembly and of the Security Council.

(Signed) Mansur R. KIKHIA  
Permanent Representative of the  
Libyan Arab Republic  
to the United Nations

#### ANNEX

#### Declaration of Dakar on Namibia and Human Rights

ADOPTED BY THE DAKAR INTERNATIONAL CONFERENCE  
ON NAMIBIA AND HUMAN RIGHTS (5-8 JANUARY 1976)

The participants at the International Conference on Namibia and Human Rights, which was held in Dakar from 5 to 8 January 1976,

Considering that the right of the peoples to self-determination is an inalienable and imprescriptible right,

Considering that the implementation of the right of peoples to self-determination is the *sine qua non* of enjoyment of the fundamental rights and freedoms deriving in particular from the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and the Covenants on Human Rights,

Considering, in particular, the Declaration of the Granting of Independence to Colonial Countries and Peoples and the Charter of Economic Rights and Duties of States,

Considering that by its resolution 2145 (XXI), of 27 October 1966, the General Assembly revoked the Mandate of South Africa over South West Africa,

Considering that the International Court of Justice has affirmed that the presence of South Africa in Namibia is illegal,

Considering that the Security Council has declared that such presence is detrimental to the maintenance of peace and security in the region,

Convinced that the armed struggle of the people of Namibia, supported by progressive and democratic forces will inevitably triumph,

Noting that SWAPO has been recognized by the United Nations as the only authentic representative of the people of Namibia,

Noting with satisfaction the creation by the United Nations General Assembly of the United Nations Council for Namibia,

Hoping that the implementation of action by the United Nations Council for Namibia, in particular its Decree No. 1,<sup>a</sup> will accelerate the process of the decolonisation of Namibia,

\* Circulated under the double symbol A/31/45-S/11939.

<sup>a</sup> See *Official Records of the General Assembly, Twentieth Session, Supplement No. 24 A*, para. 84.

Firmly resolved to support by their words, deeds and studies the struggle for the liberation of Namibia,

Adopt the following Declaration and Programme of Action annexed thereto:

#### I

1. Like all peoples, the people of Namibia have the right to self-determination. By virtue of that right it must be able to determine freely its political status and ensure its economic, social and cultural development.

2. The exercise of that right by the people of Namibia is a prerequisite for their enjoyment of human rights. It involves the liberation of the people of Namibia from the yoke of South Africa's colonialism and the restoration of its fundamental national rights, which are independence, sovereignty, the right to dispose of its natural resources and the unity and integrity of its territory.

3. Any attempt to destroy the national unity and territorial integrity of Namibia is inconsistent with the purposes and principles of the Charter of the United Nations. The policy of "Bantustanization" is contrary to those purposes and principles. It aims at denying to the people of Namibia the exercise of its right to self-determination.

4. It is necessary to denounce and condemn the so-called constitutional conference convened by South Africa, the composition and purpose of which have been illegally determined by the South African Government.

#### II

5. South Africa has deliberately violated the obligations deriving from its Mandate over South West Africa. Its refusal to place South West Africa under the Trusteeship System, in spite of a number of resolutions of the United Nations General Assembly requesting it to do so, reveals its annexation intent. The termination of its Mandate by the General Assembly on 27 October 1966 makes its presence in Namibia illegal.

6. The presence of South Africa in Namibia is all the more intolerable in that it is subjecting the people of Namibia to the detestable system of *apartheid*, a deliberate negation of the most elementary human rights which has been universally condemned.

7. Namibia has been split into an arid and economically useless zone of "reserves" (homelands) where the great majority of the black population is confined on a third of the Territory, and a "police" zone exclusively reserved for whites and comprising the major part of the plateau, suitable for agriculture and rich in mineral resources, including uranium. The blacks are excluded from the "Territorial Government", which itself has very limited authority. They are deprived of freedom of movement and cannot leave their reservation without a pass. They do not have the right to choose either their employment or their employer. When forced to work in the "police" zone, they have to leave their wives and children and live separated from their families. They do not have either the right to organize or the right to strike.

8. Such a system, which reduces a whole people to slavery, constitutes a crime against humanity.



### III

9. Maintenance of the occupation of Namibia by South Africa and of the system of *apartheid* is a continuing threat to peace and security in southern Africa, the whole of Africa and the world. Consequently, South Africa and its colonialist, racist and aggressive policies must be strongly denounced and vigorously combated by the international community as a whole.

10. The recent reinforcement of the military presence of South Africa in Namibia must be condemned as a means of consolidating the illegal occupation of that country and of repressing the legitimate resistance of the people of Namibia. What is more, the use of the territory of Namibia as a base for intervention in the internal affairs of African countries, as is at present the case in Angola, aggravates the threat to international peace and security and must cease immediately.

11. It is regrettable that the triple veto of the United States, the United Kingdom and France paralyzed the Security Council by preventing it from taking effective action and, more precisely, from applying the sanctions provided for by Chapter VII of the Charter of the United Nations. The attitude of these three States has rightly caused and is still causing indignation among the people of Africa and the other peoples of the world.

12. The military and economic assistance furnished to South Africa by certain States must also be openly denounced and manifestly combated by all the forces of progress. Arms sales, nuclear co-operation agreements and economic activities by multinational companies in South Africa or Namibia constitute acts of sheer complicity with the policies of *apartheid*.

13. It is high time for the States of Africa to make it clear to the countries which are supporting South Africa in this way that they cannot continue to do so while claiming the friendship of the peoples of Africa.

### IV

14. Unquestionably, substantial efforts have been exerted by the United Nations, the specialized agencies and governmental and non-governmental organizations to bring South Africa to its senses and to obtain improvements in the life of the people of Namibia and its gradual accession to independence. Among the many varied measures taken towards those ends, the termination of the Mandate of South Africa over South West Africa and the creation of the United Nations Council for Namibia undoubtedly mark important stages towards the independence of Namibia.

15. Decree No. 1 of the United Nations Council for Namibia was lawfully issued by that body under its powers as laid down in resolution 2248 (S-V) of the United Nations General Assembly, and it should be possible to use it judiciously to "protect the natural resources of the people of Namibia and [to ensure] that these natural resources are not exploited to the detriment of Namibia, its people or environmental assets".

16. Also to be welcomed is the firm attitude of the Organization of African Unity towards the problem of Namibia and that attitude, together with the efforts of the United Nations and the struggle of the people of Namibia, will not fail to have its effects.

### V

17. The facts are inescapable, however, and it must be acknowledged that all these efforts have been incapable of fundamentally modifying the policies of South Africa on Namibia or of bringing about a qualitative change in the situation of the people of Namibia.

18. There is no doubt that a large-scale diplomatic offensive has lately been launched by South Africa in the form of an alleged policy of "ouverture" and "dialogue" towards the African States, an offensive which has been strongly supported by the mass media, mostly under imperialist control, which is attempting to give it great play by the worldwide dissemination of cleverly controlled "news".

19. However, this policy of South Africa is a snare because it is alien to the true interests of the people of Namibia and

is part of a global imperialist military and politico-economic strategy. What is more, the facts show that South Africa has neither in principle nor in practice abandoned its policies of annexation and domination of Namibia.

20. Under these circumstances, as was recommended by the Special Meeting of the Foreign Ministers of OAU member States, held at Dar-es-Salaam in April 1975, the policy of concertation and the so-called *détente* as regards the African States, advocated by South Africa and aimed at causing confusion in international public opinion as well as at undermining African unity and the struggle for the elimination of *apartheid* in South Africa must be categorically rejected.

### VI

21. It must be realised that South Africa will never willingly end its illegal occupation of Namibia and will never of its own accord abandon its policies of oppression and enslavement of the peoples of southern Africa.

22. That is why it must be compelled to do so by all means available to the international community, in which the United Nations, the Organization of African Unity, governmental and non-governmental organizations, and the States of Africa—each according to its means—have their special role to play.

23. Economic or other measures of compulsion should be taken to oblige South Africa to comply with the decisions of the international community. In that connexion, the activities of trade unions and of social and information bodies should reinforce and stimulate the action of international governmental and non-governmental organizations.

24. Obviously, however, so long as the international community does not use the means with which it has endowed itself, or can endow itself, to put an end to the illegal occupation of Namibia by South Africa, all means, including armed struggle, are justified to liberate the country. Consequently, to that end it is necessary to enlist the effort of the international community and more particularly that of the countries of Africa, by giving SWAPO all the political, moral and material support it so sorely needs.

25. Accordingly, those Governments which have not yet done so should recognize SWAPO as the only authentic representative of the people of Namibia.

### PROGRAMME OF ACTION

*Adopted by the Dakar International Conference on Namibia and Human Rights (5-8 January 1976) and proposed to international organizations, States non-governmental organizations and social, professional, trade union and information organizations as a set of measures to be taken to secure for the people of Namibia the exercise of their right to self-determination*

1. The Security Council could follow up its resolution 366 (1974) by adopting the following measures:

(a) Determining, under Chapter VII of the Charter of the United Nations, that the continued occupation of Namibia by South Africa and, in particular, the use of that Territory as a military base, constitute a threat to international peace and security.

(b) Deciding on a complete embargo on the sale, gift or transfer of arms and of all other forms of military equipment to South Africa, such embargo to include existing and future agreements for the provision of radar and telecommunication systems for strategic or military purposes between South Africa and any other country of military alliance.

(c) Considering steps to be taken to prevent the training or equipment by the South African authorities of Portuguese or other mercenaries to be used against liberation movements in Namibia or elsewhere in Africa.

(d) Restraint any attempts by South Africa to alter the borders of Namibia or to fragment or partition any portion of the Territory.

(e) Requesting the European Economic Community and the European Free Trade Association and all States having

economic or financial relations with South Africa to suspend them so long as South Africa continues illegally to occupy Namibia or to practise the system of *apartheid*.

(f) Requesting the Government of the Federal Republic of Germany to close its consulate in Windhoek and to undertake an education campaign for the re-orientation of the German population in Namibia so as to enable them to live in a free Namibia.

(g) Requiring all States to refrain from extending facilities directly or indirectly to enable South Africa to undertake the production of uranium, plutonium and other nuclear materials or reactors.

2. The Security Council could, in addition, take the following measures:

(a) Declare that in order that the people of Namibia be enabled freely to determine their own future, it is imperative that free elections under the supervision and control of the United Nations be held for the whole of Namibia as one political entity; the date, timetable and modalities for such elections to be decided upon by the United Nations as soon as possible, providing always that a period of not less than 18 months should elapse between the time at which the date of the elections is determined and the actual date for the holding of such elections in order to enable the people of Namibia to organize politically for the elections and in order that the United Nations may have adequate time to establish the necessary machinery within Namibia to enable it to supervise and control such elections.

(b) Demand that South Africa now make a solemn declaration accepting the foregoing provisions for the holding of free elections in Namibia under United Nations supervision and control and undertaking to comply with the resolutions and decisions of the United Nations and the advisory opinion of the International Court of Justice of 21 June 1971 in regard to Namibia and that it recognise the territorial integrity and unity of Namibia as a nation; such declaration to be addressed to the Security Council.

(c) Demand that South Africa take the necessary steps to effect the withdrawal, in accordance with resolutions 264 (1969), 269 (1969) and 366 (1974), of its illegal administration maintained in Namibia and to transfer power to the people of Namibia with the assistance of the United Nations.

(d) Demand again that South Africa, pending the transfer of powers provided for in the preceding paragraphs:

- (i) Comply fully in spirit and in practice with the provisions of the Universal Declaration of Human Rights;
- (ii) Release all Namibian political prisoners, including all those imprisoned or detained in connexion with offences under so-called internal security laws, whether such Namibians have been charged or tried or are held without charge and whether held in Namibia or South Africa;
- (iii) Abolish the application in Namibia of all racially discriminatory and politically repressive laws and practices, particularly Bantustans and homelands;
- (iv) Accord unconditionally to all Namibians currently in exile for political reasons full facilities for return to their country without risk of arrest, detention, intimidation or imprisonment.

3. Should the Security Council fail to take effective action to put an end to the illegal occupation of Namibia, the General Assembly should exercise its legal authority, in accordance with the Charter of the United Nations, to implement the previous decisions it adopted in its resolution 2145 (XXI) terminating South Africa's Mandate over Namibia.

4. Beginning in 1976, an international week of solidarity with the people of Namibia should be organized in the week following 27 October, the anniversary of the ending of South Africa's Mandate in Namibia.

5. In order to organize the international week of solidarity with the people of Namibia, there should be set up National

Aid to Namibia Committees in all countries where they do not already exist.

6. Each year, parliaments and inter-parliamentary organizations should include in their agenda, as an item for discussion: the question of the liberation of Namibia.

7. The States Members of the United Nations must fully enforce Decree No. 1 of the United Nations Council for Namibia, approved by the General Assembly, concerning the protection of the natural resources of Namibia, and in particular:

(a) Where necessary, take the measures required for application of the Decree by their domestic authorities and prohibit, under pain of punishment as a criminal offence, the import, without the authorization of the United Nations Commissioner for Namibia, of goods emanating from that country;

(b) Provide the United Nations Commissioner for Namibia with all facilities for exercising the judicial activities vested in him by Decree No. 1;

(c) Disseminate information concerning the unlawfulness of importing goods emanating from Namibia in violation of the provisions of Decree No. 1, and give full publicity to violations committed by enterprises operating under their jurisdiction.

8. The United Nations Council for Namibia must do its utmost to ensure respect for human rights in Namibia and, in particular, consider the possibility of adhering to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights.

9. The United Nations Commission on Human Rights should make an investigative body responsible for looking into violations of human rights in Namibia and preparing cases for future legal prosecution.

10. Governmental, intergovernmental and non-governmental organizations as well as public opinion must give maximum political and material support to SWAPO, the authentic representative of the people of Namibia in its liberation struggle.

11. Trade unions should organize themselves to oppose by every means available to them the continuation and expansion of economic dealings between South Africa and other States.

12. United Nations bodies and international organizations must ensure that political prisoners are provided with effective defence and their families are given financial support.

13. Organizations and public bodies must extend their support to those Churches in Namibia which oppose the racist colonial administration and assist the victims of South African oppression in Namibia, including prisoners and dependants.

14. In the project it has undertaken, the International Institute of Human Rights should prepare and publish a compendium of all basic documents relating to Namibia.

15. A United Nations radio transmitter should be established in a free country of Africa to transmit, in all languages spoken in Namibia, United Nations broadcasts on racism, decolonization and Namibia.

16. All nations should contribute to the United Nations Fund for Namibia and to the Institute for Namibia to promote the training and education of Namibians so as to enable them to assume the administration of their country.

17. The United Nations Commissioner for Namibia should ensure the preparation and publication of special studies on the following questions:

- (a) The production and exploitation of uranium in Namibia;
- (b) The production and export of diamonds from Namibia;
- (c) The export of Swakara fur;
- (d) The Cunene Dam scheme (designed to provide power for mines and water works);
- (e) The military build-up by South Africa in Namibia and the origins of arms and equipment used by South Africa in Namibia;
- (f) The present use of Walvis Bay.



18. Each year, at the end of the international week of solidarity with the people of Namibia, the United Nations Commissioner for Namibia should review the efforts made

and results obtained in connexion with this Programme of Action and report thereon to the United Nations Council for Namibia.

## DOCUMENT S/11940

### Benin, Guyana, Pakistan, Panama, Romania and United Republic of Tanzania: draft resolution

[Original: English]  
[23 January 1976]

*The Security Council,*

*Having considered* the item entitled "The Middle East problem including the Palestinian question", in accordance with its resolution 381 (1975) of 30 November 1975,

*Having heard* the representatives of parties concerned, including the Palestine Liberation Organization, representative of the Palestinian people,

*Convinced* that the question of Palestine is the core of the conflict in the Middle East,

*Expressing* its concern over the continuing deterioration of the situation in the Middle East, and deeply deploring Israel's persistence in its occupation of Arab territories and its refusal to implement the relevant United Nations resolutions,

*Reaffirming* the principle of inadmissibility of acquisition of territories by the threat or use of force,

*Reaffirming further* the necessity of the establishment of a just and lasting peace in the region based on full respect for the Charter of the United Nations as well as for its resolutions concerning the problem of the Middle East including the question of Palestine,

#### 1. *Affirms:*

(a) That the Palestinian people should be enabled to exercise its inalienable national right of self-determination, including the right to establish an indepen-

dent state in Palestine in accordance with the Charter of the United Nations;

(b) The right of Palestinian refugees wishing to return to their homes and live at peace with their neighbours to do so and the right of those choosing not to return to receive compensation for their property;

(c) That Israel should withdraw from all the Arab territories occupied since June 1967;

(d) That appropriate arrangements should be established to guarantee, in accordance with the Charter, the sovereignty, territorial integrity and political independence of all States in the area and their right to live in peace within secure and recognized boundaries;

2. *Decides* that the provisions contained in paragraph 1 above should be taken fully into account in all international efforts and conferences organized within the framework of the United Nations for the establishment of a just and lasting peace in the Middle East;

3. *Requests* the Secretary-General to take all the necessary steps as soon as possible for the implementation of the provisions of the present resolution and to report to the Security Council on the progress achieved;

4. *Decides* to convene within a period of six months to consider the report by the Secretary-General regarding the implementation of the present resolution, and in order to pursue its responsibilities regarding such implementation.

## DOCUMENT S/11941

### Letter dated 23 January 1976 from the representative of Cuba to the Secretary-General

[Original: Spanish]  
[24 January 1976]

The Government of the Republic of Zaire appears to have considered it necessary to put up a smoke screen to hide the resounding failure of the aggression to which it is an accomplice directed against the People's Republic of Angola with a view to occupying the city of Luanda and the territory of Cabinda prior to 11 November. It is also attempting to divert international attention from the complete collapse of the so-called National Liberation Front of Angola (FNLA) and its purported leader, the notorious CIA [Central Intelligence Agency] agent Holden Roberto, which it helped to organize and to which it gave support, and from the defeat of the regular Zairian troops in Cabinda and the north of Angola.

There can be no other explanation for the outrageous case, brought to your attention through the Chargé d'affaires of the Permanent Mission of Zaire to the United Nations, in the letter from the Commissioner of State of the Department of Foreign Affairs of Zaire [S/11936].

At a time when the peoples of Africa and world opinion are demanding that the Government of Zaire terminate its disgraceful collusion with the racist and Fascist Government of South Africa and discontinue its shameful policy against the people of Angola, the Government of Zaire approaches the United Nations in order to accuse the Government of Cuba and other progressive Governments of hostile acts against Zaire.

The Government of Cuba has no need to justify itself to world public opinion, far less to its brother peoples of Africa. When African traitors helped to engineer the assassination of the great hero of our peoples in his struggle against colonialism and imperialism, Patrice Lumumba, Cuba remained on the side of its brothers in the former Belgian Congo. The blood of Cuban volunteers was shed alongside that of Cuba's African brothers in the fight against Portuguese colonialism, which received support from South Africa. Now, the leaders of Zaire are allying themselves with South Africa.

There has also been collaboration between Cuba and many progressive African countries in economic and technical matters and in the training of military personnel. Cuba does not disguise the fact that it has assisted the people of Angola in their struggle for independence ever since it obtained a free and sovereign Government. Cuba provided assistance through the only genuine and militant representative of the Angola people, MPLA, the organization which fought against Portugal while the CIA was training Holden Roberto's "troops" in Zairian territory, keeping them as a reserve to take power when the day of victory for the Angolan people arrived.

These are the feelings of solidarity which are prompting Cuba's presence in Angola. Cuban military instructors, summoned by the leader of the Angolan people, Agostinho Neto, went to Angola to help to organize the popular armed forces in the new Republic as it was being set up. As is known, the racist Government of South Africa and, in agreement with it, the Government of Zaire tried to prevent the consolidation of that independence. On 23 October, South Africa attacked Angola, and its artillery forces, armoured vehicles and large numbers of infantry penetrated hundreds of kilometres into Angolan territory. It is no secret that, at the beginning of November, that aggression by South Africa was followed up by an attempted invasion of Cabinda, launched from Zairian territory with the participation of Zairian regular forces.

Cuba is honored that, since those early days in November, its citizens have been extending to MPLA co-operation which was a decisive factor in preventing Angola from falling into the hands of the shameful alliance between the Fascists and racists of South Africa and agents of the CIA bearing the name of FNLA. The Government of Zaire will have to account to world public opinion, and in particular to the Africans, for its complicity in that abject alliance with the racists of South Africa.

Cuban military personnel were sent to Angola in response to an appeal which, on account of the cowardly and criminal aggression by South Africa, was made to us by the legitimate Government of the people which, led by President Neto, has now been recognized by more than 40 countries in the international community, including 23 African countries. No one has had the audacity to claim that there is another government in Angola.

The Cuban presence in Angola is not motivated by any hostility towards Zaire; nor is Cuba attempting to harm the economic interests of that country. The Cubans in Angola are obeying the decisions of the legit-

imate Government of Angola. If Zaire had not launched the military attacks into Cabinda and the north of Angola, besides sheltering other troops in its territory, it would not now be a victim of the consequences of operations of the kind that are now taking place, close to its frontiers, against the South African forces which were threatening to occupy with armoured troops the city of Teixeira de Sousa in the east of Angola in the vicinity of the Zairian frontier, thus prompting the forces of the People's Republic of Angola to blow up the bridge on the Luao river, which in this area links Zaire and Angola, in order to prevent a rearguard attack on Teixeira de Sousa from Zaire.

The people of Zaire should ask themselves whether their interests are likely to be served by the arrival at that bridge of troops of the South African racists and by the latter's permanent control of the railway linking Teixeira de Sousa to Lobito and Benguela—acts which MPLA is trying to avoid by its struggle.

The Government of Zaire should explain in the name of what right, prior to the events it reported to the United Nations, Zairian artillery attacked the Angolan area of Teixeira de Sousa and Zairian aircraft bombed Teixeira de Sousa and Cazombo, causing innocent victims in an aggression as criminal as it was futile. The Angolan people are entitled to defend themselves from such acts of aggression. The Government of Zaire should take the trouble to ask the cowardly leaders of the so-called FNLA, who fled to Zaire after the defeat of the counterrevolutionary bands supported by Zairian regular troops and white mercenaries, why they went in for killing women, children and old people, Angolan like themselves, black like themselves, with the same Fascist viciousness as has been inflicted for decades upon their black brothers by the racists of South Africa, who are now venting their anti-black rage on the population of Angola.

This and many other questions would have to be answered by the Government of Zaire if it decided to bring its scandalous accusations to a debating forum.

We are doing no more than translating into practice the principles which justify our permanent presence in the United Nations.

We support a legitimate Government whose aim is to defend the independence of its own country.

We are fighting the Fascist and racist régime of South Africa, which has been censured by the United Nations and banned from the international community on account of its atrocities against 14 million black inhabitants of South Africa and against the enslaved population of Namibia, and which is now reaching out towards the territory of Angola with a view to gaining control of it.

I ask you to take note of this reply, which I write on behalf of the Revolutionary Government of Cuba, and request you to bring it to the attention of the current President of the Security Council and of the President of the General Assembly and also to arrange for it to be circulated as a document of the Council.

(Signed) Ricardo ALARCÓN DE QUESADA  
Permanent Representative of Cuba  
to the United Nations

**United Kingdom of Great Britain and Northern Ireland: amendment  
to document S/11940**

[Original: English]  
[26 January 1976]

Insert the following new paragraph 3 immediately after operative paragraph 2 and renumber the present operative paragraphs 3 and 4 accordingly:

“3. *Reaffirms* the principles and provisions of its resolutions 242 (1967) and 338 (1973) and declares that nothing in the foregoing provisions of the present resolution supersedes them;”.

## DOCUMENT S/11943

**Letter dated 26 January 1976 from the representative of Benin, the Libyan Arab Republic and the United Republic of Tanzania to the President of the Security Council**

[Original: English]  
[26 January 1976]

We have the honour to request that in the course of the forthcoming discussion of the Security Council concerning the situation in Namibia, an invitation under rule 39 of the provisional rules of procedure of the Security Council be extended to Mr. Moses M. Garoeb, Administrative Secretary of the South West Africa People's Organization (SWAPO) of Namibia, and his delegation.

We request that this letter be circulated as a document of the Security Council.

(Signed) Thomas S. BOYA  
*Permanent Representative of Benin  
to the United Nations*  
(Signed) Mansur Rashid KIKHIA  
*Permanent Representative of the  
Libyan Arab Republic  
to the United Nations*  
(Signed) Salim Ahmed SALIM  
*Permanent Representative of the  
United Republic of Tanzania  
to the United Nations*

## DOCUMENT S/11944

**Letter dated 23 January 1976 from the representative of Iceland  
to the President of the Security Council**

[Original: English]  
[26 January 1976]

The following document constitutes a complete English language translation of the transcripts made of the hearings held under the maritime inquiry conducted in two different courts of law in Iceland, namely the Maritime and Commercial Courts of the City of Reykjavik and the Town of Siglufjörður on 19 and 24 December 1975, into the incident which occurred on 11 December in the entrance of the East Coast fiord of Seydisfjörður, Iceland, involving, on the one hand, two British tugboats, the *Lloydsman* and the *Star Polaris*, and the platform supply ship *Star Aquarius*, and on the other the Icelandic Coast Guard vessel *Thor*. This incident was the subject of the 1866th meeting of the Security Council on Tuesday, 16 December 1975.

Now that the evidence of eyewitnesses, presented under oath to a court of law in the course of hearings conducted under a court inquiry, has become available,

there seems to be an ever stronger reason to conclude that the British public vessels involved in this action entered an area inside internationally recognized territorial waters, with the direct intent of creating and provoking an incident, possibly with the objective of sinking one of the ships belonging to the fleet of the Icelandic Coast Guard, ships that vary in size from 200 tons to 1,050 tons, commissioned for the purpose of dealing with fishery protection, salvage and rescue work, hydrographic research, surveying and lighthouse duties.

It is clear from the testimony presented in the court hearings that the British vessels entered Icelandic territorial waters and were lying approximately 1.1 nautical miles from shore, not for the purpose of seeking shelter from bad weather (the wind velocity was no more than 5 to 6 degrees Beaufort scale), but to transport water



from one ship to the other, or between the *Lloydsman* and *Star Aquarius*, when the Coast Guard vessel *Thor* came upon them.

In the normal course of performing his duties as a law enforcement officer, the Commander of the *Thor* approached the British ships for the peaceful purpose of finding out about the reason for their presence inside internationally recognized territorial limits and, with this in mind, continuously sent signals to stop by Aldis lamp, siren and flag, and by VHF radio. None of these signals were ever heeded by the British ships. Instead of answering these signals to stop and explain their presence, they seized the opportunity, when the Coast Guard vessel had come to a virtual stand-still, to ram the ship repeatedly, first the *Star Aquarius* and then the *Lloydsman*, causing a great deal of damage to the Coast Guard vessel. This is made abundantly clear from evidence presented to the maritime court of inquiry, including a film and a series of photographs which were taken from the Coast Guard plane which was present over the area when the incident occurred.

Not only did this action constitute a flagrant violation of international rules of navigation, but it placed the lives of the members of the Coast Guard vessel's crew in grave danger.

It is furthermore clear from the above-mentioned evidence that many of the remarks made by the British Permanent Representative in his statement before the Security Council on Tuesday, 16 December 1975, are either unfounded allegations or purely fictitious. One of the statements made by him was to the effect that an armed boarding party in combat dress had been photographed when making ready for boarding one or more of the British tugboats.

This is proved by the court hearings to be a complete fabrication, for the evidence shows beyond any doubt that no such combat dress exists in the Icelandic Coast Guard Service, that no such boarding party was formed, and no one on board the Coast Guard vessel was armed in any way whatsoever. Furthermore, the rubber dinghy referred to in the statement made by the British Permanent Representative was tied up in its usual place on board ship, and no attempt was made to make this loose, for there never was any intention to do so, and this would have been in contradiction to the Commander's intent in approaching the ships as an official Icelandic law enforcement officer within the recognized territorial waters of a sovereign State. He gave orders to stop, by three different types of signals, as he was entitled to do for the purpose of investigating the presence of foreign ships far inside the territorial waters of Iceland. But the British ships, instead of replying to these signals, seized the chance of repeatedly ramming the Coast Guard vessel when it had slowed down and almost come to a stand-still.

It is furthermore worth pointing out that the description of these events as presented by the British Permanent Representative does not stand to reason in the light of the obvious fact, as made clear by the evidence presented to the court, that the Coast Guard vessel had almost stopped and that the *Lloydsman*, which in the beginning of the action had been lying still with a rope and a water-hose running between her and the *Star Aquarius*, picked up speed after the *Star Aquarius* had rammed the *Thor*, and came up behind the ship and followed up the first ramming by two more, which can be described as sneak attacks.

There is every reason to believe, therefore, that this was nothing but a premeditated and planned attack upon an Icelandic Coast Guard vessel on an ordinary mission of law enforcement, on the part of the British vessels, at the instigation and under the supervision of the British warships now protecting the unlawful operation of British fishing trawlers inside the 200-mile fisheries jurisdiction of Iceland.

I have the honour to request that this letter together with the enclosed documents be circulated as an official document of the Security Council.

(Signed) Ingvi INGVARSSON  
Permanent Representative of Iceland  
to the United Nations

#### ANNEX\*

#### A. Transcript from the record of the Reykjavik Maritime and Commercial Court

MARITIME INQUIRY INTO THE COLLISION OF THE COAST GUARD VESSEL "THOR" AND THE BRITISH TUGBOATS "STAR AQUARIUS" AND "LLOYDSMAN" OFF THE MOUTH OF SEYDISFJÖRDUR ON THURSDAY, 11 DECEMBER 1975

19 and 24 December 1975

Year 1975, on Friday 19 December, Mr. Emil Agústsson, Judge of the Reykjavik Civil Court, convened the Reykjavik Maritime and Commercial Court in the court room of the Reykjavik Civil Court at Túngata 14, and presided over the Court with his associate members, Kristján Adalsteinsson, Captain, and Andrés Gudjónsson, Headmaster.

#### Case before the Court:

To conduct a maritime inquiry into the collision of the Coast Guard vessel *Thor* and the British tugboats *Star Aquarius* and *Lloydsman* off the mouth of Seydisfjörður on Thursday, 11 December last.

Present on behalf of the petitioner, the Icelandic Coast Guard Service, is Jón Magnússon, Barrister-at-Law, and presents exhibits Nos. 1 to 22, 15 photographs, a film, 4 photographs, a photostat copy from the logbook, and a copy of a cable reading: Present on behalf of the ship's underwriters, Icelandic Fishing Vessels Joint Insurance Institute, is Sveinbjörn Jónsson, Barrister-at-Law. Present on behalf of the State Directorate of Shipping is Jón Wiium, and on behalf of the Public Prosecutor Bragi Steinarsson.

*Judge:* Summoned before the Court is the Commander of the Coast Guard vessel *Thor*.

*Witness:* Helgi Hallvardsson, Commander of the Coast Guard vessel *Thor*, born on 12 June 1931, residing at L yngheidi 16, Kópavogur.

*Judge:* I exhort you to tell the truth, Helgi. This incident, Helgi, which occurred there on Thursday, 11 December, if you would explain the circumstances of how this came about, and how it occurred?

*Witness:* On Thursday, 11 December 1975, the Coast Guard vessel was outward bound in the fiord of Seydisfjörður after having completed an ordered assignment.

At 1221 hours the following observation was made of two tugboats sighted at the mouth of the fiord of Seydisfjörður:

Tugboat 039 degrees true, distance 2.9 nautical miles; Brimnes, 317 degrees true, distance 0.6 nautical miles; and simultaneously the third tugboat was observed at position 077 degrees, distance 3.4 nautical miles.

This determines the position of the first mentioned ships at 1.1 nautical miles from shore, while the position of the third tugboat was at a distance of 1.6 nautical miles from shore.

\* The English translation of the annex and its appendices was supplied. Section C contains a list of documents, including those reproduced in the present annex.

The two first mentioned tugboats were so close to each other that they appeared as one dot on the radar screen.

Since the tugboats were far inside the Icelandic territorial limit we immediately put on full speed.

At 1225 hours the following cable was sent to the control centre of the Icelandic Coast Guard Service: "Are approaching three tugboats inside territorial limit off entrance of Seydisfjörður. Are underway to order them outside."

At 1225 hours an international "L" signal was sent by Morse with Aldis lamp, and at the same time an alert was sounded since my intention was to usher the ships outside the territorial limit.

Soon thereafter the ships were identified as the *Lloydsman* and *Star Aquarius*.

The third tugboat now headed out to sea and its name could not be seen. On the other hand it was heard by radio telephone that this was the *Star Polaris*.

At 1228 hours the Coast Guard plane TF SYR flew over the tugboats, and then circled over the ships for the duration of the engagement.

The Coast Guard vessel sent continuously signals to stop by Aldis lamp, siren and flag, and the tugboats were also ordered to stop by VHF, channel 16 and 14.

A towline was now sighted from *Star Aquarius* to *Lloydsman*, and it was assumed that the latter was having some trouble.

At 1235 hours the following fix was made: Borgarnes distance 1.9 nautical miles; Skálanesblíð distance 2.5 nautical miles.

At the same time the Coast Guard vessel proceeded alongside the *Star Aquarius* on the starboard side at reduced speed. At the same time the *Star Aquarius* made a sharp turn to starboard and rammed the Coast Guard vessel's port side at the quarter.

The action of the tugboat was so sudden that there was no time to alert the crew on board the Coast Guard vessel of the imminent danger, which as usual is done by means of a special call system throughout the ship.

When the collision occurred the *Lloydsman* had picked up full speed close to the stern of the Coast Guard vessel.

After this the *Star Aquarius* headed for open sea, but the *Lloydsman* closed in on the Coast Guard vessel's port side, showing all signs of ramming.

At 1239 hours the following fix was made: Alftanes, distance 2.5 nautical miles; Borgarnestangi, distance 3.0 nautical miles.

The Coast Guard vessel's guns were now manned, since it seemed clear that the *Lloydsman* had the intention of ramming the vessel inside the territorial limits of Iceland.

At 1241 hours the *Lloydsman* rammed the Coast Guard vessel on its port quarter near the funnel.

Simultaneously a blank warning shot was fired in the direction of the tugboat, and the following fix was made: Alftanes, distance 2.5 nautical miles; Borgarnestangi, distance 3.3 nautical miles.

Shortly after this the *Lloydsman* headed once again for the Coast Guard vessel, aiming for its port side. The Coast Guard vessel succeeded in preventing a collision by turning sharply to port at top speed.

At 1245 hours the following fix was made: Alftanes, distance 2.6 nautical miles; Borgarnestangi, distance 3.6 nautical miles.

At 1247 hours the *Lloydsman* again rammed the Coast Guard vessel very hard on its port side.

At 1250 hours the following fix was made: Alftanes, distance 2.7 nautical miles; Borgarnestangi, distance 4.6 nautical miles.

The *Lloydsman* now headed out of the territorial limit.

At 1254 hours the Coast Guard vessel called the *Lloydsman* by VHF radio, channel 16. The tugboat was warned that if it did not stop immediately it would be fired on with solid shots.

At 1256 hours a solid round was fired at the funnels of the *Lloydsman*. It is not known whether that shot hit the tugboat, but it did not stop.

At 1258 hours another solid round was fired at the funnels of the *Lloydsman*, and it is considered certain that this shot hit the tugboat, but where is not known. Both solid rounds were fired from the aft gun of the Coast Guard vessel, which has a calibre of 47 millimetres.

At 1258 hours an order was received from the Coast Guard Service to cease any further engagement with the tugboats.

The Coast Guard vessel thereupon immediately headed for shelter.

It should be pointed out that throughout the engagement the Coast Guard vessel observed all the ordinary international rules of navigation, and in accordance with these gave the required sound signals.

Signals to stop were also given from time to time during the engagement.

It should also be pointed out that the tugboats did not answer the orders of the Coast Guard vessel transmitted over the VHF radio.

As an attachment to this report is a preliminary description of the damages suffered by the Coast Guard vessel.

Weather: WNW 5-6, sea 4, intermittent hail squalls.

W: This is in accordance with a report which I submitted to the Director of the Coast Guard Service.

J: The witness hereby submits this report to the Court, and it is marked as exhibit No. 24. He also submits exhibit No. 25, a sea chart, and the witness furthermore submits to the Court the ship's logbook. The witness further submits as exhibit No. 26 a description of the damages suffered by the Coast Guard vessel.

I should like to ask you, Helgi, when you are sailing there out of the fiord of Seydisfjörður, who were present on the bridge at the time, you yourself and?

W: Myself, yes, along with the three mates, the wireless operator and one seaman at the wheel.

J: Your report here, which you have now presented to the Court, refers to a number of fixes having been made. Who carried out these fixes?

W: They were made by the first and second mates, under my supervision, and the third mate recorded them.

J: Four photographs have been submitted to the Court here, Helgi, do you know who took these photographs?

W: These photographs were taken by the first mate, Fridgeir Olgeirsson.

J: I should like to ask you, Helgi, there under these conditions, when the tugboats are there close by you, and then on top of you, as you put it, what were the sound signals they gave in connexion with changes and such things, how did they indicate their changes?

W: They gave no sound signals, they gave no sound signals when they changed their course.

J: You state here in the report: "The Coast Guard vessel's guns were now manned . . ." etc, and then that a blank warning shot had been fired, and then a solid round was fired, who took these decisions to use the guns?

W: I did.

J: Did they give no signals, did they never make any contact with you while this was going on?

W: None, they neither gave any signal with their sirens or attempted to make contact with us.

J: No Morse or?

W: No Morse or anything.

J: When this incident there is at its height, Helgi, these rammings as you describe them, it is perhaps difficult to explain what you were thinking, whether this constituted a grave and imminent danger for your ship and your crew?

W: Well, I must say quite honestly that one perhaps did not fully realize this at the moment these events were taking place, for one was busy with various things connected with these. Flagrant rammings were taking place, and this was inside the Icelandic territorial limit, and a direct attack, if one can put it that way, and I was determined to stop this.

J: You did not assess this at the time from the viewpoint of the danger involved?

W: No, I did not because I have always looked upon our job with the Coast Guard Service and onboard the Coast Guard vessels in such a way, it is never possible to assess our work from the viewpoint of the danger involved, for we must perform our duties as we go along, so to speak.

J: Helgi, what was the reason why you sailed in the direction of the tugboats to begin with?

W: Well, now, it was as it is explained here at the outset of the report, the Coast Guard vessel was outward bound in the fiord of Seydisfjörður after having completed an assignment we had been ordered to carry out by the control centre of the Coast Guard Service, who had asked that we, according to a request from the Mayor of Seydisfjörður, inspect three mines which were considered to be afloat in Seydisfjörður. Immediately at daybreak on Thursday, 11 December, we started a search for these mines and put out a rubber dinghy of ours, and this was just by Hánefsstadaeyrar, and with the help of the police ashore, who had sighted these mines, or these unidentified objects, we found this floating in the vicinity of Hánefsstadaeyrar, and then this proved to be floats from the British underwater minefield which is located there in the fiord. These floats were then pulled into port, and just before this task had been completed we had received a cable from the control centre of the Coast Guard Service to go and inspect three tugboats which were present in the mouth of Seydisfjörður. And this is how that event started. When we had completed this task, i.e. the rubber dinghy had pulled the float to shore, then it was pulled onboard and left outside on the helicopter deck. We usually keep it inside the helicopter shed, but we left it there on top of the deck both to dry it, and also because it was now about noon, so it was decided to place it inside the shed after lunch. Yes, I would like to point out that this report, which has been submitted to the Court, is drawn up by me and my mates, all of us together.

*The Coast Guard Service's Barrister:* I would like, as the result of an occasion given by Ivor Richard in his speech before the Security Council of the United Nations on 16 December 1975, to ask the Commander of the *Thor* whether there was, on board the *Thor*, as is stated in the speech of the British representative: an "armed boarding party", and whether some men on board the *Thor* had been armed, when this encounter was taking place?

W: This is utterly absurd.

*The Coast Guard Service's Barrister:* Did any conversation take place between crew members on board the *Thor* and the *Lloydsman*?

W: No conversations took place between the *Lloydsman* and the *Thor* except that two crew members on board the *Thor* observed a man standing on the starboard bridge wing of the *Lloydsman*, waving his clenched fists and shouting: "Kill them all". My boatswain was a witness to this, and a greaser, and they were standing on the helicopter deck, and this man, as I have said, seemed to be urging the crew of the *Lloydsman* to commit such an act. The distance between these men was very short, but as I have said the boatswain and a greaser were the witnesses to this, and they could describe this in more detail.

J: Present at the maritime inquiry has also been Thórhallur Hálfánarson from the Maritime Safety Committee.

Summoned before the Court now was:

W: Fridgeir Olgeirsson, residing at Dalaland 2, Reykjavík, born on 3 October 1936, first mate of the Coast Guard vessel *Thor*.

J: I admonish you to tell the truth. I see that you have a copy of the Commander's report in front of you; have you been acquainting yourself with its contents?

W: Its contents are well known to me, as I participated in the work of drawing up this report with the Commander and the other mates.

J: And the statements contained therein are correct?

W: Everything in the report is correct.

J: Who made these fixes there?

W: These fixes were made by me on a radar Sperry MK 12, but they were recorded by the third mate, who also marked these on a chart.

J: Four photographs have been submitted as exhibits, do you know about these?

W: These photographs were taken by me from the bridge of the Coast Guard vessel.

J: With respect to damages suffered by the *Thor*, did you inspect these personally when the incident had ended?

W: No, I did not, actually, except to a partial extent. On the other hand these damages were inspected mainly by our boatswain, Magnús Gardarsson, and the Chief Engineer, but on the other hand, yes, I did have a brief look at the damage, and this is purely a perfunctory survey. Other damages could easily appear, which are not recorded with us. A damage such as this can without any doubt cause injury which is not apparent at once.

J: I am now going to show you exhibit No. 26, is this the survey that you are talking about?

W: This is the survey that I mentioned, and it is drawn up by me, but as I am saying this is only preliminary, and it says right here at the beginning that it is only a perfunctory survey, as other damages could quite easily appear, but it could be some time until they become apparent, and by such tremendous impacts as occurred under this incident it is quite probable that, for instance, the foundations of the main engines be dislocated. This could have the result that at a later date leakage starts to occur by the stern tubes, or even that the supporting axle bearings, the propeller bearings could begin to give way.

J: I would like just to ask you in connexion with your rubber life dinghy, when these incidents occur, where is it situated?

W: It is located up on the helicopter deck by us, we had been carrying out a piece of work inside Seydisfjörður, and we had just before completed this task, and we had not finished putting it away in the usual manner inside the helicopter shed, so it was just lying outside on the helicopter deck, with the motor mounted, ready for use, in other words. It is customary, however, in winter time, to take it inside, but in the summer it frequently happens that it is left outside on the deck part of the voyages, according to what assignments are on hand.

J: There is one thing I should like to ask you about, when this violent action was going on there, what was in your mind in respect of danger for your ship and your crew, how did you look upon things at the time, let us say that once again a tugboat struck you, or?

W: It is a little difficult to answer this. I don't think the thought entered your mind that your life was in real peril, for as yet, in our judgement, this cold war has not reached the ultimate stage where injury to human life has become a deliberate objective, and judging by the way he approached us it seems that it was not his direct intent to force us under, for if he had struck us further forward then it would have been no heavy task for him to sink us. It is mainly the helicopter platform which sustains the principal damage, which is our best defence, the intent seems to be purely that of



W: molesting us, in other words to make us incapable of carrying out the task which has been assigned to us. I don't know, but I believe that we did not really think that human life was in danger there.

J: But the ship itself, let us assume that the electricity had broken down, or a leakage had started?

W: Yes, as the report of the Commander points out, then naturally the first objective of this action is that of driving these ships outside the Icelandic territorial limits, but of course when the *Star Aquarius* had rammed us, then our viewpoint has changed, quite naturally, for then this act constitutes an attack upon the Icelandic State, in our opinion, and then we of course make an attempt to stop the party involved with the aim of having him brought before the law courts, in order that his case may be tried by a court of law. This is the turn which events take in actual fact, while all this is going on.

J: You say to attempt bringing him before a court of law, what do you mean, did you intend to arrest him?

W: I would have thought that this act constituted a violation of Icelandic law. I actually don't know, though, I haven't even asked the Captain about this, my Captain, we haven't discussed this between ourselves, but I consider it normal that he would, most likely, have attempted to arrest the captain involved and bring him to justice. This is no longer just a matter inside the fisheries limits, but something which occurs within the sovereign territory of the Icelandic State.

J: What I was asking was, that when you came upon them out there, whether it was your intention to arrest him?

W: No, not when we first came upon him, the intention then is to get him outside. But I am saying that the events take a different turn just as we are attempting to get them outside.

J: In direct continuation of this, as to whether you were in any way armed in carrying out this action, then I mean, if you intended even to capture the tugboat?

W: No, we were in no way armed, and it may be added here that after the first collision then I asked my Captain whether we should arm ourselves, and he replied: "no".

J: The witness left the stand.

Called before the court was:

W: Hermann Sigurdsson, second mate on the *Thor*, born on 15 April 1948, residing at Melabraut 8, Seltjarnarnes.

J: I admonish you to speak the truth. I see that you have the Captain's report in front of you. Are the contents of this report known to you?

W: Yes.

J: And the statements contained in the report, are they correct?

J: Who made these fixes?

W: Yes, I participated in making the first fix, I and the first mate, and after that the first mate and the third mate, and the Captain, and he of course participated in making the first fix, too.

J: Did you take any part in drawing up this report?

W: Oh, yes, we participated in this all four of us.

J: I would like to ask you how you felt and what your thoughts were while this action was taking place, inasmuch as this might have constituted grave danger for your ship, and crew, through these rammings, whether you realized this at the time, and then in what manner?

W: I was not of that opinion, really, did not think there was any grave danger as long as the ship could not hit us in other parts than it did, and the shape of the boat is such that she is not able to reach in over the hull of the ship as long as the helicopter platform is in the way, but of course when this had been badly damaged, he had to stop.

J: Then I should like to ask you, did the tugboat attempt to hit your bows?

W: Yes, he did not have a chance to do so because she did not have sufficient speed to strike the bow.

J: But did you think he was attempting to hit your bow?

W: Yes, I would think so. Otherwise he tried to concentrate on this damage, where the ship had been damaged and was weak. You see that he never tries to head for the starboard side, but tries instead to hit the damaged part where *Star Aquarius* had already hit us.

J: But if he had struck your bow?

W: If he had struck the bow?

J: Yes.

W: Yes, then we would have been in danger, the bow and where the deck is lowest, he could have come on top there and pushed the ship down.

J: But what I was asking before was whether he made an attempt to do this?

W: I dare not assert anything on what he was thinking, but undoubtedly he sees it himself that it must—if he wants to reach the result of sinking the ship, then the greatest likelihood of being able to do this is to do it in this manner.

J: To go for the bow?

W: Yes. But he didn't have a chance to do this the way we manoeuvred our ship.

J: Yes, the way you manoeuvred, but what I was asking you is whether you noticed in fact that he attempted to go for your bow?

W: It would never have come to this because we were steaming at such speed, it was attempted to manoeuvre in such a way that he couldn't reach any further forward.

J: Yes, but of course he could not follow your manoeuvres, except what he is able to see, he cannot follow the engine room telegraph on board your ship?

W: No, I do not dare say anything definite about that, what it is like, exactly.

J: The witness stepped down.

Next witness called before the court:

W: My name is Halldór Gunnlaugsson, living at Vífilsgrata 19, Reykjavík, born on 15 March 1944, third mate on the Coast Guard vessel *Thor*.

J: I admonish you to speak the truth. I see that in front of you there is a copy of the Captain's report. Is this document known to you?

W: Yes.

J: And its content matter?

W: Yes.

J: Are the statements contained therein correct?

W: Yes.

J: What part did you play in drawing up this report?

W: I write down the events as they happen, according to instructions from the Captain and as I observe them.

J: Don't you make position fixes independently?

W: No, written down according to the first mate.

J: I would only like to ask you, when these events are caused by the tugboat, what you personally thought the danger was, how grave it was, for *Thor* and her crew?

W: At the time when the collision took place?

J: Yes, in other words as has been made clear, that they do not ram you once but twice. It has been described how he hit you at the aft part of the helicopter platform, and thereabouts?

W: I consider it to have been considerable and decisive, very grave; if the ship had, for example, struck us a little further forward, then this could have been very decisive.

J: Then I should like to ask you, did you follow the movements of the tugboats there when they hit you, whether he made attempts to strike you further forward, or whether he concentrated his effort there?

W: I could not follow this since the chart desk is situated in such a way, it is on the starboard side of the bridge, a partition in between there, but I followed this by looking out from time to time to see what was going on, but not continually since I was engaged in writing down what was going on.

J: Were they heavy blows?

W: Yes, but everyone can see from where the blow comes that the ship has a greater chance to give way in the water, to turn, than if the blow had struck closer to the middle or further forward.

J: The witness stepped down. The photostat of exhibit No. 23 was compared with the ship's logbook, and it proved to be a photostat copy of the opening in the logbook from 11 December last. The Judge signed the logbook as having been exhibited in the Court. The Counsel from the Icelandic Fishing Vessel Joint Insurance Institute submits exhibit No. 27, a request for court-appointed appraisers.

Next witness called before the court:

W: Bjarni Olafur Helgason, born on 7 May 1930 living at Thrastalundur 17, Gardahreppur.

J: Your occupation?

W: Commander in the service of the Coast Guard, Commander in the Air Squadron on the Coast Guard plane TF SYR.

J: I would like to ask you, Bjarni, about your role, we are here discussing the collision or ramming, played in these events?

W: Yes, we were there in the Coast Guard plane TF SYR on a usual inspection flight off the East Fjords, and received a cable just past 11 o'clock from the control centre of the Coast Guard, that there were supposedly some British tugboats in shelter close to Seydisfjörður and we are asked to inspect this and see what is going on. Well, we soon headed for this point, and well, just about 1230 o'clock we reached the area, it had been snowing further outside, but it cleared up when we came closer to shore. We spotted two ships there, which are lying very close in the mouth of Lodmundarfjörður, and about 1230 we were above the ships, and we then see that these are the *Lloydsman* and *Star Aquarius*, and we see that between them there is a line and also a waterhose, and it was quite clear that one of the ships was drawing water from the other.

J: How far do you think you were from the shore, where you were at this time?

W: I did not know this precisely, we were not making any special fix of this, but I estimate that it was a very short distance from shore, 1 to 1-1/2 nautical miles, something like that, off Borgarnestangi. Well, we see that the *Thor* is coming out of the mouth of Seydisfjörður, and had about 2 nautical miles to go when we were over the ships, and we see that he signals to the ships to stop by Aldis lamp, we see this clearly, and about the same time the captain informs the Coast Guard plane by VHF that he intends to stop the ships and see what is going on. Now we also see that the third ship, which seemed to be the *Star Sirius*, is inward bound and seems to be heading for the other ships that were there close together. But then he turns to starboard and heads outward when he sees *Thor* coming out of the mouth of Seydisfjörður. Well, after this we keep over the ships in our plane, and become witnesses to the events which took place there, that they, in other words, drive into the port side of the *Thor*, the tugboats there, *Lloydsman* and *Star Aquarius*. I should like to point out specially that as I said before, we followed all the events quite precisely, and there was no doubt whatever that the *Thor* had not manned her guns when she approaches the ships, and it was not until after the collision occurred that any shooting took place. We saw it quite clearly when they fired, for we saw the flash from the gun. I filmed this, as you know, and although the film could be better, then I do think that in all

essentials it shows what happened there, the preceding causes and the events which occurred there.

J: An exhibit has been submitted to this court, No. 17, a reel or a film, do you recognize ...?

W: I cannot, of course, say whether this is that particular reel, until I see it.

J: It says here written on it: 11 December 1975?

W: Yes, this could very well be it, but as I say ...

J: Is this not your handwriting?

W: No, I have not written this.

J: But is this the same type of reel as that which would have come out of your camera?

W: Yes, this is the same type, oh, yes, the same kind of film as was there.

J: Oh, still photos?

W: Still photographs were also taken in the plane, not by me, but by passengers who were along, and they are in large measure—they show the events clearly, almost exactly as the camera film does, even though from a different angle.

J: On cause given by the Judge the Counsel for the Coast Guard Service states: in the early morning of Friday I received the film reel which has been submitted to the court, from the hand of the man who developed it, and handed it over to the Director of the Coast Guard Service who placed it into a marked envelope, which it is now in. Those 15 photographs which have been submitted to the court this time are taken out of this same film reel and show the course of events in still photographs.

J: Bjarni, I should like to ask you, now that you are there in the airplane over the area, do you follow events then from the air, looking over the area and seeing what takes place; if you could describe to us what you felt like, or what ideas you had on whether the tugboat had actually intended to drive the Coast Guard vessel down, or what ideas you had as it all looked to you up above the whole thing?

W: My personal opinion is, and even conviction, that this was a deliberate ramming on the part of the tugboat, for it was quite clear, both on the photographs, that he turns sharply towards the port side of the *Thor*, and I was in fact quite astonished over this attack, and not least because they must have seen the airplane circling above them, could even have known there were newspapermen on board, and that there were witnesses to this act, and that the action by the *Thor* had not given any reason for such behaviour which involved a ramming on their part.

J: When you observe this like that from the air, Bjarni, the tugboat comes like that, as you describe it, head on, this time you are the Commander of the aircraft, and you are experienced also at sea on board the Coast Guard vessels, these attempts at ramming as you say, or deliberate ramming on their part, were they only directed towards the aft part of the ship, or let us say if he had hit the bow of the *Thor*?

W: No, it was quite clear that they wanted to hit him where it was worst, and it was then just a hit-and-miss thing that they did not strike her further forward, for naturally the *Thor* made the manoeuvres, made the changes in her course which could prevent them for the most part from hitting her, but it was clear both from the speed and other such things that they deliberately intended to drive her down. I have been present when they have sailed, both warships and others, that they have given a hard bash perhaps with their sterns and tried to cause damage that way, but this was no such thing, this was plainly a deliberate ramming and an attempt made to aim the blow amidships, and he made at least one or two attempts which failed, the *Lloydsman* did, which I saw ended astern of the *Thor*.

J: Have you served on board the *Thor*?

W: I have served on board the *Thor*, yes, I have served there for some considerable time, both as captain and as a mate.



J: As you see this, let us take an example here, you see it from the air and he heads for him like this on his port side, you used the term hit-and-miss, what do you call hit-and-miss, was it the speed of the *Thor* which perhaps determined that he struck the quarter port side, aft of the bridge?

W: It's exactly that, it's exactly that which determines this, he perhaps reckons that the speed of the *Thor* is so high, that he strikes her further aft than he maybe intends to do.

J: What is the speed of the *Thor* when it's steaming like this?

W: I don't know what speed it was on this time, but ...

J: This usual full speed?

W: If I remember right her speed is about 17 miles or thereabouts, yes, I think I am safe in saying that her speed is something over 17 miles.

J: But what do you think, Bjarni, if the *Lloydsman* had, in this instance, if she had come at her, for example, near the bridge wing?

W: If she had hit the bridge itself then the prow had definitely cut into the bridge, well, and there were men there. If she had hit her further forward, then her final direction is such that she would have ended up by damaging her below the waterline, and thereby she would have cut a hole into her. There the boat deck ...

J: And the further forward you go ...?

W: The greater the danger, yes.

J: I am going to repeat to you once again, Bjarni, because you have such a good general view over this scene, then I am going to repeat so that it comes out quite clearly, your viewpoints concerning the movements of the *Lloydsman*, that she directed her course particularly in such a way that she struck the *Thor* aft of the bridge, or in other words that it was a hit-and-miss affair that ...?

W: As far as I could see they tried to hit her amidships, although it happened that she struck her where she did, for when she was right alongside of her, then we saw that she made a sharp turn, turned full wheel into her, and I do not know whether she gave any signal on the siren or anything like that, that of course we could not hear up in the airplane, and whatever communications they may have exchanged, that I cannot say. But this is what it looked like seen from our position in the air, that this was a completely deliberate attempt to drive the ship down.

J: Do you consider then, Bjarni, that this constituted a direct danger for the ship and the crew?

W: That is my opinion of it, absolutely, I have absolutely no doubt whatever about this—this was gross and highly culpable recklessness, and as I have said both the ship and the crew of the *Thor* are put in grave danger of their lives, quite definitely.

J: In direct continuation of this, Bjarni, now you see there that when they start shooting at them from the *Thor*, thus maybe in order that I may perhaps determine the timing just a little better, this opinion that you just finished expressing, whether this was at hand before they took to the gun, this danger situation which you were talking about?

W: No, I do not believe so because the gun is not used until after the ships have begun their ramming manoeuvres, and I should like to say as my own opinion, if I may, that I would without hesitation have ceased upon exactly the same—my reaction would have been exactly the same as Helgi's, for the way I see it he was literally defending his own crew, and it has become abundantly clear in our previous cod wars that the only thing these fellows really understand is the gun, and nothing else.

J: What I mean is that your opinion is that this danger, which you have already mentioned, this is already present when they turn to the use of the gun?

W: No, what I was saying is that the gun is not used until the ramming has begun, the two ships sail on a straight course

almost side by side, and then I look upon it as a relatively innocent kind of cruising, until she begins to turn and ram.

J: In other words, then the gun is manned?

W: Yes, then we see it from the aircraft that the guns are manned, and as I stated earlier in my testimony, then we also see the flash of light so that we knew when they fired and when they didn't.

J: But when you see the flash of light and the guns manned, hasn't the *Lloydsman* by then already rammed her?

W: Yes, then he has—he fires a blank shot after—the *Aquarius* he starts the collision, he starts the ramming and then a blank shot is fired, and then we saw a bigger flash of light than when a sharp shot is fired, and it was exactly this that I saw clearly, it was after the *Aquarius* ramming that they started using the guns.

J: The witness stood down.

In accordance with exhibit No. 27, a request for a court appointment dated today, the court appointed the following individuals being competent and objective for carrying out the required task, Jón B. Hafsteinsson, naval engineer, Reynimelur 80 and Jóhann Indridason, blacksmith, Vikurbakka 40. They are required to submit a written appraisal, as accurately as they can according to their best knowledge and conscience, and be prepared to certify this by oath or word of honour, if required to do so. The appraisers shall notify the following individuals of when their appraisal is to be carried out: the applicant, Sveinbjörga Jónsson, Barrister-at-Law, on behalf of the Icelandic Fishing Vessels Joint Insurance Institute and the Coast Guard Service. In accordance with paragraph 4 of article 139 of the Act on Civil Proceedings it is decided that the appraisers shall have completed their appraisal at the earliest possible date.

\* \* \*

Year 1975, on Wednesday, 24 December, Mr. Emil Agústsón, Judge of the Reykjavik Civil Court, convened the Reykjavik Maritime and Commercial Court in the court room of the Reykjavik Civil Court at Túngata 14, and presided over the Court with his associate members, Kristján Adalsteinnsson, Captain and Andrés Guðjónsson, Headmaster.

Case before the Court:

To conduct a maritime inquiry into the collision of the Coast Guard vessel *Thor* and the British tugboats *Star Aquarius* and *Lloydsman* off the mouth of Seydisfjörður on Thursday, 11 December last.

Present on behalf of the petitioner, the Icelandic Coast Guard Service, is Jón Magnússon, Barrister-at-Law, on behalf of the State Directorate of Shipping, Jón Wíium, and on behalf of the Public Prosecutor, Bragi Steinarsson.

An inquiry into the said event took place on 19 December last. This inquiry is now continued for further proceedings.

J: Present as witness before the court is:

W: Leif Bryde, wireless operator, serving on board the Coast Guard vessel *Tyr*, living at Laufvangur 4, Hafnarfjörður, born on 30 April 1940.

J: I draw your attention to the fact that you are here before a court of law, and I, therefore, admonish you to tell the truth.

W: Yes.

J: You mention here that you were serving as a wireless operator on board the *Tyr*. It has now appeared that your role in this lies in some listening that you performed—or some communication that you followed?

W: Yes, I followed the conversations between the tugboat *Lloydsman* and the warships, particularly *Galatea* and *Falmouth*.

J: Where were you situated at the time?

W: We were, as far as I remember, in the fiord of Bakkaflói, or near there.

J: The reason why you hear this?

W: I always follow what is said on this wavelength, which the Englishmen use a lot, on the medium-wave band 2226, and I always keep my set open.

J: Did you know in advance that something was going on, or how did this happen?

W: I knew earlier in the morning that they had gone in there, or at least I had a strong suspicion of it, I felt I heard it from their conversations that they had gone in there.

J: The tugboats?

W: The tugboats, yes and also that *Lloydsman* was going to draw water from *Star Aquarius*, and then our airplane was also flying, so that I was up above during the noon hour, which otherwise is not the case usually, and therefore I followed this exchange from the start when *Lloydsman* first called up the warships.

J: And did you then overhear these conversations yourself?

W: I overheard them myself, yes.

J: Did you record it on tape or ...?

W: I recorded them on tape, yes.

J: Got that reel there?

W: I've only got it all recorded, then the report afterwards, which the *Lloydsman* gives to the warship about the progress of events.

J: Did you get it then, did you hear it?

W: Yes.

J: And you record it?

W: Yes, I record it.

J: But the communication between them?

W: No, that doesn't exist.

J: Did you not record that separately?

W: I didn't record it separately on a tape cassette, because it covers a long time.

J: And now I ask you as a wireless operator, when you are sitting like this by your equipment, and you are listening to this, don't you have this running at the same time?

W: I have a large tape recorder running, a four-channel tape recorder, but from that I only recorded this report.

J: This, what you are holding, is that recorded from that tape?

W: It is recorded from that tape, yes.

J: The witness now submits exhibit No. 28, a recording tape, which is, as already stated, a copy of the said recording which the witness mentioned. He also submits a copy of the aforementioned magnetic tape, which is marked as exhibit No. 29. The witness explains, however, that he himself did not personally make the copy No. 29 of the magnetic tape No. 28.

W: But read it all through, I have read it all through.

J: And what is copied there is correct?

W: Yes.

J: You mentioned here before that you knew that the tugboats were in there and were taking on water as you explain it. Where did you get this information?

W: I, as I say, I always followed what was said on this wavelength and in the mornings just after 10.30, 20 minutes before 11 o'clock, then the trawlers all report their positions to the support vessel, and if I remember right it was after the trawlers had finished this that the *Lloydsman* informs them that he is there intending to take on water.

J: Did he report his position?

W: Yes.

J: In such a way that you knew exactly where he was located?

W: Yes, pretty closely, it is reported on a plotting chart, you see, so it cannot be far off, and in fact could not be anywhere else than there.

J: I should like to ask you in this connexion when you receive this information, do you, for example, inform your captain of this?

W: I pass it on to the captain, yes and he again sent a cable to the headquarters of the Coast Guard Service.

J: I would like to ask you now concerning this reel of which a copy has now arrived, when—what information do you pass on to the Coast Guard Service about this and when do you eventually hand in this information that you have there?

W: On the tape?

J: Yes.

W: Yes, not of course until we came into port now, I made this copy of the magnetic tape later the same day because I had to rewind twice a day this reel which I have got on the principal tape recording set on board the ship, and then in accordance with instructions from the captain—he in other words asked me to record a copy of this.

J: When was this?

W: That day, the same day when the events took place.

J: You mentioned that he communicated with the Coast Guard Service here, was that the same day, did you know that he had done so?

W: Oh, yes, yes, a cable was sent about it.

J: That this had been—had been overheard?

W: Yes.

J: If we just go over the course of events, when you hear about this that they were going in there?

W: Either that they have already reached close to the—that they are close to the mouth of Seydisfjörður, or that it is their intention to go there to take on water, but whether the tugboats had reached there first, or whether the small tugboats and the *Lloydsman* were then going to use the opportunity there while in shelter to draw water from the *Star Aquarius*.

J: In other words the first thing that happens?

W: Yes.

J: And do you then inform the captain of this?

W: This I inform the captain of and he reports this to the Coast Guard Service ...

J: Did you send that cable?

W: I sent that cable, yes, that these ships are probably located there in the mouth of Seydisfjörður.

J: The next thing you hear?

W: The next thing I hear is probably there during the noon hour, and then when the *Lloydsman* calls the warships on their wavelength 2226 and informs them that the *Thor* is under way outward bound from Seydisfjörður and seems to be starting an attack on them and is steaming toward them.

J: How about the timing of what is received like this when you keep the tape open? Do you note the time?

W: No, I don't have the chance to note the time on this.

J: But cables from your ship to the Coast Guard Service, is that the only cable saying that they were there?

W: I don't remember another cable in connexion with that.

J: Of course no cable goes out from the ship except through you?

W: No, no, but I don't remember but this one cable, where we let them know that they are there, or are probably there.

J: But when this conversation which is now recorded here, is there no exchange of cables between you and shore about these conversations?

W: From us?

J: From you, yes.

W: Not there at this time, that was somewhat later, then a query arrives from the Coast Guard Service on whether we have

a recording of this exchange of words between the warships and the *Lloydsman*.

J: You say of this exchange of words?

W: Or, let us say, of the exchange of words before and after the collision.

J: Some definite, or whether you had?

W: A query comes from the Coast Guard Service on whether we have a tape recording of the conversations exchanged by the *Lloydsman* and the warships before and after the collision.

J: Your reply?

W: Then we just reply that we have a recording of *Lloydsman's* report to the warship.

J: You say a little later, when?

W: Ah, well, when?

J: I mean, now we are talking maybe in terms of minutes, hours or days.

W: That this arrives from the Coast Guard Service?

J: Yes.

W: It was a few days later that they ask about it.

J: Can you in your own mind try to make it a little more precise what ...?

W: Ah, well when they ask us whether we have the recording?

J: Yes.

W: Yes, ...

J: The maritime inquiry is conducted on 19 December, is it before or after?

W: It is before we return to port, we returned on the 20th, it was the 18th or 19th, that is soon before we return to port.

J: Well, your reply to whether you have it?

W: Yes.

J: When did the Coast Guard Service here ashore receive the actual tape reel?

W: The tape reel they get after we returned to port now yesterday, yesterday.

J: Yesterday?

W: Yesterday, yes.

J: You did not dispatch these conversations from you to them?

W: No.

J: There is one thing that I would just like to ask, a maritime inquiry into these collisions there was conducted on 19 December last, in the course of that inquiry then nothing revealed itself of what is appearing here now, on the other hand yesterday *Morgunbladid* carried a piece picking this up. I would like to ask you whether you have any explanation of how it is that *Morgunbladid* is the first to bring this out, did you give them some information?

W: No, it is definitely not obtained from me because I did not have it jotted down point by point like this, these conversations there. I cannot say who could have provided them with this, but of course anyone can listen to this there out east and could have followed what was happening.

J: You have not spoken to any journalists?

W: I have not spoken to any journalists, no.

J: The witness states: Seen from my standpoint, then it seems—then there was no naval officer on board the *Lloydsman*, rather there is a captain there whom I consider definitely to be the same captain as was there in the last cod war and whose first name is Norman I think for I have often heard him talking with the trawler skippers and he seems to be a great friend of theirs and was clearly very aggressive in the last cod war, but I was then serving on *Odinn* when the *Lloydsman*

rammed us then and he seems to have been alone on board there now and direct the action himself until after this event, then I notice that a naval officer has come on board, for I noticed it from the pronunciation that quite a different person was speaking and I also noticed that the warship asked I think it was the warship *Falmouth* which asks the warship *Galatea* whose—who had—whose decision it had been that they go in there, *Lloydsman* and the tugboats, then that they should start pumping water between the ships. Nothing ever came out of this except that *Lloydsman* had done this at his own decision.

J: The witness furthermore states: The warship asks if he can confirm that the *Thor* is sinking, "can you confirm that *Thor* is sinking"? And then the other one says he cannot say for it seems to him that she keeps her normal course in the direction of the mouth of Seydisfjörður and she doesn't seem to be low in the water.

J: This in other words you remember having ...?

W: Yes, yes, I remember it of course when—I cannot of course recount word by word what they said to each other.

J: The witness stepped down.

The next witness was called:

W: My name is Guðmundur Hjaltason Kjaernested, born on 29 June 1924 in Hafnarfjörður, Commander of the Coast Guard vessel *Tyr*.

J: I admonish you to speak the truth, Guðmundur.

W: Yes.

J: The witness reports as follows:

W: It was on 11 November last that we let drift in the fiord of Bakkafjörður or near there, the wind velocity was Beaufort scale NW 7 in the region where we were and there had been no fishing weather during the night, it was probably NW 8-9 Beaufort scale on the fishing grounds, and these tugboats that are serving in our waters have such a contract as I understand it, that they are then permitted to stop working. They are not warships, these are hired boats, so that we can say they are a kind of hired—if I may describe it as is done in foreign languages—these are hired assassins, they receive a certain fee for rendering a certain type of service and their kind of service is that of ramming the Coast Guard vessels. This has happened time and again both in this cod war and in the last one, and they are not there to protect the trawlers but rather to molest the Coast Guard vessels. They pursue us for days on end no matter whether we are near trawlers or somewhere else. This is their primary task. According to this contract of theirs, after what one has heard, then they stop working when the wind has reached a velocity of 9 Beaufort scale. This particular morning the wireless operator told me that he suspected that three of them had arrived at the mouth of Seydisfjörður and were probably moving water from one ship to another, that is the *Lloydsman* was drawing water from the *Aquarius* or the *Star Polaris*, if I remember right. I informed the control centre about this and I think the *Thor* too, because I knew that she was on her way out of Seydisfjörður or was working there. Well, then around noon the wireless operator informs me that the *Thor* is having some difficulties, he hears there has been a collision so I begin to listen more closely. This happened pretty quickly in the main and we recorded it on tape, but we did not hear the exchange of conversation between the *Thor* and the boats on VHF for its range is too short.

J: You have made a slip of the tongue, Guðmundur, to say 11 November, you mean 11 December?

W: Yes, it is 11 December, naturally. This exchange we didn't get to hear, but on the other hand we heard an exchange of words which took place on 2226. Now, well, individual exchanges I do not remember in their entirety, but I do remember, for example, that the warship asked the *Lloydsman* whether the *Thor* was sinking and then he replied that he thought they had been damaged "under the waterline", but that she were steaming inward to Seydisfjörður. This I noticed particularly.

J: Do you hear this yourself or ...?



W: I hear this myself for the wireless operator he called me, he says: "Now the *Lloydsman* is giving a report to the warship" and then I began to listen and I noticed this particularly, he said he thought they had "damages under the water-line" and then the other one repeated at least once or twice whether they were sinking. But I didn't hear him give a direct answer to this except this way only that they were on their way to Seydisfjörður, so that one could understand it that he did not think so.

J: I would like to ask you, Gudmundur, the maritime inquiry into these events took place on 19 December, then these things did not appear, what we are discussing here now. You mentioned here before that you had informed the control centre here in Reykjavik of the tugboats, I would like to ask whether any journalists, now you know as well as we do that all this was published in *Morgunbladid* yesterday, I want to ask you whether some journalists had contacted you about this or ...?

W: No, surprisingly enough then no journalist has ever contacted me during this stay ashore, it is the first leave ashore since this started, no one has had any contact with me.

J: But you do not recognize either some contact from your ship in connexion with ...?

W: No, I do not recognize any contact from our ship in connexion with this news item in *Morgunbladid*, it came to me as a little bit of a—I was called up yesterday morning, I was hardly awake and I had not seen the paper and I was told about this and asked about it, but on the other hand much of what there is in *Morgunbladid* sounds familiar to me, which I have heard myself, except the timing, this I do not have, but I recognize some of the points contained in this article, I have heard them.

J: Do you mean then that you had heard them out there when this was happening?

W: Oh, yes.

J: Gudmundur, the wireless operator has submitted to the court a tape recording covering parts of these large tapes and also written down a recording of this ...

W: He did not write this.

J: Not this, no, that is quite correct, but nevertheless he submits this?

W: Yes.

J: I should like to ask you Gudmundur whether you had some say in what was taken from the tape reel?

W: I asked him to take the main items and particularly *Lloydsman's* report of the event, take them and safeguard them. This tape which we have got records on four channels and is running both day and night so that it is a great deal of work to make recordings from it afterwards.

J: But, in other words, you are not involved yourself in what is recorded?

W: I asked him to take this particular report specially, that I remember.

J: I have not had a chance to go precisely into what this recording contains ...

W: I have not heard this recording.

J: You have not heard this recording.

W: No.

J: However, I do not see by a general view of it that it comes out in this recording, what you were mentioning before on whether the questions that were exchanged there, whether the *Thor* was sinking and other such things, I do not see it from this.

W: This is really the final chapter in these exchanges, that is the report from *Lloydsman* to the warship, then he has drawn the events together in the form of a report and transmits it to the warship, and this comes over in continuous form. The other material what comes before it that comes across in long intervals and it comes in gradually along with various other material which comes through during the same period of time,

for there are more ships that speak on this same wave length, the entire British trawler fleet uses this wave length for their exchange of messages. But this is the final part of this action.

J: The witness states: Well, I do not know for certain but judging from the exchange of conversations between the warships and the *Lloydsman* afterwards, then I am of the opinion that a Commander from the warship was put on board the *Lloydsman* after the event took place, this is what we understood, these are the usual tugboat skippers on board there and following this event a Commander was definitely placed over the *Lloydsman* from the warship, from the warship over on board the *Lloydsman*.

J: The witness stepped down.

The maritime inquiry is completed.

The Maritime and Commercial Court is adjourned.  
Emil Agústsson  
Kristján Adalsteinsson

Andrés Guðjónsson  
Gudmundur Hjaltason

Correct transcript certified.

The Reykjavik Civil Court, 29 December 1975.

(Signed) Emil Agústsson  
(stamp of the Reykjavik Civil Court)

Charge:  
kr. 525.00

Five hundred and twenty-five Krónur 00/100  
Paid: E. A. Signed.

#### APPENDIX I

The Coast Guard Service  
LG/209

No. 1. Submitted to the Maritime and Commercial Court of Reykjavik, 19 December 1975.

(Signed) E. A.

Reykjavik, 18 December 1975

The Reykjavik Civil Court  
Túngata 14  
Reykjavik

It is hereby requested that a maritime inquiry be conducted into the ramblings by the British tugboats *Lloydsman* and *Star Aquarius* on the Coast Guard vessel *Thor* in the mouth of Seydisfjörður on 11 December 1975. Attached are the following reports:

1. Report by the Commander of the Coast Guard vessel *Thor*, dated 11 December 1975.

2. Report by the Commander of the Coast Guard plane TF-SYR, dated 18 December 1975.

(Signed) Pétur SIGURDSSON

#### APPENDIX II

No. 22. Submitted to the Maritime and Commercial Court of Reykjavik, 19 December 1975.

(Signed) E. A.

The following telegram was sent to the British Embassy in Reykjavik at 1445 hours on 18 December 1975:

Reykjavik, 1014 115/112 18 1439  
Express  
British Embassy  
Laufásvegur 49  
Reykjavik

The Coast Guard Service of Iceland hereby informs the Embassy that at 0900 hours on Friday, 19 December 1975 a maritime inquiry will be held in the court room of the Reykjavik Civil Court at Túngata 14, Reykjavik to inquire into the ramblings of the Coast Guard vessel *Thor* by the British tugboats *Star Aquarius* and *Lloydsman*, which occurred in the mouth of Seydisfjörður on Thursday, 11 December 1975. Since

the two said tugboats are serving in Icelandic waters in accordance with the decision of the British Government, and consequently under its responsibility, the Embassy will have the opportunity of naming a representative to be present at the court inquiry. The Icelandic Coast Guard Service requests that you notify the owners of the aforementioned tugboats, as well as their masters, of the said court inquiry.

On behalf of the  
Icelandic Coast Guard Service,  
Jón MAGNÚSSON,  
Barrister-at-Law.

(Stamp of the Icelandic  
Coast Guard Service)  
(Signed) Jón M.

#### APPENDIX III

The Coast Guard Service  
HH/hj

No. 24. Submitted to the Maritime and  
Commercial Court of Reykjavik  
on 19 December 1975.

(Signed) E. A.

Coast Guard vessel *Thor*  
11 December 1975

(Stamp of the Coast Guard Service,  
15 XII F 75 time received.)

To: The Director of the Coast Guard Service  
From: The Commanding Officer of the Coast Guard vessel  
*Thor*  
Subject: Ramming of the Coast Guard vessel by the tugboats  
*Star Aquarius* and *Lloydsman*

On Thursday, 11 December 1975 the Coast Guard vessel was outward bound in the fiord of Seydisfjörður after having completed an ordered assignment. At 1221 hours the following observation was made of two tugboats sighted at the mouth of the fiord of Seydisfjörður: Tugboat 039 degrees true, distance 2.9 nautical miles; Brimnes, 317 degrees true, distance 0.6 nautical miles; and simultaneously the third tugboat was observed at position 077 degrees, distance 3.4 nautical miles. This determines the position of the first mentioned ships at 1.1 nautical miles from shore, while the position of the third tugboat was at a distance of 1.6 nautical miles from shore. The two first named tugboats were so close to each other that they appeared as one dot on the radar screen. Since the tugboats were far inside the Icelandic territorial limit we immediately put on full speed. At 1225 hours the following cable was sent to the control centre of the Icelandic Coast Guard Service: "Are approaching three tugboats inside territorial limit off the entrance of Seydisfjörður. Are under way to usher them outside." At 1225 hours an international "L" signal was sent by Morse with Aldis lamp, and at the same time an alert was sounded since my intention was to usher the ships outside the territorial limit. Soon thereafter the ships were identified as the *Lloydsman* and *Star Aquarius*. The third tugboat now headed out to sea and its name could not be seen. On the other hand it was heard by radio telephone that this was the *Star Polaris*. At 1228 hours the Coast Guard plane TF SYR flew over the tugboats, and then circled over the ships for the duration of the engagement. The Coast Guard vessel sent continuously signals to stop by Aldis lamp, siren and flag, and the tugboats were also ordered to stop by VHF, channels 16 and 14. A towline was now sighted from *Star Aquarius* to *Lloydsman*, and it was assumed that the latter was having some trouble. At 1235 hours the following fix was made: Borgarnes, distance 1.9 nautical miles, Skalaneshlid, distance 2.5 nautical miles. At the same time the Coast Guard vessel proceeded alongside the *Star Aquarius* on the starboard side at reduced speed. At the same time the *Star Aquarius* made a sharp turn to starboard and rammed the Coast Guard vessel's port side at the quarter. The action of the tugboat was so sudden that there was no time to alert the crew on board the Coast Guard vessel of the imminent danger, which usually is done by means of a special call system throughout the ship. When the collision occurred the *Lloydsman* had picked up full speed close to the stern of the Coast Guard vessel. After this

the *Star Aquarius* headed for open sea, but the *Lloydsman* closed in on the Coast Guard vessel's port side, showing all signs of ramming. At 1239 hours the following fix was made: Alftanes, distance 2.5 nautical miles, Borgarnestangi, distance 3.0 nautical miles. The Coast Guard vessel's guns were now manned, since it seemed clear that the *Lloydsman* had the intention of ramming the vessel inside the territorial limits of Iceland. At 1241 hours the *Lloydsman* rammed the Coast Guard vessel on its port quarter near the funnel. Simultaneously a blank warning shot was fired in the direction of the tugboat, and the following fix made: Alftanes, distance 2.5 nautical miles, Borgarnestangi, distance 3.3 nautical miles. Shortly after this the *Lloydsman* headed once again for the Coast Guard vessel, aiming for its port side. The Coast Guard vessel succeeded in preventing a collision by turning sharply to port at top speed. At 1245 hours the following fix was made: Alftanes north shoreline, distance 2.7 nautical miles, Borgarnestangi, distance 4.6 nautical miles. The *Lloydsman* now headed out of the territorial limit. At 1254 hours the Coast Guard vessel called the *Lloydsman* by VHF radio, channel 16. The tugboat was warned that if it did not stop immediately it would be fired on with solid shots. At 1256 hours a solid round was fired at the funnels of the *Lloydsman*. It is not known whether that shot hit the tugboat, but it did not stop. At 1258 hours another solid round was fired at the funnels of the *Lloydsman*, and it is certain that this shot hit the tugboat, but where is not known. Both solid rounds were fired from the aft gun on the Coast Guard vessel, which has a calibre of 47 millimetres. At 1258 hours an order was received from the Coast Guard Service to cease any further engagement with the tugboats. The Coast Guard vessel thereupon immediately headed for shelter. It should be pointed out that throughout the engagement the Coast Guard vessel observed all the ordinary international rules of navigation, and in accordance with these gave the required sound signals. Signals to stop were also given from time to time during the engagement. It should also be pointed out that the tugboats did not answer the orders of the Coast Guard vessel transmitted over the VHF radio.

The following is a preliminary description of the damages suffered by the Coast Guard vessel.

Weather: WNW 5-6, sea 4, intermittent hail squalls.

Helgi HALLVARDSSON  
Commander.

#### APPENDIX IV

The Coast Guard Service

No. 26. Submitted to the Maritime and  
Commercial Court of Reykjavik  
on 19 December 1975.

(Signed) E. A.  
Coast Guard vessel *Thor*,  
11 December 1975.

To: The Director of the Coast Guard Service  
From: The Commanding Officer of the Coast Guard vessel  
*Thor*  
Subject: Preliminary survey of damages suffered by the Coast  
Guard vessel

The principal damages are a dent in the electricity generator room by the forward end of the electricity control board where a leakage occurred. A dent in the main engine room by the bulwarks gate. The air blower for the main engine room on the port side is out of commission. This is located in the port side funnel. However, full speed (375) can be maintained from time to time. Nothing is to prevent normal speed being kept up. A 19-metre long section of the helicopter platform is broken and buckled, or 24 cross beams, and this damage reaches 4.5 metres inwards. Where this reaches furthest inwards the helicopter platform has all been pushed to the starboard side. The top section of the boat crane is damaged, and the crane's foundation fixtures have been bent. Whether or not the crane turns on its foundations has not been tested as yet. The hind corner of the funnel on the port side has been buckled, and the funnel cracked open. This is located about 3 metres above the helicopter platform. The rupture reaches about 30

centimetres into the funnel, where the cables have been broken. These, among other things, serve as leads for the air blower of the main engine room. The coaming of the hold aft has been pushed to the starboard side. A few dents have been made in the side of the port quarter, but clearly these have occurred mostly in the vicinity of the bulwarks gale. The CO2 cabin has suffered considerable damage, where ceiling beams are bent, and the front side of the cabin has been torn loose from the ceiling. A preliminary test showed, however, that the CO2 system is still operative. The sea water system of the ship is out of operation due to leakage.

(Signed) Helgi HALLVARDSSON  
Commander.

#### APPENDIX V

##### The Coast Guard Service

No. 29. Submitted to the Maritime and Commercial Court of Reykjavik on 24 December 1975.

(Signed) E. A.

The following conversation was received by the wireless station of the Coast Guard vessel *Tyr* on 11 December 1975:

*Lloydsman* calling *Galatea*.

*Galatea*, *Galatea*, *Lloydsman*, *Lloydsman*, *Lloydsman*.

*Galatea*: Yes, over.

*Lloydsman*: Yes, coming. Yes I have the details of the events to copy, over.

*Galatea*: Yes, just getting ready to write, over.

*Lloydsman*: The *Lloydsman* and *Star Aquarius* were lying just off the entrance to Seydisfjörður off the point named the Borgarnes, which is the north side of the Seydisfjörður entrance the ... light approximately 2 miles to seaward. The gunboat *Thor* was sighted leaving the entrance of Seydisfjörður whereupon the *Lloydsman* and the *Star Aquarius* immediately stopped transferring water and headed seaward. Have you got that, over?

*G*: Yes, thank you.

*L*: The *Thor* then approached the *Aquarius* which at the time was a little ahead of *Lloydsman* flying the flag "L" flashing the signal lamp, calling on the radio to the *Aquarius* to stop, and apparently preparing a boarding party from the after deck of the *Thor*. Over.

*G*: Yes, we have received that thank you.

*L*: The *Aquarius* continued on her course and the *Thor* ran up from the stern of the *Aquarius* more than two points off the beam, went right up alongside and hit the *Aquarius* on the *Aquarius* starboard side. The *Thor* then ran off to starboard. All the three defence ships were heading approximately north-easterly ...

*G*: This is *Galatea*, wait until we catch up on the writing.

*G*: Did they attempt to put anyone on board, or not, over?

*Galatea-Lloydsman*: Negative.

*L*: It was just the preparation while she approached the *Aquarius*, and apparently the idea was given up. And they made no effort to lower their ... or to put people on board the *Aquarius* directly. The *Thor* went into the *Aquarius* and laid off straight away.

*G*: Understood, over.

*L*: Continuing, the *Lloydsman* by this time had worked up some speed and decided to place itself between the *Thor* and the *Aquarius*, this time both having lost speed. When we had reached this position reading from north the *Star Aquarius*, *Lloydsman* and *Thor*, the *Thor* crossed from starboard to port ahead of the *Lloydsman* aiming her gun. The *Lloydsman*, due to this movement unavoidably hit the *Thor* on the port side just aft of midship damaging the decking and the aft part of the funnel, over.

*G*: Yes, this is *Galatea*, yes, understood. Just wait one moment while we catch up on the writing. Yes, ready, you can go on now.

*L*: Yes, continuing, the *Thor* then drew off the starboard of the *Lloydsman* and fired his gun at the *Lloydsman*, ... at close range. Over.

*G*: Understood, yes they fired at the *Lloydsman*. Could you say if she aimed at you or if they aimed ahead?

*L*: As far as we could tell it was aimed over the *Lloydsman*. Over.

*G*: Roger, can you explain where the shell passed over?

*L*: The fire, as far as we could see, passed right over the bridge.

*G*: Understood, and continue.

*L*: The *Thor* turned and approached again from the *Lloydsman*'s starboard side across the bow and the *Lloydsman* this time hit the *Thor* a very glancing blow on the port quarter, over.

*G*: Roger, understood, over.

*L*: The *Thor* then laid off on the *Lloydsman*'s port side and by this time the two *Star* ships had pulled ahead somewhat so it was the *Lloydsman* and the *Thor*. The *Thor* laid off the port side and fired two more shots towards the bridge of the *Lloydsman*, and fortunately they passed over. Over.

*G*: This is *Galatea*, Roger, yes.

*L*: The *Thor* then turned round and headed back towards Seydisfjörður, sending a message over the radio saying that we would be seeing her.

*G*: This is *Galatea*, Roger. Did she appear to be heavily damaged on her way in? Or did she appear to be breaking through the water normally? Did you offer her any help?

*L*: The damage was all above the waterline aft on the port side, she seemed to be making her way normally to Seydisfjörður, over.

*G*: This is *Galatea*, Roger, what is the situation with regard to the weather?

*L*: We are still heading towards the four-mile line at normal speed which we have almost reached now. The weather is not too bad and the *Star Aquarius* reports no serious damage ... (static) ...

*L*: Yes, it is all right. I will catch up with them and see what their masters think of the bad weather, over.

*G*: Yes, Roger, I will pass your message over to the boss. If there is anything you need or you think that the *Star* boats need let me know, I am now about ... miles to the east of you and we will be keeping a lookout on how you will be getting on, over.

*L*: Understood. There is one addition to the report. When the *Star Aquarius* was approaching the position where the *Thor* reached the *Star Aquarius* with the purpose obviously of making her stop and board her, I had spoken to the *Falmouth* and apprised them of the situation, and I informed the *Star Aquarius* over the VHF radio to continue seawards as we could be expecting naval support shortly. Over.

*G*: Understood, what frequency was the *Thor* using, over?

*L*: We did not speak to *Thor*. I passed my message to the *Star Aquarius* on Channel 14 ... the *Thor* had also used this channel to order the *Star Aquarius* to stop.

*G*: This is *Galatea*, understood. We are very glad to hear that you were not hurt in any way, and that everybody is safe ... I hope you will have a good ...

*L*: Roger, understood ...

#### APPENDIX VI

The following are excerpts transcribed from the original magnetic tape recording the English language conversations that took place between the British ships *Galatea*, *Falmouth* and *Lloydsman* at the time when the incidents took place in the mouth of Seydisfjörður on 11 December 1975, and on which is based the preceding document drawn up by the wireless operator of the Icelandic Coast Guard vessel *Thor*, Heidar W.

Jones, which he presents to the Court of Inquiry held at Siglufjörður on 24 December 1975:

1244  
hours

*Falmouth* to *Lloydsman*: "You must get outside the territorial waters as quickly as you can."

*Lloydsman*: "Roger—yes, received, to hurry outside territorial waters. They have fired at us ... they have shot at the ship. ..."

1247  
hours

*Lloydsman*: "How long will it ... how long will it take you to reach our position? When will you ... (reach?) us?"

*Falmouth* to *Lloydsman*: "We are approximately 30 miles off ... 30 miles off ... We are on our way as fast as we can."

*Lloydsman* to *Falmouth*: "... we are now outside the territorial waters and steaming full speed in north-easterly direction from the mouth of Seydisfjörður. ... We have been fired at once again ..."

*Falmouth*: "... good show ... have you been hit?"

... *Lloydsman*: "No, we haven't been hit ... we were not hit ... They fired at us three times."

*Lloydsman*: "We are now about 4 nautical miles from shore and outside the 3-mile line. Along your instructions we are steaming outside the 12-mile line. ... The *Thor* is alongside us going at about the same speed ..."

*Lloydsman*: "The *Thor* has just turned round toward shore, we'll keep going to meet the *Falmouth*."

*Galatea* to *Lloydsman*: "Hello *Lloydsman*. Can you give us a situation report, over?"

*Lloydsman*: "Wait a minute, wait, I'll get the bridge commander."

*Lloydsman*: "Our position ... and the two *Star* boats is 060 degrees seven and a half miles from the northern entrance of Seydisfjörður ..."

*Galatea* to *Lloydsman*: "Are you expecting some damage, over?"

*Lloydsman*: "Yes, we expect there's some damage. *Star Aquarius* and we collided with the *Thor*, and *Lloydsman* damaged the *Thor* quite a lot on the port side above the waterline. It's possible we also damaged her under the waterline."

...

*Galatea* to *Lloydsman*: "We'll reach you about quarter past two, about 1415 hours. ..."

*Galatea* asks the *Lloydsman* whether the *Star Polaris* is also near them like the *Star Aquarius*, to which *Lloydsman* replies: "... Yes, they are just ahead of us."

*Lloydsman*: Replying to query about Coast Guard vessel *Thor* "... as far as we can see they are heading back to Seydisfjörður and they are not low in the water, but we suspect we have damaged her under the waterline ..."

... *Galatea* to *Lloydsman*: "Can you tell us about damages on the *Star Aquarius*?"

*Lloydsman*: "Wait while I ask the bridge."

*Lloydsman* to *Galatea*: "The *Star Aquarius* reports some minor damages, only some minor damages."

*Galatea* to *Lloydsman*: "Where was the *Star Polaris* in relation to you and the other ships when the collision happened?"

(... static noise ...)

*Galatea*: "Did you get any pictures of the collision?"

*Lloydsman*: "No, there was no one with a camera ready, but there was an Icelandic aeroplane overhead ... over the area, they probably took some pictures, I expect."

*Galatea*: ... "Where is the *Thor* now in relation to your position."

*Lloydsman*: "They have disappeared in the direction of Seydisfjörður ..."

*Galatea*: "Did they seem at all low in the water to you ... were they sagging?"

*Lloydsman*: "Not as far as we could see."

B. Transcript from the Maritime and Commercial Court record of the Town of Siglufjörður

Year 1975, Wednesday 24 December at 1115 hours the Maritime and Commercial Court of the Town of Siglufjörður was convened in the court room at Gránugata 18 and presided over by Elías I. Elíasson, Town Magistrate, with his associate members of the Court, Eythor Hallsson, Captain retired and Sigurjón Jóhannsson, Captain, who were specially appointed.

Case before the Court:

Continued maritime inquiry, at the request of Helgi Hallvardsson, Commander of the Coast Guard vessel *Thor*, because of ramming by British tugboats on the Coast Guard vessel *Thor* in the mouth of Seydisfjörður on the eleventh of this month.

At 1120 hours is present and summoned before the Court Helgi Hallvardsson, Commander, Lyngheidi 16, Kópavogur, age 44 years.

Admonished to tell the truth.

A maritime inquiry because of this event, i.e. the ramming of the Coast Guard vessel *Thor*, was conducted in Reykjavik on the nineteenth of this month. The Commander states that it had been overlooked to submit to the Court the exchange of words which took place between British warships and tugboats, which the wireless operator of the Coast Guard vessel had recorded on magnetic tape. An excerpt of a recording of the said exchange of words, which the wireless operator and chief mate of the Coast Guard vessel had succeeded in making, has now been clean typed. The Commander now submits the aforementioned excerpt, marked as Exhibit No. 1, reading as follows:

The Coast Guard Service  
HH/hj

Coast Guard vessel *Thor* 24/12 1975.  
No. 1. Submitted to the Maritime and Commercial Court of Siglufjörður, 24 December 1975.

(Signed) Elías E. Elíasson

To: The Commander of the Coast Guard vessel *Thor*

From: The Wireless Operator of the *Thor*

Subject: A magnetic tape recording concerning the events which took place in the mouth of Seydisfjörður on 11 December 1975

1244  
hours

*Falmouth* says to *Lloydsman* to hurry outside the territorial waters and *Lloydsman* says this correctly received to hurry outside the territorial waters and informs them also that they have been shot at.

1247  
hours

*Lloydsman* asks *Falmouth* how long it will be until they reach their position, and *Falmouth* replies that roughly speaking they are 30 nautical miles away and are hurrying to meet them.

1255  
hours

*Falmouth* calls up *Euroman* after having called up *Lloydsman*, but receives a reply from neither of them.

1257  
hours

*Lloydsman* informs *Falmouth* that they are outside the territorial waters and are heading full speed north-east from

the mouth of Seydisfjörður, and that they have been fired at again. *Falmouth* says good show and asks if both the *Star* boats are also outside the territorial waters and asks also if the *Thor* has hit anyone with his shots.

*Lloydsman* doesn't hear and makes no reply, but repeats that they have been shot at. A little later they make contact and *Lloydsman* then replies in the negative that they have not been hit, but that three shots have been fired at them.

1259  
hours

*Lloydsman* says they are about 4 nautical miles from shore and outside the 3 miles, and that according to instruction from *Falmouth* they are hurrying outside the 12-mile limit. He also replies to a query that the *Thor* is beside him going at the same speed.

1300  
hours

*Lloydsman* reports that the *Thor* has just turned back heading for land, and that they will keep going to meet with the *Falmouth*.

1301  
hours

*Galatea* calls *Lloydsman*.

1302  
hours

*Galatea* asks *Lloydsman* for a situation report, and *Lloydsman* asks him to wait while he gets the bridge commander.

1303  
hours

*Lloydsman* says their position and that of both the *Star* boats is 060 degrees 7.5 nautical miles from the northern mouth of Seydisfjörður, and that they are going full speed, and that the *Thor* has turned back to Seydisfjörður. The *Lloydsman* also states in reply to a query from *Galatea* that to the best of their knowledge only blank shots have been fired at them, three, and that they are heading full speed for the 12-mile limit, where they will stop to inspect damages.

*Galatea* asks *Lloydsman* whether they are expecting any damages, and *Lloydsman* replies that they think so, that *Star Aquarius* and *Lloydsman* have collided with the *Thor*, but the *Lloydsman* has damaged the *Thor* badly on the port side above the waterline, and that they may also have damaged her under the waterline.

*Lloydsman* then asks *Galatea* when they can reach them, and *Galatea* says she cannot tell right away. *Galatea* also asks *Lloydsman* to let them know immediately when they have reached the 12-mile limit.

1311  
hours

*Galatea* informs *Lloydsman* that they will reach them at 1415 hours.

1314  
hours

*Galatea* asks *Lloydsman* whether the *Star Polaris* is also with him like the *Star Aquarius*, and *Lloydsman* replies in the affirmative, that they are in front of them.

1317  
hours

*Lloydsman* confirms that the *Thor* has turned back to Seydisfjörður.

1322-  
1326  
hours

*Galatea* asks *Lloydsman* whether they can confirm that the *Thor* is sinking, but *Lloydsman* says he cannot confirm this, that as far as they can judge we are heading toward Seydisfjörður and are not low in the water, but that he still suspects that he has damaged us under the waterline. A little later *Falmouth* asks *Galatea* about damages to the *Thor*, and whether she is sinking, and *Galatea* replies that

*Lloydsman* has said that he damaged the *Thor* badly on the port side above the waterline, and most likely also under the waterline. Then *Lloydsman* enters into the conversation and states that as far as damages to the *Thor* under the waterline are concerned this is pure guesswork based on how they hit us, but that we are now heading at slow speed inward to Seydisfjörður, and that as far as they can see we are not sagging.

1326  
hours

*Galatea* asks *Lloydsman* whether he can report on the damages suffered by *Star Aquarius* and *Lloydsman* asks him to wait while he contacts the bridge.

1327  
hours

*Lloydsman* says that *Star Aquarius* reports some minor damages, and *Galatea* asks where the *Star Polaris* has been in relation to the other ships when the collision happened.

1328  
hours

*Lloydsman* informs *Galatea* that when *Star Aquarius* collided with the *Thor* then *Star Polaris* had been 2 nautical miles further out and well out of the way.

1330  
hours

*Galatea* asks *Lloydsman* whether he has taken any photographs of the incidents, but *Lloydsman* replies in the negative, there had been no one on board with a camera ready, but an Icelandic aeroplane had been circling over the area and they had undoubtedly taken some photographs.

*Galatea* also asks for a full report of the events.

1338  
hours

*Galatea* asks *Lloydsman* where the *Thor* is now in relation to the position of the *Lloydsman*, and *Lloydsman* says that we have disappeared in the direction of Seydisfjörður, and *Galatea* asks whether they had seen any signs of our being sagged down in the water, and *Lloydsman* replies that they could not see any signs of this.

Because of static and poor atmospheric conditions, partly because of *Lloydsman's* close proximity in the beginning, this is not a definitive report of the exchange of words that took place between them, and is drawn up according to the best of my knowledge and ability. Some things are left out which are not of direct concern for the subject-matter, and in many parts the exchange of words is summarized into composite sentences.

(Signed) Heidar W. JONES  
Wireless Operator

The Commander wishes to point out that according to messages communicated between the ships he understands it in such a way that it had been a plot between the British ships to lie in ambush for the Coast Guard vessel and damage it. An excerpt from exhibit No. 1 was now read to the Court.

The Commander now submits exhibit No. 2 a magnetic tape recording of the aforementioned exchange of words, reading as follows: ...

The Commander does not wish to make a further statement.  
Read aloud, acknowledged as correctly recorded.

Helgi Hallvardsson  
Stepped down at 1148 hours.

At 1149 hours is present and summoned before the Court Fridgeir Olgeirsson, chief mate of the Coast Guard vessel *Thor*, living at Dalalan 2, Reykjavik, 39 years of age.

Admonished to speak the truth.

The witness states that he, along with Heidar W. Jones, wireless operator, had carried out the task of writing down the text on the magnetic tape containing the exchange of words between the British warships and the tugboats off the mouth of Seydisfjörður on the 11th of this month. The witness



sees the magnetic tape of exhibit No. 2. He explains that this is the said magnetic tape. The excerpt contained in exhibit No. 1 was now read before the Court.

Where it says "the northern opening" at 1303 hours in the report it should say "Borgarnes".

The report is correct as the wireless operator recorded the conversations, but the magnetic tape contains more things, which doesn't concern this affair, and this is left alone. The witness states that the wireless operator has recorded two time determinations onto the magnetic tape and a date in one of these two instances. From these, other timing points on the tape are calculated.

Read aloud, acknowledged  
as correctly recorded.

Fridgeir Olgeirsson  
Stepped down at 1215 hours.

At 1216 hours is present and summoned before the Court Heidar Woodrow Jones, wireless operator on the Coast Guard vessel *Thor*, living at Hjallabraut 3, Hafnarfjörður, 28 years of age.

Admonished to speak the truth.

The witness is shown the magnetic tape constituting exhibit No. 2. The witness explains that he recorded the material contained on this tape, from the conversations between the British warships and the tugboats off the mouth of Seydisfjörður on the 11th of this month. The tape has not been touched since and no further recordings been made on it. The tape contains some other material. The report contained by exhibit No. 1 was then read aloud and shown to the witness. The report is correct and true and the witness acknowledges having signed it. The witness typed the record himself. This is an excerpt of the tape recording contained in exhibit No. 2.

The chief mate of the Coast Guard vessel completed the report contained in exhibit No. 1, along with the witness. With regard to the timing recorded in the report the witness states that he had twice, in the course of the conversations, stated the time onto the tape, and the timings in the report are calculated from this. The witness states that he has reason to believe that the conversations between the aforementioned British ships had also been recorded by the Coast Guard vessel *Tyr*. The magnetic tape recording is made over medium wave length 2226 kc per second.

Read aloud, acknowledged as correct.

Heidar W. Jones

Stepped down at 1239 hours.

Present at the inquiry was Knutur Jonsson, Certified Court Interpreter.

Other matters were not handled by the Court.

The Maritime and Commercial Court was adjourned.

Eliás I. Eliásson

Sigurjon Johannsson

Eythor Hallsson

Knutur Jonsson

Correct transcript certified.

Office of the Siglufjörður Magistrate, 24 December 1975

(Signed) Eliás I. ELIÁSSON (stamp of the Magistrate of the town of Siglufjörður)

### C. List of exhibits

List of exhibits submitted in the course of the proceedings in the Maritime Court Inquiry conducted in the Civil Courts

of the City of Reykjavík and the Town of Siglufjörður, Iceland on 19 and 24 December 1975 into the collision of the Coast Guard vessel *Thor*, on the one hand, and the British public vessels *Star Aquarius* and *Lloydsman*, on the other, off the mouth of Seydisfjörður, Iceland, on Thursday, 11 December 1975.

### Exhibits submitted to the Reykjavík Maritime and Commercial Court

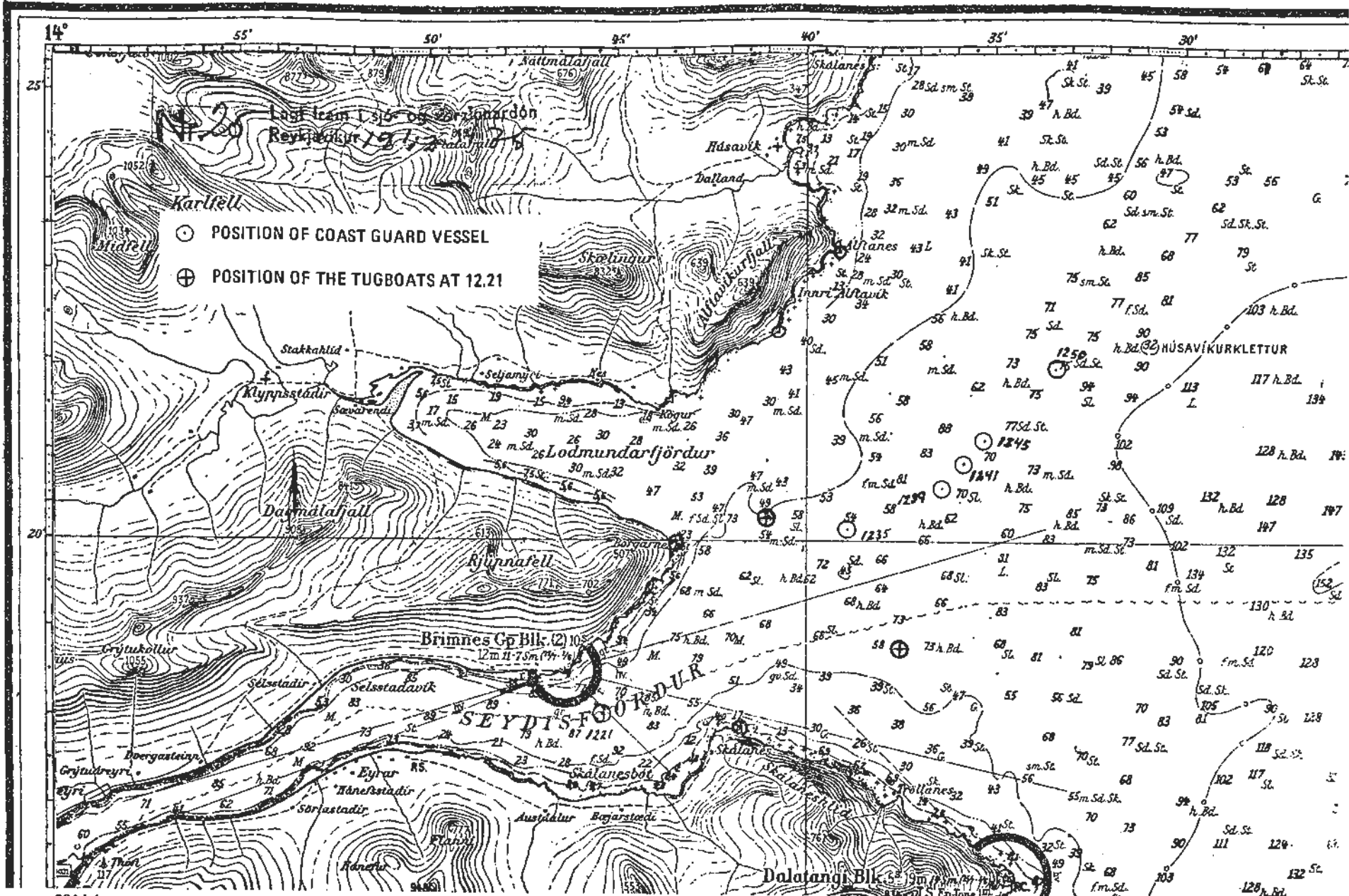
#### Exhibit No.

1. Letter from the Icelandic Coast Guard Service to the Reykjavík Civil Court, dated 18 December 1975, requesting that a Court Inquiry be held into the incident [appendix I].
- 2-21, inclusive. 19 photographs and 1 film taken of the incident. (Not reproduced, but available for inspection at the Permanent Mission of Iceland to the United Nations.)
22. Telegram from the Icelandic Coast Guard to the British Embassy, Reykjavík, dated 18 December 1975, inviting the Embassy to send its representative to be present at the Court of Inquiry [appendix II].
23. A certified photostat copy from the logbook of the Coast Guard vessel *Thor*, showing logbook records of the events that took place on 11 December 1975.  
(Not reproduced here.)
24. Report from the Commander of the Coast Guard vessel *Thor* to the Icelandic Coast Guard, dated 11 December 1975, describing the incident that took place on the same day [appendix III].
25. A certified photostat copy of a sea chart showing the area where the incident took place and marking the position of the vessels involved according to fixes made in the course of the incident [see p. 36].
26. Report from the commander of the Coast Guard vessel *Thor*, dated 11 December 1975, giving a preliminary description of damages suffered by the Coast Guard vessel *Thor* as a result of the incident [appendix IV].
27. Request from the Icelandic Fishing Vessels Joint Insurance Institute to the Reykjavík Civil Court, dated 19 December 1975, for the appointment of two evaluators for the purpose of appraising the damages suffered by the Coast Guard vessel *Thor* in the course of the incident.  
(The document and its contents is described in the minutes of the Court proceedings above.)
28. A magnetic tape containing a recording of conversations that took place between the British tugboats and the British naval frigates on 11 December 1975.
29. A transcript of conversations that took place on 11 December between the British tugboat *Lloydsman* and the naval frigate *Galatea* [appendix V].

### Exhibit submitted to the Siglufjörður Maritime and Commercial Court

#### Exhibit No.

1. A description of conversations that took place between the British tugboat *Lloydsman*, and the British naval frigates *Galatea* and *Falmouth* on 11 December 1975 [appendix VI].



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DOCUMENT S/11945

Letter dated 26 January 1976 from the representative of the Netherlands  
to the Secretary-General

[Original: English/French]  
[27 January 1976]

I have been requested by the Government of the Grand Duchy of Luxembourg, which country currently exercises the function of President of the European Community, to transmit to you the outlines of the *démarche* undertaken on the eve of the debate in the Security Council on Namibia by the Netherlands Ambassador to South Africa on behalf of the nine countries of the Community:

"The nine countries of the European Community have had an exchange of views on the problem of Namibia within the framework of their normal consultations on political co-operation. With reference to what has emerged from the Windhoek constitutional conference and from the debate which took place recently in the United Nations General Assembly, they deem it advisable to set forth to the Government of the Republic of South Africa their position on the question of Namibia.

"As they indicated in the message addressed to the Secretary-General on the occasion of 'Namibia Day', the nine countries of the European Community consider that South Africa should withdraw from Namibia as soon as possible and that the inhabitants of Namibia should have the opportunity to exercise at an early date their right to self-determination and to independence. The exercise of this right should consist of the opportunity of expressing their opinions on the political and constitutional future of the Territory as a whole, through a fully democratic process under the supervision of the United Nations.

"They accordingly feel that all the political groups should be free to engage in peaceful political activities throughout the Territory during the process of self-determination.

"Consequently, they consider that the release of all Namibians detained because of their political opinions and the return to their territory of the Namibians at present in exile could contribute appreciably to ensuring this democratic and peaceful participation in the process of self-determination.

"In the light of the foregoing, the nine countries consider the indications that have emerged thus far from the Windhoek constitutional conference inadequate. As its representativeness is limited to ethnic groups, not all the political forces have been able to participate in it. It therefore does not appear to guarantee the fully democratic character of the process of self-determination. Furthermore, it still does not appear to provide for the constitutional future of Namibia to be determined by the Namibian people through a single consultation organized on a Territory-wide basis.

"The nine countries of the Community therefore feel that it is essential for the Republic of South Africa to promote the process of self-determination of Namibia on the basis of the above-mentioned principles and by applying modalities which should be determined through negotiations between the South African Government and the Secretary-General so as to enable the United Nations to exercise supervision."

I have the honour to request you to transmit this letter to the President of the Security Council and to have it circulated as an official document of the Council.

(Signed) JOHAN KAUFMANN  
Permanent Representative of the  
Kingdom of the Netherlands  
to the United Nations

DOCUMENT S/11946

Letter dated 26 January 1976 from the representative of Uganda  
to the President of the Security Council

[Original: English]  
[27 January 1976]

I have the honour, upon instructions from my Government, to forward to you in connexion with the forthcoming Security Council debate on Namibia, the following message which I am informed reflects the official position of the Organization of African Unity:

"1. Independence for the people of Namibia cannot be compromised; therefore, South Africa must withdraw immediately her illegal occupation of the Territory and must repeal her oppressive laws.

"2. The situation in Namibia is a threat to peace and the Security Council must pronounce itself on this. The three Permanent Members, namely, France, the United Kingdom and the United States of America should examine their conscience and face reality. The Security Council should call for the application of Chapter VII of the Charter of the United Nations.

"3. The territorial integrity of Namibia must be preserved and South Africa's policy of Bantustanization cannot be tolerated.

"4. SWAPO is the sole representative of the people of Namibia. Chiefs are puppets of the South African régime and, therefore, any meaningful talks must involve SWAPO representatives. Unless the world body and South Africa recognize SWAPO's position, OAU and all peace-loving countries in the world will assist her in attaining and demonstrating her legitimate rights through armed struggle.

"5. The illegal exploitation of Namibia's natural resources must be stopped. Members of the United Nations should abide by Decree No. 1, promulgated by the United Nations Council for Namibia. The Western countries and Japan have strengthened South

Africa's illegal occupation of the Territory and, therefore, they should be called upon to cut off their diplomatic and trade links with South Africa, which affect the Territory. The Federal Republic of Germany should in particular consider winding up her Consulate in Namibia as this is the most telling diplomatic approval of South Africa's occupation of Namibia.

"6. Increased arms supply to South Africa should be condemned as it strengthens her stronghold on the Territory.

"7. The use of the Territory of Namibia to carry on aggression against the people of Angola must be condemned."

I should be grateful if this communication were circulated as a document of the Security Council.

(Signed) H. E. L. ACEMAH  
Chargé d'Affaires, a.i.  
of the Permanent Mission  
of Uganda to the  
United Nations

#### DOCUMENT S/11947

Letter dated 26 January 1976 from the representative of the Union of Soviet Socialist Republics to the Secretary-General

[Original: Russian]  
[27 January 1976]

In connexion with the letter from the Permanent Mission of Zaire to the United Nations of 19 January 1976 [S/11936] I have the honour to state the following.

The Permanent Mission of the USSR to the United Nations categorically rejects all the slanderous fabrications about the Soviet Union set forth in the letter from the Permanent Mission of Zaire concerning unfriendly acts allegedly committed by the USSR in the territory of the People's Republic of Angola which pose a threat to the Republic of Zaire. There is absolutely no basis for such assertions. The position of the USSR on the Angolan question is well known to all. We wish to reaffirm that not a single Soviet citizen is fighting with weapons in hand on Angolan soil. Therefore, it cannot but cause surprise that the letter from the Permanent Mission of Zaire asserts without any foundation that some mythical "Soviet troops" are in Angola.

In reality, armed intervention is being carried out against the People's Republic of Angola, as is well known to everyone, by South African racists and units consisting of various kinds of adventurers and mercenaries, including Portuguese Fascists who fled from Angola, supported by imperialist and pro-imperialist forces. It is no secret to anyone that the troops of the Republic of South Africa and mercenary gangs are bringing with them the restoration of the former colonial order in Angola and are attempting to tear apart the People's Republic of Angola, which has now been recognized by the majority of sovereign States of Africa and of those who support the Angolan people and their legitimate Government and their just struggle against the racist and imperialist forces for the freedom and independence of their country and the right to determine for themselves their way of life and their destiny.

The Soviet Union, in keeping with its fundamental political position, has extended and continues to extend moral and material support to the national liberation struggle of peoples for freedom and indepen-

dence, which is fully in keeping with the decisions both of the United Nations and of the Organization of African Unity with regard to decolonization. This fully applies also to the People's Republic of Angola, which is, at the present time, repelling the aggression of racist and imperialist forces.

The Soviet Union is not seeking any economic, military or other advantage in Angola. Our sole concern is to help the People's Republic of Angola to defend its freedom and independence. The Soviet Union decisively condemns the aggression of the South African racists against the People's Republic of Angola and, together with the majority of African countries, demands the immediate and unconditional withdrawal of South African military forces and Fascist mercenary units from Angola. The Angolan people should be guaranteed normal peaceful conditions so that, without any external interference, they may independently determine the path of their development in conditions of peace, freedom and independence.

In that event there would be no need to continue to extend assistance to the People's Republic of Angola in the form in which it is currently being extended to that sovereign African State at the request of the legitimate Government of that State. It is impossible not to see that the assistance given to the People's Republic of Angola is in no way detrimental either to the countries bordering on Angola or to any other African countries. On the contrary, all the peoples of Africa are vitally interested in strengthening the independence of the People's Republic of Angola and liberating it from South African interventionists and foreign mercenaries.

I request that this letter be issued as an official document of the Security Council.

(Signed) Y. MALIK  
Permanent Representative of the  
Union of Soviet Socialist Republics  
to the United Nations



Letter dated 27 January 1976 from the representative of South Africa  
to the Secretary-General

[Original: English]  
[27 January 1976]

I write to you in connexion with the current consideration by the Security Council of the question of South West Africa. You will recall that on 27 May 1975 [S/11701], my Foreign Minister wrote to you setting out my Government's position with regard to this question as well as providing information on the latest developments in the Territory. The negative reaction of the United Nations to that letter was a source of great disappointment to the South African Government.

There can be no doubt that if Member States, and in particular members of the Security Council, were to have a clear grasp of the fundamental realities of South West Africa, and the principles underlying my Government's approach to the whole issue, they would develop a proper appreciation of the impressive developments which have been achieved and which continue to be achieved in the Territory and a better understanding of South Africa's objectives. With that object in view, I now wish to deal with some of these fundamentals. In doing so, it is incumbent on me to revert briefly to certain important aspects of the background to this issue so that it can be considered in correct perspective.

#### *Issues of law*

It is conveniently forgotten that there is no legally binding instrument or determination giving the United Nations a right of supervision of the administration over the Territory. Nor is there any legally binding decision giving the General Assembly or the Security Council the right to impose its will on the administration of the Territory or on the peoples of the Territory. Neither the General Assembly nor the Security Council can arrogate to themselves such a power. Their powers are strictly circumscribed by the Charter of the United Nations and they cannot do as they like however many times they may decide they can. The 1971 advisory opinion of the International Court of Justice<sup>5</sup> on which many States take their stand, is not only entirely untenable but is clearly and demonstrably the result of political manoeuvring instead of objective jurisprudence. An advisory opinion is, as its name indicates, advisory only. The weight to be attached to it depends ultimately on the cogency of its reasoning. Every State which accepts the 1971 advisory opinion should indicate clearly whether it accepts the reasoning of the Court on which that opinion was based. And how many States would unequivocally declare that they accept the Court's conclusion concerning the powers of the General Assembly which necessarily implied that the General Assembly had the power to make findings of fact and of law which would bind even non-consenting States? How many States would agree that the Assembly could ordain a given political and economic system for all countries of the world; or prescribe political independence for Northern Ireland; or for Scotland; or prohibit State religions. If States do not accept that the General

Assembly can lay down legally binding rules in these matters, then they cannot accept and do not truly accept the Court's 1971 opinion.

As regards the Security Council, it is necessary only to point out that the suggested limitations placed by the Court upon its powers to make binding decisions hardly amount to limitations at all—the purposes and principles of the United Nations are so wide as to be almost all-encompassing, and virtually any situation could be considered one which might lead to a breach of the peace. Were the Court's findings in this regard to be accepted, the careful safeguards incorporated in Chapter VII of the Charter would become virtually meaningless, and measures which have in the past been regarded as permissible only under that Chapter would now be authorized by Articles 24 and 25. Certainly the majority of States Members of the United Nations cannot and do not agree that the General Assembly and the Security Council are endowed with unlimited powers.

The only legally binding pronouncement on the subject of South West Africa is the Court's judgement of 18 July 1966,<sup>6</sup> in contentious proceedings in the South West Africa cases. It is apparent from that judgement that the Court had not thought that a power of unilateral revocation existed in favour of the United Nations. But the Court in its 1971 advisory opinion disregarded its previous pronouncements which related to vital issues. To quote just two examples: that "it was never the intention that the Council [of the League] should be able to impose its views on the various mandatories—the system adopted was one which deliberately rendered this impossible" [see para. 86 of the judgement of 1966]; and that "resolutions of the United Nations General Assembly . . . subject to certain exceptions not here material . . . are not binding, but only recommendatory in character" [ibid., para. 98]. There were also passages in the reasoning in the judgement which strongly suggest that the Court was of the opinion that there was no longer any entity vested with supervisory powers in respect of the Mandate. Thus, for example, the Court stated in paragraph 57, of its judgement of 18 July 1966:

"Another argument which requires consideration is that in so far as the Court's view leads to the conclusion that there is now no entity entitled to claim the due performance of the Mandate, it must be unacceptable. Without attempting in any way to pronounce on the various implications involved in this argument, the Court thinks the inference sought to be drawn from it is inadmissible. If, on a correct legal reading of a given situation, certain alleged rights are found to be non-existent, the consequences of this must be accepted. The Court cannot properly postulate the existence of such rights in order to avert those consequences. This would be to engage in an essentially legislative task, in the service of political ends the promotion of which, however desirable in itself, lies outside the function of a court-of-law."

\* Document S/11948/Add.1, dated 27 January 1976, contained the text of the annex to the present document.

<sup>5</sup> *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council resolution 276 (1970)*, Advisory Opinion, I.C.J. Reports 1971, p. 16.

<sup>6</sup> *South West Africa, Second Phase, Judgment*, I.C.J. Reports 1966, p. 6.

And there is a further significant passage in paragraph 89, of the judgement, which reads as follows:

"The Court feels obliged in conclusion to point out that the whole 'necessity' argument appears, in the final analysis, to be based on considerations of an extra-legal character, the product of a process of after-knowledge. Such a theory was never officially advanced during the period of the League, and probably never would have been but for the dissolution of that organization and the fact that it was then considered preferable to rely on the anticipation that mandated territories would be brought within the United Nations trusteeship system. It is these subsequent events alone, not anything inherent in the mandates system as it was originally conceived, and is correctly to be interpreted, that give rise to the alleged 'necessity'. But that necessity, if it exists, lies in the political field. It does not constitute necessity in the eyes of the law. If the Court, in order to parry the consequences of these events, were now to read into the mandates system, by way of, so to speak, remedial action, an element wholly foreign to its real character and structure as originally contemplated when the system was instituted, it would be engaging in an *ex post facto* process, exceeding its functions as a court of law. As is implied by the opening phrase of Article 38, paragraph 1, of its Statute, the Court is not a legislative body. Its duty is to apply the law as it finds it, not to make it."

I am reverting to these vital issues of law to make one thing very clear to you and to the Security Council: the law is not on the part of the United Nations. Neither are the facts.

Clearly the Security Council ought to examine an alleged threat to the peace or a breach of the peace or an act of aggression on some basis of fact. In this respect the Court's 1971 opinion is of no assistance whatsoever. Indeed, the Court declined to embark upon an inquiry into the accusations of oppression and repression despite South Africa's invitation to the Court to do so.

Thus the present course of action in the United Nations commenced in the emotional atmosphere which followed on the 1966 judgement. Despite a reasonable attitude on South Africa's part at that time, when it appealed to the General Assembly not to drive her into a position where real co-operation would become impossible, the General Assembly acted completely contrary to clear Charter provisions and adopted a resolution purporting to terminate South Africa's right to administer South West Africa.

#### *Supervision*

The South African Government does not recognize and has never recognized any right on the part of the United Nations to supervise the affairs of the Territory. Moreover, the Government cannot be expected to agree to United Nations supervision of any electoral process as long as the majority of Members of the United Nations continue for their own interested purposes to conduct a virulent, malicious and completely biased campaign in regard to the Territory. Despite this hostile attitude, we have nevertheless over the years repeatedly endeavoured to find an acceptable basis for negotiations with the United Nations with a view to solving the problem. Thus in 1951 South Africa proposed that a new agreement be entered into with the remaining Principal Allied and Associated Powers of the First World War. South Africa went so far as to declare her

willingness to have the idea of such an agreement sanctioned by the United Nations beforehand. But this did not satisfy the majority of the General Assembly. Despite this negative attitude, South Africa reconfirmed her willingness to arrive at an amicable arrangement; and towards the end of 1952, the United Nations Committee concerned could report<sup>7</sup> agreement in principle on five points. The Committee itself expressed its appreciation of South Africa's efforts, but regarded itself so bound by its terms of reference that it could not accept anything less than South Africa's accountability to the United Nations.

Still South Africa did not close the door to finding a basis for negotiation. In 1958, South Africa invited the members of the United Nations "Good Offices" Committee to visit South Africa and South West Africa. In the record of the discussions, the Committee expressed its appreciation towards South Africa for her frankness, friendliness and desire to find a mutually acceptable basis of agreement.<sup>8</sup> However the United Nations again remained intransigent.

Although a deadlock appeared to have been reached, South Africa still remained willing to find a basis for discussions and received the Carpio-Martínez de Alva mission in 1962.<sup>9</sup> The communiqué issued at the conclusion of their visit was not to the liking of the majority of the Member States and as far as the United Nations was concerned it therefore simply did not exist.

During 1972-1973 there were of course also the contacts with you. They held promise. But it seemed that South Africa was required by certain Members of the United Nations to do all the compromising—that South Africa was expected to abandon its position completely, without the United Nations conceding anything. Some progress was made. That is apparent from your three reports on the contacts [S/10738 of 17 July 1972; S/10832 of 15 November 1972; S/10921 of 30 April 1973]. Indeed more was achieved in the 14 months of the contacts than had been achieved in all the years that this issue had been before the Organization. It is on record that during the contacts with you the South African Government had anticipated that on the basis of developments at that time, it might not take longer than 10 years for the population of South West Africa to reach the stage where it would be ready to exercise its right to self-determination. In the light of recent developments in the Territory, the South African Government in fact now believes that this stage may be reached considerably sooner. But the attitude of a majority of the United Nations was uncompromising and even before this Council met in December 1973, calls were being made to terminate the contacts.

Thus in the light of the repeated willingness of South Africa to explore every avenue of dialogue and contact on the question of South West Africa, my Government rejects the United Nations claim that South Africa has adopted an intractable attitude.

#### *Question of information*

Consider also the question of information regarding South West Africa. In this connexion I wish to remind you of the many efforts made by my Government to ensure that full information on the Territory is available

<sup>7</sup> See *Official Records of the General Assembly, Eighth Session, Annexes*, agenda item 36, document A/2261.

<sup>8</sup> *Ibid.*, *Thirteenth Session, Annexes*, agenda item 39, document A/3900, para. 10.

<sup>9</sup> *Ibid.*, *Seventeenth Session, Supplement No. 12, part II*.



for everyone genuinely interested in acquainting himself with conditions in South West Africa. I need only refer to the following to substantiate this statement:

1. Thousands of pages in the record of the International Court of Justice contain fully documented facts on conditions in South West Africa, as well as refutations of the bulk of accusations which had up to that time been made in the United Nations against South Africa. Those facts were ignored by the General Assembly as well as by the Security Council in the process of rushing to a condemnation of South Africa.

2. The invitation extended to the World Court in 1956 to inspect South West Africa and to see whatever it wished. This proposal was strenuously opposed by the Applicants in those cases. Likewise they opposed South Africa's contemplated oral evidence, in spite of their original factual allegations, as being irrelevant. They themselves had not produced a single witness. South Africa went so far as to indicate that it would consider, if the Applicant States should wish to call the United Nations petitioners as witnesses, whether she ought not offer to pay their witness fees so as to allow South Africa the privilege of cross-examining them before the International Court of Justice. There was no response. Indeed, the Applicants dramatically intimated that they had not relied upon the accuracy of the statements in the petitions, but that they had cited the petitions for the bearing they might have as confirmation of the reasonable and predictable consequences of South Africa's policies. And yet, it was largely on the basis of the statements of these very same petitioners that the General Assembly passed resolution after resolution leading up to resolution 2145 (XXI), purporting to revoke South Africa's right of administration of South West Africa. I need hardly say that this basic position has not changed.

3. There was the active participation by the South African delegation in the General Assembly debate on South West Africa during the twenty-first session in 1966.

4. This was followed by the publication and distribution to Governments and international organizations, including the United Nations, of the *South West Africa Survey 1967*.

5. Early in 1967 an invitation was extended to the envoys of various Governments in South Africa to visit all parts of the Territory and to see conditions for themselves.

6. Statements on South West Africa were made by South African representatives in the General Assembly on 11 and 14 December 1967.<sup>10</sup>

7. Various communications were addressed by the South African Foreign Minister to the Secretary-General. In particular his letters of 26 September 1967,<sup>11</sup> 15 February 1968 [S/8357/Add.9], 27 March 1968 [S/8506, annex I], 30 April 1969 [S/9204, annex I], 26 September 1969,<sup>12</sup> 30 April 1973 [S/10921, para. 13] and 27 May 1975 [S/11701] are noteworthy examples.

8. The factual exposition presented by the South African Government in its written statement to the

International Court of Justice in the 1970/71 advisory proceedings. During the oral hearings South Africa indicated that it would wish to place further factual material before the Court in order to disprove the contentions that it had violated its trust obligations under the Mandate. The most extraordinary aspect of the whole matter was that the Court, having once decided not to go into the factual issues, nevertheless did so. Moreover, in doing so it attacked South Africa's policies in a decidedly uninformed and prejudiced manner after having refused to hear the further evidence which South Africa had wished to adduce in this connexion. Amongst others, Judge Dillard of the United States of America was uncomfortable as far as this aspect of the proceedings was concerned. He accepted that it "would not have been compatible with [the Court's] judicial function to have determined the issue of breach on these grounds in the absence of a full exposure of all relevant facts" [see p. 150 of the opinion of 1971]. But he did not attempt to explain why the Court nevertheless expressed itself on this subject.

9. In mid-1975, the *South West Africa Survey, 1974* was published and widely distributed.

It is clear from the above that no serious attempt has as yet been made by the United Nations fully to acquaint itself with the facts concerning the peoples of South West Africa and their conditions and standards of living. I therefore repeat that the many charges of oppression remain mere assertions which cannot bear examination. These allegations form the basis of the political campaign which has been waged against my Government in the United Nations and upon which numerous resolutions have been drafted and adopted. I therefore wish to emphasize that a real case against my Government has as yet not been submitted to proper inquiry. This is a most important aspect of the South West Africa issue. We are being accused of being obstinate, of defying the United Nations and now of defying the Security Council. I realize that Governments may from time to time revise their outlooks on a given international situation. Governments may change their views on a considerable number of subjects in the light of changing circumstances. As far as South West Africa is concerned, I must emphasize that no Government and no resolution of any organ of the United Nations can change the basic facts in that Territory. It is therefore not the South African Government that is defying the United Nations, but the true facts and situation of South West Africa which are defying the United Nations.

The importance of correct information on South West Africa was only once recognized and that, ironically enough, after the General Assembly adopted resolution 2145 (XXI). I refer here to the views of a few of the representatives of the *Ad Hoc* Committee for South West Africa established in terms of paragraph 6 of resolution 2145 (XXI). At the 5th meeting of this Committee<sup>13</sup> in 1967 the representative of Italy expressed the view that if United Nations machinery was to be set up, better knowledge of the existing situation would be required. The representative of Canada at the 6th meeting agreed that some information in addition to that provided by the Secretariat might be necessary "because the General Assembly would undoubtedly expect the Committee to express

<sup>10</sup> *Ibid.*, Twenty-second Session, Plenary Meetings, 1625th and 1632nd meetings.

<sup>11</sup> *Ibid.*, Twenty-second Session, Annexes, agenda item 64, document A/6897, annex II.

<sup>12</sup> *Official Records of the Security Council, Twenty-fourth Year, Special Supplement No. 2, annex I.*

<sup>13</sup> The summary records of the meetings of the Committee were issued under the symbol A/AC.129/SR...

its views on the practicability of the various proposals it had examined".

Mr. Rogers, the United States representative at the 7th meeting of the Committee, is reported to have stated that he was sure that the Committee had noted with interest—as he had—the stated willingness of the South African Government to ensure that the facts regarding the problem were known to all concerned. The Committee, and indeed the United Nations as a whole, according to Mr. Rogers, had everything to gain by trying to obtain the fullest possible information with respect to conditions in the Territory and by exploring all methods for obtaining it. However, these few suggestions for a full and impartial consideration of the facts came to naught.

One fact has clearly emerged, namely, that any information and findings favourable to South Africa are summarily rejected and ignored by the United Nations, while mere assertions are eagerly accepted, provided that they further the political objectives of the majority within the United Nations. Nevertheless the facts concerning the high standards of development already achieved in South West Africa cannot be assailed. What is of even greater importance is that those facts belie any allegation of a threat to peace. Those facts make it clear that there exist no grounds for Security Council intervention.

#### *Initiatives for peace in southern Africa and Africa*

My Government's efforts to reach agreement on the peaceful settlement of differences which can lead to progress and stability for all the nations of southern Africa are well known. My Prime Minister, in concert with other African leaders, has undertaken bold initiatives in an endeavour to bring together opposing groups to work out a peaceful solution to the problems of Rhodesia. We have withdrawn our police from Rhodesia, *inter alia*, to contribute to a more amenable atmosphere in which discussions could take place between the Rhodesian political leaders.

In Mozambique the South African Government acted responsibly and constructively, avoiding any action which would have made the new Government's task more difficult.

The South African Prime Minister has during the past year personally undertaken several journeys to black African countries in a continuing effort to reach a *modus vivendi* which can form the basis of permanent coexistence on the African continent. We have never been a colonial Power. On the contrary one of the longest and most severe struggles against colonialist imperialism was fought by us. We neither present any threat to peace, nor are we a threat to any country.

In the Republic of South Africa, sincere efforts are being made to remove practices and measures which inhibit the further improvement of better relations between black and white. According to a report which appeared in *The Christian Science Monitor* of 16 January 1976, the result of a poll undertaken recently by the black mass circulation newspaper *World* indicated that 53 per cent of South African blacks were of the opinion that the South African Prime Minister was "either good or excellent at his job". *The Christian Science Monitor* commented that: "It is almost unthinkable that any other previous white South African Prime Minister in recent history would have been regarded this way by blacks."

In South West Africa itself substantial progress has been made in all directions. As is the general case,

further development will largely be determined by the physical conditions and human resources of the Territory, and the Security Council should have a clear understanding of these factors.

#### *Physical conditions in the Territory*

Any authority approaching the problem of the constitutional, social and economic development of the Territory of South West Africa will be faced with certain incontrovertible realities of which the most important are that the Territory is a vast, sparsely populated and arid region. It is nearly four times the size of the United Kingdom, with a population of only 850,000. Through lack of water, and not as a result of any ideology or policy on the part of the South African Government, the Territory is a harsh and forbidding land. Save on the northern and southern boundaries, the Territory lacks perennial rivers, its rainfall is low variable and ineffective and, except for the northern part, where most of the black peoples live, desert or semi-desert conditions prevail. Climatic conditions deteriorate progressively as one moves south and west, culminating in the almost waterless Namib Desert. In terms of land area only 32.1 per cent of the Territory receives an annual rainfall of more than 400 mm. Owambo, Kavango and the Caprivi are situated in the highest rainfall region. These areas are favoured not only by a higher annual precipitation, but also by a rainy season of longer duration. The majority of the inhabitants of the Territory live in these three regions. Here also is to be found the bulk of the best grazing and most of the land suitable for crops in the Territory. It is not surprising then to find that almost 60 per cent of the Territory's population lives in these northern areas.

#### *The peoples of the Territory*

The South African Government did not push these peoples into these areas. Having migrated from other parts of Africa, the pastoral and agricultural Owambo, Kavango and Caprivi peoples discovered and settled the areas where they live to this day. Due to their settled form of existence, the northern peoples of South West Africa escaped the large-scale violence and bloodshed which in earlier days were endemic among the nomadic peoples of the central and southern parts of the Territory.

Among the earliest inhabitants of the latter areas were the Bushmen, the Nama and the Dama. The Bushmen were a nomadic people, subsisting entirely by hunting game and gathering the wild fruits of the veld. The Nama were nomadic pastoralists who did not practise agriculture, but depended for their living on their herds and to a certain extent also on hunting and the products of the veld. The Dama are a mystery to students of ethnology, differing entirely from the Nama on the one hand and the Bantu peoples of southern Africa on the other. History shows the Dama as practising either a primitive hunting and gathering economy or, more frequently, in the role of slave to the Nama, whose language the Dama eventually adopted, to the complete disappearance of their own.

Another important group of the central part of the Territory is the Herero, a Bantu people. They were an exclusively pastoral people and for a considerable period had lived in the Kaokoveld, an inaccessible region in the north-west. Towards the end of the eighteenth century, the greater part of the Herero continued its migration southward, leaving behind in the Kaoko-

veld some Herero and related tribes (Himba and Chimba). After the southward migration of the Herero during the first decades of the nineteenth century, war between them and the Nama broke out and continued intermittently for decades.

The Rehoboth Basters are another of the population groups of the southern part of the Territory. They are a unique community. Members of the Rehoboth community are registered at birth as Rehoboth Basters at their own request. They trace their ancestry to wandering groups of mixed European-Nama descent.

The Coloured population of the Territory is mainly an urban population and, like the Rehoboth Basters, speaks mainly Afrikaans.

From the earliest days of the settlement at the Cape of Good Hope, white explorers, hunters and traders from South Africa and elsewhere periodically visited the Territory and later many of them came to be settled there. Their numbers have steadily increased during the past century and today they form the second largest entity in the Territory.

No one can deny that the Territory's geographical features have to a large degree moulded the different cultures of its inhabitants and to a considerable extent also their history. The South African Government did not create these disparities. The South African Government insists that the heterogeneous nature of the population of South West Africa is the product of history and not of a government policy. When it was given the responsibility of administering the Territory, the South African Government was faced with the difficult task of rehabilitating the peoples of the Territory after almost a century of internecine warfare and of consolidating their social and political structures.

#### *Progress achieved in the Territory*

The South African Government has never had anything to hide in South West Africa. The results of progress are there for everybody to see. The following statistics give some indication of the substantial progress which has been achieved in the Territory.

The Bantu Investment Corporation, which in 1964, the first year of its operation, had a gross turnover of \$333,200 and 30 black employees, in 1973 recorded a turnover of some \$19.5 million and at present employs some 1,450 black South West Africans. Moreover, an economic programme has been drawn up which will create some 5,000 employment opportunities for blacks during the period 1972/1977, entailing a capital investment of \$33,750,000.

Because of the aridity of the Territory, the question of water supply has been accorded high priority. Apart from an amount of \$208.5 million which had been spent up to 1974 on the construction and operation of 177 domestic water supply schemes by the State throughout the Territory, a total of approximately 1,400 boreholes had been drilled and 500 dams built in black areas during the same period. Over the seven years preceding 1974 no less than 87,000 metres of drilling had been carried out at a cost of \$1.8 million. The total amount spent on water development in these areas between 1 April 1963 and 31 March 1974 was \$17,080,000. Moreover, it is estimated that expenditure on water supply for development, apart from irrigation, is likely to grow from the 1974 level of approximately \$45 million per annum to around \$150 million in 1980.

With regard to education, the number of schools for blacks and Coloureds in the Territory increased from 313 in 1960 to 598 in 1973; the number of teachers from 1,310 in 1960 to 3,453 in 1973 and the number of pupils from 43,000 in 1960 to 140,000 in 1973.

During the period 1972/73 expenditure on health services amounted to \$15,180,000, compared with \$2,980,000 10 years earlier. In 1973 there were 1,550 Coloured and black nurses in the Territory. In 1974 there were 183 hospitals and clinics. As regards hospital fees, white patients are charged according to a fixed tariff based on income. Non-white patients are charged 20 cents for a first visit and 10 cents for each follow-up visit. All non-white patients are entitled to free treatment, including specialist treatment.

Total investment in respect of the fixed and movable assets in South West Africa of the South African Railways amounted to \$255 million in 1973, while total expenditure on roads from 1953 to 1973 amounted to \$364.5 million. The value of radio, telegraph and telephone installations in the Territory amounted to \$52.5 million in 1973.

The total cost of administering the Territory in 1974 amounted to \$513 million per annum and in this connexion it should be recalled that the population, according to a 1974 estimate based on the 1970 census, is only 850,000.

These results have been achieved despite a natural environment which is basically inimical to economic development. The South African Government asserts that these achievements compare favourably with those of any other country of the world under comparable circumstances.

#### *Constitutional developments*

Faced with the task of developing the Territory politically and otherwise in the interests of all its inhabitants and of bringing them to the stage where they could freely exercise their right of self-determination in an orderly and peaceful manner, the South African Government adopted the only realistic course open to it. On the one hand it set about developing the political institutions of the various groups in accordance with recognized democratic practices, while at the same time respecting and making due allowance for their wishes and traditions. On the other hand, it has encouraged contact and consultation among them in order that they may as soon as possible reach peaceful agreement with one another on their constitutional future. These efforts culminated in representatives of all the groups meeting in conference, freely and of their own accord, in order to co-operate in eliminating frictions and advancing social and economic conditions, thus creating an atmosphere of mutual confidence for their main task, namely the finding of a constitutional *modus vivendi* for the peoples of South West Africa as soon as possible.

Of the groups participating in the Constitutional Conference, the Coloureds, East Caprivians, Kavangos, Owambos, Rehobothers and whites, who together constitute some 631,000 people or 74 per cent of the population—are represented by persons chosen in accordance with established electoral machinery and by way of free elections witnessed by the press. The representatives of the remaining groups, while designated by more traditional means represent a majority of the rest of the inhabitants. Clearly, therefore, the Conference is as broadly representative as is possible at this



time. The Conference will, of course, have to explore various ways and means of attaining its several objectives, including a constitutional settlement, and in the nature of things it is only to be expected that the representatives will continue to report back to the inhabitants on the progress made and will continually take due cognizance of their wishes. Moreover, while any proposed constitutional arrangement will obviously have to enjoy the broad support of the inhabitants, it is for them themselves to decide by what process this is to be determined and the South African Government can neither anticipate their wishes in this respect nor simply ignore the democratic electoral processes which already exist in the Territory and force upon them some other electoral process.

The South West Africa Constitutional Conference commenced with its first session on 1 September 1975 and at the conclusion of that phase of the Conference, a Declaration of Intent regarding the future constitutional development of the Territory was adopted. The Declaration reads as follows:

"We, the true and authentic representatives of the inhabitants of South West Africa, hereby solemnly declare:

"That in the exercise of our rights to self-determination and independence, we are voluntarily gathered in this Conference in order to discuss the constitutional future of South West Africa;

"That we most strongly condemn and reject the use of force or any improper interference in order to overthrow the existing order or to enforce a new dispensation;

"That we are firmly resolved to determine our future ourselves by peaceful negotiation and co-operation;

"That mindful of the particular circumstances of each of the population groups it is our firm resolve in the execution of our task to serve and respect their wishes and interests;

"That mindful of the interdependence of the various population groups and the interests of South West Africa in its entirety, we are therefore resolved to create a form of government which will guarantee to every population group the greatest possible say in its own and national affairs, which will fully protect the rights of minorities and which will do justice to all;

"And further we declare that we are resolved to devote continuous attention to social and economic conditions which will best promote the welfare, interests and peaceful coexistence of all the inhabitants of South West Africa and their descendants;

"That we are resolved to devote ourselves to the promotion of and respect for human rights and fundamental freedoms for all without discrimination merely on the basis of race, colour or creed;

"We therefore decide:

- "(a) To draft a constitution for South West Africa as soon as possible and, if possible within a period of three years;
- "(b) To devote continuous attention to measures to implement all the aims specified in this Declaration."

The second session of the Conference took place from 10 to 14 November 1975. The Conference decided that the agenda items should be referred to committees for in-depth study and four committees, known as the First, Second, Third and Fourth Committees were established, the first two having 11 representatives each and the other two, 10 members. Each was authorized to hear expert evidence concerning its particular field of activity, as and when considered necessary. The Conference requested the Committees to commence work immediately following the conclusion of the second session of the Conference and to report to the full Conference when the third session convenes early in March 1976.

The *First Committee* is focusing attention on the question of discriminatory practices based solely on race and colour relating to remuneration, pension schemes, general conditions of employment, legislated minimum pay-scales for all inhabitants of South West Africa and related matters. The Committee was also requested to include in its work a study on the abolition of the "pass-laws" and the introduction of an identity document system for South West Africans.

The mandate of the *Second Committee* is to gather and study all information relating to the economic upliftment of the inhabitants of the Territory, with special reference to owners, entrepreneurs and professional groups. Matters being studied in this connexion relate *inter alia* to property in urban areas, and to infrastructure, financing and guidance.

The *Third Committee* will give attention to the social upliftment of all inhabitants, with special reference to housing, public facilities and services, social pensions and welfare, the elimination of discrimination in the police force and the elimination of inequality in medical services, based on race.

The *Fourth Committee* will focus its attention on, and investigate, educational facilities and education.

The Constitutional Conference, at its second session, further decided that:

(a) Representatives of the Conference be appointed overseas, when it is deemed expedient, in order to keep Governments and institutions informed of developments at the Conference;

(b) Evidence by minority groups and other institutions which espouse a peaceful resolution of the problems of South West Africa should be accepted, in either written or oral form, but that each such request to present evidence be considered on its merits;

(c) A Committee will be appointed at an appropriate time in order to investigate the question of the return to South Africa of exiles from the Territory.

#### *South Africa's attitude to positions taken by the United Nations*

The foregoing developments may be put into perspective by referring to the statement made by my Prime Minister at Windhoek on 20 May 1975, dealing in broad outline with the fundamental issues in regard to the problems enunciated at the United Nations.

As regards the separate international status of the Territory, the Prime Minister reiterated that South Africa respects the separate status of the Territory and that South Africa does not claim for itself one single inch of South West African soil.

He agreed with the demand that the human dignity and rights of all peoples irrespective of colour or race



be maintained and promoted but he was constrained to ask: "Is it not time that some of our critics should also do so? Particularly those who invoke these rights for themselves but deny to other peoples the right to decide upon their own future".

As regards the requirement that the inhabitants of South West Africa should, as early as possible, be given an opportunity to express their views freely on their constitutional future, the South African Prime Minister indicated that that was in accordance with South Africa's policy.

On the question of South Africa's withdrawal from the Territory according to the wishes of the inhabitants, my Prime Minister stated: "We do not occupy the Territory. We are there because the peoples of the Territory want us there. We do not force ourselves upon the peoples of the Territory and in this regard we take cognisance only of the wishes of the peoples of South West Africa".

My Prime Minister also agreed with the demand that all political groups be allowed to propagate their point of view and to participate without hindrance in peaceful political activities in the process leading to self-determination. There was no impediment in the way of anybody to propagate any constitutional form of government in a peaceable manner and to win majority support for his point of view.

As regards the demand that the Territory should not be split up in accordance with the policy of *apartheid* and that it should become independent as one State unless the inhabitants should freely choose otherwise, my Prime Minister stated: "Anybody who knows South West Africa will know that the different peoples in South West Africa were there long before the present South African Government came into power and it is my position that nothing will occur in the Territory which is not in accordance with the free choice of its population groups. It is for them and nobody else to choose and as I have repeatedly said: all options are open to them".

My Prime Minister thus indicated that it appeared that in substance South Africa was in agreement with the most important aspects of the points of view which are put in the United Nations.

As far as the Organization of African Unity is concerned, in principle, and bearing in mind the views expressed by him, the Prime Minister stated: "We have no quarrel with their points of view concerning self-determination, independence and the maintenance of the territorial integrity of the Territory. Where we do differ, and very clearly differ, is in regard to the role claimed for the United Nations and SWAPO".

As regards the release of South Africans who are alleged to have been imprisoned for offences of a political character, the South African Government wishes to point out that the persons concerned have in every case been imprisoned for offences which have involved common law crimes of violence, such as murder and arson, or attempts and conspiracies to commit such crimes. My Government does not see its way clear to releasing such persons before the expiration of their sentences since it has an undeniable duty towards the inhabitants to maintain law and order in the Territory. Moreover, those who commit crimes such as the recent assassination of Chief Elifas and the still more recent murder of a number of innocent people near the Angolan border, cannot expect to escape the full conse-

quences of their deeds merely because their crimes may be politically motivated.

As it has stated, my Government acknowledges the right of free political activity in the Territory provided that it is not attended by violence or threats of violence. Any South West African who is currently in self-imposed exile abroad and who wishes to return to the Territory in order to participate peaceably in political activities or for other good reasons, may apply to do so. A number of persons who have asked to return have not only been permitted to do so but in several cases have been assisted by the authorities in various ways.

My Government again wishes to draw your attention to the efforts being made in the Territory to remove measures and practices which stand in the way of the advancement of good relations among the population groups.

#### *Annex containing additional information*

Additional information on the subjects dealt with in this communication will be found in the annex to this document.

#### *Refugee problem*

For some time now South West Africa has witnessed the results of the chaos and the ravages of war in Angola. Thousands of refugees have crossed the border into South West Africa to seek a haven of peace and a respite from the deprivations of war. On 12 September 1975 you were informed of the serious situation necessitating the reception, care and repatriation of almost 10,000 refugees who had on that date already crossed into South West Africa from Angola. At a subsequent stage as many as 13,000 refugees from Angola were taken care of by the South African Government before many of them could be repatriated to Portugal. As my Foreign Minister pointed out in the letter addressed to you on 22 January 1976 [see S/11938],

"the South African Government has spent more than \$US 5 million on maintaining the various refugee camps in South Africa and South West Africa and on supplying food, medical services, transportation and other provisions to the refugees. At the present time, South Africa still provides food, medical services and other necessities to more than 2,800 refugees at three locations [Chitido, Calai and Cuan-gar] near the Angola-South West Africa border".

In this connexion I should like to quote also an extract from a statement made by the South African Minister of Defence in Parliament on 26 January 1976 in which he said:

"Let me say today that the refugee camps at Chitido and Calai are not only being provided with tents to house those people. We are providing them with clothing, food and medical services. We are providing them with everything that one could possibly require in cases of such need. . . . These are not only White people. They are not only people of mixed descent. These are Black people. They are not only ex-Portuguese citizens, they are also Angolans. I want to reiterate here today that if the Cubans win the war for Russia with Russian weapons, there will be an enormous exodus—an exodus, the extent of which we cannot at this stage envisage."

You will also recall that my Foreign Minister in his letter to you of 22 January 1976 informed you that:

"In the past week some 2,200 refugees sought entry into South West Africa by way of the South

African port of Walvis Bay. So far 1,000 of these refugees have disembarked at Walvis Bay and are now being cared for by the South African authorities. Apart from supplying the necessary services to the refugees and assisting them in various other ways, the South African health authorities also had to take steps to prevent the outbreak of health hazards. . . .”

The plight of the refugees is of great concern to my Government and we have therefore asked you to request the United Nations High Commissioner for Refugees to assist in resolving this problem. I also request the Security Council to do all it can to assist in the problem of the refugees until such time as a Government in Angola can take responsibility for them.

The South African Government cannot and will not allow a similar situation to that in Angola to develop in South West Africa and trusts that you will also bend your efforts and counsel towards avoidance of a repetition of these tragic events.

### Conclusion

The South African Government wishes to express its astonishment that there has not been more appreciation for the real efforts it has made to encourage and assist the constitutional development of the Territory. The great strides which have been made in this regard, particularly in the last year, will be apparent to any objective observer. For the first time in history, representatives of all population groups in the Territory are voluntarily co-operating to draft a constitution for South West Africa. This peaceful evolution towards independence is in glaring contradistinction with the tragic war and bloodshed in other parts of the world.

South Africa believes that the peaceful course of action adopted by the inhabitants of South West Africa reflects the true meaning of the concept of self-determination, a concept which the United Nations seems bent on ignoring as far as South West Africa is concerned. For the reaction of this Organization to the many initiatives taken by South Africa to advance the people of the Territory socially, economically and politically, as indeed it was entrusted to do by the original Mandate, has been to reject out-of-hand these advances and the United Nations has preferred instead to capitulate to the pressures of the supporters of a small group of militants who espouse an open and avowed policy of intimidation, violence and bloodshed against South West Africa. It is difficult to comprehend how Member States of this world body can be so eager to accept the simplistic and ill-founded arguments advanced by those who advocate violence in South West Africa, and to accept without hesitation and without corroboration, the allegations fabricated against my Government.

Despite this hostile reaction, the South African Government reiterates its offer to negotiate with a mutually acceptable personal representative of the Secretary-General in order that he may acquaint himself with the development of the process of self-determination in the Territory. Moreover, as far as the South African Government is concerned, there would be no objection to such a representative attending the Constitutional Conference as an observer, though this is ultimately a matter for the Conference itself to decide. This in itself would provide a measure of international observation.

The South African Government also reiterates its offer to discuss progress and development with leaders of Africa, the President of the United Nations Council for South West Africa and the Special Committee of the

Organization of African Unity. They would also be welcome to visit South West Africa.

There is no legal or factual justification for the Security Council to endeavour to impose its will on the leaders of South West Africa. If the Council genuinely desires to achieve a peaceful solution to the question of South West Africa, it must have regard to the true situation which exists in the Territory and not to the narrow political ends of some of its members.

The South African Government would express the hope that the Security Council would refrain from any action which may jeopardize the chances of success of the Constitutional Conference which offers a way to achieving a peaceful future for the Territory. While serious clashes, involving violent death, starvation and misery for thousands of people occur elsewhere, while stagnation and even retrogression is prevalent in many areas, the Territory of South West Africa has a record of impressive progress despite the formidable problems posed by its geographical and physical conformation. There is peace and progress in South West Africa. Its inhabitants live secure and enjoy a growing standard of living based on modern communications and transport systems, on scientific and technical expertise and planned economic development. Its children go to schools and colleges; its inhabitants receive medical facilities of the highest standing; its workers enjoy increasing wages and facilities to improve their skills. The relations between the various groups have never been better. The leaders of the Territory are discussing their differences around a conference table—they are not fighting it out. Is it too much to expect the Council to have regard to these basic facts?

I should be grateful if this letter and annex could be circulated as an official document of the Security Council.

(Signed) R. F. BOTHA  
Permanent Representative of  
South Africa to the  
United Nations

### ANNEX

#### South West Africa Survey 1974

[N. B. The foot-notes which appeared in the original text of the publication have been incorporated in the series of notes by the editor and renumbered accordingly; the wording of those notes is preceded by an asterisk. The notes to the tables are reproduced as they appeared in the original text.]

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South West Africa is a vast, sparsely-populated, desert-like territory sprawled along the Atlantic seaboard in the south-western portion of Africa. It stretches from Angola in the north to the border of the Cape Province of the Republic of South Africa in the south and south-east. On the west it is bounded by the Atlantic Ocean and on the east by Botswana. In the north-eastern part of the Territory is the Caprivi Zipfel (Caprivi Strip), a curious geographical projection into the border area between Zambia and Botswana.

The total area of South West Africa is 824 269 km<sup>2</sup> (318 261 sq. miles)\*\* which is nearly four times the size of the United Kingdom. The population is, however, only 852 000. The reason for this is that, through lack of water, South West Africa is a harsh and forbidding land. Save on the northern and southern boundaries, the Territory lacks perennial rivers and its rainfall is low, variable and ineffective, so that over virtually the whole of it, desert or semi-desert conditions prevail which are periodically aggravated by prolonged droughts.

The north-eastern part of the Territory is, however, comparatively fortunate in having a higher annual rainfall and a longer and more regular rainy season as well as perennial rivers.

The Namib Desert constitutes about a fifth of the area of South West Africa. This desolate strip of sand desert between 80 and 120 km in width, with the highest sand-dunes in the world, stretches along the entire coastline. The Central Plateau, which lies east of the Namib, varies in altitude between 1 000 and 2 000 metres and offers a diversified landscape of ragged mountains, rocky outcrops, sand-filled valleys and plains. It comprises more than half of South West Africa. The Kalahari covers the northern and eastern areas. Its features are thick layers of terrestrial sand and limestone and a near absence of surface water.

In the south and west the rainfall is less than 100 mm per annum. In the central area the rainfall is between 200 and 400 mm per annum. Only in the north and north-eastern sections is there a precipitation of more than 400 mm.

Climatic conditions deteriorate progressively as one moves south and west, culminating in the almost waterless Namib Desert.

In terms of land area only 32.1 per cent of the Territory receives an average annual rainfall of more than 400 mm. Owambo, Kavango and the Caprivi are situated in the highest rainfall region of South West Africa. These areas are favoured not only by a larger annual amount of precipitation but also by a rainy season of longer duration.

In common with other arid regions of the world, the effectiveness of the South West African rainfall is even less than that indicated by the average rainfall because of the high variability of rainfall and the high rate of evaporation.

Dense vegetation is confined to the north and north-east of the Territory. The areas to the west of the escarpment are so barren as to preclude any form of agricultural exploitation. In the central region the vegetation changes gradually from an arid shrub variety to an open thorn savannah and scattered trees towards the north.

Agricultural and industrial development in South West Africa are seriously hampered by a lack of water. As a result of the low and erratic rainfall, normal dry-land cropping can be practised over only 1.1 per cent of the Territory's surface. The grazing areas have an extremely low carrying capacity.

The Territory's geographical features have shaped the cultures of its inhabitants and, to a considerable extent, their history.

\* Including the area of Walvis Bay (1.124 km<sup>2</sup>) which is part of the Republic of South Africa as a result of the area's proclamation as a British Crown Territory in 1878, and its subsequent annexation to the Cape of Good Hope in 1884. Certain islands along the coast of South West Africa are also part of the Republic of South Africa.

Population group	Number		Percentage of total population	
	1970 <sup>1</sup>	1974 <sup>2</sup>	1970	1974
Owambos .....	352 640	396 000	46.3	46.5
Whites .....	90 583	99 000	11.9	11.6
Damaras .....	66 291	75 000	8.7	8.8
Hereros .....	50 589	56 000	6.6	6.6
Kavangos .....	49 512	56 000	6.5	6.6
Namas .....	32 935	37 000	4.3	4.3
Coloureds .....	28 512	32 000	3.7	3.8
East Caprivians .....	25 580	29 000	3.3	3.4
Bushmen .....	22 830	26 000	3.0	3.0
Rehoboth Bastards .....	16 649	19 000	2.2	2.2
Kaokolandiers .....	6 567	7 000	0.9	0.8
Tswanas .....	4 407	5 000	0.6	0.6
Other .....	15 089	15 000	2.0	1.8
<b>TOTAL</b>	<b>762 184</b>	<b>852 000</b>	<b>100.0</b>	<b>100.0</b>

Source: Republic of South Africa, Department of Statistics.

<sup>1</sup> Population Census of 6 May 1970.

<sup>2</sup> Estimate.

#### DEMOGRAPHIC FEATURES AND HISTORICAL BACKGROUND

The relatively well-watered and wooded north-eastern part of the Territory became in precolonial times the home of settled tribes of Bantu pastoralists and agriculturalists. These were the Owambo and the tribes along the Okavango River. A similar way of living prevailed among the tribes of the Eastern Caprivi Zipfel—a region which is virtually isolated from the rest of the Territory at certain seasons by water-logged, swampy terrain.

These northern tribes bred cattle, planted crops and fished the rivers. They built relatively substantial structures which reflected their settled mode of life. They showed no interest in the southern or central parts of the Territory where natural conditions were unsuited to their traditional ways. Thus before and after the advent of the White man these tribes had little or no contact with the southern part of South West Africa. Their contacts, whether peaceful or warlike, were among themselves, or with their kinsfolk across the borders of what are now Angola, Zambia, and Botswana. Their remoteness, numbers and organised mode of living also protected them against raids by the nomadic tribes of the southern and central part of South West Africa. Almost 60 per cent of the Territory's population live in these northern areas.

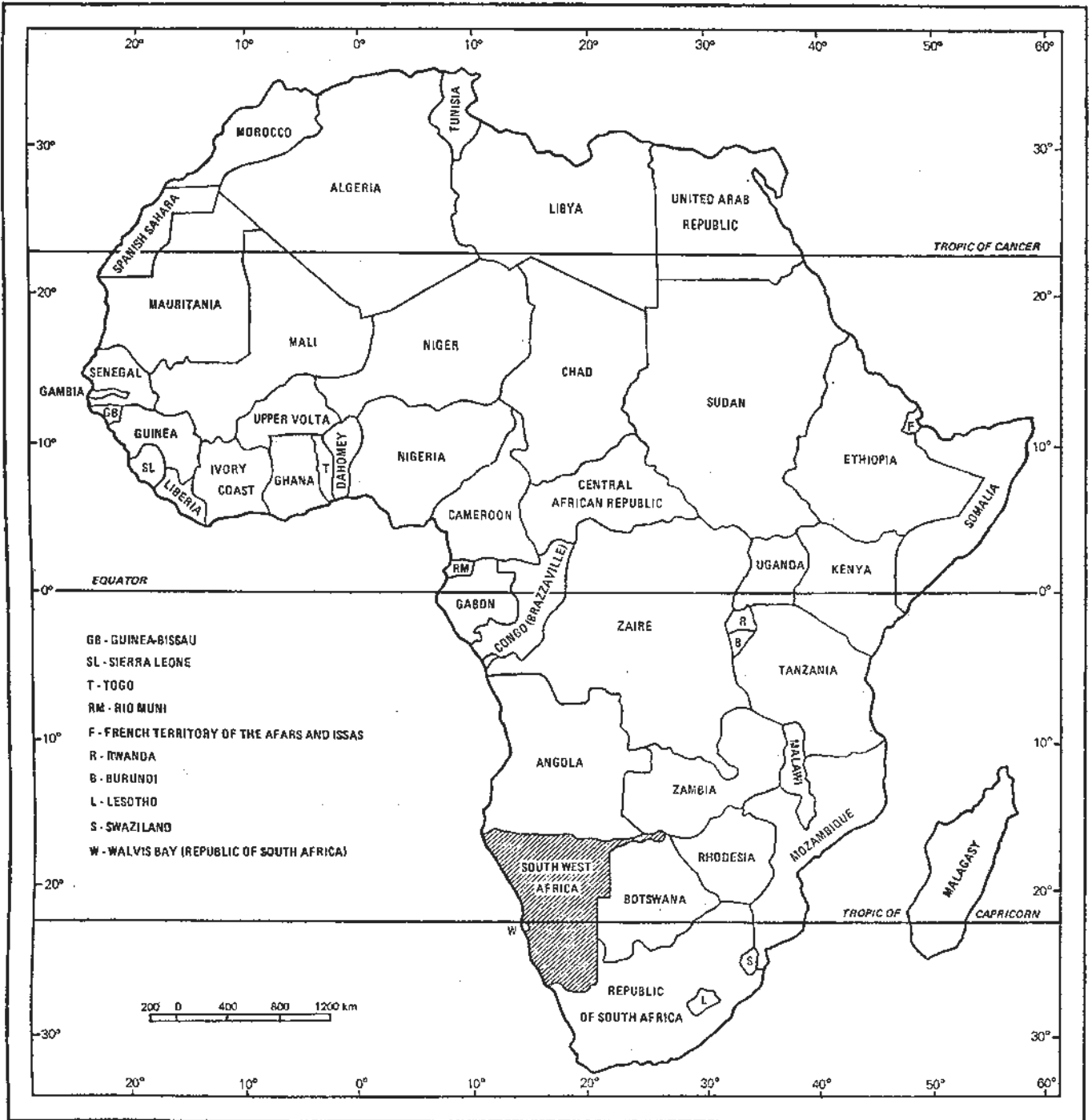
The inhabitants of the Eastern Caprivi are of Bantu stock, but are related to any of the other Bantu clusters found in South West Africa, i.e., the Owambo and the Kavango peoples or the Herero. The Caprivi Zipfel became a part of South West Africa by a quirk of history. In an agreement of 1st July, 1890, the British Government recognised that the area in question (subsequently named after the German Chancellor, Count von Caprivi) would thenceforth fall within the German sphere of influence, so as to provide access from South West Africa to the Zambesi. In fact the Eastern part of the Caprivi is cut off from the rest of the Territory by large swamp areas.

The main groups in the Eastern Caprivi are the Masubia and the Mafue. Together they constitute almost 90 per cent of the population, small numbers of the Mayeyi, Matotela, Mashi and Mbukushu tribes making up the rest.

The western part of the Caprivi Strip is inhabited only by wandering bands of Bushmen.

The Kavango peoples (to the west of the Caprivi) comprise five different tribes, namely Kwangali, Sambyu, Mbukushu, Mbunza and Gciriku.

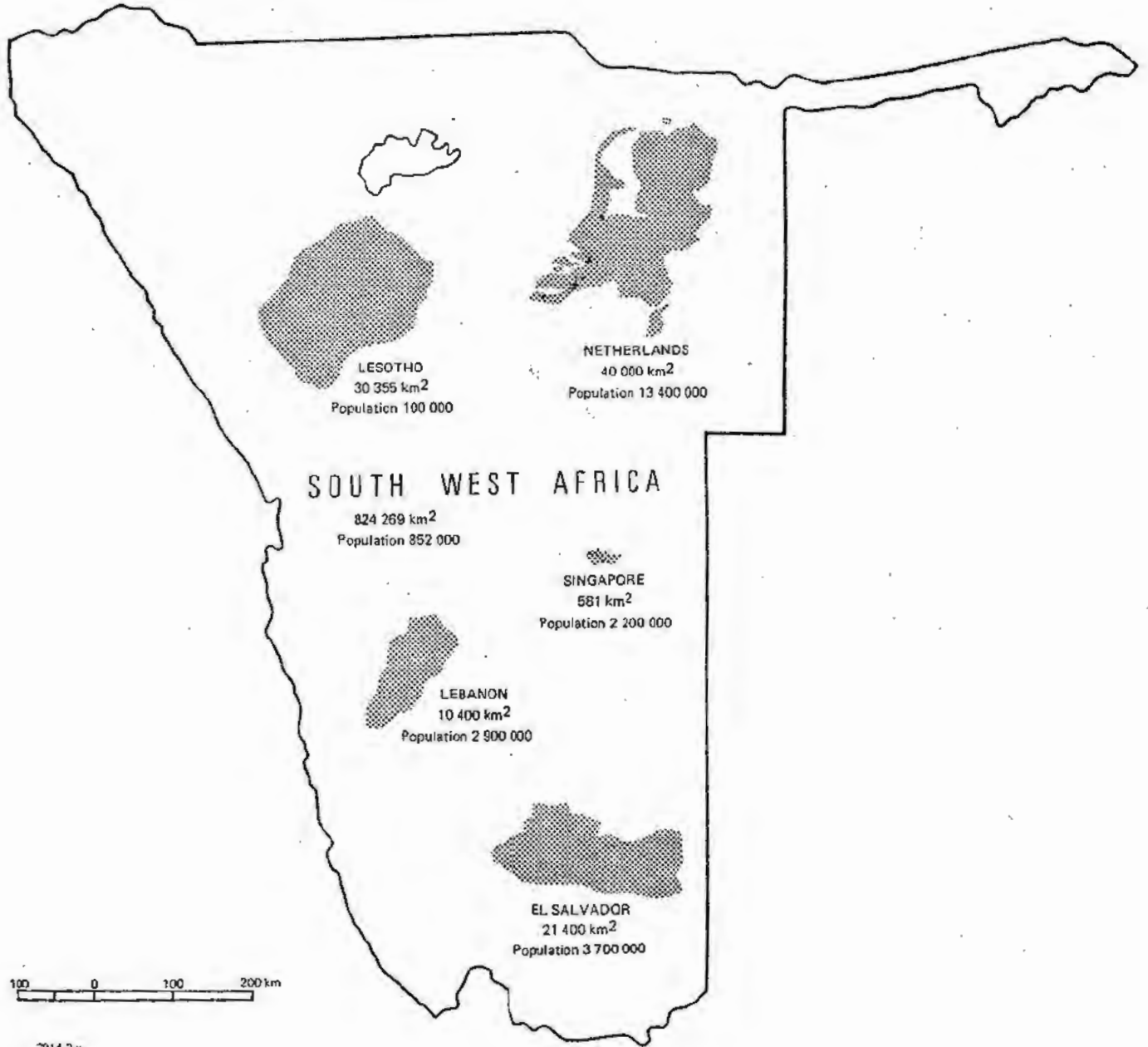
# LOCATION OF SOUTH WEST AFRICA



2914.2 x



A COMPARATIVE STUDY IN SIZES



2914.3 x

The Owambo nation (to the west of Kavango) consists of seven tribal or community groups, viz. Kwanyama, Ndonga, Kwambi, Ngandjera, Kwaluudhi, Mbalantu and Kolonkadhi-Eunda. Together they number some 396 000 constituting about 46 per cent of the total population of South West Africa, the largest national group of the Territory.

Due to their settled form of existence, the northern peoples of South West Africa escaped the large-scale violence and bloodshed which in earlier days were endemic among the nomadic tribes of the central and southern parts of the Territory.

Among the earliest inhabitants of the latter areas were the Bushmen, the Nama and the Dama. The Bushmen were a nomadic people who subsisted entirely by hunting game and gathering the wild fruits of the veld. They kept no cattle and planted no crops. They lived in a state of continual enmity with other more powerful peoples who deprived them of the best hunting grounds and whose cattle they raided.

The Nama or Hottentots resemble the Bushmen in appearance, being a short, yellowish or reddish-brown skinned people. They were nomadic pastoralists who did not practise agriculture but depended for their living on their herds—cattle, fat-tailed sheep and goats—and, to a certain extent also on hunting and the products of the veld. The languages of the Bushmen and Nama show certain resemblances, differing entirely from the various Bantu languages spoken in Southern Africa.

During an early southward migration of the Hottentots certain Nama Tribes remained behind in the southern parts of South West Africa. Other groups of Hottentots established themselves along the coastal stretches of what is now the Cape Province of the Republic of South Africa. During the 19th century some of these Hottentot bands, which were now called the Orlams, reversed this migration and returned northwards into South West Africa.

The Dama or Damara (also known as Bergdama) are a mystery to students of ethnology. In appearance they are a short-statured, black-skinned negroid type, differing entirely from the Nama on the one hand and the Bantu tribes of Southern Africa on the other. The earliest records show the Bergdama as practising either a primitive hunting and collecting economy, or, more frequently, as the slave of the Nama whose language the Dama had adopted to the complete disappearance of their own. No oral tradition of their earlier history exists. As Dr. Vedder, the noted authority on the peoples of South West Africa, has put it, "impenetrable darkness lies over the origin and descent of the mysterious race of the Damas".

By the beginning of the 19th century the various Nama tribes in the southern part of the Territory had enslaved, exterminated or driven out the other population groups, the Dama and the Bushmen. Their period of ascendancy was not, however, to remain unchallenged: for a century thereafter South West Africa was the scene of almost continuous warfare between the Nama and the Herero, a warlike nation which was migrating in a southerly direction towards the areas inhabited by the Nama.

The Herero are a Bantu people, though distinct from the other Bantu tribes of northern and eastern South West Africa. They were exclusively pastoral nomads, and for a considerable period had lived in the Kaokoveld, an inaccessible region in the north-west. Towards the end of the 18th century the greater part of the group continued its migration southward, leaving behind in the Kaokoveld some Herero and related tribes (Himba and Tjimba) which in time came to form a distinct population group.

The social organisation of the Herero is unusual in that it is based on a system of double descent, an individual belonging to two social entities, namely, the *oruzo* of his father and the *eanda* of his mother. This system of bilateral descent is unknown amongst any of the other population groups of South West Africa.

After the southward migration of the Herero during the first decades of the 19th century, war between them and the Nama became inevitable, since both groups coveted the same

grazing. In the early clashes the Herero were on the whole victorious; but the Nama were soon strengthened by the Hottentot groups (the Orlams) which had by now returned from the Cape Province, where they had learnt the use of fire-arms and acquired horses. Their superior arms enabled them to defeat the Herero in a number of bloody battles, and thereafter, for some decades, the Herero lived in total subjection to them. By the 1860s, however, the Herero in the service of the Nama had themselves learnt to use modern weapons and, after a successful rebellion, there followed some years of intermittent warfare in which the Herero were generally successful.

The Rehoboth Basters is another of the population groups of the southern part of the Territory. They are a unique community. No opprobrium is implicit in the word "Baster". A translation in English as "Bastard" would be incorrect. Members of the Rehoboth community are registered at birth as "Rehoboth Basters" at their own request. The people are ethnologically a mixed group like the Coloureds of South West Africa but as a community they insist on being recognised as a separate entity. They speak almost exclusively Afrikaans as their home language and trace their ancestry to wandering groups of mixed European-Nama descent who led a nomadic life beyond the boundaries of the Cape Colony, and outside its jurisdiction, during the latter half of the 18th century. The Basters crossed the Orange River in about 1868 in order to settle in South West Africa. They had, however, entered an area long plagued by internecine warfare, where the Nama and the Herero had been in constant conflict from the time of their first contact early in the 19th century.

Nevertheless, from about 1871 the Basters were in *de facto* possession of the Rehoboth Gebiet.

The wars between the Nama and the Herero continued unabated around Rehoboth, but the Basters in general remained neutral although they suffered heavily under cattle-raids by the Bushmen and Bergdama and in 1881 joined the Afrikaner Nama tribe in an attack on the Herero.

The Coloured population of the Territory, like the Rehoboth Basters, speak mainly Afrikaans. They are to be found predominantly in the towns such as Windhoek, Walvis Bay, Lüderitz and Keetmanshoop. A small proportion make a livelihood as stock-farmers.

Apart from the above main groups, there is an established group of Tswana who live in the Aminuis area and are related to the Tswana people of Botswana. Together with various other smaller groups, most of whom speak Bantu languages but are not related to the groups mentioned above, they number about 20 000.

During its period of continual warfare, South West Africa still remained outside the sovereignty of any European power, though, since the earliest days of the settlement at the Cape of Good Hope, European explorers and hunters from South Africa had periodically visited the Territory, to be followed later by occasional missionaries and traders. In the 19th century the warfare among the various groups induced some of these persons, as well as some of the indigenous tribes themselves, to request the protection of European powers, particularly Great Britain. Britain was not, however, prepared to extend her sovereignty beyond Walvis Bay, which she had annexed in 1878, and some islands along the coast. In the 1880's a German merchant, F. A. W. Lüderitz, purchased stretches of the coast of South West Africa from the Nama chiefs living in the vicinity, placing his acquisitions under the protection of the German Empire in 1884. Later, with the acquiescence or recognition of Britain and other European powers, German authority was gradually extended over the whole Territory.

The advent of the Germans did not, of itself, terminate hostilities, particularly those between the Herero and certain of the Nama tribes, and it was not before 1898 that the German authorities succeeded in securing peace in the southern part of the Territory. But peace was shortlived. In 1903 trouble broke out in a Nama tribe in the southern part of the Territory. While the German forces were engaged there during 1904, a general Herero uprising occurred in the central part of South

West Africa and after some months of hostilities between the German forces and the Herero, a number of other Nama tribes joined the rebels. Peace was not completely restored until the end of 1906.

The long period of intermittent warfare had disastrous effects on the tribes of the southern and central parts of the Territory. The loss of life and property, particularly of cattle, was immense. Tribes and families were separated or broken up and in general the social and economic structures of the groups were disrupted.

The remainder of the German period—up to 1914—was relatively peaceful. The German authorities laid great stress on economic development and to this end encouraged and assisted European farmers to settle in the Territory. The economy was further stimulated by the discovery of diamonds near Lüderitz in 1908. Economic development provided employment opportunities for the indigenous population who had lost their traditional means of livelihood. In addition the German authorities commenced the establishment of reserves or homelands for the settlement of some of the groups in the central or southern parts of the Territory.

German authority was never effectively extended beyond these parts, known as the "Police Zone" because the police and other officials operated there. Thus, in the eastern Caprivi Zipfel there was only a nominal German authority while the other northern areas, the Kaokoveld, Ovamboland and Okavango were left entirely to themselves.

The First World War saw the end of the German occupation. In July 1915 the German troops in the Territory surrendered to the South African forces. For the remainder of the War, South West Africa was administered under military occupation by the South African forces, although a civilian Administrator and officials were also appointed.

After the inception of the mandate in 1920, it was the South African Government's task to rehabilitate the peoples of the central and southern parts of the Territory by safeguarding and extending their homelands so that they could consolidate their social and political structures.

#### THE MANDATE PERIOD

One of the problems that required solution at the termination of the First World War was the future of the ex-German colonies (including South West Africa) and certain dependent territories which had formerly been part of the Ottoman Empire. It soon became apparent that within the ranks of the Allied and Associated Powers there was a clash of views and aspirations concerning the future of these colonies and territories.

Certain states, like South Africa, strongly pressed claims for the annexation of the territories that had been occupied by them. Others wanted some form of international control of the conquered territories, and thus arose the idea of a mandate system under which administering States would act as mandatories on behalf of the League of Nations.

President Wilson of the United States of America advocated a policy of "no annexation" and proposed that complete authority and control be vested in the League of Nations, while mandatories (who could be states or "organized agencies") would be mere agents, appointable and changeable at the League's discretion.

The conflict which arose at the Paris Peace Conference as a result of these divergent views and aspirations was eventually resolved by the adoption of a compromise arrangement, whereby there would be no annexation but:

- (a) all mandatories were to be states, not "organized agencies";
- (b) the mandates were to be allocated by the Principal Allied and Associated Powers and not by the League. In the case of the "C" mandates, in which category South West Africa was to fall, the allocation would have to be to the States then in occupation;
- (c) the relationship between the League and the mandatories was in each case to be regulated by a mandate

instrument, the terms of which were to be assented to by the mandatory;

- (d) in the case of the "C" mandates, the mandatories were to have powers to administer the territories "as integral portions" of their own territories;
- (e) there was to be no provision for the revocation of mandates or the substitution of mandatories, and no payment of the mandatory's expenses by other League members.

This compromise arrangement was embodied in Article 22 of the Covenant of the League of Nations which was incorporated in the Treaty of Versailles. The Treaty came into force on 10 January 1920. On 17 December 1920 the Council of the League confirmed *inter alia* the mandate for South West Africa and defined its terms.

The functions of the League of Nations in respect of mandates were exercised by the Council and the Assembly of the League and the Permanent Mandates Commission.

In terms of the Covenant of the League, the Council was to be composed of the five Principal Allied and Associated Powers, namely the United States of America, the United Kingdom, France, Italy and Japan, and four (later six, then nine) non-permanent members selected by the Assembly of the League. The United States of America did not, however, become a member of the League.

It was to the Council specifically that the mandatories were to render annual reports to its satisfaction and it was to the Council that they were ultimately accountable. The Council alone had the power to take decisions about mandates and to address recommendations to the mandatories. However, in terms of the Covenant any Member of the League not represented on the Council was entitled to be represented when the Council considered matters relating to its own mandate or to mandates in general. The Covenant of the League provided that, with immaterial exceptions, all decisions of the Council required "the agreement of all members of the League represented at the meeting"—in other words a unanimous vote (the "unanimity rule") applied. The practical effect of these provisions was that no decision concerning a mandate could be taken against the wishes of the mandatory concerned.

The Assembly was composed of all the member States of the League. Its role in respect of mandates was, in the words of an official League publication, confined to "the exercise of a certain moral and very general influence in this domain. Its function may be said to be to maintain touch between public opinion and the Council".

The Permanent Mandates Commission was established "to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the Mandates". The members of the Commission were appointed by the Council of the League and were selected for their personal merits and competence. In the words of the Commission itself, they exercised their authority "less as judges from whom critical pronouncements are expected, than as collaborators who are resolved to devote their experience and their energies to a joint endeavour".

Supervision of the administration of the various mandates by the Council of the League, acting with the assistance of the Permanent Mandates Commission, continued from the inception of the Mandate system until the outbreak of the Second World War, which brought about a cessation of meetings of these organs. Throughout this period South Africa regularly submitted annual reports concerning South West Africa to the League and accounted to the Council for its administration of the Territory. Relations were cordial.

#### ESTABLISHMENT OF THE UNITED NATIONS AND DISSOLUTION OF THE LEAGUE OF NATIONS

The establishment of the United Nations resulted largely from inter-allied co-operation during the Second World War. At the San Francisco Conference of 1945, which was attended by delegates of 50 nations, the Charter of the United Nations

was agreed upon and signed by all the representatives. It came into force on 24 October 1945.

During these events the League of Nations, although it did not function in practice, continued to exist side by side with the new organization until April 1946. There was no suggestion that the United Nations was to be the League under a new name or an automatic successor in law to League assets, obligations, functions or activities.

The two world organizations differed not only in membership but also in the composition and procedures of their respective organs. Thus a number of the original members of the United Nations had either never been members of the League or had ceased to be members prior to its dissolution. Conversely a number of States that were members of the League at its dissolution were not original members of the United Nations, although some of them joined the United Nations in later years.

The two main organs of the United Nations are the General Assembly and the Security Council. The General Assembly consists of all the members of the Organization. Decisions of this body are made by a majority vote on all matters except important questions where a two-thirds majority is required. The Security Council consisted of five permanent members (China, France, the USSR, the United Kingdom and the United States) and six (later ten) other members elected by the General Assembly. In terms of Article 27 of the Charter, decisions of the Security Council, save in procedural matters, are made by an affirmative vote of 9 members including the concurring votes of the permanent members. The unanimity rule, which was such an important feature of the League of Nations' procedures, therefore does not apply in the United Nations.

The Charter made no provision for the continuation of the Mandate system under the United Nations. Provision was, however, made for the establishment under the authority of the United Nations of an international trusteeship system for the administration and supervision of certain dependent territories. Among the territories which, in terms of the Charter might be placed under the Trusteeship System, were those held under the League mandates. This was, however, to be on a purely voluntary basis; an individual agreement (among the interested parties) being required in respect of each territory placed under trusteeship. South Africa made it clear from the very outset that it had no intention of placing South West Africa under the Trusteeship System. Statements to this effect were made by the South African representatives at the San Francisco Conference and consistently thereafter at meetings of United Nations organs.

Since it was within the discretion of a Mandatory to decide whether or not to conclude a trusteeship agreement, there could be no international supervision of mandated territories without the mandatories' consent. Proposals that a decision should be taken by the United Nations calling upon mandatories to submit annual reports to organs of the United Nations until the territories under their control were placed under the Trusteeship System, were never put to the vote apparently because they would not have secured acceptance. In the result no provision at all was made for the transfer of the League's functions concerning mandates.

During the 1946 session of the General Assembly, the different mandatory powers declared their intentions concerning the future of the territories administered by them. In respect of certain mandated territories these intentions were to negotiate trusteeship agreements. In respect of others, the mandatories reserved their position. The South African representative, in particular, again draw attention to the special position occupied by South West Africa in relation to South Africa. He stated that arrangements were being made for the consultation of the peoples of the Territory regarding the form which their future government should take and he formally reserved the position of his Government concerning the future of the mandate.

#### *The Dissolution of the League of Nations*

During April 1946, the Assembly of the League held its final session. The purpose of that session was to provide for the winding-up of the League. The final resolution of the

League, adopted on 18 April 1946, provided that the League would cease to exist as from the following day and also made practical arrangements for its liquidation.

Like the United Nations, the League, in its last resolutions adopted in contemplation of its dissolution, did not include any reference to the League's functions and activities regarding mandates. Mandates were, however, dealt with both in the debates and in one of the resolutions adopted on the final day.

In the debates certain mandatory powers again declared their intention of negotiating trusteeship agreements, while others repeated reservations regarding their position. Among the latter was South Africa, whose representative informed the Assembly of the League that South Africa intended at a later date to put its case for the incorporation of South West Africa to the General Assembly of the United Nations for its approval. In none of their statements did any of the mandatory powers acknowledge or even suggest that pending the conclusion of trusteeship agreements or other arrangements, they would be obliged to report and account under their respective mandates to the United Nations as they had previously done to the League Council.

During the debates, a draft proposal was submitted which recommended that the mandatory powers should continue to submit annual reports to the United Nations as they had to the League. The proposer of the draft stated that it was desirable that the League's supervisory functions in respect of mandates should be transferred to the United Nations. This proposal was not proceeded with, apparently because informal discussions among interested parties showed that it was unacceptable.

The operative paragraphs of the resolution eventually adopted by the League Assembly read as follows:

"The Assembly:...

- (3) Recognizes that, on the termination of the League's existence, its functions with respect to the mandated territories will come to an end, but notes that Chapters XI, XII and XIII of the Charter of the United Nations embody principles corresponding to those declared in Article 22 of the Covenant of the League;
- (4) Takes note of the expressed intentions of the Members of the League now administering territories under mandate to continue to administer them for the well-being and development of the peoples concerned in accordance with the obligations contained in the respective Mandates, until other arrangements have been agreed between the United Nations and the respective mandatory powers."

As will be observed, nothing was said in the resolution regarding the transfer of supervisory powers to the United Nations Organization or the reporting and accounting by mandatories to it.

#### THE EARLY YEARS OF THE DISPUTE: 1946-1949

In 1946 South Africa submitted for the approval of the General Assembly of the United Nations its proposal for the incorporation of South West Africa. A written memorandum was lodged, setting forth reasons for the proposed step, among which was the fact that an overwhelming majority of the inhabitants of the Territory, both White and non-White, were in favour of incorporation.

As regards the White population, unanimous resolutions had repeatedly been adopted by the Legislative Assembly, while the indigenous population had been specifically consulted through traditional tribal processes.

The General Assembly, however, rejected the proposal, stating that the indigenous inhabitants of the Territory had not yet secured political autonomy or reached a stage of development enabling them to express an opinion on such an important question as the incorporation of the Territory into South Africa. It recommended instead that South West Africa be placed under the Trusteeship System of the United Nations.<sup>b</sup>

<sup>b</sup> Resolution 65 (I).



The then South African Prime Minister, General Smuts, in pointing out that South Africa could not be compelled to conclude a trusteeship agreement in respect of South West Africa, informed the General Assembly that if the incorporation proposal were not accepted, South Africa would continue to administer the Territory as an integral part of the Union of South Africa, in the spirit of the principles laid down in the Mandate. In particular, he said, South Africa would transmit regularly to the United Nations, but only for purposes of information, statistical and other data of a technical nature relating to economic, social and educational conditions in South West Africa.

During the next two years this attitude was repeatedly and consistently conveyed to the United Nations, both in correspondence and in statements made by South African representatives in debates. In particular it was stressed that, in the absence of a trusteeship agreement, the United Nations would, in the view of the South African Government, have no supervisory jurisdiction over the Territory.

In accordance with its undertaking, South Africa submitted a report to the United Nations in September 1947. The General Assembly referred this report to the Trusteeship Council,<sup>c</sup> and this body, in the course of examining the report and further information furnished by South Africa at its request, proceeded to comment upon and criticize South Africa's policies and practices in South West Africa. As a result South Africa informed the United Nations that no further reports would be submitted, contending that the United Nations had used the report as if it were vested with supervisory powers over South West Africa, and had thus failed to observe the conditions on which South Africa had voluntarily agreed to submit reports.

The situation in regard to South West Africa formed the subject of frequent debates in the United Nations over the years 1947 to 1949, in which a number of States participated. Their attitudes to various aspects of the matter differed. South Africa's contention that no supervisory powers existed unless a trusteeship agreement were concluded, received very strong support from other members of the United Nations. But differences of opinion arose on various questions, particularly on whether the mandate was still in force and on whether South Africa was, or was not, under a legal obligation to enter into a trusteeship agreement. In view of these differences, the General Assembly in December 1949 decided to request the International Court of Justice for an Advisory Opinion concerning the international status of South West Africa.

#### THE 1950 ADVISORY OPINION AND ITS AFTERMATH

The Advisory Opinion was delivered on 11 July 1950.<sup>d</sup> The 14 members of the Court who participated were unanimously of the view that the mandate for South West Africa was still in force.

Further, in answer to certain specific questions of the General Assembly, the Court expressed the following views:

Following the dissolution of the League of Nations, its supervisory functions in respect of mandates were to be exercised by the General Assembly of the United Nations, to which the annual reports and petitions were to be submitted. (Two judges dissented on this part of the Opinion.)

The adjudication clause in the mandate was still in force and therefore that South Africa as mandatory was under an obligation to accept the jurisdiction of the International Court of Justice with regard to disputes concerning the interpretation or application of the provisions of the mandate.

South Africa was not under a legal obligation to conclude a trusteeship agreement in respect of South West Africa. (Six judges dissented on this part of the Opinion.)

The competence to determine or modify the international status of the Territory rested with South Africa acting with the consent of the United Nations.

<sup>c</sup> Resolution 141 (II).

<sup>d</sup> *International status of South-West Africa, Advisory Opinion*, I.C.J. Reports 1950, p. 128.

The General Assembly accepted the 1950 Advisory Opinion and acted thereon. Difficulties were, however, experienced in the practical application of the Opinion, and as a result the Court was asked, in 1955<sup>e</sup> and again in 1956,<sup>f</sup> to clarify certain aspects of the 1950 Opinion. The 1955 Opinion concerned voting procedures on questions relating to reports and petitions in connection with South West Africa. The 1956 Opinion dealt with the admissibility of oral hearings of petitioners by United Nations organs.

As all three Opinions were advisory only, they were not binding. South Africa did not accept some of the Court's conclusions, particularly those concerning the continuation of the mandate and the transfer of supervisory functions to the United Nations. She gave full reasons for her attitude.

Thereafter, a situation arose and developed over the years in which the United Nations, acting by a majority vote of its members, repeatedly requested South Africa to enter into a trusteeship agreement in respect of South West Africa, while at the same time it sought to exercise supervisory functions in respect of the Territory in implementation of the Court's Opinion. In the process the General Assembly appointed various committees for the purpose, *inter alia*, of studying and reporting on the administration of South West Africa. These reports regularly contained critical and condemnatory statements concerning South Africa's policies and practices in South West Africa. The condemnation, broadly speaking, was on the grounds that the policies and practices concerned oppressed the indigenous inhabitants of the Territory.

South Africa, for its part, consistently refused to accede to the repeated requests to place South West Africa under Trusteeship. Replying on its contentions that the United Nations had no supervisory powers in respect of the Territory, the South African Government also refused to co-operate in attempts by the United Nations to exercise supervisory functions. In conformity with this attitude, South Africa's representatives refrained from dealing with the complaints contained in the reports of the various committees although for purposes of illustration, they did, on occasion, demonstrate the factual inaccuracy of such reports.

Over the years efforts were made to find a solution to the impasse. These took the form of negotiations between South Africa and organs and agencies of the United Nations appointed for that purpose. The negotiations showed, however, that the majority of the members of the United Nations would not be satisfied with any arrangement unless its effect was to bring South West Africa under the control and supervision of the United Nations—a solution which was unacceptable to South Africa.

In June 1960, at a conference of independent African States, held at Addis Ababa, the Governments of Ethiopia and Liberia signified their intention of instituting contentious proceedings against South Africa in the International Court of Justice. These proceedings were instituted on 4 November 1960.<sup>g</sup>

#### THE CONTENTIOUS PROCEEDINGS 1960-1966: ETHIOPIA AND LIBERIA V. SOUTH AFRICA

Ethiopia and Liberia wished to obtain declarations from the Court that the mandate was still in existence, and that the General Assembly of the United Nations had succeeded to the supervisory functions formerly exercised in respect of mandates by the Council of the League of Nations. Declarations to this effect in contentious proceedings would be binding and enforceable—unlike views expressed in advisory opinions. But the Applicants did not limit their claims to these aspects of the matter—they also contended that South Africa had been guilty

<sup>e</sup> *South-West Africa—Voting Procedure, Advisory Opinion of June 7th, 1955: I.C.J. Reports 1955, p. 67.*

<sup>f</sup> *Admissibility of hearings of petitioners by the Committee on South-West Africa, Advisory Opinion of June 1st, 1956: I.C.J. Reports 1956, p. 23.*

<sup>g</sup> I.C.J., *South West Africa Case (Ethiopia v. Union of South Africa)*, Application instituting proceedings (1960, General List, No. 46) and *South West Africa Case (Liberia v. Union of South Africa)*, Application instituting proceedings (1960, General List, No. 47).

of a number of violations of the Mandate, the most important of which related to Article 2 (2) of the Mandate which reads:

"The mandatory shall promote to the utmost the material and moral well-being and the social progress of the inhabitants of the Territory subject to the present Mandate".

It was alleged that South Africa had violated this article by the political, economic, social and educational policies it applied in the Territory. It was further alleged that South Africa had, in contravention of the Mandate, established military bases in the Territory and had pursued a deliberate process of unilateral piecemeal incorporation of the Territory into the then Union of South Africa.

The first stage of the proceedings was devoted to the matter of the Court's jurisdiction. South Africa's attitude was that, even assuming for the sake of argument that the mandate was still in existence as providing a status for the Territory, the Applicants had not shown that the Court had jurisdiction in terms of the adjudication clause in the Mandate and its own statute.

After written and oral arguments, the Court in 1962 overruled the objections to its jurisdiction by eight votes to seven.<sup>b</sup>

After the dismissal of the objections, the case proceeded on the merits. The question of United Nations supervision was again extensively debated in the written pleadings and oral presentations. During the oral proceedings the Applicants were constrained to concede that some of the reasoning of the 1950 Opinion in that regard was untenable, but they contended that the result was nevertheless correct.

The main issue on the merits revolved around the alleged contraventions of Article 2, paragraph 2, of the Mandate, quoted above. The Applicants' case in their first set of pleadings was that the political, educational, economic and social policies applied in the Territory (which policies were jointly designated *apartheid*) were oppressive in nature and were designed for the specific purpose of subordinating the interests of the indigenous peoples to those of the Whites. In very comprehensive pleadings South Africa sought to correct what were contended to be false and distorted versions of facts in the Applicants' pleadings, provided the perspective in which different policies and measures were to be seen, and sought to demonstrate that the policies in question were designed for the benefit of all population groups in the Territory, and in fact served the best interests of them all. In addition South Africa gave notice of its intention to call 38 witnesses to testify in court, and also invited the Court to visit the Territory so as to acquaint itself with the true circumstances.

The Applicants did not attempt to controvert South Africa's exposition. In the course of the oral proceedings they admitted as true all the facts presented by South Africa, and amended their formal submissions so as to delete all references to the alleged oppressive intent or effects of South Africa's policies. They also vigorously opposed the proposal for an inspection and the calling of witnesses.

The Applicants thereafter limited themselves to the contention that certain admitted features of the South African policies contravened an alleged "international human rights norm of non-discrimination or non-separation", or alleged "standards" of the same content.

After this change in the Applicants' case, the rest of the proceedings concerning the alleged violations of Article 2 (2) of the Mandate were confined to the question of whether or not a norm or standard of this content in fact existed. The Applicants contended that such a rule had been created primarily by the activities of the United Nations, and should be applied in "interpreting" Article 2 (2) of the Mandate. South Africa disputed the existence of any such rule or its applicability to Article 2 (2). In support of its denial it presented, *inter alia*, oral testimony by 13 expert witnesses to show firstly that such a rule was not observed in the laws and official practices of at least 50 states and territories in the world, including

both the Applicant States and 38 other members of the United Nations, and, secondly, that in many parts of the world, including South Africa and South West Africa enforcement of such a rule would cause bloodshed and chaos. The Applicants did not attempt to controvert this testimony.

The further issues concerning militarization and the alleged piecemeal incorporation of the Territory were disposed of by the Applicants' admission of the facts presented by South Africa. On the former issue, an American military expert of recognised standing and renown, General S. L. A. Marshall, was called as a witness. He told the Court that he had visited the Territory twice during 1965, and that it contained no military bases whatsoever. Indeed, he said, "the territory is less militarized and more under-armed than any territory of its size I have ever seen in the world".

In July 1966, the Court gave judgement<sup>1</sup> rejecting all the Applicants' claims. This decision was reached by the casting vote of the President after the Court had divided 7-7. Without deciding whether the Mandate was still in existence, the Court held that, even if it were, the Applicant States had no legal right or interest to question the Mandatory's performance of those obligations to which their complaints related. A decision on this antecedent point rendered it unnecessary for the Court to express itself on the further issues on the merits referred to above.

However, there are passages in the reasoning of the Judgment which strongly suggest that the Court was of opinion that there was no longer any entity vested with supervisory powers in respect of the Mandate. It is also significant that the Applicants' contention of an unqualified norm or standard of non-discrimination or non-separation was not accepted by any of the judges and that the charges of militarization were emphatically rejected and the only three judges who adverted to this matter—two of whom were on the side of the minority.

#### BACK TO THE POLITICAL ARENA

Following the Court's judgment of July 1966, the South West Africa issue returned to the political arena where for years many had been eagerly awaiting a judgment against South Africa as if that were a foregone conclusion. Plans had been made to campaign for the implementation of such judgment in the hope of securing a direct confrontation between the Security Council and South Africa which might lead to enforcement measures under Article 94 (2) of the Charter. Consequently, the Judgment produced obvious frustration and dismay in these quarters. Certain African States in particular, lost no time in denouncing the Court and pressing for an early debate on South West Africa in the General Assembly of the United Nations.

In the debate, which opened on 23 September 1966,<sup>2</sup> it was proposed that South Africa's administration of the Territory should be terminated and handed over to the United Nations. The emotional attitudes prevailing were soon apparent from the manner in which the speakers condemned the Court as a prelude to condemning South Africa. Certain delegates went to the length of attacking not only the competence but also the integrity of eminent judges, and of urging major changes in the composition of the Court.

South African representatives participated fully and actively in the debate. They urged a sober re-appraisal of the facts particularly in the light of the Applicants' admissions and the offer of an inspection *in loco* during the Court's proceedings. Nevertheless most speakers in the debate ignored what the South African representatives said and there were no real attempts at meeting its substance. On the subject of the 1950 Opinion concerning accountability, speaker after speaker merely repeated that that Opinion had not been overruled by the 1966 Judgment—a question which was, of course, never an issue—ignoring the whole impressive body of refuting evidence, criticism and dissent which had been drawn to the Assembly's attention by the South African speakers.

<sup>1</sup> *South West Africa, Second Phase, Judgement, I.C.J. Reports 1966, p. 6.*

<sup>2</sup> *Official Records of the General Assembly, Twenty-first Session, Plenary Meetings, 1414th meeting.*

<sup>b</sup> *South West Africa Cases (Ethiopia v. South Africa; Liberia v. South Africa), Preliminary Objections, Judgement of 21 December 1962: I.C.J. Reports 1962, p. 319.*



Regarding South Africa's policies, there were repeated statements that they were oppressive of the indigenous inhabitants and that they were aimed at keeping the majority under permanent domination by a minority, denying self-determination to the former and exploiting them in all spheres of life. In other words, all the charges which had been abandoned in the contentious proceedings were offered again without any attempt at substantiation and without any reference to what the South African representatives had said.

In the result, resolution 2145 (XXI) was adopted on 27 October 1966. The material operative paragraphs thereof read as follows:

"The General Assembly...

- (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 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;"

Resolution 2145 (XXI) was rejected as unlawful by the South African Government which refused to withdraw its administration from the Territory. In pursuance of its policies it continued to assist the major population groups with the establishment of governmental institutions based on the will of the people and granted a considerable amount of autonomy to the groups concerned. In Owambo formal deliberations and consultations lasting many months were held with the population which culminated in proclamations of October 1968 whereby a Legislative Council and Executive Council for Owambo were established together with the necessary administrative departments. The first session of the first Owambo Legislative Council was formally opened on 17 October 1968. Similar institutions were established in the Kavango, where the first Legislative Council assembled on 22 October 1970.

For its part, the United Nations persisted with the attitude that the South African administration had become unlawful and that the United Nations was entitled to take over the direct administration of the Territory. In May 1967 a resolution was passed by the General Assembly\* in accordance with which a United Nations Council for South West Africa was appointed. This Council was charged with the function, *inter alia*, of administering South West Africa until independence with the maximum possible participation of the people of the Territory. In the same resolution the General Assembly decided that South West Africa should become independent, if possible by June 1968.

During August 1967 the President of the United Nations Council for South West Africa addressed a letter to the Government of South Africa in which attention was drawn to the relevant resolutions of the Assembly and in which the Government was requested to indicate the measures proposed to be taken in order to facilitate the transfer of the administration of the Territory to the Council. In response the South African Foreign Minister furnished his Government's reasons for its view that the purported revocation of its title to administer South West Africa was invalid and in any event "lacked any semblance of economic or social worth because it completely ignores the disastrous consequences which would inevitably follow from the course which it sets".

In 1968 a further resolution was passed by the General Assembly<sup>1</sup> in terms of which South West Africa was re-named

<sup>\*</sup> Resolution 2248 (S-V).

<sup>1</sup> Resolution 2403 (XXIII).

"Namibia" and the Security Council was requested to take effective measures to ensure the immediate removal of the South African presence from the Territory and to secure its independence.

As from 1969 the major United Nations activity concerning South West Africa took place in the Security Council. In March of that year the Council adopted resolution 264 (1969) in which it recognised the General Assembly's purported termination of South Africa's right to administer South West Africa and called upon the South African Government immediately to withdraw from the Territory. In August 1969<sup>m</sup> it called upon South Africa to withdraw its administration from the Territory immediately and in any case before 4 October 1969.

In reply, the South African Minister of Foreign Affairs submitted a letter and a full memorandum<sup>n</sup> setting out the legal grounds on which South Africa contended that the United Nations actions concerning South West Africa were unlawful as well as the true facts of the situation. The latter also showed the great progress made by all the inhabitants of the Territory.

On 30 January 1970, the Security Council adopted resolution 276 which strongly condemned the refusal of the South African Government to comply with General Assembly and Council resolutions pertaining to South West Africa. The resolution declared that the continued presence of the South African authorities was illegal, and that consequently all acts taken by them on behalf of or concerning South West Africa after the purported termination of the Mandate, were illegal and invalid. It called upon all States, particularly those which had economic and other interests in South West Africa, to refrain from any dealings with the Government of South Africa which were inconsistent with the resolution. The Council also decided to establish an *ad hoc* sub-committee to study ways and means by which its relevant resolutions could be effectively implemented.

Later in the year two resolutions were adopted pursuant to the report of this *ad hoc* sub-committee. The first (resolution 283) called upon all States to refrain from any diplomatic, consular or other similar relations with South Africa implying recognition of the authority of the South African Government over the Territory. It also called upon all States to ensure that commercial and industrial enterprises owned by them or under their direct control ceased all dealings with respect to South West Africa and to discourage commercial and industrial activities between their nationals and South West Africa. The second (resolution 284), adopted on 29 July 1970, requested an advisory opinion from the International Court of Justice on the following question: "What are the legal consequences for States of the continued presence of South Africa in Namibia, notwithstanding Security Council resolution 276 (1970)?"

#### BACK TO THE INTERNATIONAL COURT OF JUSTICE

Fourteen States (including South Africa), the Secretary-General of the United Nations and the Organization of African Unity participated in the written and oral proceedings which followed on the request of the Security Council to be furnished with an Advisory Opinion on the question put to the Court. The Court delivered its Opinion on 21 June 1971.<sup>o</sup> It held:

*Firstly*, by 13 votes to 2, that South Africa was in illegal occupation of South West Africa and under an obligation to withdraw its administration from the Territory immediately.

*Secondly*, by 11 votes to 4, that States Members of the United Nations were obliged—

(i) to recognize the illegality of South Africa's presence in the Territory and the invalidity of its acts on behalf of or concerning the Territory; and

<sup>m</sup> Resolution 269 (1969).

<sup>n</sup> *Official Records of the Security Council, Twenty-fourth Year, Special Supplement No. 2, annex I.*

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

- (ii) to refrain from any acts or dealings which would imply recognition of the legality of, or lend support or assistance to, the South African presence and administration.

Finally, also by 11 votes to 4, that it was incumbent on States *not* Members of the United Nations, to give assistance in the action taken by the United Nations with regard to the Territory.

This Opinion of the Court, like all its Advisory Opinions, has no legally binding force and therefore no State is or can be obliged to abide by or give effect to it. Even its persuasive force will depend upon such factors as the cogency of the legal reasoning employed, the presence or absence of political motivation or bias, and the extent and strength of the dissenting Opinions.

#### *Preliminary Matters*

Before the start of the oral proceedings in 1971, the International Court of Justice, with a membership substantially different from that of 1965, decided against South Africa on three preliminary matters, namely:

- (a) An application by South Africa for the recusal of three of the Judges of the Court. As former representatives of their Governments in the United Nations, Judges Sir Zafrulla Khan, Nervo and Morozov had made, or been associated with, statements strongly condemnatory of South Africa's policies and actions in South West Africa.
- (b) Secondly, by a majority of 10 to 5, the Court rejected South Africa's application for the appointment of a judge *ad hoc*.

The object of the appointment of a judge *ad hoc* in proceedings such as these is, as one of the majority judges pointed out, "to protect the interests of States which may be affected by advisory proceedings", and which, like South Africa, was not represented on the Court.

- (c) Thirdly, the Court refused to entertain South Africa's submission that there were compelling reasons why the Court should decline to give the Opinion requested of it. South Africa's principal contention in this connection was that the United Nations had so embroiled the Court in the political issues surrounding the question that the Court would be unable to exercise its judicial function properly. She pointed to the violent abuse and threats to which the Court has been subjected for its Judgment of 1966; to the accusations of corruption, ulterior political motives and underhand dealings levelled against various Judges; and to the thinly-veiled warnings by members of the Security Council that in the present case the Court must "rehabilitate" itself and "redeem its impaired image".

#### *Powers of the General Assembly*

The fundamental issue in dispute was whether there was any provision of the Charter under which the General Assembly could have terminated South Africa's right of administration. The powers of the Assembly are derived exclusively from the Charter of the United Nations. It cannot, therefore, act outside the Charter.

South Africa contended that the Assembly's decision to revoke the Mandate was invalid. The Assembly had purported to act as a successor to the League of Nations—which had exercised powers of supervision but not of control over the Mandate, but those powers did not include a power to revoke the Mandate unilaterally or to assume direct control over the Territory. And in any event no succession to the League had taken place.

Whatever the position, South Africa argued, the Assembly certainly does not have such powers under the Charter of the United Nations. For apart from some irrelevant exceptions, the Charter in Article 10 provides unequivocally that the only powers which the Assembly has are those of *discussion* and *recommendation*. It cannot make binding decisions or itself

take direct action. And it was significant that no single participant was able to show that any specific provision of the Charter does empower the Assembly to act as it purported to do. Most participants evaded this vital issue, and those that did not, treated the question only cursorily.

The Court did not even attempt to answer this question which South Africa had argued at length in the proceedings. It simply evaded the issue. All it said was that:

"...It would not be correct to assume that, because the General Assembly is in principle vested with recommendatory powers, it is debarred from adopting, in specific cases within the framework of its competence, resolutions which make determinations or have operative design".

This, of course, does not answer the question; for the question which the Court was called upon to answer was precisely whether the Assembly's purported revocation *was* within the framework of its competence. That framework of competence is to be found only in the provisions of the Charter—not in a bare assertion by the Court.

Nor would it help to rely upon a theory of succession to the powers of the League of Nations—a theory in itself highly controversial. For the Court itself has in the past repeatedly stressed that even when operating as a successor to the Council of the League, the General Assembly cannot act otherwise than in accordance with the Charter. That is still the law—the Court did not overrule what it had previously said in this connection. Yet still it failed to indicate what Charter basis could have authorized the Assembly's action.

There can be only one answer and it was provided by one of the dissenting judges. He said the following:

"The whole of this most important aspect of the matter resulting from the Court's own jurisprudence as it was enunciated in the 1955 Voting Procedure case, is now completely ignored, and not even mentioned in the present Opinion of the Court;—for the sufficient reason no doubt that there is no satisfactory answer that can be given to it."

#### *The Action of the Security Council*

If the Court's findings are unreasoned and unconvincing in regard to the action taken by the General Assembly, they are perhaps even more so in regard to that taken by the Security Council—for here the Court made still less of an effort to meet the issues involved.

The question put to the Court concerned the legal consequences for States of South Africa's continued presence in South West Africa "notwithstanding Security Council Resolution 276 (1970)". That resolution strongly condemned South Africa's refusal to comply with various United Nations resolutions on South West Africa. It also declared South Africa's presence in the Territory illegal and all its consequent acts illegal and invalid; and it called upon all States to refrain from any dealings with South Africa in regard to the Territory.

South Africa contended that this resolution of the Council, as well as its other relevant resolutions, were invalid.

The language of Article 24 of the Charter (relied upon by the Court) makes it clear that although the Article confers upon the Security Council the primary responsibility for the maintenance of international peace and security, it does not itself confer any powers upon the Council. What it does provide is that in order to discharge that responsibility, the Council shall have the specific powers laid down in Chapters VI, VII, VIII and XII of the Charter.

In spite of this, when the Court came to deal with the power of the Council to adopt resolution 276 (1970), it stated that Article 24 confers upon the Council general powers which may be exercised whenever a situation "might lead to a breach of the peace". The Court stated that these powers are additional to those specifically granted to the Council under the Chapters indicated and are limited only by the extremely wide Purpose and Principles of the United Nations. Moreover, according to the Court, should the Council so intend, any decision which it might take would be binding in terms of Article 25.



These are important and far-reaching findings which require to be carefully motivated. However, the Court simply ignored cogent arguments presented to the contrary. In support of its interpretation of Article 24, the Court merely referred to a statement by the Secretary-General of the United Nations in 1947. The correctness of that statement was itself an issue which was strongly and extensively controverted during the proceedings. Yet the Court accepted its correctness without advancing a single word of reasoning in support thereof.

Another disquieting feature of the Opinion, was the Court's treatment of the question whether, when the Council adopted its relevant resolutions, it was acting for the maintenance of international peace and security. That it was *only* for this purpose that the Council could validly have acted was accepted by the Court.

The evidence, however, was crystal clear that the Council had not acted for that purpose but for a completely different one; namely to secure as an end in itself the removal of South Africa from South West Africa so that the United Nations could take over the Territory and bring about its almost immediate independence as a single political entity—regardless of the consequences.

To this evidence the Court closed its eyes. It asserted that the Council was acting for the maintenance of peace and security—an assertion which, despite the urgings of some of its members, the Council itself deliberately avoided making in any one of its resolutions.

The implications which flow from the Court's attempt to attribute to the General Assembly and the Security Council implied powers which they were never intended to have under the Charter, are enormous in their scope.

According to the Court's interpretation of the Charter, the Assembly now has the power to make findings of fact and of law—findings which bind even non-consenting States and, it would appear, States not Members of the United Nations.

The powers of the Security Council would, according to the Court's interpretation, be still more drastic. Its binding powers under Articles 24 and 25 would be "commensurate with its responsibility for the maintenance of peace and security" and limited only by the "fundamental Principles and Purposes" of the Charter.

It could thus make and enforce decisions on a very wide range of matters—something never intended by the framers of the Charter and against which they had carefully devised safeguards in other chapters of the Charter.

The attempts by one or two of the majority Judges to limit the effects of the Court's Opinion to the particular case of South West Africa are unconvincing. The principles which hold good for a specific case, must also hold good for other cases and will inevitably be applied to them.

Another disturbing feature of the Court's Opinion is the way in which the Court treated its previous Opinions and Judgments. The Court purported to "adhere to its own jurisprudence". But what it actually did was to overrule much of that jurisprudence without explanation and without saying that it was doing so. It relied heavily on those of its previous pronouncements which were adverse to South Africa's contentions while it ignored or brushed aside those which substantiated them.

On the other hand, where its previous pronouncements did not suit its Opinion, the Court disregarded them.

#### *The factual justification for terminating the Mandate*

Another fundamental issue was the question of the *factual* justification for General Assembly resolution 2145 (XXI). The Assembly based that resolution on South Africa's alleged non-fulfilment of obligations in respect of the administration of the Territory—obligations alleged to have been violated by acts of oppression and repression of the inhabitants of the Territory and by the alleged denial of rights of self-determination, freedom and independence. In particular, the Assembly made no mention of South Africa's refusal to render reports on its administration to the United Nations.

Yet the latter was the very ground upon which the Court relied. Not only then did the Court endorse an act of the Assembly in which the Assembly had acted as the judge of complaints brought by itself and which it failed to investigate, but it endorsed it upon a complaint not relied upon by the Assembly itself. The inference is inescapable that the Court did this to avoid having to inquire into the factual justification for the Assembly's action.

However, the most extraordinary aspect of the matter was that the Court, having decided not to go into the factual issues, nevertheless made findings thereon. Moreover, it did so in a decidedly uninformed and prejudiced manner, going out of its way to censure South Africa's policies in the Territory—after refusing to hear detailed evidence, or co-operate with South Africa in the holding of a plebiscite, which South Africa had offered in connection with this very question. The purpose of the Court's censure was clearly political rather than legal and it emphasizes the basically political nature of the Opinion.

These were some of the reasons why the South African Government could not accept the Court's Opinion, either in its specific application to South West Africa or in its wider implications.

#### TO THE POLITICAL FORUM ONCE MORE

During consideration of the Opinion in the Security Council during September 1971, it became apparent that some members did not accept the Court's reasoning and that they were concerned about the legal implications of the Court's Opinion—in particular with its interpretation of the Charter provisions relating to the powers of the General Assembly and the Security Council. Because of this, the Council in its resolution 301 (1971) took note of the Opinion, but carefully refrained from expressing agreement with anything more than the Court's conclusions. This illogical acceptance of the conclusions without accepting the reasoning on which they were based serves to emphasize the dilemma in which members of the Council found themselves in regard to the Opinion. Great Britain and France abstained on the resolution.

In addition, the resolution condemned "all moves by the Government of South Africa designed to destroy the unity and international integrity of South West Africa, such as the establishment of Bantustans". South Africa's continued "illegal presence" was declared an internationally wrongful act and a breach of international obligations.

The resolution went on to state that "any further refusal of the South African Government to withdraw from Namibia could create conditions detrimental to the maintenance of peace and security in the region"; and called upon all States to abstain, *inter alia*:

- from entering into treaty relations with South Africa in all cases in which the Government of South Africa purports to act on behalf of, or concerning, South West Africa;
- from invoking or applying those treaties or provisions of treaties concluded by South Africa on behalf of, or concerning, South West Africa, which involve active inter-governmental co-operation;
- from sending diplomatic or special missions to South Africa that include South West Africa in their jurisdiction;
- from entering into economic and other forms of relationship or dealings with South Africa on behalf of, or concerning, South West Africa which may serve to entrench its authority over the Territory.

#### *Contacts with the Secretary-General*

The most recent phase in the South West Africa issue at the United Nations commenced in February 1972 when the Security Council adopted its resolution 309 inviting the Secretary-General to initiate contacts with all parties concerned with a view to establishing conditions to enable the Territory's people to exercise their right to self-determination and independence. These contacts were renewed by Security Council resolutions 319 and 323 of 1972, but were terminated by resolution 342 of December 1973.

In March 1972, the Secretary-General visited South Africa and South West Africa. In the course of discussions with him,

the South African Government confirmed that, with regard to the question of South West Africa, its policy was one of self-determination and independence. It was also agreed that the Secretary-General, in consultation, *inter alia*, with the South African Government would appoint a personal representative to assist in achieving this aim. Subsequently Dr. Alfred M. Escher was appointed for this purpose. In October, 1972, Dr. Escher undertook an extensive tour of the Territory which brought him into contact with representatives of all population groups.

On the 2nd of November, 1972, the South African Prime Minister and Dr. Escher agreed that the substance of their discussions would be recorded as follows:

"1. Taking into account the debate that took place in the Security Council on the report of the Secretary-General, my consultations with the Group of Three as well as the Aide Memoire, I asked the Prime Minister for a clarification of his Government's policy of self-determination and independence with regard to Namibia (South West Africa).

"2. The Prime Minister indicated that, apart from what he had already told the Secretary-General in March 1972,\*p in his view this was not the appropriate stage to go into a detailed discussion of the interpretation of self-determination and independence—this could be done with better results once the necessary conditions are established and the inhabitants have had more administrative and political experience.

"3. In the light of this reply, and considering that the mandate of the Secretary-General was 'to continue his contacts with all parties concerned, with a view to establishing the necessary conditions so as to enable the people of Namibia, freely and with strict regard to the principles of human equality, to exercise their right to self-determination and independence, in accordance with the Charter of the United Nations', I enquired whether we could discuss practical steps leading to the exercise of self-determination.

"4. The Prime Minister believed that experience in self-government was an essential element of eventual self-determination. Bearing in mind the circumstances he felt that this could best be achieved on a regional basis.

"5. This seemed to me acceptable in principle provided that the necessary conditions for the exercise of self-determination were fulfilled, and at the same time an authority for the whole territory would be established.

"6. The Prime Minister said he would be prepared to establish an advisory council drawn from representatives of the various regions, regional governments or authorities, and he would assume overall responsibility for the territory as a whole—i.e. distinct from the Ministries now responsible for different sectors.

"7. I also enquired whether the Government would consider the abolition of restrictive legislation including the existing limitations on the freedom of movement and freedom of speech, including the right to hold meetings.

"8. The Prime Minister stated that to a large extent curbs on freedom of movement were necessitated by the need to exercise influx control, which was in the interest of all inhabitants in the territory. He would examine the possibility of removing restrictions without impairing influx control.

"9. The Prime Minister further indicated that he was in agreement that there should be legitimate political activity including freedom of speech and the holding of meetings."

Dr. Escher subsequently recommended to the Secretary-General that, taking into account the readiness of the South African Government to continue the contacts and in view of the positive elements that had emerged from his discussions with the Prime Minister, the contacts between the Secretary-General and the South African Government, as well as the other parties concerned, should be continued.

\*p Reference to Secretary-General's report.

Pursuant to paragraph 6 of the agreed record of their discussions, the Prime Minister established an Advisory Council for South West Africa. At present it comprises representatives or observers from ten regions and twelve population groups chosen by the groups and regions themselves. Its function is to consider questions of Territory-wide concern. It meets periodically under the Prime Minister's chairmanship. Representatives are free to place on the agenda matters of common interest to South West Africa as a whole, *i.e.* matters which are not of purely regional interest. The number of items proposed for the agenda will determine the frequency of meetings.

The Advisory Council is still in its formative phase. The Government's position is that it will depend on the contribution of, and interest displayed by, its members as to how the Council will develop in practice. It is the intention that the Council should, under the Prime Minister's chairmanship, become a meaningful consultative instrument for South West Africa.

To this end, the Government has expressed the hope that the Council will include members truly representative of all the different groups and that it will study and advise the Prime Minister on all matters of Territory-wide concern, including matters relating to the future of the Territory. The Government also hopes that the Council will be of assistance in facilitating self-determination and independence.

In April 1973, clarifying his Government's position with regard to South West Africa, South Africa's Minister of Foreign Affairs communicated the following statement to the United Nations Secretary-General for incorporation in the latter's third report to the Security Council on his contacts with the parties concerned (S/10921):

"Desiring to enable and assist the population of South West Africa to exercise their right to self-determination and independence, the Government of South Africa will fully respect the wishes of the whole population of the Territory. . . . It has no intention of imposing any constitutional system.

"Any exercise to ascertain the wishes of the population in this regard will not be compromised by any existing political and administrative arrangements. South Africa will not impose upon the population of South West Africa any given system contrary to the wishes of the latter or contrary to the Charter of the United Nations which, in Article 1, paragraph 2, calls on Member States 'to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples'.

"All political parties of South West Africa will have full and free participation in the process leading to self-determination and independence. The Government of South Africa has no intention of delaying the act of self-determination and will, in co-operation with the Secretary-General and in consultation with the inhabitants, determine such measures which will ensure the achievement of the goal of self-determination and independence."

At the same time the Minister made known the Governments' position on certain supplementary matters which had arisen during the course of the contacts, *viz.*:

"With regard to the question whether individual population groups may suddenly become independent as separate entities, the South African Government states that it does not envisage such an eventuality.

"The South African Government recognizes and accepts, subject to the requirements of public safety, the need for freedom of speech and freedom of political activity including the holding of public meetings, in the process leading to self-determination. The principle applies equally to all political parties of the Territory.

"So far as freedom of movement is concerned, the South African Government has in mind the redelineation of administrative districts aimed at considerably enlarging these districts so as to reduce restrictions on and bring about greater freedom of movement.

"As regards the Territory's status, the South African Government reiterates, as stated in 1964 in the pleadings in the South West Africa case, that South West Africa has a separate international status. Walvis Bay is of course South African Territory.

"During the discussions the South African Government reaffirmed that its position that it does not claim any part of South West Africa remains unchanged.

"On the basis of present developments, the Government of South Africa anticipates that it might not take longer than 10 years for the population of South West Africa to reach the stage where it will be ready to exercise its right to self-determination."

#### *Termination of the contacts*

In his report to the Security Council dated 30 April 1973, the Secretary-General concluded that

"... the position of the Government of South Africa is still far from coinciding with that established in the resolutions of the United Nations concerning Namibia. While it has made South Africa's position clearer on some of the basic questions which arose during earlier contacts with the Government of South Africa or during discussions in the Security Council, the statement does not provide the complete and unequivocal clarification of South Africa's policy in regard to self-determination and independence for Namibia envisaged in resolution 323 (1972).

"The question arises whether, in the light of the results achieved so far, the contacts and efforts initiated pursuant to resolutions 309 (1972), 319 (1972) and 323 (1972) should be continued. Should the Security Council decide to continue these efforts, it should bear in mind my earlier statement to the effect that time and protracted discussions would be required if any progress is to be achieved".

The Security Council met in December 1973 to discuss the Secretary-General's report. Prior to the December meeting, a number of states and bodies made repeated calls on the Security Council to terminate the contacts between South Africa and the Secretary-General. In a statement to the General Assembly on 5 October 1973,<sup>a</sup> the South African Minister for Foreign Affairs expressed his regret that such calls were made. He said:

"These contacts represent a voluntary attempt to use the facilities of the United Nations for the pursuit of a peaceful settlement of the problem. That is one of the primary purposes of this Organization. Yet the call is now apparently to bypass and to set aside the machinery which the United Nations offers for the peaceful settlement of problems. This must inevitably serve as an encouragement to those who advocate confrontation, force and violence as a means to an end in South West Africa. And that course is being advocated despite the fact that in the 14 months between March 1972 and April 1973 during which contacts were made, more real progress was achieved in the search for a solution to the problem in the United Nations context than in all the preceding years."

The Foreign Minister, after reviewing the progress achieved as a result of the contacts, said also:

"One cannot of course forecast the outcome of the Security Council's consideration of the Secretary-General's latest report. We recognize that the gap separating us, although narrower than it has ever been as a result of our contacts with the Secretary-General, still exists. But we would hope that the Council and this Organization as a whole will be guided by the imperative need for peaceful evolution by consent of those directly concerned, namely, the inhabitants of South West Africa, both black and white. We believe it is crucial that all the segments of the population of South West Africa should be enabled to get together to sort out their problems and to resolve them to their own satisfaction, in a manner consistent with the peaceful objectives of the Charter."

<sup>a</sup> See *Official Records of the General Assembly, Twenty-eighth Session, Plenary Meetings*, 2141st meeting.

However, on 11 December 1973, the Security Council in resolution 342 (1973) decided "in the light of the report and the documents attached thereto, to discontinue further efforts on the basis of resolution 309 (1972)". In paragraph 3, the Secretary-General was requested to keep the Security Council fully informed about any new developments concerning the question of South West Africa.

In this regard, the Minister of Foreign Affairs commented on 12th December, 1973, that

"The latest Security Council resolution on the termination of the contacts is being interpreted by some as an attempt not to close the door finally. However, only the future will show whether anything positive will eventuate from this or whether we have once again returned to where we stood two years ago, namely the era of stalemate and frustration. South Africa has, however, in the meantime continued with the implementation of the results of the contacts with the Secretary-General and his representative. In this regard I think for example of the Advisory Council which has been established by the Honourable, the Prime Minister, after the discussions with the Secretary-General and Dr. Escher.

"Whatever happens, South Africa firmly adheres to its attitude which has in the past been repeatedly expressed that it is for the inhabitants of South West Africa to decide their own future. Neither the South African Government nor the U.N. should enforce a solution upon them from outside. In the meantime the South African Government will continue with its efforts to assist them on the road to self-determination. In spite of the latest developments in the Security Council it is basic to the Government's policy to exchange ideas with others who have the real interest of the Territory and its inhabitants at heart".

#### LATEST POLITICAL DEVELOPMENTS

South West Africa is near the stage when its inhabitants will exercise their right to self-determination. The completion of this process will depend on the peoples themselves. In the words of the Prime Minister, the Hon. B. J. Vorster:

"... I am convinced that there is only one solution to this problem, namely that the peoples of South West Africa be allowed to decide their own future without being hampered or disturbed. I believe that if outsiders should be involved, whoever they may be, this could lead to greater confusion instead of greater clarity being brought about in regard to this matter. I still believe today, as I put it to both Dr. Waldheim and Dr. Escher, that one of the top priorities as far as South West Africa is concerned, is that the peoples of that territory should be afforded the opportunity, as indeed they are being afforded now, to gain experience so that they may eventually exercise their right of self-determination."

The South African Government believes that it is not for South Africa nor for the United Nations, but for the peoples of the Territory themselves to decide upon their political future.

Arising from the establishment of the Prime Minister's Advisory Council for South West Africa, discussions have taken place between that body's members on a regular basis outside of Council sessions. And recently, the Executive of the ruling National Party in South West Africa decided that the Whites of the Territory should take the initiative by instituting discussions among representatives of all groups. The aim, the Executive indicated, was firstly to promote—in a spirit of voluntary co-operation—a better mutual understanding of each other's views on the Territory's political future and, flowing from that, to conduct more positive discussions with a view to the future. It is thought that the discussions—which it is hoped will commence in 1975—may well progress to the point where final agreement can be reached between all the population groups.

In its statement, which was issued in Windhoek on 24 September 1974, the National Party Executive also declared that the party's view:

\*\* Statement in the South African Senate on 23 October 1974.



... with regard to what it considers the best method to ensure peaceful co-existence between people with different languages, traditions, cultural background and outlook, is generally known. Nevertheless it is the party's intention to approach the proposed consultations in a spirit of goodwill in terms of which each other's views will be weighed and misconceptions eradicated, so as to find a solution which will, to the greatest possible extent, enjoy the support of the various population groups of South West Africa and which will ensure security and prosperity.

"The Executive has set these objectives in the knowledge that the dispute over South West Africa, which has dragged on for almost three decades, is not in the interests of progress and is thus to the disadvantage of all the people of South West Africa. The hope is therefore expressed that the greatest measure of co-operation will be given by all population groups so that the desired objectives may be realised."

Shortly after the National Party's decision, the Owambo Executive Council called for the holding of a general election in Owambo early in 1975. It was subsequently decided that the election would be held from 13 to 17 January. This will be the first election of members to the newly-enlarged Legislative Council, which will seat 77 members in terms of Proclamation No. R.192 of 1974—of which 42 will be elected by popular vote and 35 nominated by traditional methods. (The Council formerly contained 35 nominated members and 21 elected members.) The elected element in the Legislative Council, which has now been doubled, will thus, for the first time, outweigh the nominated element. 6 November 1974 was proclaimed nomination day for candidates wishing to contest the elections. No less than 111 candidates were nominated and will compete for the 42 elected seats, spread over 7 constituencies (6 seats in each constituency). Irrespective of their present political affiliations, all candidates are standing as independents. The life of the new Legislative Council will be five years.

Addressing his people in a radio broadcast on 16 October 1974, Chief Minister Filemon Elifas of Owambo invited those Wambos who had departed the country for Zambia to return and to take part in the elections. He said that "if they have the interests of their country and people at heart, then they will return in peace, and they can share in this constitutional development." He also announced that nothing prevented them from being nominated as candidates, and he indicated that "candidates will also have the right to make themselves known to the voters and to explain their aims and endeavours to the voters."

The Chief Ministers returned to this theme in a speech on 7 November 1974. He said:

"In this regard I want to repeat my invitation to our sons and daughters who are at the moment in Zambia and elsewhere outside the country's borders to return in peace to Owambo without fear that any action will be taken against them and to take part in the election. According to a news report from the news agency SAPA in New York, the Secretary for International Affairs of SWAPO, Mr. Peter Mueshihange, said in the United Nations that the Wambos who had been enticed out of the country by SWAPO were now in urgent need of assistance in the form of food. It is tragic that children of Owambo should have been enticed out of the country by false and misleading promises and that they should now find themselves in a precarious situation and suffer hunger. Return to your mothers and fathers where food is plentiful. It is a clear indication that SWAPO which decoyed our children out of the country with false promises is not even able to give them food. How can we then believe all the other promises which they have made?"

The Prime Minister, the Hon. B. J. Vorster, referring to the latest initiatives with regard to the proposed discussions on the political future of the Territory, as well as the Owambo election, reiterated in the South African Senate on 23 October 1974 that:

"... everybody who wants to assist in solving this problem in a peaceful manner has been invited by the government of Owambo to lend a hand in reaching that peaceful solution

to the problem. However, it goes without saying that any breaking of the law, any disturbance of order, cannot be permitted under any circumstances."

The Prime Minister added that:

"... the peoples of South West Africa and those who want to co-operate in a peaceful manner should be afforded the opportunity of solving the problems of that territory."

South Africa's Ambassador to the United Nations, Mr. R. F. Botha, also touched on this theme in a statement to the United Nations Security Council on 24 October 1974.\*<sup>8</sup> Expressing the South African Government's satisfaction with the decision of the National Party of South West Africa, Mr. Botha said that this development was fully in accord with the Government's view that:

"... it is for the inhabitants of South West Africa themselves to decide their own future. Those who have left the Territory and wish to return in order to participate in elections or gain positions of leadership with a view to participating in the discussions will have the right to do so, provided they do so in peace. It does not matter to what group or party they belong. They will have the right to propagate any constitutional changes they like, provided only that they do so within the requirements of law and order."

The Ambassador also informed the Security Council that—

"It is on record that during the contacts with the Secretary-General the South African Government had anticipated that on the basis of developments at that time it might not take longer than 10 years for the population of South West Africa to reach the stage where it would be ready to exercise its right to self-determination. In the light of the new developments in the Territory, the South African Government now believes that this stage may be reached considerably sooner."

The constitutional future of the Territory is thus in the hands of its inhabitants. All options are open to them.

#### GOVERNMENT AND ADMINISTRATION

Natural conditions have largely shaped the cultures and histories of the peoples of South West Africa, which have in turn shaped the development of the broad lines of South Africa's policies in the Territory.

The South African Government's administration in South West Africa is based on respect for the principle of equal rights and self-determination of the peoples of the Territory. This approach is in line with the objectives in regard to developing peoples as set out in the Charter of the United Nations.

The South African Government is dealing with a problem posed by a number of peoples, with different cultures, with distinct identities, living in one geographical territory. The Government's objective is that of promoting the well-being and progress of all by endeavouring to make it possible for them to live in happiness and harmony and to achieve full self-realization.

Relations between the various population groups have been regulated from the earliest times on the basis of autonomous institutions. The divisions which exist in South West Africa are natural and historical—the result of sociological affinities and not of any ideology. The South African Government recognizes these divisions and is influenced by them—but it did not create them. It follows a practical policy determined by the historic circumstances which still persist.

The Government's approach is essentially dynamic and flexible, designed to keep pace with changing circumstances and needs. The growing autonomy of the various peoples should not be construed as an effort to maintain them for all time as totally distinct and isolated units too small to maintain a viable economy. It is expected that close economic co-operation will come about between them on the basis of agreement. This occurs to a large extent today and will no doubt

\*<sup>8</sup> 1800th meeting.



increase in the future as a necessary corollary to economic advancement.

It is not possible at this stage to foresee the ultimate interactions of the various population groups. The South African Government is affording the peoples of South West Africa the opportunity to gain experience in self-government. But they themselves will decide their ultimate constitutional form. It is therefore not necessary to speculate as to what the ultimate future political pattern will be, i.e. whether and to what extent there may be amalgamations or unions of some kind, federations, commonwealth or common market arrangements, etc. The peoples themselves will ultimately decide. Meanwhile the Government's task is to help them all to advance economically, socially and politically.

Much progress has been made in advancing the peoples of the Territory towards self-government.

Regional legislative councils or assemblies have already been instituted for the Owambo, White Group, Kavango and Eastern Caprivi, which collectively comprise about 68 per cent of the population. In addition, the Rehoboth Basters have enjoyed a measure of autonomy ever since their arrival and settlement in South West Africa in 1870.

The day to day administration of South West Africa is carried on by departments and branches dealing with:

staff and secretarial functions, census and statistics, agriculture (technical services, land tenure, credit, economics and marketing), archives and cultural affairs, customs and excise, education, emergency planning, revenue and finance, geological surveys, land surveys, deeds, health services, industrial affairs, commerce, justice, prisons, police, legislation, local government, community development, nature conservation and tourism, organization and work study, mines, posts and telegraphs, roads, railways, airways, harbours, transport and traffic control, social welfare and pensions, labour, water affairs, public works, defence, Bantu administration and development, Rehoboth affairs, Nama and Coloured affairs and Bushmen affairs.

A number of these functions are exercised directly by local self-governing bodies. There are at present four such entities, viz. the South West Africa Administration, and the Owambo, Kavango and East Caprivi Administrations. Functions not under the jurisdiction of these administrations are exercised by departments of the Republic, in most instances through branches and representatives within the Territory. Excluding personnel at the headquarters of Departments in the Republic who are directly and indirectly concerned with South West Africa, there are about 20 000 persons in South West Africa in the direct employment of governmental departments and agencies. Of these more than half, or 11 000, are members of the developing population groups. These figures do not include several thousand persons in the employ of semi-governmental and private agencies and institutions who regularly undertake work for the government.

#### GENERAL ECONOMIC DEVELOPMENT

##### ECONOMIC DEVELOPMENT

South West Africa's natural environment is basically unfavourable for economic development. The Territory has one of the lowest population density figures in the world. Large areas of the country are desert. Only 32 per cent of the land area receives an average annual rainfall of more than 400 mm. Agricultural and industrial development is seriously hampered by the severe lack of water.

The two basic physical factors of South West Africa's economy are recurrent droughts and the vast distances which separate human settlements. Almost all the needs of a modern economy must be imported: all fuel for power and transport, machinery, equipment, cement and many other building materials, most consumer goods, and even a great deal of food.

Despite these growth-restraining factors, the Territory's 1973 Gross Domestic Product of R615.6 million was more than four times as high as in 1960 when it amounted to R142.2 million. Even when expressed in constant (1963) prices, G.D.P. more than doubled during 1960-1972 from R147.1

million to R320.0 million. Average annual geometric growth rates over that period were:

	Per cent
G.D.P. at current prices	11.9
G.D.P. per head at current prices	9.0
Real G.D.P. per head	3.4

Indicative of progress as these figures are, the Territory's economy is still in its infancy. In the foreseeable future it will be unable to sustain progress without the closest links with the Republic of South Africa. Approximately half the economic output is accounted for by primary industries—agriculture, fishing and mining—which are highly vulnerable to fluctuations in demand and to climatic and other natural factors. There are no indications that this dependence on primary products will change in the future.

Manufacturing's share of only about one-tenth of G.D.P. is unlikely to grow because of the Territory's small domestic market. And exports are largely precluded by the lack of suitable raw materials, a high cost structure and the distances separating local industries from sources of supplies and from their customers.

The growing international demand for protein food has already benefited the Territory's producers of meat, canned fish, fish meal and fish oil and can be expected to lead to rising prices for these commodities. Certain elements of the fishing industry are, however, threatened on account of over-fishing by foreign vessels outside South West African territorial waters. And the livestock industry is always liable to suffer from droughts and diseases.

Thus there is little doubt that despite a number of favourable factors, the Territory's economy will remain vulnerable. The sustained economic and social advancement of the Territory's inhabitants can, therefore, only be guaranteed by close association with South Africa's broadly-based and dynamic economy. This applies particularly to the supply of skilled manpower and specialized services, the provision of financial resources for private and public investment, the supply of foodstuffs, as well as practically all consumer and producer goods needed in South West Africa.

#### AGRICULTURE

Basic features of the Territory's agricultural economy are its vulnerability to climatic factors and stock disease; its dependence on cattle and Karakul sheep; the inability of the meat and dairy industry to compete regularly on international markets and the consequent reliance upon sales to South Africa; the inability to supply any significant percentage of the inhabitants with grain, vegetables and fruit, necessitating the importation of large quantities from South Africa.

High standards of farm management, coupled with care to market only good quality commodities, have enabled the Territory's farming economy to prosper despite the recurrence of droughts, cattle epidemics and general recessions over the past half-century.

The Republic of South Africa is by far the largest single market for the Territory's agricultural output. It is also the principal source of supplementary foodstuffs and of essential farm machinery, besides which it makes a substantial contribution in respect of veterinary and other technical services and financial support. Thus:

Of the total of 583 168 cattle marketed in 1972, almost three-quarters were exported to South Africa. Only some 32 000 or 5.5 per cent were consumed locally. Most of the remainder were exported in processed form, a large portion to South Africa.

An average of 300 000 bags (weighing 90 kg each) of maize and maize products are imported annually from South Africa at a subsidized cost of R1.2 million, as well as approximately 100 000 bags of wheat flour at a cost of R700 000. Imports of maize are higher during droughts (as much as 1 million bags) when yellow maize is widely used as a stock feed.

Concentrated stock feeds and high protein roughages (mainly lucerne hay) at an estimated value of R2 million and other agricultural products such as fresh and processed vegetables and fruit sugar, powdered milk, butter etc. worth about R10 million are also imported from South Africa each year.

Virtually all means of agricultural production have to be obtained from South Africa, including fencing materials, piping, creosote wood, building materials, concentrated animal feeds, fertilizers, seed, insecticides, fungicides, herbicides, stock remedies, farm tools, machines and implements, vehicles, tractors, fuel and lubricants, and spare parts.

The bulk of all farming requisites and marketing stock is carried at subsidized rates by the South African Railways with its rail and road motor transport services.

The expert services of the Republic's agricultural and veterinary personnel and research institutions are at the Territory's disposal.

Between 1955 and 1970, the aggregate gross value of agricultural output at current prices rose from R30.4 million to R64.5 million and increased by one-third from 1970 to 1972, i.e. to R90.8 million. The livestock industry alone accounted for 98.48 per cent of gross value during the three-year period 1970-72.

#### Livestock

The livestock industry has attained a relatively high degree of efficiency. The 1971 cattle population of 2.81 million was roughly equal to that of Upper Volta (2.9 million) and Senegal (2.7 million). Yet the Territory's beef production was about 70 000 tons in 1971 compared with Upper Volta's 11 000 tons and Senegal's 20 000 tons. Expressed per 1 000 head of the human population, production amounts to 90.8 tons as compared with 2.0 tons and 5.0 tons respectively for the two aforementioned countries.

Until a few years ago, the economic utilization of stock owned by indigenous groups was impeded by the incidence of certain stock diseases in the northern territories as well as by traditional attitudes towards stock—cattle having a social and ritual function rather than a commercial value.

Systematic efforts to improve animal health and encourage sales are bearing fruit. Whereas in 1964 organized stock sales in Bantu homelands totalled R238 856, the figure rose more than sixfold to R1 509 072 by 1972.

In Owambo, the first organised stock sales were held in 1970, yielding R30 600. By 1972 the figure had increased by 45 per cent to R44 500. Most stock (valued in excess of R100 000 in 1972) is, however, sold directly to butchers and abattoirs, or on controlled markets.

The rising figures for stock purchased by the authorities in Kavango for re-sale illustrate the growing interest of the people. In the period 1967 to 1970 the total was R121 735; in 1971 and 1972 it was R34 013; and in 1973 (up to November) it was R42 259. On account of endemic diseases, the animals are first placed in the Mangetti quarantine area and subsequently sold in the southern part of the Territory. Kavango stock owners are assisted to improve the quality of their herds by means of extension, expert guidance, and the provision of breeding stock from the Masari stud farm.

Apart from Masari, animal breeding stations have been established at Ogongo in Owambo, Grootberg in Damara-land, and at Katima Mulilo in the Eastern Caprivi Zipfel. They provide the people of the homelands concerned with improved sires at subsidized prices.

A combination of abattoir and meat canning factory is being erected at Oshakati, Owambo. This will be an important marketing outlet for the roughly 500 000 head of cattle in Owambo, in addition to providing employment for 300 people. The total cost of the project will be about R2 million, and 300 people will be employed. Supplementary to this scheme is a 104 000 hay grazing area to ensure a steady supply of cattle to the Oshakati factory.

South West Africa's important livestock industry is vulnerable to attack by a host of animal diseases, *inter alia*, foot-and-mouth, brucellosis, anthrax, East Coast fever and lung-sickness. Due to the Territory's geographical position, there is always the danger that these diseases will be introduced from neighbouring countries where they are endemic.

South West Africa's own limited human and other resources cannot provide the required veterinary facilities. But the facilities and personnel of the Division of Veterinary Services of the South African Department of Agricultural Technical Services are at the Territory's disposal. The Division's local field personnel include 20 State Veterinarians, 233 Stock Inspectors as well as over 300 other field workers. These are supported by the Regional Veterinary Investigation and Diagnostic Laboratory at Windhoek, a diagnostic laboratory at Kamanjah, serving Kaokoland, and a regional laboratory at Ondangwa to serve the stockowners of Owambo. The staff attached to these laboratories comprises eight State Veterinarians and other expert personnel.

The veterinary services work in close collaboration with the world-famous research institute at Onderstepoort in South Africa, where research is being undertaken into stock diseases peculiar to South West Africa, such as certain ophthalmic conditions and the "grootlam" disease. The Territory thus disposes freely of the most modern and experienced animal health services in Africa. During the past three years an annual average of 4.35 million doses of 27 different vaccines to the value of about R82 000 were obtained from Onderstepoort. During emergencies when local staff are unable to cope with the volume of work, veterinarians and other trained staff are sent from the Republic to assist.

In order to control epizootic diseases, 4 856 kilometres of stock- and game-proof fences have been erected and are inspected regularly. Maintenance and repair of the fences cost R215 300 in 1972-73 alone.

Until recently, the marketing in the south of animals or animal products from the northern areas was forbidden because of the danger that lung-sickness, foot-and-mouth and other diseases would be spread. Marketing is now possible thanks to the erection of quarantine camps at Omutambo Maowe and Mangetti. After suitable periods of quarantine and the necessary tests, stock from the northern areas may be slaughtered at Otavi for local consumption. In addition, prophylactic vaccination campaigns are conducted in these areas at regular intervals. Thus 71 per cent and 92 per cent respectively of all cattle in Owambo and Kavango were vaccinated against foot-and-mouth disease and lung-sickness in 1973 at a total cost of R118 000.

The main concern of the veterinary services is the early diagnosis of disease and prevention of epidemics. There were 113 outbreaks of rabies in 1972-73 and 54 259 dogs were vaccinated. The State also takes responsibility for combating the outbreaks of locusts which, on average, occur every five years, costing about R500 000 per outbreak, excluding the cost of transport and salaries. Incorporated into the control network of the sub-continent and in close liaison with South Africa, plant protection measures are enforced in accordance with international phyto-sanitary regulations.

#### Food Supplies

Owing to lack of water, cereal production plays only a minor role in the southern sector where 16 417 metric tons of maize and 525 metric tons of wheat and other cereal were produced in 1972. Most of this was for the consumption of the farmers themselves and for their cattle. In good years, the northern territories are self-sufficient in respect of cereals. But in bad years the authorities are obliged to provide considerable quantities of grain at heavily subsidized prices.

In short, the southern sector regularly obtains the bulk of its maize and wheat flour from South Africa while the northern territories are forced to do so intermittently. 115 568 tons of maize and maize products and 13 621 tons of wheat flour were imported in 1970-71 and 30 455 tons and 14 704 tons respectively in 1972-73.



Most of the fruit and vegetables consumed in the south are imported from the Western Cape.

Consumers in the Territory benefit from the appreciable price subsidies paid by the Government in respect of imported foodstuffs. Price subsidies on wheat amounted to R606 185 in 1972-73 and R418 248 in respect of maize (including a rebate on railage) and were as high as R1 021 546 for maize in 1970-71.

The possibilities of irrigation farming in Owambo and Kavango are recognized and efforts are being made to provide a sound basis for this type of farming. In Owambo new opportunities are being created by the canal system which ensures a permanent water supply from the Cunene River.

After an investigation of an area of approximately 4 000 ha in Owambo had shown to have possibilities for irrigation, a research station was established in 1970 in Mahanene, Owambo. Experiments which are being conducted here into the cultivation of many types and varieties of crops have so far shown very promising results, especially with cotton, sorghum, groundnuts and vegetables. An important aspect of the research programme is an investigation into the suitability of the main soil types of irrigation farming. If the research proves successful it may even be possible to irrigate a far larger area of land than the estimated 4 000 ha.

Encouraging results have been obtained with rice. If further research were to prove that two successive rice crops could be grown, the economic implications for Owambo and for South West Africa as a whole would be considerable.

Even if these hopes should not be fulfilled, there is little doubt that the people of Owambo stand to gain if they exploit their region's potential for commercial irrigation farming.

#### FORESTRY

The only true forest in South West Africa is the Savannah woodland of the northern territories. This contains large specimens of Kiaat (*Pterocarpus angolensis*), Rhodesian Teak (*Baikiaea plurijuga*), Chivi (*Guibourtia coleosperma*), Mangetti (*Ricinodendron rautanenii*) and other species of trees. As the rainfall diminishes to the south, the Savannah woodland degenerates to bushveld. Surveys have revealed that there are some 3 788 300 ha of Savannah woodland distributed over Kavango (2 438 100 ha), Owambo (917 800), Bushmanland (392 300) and East Caprivi (40 100).

At present Kiaat is the only tree species commercially exploited for timber production. Several hundred local timber sawyers working for their own account fell these trees and convert them into logs. A large percentage of the logs are delivered to sawmills at Oshakati and Rundu. The remainder are sawn by hand or sold by auction. Qualified foresters stationed in the northern areas control the utilization of timber in order to prevent over-exploitation of these slow-growing trees.

Research is being conducted to determine the possibilities for greater utilization of indigenous trees and for establishing plantations of various species to provide fencing posts, dropers and other material for use in South West Africa. Areas of approximately 25 000 and 35 000 ha have been reserved in Owambo and Kavango respectively for the establishment of plantations.

In 1972-73, Owambo and Kavango workers earned approximately R120 000 in wages and sales from forestry and related activities, particularly woodcarving.

#### FISHING

Commercial fishing has become one of South West Africa's principal industries. The industry is mainly centred at Walvis Bay, a harbour which falls within South African territory. Activities at Lüderitz are on a smaller scale.

The industry represents a capital investment of approximately R35 million in factories and equipment with a further R14 million invested in fishing vessels. It provides direct employment for about 6 750 people.

The industry's total sales of R58.8 million in 1972 were below the 1968 figure of R59.7 million, though well above the

R40.1 million for 1971. Although the value of sales has shown an improved trend over the past decade, experience has emphasized the need for strict conservation and continuous research if the industry is to survive in the long term.

#### Pelagic fish

Factories at Walvis Bay produce canned pilchards, fish meal and fish oil.

The production of canned pilchards decreased markedly from 1968 to 1971 as a result of a scarcity of good quality pilchards. The situation changed appreciably after 1972 and in 1973 a record production of 101 032 metric tons was attained.

As much fish as possible is canned, because this ensures the highest financial return as well as their utilization for direct human consumption.

The local market for canned pilchards, which contains a high nutritional value, is increasing. The local price is controlled by the Government to keep it within the reach of the lower income groups. The industry is expected to meet local requirements before exporting the balance at substantially higher prices.

Domestic prices of fish meal are also pegged at a level below international prices, which are soaring because of the demand for this commodity as a food additive.

#### Rock lobster

Three factories at Lüderitz processed some 2.8 million kg of rock lobster in 1973 to produce R6.2 million worth of rock lobster tails. In the years since 1970, catches have been lower than during the preceding decade. But strict conservation measures appear to be having the desired effect and catches are now showing an upward trend which augurs well for the future. Frozen tails are the principal product. Most of them are exported to overseas markets where their quality ensures good prices. The industry is now investigating the possibility of exporting whole frozen and live rock lobster.

#### Other marine products

Demersal species of fish occur in vast quantities off the coast of South West Africa. Income from this branch of the industry has risen steadily over the years despite heavy catches by foreign trawlers and factory ships. It is hoped that the International Commission for the Conservation of the South East Atlantic Fisheries (ICSEAF) will become an effective instrument in combating over-exploitation.

Snoek has been caught off the coast for a long time but lately catches have been declining.

Some 50 000 seals are harvested annually near Lüderitz and at Cape Cross, both for commercial purposes and because the seals are consuming fish on a large scale.

#### General

The responsible South African authorities are doing everything possible to safeguard the continued welfare of the fishing industry. The policy is to exploit the resources at a level that will ensure maximum sustainable yields over the long-term. Strict control measures are applied. These are based on research on a continuous basis, financed by the South African Government.

R1.3 million was spent in the four years prior to 1974 on a single top priority research programme concerning pilchards. The results enabled the authorities to institute scientifically founded control measures. It is already evident that this resource is on its way to recovery. The programme is to be continued and other research activities expanded.

Research and control in respect of territorial waters cannot alleviate the serious threat to the long-term existence of the industry posed by activities outside territorial waters of trawlers and factory ships from non-African countries.

The strict supervision and quality specifications of the South African Bureau of Standards guarantee the high and uniform standard of the industry's products and are a major factor contributing to their success on overseas markets.

Of the great variety of minerals known to occur in South West Africa, diamonds and a few base minerals provide the bulk of the mineral production. Mining contributes about one-quarter of the Gross Domestic Product and provides employment for roughly 16 000 people. Recorded employment in 1972 was 15 980 people as against 12 862 in 1964 and a peak of 18 258 people in 1970—indicating the fluctuations to which this industry is subject owing to economic and other factors.

The diffuse nature of most known deposits as well as their geographical location make particularly heavy demands on modern technology. Generally, mines must provide their own housing and also bear the cost of securing skilled and other personnel. Hence only highly capitalized and technically proficient companies can hope to conduct operations on the scale necessary to make mining profitable. The Territory's own financial resources are inadequate, and it must rely on South African and foreign concerns to undertake the task.

### Production

Production of most minerals remained relatively constant from 1967 to 1973. However, zinc concentrates have been produced in fairly large quantities since 1969. The value of minerals sold increased from R65.1 million in 1963 to R230.0 million in 1973, while expenditure by mining companies increased from R42.7 million in 1967 to R60.4 million in 1972. Wages paid by the mining industry amounted to R24.4 million in 1973 as compared with R14.5 million six years earlier.

Diamonds valued at R147.0 million accounted for approximately 64 per cent of mineral sales in 1973—about the same percentage as in 1964.

At Oranjemund, Consolidated Diamond Mines carry out mining by opencast methods, involving the stripping of vast quantities of overburden (17.8 million cubic metres in 1973) which calls for a high degree of mechanization. Approximately 56 per cent of profits from diamonds go to the state by way of a diamond profit tax, income tax and export duty. These taxes are employed exclusively for the Territory's benefit.

Base mineral sales amounted to R33 million in 1964 (35.5 per cent of mineral sales) rising steadily to R83.0 million (36.1 per cent of mineral sales) in 1973. Blister copper sales amounted to R34.2 million in 1973 and is the Territory's second largest mineral export, followed by refined lead (R17.0 million).

Tsumeb Corporation is the largest producer of blister copper and refined lead. One of its mines, the Tsumeb Mine, is the deepest mine in the Territory and perhaps the deepest base metal mine in the world. It bottoms at 1 590 m below surface.

A low-grade uranium ore-body, situated approximately 60 km east of Swakopmund, is being developed. A pilot plant was completed during 1972 and work is in progress on the basic design of the main plant, based on results obtained in the pilot plant.

### Prospecting

Prospecting for mineral resources, especially diamonds and copper, is continuing. Geological and geophysical surveys are being conducted by the Geological Survey Division of the Department of Mines on an increasing scale. The rate at which geological mapping is progressing is illustrated by the fact that only 7 000 km<sup>2</sup> were mapped during 1964 whilst approximately 17 000 km<sup>2</sup> are being mapped annually at present. From 1964 to the end of 1972, approximately 170 000 km<sup>2</sup> were mapped.

Geophysical surveys are aimed mainly at locating ground-water supplies of good quality. Airborne radio-metric and magnetometric surveys to cover an area of approximately 80 000 km<sup>2</sup> are scheduled for the next five years.

Prospecting for various minerals is being conducted by numerous mining companies. In order to encourage prospecting in the Coloured and Black homelands, prospecting fees for private concerns have been cut considerably in respect of these areas. Twenty-one prospecting permits have been granted since 1969-70, 11 in 1972-73 alone. To date R577 095 has been

spent on exploration in the Black areas by private companies. Some of the finds have been followed up by the Bantu Mining Corporation (BMC), an organisation established to promote the development and utilization of the mineral resources of Black areas to the benefit of their inhabitants. Thus a large drilling programme for copper was launched recently at Okohongo and Oudera in Kaokoland.

Prospecting by the BMC has led to the establishment of two small mining operations, one for sodalite in Kaokoland and one for tourmaline, with quartz crystals and amonite as by-products, in Damaraland. Over R100 000 is invested in these undertakings. The sodalite deposit is being worked by two Black entrepreneurs with expert advice from the BMC.

Up to the present, the BMC has spent almost R500 000 on the geological exploration of homeland areas and has budgeted R440 000 for this purpose for 1974-75. The Aba Mountains in Bushmanland are to be investigated for correlation with copper bearing formations further west. A long-term geological survey is planned in Damaraland for rare earths and radioactive minerals. A geophysical survey for iron ore is currently underway in Owambo, an area poor in minerals except for trona ash and brick clay.

A special course for geologists and field technicians has been worked out by the BMC in conjunction with the University of Pretoria. This course is being presented at the University of the North near Pietersburg in the Transvaal. Bursaries are available for Black students wishing to pursue university studies in the various fields of geological science.

### MANUFACTURING

The scope for manufacturing and processing industries in South West Africa is limited, *inter alia*, by the small size of the population, the great area of the Territory in relation to population, and the vast distances between urban areas. The manufacturing sector is basically concerned with the processing of food products from fishing and agriculture. Food products accounted for nearly two-thirds of the total value of all manufactured goods in 1971-72. Fish products, in turn, represented 72 per cent of the value of all food products compared with 20 per cent for meat products, 2 per cent for butter and cheese and 6 per cent for other food products.

The gross value of output of the manufacturing industry as a whole rose from R40 551 000 in 1961-62 to R78 964 000 ten years later—a 95 per cent increase, or an average annual growth of 6.9 per cent. Over the same period, employment increased from 6 751 to 9 684, or by 43 per cent, while salaries and wages rose by 160 per cent to R11 568 000, resulting in an annual rate of increase of 6.1 per cent in the average salary or wage per employee. Of the 9 684 employed in 1971-72, 6 884 were Blacks, 1 692 Whites and 1 108 Coloureds.

### CONSTRUCTION

The gross value of output of the construction industry (comprising both building and civil engineering construction) rose from R11 806 000 in 1961-62 to R51 424 000 in 1971-72—an increase of 336 per cent over the ten-year period and equal to an average annual rate of increase of 15.8 per cent. During the same period, employment rose by 130 per cent (an annual average of 8.7 per cent, that is, from 4 846 to 11 170). Salaries and wages increased by no less than 263 per cent (an average of 13.8 per cent per annum), from R3 482 000 in 1961-62 to R12 630 000 in 1971-72. This resulted in an annual increase of 4.7 per cent in the average salary and wage per employee.

Particularly striking growth rates were achieved during the periods 1963-64 to 1965-66 and 1969-70 to 1971-72 (the last year for which comprehensive statistics are available). During the latter period, employment in the industry increased by 12 per cent whereas salaries and wages rose by as much as 29 per cent. The value of output in building construction alone amounted to R25 779 000 in 1971-72, or 44 per cent more than two years earlier, while the value of civil engineering construction rose by as much as 122 per cent to R21 225 000.

The 130 per cent increase in total employment over the ten years 1961-62 to 1971-72 was accounted for mainly by Col-



oureds and Blacks—the former rising by 226 per cent (from 745 to 2 427) and the latter by 135 per cent (from 3 206 to 7 543), whereas the number of Whites increased by only 34 per cent (from 895 to 1 200).

Building activities in the private sector have proceeded at a high and increasing rate. Thus in 1968 a total of 9 545 building plans were approved for the principal urban centres of Windhoek, Keetmanshoop and Tsumeb. The equivalent figure for 1972, the last full year for which figures are available, was 13 889. Buildings completed in these areas in 1968 numbered 3 867 and 8 005 in 1972. This reflects not only the buoyancy of the Territory's economy but also the confidence in future social stability and over-all progress prevailing among private investors.

The annual value of building plans approved and of buildings completed is affected by large individual projects. In Windhoek, for example, major projects completed recently, currently under construction or due to commence include a R5 million complex for a large chain store, two bank buildings costing R1.25 million and R800 000 respectively, a building society's R950 000 premises, and two other commercial buildings of R670 000 and R480 000 respectively.

Major building projects completed by the Department of Works for other government departments during the period April 1969 to November 1973 cost R4.43 million and included R1.34 million in respect of schools and hostels erected for the Department of Coloured Relations and Rehoboth Affairs. Major works to be completed up to the end of the financial year 1977-78 will cost R10.774 million, including R2.45 million for the Department of Coloured Relations and Rehoboth Affairs. Almost R1 million will be spent on schools for Blacks in the Southern sector.

In addition, large amounts are being expended on buildings and works by the various homeland authorities. In Owambo the Department of Works completed school and allied buildings at a total value of R1.34 million during 1969-1973. R1.07 million was spent on alterations and additions to Oshakati hospital, and some R4.6 million on diverse office buildings, housing, churches, local water supplies, and local roads.

In Kavango, R2.78 million was spent on schools and hostels over the past five years; R2.45 million on housing; approximately R1 million on regional administrative centres; R1.95 million on hospital construction; R800 000 on an agricultural college to be completed in 1974; and R1.6 million on roads.

Large sums are made available by the South West Africa Administration to the 18 municipalities and 11 village management boards in the southern sector to enable them to provide housing for all population groups. In 1971-72 and 1972-73 the figures amounted to R8.03 million and R6.72 million respectively, bringing the total for the years 1963-64 to 1972-73 to R52.47 million for housing and allied services. Altogether 9 590 houses were erected over that period including 6 772 for Blacks and 2 092 for Coloureds. The estimated needs of local authorities in the form of loans from the South West Africa Administration for the five years ended March 31, 1978 for the provision of housing and other services amount to R86.07 million.

#### COMMERCE

The value of wholesale sales increased considerably over the years 1966-67 to 1970-71, namely from R53 830 000 to R92 674 000, or 72 per cent representing an average annual increase of 14.7 per cent. The value of retail sales also showed a substantial increase, from R55 868 000 to R82 894 000—an increase of 48 per cent, or an average annual increase of 10.4 per cent.

During the period 1967-1971, employment in the wholesale trade increased from 2 506 to 3 587, or by 43 per cent, while salaries and wages more than doubled, increasing from R3 888 000 to R7 934 000. In the retail trade, employment was 16 per cent higher than four years previously (5 601 compared with 4 842), with salaries and wages showing a greater increase, namely, 41 per cent (R7 257 000 compared with R5 164 000).

Sales of new motor vehicles, too, reflect the Territory's sustained economic advance. During 1972-73, 8 654 vehicles were sold bringing the number registered on June 30, 1973, to approximately 69 000—a figure 74 per cent higher than 7 years previously and representing an average increase of 8.2 per cent per annum. The total income of motor trade and service establishments was R46 969 400 in 1969-70—85 per cent more than six years earlier.

Property transactions reached the record figure of R44.20 million in 1973, a figure 167 per cent higher than in 1963 and more than 11 per cent above the previous maximum of R39.56 million in 1970.

#### TOURISM

The Territory has much to offer the tourist in the way of scenery, game parks, plant life, places of historic and archaeological interest, fishing and hunting. Well over R2 million is spent annually on nature conservation and tourist accommodation, compared with around R1 000 000 in the early 1960s.

Total expenditure over the period 1963-1973 amounted to R9.83 million, which helped raise the number of visitors to game parks and other rest camps to 280 000 in 1973, compared with 144 600 in 1968. Revenue from these rest camps consequently rose from R546 274 in 1971 to R860 440 in 1972 and R1 018 659 in 1973 (the latter figure comprising R377 551 in respect of accommodation, R89 285 from admission fees and R551 823 from trading activities such as shops, restaurants and filling stations).

In 1963 there were four proclaimed game and nature reserves covering a total of 5 811 453 ha. Since 1973, further reserves were proclaimed bringing the total size of nature conservation areas to 5 890 513 ha.

Numerous new rest camps and resorts have been established in recent years or are in the planning stage.

South West Africa is saved the expense of large-scale tourist promotional activities outside its borders because the South African Department of Tourism publicizes the Territory. In 1973, 29.0 per cent of visitors to rest camps came from the Republic, 5.6 per cent from abroad and 65.4 per cent from the Territory itself. Over the period 1964-65 to 1969-70 the total income of accommodation establishments in the Territory increased by 82 per cent (from R3 557 500 to R6 480 900) while the salaries and wages rose by 123 per cent to R1 113 600 in 1969-70.

#### BANKING AND FINANCIAL SERVICES

South West Africa forms part of a common monetary area which, apart from the Republic, includes Botswana, Lesotho and Swaziland. The Rand is the currency of the area and the intra-territorial flow of funds is free from restriction.

South West Africa shares in the area's common pool of gold and foreign exchange reserves. These reserves are held and administered by the South African Reserve Bank which operates as the Central Bank of both the Republic and South West Africa and also carries out certain central banking functions on behalf of Lesotho, Botswana and Swaziland.

The South African Reserve Bank's services to South West Africa are rendered free of charge. Thus the Territory does not contribute towards expenditure on such items as the issue of bank notes, etc. Indeed, the Reserve Bank pays the South West Africa Administration a generous fee in reimbursement of the loss of tax on banknotes previously issued by commercial banks in the Territory.

In the private sector, the bulk of the Territory's banking services are provided by branches of South Africa's largest commercial banks. The only indigenous bank, the Bank of South West Africa Ltd., was established in 1973. Similarly, South Africa's large building societies operate through branches or agencies in South West Africa and make a substantial contribution towards the financing of housing in that area.

A number of South African insurance companies operate in South West Africa subject to the provisions of the Insurance Act of the Republic and the control and supervision of the

South African Registrar of Insurance. As in the case of banks, building societies and insurers, South West Africa has no legislation of its own regulating and controlling pension funds and friendly societies. Such institutions are registered and operate under the provisions of the South African statutes. Substantially the same applies to unit trust schemes.

With their broad base of specialized personnel and ample resources, these financial institutions provide efficient yet low-priced services. The Territory is accordingly spared the problems and costs involved in establishing its own banking and other financial institutions.

South West Africa, therefore, finds itself in the fortunate position where it is not only entitled to make use of South African capital resources on an unrestricted and unlimited scale, but it also has full access, without cost, to the common pool of gold and foreign exchange reserves. Unlike the situation in most young, developing countries, economic growth in South West Africa is not impeded by lack of financial resources and expertise. This factor has undoubtedly contributed much to the Territory's economic progress.

#### PUBLIC FINANCE

South West Africa entered a new phase of large-scale development in the 1960s which called for capital investment far in excess of its own resources.

During the years 1964-65 to 1969-70, the South African Government granted loans totalling R55 261 934 to the South West Africa Administration in order to finance certain major capital projects. But the scope and technical complexity of the new developments set in train called for much greater use of the facilities at the disposal of the Republic's well-equipped Government departments.

As from April 1, 1969, therefore, financial and administrative relations between South West Africa and the Republic were placed on a new basis without imposing additional burdens on taxpayers in the Territory. The loans of R55 261 934 and accrued interest of R16 356 000 were written off as a charge to South Africa's funds.

Based on the principle that taxes derived from South West Africa should be utilized solely for the benefit of its inhabitants, all revenue from the Territory relating to matters administered by the Republic is now paid into a separate South West Africa Account. Excluded from this account is income derived from the Post Office which is paid into the Post Office Fund.

The revenue credited to the South West Africa Account is divided annually between the Government of the Republic and the South West Africa Administration on a formula basis. The following payments were made to the Territorial Revenue Fund since the rearrangement: 1969-70: R29.6 million; 1970-71: R31.1 million; 1971-72: R27.1 million; 1972-73: R30.1 million. The estimated payments for 1973-74 and 1974-75 are R39.0 million and R42.9 million respectively. It is anticipated that the annual payment will be in the region of R45.0 million until the end of 1978-79.

The services rendered by Government Departments of the Republic to the advantage of the Territory are also financed from the South West Africa Account. The following total expenditure was incurred on these services: 1969-70: R49.0 million; 1970-71: R60.9 million; 1971-72: R65.3 million; 1972-73: R61.9 million. Expenditure for 1973-74 and 1974-75 will amount to approximately R77.8 million and R90.0 million and is expected to rise to R130.0 million in 1978-79.

Seen from a national accounting viewpoint, it is evident that the Territory's revenue from all internal sources (that is revenue accruing to the South West Africa Account plus the Territorial Revenue Fund) is progressively less able to finance the volume of governmental activities in the Territory. Whereas in 1969-70 total internal revenue amounted to R98.1 million and increased to R116.2 million in 1972-73 (*vide* Table A below) expenditure by the South West Africa Administration and from the South West Africa Account rose from R110.5 million to R141.5 million over the same period. The result was an over-all

shortfall of R11.9 million in 1969-70; R21.1 million in 1970-71; R38.8 million in 1971-72 and R25.3 million in 1972-73. Estimates for 1973-74 indicate a shortfall of not less than R43.3 million (*vide* Table B below).

While this shortfall was initially met by drawing on accumulated funds in the Territorial Revenue Fund and in the Territorial Development and Reserve Fund, substantial amounts have since been paid out of the Revenue Fund of the Republic to meet these deficits. In 1971-72 and 1972-73 amounts of R12 224 000 and R17 975 000 respectively were paid to meet the shortfall in the South West Africa Account alone. For 1973-74 the payment is estimated at around R23 million, and it is anticipated that the amount will increase by R5 million annually during the next five financial years. During 1969-70, an amount of R1 738 066 was advanced to the South West Africa Administration and a further R6 millioa in 1973-74.

According to calculations by the Department of Statistics, total Government expenditure in South West Africa amounted to R173.91 million in 1971-72, the last year for which full details are available. To this figure must be added the operating losses of the Post Office—R3.38 million in 1972-73—and of the South African Railways and Harbours (over R5 million annually). Account must also be taken of the vast capital investment in the Cunene hydro-electric scheme by the South West Africa Water and Electricity Corporation (SWAWEK).

Whereas in 1972-73, the South African Bantu Trust spent R12.72 million on irrigation, roads, townships, etc., in South West Africa, projected expenditure in 1977-78 will amount to R31.57 million. Expenditure by the legislative councils of Owambo and Kavango was R6.22 million in 1972-73 as compared with R1.53 million in 1969-70 and a projected expenditure of R13.68 million in 1977-78.

#### DEVELOPMENT CORPORATIONS

A number of statutory bodies charged with the task of promoting economic development in their particular fields of operation are active in South West Africa. In addition to the Bantu Mining Corporation (referred to above) and the Industrial Development Corporation, there are the Bantu Investment Corporation of South Africa, the Rehoboth Investment and Development Corporation, and the Coloured Development Corporation.

##### *The Bantu Investment Corporation*

The Corporation commenced operations in South West Africa in 1964. During its first year, the gross turnover for all ventures amounted to R196 000 and 30 Blacks were employed. Turnover rose to R316 879 in 1969 and in 1973 was over R13 million. Approximately 1 450 Blacks are at present employed in ventures established by the Corporation. The Corporation has drawn up an economic development programme with the object of creating 5 000 employment opportunities for the indigenous population during the period 1972-73 to 1976-77, entailing a capital investment of R22.5 million.

##### *Financial aid*

Individuals or undertakings requiring financial assistance to establish new ventures or for the expansion of existing concerns, may apply to the Corporation for loans which may be granted without security. Preference is given to business ventures creating employment and providing services in the homelands. The Corporation also assists businessmen by providing technical and specialized information and guidance.

Since 1965, the Corporation has granted loans in excess of R400 000. At the end of 1973, loans outstanding in respect of 71 borrowers amounted to R339 346. Up to 1976-77, the Corporation expects to lend a further R1 million to about 150 businessmen.

##### *Business sites*

In order to assist dealers, restaurant owners and others to obtain suitable premises, the Corporation erects buildings which may either be bought or rented. So far 47 buildings to the value of R500 000 have been erected for hire. A further

Table A

GOVERNMENT REVENUE DERIVED FROM TERRITORY'S INTERNAL SOURCES,  
1969-70—1973-74

(R'000)

Account/Revenue item	1969-70	1970-71	1971-72	1972-73	1973-74 Estimate
<b>A. South West Africa Account</b>					
<i>Revenue from mining:</i>					
Diamond mines (income tax)	15 980	20 601	12 882	11 962	24 633
Diamond export duty	7 472	4 011	6 608	7 225	7 165
Diamond profits tax	6 845	3 780	3 953	8 328	9 161
Other mines (income tax)	6 746	10 864	6 647	3 342	2 200
Prospecting and claim licences	313	356	358	331	336
Sub-total	37 356	39 612	30 448	31 188	43 495
Customs and excise	13 740	15 310	16 881	16 684	17 200
Income tax on companies	9 110	8 750	8 009	8 389	9 943
Loan recoveries	1 481	74	1 384	2 478	1 972
Interest	2 339	1 402	565	3 578	770
Departmental receipts	5 314	8 361	11 365	9 271	11 559
Other revenue	3 437	6 076	6 289	8 606	8 594
Total SWA Account	72 777	79 585	74 941	80 194	93 533
<b>B. Territory Revenue Fund</b>					
Income tax	9 439	8 830	8 417	9 998	9 500
Other ordinary revenue	6 826	7 756	9 322	10 904	13 848
Extraordinary revenue	3 776	3 720	4 676	5 540	5 025
Roads Fund revenue	1 605	2 051	2 338	3 340	—
Portion of income tax on certain companies	1 775	1 445	1 740	1 447	1 657
Sales duty	2 402	2 795	5 544	4 780	4 500
Total: Territory Revenue Fund	25 823	26 597	32 037	36 009	34 530
GRAND TOTAL: A. plus B.	98 600	106 182	106 978	116 203	128 063

Source: Reports of the Controller and Auditor-General; estimates of revenue and expenditure.

Table B

TOTAL REVENUE FROM THE TERRITORY AND EXPENDITURE BY SWA ADMINISTRATION  
AND FROM SWA ACCOUNT, 1969-70—1973-74<sup>1</sup>

	1969-70	1970-71	1971-72	1972-73	1973-74 Estimate
<b>Revenue</b>					
SWA Administration	25 823	26 597	32 037	36 009	34 530
SWA Account	72 777	79 585	74 941	80 194	93 533
Total	98 600	106 182	106 978	116 203	128 063
<b>Payments by—</b>					
SWA Administration	56 081	62 386	76 464	73 587	89 839
SWA Account	54 418	64 848	69 290	67 918	81 478
Total	110 499	127 234	145 754	141 505	171 317
Shortfall	11 899	21 052	38 777	25 302	43 254

<sup>1</sup> Transfer payments are excluded.

Source: Republic of South Africa, Department of Statistics.

R500 000 is to be spent during the next five years, thereby raising the number of employment opportunities created by means of loans and leases to approximately 1 600.

*Establishment of commercial and industrial undertakings*

Where private homeland entrepreneurs are not in a position to start large commercial and industrial undertakings, the Corporation will establish and manage such ventures itself. Indige-

nous people are employed and trained under the supervision of experienced personnel to enable them eventually to take over management and control of these undertakings. In this way the Corporation has established bakeries, butcheries, wholesale concerns, furniture factories, workshops and filling stations, a soft-drink factory, restaurants and rest camps.

A number of mechanical workshops and petrol filling stations are being operated by the Corporation which provide val-

uable training opportunities in the technical and business fields. As a result, a number of garages are already owned and managed by indigenous people.

The Corporation's wholesale establishments and distribution depots enable indigenous retailers to obtain their stock at low prices and without delay—a factor which, in view of the considerable distances, has played a major role in placing indigenous business on a sound basis, especially in the northern territories. Dealers are given advice with regard to consumer requirements, purchases, stock control, costing, sales techniques, store management etc. Courses in commerce and trade are offered and entrepreneurs with a business background are employed as commercial information officers. The latter also train others as information officers. With financial help and guidance from the Corporation, several of its wholesale concerns have been sold to indigenous businessmen.

The furniture factory at Oshakati in Owambo produces a large variety of furniture and building components, and timber to the value of almost R0.4 million is processed in this factory annually. Many Ovambos have already been trained as carpenters and many are now being trained in other areas of the wood processing industry.

A total of about R15 million has been invested by the Corporation in its own ventures up to the present, providing employment for 600 people. R3.75 million is invested in certain new ventures currently being erected or planned, including an abattoir and meat canning factory at Oshakati. A further R3 million is to be spent up to 1976-77 in enterprises designed to employ approximately 800 people.

#### Construction

Factories, shops and other business premises, garages, and administrative buildings which have been erected by the Corporation's own construction section to date cost some R14 million. The 600 indigenous people employed are trained in bricklaying, plastering, painting, plumbing, electrical work and so forth. The Corporation expects to employ more than 1 000 people in this industry by 1978. At present it is constructing further buildings to the value of R3 million. This activity is creating a demand for bricks, steel products, windows, doors, frames, etc. A light iron and steel industry has come into being as a result and a few brick-yards have also been established.

#### Mobilization of funds

In 1967 the Corporation commenced with a scheme for the mobilization of the savings of indigenous people. Deposits are received at 18 savings banks. So far 10 418 investors have invested a total of R1.5 million.

#### Bantu art

Wood-carvings from the Kavango and basket work from Owambo are among the arts and crafts bought by the Corporation, which seeks to expand the market for these products. Employment opportunities are thereby created, especially for people who might otherwise be unable to find work, such as cripples, blind people, and T.B. sufferers.

Special attention is given to the organization of work teams in this field, to individual artists and craftsmen in order to give their creations a more individual character and to promote the production of more functional items. Since 1965 the Corporation has purchased Bantu arts and crafts to the value of R500 000.

#### Agriculture

The Bantu Investment Corporation started its own agricultural division in 1973. Two major projects have been launched so far: the Kavango cattle ranching scheme (involving 250 000 ha. on which 10 000 cattle, or 25 per cent of the full complement, are kept at present) and the Oshakati meat canning factory. Attention is also being given to irrigation projects in Kavango and the Eastern Caprivi.

The aim is to assist in the utilization of the Territory's agricultural potential while at the same time stimulating over-all development and providing employment and training for indi-

genous people who will eventually take over and control these projects.

#### Tourism

The indigenous areas of South West Africa are situated in some of the most scenic parts of the country. Hence the Corporation has started to develop their tourist potential. A luxury rest camp has been built in Damaraland. This area is endowed with many attractions for the tourist, including the world-renowned "White Lady of the Brandberg", the "Vingerklip", Burnt Mountain, Petrified Forest, and the rare *Welwitschia Mirabilis* plant. A rest camp has also been completed at Oshikango on the Angolan border. A total amount of R125 000 is already invested in tourism and a further R1.5 million is to be spent during the next five years.

#### The Rehoboth Investment and Development Corporation

The Corporation was established on September 1, 1969. Its aims are to encourage and promote the advancement of the Rehoboth community in the fields of agriculture, mining, trade, industry and finance. The Corporation may, *inter alia*, establish schemes for loans and assist Basters to establish their own companies. Two schemes have so far been approved—one for financial assistance to business undertakings and the other for farming purposes. As this is a risky venture intended to render aid rather than to make profits, the Corporation's capital is provided by means of shares taken up by the State as the sole shareholder. The initial nominal capital was R500 000 divided into ordinary shares of one rand each. The demand for assistance was such that the capital has had to be increased from time to time. The present level is 2 000 000 ordinary shares of one rand each of which the State took up 1 478 000 shares.

Farming loans for the purchase of breeding stock, fencing, purchase of land, and water supplies comprise the bulk of the loans granted (R742 684 between October 1970 and March 1973).

#### The Coloured Development Corporation

Registered in Cape Town, the Corporation also operates in South West Africa with a view to encouraging and promoting the advancement of the Territory's Coloured population in the fields of industry, trade and finance. During the first five years of operation in the Territory, relatively few loans were granted. But, as a result of the increase in the number of Coloured businessmen, the Corporation's activities are gaining momentum. It is estimated that an amount of R126 000 will be needed for the 1974-75 financial year to finance the Corporation's activities in the Territory.

### INFRASTRUCTURE

#### Water

The availability of water will ultimately determine the number of inhabitants which South West Africa can support and the level of prosperity they can achieve. Resourcefulness and technical skill in utilizing scant water resources permitted the Territory's modern economy to emerge. But the economic progress achieved, coupled with other factors, are in turn responsible for a growing demand for water. Having regard to the country's very limited internal water resources, the cost and scope of schemes to supply water pose great problems.

The average rainfall over 70 per cent of South West Africa is below 400 mm per annum, the minimum for dry-land agriculture in a hot climate. Except on the northern and southern boundaries, there are no perennial rivers, while the whole country has no more than 40 springs. In most places the naturally occurring water supplies can do no more than support a handful of nomadic pastoralists or a few peasants practising marginal subsistence agriculture.

The total assured yield of both surface and underground resources is estimated at 500 million cubic metres per annum, two-thirds of which is already being utilized for human, animal and industrial consumption and, on a limited scale, for irrigation.

Water schemes are expensive to construct and operate. Thus a total of R138.75 million has so far been spent on the 177



domestic water supply schemes constructed and operated by the State throughout the Territory. These schemes supply water to towns, villages, mission stations, country schools and community centres, centralized cattle watering points and hospitals. They have a total capacity of 38 425 000 cubic metres.

Ground water resources are not unlimited. Evidence on hand indicates that the underground water supplies have been accumulating over the last 5 000 years. Annual replenishment does not make a large contribution to the available underground resources which are estimated to be capable of yielding not more than 150 million cubic metres annually on a sustained basis. The Territory's total potentially useable water resources of 500 million cubic metres per annum are less than one-third those of Israel—a country one-fortieth the area of South West Africa.

New methods are being evolved to meet the challenge of aridity. Large capacity storage dams are being constructed across rivers whose flow is seasonal. Losses from dams, due to surface evaporation, are serious in the conditions of South West Africa and a technique of sand storage was developed to combat this. Concrete dam walls are built in catchments with sufficient sand transportation in such a way as to fill the dam basin with coarse sand within which the water is held back and stored. Fifty per cent of such water can be used over a period of 2½ years. Such dams also assist ground water replenishment, where sand deposits overlie rock aquifers.

Another method evolved to combat evaporation losses is to cover the surface of the water with slabs of a floating concrete mixture containing hollow plastic spheres about 3 mm in diameter produced by passing steam through molten plastic material. (Concrete is used because of its weight, to prevent displacement of the slabs by wind.) Thanks to such methods it has been possible to make more water available.

New economic developments and the rapid increase in population are having a compound influence on water demand. Not only is there a greater demand because of higher standards of living, but water requirements for mining, industry, recreation and other uses essential to economic development, now compete with primary water demands. These additional demands have become so insistent that schemes such as the Windhoek one, which was intended to supply that City with adequate water for at least fifteen years, is now, after only three years, already supplying water at close to its maximum designed capacity.

The South West African Branch of the Department of Water Affairs is constructing canals and pipeline schemes for the exclusive benefit of areas inhabited by indigenous people. A notable example is the R6-million Owambo scheme which came into operation in December 1971. It entails the pumping of 6 cubic metres of water per second from the Cunene River at Calueque in Angola, whence the water is taken across the border into the 280 km canal system and distributed over a wide area of Owambo.

Apart from the larger schemes, a total of about 1 400 boreholes have been drilled and over 500 dams built in Black areas. Over the past seven years no less than 87 000 metres of drilling have been carried out at a cost of R1.2 million. Most of the dams have capacities between 5 000 and 60 000 cubic metres. The total amount spent on water development in these areas between April 1, 1963 and March 31, 1974 was R11.39 million.

Recent studies by the South West African Branch of the Department of Water Affairs indicate that developmental activity in the Territory is likely to accelerate to such an extent that, taking population growth into account, the annual demand for water will increase to at least the following levels by the year 2000:

	<i>Cubic metres</i>
Water for domestic use .....	285 million
Water for mining and industry .....	105 million
Water for stock .....	110 million
	<hr style="width: 100px; margin-left: auto; margin-right: 0;"/>
	500 million

To this must be added water for irrigation purposes.

There is no doubt that sooner or later vast quantities of water will have to be drawn from the boundary rivers and distributed over this vast country if progress is to continue and survival of the population is to be assured. The Owambo scheme mentioned above is a first step in this direction.

Because of the Territory's difficult physical conditions, the cost of water resource development is considerable. Experience has shown that surface water resources can be developed at an average capital cost of around R3 per cubic metre although development of underground sources might require less capital investment. How high this figure of R3 per cubic metre really is can be seen by comparing it with the cost of providing storage in a number of dams recently constructed in various parts of the world, as follows:

	<i>Capital cost per cubic metre of storage capacity cents</i>
Ord River Dam, Australia .....	0.6
Chalous Dam, France .....	9.6
Lur Dam, Iran .....	10.0
Conston Dam, California, U.S.A. .	6.5
Tarbela Dam, Pakistan .....	4.1
Kainji Dam, Nigeria .....	2.2
Hendrik Verwoerd Dam, South Africa .....	1.3

The average capital cost per cubic metre in South West Africa is therefore 30 to 500 times higher than the above figures. In total, however, it is estimated that the cost of developing the full potential of the internal water resources will amount to no less than R2 000 million by the end of the century, allowing only a modest surcharge for the escalation of present-day costs. In addition it has been estimated that the cost of operating the schemes—at present-day rates—will be of the order of R100 million per annum. To the figure of R100 million a year must still be added some R200 million for interest and capital redemption charges.

In the light of these expectations, it is estimated that expenditure on water supply for development, apart from irrigation, is likely to grow from the current level of about R30 million per annum to around R40 million in 1975 and R100 million in 1980.

The foregoing is based on the assumption that in the foreseeable future the Territory's agricultural economy will continue to be heavily dependent upon livestock. This implies, however, that the rapidly growing population will require increasing volumes of grain and other food imports from outside the Territory.

It has been estimated that in order to satisfy the food requirements of the population at a level commensurate with the standard of living likely to be attained by the end of the century, it will be necessary to irrigate at least 160 000 hectares in South West Africa. This will be a major task, by any standard, bearing in mind the many demands which will flow from the development schemes planned for all the peoples of the Territory and in particular the developing peoples.

To cover an area of 160 000 hectares would require a capital investment of around R3 000 million by the end of the century or R6 000 per capita of the present population over and above the annual operational costs which by the year 2000 are estimated to run to a further R150 million (R200 per capita annually) at rates applicable in 1972. Should schemes be implemented to provide water for irrigation to Kaokoland, Owambo and Kavango, it is estimated that the cost of the water will range from between 1 cent and 5 cents per cubic metre, resulting in an annual charge of between R120 and R600 per hectare for water alone.

A master water plan for the various regions of South West Africa is being evolved in order to ensure that the over-all cost of developing water resources will yield the optimum socio-economic benefits to the peoples of the Territory. As plans

stand at present, the main supply schemes alone will involve several pipelines of more than one metre in diameter and well over 1 200 km in length, with the necessary pumping stations to lift the water against static heads of up to 1 500 metres. Only the availability of ample power will bring these requirements into the realms of possibility.

### Power

Because of the vast distances involved and the level of economic development in the Territory, a country-wide power grid only recently became economically feasible. In the past local authorities and other large consumers had to provide their own power. As far as is known, the Territory has no proven coal deposits which can be exploited for use in thermal power generation. Hence individual consumers either had to use diesel fuel or to import coal from South Africa over a distance of some 2 000 km, thereby increasing costs substantially. (The landed cost of coal at Windhoek is R10.80 per ton and R11.40 at Walvis Bay, compared to the cost at Johannesburg of R4.30 per ton.)

Demand for power has been growing steadily. In order to promote faster economic development, the South West Africa Water and Electricity Corporation (Pty.) Limited (SWAWEK) was established by the Industrial Development Corporation of South Africa. SWAWEK's objective is the bulk generation and distribution of electricity and assisting the Department of Water Affairs with the bulk supply of water in the Territory.

An agreement with the Government of Portugal to develop the Cunene River as a source of cheap water and power was signed in January 1969. This allowed for the development of the Ruacana Falls' potential for hydro power and for the establishment of a pumping station at Calueque, some 40 km upstream from Ruacana.

In order to accommodate the rapid growth of power demand in South West Africa during the period of construction of the Ruacana project it was necessary as a first step to establish a thermal power generating station of 90 MW at Windhoek—the Van Eck Power Station. Since July 1972 this station has been feeding power into the grid which was also developed at that time.

Due to inflation and the execution of more ambitious plans than were originally envisaged, the cost of the Van Eck Power Station and the bulk distribution system, together with housing for staff, is estimated at R53.3 million.

It is expected that the demand for power in the Territory will grow rapidly. Whereas 59 MW of maximum demand could be supplied by SWAWEK in June 1973, this is expected to grow to 120 MW by 1977—an increase greater than 100 per cent within four years.

The hydro power scheme at Ruacana, which is scheduled for completion in 1977, was designed to fit into this pattern of expected power demand. It will become active with an initial capacity of 160 MW with subsequent increases in stages of 80 MW to a planned capacity of 320 MW. Due to increasing costs the initial stage of the Cunene River development is expected to cost over R140 million, the main elements being:

	R million
Regulating dam at Gove .....	8.1
Dam at Calueque to effect re-regulation . . .	15.7
Interim power station at Ruacana, and initial infrastructure and pump station at Calueque	10.1
Main Ruacana power station:	
Civil construction .....	41.8
Turbines, generators and electrical work .....	25.9
Steelwork, infrastructure, housing, etc.	23.4
Transmission line to existing grid. . . .	16.4
	107.5
	141.4

Together with the Van Eck Power Station and the distribution system, total capital expenditure will amount to R194.7 million. This represents only the first stage of the capital expenditure for power development in South West Africa. By 1980 capital expenditure for the next phase of power development will be required.

With the construction of the hydro power station at Ruacana large sums will be spent at Ruacana to the benefit of the Owambo people. It is estimated that during construction 2 000 Owambos will be employed at the site, rising to 3 000 at peak periods. Further benefits to the Territory will be the establishment of quarries which may later be used for road-building purposes. The power station complex and town of Ruacana could eventually develop into an attractive tourist resort.

The South West Africa bulk consumer of electricity now enjoys the advantage of an established power supply at a price which SWAWEK has guaranteed will initially not exceed 1.5 cents per kwh. (The cost per unit sold at Walvis Bay was 3.15 cents per unit in 1972, and 5.10 cents per unit at Grootfontein.) This compares with an average of 0.837 cents in Johannesburg and 1.466 cents in Cape Town.

The construction of an interim power station at the Ruacana Falls, a pumping scheme at Calueque and a canal to the South West Africa border have already been completed at a total cost of some R4.6 million. These funds were provided entirely by South Africa.

The pumping scheme at Calueque serves as a source of water for the R3-million Owambo canal scheme. Sections of the canal are fed by floodwaters flowing intermittently after rains. But thanks to the power generated at Ruacana, a sustained and adequate supply of water is for the first time available to the majority of the Owambo people. New opportunities for the production of food and cash crops on a continuous basis are thus being opened up.

The R2.75 million road system associated with the power and water scheme falls entirely within Owambo and is yet another feature of the infrastructure for further progress in the area.

### Railways, Road Transport Services, Harbours and Air Services

#### Railways and Road Transport Services

Heavily subsidized services provided by the South African Railways and Harbours Administration are a major factor in the Territory's economy. Great distances and a small population, coupled with a shortage of water and the absence of local fuel, entail disproportionately high capital investment and financial losses.

Statistics, however, show that South West Africa is by far the best served country in Africa as regards rail and road transport facilities measured in distance run related to population. Thus the length of railways in kilometres per 10 000 inhabitants in the Territory is 30.7, followed by the Republic of South Africa with 9.3, the People's Republic of the Congo with 8.5 and Rhodesia with 6.1. The corresponding figures for the rest of Africa range from 0.6 for Nigeria and 0.4 in respect of Ethiopia.

The Territory's railway system is integrated with the South African Railways and has the benefit of all research conducted by the latter, besides many other centralized facilities. The Territory is saved considerable expense because the civil, mechanical, electrical and other technical staff establishment can be limited to a minimum thanks to the ready availability of expert staff from the large establishment in the Republic. All railway assets such as rolling stock, locomotive power, road transport vehicles, permanent way materials and other facilities required for the operation of the South West African railways are owned and financed by the South African Railways and Harbours Administration, which also bears the financial losses incurred annually.

Schemes for railway improvement at a total estimated cost of R16.14 million are to be commenced before 1977-78. In addition, a 15-year programme designed to cope with increas-

ing traffic demand by raising the axle load and by using heavier locomotives is already being implemented at a cost of R22 million.

Gross tonnages of traffic cleared from important mainline depots approximately doubled during the period 1962-63 to 1972-73 while the number of passenger journeys decreased over the same period from 446 968 to 390 114. Most of the traffic conveyed emanates from South Africa and consists mainly of manufactured goods. The return load is chiefly livestock from the northern part of the Territory, which requires a different type of truck. Thus both types of truck are hauled empty in one direction over a distance of up to 1 600 km. In the same way fish, fruit and refrigeration trucks are returned empty in one direction, adding to operating costs and losses. A similar situation exists in the conveyance of ores for shipment at Walvis Bay and in the carriage of livestock from remote farming areas to meat-canning factories.

The total amount spent in the Territory by the South African Railways and Harbours on capital works, improvements and renewals up to March 1973, was R109.41 million. In this connection R68.83 million was for permanent ways and works, R17.80 million for diesel locomotives and R15.16 for railway and harbour installations at Walvis Bay. Rolling-stock for passenger traffic was valued at R10.06 million and goods vehicles at R51.44 million, giving a total investment of R170.91 million in respect of fixed and movable assets as at March 31, 1973 compared with R143.81 in 1970. To this may be added the accrued loss on operations, which, by March 1970, had reached a figure of R63.08 million. Apart from other losses, approximately R3.5 million is lost annually due to the abolition, as from April 1969, of the split-rate tariff on goods traffic conveyed between South Africa and the Territory. Total actual losses would be higher if the Territory's system were run as a separate unit rather than as an integral part of the South African Railways.

Road transport services are run at a loss which by September 1973 had accumulated to R4.44 million. The services are, however, essential to the welfare of the Territory, notably in times of severe drought, when they represent the difference between life and death for many people in the most remote regions. No fewer than 105 points inland are served weekly by scheduled and special trips over a route distance of 9 402 km. Vehicle distances covered have increased by 81.5 per cent from 4.37 million km in 1962-63 to 7.93 million km in 1972-73 and trailer distances by 171.2 per cent from 3.02 million km to 8.20 million km. Over the same period the total tonnage of goods conveyed rose from 104 127 tons to 353 356 tons. Goods traffic to and from Owambo represents more than one-fifth of the total volume conveyed in the Territory as a whole. 160 417 passengers were carried in 1972-73.

#### Harbours

The South African Railways also operate the harbours at Lüderitz and Walvis Bay. The former can only berth coasters up to eighteen feet draught and is therefore of limited use, although larger ships can be worked by means of lighters. Walvis Bay has become the Territory's gateway to the outside world. However, Walvis Bay and its surrounding area is South African territory, and was never part of German South West Africa or of the area under mandate. This means that the Territory's only effective outlets by rail and ship are through South African territory.

The tremendous increase in traffic since World War II has necessitated extensive improvements at Walvis Bay, which now has 1 400 metres of wharfage for commercial shipping and dockside storage in sheds with a capacity of 3 500 cubic metres. The departmental slipway was recently replaced by a synchrolift and ship repair base as part of a R4.75 million project to provide modern repair and maintenance facilities for the fishing fleet operating off the South West African coast. The programme of development planned at Walvis Bay will require expenditure of R8 million. This will include the construction of a tanker berth, extensions to wharfs and quays, deepening the entrance channel and turning basin, and the provision of cargo sheds, cranes and other equipment.

Lüderitz provides only 183 metres of berthage for coasters and other small craft but has good anchorage at all times of the year where larger ships are worked by means of lighters. Total tonnage of cargo handled in 1972-73 amounted to 41 895 tons as against 34 282 tons in 1962-63, compared with Walvis Bay's 1 265 159 tons and 807 183 tons during the same years.

#### Aids to navigation

The South African Railways are responsible for operating and maintaining five major marine navigational aids along the South West African coastline. Eleven additional unattended navigational aids are currently being installed along this barren coast. The estimated cost of this programme is R769 000.

#### Air services

Aircraft of South African Airways make 20 direct return flights every week between centres in the Territory and the Republic. In addition, SAA's Boeing aircraft touch down at Windhoek twice a week *en route* from Johannesburg to overseas centres.

South African Airways' accumulated loss on the South West Africa route for the 10 years ended 1972-73 amounted to R8.79 million. In 1972-73 the Territory's four major airports handled 154 900 passengers as compared with 119 100 in 1970-71. The total capital cost of airports amounted to more than R13 million.

#### Roads

The tremendous expansion of the Territory's system of roads mirrors the growth of the economy over the past two decades. In 1953, there were no tarred roads. By 1963, however, 447 km had been tarred and ten years later the figure had risen six-fold to 2 772 km. The number of road bridges increased ten-fold, from 35 in 1953 to 350 in 1973 while 23 additional bridges were under construction.

In 1973, machinery and equipment to the value of R15 million was being used by the Roads Branch of the South West Africa Administration, compared with a figure of R0.5 million twenty years earlier. R2.02 million was spent on road construction and maintenance in 1953, compared with about R23 million per year at the present time. Total expenditure on roads over the past twenty years amounted to R243 million—a figure which would be much higher if all annual amounts were to be expressed at today's prices. The Territory's road network represents an investment of R175 million, as against R5 million in 1953, while the total cost of roads under construction in 1973 amounted to another R12 million.

Windhoek is now linked by tarred road to Oshakati in Owambo in the north, Swakopmund and Walvis Bay in the west, and Gobabis in the south. Tarring of the road between Keetmanshoop and Lüderitz is in progress, and generally the task of providing a network of modern all-weather roads is nearing completion. Maintaining the system of modern roads will, however, remain an expensive but essential task. In 1973 there were 3 600 km of trunk roads, 9 248 km main roads, 19 627 km district roads and 25 408 km proclaimed farm roads, giving a total of 57 883 km.

Having regard to the Territory's size, low population density and the many vexing problems posed by climatic and physical conditions, road construction is no easy task. Roads to carry heavy traffic have to be built over great distances without a gravel bed because in many parts of the Territory there is no gravel to be found for hundreds of kilometres. Many road bridges in desert and semi-desert regions have to be designed to withstand floods which may only occur once every fifty years.

Bridge foundations have to be driven through as much as 30 m of sand in order to rest on bedrock. In the Namib, special barriers against wandering dunes and drifts have to be erected. The extremes of heat and cold have to be coped with. The expert advice of bodies such as the South African National Institute for Road Research and the National Building Research Institute of the Republic's Council for Scientific and Industrial Research have played a significant role in overcoming these problems. The close contact with provincial and



other road building authorities in South Africa is also invaluable.

The Administration is now concentrating on the improvement of the existing roads network, and expects to spend R83 million on maintenance and improvements undertaken departmentally during the period 1974-1979. An equal amount is likely to be needed for work done on contract over the same period.

#### *Postal and telecommunications services*

The expansion and modernization of South West Africa's postal and telecommunications services have played a significant role in the Territory's economic progress.

During the period March 1963-March 1973, the number of telephones more than doubled from 18 561 to 38 746, giving South West Africa the highest ratio of telephones to population in the whole of Africa except the Republic of South Africa. The Post Office also proceeded with its programme gradually to convert manual exchanges to automatic exchanges.

A further step forward in the telecommunications field was the establishment of automatic trunk exchanges, which linked subscribers at all automatic exchanges in South West Africa with South Africa's national dialling system. These subscribers have direct access to subscribers at all automatic exchanges in South Africa and South West Africa as well as at almost 400 manual exchanges in these areas. They also have direct access to the International Telephone Exchange in Cape Town.

During the past three years trunk lines in the Territory increased from 594 to 984 and the number of circuits between South West Africa and the Republic from 42 to 102. The majority of trunk calls are connected with a minimum of delay, and additional circuits are provided when and where necessary.

At the end of March 1973, 22 402 km physical trunk lines had been installed and there were 252 367 km carrier circuits. Ten years earlier there were 14 489 km physical trunk lines and 59 261 km of carrier circuits. The average annual increase was, therefore, 5.5 per cent and 32.6 per cent respectively. It is estimated that by the end of March 1978, 25 400 km physical trunks and 560 000 km carrier trunks will exist in the Territory, an annual average increase of approximately 27 per cent in both cases.

Over the past three years R1.32 million has been spent on the extension and improvement of more than 4 000 km of physical trunk routes and R5.49 million in respect of carrier systems, including those between Oshakati and Tsumeb, Ondangwa and Tsumeb, Welwitschia and Outjo, and Rehoboth and Windhoek. During the same period 19 major projects involving the laying of underground cables were completed at a total cost of R1.09 million.

Up to March 31, 1973, 366 telegraph channels, representing 107 339 km of circuits, had been installed. In addition, 48 channels, representing 62 300 km of circuits were provided to link the Windhoek Telex exchange with those in Johannesburg and Cape Town. Work is progressing on the provision of an additional 55 channels, representing 14 193 km of circuits. A 380-line automatic telex and gentex exchange was installed at Windhoek in 1967. Its capacity has been extended since then and when completed it will have a capacity of 780 subscribers and 105 junction lines.

Radio services have continued to expand playing an important part in the development of South West Africa, especially the northern areas. The overall number of radio services increased from 394 in 1963 to 1 756 in 1973. An internal high frequency radio-telephone system comprising seven fixed Post Office radio stations provides a 24-hour service to 305 mobile stations. Those in distant outposts or on construction projects anywhere in South West Africa are thereby enabled to make telephone calls to any telephone subscriber in the Territory or in South Africa, and through the latter to practically anywhere in the world.

Post Office radio stations are maintained at Rundu and Ondangwa. These stations enable health clinics in the northern territories to maintain close contact with each other and,

if necessary, to obtain medical advice from the regional hospitals at Oshakati and Rundu. Nine hospitals and clinics in Owambo, ten in the Kavango, two in Kaokoland and one in Bushmanland are served by these stations.

The radio station at Walvis Bay is one of the most important on the west coast of Africa. It is an essential link in the Safety of Life at Sea Organization. More than 23 000 radio telegrams to and from ships are handled annually. New maritime and inland stations at Walvis Bay, costing about R1-million, were taken into service in 1973. In order to obviate the need for manning a radio station 24 hours a day, a remote-control system was designed by Post Office engineers and installed at the Walvis Bay transmitting station. A similar system is envisaged for Lüderitz. A tender has already been awarded for the erection of the building at the latter centre.

The value of telephone, telegraph and radio installations in the Territory amounted to R35.81 million on March 31, 1973. The corresponding figure in 1963 was R9.87 million. Maintenance expenditure on telecommunications services cost R1.55 million in 1972-73 as against R89 436 in 1962-63. Expenditure on the development and improvement of telecommunications was R5.95 million in 1972-73. Planned extensions for the period up to 1978 involve an amount of R6.96 million—R1 972 700 for new automatic exchanges, R976 500 for extensions to existing automatic exchanges, R308 000 for new automatic national dialling trunk exchanges, R786 000 for extensions to existing national dialling trunk exchanges, R2 270 000 for enlarging the capacity of the microwave system, and R651 000 for aerial cable systems.

The Territory is at present served by 70 post offices, 23 postal agencies and two mobile post offices. In 1963, the total was 81. The mass of mail conveyed by rail and road motor service within South West Africa rose from 1 727 512 kg in 1961-62 to 2 122 782 kg in 1971-72 and is projected to exceed 2.69 million kg by 1977-78. Between 1962-63 and 1972-73 the mass of air mail conveyed between the Territory and the Republic increased by 160 per cent while all air mail rose from 106 544 kg to 207 258 kg. The total number of mail items, 46.3 million in 1971, compares with Uganda's 42.1 million (1971) and the Ivory Coast's 47.6 million (1970), and gives the Territory an average of 60.1 mail items per person, a figure higher than in the rest of Africa with the exception of South Africa.

The C.O.D.-parcel service expanded from some 117 600 parcels forwarded to South West Africa in 1962-63 to 181 900 in 1972-73, testifying to the continuing prosperity of the inhabitants. Over the same period deposits with the Post Office Savings Bank increased from R3.91 million to R4.57 million in 49 155 accounts.

Revenue from the Post Office's operations in the Territory does not cover operating expenditure, let alone capital expenditure, and for some years an annual operating loss of over R2 million has been incurred. The figure amounted to R3 387 000 in 1972-73 and is estimated at R3 823 000 for 1973-74. These losses and the considerable capital expenditure in the Territory are borne by the South African Post Office.

Since April 1970, nine major buildings erected to house postal and telecommunications facilities were completed at a cost of approximately R2.81 million; six major buildings at a total cost of about R1.35 million are at present under construction; and a further eight major buildings estimated at R3.10 million are scheduled for erection by 1978. R1.80 million has been spent on staff accommodation since 1970.

#### *Scientific and technological research and services*

In the harsh natural environment of South West Africa, advanced scientific research and technological skill are essential factors enabling the growing population to enjoy adequate standards of living. The knowledge and expertise of various institutions in the Republic of South Africa are at the Territory's disposal. Some of the many activities in the scientific and technological field are reviewed below.

The *National Institute for Water Research* has maintained a regional laboratory in Windhoek since 1956. This Institute works in close collaboration with the local authorities and



draws on other Institutes to help the Territory both to employ its limited water supplies to best advantage and to find new sources. As a result of the Institute's research, Windhoek was (in 1968) the first city in the world to reclaim sewage effluent on a large scale for domestic use. About 4.5 million litres per day, or some 20 per cent of the city's water supply, are reclaimed from sewage effluent.

Surveys have been undertaken to determine the subsurface storage capacity of dry rivers and related aspects. Other studies concern the evaporation of water from sand beds; the control of evaporation from open surfaces; the conservation of water in sand-filled dams; detection of subsurface waters; desalination of brackish water by means of solar distillation; the determination of the age of subsurface waters; the use of artificial surfaces for collecting run-off; and the health aspects of water supplies.

The Regional Office of the *National Building Research Institute* is concerned with the problems posed for the building industry by the Territory's high temperatures and the nature of its soil. Heaving clays, collapsing sand and differentially weathered rocks make the ground in various areas sufficiently unstable to cause serious structural cracks in buildings.

At the coast and in Owambo the depth of sand makes it difficult to support buildings on bedrock and studies have been undertaken to define the bearing capacity of such sands. Research is being conducted into corrosion in coastal areas; into the rapid deterioration of wood, timber and plastic in inland areas; and into the problems arising from the absence of many traditional building materials. Until recently, many of the bricks used in South West Africa had to be imported. New developments promise, however, to make the Territory self-sufficient in bricks.

The Institute has developed building designs which provide an acceptable indoor climate in very warm areas. The effects of hot, dry conditions on the setting of concrete have been alleviated by new techniques. The results of the Institute's work on solar heating are widely applied for housing, schools and hospitals.

The *National Institute for Road Research* provides South West Africa with direct assistance in the form of specialized testing, materials data banking and consultative services. The properties and distribution of all the more important road aggregates have been studied, especially calccrete—the Territory's most widely occurring road construction material. Research by the Institute has done much to clarify the mechanism of soluble salt damage to roads. This is of particular significance in the more arid parts of the Territory where the problem is aggravated by the fact that the only water available for compaction may be brackish.

Over the years South West Africa has benefited greatly from the technical and specialized services rendered by the *South African Bureau of Standards* (SABS). These services comprise the testing and inspection of manufactured products through all stages, the testing of materials and components used in capital works, the inspection of supplies needed for public services and the compilation of standard specifications.

In the field of hospital equipment, a permanent committee was established to simplify and standardize the purchase of equipment covering almost every item used in hospitals—from the socks worn in operating theatres to the most intricate scientific equipment.

Unlike most standards organizations in other parts of the world, which have concentrated their efforts mainly on engineering and industrial standards, the South African Bureau of Standards has borne the needs of the consumer in mind from its earliest days. At least 25 per cent of the standards compiled by the SABS during the past 28 years affect the consumer closely.

Numerous specifications have been drawn up for everyday household items, for farming requirements and for foodstuffs such as canned meat and canned fish products.

Facilities offered by the SABS to South West Africa are varied. They cover not only technical services and informa-

tion to manufacturers, building contractors, architects, engineers and planners in the private and public sectors, but also general information of educational value to people in their daily lives.

South West Africa is covered by an observation network comprising four weather offices manned by fulltime qualified personnel of the *South African Weather Bureau*, ten first order, three second order, and seven third order climatological stations, and 436 rainfall stations manned by part-time and voluntary observers.

The four weather offices and ten first order climatological stations render regular synoptic reports which are used in the preparation of routine weather forecasts for civil aviation, for maritime and agricultural purposes and for special purposes on request. These reports are collated by the Weather Office at J. G. Strijdom Airport which prepares the forecasts. The data are also transmitted to various forecast centres in the Republic of South Africa.

The observations from all stations are forwarded to a central climatological office at Windhoek. This office controls and partially processes the returns before forwarding them to the South African Weather Bureau headquarters at Pretoria for final statistical processing and ultimate publication. The meteorological service is conducted strictly in accordance with the requirements laid down by the World Meteorological Organization.

South West Africa is covered by the provisions of the Prevention and Combating of Pollution of the Sea by Oil Act, 1971 (Act 67 of 1971) which came into operation on January 1, 1973. The Territory's coastline is part of the western zone of control, stretching from the Cunene River to Cape Town and from there eastwards to Cape St. Francis. The headquarters of the regional *Anti-Oil Pollution Committee* (OPAC) are at Cape Town.

The Department of Transport has accepted full financial responsibility for combating oil pollution at sea. It has also accepted full responsibility for defraying expenditure incurred in removing pollution from a beach caused by oil discharged from a ship, provided that the ship concerned is identified. In cases where the source of pollution cannot be identified and the affected beach falls within a local authority area, the Department is prepared to contribute 50 per cent of the costs involved in cleaning the beach. The basic approach, however, is to combat pollution at sea and thus prevent the oil from reaching the beaches. A powerful salvage tug stationed at Cape Town and a constant watch by patrol boats carrying tanks with dispersants protect the Territory's coastline.

## EMPLOYMENT AND WAGES

### *Demographic aspects*

Like other developing countries, South West Africa faces the problem of providing employment opportunities for a rapidly increasing population. The total population in 1970, according to the census, was 762 184, a figure 45 per cent higher than the population as enumerated at the census of 1960. This was among the highest growth rates in the world. The rate for Africa as a whole was 2.5 per cent per annum.

### *Employment*

A total of 261 592 economically active persons (192 480 men) were enumerated by the 1970 Population Census—an increase of 58 321 since 1960. Expressed as a percentage of total population, some 49.7 per cent of all male inhabitants and 18.4 per cent of all females were economically active.

By far the greater number of new employment opportunities created between 1960 and 1970 were outside agriculture. The census of 1970 revealed that of the increase of 28 114 in the number of economically active Blacks enumerated compared with 1960, only 2 946 were absorbed into agriculture as against 25 168 in other sectors. By 1970, the percentage of economically active Blacks in agricultural employment had in the southern part of the Territory declined to 36.6 per cent. In 1960 the equivalent percentage was 40.9 and in 1951 54.6 per cent. Those in manufacturing and construction increased from 7.8 per cent in 1951 to 13.8 per cent in 1960 and 17.7 per cent in

1970—a clear indication of the extent to which Blacks share in the growth and diversification of the Territory's economy.

In the northern areas, employment opportunities for Blacks in work other than agriculture trebled between 1960 and 1970—from 5 317 to 17 119. Since then, the latter figure has been increased considerably by those employed on the Ruacana hydro-electric scheme, by new industrial and service ventures established by the Bantu Investment Corporation, and by increased demand for workers in the governmental sector. In June 1973, Blacks employed in government service of Owambo numbered 2 302, compared with 809 in Kavango and 1 258 in Eastern Caprivi.

The Black and Coloured groups are ascending the occupational ladder. Thus no less than 44.6 per cent of the posts in the category of Professional, Technical and Related Workers are filled by Non-Whites, as well as 20.0 per cent in the category of Clerical and Related Workers. The progress of Black men in particular is evident from the fact that the number of skilled and semi-skilled workers increased by no less than 115.0 per cent between 1965 and 1971 whereas those classified as Labourers increased only by 19.7 per cent.

### Earnings

The Territory's economic progress, especially during the past decade, has been accompanied by rising income levels for all population groups. Members of the indigenous groups in particular have benefited from the growing demand for skilled and semi-skilled workers. Their productivity and their earning power have been raised by the expansion and improvement of formal educational and training facilities as well as by in-service training. The upward trend is continuing.

#### Fishing industry

Appreciable cash wages and bonuses are earned in the fishing industry. An ordinary worker from the northern territories received the following at a typical Walvis Bay canning factory in early 1974 (all figures per month):

	<i>Rand</i>
Cash: Basic wage .....	27,30
Overtime .....	26,00
Bonus .....	8,66
Leave pay .....	1,43
	<hr/>
	63,39
Other: Hostel fees .....	17,00
Clothing .....	1,50
Medical services .....	0,35
	<hr/>
	82,24

Operators in processing plants at Lüderitz normally receive between R45 to R60 a week basic plus overtime at 1½ times the basic rate. Irrespective of race, artisans' basic pay is R1.75 per hour, giving them a minimum basic income of approximately R350 per month. Apart from overtime, bonuses of up to R400 a year were paid in 1973.

During the 1973 six-month crayfish season, unskilled crew members on fishing vessels earned an average of R1 200 in wages and commissions while the fishing companies provided R35 a month in respect of free food for each crew member. Crew members are paid a basic wage of R80 per month for eight months and R40 per month in the remaining four months, during which they commonly find gainful employment elsewhere.

#### Mining

Black employees of Consolidated Diamond Mines at Oranjemund earned an average of R87.37 per month in cash in 1973. As from 1972, all jobs were re-evaluated and remunerated on the basis of "the rate for the job". Guaranteed monthly earnings of the lowest group range from a minimum of R49.14 to R62.34 per month, whereas employees in Pay

Group 8 start at a minimum of R158.80 per month, rising to R208.24 per month.

In addition, allowances and bonuses are payable for a wide variety of tasks and achievements. Bedrock cleaners, for instance, qualify for a bonus of up to R16.00 per man per month. In November 1973 the average bonus per capita amounted to R9.82.

The value of non-cash payments amounts to R25.09 per worker per month, or 95.5 cents per shift. The latter figure includes 19 cents for clothing, 39 cents for feeding, 15 cents for medical costs and 5 cents for recreation.

A non-contributory retirement allowance for migrant workers came into operation on January 1, 1974. Its aim is to provide benefits on retirement through old age or incapacity, and to provide benefits to the dependants of a worker in the event of his death in service.

Black employees of the Tsumeb Corporation benefit from both a pension scheme and a life insurance scheme. The average cash earnings of Black workers amounted to R36.63 at the end of 1973 and the average cost of non-cash benefits was computed at R34.78. At Rosh Pinah experienced operators were paid R175.77. At Uis tin mine, operators of heavy vehicles earned a basic wage of up to R60.32 per month in late 1973, compared with R70.72 for clerks possessing a Matriculation Certificate. To this must be added overtime payments, which can easily amount to R20.93 in mining operations, as well as the value of non-cash benefits such as food, medical services, etc.

#### Other fields of employment

In 1973 Non-White male shop assistants in the *commercial and distributive trade* earned from R170 to R240 per month with an average of R205. The range in respect of clerical assistants lay between R127 and R235 with an average of R189 per month. In the same trade, unskilled men earned from R55 to R90 with a monthly average of R71.

Non-Whites serving their *apprenticeship in garages* earned R2.68 per hour whereas male clerical employees received an average of R1.09 per hour and in some cases up to R1.50 per hour. Semi-skilled garage employees ranged from R1.10 to R1.50 an hour with an average of R1.30.

Salaries for *Government employees* in South West Africa are the same as in the Republic. With effect from April 1, 1968, the key scale was improved with the result that (i) scales placed the accent on quality and experience of personnel and (ii) shorter scales were introduced enabling personnel to advance more rapidly and to earn higher salaries at an earlier stage.

Total expenditure involved in the improvement of Non-White salaries in 1969 and 1970 amounted to R16.5 million; improvements in January 1971 involved R5.8 million and in October 1971 another R12.2 million.

It is accepted policy in the civil service that the wage gap between Whites and Non-Whites should be narrowed progressively. In this spirit, considerable improvements were effected from April 1, 1973 in the salaries of Non-White nursing and para-medical personnel. On that date also a pensionable allowance of 17.5 per cent of basic salary was introduced for all Non-White salaried staff, as against 15 per cent for Whites. In addition to the 17.5 per cent, an average of 12.5 per cent has been authorized as from January 1, 1974 in respect of indigenous teachers' salaries, resulting in a total increase of 30 per cent on their basic scales.

The 17.5 per cent pensionable allowance also applies to Non-White employees of the *Post Office* who received a vacation savings bonus for the first time in 1973. They will henceforth receive the bonus annually.

Bantu labourers employed by the *South African Railways and Harbours* receive a starting wage of R45.00 per month, rising to R57.00 after four years' service. An attendant to a liaison officer (Non-White Affairs) is initially paid R78.00 per month rising to R90.00 per month after four years; and a police constable R64.00 per month, rising to R82.00 after three years' service. The Railways' wage bill for Non-Whites in the Territory totalled R2.4 million in 1972-73.

### Other conditions of employment

Workers from the northern territories seeking employment in the south enter into a formal agreement with their prospective employers. The agreements, drawn up in one of the two official languages (i.e. English or Afrikaans) and in an Owambo language, set out the conditions of service, including wages and overtime, period of service, hours of work, accommodation, medical care, leave conditions, provision of transport home after the termination of service, etc. All agreements stipulate the period of notice of termination of service which either party may give (usually one month).

Paid leave is provided, amounting to 12 days at full pay after 12 months service at Oranjemund and the Uis tin mines. Financial benefits are offered workers returning to their employers after home leave. Usually this entails a cash bonus, which in the case of the Tsumeb mines ranges from R15 to R20, and the guarantee that the worker will be re-employed in his old job and at the previous rate if he returns within a stipulated period. The employer must bear the full cost of transport (rail and busfare as well as board and lodging *en route*) between the place of engagement and the place of work. The employer is also responsible for the free return of the worker when he has completed the term of service agreed upon.

Major employers of Black workers have established formal systems of communication between management and workers. Committees of representatives elected by the workers function at various levels and meet with management periodically, and specifically if the need should arise. Such arrangements exist in the mining and fishing industries and in some engineering establishments. They are invaluable in eliminating workers' grievances and in establishing a good rapport between management and labour.

### Health and welfare of workers

Employers may not require or permit employees to work for more than a prescribed period per day or week. Permissible overtime is limited to not more than 10 hours per week in order to discourage regular overtime, and payment is only one and one-third the ordinary hourly rate. At least one day of rest per week is stipulated and only with prior permission may an employee be required to work on this day. Payment for work on the day of rest or on public holidays is at double the ordinary rate.

A regular period of leave of at least two consecutive weeks per annum provides workers with a period of rest away from their places of employment.

Ample lighting, visually pleasant surroundings, reduced noise levels, adequate ventilation, suitable thermal conditions, sanitation facilities, and rest facilities are among the working conditions specified by regulation. Premises not conforming to specifications cannot be licensed as a factory. Where shortcomings are revealed by regular inspection, these must be put right.

Workmen enjoy the protection afforded by the South African Workmen's Compensation Act. (Exceptions are certain domestic servants and persons whose earnings exceed a ceiling fixed from time to time.) An injured worker is free to select his own medical practitioner. The medical, hospital and any other costs in connection with his treatment to restore his employability are borne by the Workmen's Compensation Commissioner out of funds provided by the Accident Fund established under the Act, or by employers individually liable.

Where the workman has sustained permanent disablement as a result of an accident, the disablement is assessed and compensated. Should an accident lead to the demise of a workman, his dependants receive compensation in the form of a lump sum or a pension. In the case of permanent disablement, artificial limbs are also provided. The Fund subsidizes two rehabilitation centres where workmen handicapped through accidents receive physio- and occupational therapy. All these facilities are provided free of charge.

### Training

All population groups have the opportunity to qualify as artisans.

Provision exists for any adult who has gained experience in a trade, but not as an apprentice, to undergo a trade test which, if passed, confers artisan status.

Due to the shortage of skilled and semi-skilled workers, larger employers are devoting much effort to the training of Blacks. Thus in 1972 the Post Office commenced training Blacks as telephone electricians. The first learners will qualify towards the end of 1974. Theoretical training is provided in South Africa, whereas practical aspects are taught in the Territory.

The South African Railways have established departmental training centres for trackmen and bus drivers in South West Africa. Municipal police constables to serve the various local authorities are being trained at Windhoek. The South West Africa Administration is training operators for heavy road construction machinery and truck drivers, and is expanding the scope of in-service training for its employees.

The operations of Consolidated Diamond Mines, the largest private sector employer of workers from the northern territories, call for a particularly wide range of skills. A full-time qualified staff of 26 White and Owambo instructors provide training and refresher courses.

### EDUCATION

Much progress has been made in the sphere of education in the past decade both as regards the number of pupils, teachers and schools on the one hand, and the quality and scope of the tuition offered on the other.

The following figures illustrate the growth of education in South West Africa since 1960.

### ALL GROUPS

Year	Number of Schools	Number of Teachers	Number of Pupils	Total Population
1960	376	1 976	59 881	526 004 <sup>1</sup>
1966	492	3 050	98 188	610 100 <sup>2</sup>
1970	606	3 836	134 355	762 184 <sup>1</sup>
1973	677	4 685	162 085	827 000 <sup>2</sup>

### COLOURED AND BLACK GROUPS

Year	Number of Schools	Number of Teachers	Number of Pupils	Total Population
1960	313	1 310	43 624	452 540 <sup>1</sup>
1966	415	2 071	78 295	514 100 <sup>2</sup>
1970	526	2 713	112 006	671 601 <sup>1</sup>
1973	592	3 453	138 890	735 000 <sup>2</sup>

<sup>1</sup> Official Census.

<sup>2</sup> Estimate.

The increased enrolment of Coloured and Black pupils over the period 1960 to 1973 is particularly impressive. Changing ideas, rising expectations, and higher standards in education have had as much influence on enrolments as population growth.

The educational system of South West Africa is in line with the modern approach to education in Africa, viz., the recognition of the importance of national cultures in the education of the youth.

At a UNESCO meeting of experts on the contribution of African languages to cultural activities and literacy programmes, held at Yaoundé, Cameroon, between 10 and 14 August 1970, the following conclusions were reached on the question of African languages as means of education and social and economic development.

"The languages spoken by the African peoples have an irreplaceable and decisive part to play in the establishment of a system of education and the widespread dissemination of science and technology, and of authentic national cultures.



"The African language spoken in the home and in daily life is the best medium for African thought.

"Education will not be effective until primary school education, far from being a disturbing element, for the six or seven year-old African child, becomes on the contrary a natural extension of the pre-school education he has received at home and in kindergarten. To achieve this, it is necessary i.e. that primary school programmes and methods base themselves on the child's immediate environment and the intuitive grasp which he already has of the basic rules of his mother tongue. The child would thus learn quicker and the length of his primary instruction would be shortened.

"Lastly, only education in African languages can bridge the gulf between the élite and the masses which education in non-African languages creates, and stimulate the harmonious development of the African countries.

"For Africa, only education given in African languages can be truly economical, genuinely national, and accessible to the entire population."<sup>\*†</sup>

The general policy in South West Africa is that the mother tongue should, as far as possible, be the medium of instruction at the primary level. The practical implementation of this policy has been hampered in the past by the fact that class readers and textbooks were not available in the African languages.

A Language Bureau was therefore founded in order to raise the different African languages to full status as written languages and to provide sufficient school, subject and literacy reading matter. Orthographies for seven African languages in South West Africa are in preparation. The Bureau is also responsible for the production of a youth periodical in the African languages.

Progress has been such that the mother tongue is now the medium in lower primary schools<sup>\*‡</sup> for all population groups except the Bushmen. In the case of the latter problems experienced with the orthography and the fact that several largely unrelated dialects are spoken, make it difficult to develop a written language which would be acceptable to all Bushmen.

The aim is to develop the African languages to the stage where they can be used as the medium of instruction up to the end of the sixth school year, and thereafter as a subject at the higher grade up to senior certificate level<sup>\*\*</sup> Ndonga and Kwanyama, two Owambo languages, have already been developed to the stage where they are not only used as media in the lower primary school but are also recognized subjects of study up to the junior certificate level.<sup>\*‡</sup>

#### Control

Control over education in South West Africa has been decentralized in order to give the groups for which the education is intended a voice in the decision-making machinery of their educational systems. Parents elect representatives to school committees established for each school. These committees have a general supervisory function, including recommendations regarding appointment of staff.

Professional control, including inspections of schools, is carried out by inspectors and assistant-inspectors of education attached to the various education departments.

#### Uniform standards

The school syllabuses are based on core syllabuses drawn up, under the auspices of the Joint Matriculation Board and

<sup>\*\*</sup> Final Report, Meeting of Experts on the Contribution of African Languages to Cultural Activities and Literacy Programmes, Yaoundé, Cameroon, 10-14 August 1970, UNESCO, SHC/MD/12, Paris, 26 October 1970, p. 6.

<sup>\*‡</sup> The present structure of education for Black pupils provides for a 13-year school programme. A 12-year structure will be introduced in 1976.

	Present structure	New structure, 1976
Lower Primary	4 years	4 years
Higher Primary	4 years	2 years
Junior Secondary	3 years	3 years
Senior Secondary	2 years	3 years

<sup>\*\*</sup> Thirteenth and last school year.

<sup>\*‡</sup> Eleventh school year.

the Committee of Educational Heads, by committees representative of the universities and all the education departments of the Republic of South Africa. Syllabuses are up-dated and revised every five years to ensure that both contents and approach are kept in line with world trends and developments.

Up to Junior Certificate (the first 11 years) syllabuses for the schools of the Blacks and Coloureds of South West Africa are basically the same as those in South Africa. Nothing is, however, changed in the case of the Sciences, Mathematics and the official languages.

For matriculation (on leaving school) the courses of the South African Joint Matriculation Board are followed. Students of all groups write the same final school examination. In short, all school education culminates in the same standard. Judged by this common standard, the achievements of the Blacks and Coloureds of South West Africa are equal to those of White students, thus demonstrating the suitability of the educational system.

#### In-service training

In-service training courses for teachers are conducted regularly in order to promote new methods, knowledge of subject-matter and acquaintance with latest educational developments.

#### Fees

No tuition fees are charged at any level. Class readers, textbooks and stationery are supplied free to all pupils. Boarding establishments exist at most of the more important educational centres throughout South West Africa for pupils in the more advanced stage of education. Boarding is provided free of charge in the case of Black and Coloured pupils.

Free training is offered to all Black and Coloured students undergoing teacher and vocational training.

Bursaries are granted to all Black and Coloured students qualifying for further studies after matriculation (senior school certificate) at a university or university college. These bursaries are comprehensive and cover all expenses, including free books, boarding, tuition and travelling.

#### School radio service

Lessons on specialized subjects are transmitted in Afrikaans and English and can be received in the Windhoek and Walvis Bay area as well as in Owambo. Schools for Black pupils have been issued with radios free of charge.

#### Extra-mural activities

Numerous recreational and cultural activities are offered to pupils and students, including film shows, drama, music, debating, writers' and other societies. Sports facilities include athletics, rugby, soccer, netball, tennis, hockey, etc.

#### Training institutes

The following centralized, comprehensive boarding schools offering academic tuition up to matriculation level, together with teacher and trade training, have been established for the Black and Coloured peoples of South West Africa.

	Number of students in 1973	Number of staff in 1973	Number of students accommodated in boarding establishments 1973
Ongwediva Training Institute, Owambo .....	658	35	650
Augustineum Training Institute, Windhoek .....	496	37	500
Cornelius Goroseb Training Institute, Khorixas .....	303	15	300
Rundu Training Institute, Kavango .....	348	17	350
Okakarara Training Institute, Hereroland <sup>1</sup> .....	286	9	300
Caprivi Training Institute, Katima Mulilo .....	214	13	160
Döbra Training Institute, Windhoek .....	359	15	360
<b>TOTAL</b>	<b>2 664</b>	<b>141</b>	<b>2 620</b>

<sup>1</sup> Teacher and vocational training will commence as soon as the building construction programme is completed.



In addition to the above post-primary training and academic Institutes, there are 13 schools offering academic tuition to post-primary pupils of the Black and Coloured population groups with a 1973 enrolment of about 3 500 and accommodation in boarding establishments for some 1 500 pupils. The total enrolment of post-primary Black and Coloured students for 1973 was approximately 6 000.

#### *To sum up*

Because of the Territory's size and its scattered, diverse and small population, the task of bringing education to its peoples poses a number of problems not usually encountered in such acute form in other parts of the world. Despite the obstacles, the educational system produces achievements which compare favourably with results elsewhere in Africa. This can only continue if there is stability, adequate finance, schools and equipment and, above all, trained teachers in sufficient numbers.

South West Africa's educational system is not only based on assets and equipment worth millions of Rand but, more importantly, on the gifts, qualities and experience of devoted staff. It is the product of years of unremitting effort in a specialized environment.

#### **HEALTH SERVICES**

Current expenditure on health services in South West Africa shows a marked upward trend, e.g.

1971/72	R7 430 000,00
1972/73	R10 120 000,00
1973/74	R12 730 000,00
1974/75 (estimate)	R15 740 000,00

The estimated 1974/75 level of current expenditure on health services represents a *per capita* outlay of about R18. If the estimated capital expenditure on new projects is added, the figure will, of course, be higher.

#### *Hospitals and clinics*

There are at present 183 hospitals and clinics. Of these 145 are for the Black and Coloured population groups, 17 render services to all population groups and 21 serve the White population group.

In 1973 there were 1 085 beds available for the White group and 6 300 beds for the other population groups, giving a ratio of about ten beds per 1 000 of the population.

Subsidies to mission hospitals and clinics (including free medicines) increased from R400 000 in 1963-64 to R1.4 million in 1972-73.

The value of hospital equipment (excluding buildings) owned by the Health Administration is estimated at R6.1 million.

State hospitals and state-subsidised private and mission hospitals receive all medicine free of charge from the Administration's medical stores, which had an annual turnover of R1.5 million in the financial year 1972-73.

As regards hospital fees, White patients are charged according to a fixed tariff based on income. Non-White out-patients are, on the other hand, charged 20 cents for a first visit and 10 cents for each follow-up visit. In-patients are charged 20 cents for admission irrespective of the duration of hospitalization. If they are unable to pay they are admitted free of charge. All non-White patients are entitled to free treatment, including specialist treatment.

#### *Communications*

Owing to the great size of the northern territories, it is almost impossible to provide the outlying clinics with telephone communications. To surmount these difficulties, 28 radio-receiving and transmitting sets were acquired for communication between these centres and the central state hospitals at Oshakati and Rundu.

#### *Medical practitioners*

In 1973, there were 143 general medical practitioners and 19 specialists in the Territory. With the exception of South Africa, there are probably few, if any, countries in Africa

south of the Sahara with a more favourable distribution of physicians to population.

#### *Specialist services*

Various arrangements are in operation to supplement the work of the full-time qualified staff in the northern territories. Since the opening of the state hospital in Oshakati, Owambo, in 1966, a team of specialists is flown up from Windhoek twice monthly. The team includes a surgeon, a physician, a paediatrician, a gynaecologist, an orthopaedic surgeon, an anaesthetist, an eye specialist, and an ear, nose and throat specialist. A similar airlift to the Kavango is also in operation. There is standing authority to transport serious cases to Windhoek by air.

#### *District surgeons*

In the southern sector there are 4 specialists and 28 Government Medical Officers who act as district surgeons. Their duties are to render curative and preventive services in their area, including the treatment of indigent persons, prisoners and officials; rendering preventive services in connection with infectious diseases, sanitation, housing, vaccination, food inspection, water supplies; and performing all medico-legal work. In the northern areas the Government doctors act as district surgeons.

#### *Para-medical personnel*

Increasing use is made of so-called para-medical personnel. At various centres they perform a variety of useful tasks such as distributing medicines, vaccine and serum, even giving injections, taking a lead in campaigns against malaria and tsetse fly, and in general being in charge until the next visit by a qualified practitioner.

#### *Nursing staff*

The strength of the nursing staff in 1973 was 2 330 of whom 1 550 were drawn from the Black and Coloured population groups. There are twenty training centres for nurses. They are taught by qualified professional nurses some of whom are in possession of qualifications for university teaching. Post-basic courses are available to registered nurses in the Republic of South Africa.

#### *Medical standards*

The standard of the medical profession in South West Africa is controlled by the South African Medical and Dental Council (with head office at Pretoria). All medical practitioners as well as para-medical officers must be registered with this Council. Nursing staff are required to be registered with the South African Nursing Council.

#### *Hospital planning*

The Health authorities have at their disposal the services of a specialised hospital planning team, including medical doctors, architects, engineers, organization and work study officers, and nursing experts.

#### *Transport and ambulance services*

Despite the vast distances, heavy rainfall in some parts, and areas of bush and sand, an effective ambulance service system is being maintained at strategic points throughout South West Africa.

Use is made of motor vehicles adapted to local conditions. Urgent cases are transported by air. At present 1.6 million km are covered annually by ambulance vehicles. This figure excludes air-miles and transport by vehicles of mission hospitals.

#### *Blood transfusion services*

During the past year these services received about 6 200 pints of blood from voluntary donors in the Territory. 95 per cent of the donors are members of the White population group, although 75 per cent of the supply is used by Black and Coloured patients. When the local supply is not sufficient, processed blood is delivered by air from the South African Transfusion Services.

#### *Medical laboratory services*

The South African Institute for Medical Research provides all medical laboratory services for South West Africa. There

is a large Central Laboratory at Windhoek and six branch laboratories at Rundu (Kavango), Oshakati and Oshikuku (Owambo), Keetmanshoop, Otjiwarongo and Walvis Bay. The main laboratory service at Windhoek also provides a pathology reference service.

Training of staff in medical laboratory technology is an important function of the S.A.I.M.R. in South West Africa. National examinations in medical technology are held at different centres twice per year. Two of the laboratories have Coloured and Black trained personnel in charge of all technical work.

#### *Preventive health services*

The Health authorities are responsible for the application of Public Health legislation and regulations, which cover a wide field. These range from malaria control to the control of plague and rodents, the testing and prescription of water purification methods, prescription and supervision of methods for the disposal of effluents, the inspection of abattoirs and butcheries, inspection of milk supplies and other foodstuffs, the inspection of housing as regards overcrowding, ventilation, lighting and sanitation, the licensing of premises and hotels, and the supervision and control of preventive and promotive services rendered by local authorities. There are 70 health inspectors, including those appointed by urban local authorities and the South African Railways. Health education forms part of all school curricula.

#### *Malaria*

Full-time control units, with a staff establishment of about 300, are employed to combat malaria.

The disease was once one of the most serious health problems in the northern territories, where conditions favoured the disease. But the following statistics prove that the campaign against malaria in these territories is successful: in the affected areas the incidence of malaria used to vary from 6.5 per cent to as high as 51 per cent. But its occurrence in Owambo dropped from 16.2 per cent a few years ago to 0.29 per cent in 1973. In the Caprivi it dropped from 45 per cent in 1960 to 1.5 per cent in 1973.

#### *Tuberculosis*

Tuberculosis is another of the major diseases against which a vigorous campaign has been waged by the authorities. The programme of action comprises: Tracing of cases by mass X-ray and Heaf-testing at regular intervals, the control of T.B. contacts and, particularly, of those in certain occupations; the isolation of infectious cases in hospitals; vaccination of all children with B.C.G. as soon as possible after birth. Heaf-testing and vaccination of all children entering and leaving school; and attention where possible to the social circumstances of the patient and his family.

A number of mobile and stationary miniature X-ray units are in use in both the northern and southern sectors, and efforts at control and immunisation have produced good results.

#### *Meningitis*

In 1968 an outbreak of epidemic meningitis occurred in Owambo. The disease spread to several centres in the southern sector. Approximately 200 cases were reported in Owambo and 67 cases in the south, of which 51 cases were in Windhoek. Twenty-nine cases of meningitis were confirmed by laboratory tests. Strict medical control measures were introduced and sulfa tablets were used on a large scale. The epidemic was halted without any loss of life.

#### *Cholera*

Cholera poses a serious threat to South West Africa as the disease is being carried southwards through Africa. Strict precautions are taken to prevent infected persons from entering

the Territory. This dreaded disease has so far not occurred in South West Africa.

#### *Yellow fever*

As a result of the presence of the vector mosquito, South West Africa is a yellow fever acceptive country. Strict precautions are accordingly taken to prevent the disease from entering from infected adjacent countries. A few imported cases of yellow fever were detected in the past and were immediately isolated and treated.

#### *Smallpox*

In the past 10 years only one case of imported smallpox was reported in the Territory. Although epidemics had occurred from time to time in adjacent countries, the South West Africa Health authorities were able to prevent the introduction of smallpox into the Territory through sustained immunisation programmes.

#### *Immunisation*

Immunisation programmes against smallpox, poliomyelitis, tuberculosis, diphtheria, tetanus and whooping cough are carried out at regular intervals. Epidemics of these diseases, therefore, seldom occur. Smallpox vaccination and immunisation against poliomyelitis are compulsory.

#### *Trachoma, endemic goitre and human trypanosomiasis*

Together with malaria, these diseases were once major health problems in the Caprivi.

In the case of trachoma, it was found that some 64 per cent of the total population of the Caprivi was suffering from the disease. This has now been controlled and has ceased to be a significant problem. A low incidence continues, however, as a result of continuous re-introduction from outside the Caprivi.

Human trypanosomiasis first made its appearance in the Caprivi some years ago. In the early Sixties it became a menace. Surveys identified the causal parasite and the vector, revealing that the entire population in a transmission area of approximately 1 800 sq. km was directly endangered and required protection without delay. Speedy and intensive measures succeeded in reducing the incidence in both man and cattle to a very low level. The situation continues to be watched closely.

At one stage, over 60 per cent of children and adult females in the Caprivi were affected with endemic goitre. The routine free distribution of iodised salt has effectively brought this condition under control.

#### *Water supplies*

Because of the semi-arid conditions of the Territory, most of its people are dependent on underground water. As a result of the geological nature of lime and dolomite the underground waters are frequently subjected to pollution of bacteriological and chemical origin.

Samples are therefore taken regularly for bacteriological and chemical analysis. The water is treated where necessary.

#### *Handling of foodstuffs*

The premises of all concerns handling foodstuffs are inspected regularly, and have to comply with strict health requirements. Persons handling foodstuffs are medically examined to ensure that they are free from infectious diseases.

#### *Port and airport control*

Almost one thousand foreign ships visited the port of Walvis Bay in 1973, while in the same period some 600 aircraft on international flights landed at J. G. Strijdom Airport, Windhoek. No cases of internationally notifiable epidemic diseases occurred. Strict measures are applied for the prevention and combating of rodent infestation and diseases such as yellow fever and malaria.

Letter dated 29 January 1976 from the representative of Cyprus  
to the Secretary-General

[Original: English]  
[29 January 1976]

Upon instructions from my Government, and further to my earlier letters on the subject, I have the honour to draw your attention to the ever-increasing cases of harassment and forcible expulsion of the remaining Greek Cypriot people in the occupied areas of Cyprus, in breach of specific commitments undertaken by the Turkish side in an intercommunal humanitarian agreement during the Vienna talks of August last in the presence of the Secretary-General.

That agreement is to the effect "that the Greek Cypriots at present in the north of the island are free to stay and that they will be given every help to lead a normal life, including facilities for education and for the practice of their religion, as well as medical care by their own doctors and freedom of movement in the north" [see S/11789, of 5 August 1975, para. 2]. Also that UNFICYP "will have free and normal access to Greek Cypriot villages and habitations in the north" [*ibid.*, para. 4]. And it was further stipulated that "in connexion with the implementation of the above agreement priority will be given to the reunification of families, which may also involve the transfer of a number of Greek Cypriots, at present in the south, to the north" [*ibid.*, para. 5].

The Turkish side has flagrantly violated every one of its aforesaid commitments after having fully cashed in on its share in the agreement.

Details of the violations are given in the annex attached hereto.

At a time when general expectations turn to the intercommunal talks as a means for a just solution of the problem and the implementation of the United Nations resolutions on Cyprus, there could be no more direct blow to the earnestness and prospects of the talks than such display of bad faith from the Turkish side, in deliberately refusing to perform its expected commitments undertaken in the Vienna intercommunal talks.

A prime necessity in any effort to advance positively the procedure of the talks is to obtain from Turkey the due carrying out of the Turkish commitments in the 2 August 1975 agreement. More particularly as such commitments by their humanitarian nature are also Turkey's obligations under international law, the Geneva Conventions of 1949, as well as under the resolutions on Cyprus, unanimously adopted by the General Assembly and the Security Council, all of which are by the conduct and practices of Turkey's army in Cyprus increasingly and blatantly violated.

It is needless to stress once again that all the above-mentioned practices, coupled with the massive importation of population from Turkey, are but a further manifestation of Ankara's sinister plan to alter the ages long demographic character of the island, using in the meantime the intercommunal talks as a smoke-screen to confuse and deceive world opinion.

While strongly protesting the above-mentioned practices on behalf of my Government, I hope and trust that you will take all necessary steps towards arresting these ominous developments, which are calculated to render any negotiations devoid of content and meaning.

I should be grateful if this letter were circulated as a document of the Security Council.

(Signed) Zenon ROSSIDES  
Permanent Representative of Cyprus  
to the United Nations

## ANNEX

Violations of the Vienna agreement of 2 August 1975  
in the intercommunal talks

With regard to "the priority" provisions of the agreement for the reunification of families, out of 937 entitled to return under the relevant commitments, the Turkish side allowed only 327 persons to move to the north, refusing permission to the rest.

On the agreed educational facilities, in spite of the fact that a concrete plan for the operation of three secondary and 10 elementary schools as well as a list of educationists were submitted, the Turkish leadership refused "approval". In one case where such "approval" was given, it was negated by not fixing the relevant date.

Regarding medical facilities and care for the Greek Cypriot population by Greek Cypriot medical practitioners stationed in the occupied areas, the Turkish side, far from complying with their commitments, forced the only one remaining in the whole area to leave.

As to the commitment to allow freedom of movement of the Greek Cypriot people in the north, there is not even a semblance of such freedom of movement from the villages where they live. Each Greek Cypriot, furthermore, has to report to the "Turkish police" twice a day at fixed hours. If one is late even by a few minutes, he is subjected to beatings and other ill-treatment.

More importantly, there is no freedom of movement for UNFICYP. They cannot make contact with the Greek Cypriots or render any necessary assistance. In spite of the planned establishment of liaison posts as required in the area, the Turkish army not only refused to allow such establishment but also banned those UNFICYP members manning already existing posts, from going anywhere without a permit from the Turkish military. Moreover, next to each UNFICYP "liaison post", a Turkish post has been planted to keep the UNFICYP men under surveillance and prevent any contact between them and the Greek Cypriots contrary to the express provisions of the agreement.

Beyond the refusal of the Turkish side to carry out its aforesaid commitments, the very opposite policy is systematically followed through the continuing expulsion of the remaining Greek Cypriots in the occupied areas and the massive settlement of colonists from Turkey in their places.

Arrests, searches, beatings, threats, various modes of intimidation, destruction of property, firing of shots at houses and other acts of terror are among the means of expelling these unfortunate people whose only "crime" is that they want to continue living in their ancestral homes and lands.



DOCUMENT S/11953

Telegram dated 28 January 1976 from the Head of State of the Comoros  
to the President of the Security Council

[Original: French]  
[30 January 1976]

I have the honour to inform you of a new development in the French aggression against the territory of the Comoros. Flouting international law and morality, the French Government intends to organize a referendum in Mayotte on 8 February 1976. Mayotte is an integral part of Comorian territory under the French laws which have recognized the *de facto* and *de jure* unity of the archipelago ever since 1912. On 12 November 1975, the United Nations admitted the Comorian State consisting of the four islands of Anjouan, Mayotte, Mohéli and Grande-Comore. In view of this flagrant aggression, I have the honour to request you to convene the Security Council urgently in order to maintain peace in the archipelago and to take all necessary action to safeguard the integrity of our country. Ali Soilih, Head of the Comorian State.

DOCUMENT S/11954

Letter dated 29 January 1976 from the representative of Iceland  
to the President of the Security Council

[Original: English]  
[30 January 1976]

At the 1866th meeting of the Security Council, on 16 December 1975, the Permanent Representative of the United Kingdom stated the following:

"During the 1960s Icelandic fishermen seriously overfished the herring stocks around its shores, stocks which by 1967 had sunk to a critically low level."

It is a fact that by far the major part of the Icelandic herring catches in the period referred to consisted of the so-called Norwegian spring spawning component of the Atlanto-Scandian herring whose adults migrated to Icelandic waters for feeding purposes.

Recently, in April 1975, the Liaison Committee of the International Council for the Exploration of the Sea (ICES) reviewed the reason for the depletion of this herring stock and the Committee's findings were published in ICES *Co-operative Research Report No. 45* (appendix I). There the Committee stated that the decline of the stock was primarily caused by there being practically no recruitment to the adult stock after the 1959-1961 year classes were fully recruited in 1966.

The relevant portions of the report of the Committee are enclosed.

Since Icelandic fishermen never participated in the fishing of immature Norwegian spring spawning herring it is, of course, incorrect to blame them for overfishing this stock. It should, however, be added that following the advice from its scientists the Icelandic Government unilaterally imposed a ban on herring fisheries in Icelandic waters four years before this was accepted internationally with the result that relatively small local herring stocks, which also had suffered from heavy fishing, have now recovered and again become productive. On the other hand, there is no sign of recovery for those stocks which have been internationally managed. This also is clear from the Liaison Committee's report.

I have the honour to request that this letter, together with enclosure, be circulated as an official document of the Security Council.

(Signed) Ingvi INGVARSSON  
Permanent Representative of Iceland  
to the United Nations

ANNEX

Transcript from *Co-operative Research Report No. 45* (appendix I) of the Liaison Committee of the International Council for the Exploration of the Sea (ICES)

C.3 *Atlanto-Scandian Herring*

69. Following the request of the 12th Meeting of NEAFC for an updated review of the state of the Atlanto-Scandian herring, a meeting of the Working Group on Atlanto-Scandian Herring was convened in Bergen, 10-12 March 1975. The results of earlier assessments are available in *Co-operative Research Report*, Ser. B, 1965, Ser. A, No. 17 (1969) and Ser. A, No. 30 (1971). The present assessment deals solely with the Norwegian spring spawning component of the Atlanto-Scandian stock; a recent assessment of the Icelandic Herring (Jakobsson, 1973) is available as ICES Doc. C.M.1973/H:4, but since 1971 catches from this part of the stock have been negligible because of Icelandic national regulation which has restricted fishing to the use of drift nets.

70. A review of catch trends shows that the highest catches of adult herring were taken in 1966 (1,724,000 tons). In 1967 this declined to 1,132,000 tons but in 1968 only 273,000 tons were caught. In 1969 and 1970 there was a further collapse to 24,000 tons and 20,500 tons. In those years fishable concentrations were found only during the spawning season and in 1971 the yield was only 7,000 tons. Since 1971 the only catches of adult herring have been for scientific purposes.

71. The total catch of immature herring reached a peak of 546,000 tons in 1967. In 1968 the catches were still at the high level of 439,000 tons but in 1969 and 1970 they fell to 44,000 tons and 40,000 tons respectively. During the next two years the catches of immature herring declined further to 14,000 tons in 1971 and 13,000 tons in 1972. In 1973 and 1974 catch quotas were in force which limited the catches to 6,800 tons and 6,300 tons respectively.



72. The latest study confirmed the earlier estimates that in the mid-1950s the adult stock of the Atlanto-Scandian herring was of the order of 10-15 million tons, and that by 1972 it had declined to around 3 million tons. In 1963-64 there was a temporary increase of the adult stock to about 6 million tons, but during the years 1965-67 the stock size decreased much more sharply than was formerly believed. One cause of this was an increased rate of exploitation, but primarily the decline was caused by there being practically no recruitment to the adult stock after the 1959-1961 year classes were fully recruited in 1966.

73. New estimates of year class strength for year classes 1959-69 are now available from cohort analyses. These estimates elucidate better than previous ones that fishing of immature herring was a major factor causing the recruitment failure to the adult stock in the late sixties. Thus the year classes from 1963, 1964 and 1966 which is 0-group were estimated to be of "reasonable strength" (17-26 x 109) were

all practically fished out before they reached maturity and never recruited in any significant number to the adult stock.

74. The year classes 1967-69 were all weak and their size as 0-group was probably about one tenth of the 1963 and 1964 year classes. Of these three weak year classes 1967-69, only the 1969 year class recruited to any extent to the adult stock. The recent year classes 1970-74 are all considered very weak and e.g. the 1970 year class will not recruit to the adult stock as a result of high fishing mortality in the small and fat herring fishery.

75. There is thus no evidence of any improvement in the state of the Norwegian spring spawning herring stock, and the spawning stock is probably now at such a low level that it is not capable of producing a strong year class.

76. The Liaison Committee recommends therefore that no fishing should be allowed on either the adult or the juvenile herring of this stock until there is evidence of a build-up of the adult stock to an acceptable level.

## DOCUMENT S/11955

### Letter dated 30 January 1976 from the representative of Portugal to the Secretary-General

[Original: English]  
[31 January 1976]

I have the honour, upon instructions from my Government, to inform you, that on 27 January 1976, the Portuguese corvette *João Roby* detected the presence of two Indonesian warships on the southern coast of Timor, near Betano. At the same time, it detected four radar echoes and, later, six more radar echoes in the same region.

According to news also brought to the attention of the Portuguese authorities, on 28 January cars and helicopters were unloaded in Betano, with eight Indonesian ships in proximity, and Indonesian land forces were present in the region between Same and Betano.

It can be pointed out that the acts of aggression by Indonesia on East Timor have been amply recorded by the mass media and information services.

It seems unnecessary to underline the illegality of such acts, as well as their gravity from the point of view of the people of Timor being able to decide freely their own destiny. But it is perhaps pertinent to note that the Indonesian activities in the zone of Betano and in other locations have raised new problems as regards the visit of your special representative to certain areas of East Timor.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) António DA COSTA LOBO  
Chargé d'affaires, a.i.,  
of the Permanent Mission of Portugal  
to the United Nations

## DOCUMENT S/11956

### Letter dated 2 February 1976 from the representative of Cyprus to the Secretary General

[Original: English]  
[2 February 1976]

Further to my communication of 29 January 1976 [S/11952], I wish to draw your attention to a public statement made by the Turkish Cypriot negotiator, Mr. Denktaş, published in his newspaper *Zaman* on 24 January, in which he repeats and endorses the statement of Mr. Osman Orek who with remarkable irrationality refers to the part of the territory of Cyprus not under Turkey's military occupation as the "unliberated Turkish areas of Cyprus".

"Liberation" is thus used in reference to the aggressive military occupation of the territory of Cyprus and the expulsion therefrom of its majority inhabitants to be supplanted in their usurped homes by massive colonization from the aggressor country.

The above statements are obviously an attempt to put across the idea of such "liberation" extending to

the whole territory of the Republic of Cyprus through its being totally overrun by the "Attila" invaders. The significance of such statements lies in their providing one more pointer to Ankara's hardly veiled plans of territorial expansion over Cyprus.

Such utterances, however, are in no sense the voice of the Turkish Cypriots, nor do they reflect their feelings or thinking. They are but the channelled voice of the invader, emboldened in a downward course of aggression by the international community's failure, so far, to take the needed effective action for curbing it—as required by the Charter.

Coming from the mouth of the Turkish Cypriot negotiator, and broadly publicized by him on the eve of the resumption of intercommunal talks, these utterances acquire particular significance, as clearly indicat-

ing the aims of the Turkish side in the talks. These aims are patently in sharp and irreconcilable contrast to the very purport of free and meaningful negotiations for a just solution, in accordance with the General Assembly and Security Council resolutions, unanimously adopted.

In the light of these and other developments mentioned in my previous communications, I have the honour on behalf of my Government to request that you take due note of the above and proceed to such steps

as may be deemed appropriate and necessary, in order to cope with the dangers from this deteriorating situation, resulting from the delayed implementation of the United Nations resolutions.

I should be grateful if this letter were circulated as a document of the Security Council.

(Signed) Zenon ROSSIDES  
Permanent Representative of Cyprus  
to the United Nations

## DOCUMENT S/11957

### Letter dated 3 February 1976 from the representative of Turkey to the Secretary-General

[Original: English]  
[3 February 1976]

I have the honour to enclose herewith a letter dated 3 February 1976 addressed to you by Mr. Nail Atalay, Acting Representative of the Turkish Federated State of Cyprus.

I should be grateful if you would circulate this letter as a document of the Security Council.

(Signed) Ilter TÜRKMEN  
Permanent Representative of Turkey  
to the United Nations

#### ANNEX

##### Text of the letter dated 3 February 1976 from Mr. Nail Atalay to the Secretary-General

##### "TURKS THE ONLY OBSTACLE TO ENOSIS"

According to Greek Cypriot press reports, tens of thousands of Greek Cypriots chanted *enosis* slogans in Limassol on Sunday, 25 January 1976.

The reports say that a large crowd attended the commemoration ceremony held for Grivas, the late leader of the EOKA terrorist organization in Limassol, and both the speakers and the audience shouted *enosis* slogans.

The main speaker of the day was Mr. Kiryakos Saveriades, Deputy Chairman of ESEA (*Enosis* Co-ordination Commit-

tee), and a coup minister, who declared that the Turks were the only obstacle to the annexation of Cyprus to Greece. Mr. Saveriades also stated that the *enosis* struggle will be continued.

The six-day president of the coup that ousted Makarios in July 1974, Nikos Sampson, also addressed the meeting and stated: "I shall expell the Turks and accomplish *enosis*." Mr. Sampson also claimed that he would punish the traitors and listed the former commanders of the Greek armed forces among them.

Meanwhile, Greek Cypriot newspapers carried editorials and articles on the commemoration anniversary of Grivas. The newspapers *Mahi*, *Tharros*, *Mesimvrini*, *Eleftherotis* and *Allagi* stressed the point that the struggle started by Grivas would be continued and carried pro-*enosis* slogans. Articles by Mr. Kostas Tsellos and Eleftherios Papadopoulos, in *Tharros* and *Mesimvrini*, respectively, openly declared that the common ideal of the Greek Cypriots was *enosis*—union with Greece.

I would like to bring the above to the attention of all the honourable representatives to the United Nations and to state that such a mentality does not create the necessary atmosphere of goodwill for the peaceful solution of the Cyprus problem and is definitely very harmful preceding the resumption of the intercommunal talks.

I should be grateful if you would circulate this letter as a document of the Security Council.

## DOCUMENT S/11958

### Letter dated 3 February 1976 from the representative of Turkey to the Secretary-General

[Original: English]  
[3 February 1976]

I have the honour to enclose herewith a letter dated 3 February 1976 addressed to you by Mr. Nail Atalay, Acting Representative of the Turkish Federated State of Cyprus.

I should be grateful if you would circulate this letter as a document of the Security Council.

(Signed) Ilter TÜRKMEN  
Permanent Representative of Turkey  
to the United Nations

#### ANNEX

##### Text of the letter dated 3 February 1976 from Mr. Nail Atalay to the Secretary-General

I would like to refer to the letter of Mr. Rossides, the representative of the Greek Cypriot administration, which was cir-

culated as a document of the Security Council [S/11952] on 29 January 1976 and to inform you that the allegations contained therein are totally unfounded and have been deliberately fabricated to raise suspicion and concern in international circles about the Turkish Federated State of Cyprus vis-à-vis the Greek Cypriots living in north Cyprus.

Furthermore, concerning these allegations, the spokesman of the Turkish Federated State of Cyprus has said that Greek Cypriots wishing to move south were helped to do so, in accordance with the Vienna agreements.

Commenting on Greek Cypriot allegations relating to the Greeks in the north, the spokesman said that they were leading a normal life. He stressed:

"We are not doing to these people what the Greeks had done to the Turks prior to their transfer. If they are complaining because we are not using force to prevent or to deter those who wish to move south from doing so, we can

only recall that such an attitude has never been our policy. We regard it inhuman to compel Greek Cypriots who wish to go south to remain in the north. We deem it a duty to give them every necessary assistance."

Replying to Greek Cypriot allegations that the authorities of the Turkish Federated State of Cyprus are violating the Vienna agreements by not allowing Greek doctors, teachers and clergymen to come north, the spokesman said:

"It has been clearly established that there is no need for more Greek Cypriot teachers, doctors and clergymen in the north. The Greek Cypriots in the north have more than enough teachers already. This has also been proved by re-

peated complaints from Greek Cypriots to their leadership that the number of teachers in the south has daily been decreasing. About the doctors, our hospitals are treating every Greek patient without any discrimination.

"We now have full proof that teachers who have been selected to come north are EOKA militants; and the Vienna agreements specifically provide that we should refuse access to such people."

I would like to bring the above to the attention of all the honourable representatives to the United Nations.

I should be grateful if this letter were circulated as a document of the Security Council.

## DOCUMENT S/11959

### Letter dated 3 February 1976 from the representative of Guinea-Bissau to the President of the Security Council

[Original: French]  
[3 February 1976]

On behalf of the African group I have the honour to ask you to make the necessary arrangements for convening a meeting of the Security Council in order to consider the request of the Government of the Comoros regarding the political situation in that country.

I should be obliged if you could arrange to have that meeting take place no later than Wednesday, 4 February 1976.

(Signed) Gil FERNANDES  
Permanent Representative of Guinea-Bissau  
to the United Nations

## DOCUMENT S/11960

### Letter dated 4 February 1976 from the representative of Uganda to the President of the Security Council

[Original: English]  
[4 February 1976]

I have the honour, upon instructions from the current Chairman of the Organization of African Unity, Field Marshal Idi Amin Dada, President of the Republic of Uganda, to transmit to you the following message in connexion with the Security Council debate on the French Government's intention to hold a referendum in the island of Mayotte on 8 February 1976.

"With deference to the Security Council debate on France's proposed referendum in the island of Mayotte, I wish to clarify the position of the Organization of African Unity on the matter:

"1. Mayotte island is an integral part of the Republic of the Comoros, which proclaimed independence in July 1975.

"2. The proclamation of independence was unanimously acclaimed by OAU, which admitted the Republic of the Comoros as a full member of the Organization and undertook to support the Government of the Republic of the Comoros in its efforts to safeguard its territorial integrity.

"3. Any attempts, therefore, by France to conduct any referendum on Mayotte island constitutes gross interference in the internal affairs of an independent OAU member State and must be deemed an act of aggression.

"4. Recent history has shown French referenda in her colonial Territories to have the effect of perpetuating French colonial status in Africa. It is in the full knowledge of this fact that the overwhelming majority of the population of the Comoros, through the referendum of 22 December 1974, totally rejected France's manoeuvres on the archipelago and expressed their desire to accede to full independence.

"5. Already the Republic of the Comoros is facing serious difficulties as a result of France's retaliatory measures. On behalf of OAU I call upon France to stop these malicious policies towards the Republic of the Comoros and I appeal to the world community to assist the young Republic to consolidate its hard-won independence.

"A copy of this message is being sent to the Secretary-General of OAU for the information of member States."

I should like to request that this message be circulated as an official document of the Security Council.

(Signed) H. E. L. ACEMAH  
Chargé d'affaires, a.i. of the  
Permanent Mission of Uganda  
to the United Nations

**DOCUMENT S/11961**

**Letter dated 4 February 1976 from the representative of France  
to the President of the Security Council**

*[Original: French]  
[4 February 1976]*

I have the honour to inform you that a serious incident occurred today, on 4 February, at the post of Loyada situated on the frontier between the French Territory of the Afars and the Issas and the Somali Republic.

The French forces which were engaged in freeing a bus in which 31 children were being held hostage were fired on by heavy weapons from the Somali territory. They were obliged to react in order to protect themselves and the children.

On the instructions of my Government, I request you to convene a meeting of the Security Council as a matter of extreme urgency for the purpose of considering this serious incident.

*(Signed) L. DE GUIRINGAUD  
Permanent Representative of France  
to the United Nations*

**DOCUMENT S/11964**

**Note by the President of the Security Council**

*[Original: English/French]  
[5 February 1976]*

1. Following consultations held on 2 February 1976 with the members of the Security Council concerning the telegram dated 28 January 1976 from the Head of the Comorian State to the President of the Security Council [S/11953], the President of the Council, on 2 February, addressed the following telegram to the Head of the Comorian State:

"I have the honour to refer to your telegram of 28 January 1976 requesting an urgent meeting of the Security Council. The members of the Security Council have considered your request and intend to hold a meeting of the Council at United Nations Headquarters in New York on Wednesday, 4 February 1976, regarding the matter.

"The Government of the Comoros, as a party to the dispute under consideration, may, in accordance with the usual practice, wish to send a representative to participate in the meeting without the right to vote.

"May I ask you to inform me immediately whether you can have a representative present for the meeting on Wednesday, 4 February, and, if so, when he will arrive at New York."

2. On 4 February, the President received in reply a telegram from the Head of the Comorian State, which read as follows:

"In reference to your telegram of 2 February 1976 I have the honour to confirm our telephone conversation of today concerning the meeting scheduled for Thursday. I wish to inform you of the arrival of Mr. Sherif Sayyid Omar Mwinyi Baraka, Ambassador Plenipotentiary, who has been designated to represent the Comorian State at the Security Council. He will be accompanied by Mr. Sultan Chouzour, a senior Comorian official. The designated representative is arriving in New York on 4 February on flight BA 501 from London at 13.35. Please advise the United States authorities to facilitate visas and entry."

**DOCUMENT S/11965**

**Note verbale dated 5 February 1976 from the representative of Somalia  
to the Secretary-General**

*[Original: English]  
[5 February 1976]*

The Permanent Representative of the Somali Democratic Republic to the United Nations has the honour to attach hereto the contents of a telegram addressed to the Secretary-General on 26 January 1976 by His Excellency Major-General Mohamed Siad Barre, President of the Supreme Revolutionary Council of the Somali Democratic Republic.

The Permanent Representative of the Somali Democratic Republic requests that the contents of the at-

tached communication he circulated as a document of the Security Council as a matter of urgency.

**TEXT OF THE TELEGRAM**

I am confident that you are well aware of the critical situation prevailing in French Somaliland and the latest dangerous political developments in the territory which, if unchecked, could have unfortunate consequences for the whole region. Following the overwhelming and



unswerving support given by OAU and international community through *inter alia* the United Nations General Assembly resolution adopted by 109 Member States December last to the people of French Somaliland for the attainment of immediate, unconditional independence and the withdrawal of French military forces and bases, the French colonial power is now resorting to despicable stratagems and manoeuvres aimed at granting a formal and hollow independence to French Somaliland in order to appease international opinion while at the same time creating a puppet régime headed by its faithful stooge Ali Aref, an individual who does not enjoy any support whatsoever from the people of the territory. In order to preserve its strategic interests in the territory, through the imposition of the Ali Aref puppet régime, the French colonial power is fully deploying its huge military forces stationed in the territory and is currently engaged in the process of increasing its forces and enlarging its defence installations of the territory. Thus the opposition parties and liberation movements, who are the legitimate representatives of the people, are being subjected to constant harassment, arrests and torture, while many of their leaders are summarily being deported from the territory. All political

activity and opposition to the local régime is therefore prohibited and the voice of the masses is silenced through indiscriminate killings, constant searching in the homes of those suspected of sympathizing with the progressive forces and a state of increasing tension is daily developing and an explosive emergency situation is prevailing there. It is my conviction that in view of the above critical situation and its implications for the stability and peace in the region I deemed it necessary to inform you and appeal to you so that you may intervene in the matter and render justice and all possible assistance to the people of French Somaliland in order to enable them to attain their sacred right to genuine and unconditional independence. Finally I consider it pertinent to inform you of the consistent violations of the international forms and practices relating to diplomatic immunity. As a matter of fact the Somali Consulate General in Djibouti has been subjected for more than two weeks to a state of siege by the colonial gendarmes and the staff, and their cars are being daily perquisitioned and harassed despite strong protests to the French government by the Somali Democratic Republic. It is unfortunate to note that the French government has not so far given any justification to these violations.

#### DOCUMENT S/11967

#### Benin, Guyana, Libyan Arab Republic, Panama and United Republic of Tanzania: draft resolution

[Original: English]  
[5 February 1976]

*The Security Council,*

*Having considered* the telegram of the Head of the Comorian State (S/11953),

*Having heard* the statement of the representative of the Comoros,<sup>14</sup>

*Recalling* General Assembly resolution 3291 (XXIX) of 13 December 1974 which *inter alia* reaffirmed the unity and territorial integrity of the Comoro Archipelago,

*Recalling also* that General Assembly resolution 3385 (XXX) of 12 November 1975 by which the Comoros was admitted to membership in the United Nations reaffirmed the necessity of respecting the unity and territorial integrity of the Comoro Archipelago, composed of the islands of Anjouan, Grande-Comore, Mayotte and Mohéli,

*Concerned* at any action or threat of action which violates or is likely to violate the unity and territorial integrity of the Comorian State,

*Expressing its concern* at the declared intention of the French Government to organize a referendum in Mayotte on 8 February 1976,

<sup>14</sup> See *Official Records of the Security Council, Thirty-first Year, 1887th meeting.*

1. *Considers* that the holding of such a referendum by France in Mayotte constitutes an interference in the internal affairs of the Comoros;

2. *Calls upon* the Government of France to desist from proceeding with the holding of the referendum in Mayotte;

3. *Calls upon* the Government of France to respect the independence, sovereignty, unity and territorial integrity of the Comorian State and to refrain from taking any action which may jeopardize the independence, sovereignty, unity and territorial integrity of the Comorian State;

4. *Requests* the Government of France to enter into immediate negotiations with the Government of the Comoros for the purpose of taking appropriate measures to safeguard the unity and territorial integrity of the State of the Comoros composed of the islands of Anjouan, Grande-Comoro, Mayotte and Mohéli;

5. *Requests* all States to respect faithfully the unity and territorial integrity of the Comorian State;

6. *Requests* the Secretary-General to follow the implementation of the present resolution and to report to the Security Council as soon as possible.

#### DOCUMENT S/11969

#### Letter dated 5 February 1976 from the representative of Somalia to the President of the Security Council

[Original: English]  
[6 February 1976]

I have the honour to inform you that a serious incident of potential grave repercussions occurred on Wednesday, 4 February 1976, when France committed

an act of open and unprovoked aggression against the Somali Democratic Republic.

French armed forces based in the so-called French Somaliland launched an attack with tanks, armoured cars and heavy artillery on the border town Loyada in the Somali Democratic Republic, killing 6 customs policemen, 6 customs employees, 11 women and children, injuring 1 policeman (seriously) and 25 civilians and abducting 3 customs policemen, after having destroyed all the buildings.

Upon instructions from my Government, I have, therefore, the honour to request you to convene a meeting of the Security Council for the purpose of considering this grave problem as a matter of urgency.

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

## DOCUMENT S/11970

### Letter dated 6 February 1976 from the representative of South Africa to the Secretary-General

[Original: English]  
[6 February 1976]

I have the honour to attach the text of a letter addressed to you on 6 February 1976, by the South African Minister for Foreign Affairs, Mr. H. Muller, on the question of Angolan refugees.

I should be glad if this letter could be issued as a document of the Security Council.

(Signed) R. F. BOTHA  
Permanent Representative of South Africa  
to the United Nations

#### ANNEX

#### Letter dated 6 February 1976 from the Minister for Foreign Affairs of South Africa to the Secretary-General

It will be recalled that on 22 January 1976, by letter and through the South African Permanent Representative to the United Nations [S/11938], I raised with you the question of Angolan refugees stranded on boats in the South African port of Walvis Bay and of displaced persons in various refugee camps. I expressed my Government's particular concern at the plight of those who were not Portuguese citizens and requested you to ask the United Nations High Commissioner for Refugees to assist in resolving this problem.

Despite my request, the High Commissioner has not yet taken any action to render such assistance, and I am therefore constrained again to raise the matter with you as one of urgency.

Regarding the approximately 2,450 refugees who have to date been stranded in Walvis Bay, I would bring to your notice that the Portuguese authorities having accepted responsibility for some 1,920 of them who were Portuguese citizens, the latter were allowed to disembark and were provided by the South African authorities with food, shelter and transportation from the time of disembarkation until their subsequent departure from Windhoek to Portugal. Of the remainder, 205, comprising mostly the owners and crews of the boats and their families, will proceed to Portugal by sea. The balance of 324—

all non-Portuguese citizens—decided of their own volition to return to Angola and consequently were transported by the South African authorities from Walvis Bay to Calai, which is one of the original three refugee camps set up and maintained by South Africa in southern Angola near the border with South West Africa. Since 22 January a further 2,000 displaced persons in Angola have fled to that camp and to the other two camps at Chitado and Cuangar. The South African authorities are also providing all necessary services and provisions for about 6,000 other displaced persons at Pereira de Eça, a fourth camp which South Africa has recently been obliged to set up and maintain. In total, over 11,000 displaced persons are now being protected and cared for by the South African authorities, while at least another 1,000 are reported to be heading for these camps. It may be expected that these numbers will rapidly grow.

In bringing these matters to your attention I must stress the fact that the ability of the South African Government to provide these refugees and displaced persons with the necessary provisions and assistance is not unlimited and its resources not inexhaustible, and I would point out that it cannot maintain these camps indefinitely. The South African Government would therefore like to learn urgently whether the High Commissioner for Refugees proposes to render meaningful assistance in the very near future, failing which my Government might be forced to limit its relief measures.

I would therefore again request you to ask the United Nations High Commissioner for Refugees to lend his active assistance in resolving a problem which so clearly falls within his competence. My Government has noted that representatives of the International Red Cross who were in South West Africa will report on the situation to the High Commissioner in order to assess what may be done. I must however reiterate to you that the matter is extremely urgent and that immediate relief measures are required in the interests of the unfortunate persons concerned.

(Signed) H. MULLER  
Minister for Foreign Affairs  
of South Africa

**Letter dated 6 February 1976 from the representative of Algeria  
to the Secretary-General**

[Original: French]  
[6 February 1976]

I have the honour to transmit herewith a memorandum from the Algerian Government on the question of Western Sahara.

On instructions from my Government, I request you to arrange for its circulation as a document of the General Assembly and of the Security Council.

(Signed) Abdellatif RAHAL  
Permanent Representative of Algeria  
to the United Nations

**ANNEX**

**Memorandum from the Algerian Government on the  
question of Western Sahara**

I. Developments in Western Sahara (Sakiet El Hamra and Rio de Oro) following the tripartite agreement of Madrid [S/11880, of 19 November 1975, annex III] will have serious consequences for the future of the Saharan people, their national unity and the integrity of their territory and also for peace, security and stability in that region of the world. This agreement, which resulted from a combination of private interests, various pressures and the abandonment by the administering Power of its prerogatives, has undermined and impeded the normal course of decolonization laid down by the United Nations in resolution 1514 (XV) and other pertinent resolutions.

The armed intervention of Morocco and Mauritania, long-standing rivals in presenting their respective territorial claims, has led the Saharan people, the sole legitimate possessors of the rights of sovereignty over this Territory, to resist fiercely in order to uphold their right to a dignified and free existence.

This armed opposition by the Saharan people to invasion shows clearly that the settlement of this problem cannot be left to the discretion of Morocco, Mauritania and Spain. The problem of Western Sahara therefore remains.

II. The right to self-determination is a fundamental principle whose violation will undermine the basic doctrine of our Organization which excludes all foreign interference when a free or still dependent people are engaged in the choice of their own destiny. In the decolonization of Western Sahara Algeria has always acted in conformity with the policy of the international community as expressed on many occasions by the United Nations, the Organization of African Unity and the Group of Non-Aligned States.

As early as 20 December 1966, the General Assembly in resolution 2229 (XXI) invited the administering Power to determine at the earliest possible date, in conformity with the aspirations of the indigenous people of "Spanish" Sahara and in consultation with the Governments of Mauritania and Morocco and any other interested party, the procedures for the holding of a referendum under United Nations auspices with a view to enabling the indigenous population of the Territory to exercise its right to self-determination.

Between 1966 and 1974, the United Nations was to adhere faithfully to this procedure and was to adopt resolutions repeatedly emphasizing the right to self-determination of the Saharan people [resolutions 2354 (XXII), 2428 (XXIII), 2591 (XXIV), 2711 (XXV), 2983 (XXVII) and 3162 (XXVIII)].

This approach to the problem was confirmed by many decisions taken by OAU and the recommendations of the non-aligned States; it was to be confirmed also by the advisory opinion of the International Court of Justice and the conclu-

sions of the report of the United Nations Visiting Mission to Western Sahara.

III. At the regional level, the three countries bordering on Western Sahara, Morocco, Mauritania and Algeria, desirous of ending Spanish colonial domination over the Territory and preserving peace and security in the region, decided jointly in 1969 to unite their efforts and to work together for the implementation of a policy in conformity with the pertinent decisions of the United Nations.

Meeting at Nouadhibou on 14 September 1970, the three Heads of State of Algeria, Morocco and Mauritania undertook in a joint communiqué published that same day "to intensify their close collaboration to expedite the decolonization of Sahara under Spanish domination in conformity with the pertinent resolutions of the United Nations and to set up a Tripartite Co-ordination Committee with the permanent task of monitoring, both on the political and diplomatic level, the process of decolonization of that Territory".

On 24 July 1973, at Agadir, President Houari Boumediène, President Moktar Ould Daddah and King Hassan II "reaffirmed their unwavering attachment to the principle of self-determination and their desire to ensure its application within a framework which guarantees the inhabitants of Sahara the free and authentic expression of their will in conformity with the pertinent decisions of the United Nations".

The Tripartite Co-ordination Committee, composed of the Foreign Ministers of the three countries, met at Algiers on 5 January 1972 and at Nouakchott on 9 May 1973. At the end of each meeting, the Committee reaffirmed the spirit of the decisions taken at Nouadhibou and the determination of the three countries to work together at the United Nations to ensure that that body assumed its responsibilities clearly expressed in its many resolutions and supported by OAU and the non-aligned States.

IV. Whereas in the United Nations, OAU and the Group of Non-Aligned States, and also at the regional level, the decolonization of the Territory was envisaged in terms of the exercise of the right to self-determination, and whereas Spain had undertaken to organize in the first six months of 1975 a referendum held under the auspices and control of the United Nations, the Moroccan Government, violating its own commitments, abandoned in 1974 the procedure defined in the tripartite decisions and launched an intensive campaign in pursuance of its territorial claim to Western Sahara.

V. At its twenty-ninth session, the General Assembly requested the International Court of Justice to give an advisory opinion on the following questions:

1. Was Western Sahara at the time of colonization by Spain "a territory belonging to no one"?

2. If the answer was in the negative, what were the legal ties between this Territory and the Kingdom of Morocco and the Mauritanian entity?

That decision was taken on the initiative of the Moroccan Government. Mauritania, which up until that time had also laid claim to all of Saharan territory, associated itself with the Moroccan initiative, while solemnly reaffirming that "the future of the Territory cannot be decided without consulting the population concerned".

Even though this procedure would delay the application of the decolonization process, Algeria supported the joint initiative of Morocco and Mauritania because it did not wish to break up the anti-colonial front formed in 1969 at Nouadhibou and because it was convinced that in lending its support it would be promoting a peaceful solution to the problem.

In resolution 3292 (XXIX), the General Assembly specified that it was seeking an advisory opinion of the International

\* Circulated under the double symbol A/31/48-S/11971.



Court of Justice "without prejudice to the application of the principles embodied in General Assembly resolution 1514 (XV)". At the same time, it decided to send a visiting mission to Western Sahara with instructions to report to the General Assembly at its thirtieth session.

VI. In its opinion dated 16 October 1975, the International Court of Justice concluded that

"the materials and information presented to it do not establish any tie of territorial sovereignty between the territory of Western Sahara and the Kingdom of Morocco or the Mauritanian entity. Thus the Court has not found legal ties of such a nature as might affect the application of resolution 1514 (XV) in the decolonization of Western Sahara and, in particular, of the principle of self-determination through the free and genuine expression of the will of the peoples of the Territory."<sup>a</sup>

Thus, the International Court of Justice rejected the claims of Morocco in a case brought before it on the initiative of Morocco itself. It should be noted that the *ad hoc* judge too, although nominated by Morocco, clearly took a position in favour of the self-determination of the Saharan people.

VII. The United Nations Visiting Mission stated in its conclusions that

"any settlement . . . must be worked out with the agreement and participation of all the concerned and interested parties, namely the administering Power, the Governments of the countries adjoining the Territory and the representatives of the Saharan population"<sup>b</sup>

"In this connexion, it should be noted that the concerned and interested Governments of the countries adjoining the Territory, the political movements of Spanish Sahara and the spokesmen for the Saharan political exiles and refugees in the neighbouring countries set out the following conditions for the holding of any popular consultation in the Territory:

(a) withdrawal of the Spanish armed forces and administration;

(b) return of political exiles and refugees; and

(c) a period of transition during which a United Nations presence would assume responsibility for the administration and the maintenance of peace and order in the Territory."<sup>c</sup>

VIII. The opinion of the International Court of Justice and the report of the Visiting Mission are in agreement on the fundamental point that nothing should be allowed to impede the free exercise by the people of Sahara of their right to self-determination.

IX. At that stage, and as the thirtieth session of the General Assembly was preparing to discuss the question once again, the Moroccan Government, flouting the opinion of the international community and the previous decisions of the United Nations, decided unilaterally and with the agreement of the Mauritanian Government to invade the Territory under the guise of the "Green March". Faced with the threat posed by this action to peace and security in the area, the Security Council was obliged to consider the question at the request of Spain.

As the course of events was to prove, the "Green March", carried out in spite of the resolutions of the Security Council, was nothing but a ruse intended to disguise the infiltration into Saharan territory of Moroccan regular troops and to furnish a pretext for the dealings between the Governments of Morocco and Mauritania on the one hand and the administering Power on the other. Those dealings led to the Madrid tripartite agreement which, excluding the party most fundamentally concerned, namely, the Saharau people, contemplated the partition of their territory between the Kingdom of Morocco and the Islamic Republic of Mauritania.

<sup>a</sup> *Western Sahara, Advisory Opinion, I.C.J. Reports, 1975, p. 68.*

<sup>b</sup> *Official Records of the General Assembly, Thirtieth Session, Supplement No. 23, chap. XIII, para. 11, No. 32.*

<sup>c</sup> *Ibid.*, No. 34.

X. It should be stressed that as of the day on which they took upon themselves the grave responsibility of invading the territory of Sahara, Morocco and Mauritania cannot be considered as anything but aggressor States, with all the legal consequences which that designation entails, having regard to the relevant provisions of the Charter, resolution 2625 (XXV) of 24 October 1970 containing the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States, and resolution 3314 (XXIX) of 14 December 1974 which sets forth the definition of aggression.

The sixth preambular paragraph of the annex to the latter resolution defined as a clear case of aggression any breach of the "duty of States not to use armed force to deprive peoples of their right to self-determination, freedom and independence".

Article 7 of that same annex to the resolution setting forth the definition of aggression stresses the legality of support given to peoples which, like the Saharan people, are struggling in certain conditions to resist invading armies in order to secure their right to self-determination:

"Nothing in this Definition . . . could in any way prejudice the right to self-determination, freedom and independence, as derived from the Charter, of peoples forcibly deprived of that right and referred to in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, particularly peoples under colonial . . . régimes, . . . nor the right of these peoples to struggle to that end and to seek and receive support, in accordance with the principles of the Charter and in conformity with the above-mentioned Declaration."

XI. On the basis of the debates in the Security Council and the resolutions that it adopted between 20 October and 6 November 1975 the following conclusions may be drawn:

1. The Security Council has confined itself to considering the situation created by the Moroccan decision "to organize a march in the territory of Western Sahara", since the fundamental question of the decolonization of Sahara fell—by virtue of the Charter of the United Nations and the Declaration on the Granting of Independence to Colonial Countries and Peoples [*resolution 1514 (XV)*—within the exclusive competence of the General Assembly.

2. The Security Council:

(a) Urged all the parties concerned and interested which, in addition to Spain as administering Power, are Algeria, Morocco and Mauritania, to avoid any unilateral or other action which might further escalate the tension in the area;

(b) Requested the Secretary-General to hold consultations with the parties concerned and interested in order to enable the Council to adopt any further appropriate measures to deal with the present situation with regard to Western Sahara.

XII. The declaration of principles announced by Spain, Morocco and Mauritania on 16 November 1975 provides for a transfer of power from Spain to Morocco and to Mauritania. That declaration of principles actually constitutes a deliberate violation of the resolutions adopted only shortly before by the Security Council and an added hindrance to the efforts made by the Secretary-General in co-operation with all the parties concerned and interested to carry out the mission entrusted to him by the Security Council.

Drawn up outside the framework of the United Nations, the declaration of Madrid constitutes a real obstacle to the efforts of the United Nations to promote the harmonious and peaceful decolonization of the Territory of Western Sahara, based on the following fundamental realities:

1. The process of decolonization in Western Sahara, as defined 10 years ago by the General Assembly, has been upheld in the advisory opinion of the International Court of Justice and the report of the United Nations Visiting Mission.

2. Since Western Sahara is a Non-Self-Governing Territory under Chapter XI of the Charter, Spain as administering Power is answerable to the United Nations for it and can legally transfer its responsibilities only to the people of the



Territory, who are the sole possessors of sovereignty, with the United Nations guaranteeing the procedures for such a transfer.

3. Since the foregoing is universally recognized, the Algerian Government regards the declaration of Madrid as having no validity and considers it to be null and void, the Governments of Spain, Morocco and Mauritania having no right whatever to dispose of the Territory of Sahara and decide the destiny of its population.

4. It follows that the Spanish Government, vis-à-vis the United Nations and the international community, continues to be bound by its fundamental responsibility as administering Power, Article 103 of the Charter, *inter alia*, being relevant in this case. The General Assembly, for its part, continues to have the question of Western Sahara before it and must in this specific case of decolonization take the appropriate decisions so as to guarantee the effective exercise of the inalienable right to self-determination of the people of Western Sahara.

XIII. On 10 December 1975, the General Assembly, after a particularly exhaustive debate, adopted by a very large majority resolution 3458 A (XXX) reaffirming the inalienable right of the people of Western Sahara to self-determination and requesting that measures should be taken so that the Saharan people might exercise that right fully and freely under United Nations supervision.

Under the terms of that resolution, Spain continues to be bound by its responsibility as the administering Power.

Since the case involves a Non-Self-Governing Territory to which the relevant provisions of the Charter and United Nations resolutions are applicable, Spain can divest itself of its responsibility only in favour of the United Nations or of

the Saharan people themselves, to the exclusion of any third State.

Consequently, the agreement concluded on 14 November 1975 at Madrid between the representatives of the Spanish, Moroccan and Mauritanian Governments is totally lacking in validity as it is in complete contradiction with the Charter of the United Nations and every relevant resolution adopted in the past 10 years, in particular the most recent of them, resolution 3458 A (XXX).

XIV. Moreover, a key provision of the Madrid agreement envisaging a consultation of the people of Western Sahara through the Yema'a has been overtaken by events. The Yema'a proclaimed its own dissolution on 28 November 1975, thereby invalidating any claim on the part of the signatories that they are acting on behalf of the people of Sahara.

XV. The attempts to disregard or distort the resolutions of the competent organs of the United Nations have plainly failed and that failure has given rise to a blatant act of aggression against the Saharan people by the countries that signed the tripartite agreement of Madrid. That aggression is now virtually assuming the proportions of genocide, and the situation arising from it is seriously affecting the peace and stability of the entire area.

It is imperative and urgent that this dangerous process of deterioration should be halted. The way to achieve this is through a salutary restoration of international legality which will guarantee the exercise by the Saharan people of their inalienable right to self-determination through a free and genuine referendum.

Algiers, 6 February 1976.

## DOCUMENT S/11972

### Letter dated 6 February 1976 from the representative of the United Kingdom of Great Britain and Northern Ireland to the President of the Security Council

[Original: English]  
[6 February 1976]

Upon instructions from my Government I have the honour to draw to your attention an unlawful and dangerous action by a warship of the Republic of Argentina against the Royal Research Ship *Shackleton* peacefully in passage on the high seas. The RRS *Shackleton* is unarmed and has been engaged in scientific research connected with theories of continental drift. Her programme, which had no relevance to continental shelf resources, is a British contribution to the International Geodynamics Project.

At 1330 GMT (0930 local time) on 4 February 1976 the RRS *Shackleton*, which is known by the Argentine authorities to be a public vessel of the United Kingdom engaged in non-commercial service, was intercepted 87 miles south of Cape Pembroke, Falkland Islands, by the Argentine destroyer No. 24 *Almirante Storni*. RRS *Shackleton* was on course towards Port Stanley, in order to refuel, from a position (latitude 57 degrees 15 minutes south, longitude 58 degrees west) where her substantive research had been terminated. RRS *Shackleton* was ordered to stop her engines and accept a boarding party. The Captain of the RRS *Shackleton* declined to obey this illegal command. The Argentine warship then fired three shots across RRS *Shackleton's* bows. The Captain of RRS *Shackleton* informed the Argentine warship that, in view of the presence aboard the RRS *Shackleton* of explosives for scientific purposes, fire directed at the RRS *Shackleton* could have grave consequences. Following a further illegal command to alter course and proceed to Ushaia, a port in Argentina, which the RRS *Shackleton* ignored, the ship was straddled by two further shots and warned

that the next shot would hit the ship. RRS *Shackleton* continued on course for Port Stanley, which she reached at 1945 GMT. The *Almirante Storni*, which had been joined by a four-engined aircraft, followed the RRS *Shackleton* as far as a point 8 miles off Cape Pembroke.

Her Britannic Majesty's Government rejects the Argentine claims to exercise maritime jurisdiction of any kind in the area in which these acts occurred. But it is to be observed that the action of the Argentine vessel would have been unlawful in respect of a public vessel of another State, or any other vessel of another State, even if, unlike the present case, it had been within the territorial sea or other maritime jurisdiction of Argentina.

Her Britannic Majesty's Government deplores this provocative incident, and calls upon the Argentine Government to refrain utterly from any further harassment on the high seas of peaceful vessels in contravention of recognized international law.

Finally, Her Britannic Majesty's Government reserves the right to request, at a later stage, that the Security Council should take the appropriate action in respect of this unlawful and violent action by an Argentine warship on the high seas.

I have the honour to request that this letter be circulated as an official document of the Security Council.

(Signed) James MURRAY  
Acting Permanent Representative of the  
United Kingdom of Great Britain and Northern Ireland  
to the United Nations

Letter dated 10 February 1976 from the representative of Argentina  
to the President of the Security Council

[Original: Spanish]  
[10 February 1976]

I have the honour, on the instructions of my Government, to report to you about the serious violation of the legislation concerning Argentine maritime jurisdiction committed by the United Kingdom vessel *Shackleton* in consequence of the scientific—geophysical and geological—research activities undertaken by that vessel on the Argentine continental shelf. That research was clearly directed towards geological surveying, with a view to the exploitation of hydrocarbons, if found.

The event is particularly serious in view of the fact that on 14 November 1975 the United Kingdom Government was notified that it must comply with the provisions of Argentine legislation concerning scientific research in maritime areas under Argentine jurisdiction.

The position of the Argentine Government is that stated in its press release of 19 March 1975, which was distributed as a document of the General Assembly and is reproduced as an annex to this letter.

By virtue of the above, an instruction was given for the vessel *Shackleton* to be intercepted for the purpose of inspecting it. On 4 February the Argentine naval destroyer *Almirante Storni* approached the *Shackleton* and told it to stop its engines and to permit boarding for inspection, as is customary in these cases. The captain of the United Kingdom ship continued his course, disregarding the instruction and thus endangering the lives of the crew and the safety of the ship. In accordance with existing rules, warning shots were fired from small arms, but, in the knowledge that the United Kingdom vessel was carrying explosives and in order to exercise maximum prudence, the commander of the Argentine vessel was instructed not to use force, as would have been appropriate in the circumstances.

The reckless and provocative attitude of the British captain is clearly indicative of the intention to conceal the activities in which the *Shackleton* had been engaged.

Following those events the Argentine Government, on the same day, 4 February, lodged a formal and vigorous protest with the British Government, the text of which is attached.

Note has been taken of the letter addressed to you on this question by the Government of the United Kingdom [S/11972]. It is striking that the United Kingdom should be appealing to a United Nations organ when, as is known, it is refusing to comply with General Assembly resolutions 2065 (XX) and 3160 (XXVIII), which urge it to continue negotiations with the Argentine Government with a view to a full settlement of the dispute concerning sovereignty over the Malvinas Islands, a question which is before the General Assembly and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. This attitude contrasts with that of my country, which has always affirmed its resolve to continue those negotiations.

I request you to arrange for this letter to be distributed as an official document of the Security Council.

(Signed) Carlos ORTIZ DE ROZAS  
Permanent Representative of Argentina  
to the United Nations

## ANNEX I

Letter dated 25 March 1975 from the representative of  
Argentina to the Secretary-General\*

I have the honour to request you to arrange for the following press release issued by the Argentine Government on 19 March 1975 to be issued and circulated as an official document of the Special Committee:

[For the text, see Official Records of the General Assembly, Thirtieth Session, Supplement No. 23, chap. XXIX, annex, para. 16.]

(Signed) Carlos ORTIZ DE ROZAS  
Permanent Representative of Argentina  
to the United Nations

## ANNEX II

Note of 4 February 1976 handed to the Chargé d'affaires  
a.i. of the Embassy of the United Kingdom of Great  
Britain and Northern Ireland

The Ministry of External Affairs and Worship presents its compliments to the Embassy of the United Kingdom of Great Britain and Northern Ireland and has the honour to refer to the activities of the British ship *Shackleton* in maritime areas under the jurisdiction of the Argentine Republic. The Argentine Government is aware of the fact that the said ship has been engaged in scientific research activities—geophysical and geological surveys—on the Argentine continental shelf, without having complied with the prior requirements of Argentine legislation on the matter, which is in conformity with existing international law.

In view of these activities an Argentine naval vessel told it to stop, with a view to exercising the right to inspect and board. This order was disregarded by the British vessel, which thus incurred another violation of the pertinent law.

Despite the attitude of the captain of the *Shackleton*, the Ministry of External Affairs must stress that the Argentine naval vessel abstained from the extreme exercise of force, in order to prevent the situation from becoming more serious and endangering the lives of the crew of the British ship and the safety of the vessel.

The situation is all the more serious in that the Ministry of External Affairs and Worship had already reminded the Embassy, in its note of 14 November 1975, that if the planned research activities were to be conducted, the requirements of Argentine law must be respected, which was not done.

In view of the foregoing, the Ministry of External Affairs and Worship lodges the most formal and vigorous protest of the Argentine Government and demands, without prejudice to the continued exercise of the rights on which it is relying, that the British Government take measures to punish those responsible and to prevent the recurrence of such acts.

\* Circulated as document A/AC.109/482.

DOCUMENT S/11974

Letter dated 10 February 1976 from the representative of Somalia  
to the President of the Security Council

[Original: English]  
[10 February 1976]

I have the honour to refer to my letter of 5 February 1976 [S/11969], in which I requested an urgent meeting of the Security Council to consider an incident in which French armed forces committed an act of aggression against the Somali Democratic Republic.

In that communication I gave provisional details of casualties suffered by Somali nationals and based on first reports from the locality.

I now wish to inform the Council that following a visit to Loyada Frontier village by a high-level Somali government mission on 5/6 February, it has been possible to obtain accurate information on the number of casualties involved.

The casualties are as follows:

*Dead*

*Customs personnel*

1. Abdirahman Yusuf Mohamed, Director of Customs.

*Customs policemen*

1. Sgt. Mohamed Hassan;
2. Cpl. Elmi Farah;
3. L/Cpl. Ali Hassan;
4. Cust. policeman Hassan Mussa Hassan (Private);
5. Cust. policeman Abdulle Mohamed (Private);
6. Cust. policeman Mohamed Ali (Private).

*Civilians*

1. Rawi Ali Issa (aged 9 years);
2. Zeynab Qowdan Sugulle (aged 12 years);
3. Amina Buuh Awale (aged 25 years)—female;

4. Mohamed Ige Faahiye;
5. Jama Ahmed Eynte;
6. Asha Ahmed Mohamed;
7. Ali Abdulle;
8. A girl aged approximately 20 years who has not been identified.

*Wounded*

*Customs policemen*

1. Hussen Mohamed Naaleeye;
2. Abdi Barre Isse;
3. Mohamed Ali Nur.

*Civilians*

1. Ibrahim Hagi Jama;
2. Farah Mahdi Mohamed;
3. Aawo Dhimil Yusuf—female;
4. Khadija Hagi Mohamed—female;
5. Yusuf Iman Ali;
6. Maryau Jibril Nur—female;
7. Burhaan Hagi Shirwa;
8. Musse Burale Roble;
9. Abdi Salad;
10. Jama Isse;
11. Dahir Diriye Nur.

I should be grateful if this letter could be circulated as a document of the Security Council.

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

DOCUMENT S/11975

Letter dated 10 February 1976 from the representative of Cyprus  
to the Secretary-General

[Original: English]  
[10 February 1976]

Upon instructions from my Government, and in further reference to the glaring inconsistency between the agreed procedure of the intercommunal negotiations and the growingly oppressive and threatening activities of Ankara in Cyprus, I wish to draw your attention to the following.

On the eve of the proposed resumption of the talks, later this month, increased military activities are being initiated by the Turkish forces towards occupying the new town of Famagusta. This town was not occupied during the second invasion of August 1974 and remained sealed off. But its 50,000 inhabitants who had fled the invaders were not allowed to return.

It has been, however, the general understanding and expectation that these inhabitants would soon be allowed to return to their homes and properties, thereby substantially alleviating the refugee problem and generally creating a more positive climate for meaningful negotiations in good faith. This expectation was clearly expressed by the Secretary-General in the March 1975 round of talks as a natural and needed first step in those negotiations.

Sadly, however, this essential step, offering itself as the most naturally convenient approach to negotiations, has so far unreasonably not materialized. Moreover, activities in the contrary direction, as stated



above, are now in progress. (For details, see annex attached.)

In preparing for the coming talks, the aforesaid activities of the occupation forces can not be glossed over; nor can the continuing expulsion of the remaining Greek Cypriot inhabitants from the north [see S/11952] (in breach of the relevant Vienna agreement of 2 August 1975), be ignored; nor indeed can the arrogant bid by the Turkish Cypriot negotiator for military occupation by Turkey of the whole island of Cyprus be overlooked [S/11956]. This situation, so ominous in itself and so contradictory to the very concept and purport of the talks, is wholly unacceptable to my Government.

You are, therefore, earnestly requested to take urgent and effective action towards the arrest and reversal of these negative developments in order to facilitate the proposed resumption of meaningful intercommunal talks.

In such talks, arrangements for the return of the inhabitants of the new town of Famagusta to their homes should be one of the preliminary items on the agenda followed by equally positive response, thus engendering progress in a fitting frame of mind for

mutual understanding and accommodation, toward the agreed solution for an independent, sovereign and territorially integral Republic of Cyprus.

I should be grateful if this letter were circulated as a document of the Security Council.

(Signed) Zenon ROSSIDES  
Permanent Representative of Cyprus  
to the United Nations

#### ANNEX

According to confirmed reports of indisputable authority, a systematic looting of the new town of Famagusta that began late in December 1975, has been increasingly intensified and is now fully under way. Every day (from 8 a.m. until 5 p.m.) the Turkish military break into private homes, hotels, shops and other establishments and carry away the spoil on scores of army trucks to the old city of Famagusta. Furthermore, they change street names into Turkish names and in effect proceed to all kinds of preparations for installing in this town massively transported colonizers from the mainland of Turkey.

In addition, according to verified information, the Turkish troops in total disrespect for the sanctity of religious institutions, broke into and looted the churches of Saint Synesios and Holy Trinity of Rizokarpaso; they also completely destroyed the treasured ancient icons of the Archangelos Michael in the same township. All this in an astonishing continuance of wanton destruction and plunder on the "Attila" pattern.

#### DOCUMENT S/11976

**Letter dated 30 January 1976 from the Secretary-General to Governments of all States Members of the United Nations or members of specialized agencies containing a further appeal for voluntary contributions for the financing of the United Nations Peace-keeping Force in Cyprus**

[Original: English/French/Spanish]  
[11 February 1976]

Since the establishment of the United Nations Peace-keeping Force in Cyprus (UNFICYP) in March 1964, I have regularly addressed appeals to Governments for voluntary contributions to meet the costs of maintaining that Force. In addressing this further appeal to your Government, I consider it important to draw special attention to the critical financial condition of that peace-keeping operation of the United Nations. This situation made it necessary for me to warn the Security Council in my report of 8 December 1975 [S/11900] that if no remedial measures can be achieved, UNFICYP may well one day find itself unable to continue functioning for lack of funds.

On 13 December 1975, in its resolution 383 (1975), the Security Council extended the stationing of UNFICYP in Cyprus for a further period ending 15 June 1976. The basis for the financing of UNFICYP, as decided by the Council, is by voluntary contributions. Since 1964, 60 countries have made payments or pledges on that basis. Voluntary contributions paid or pledged to the UNFICYP Special Account since the beginning of the operation, as well as the pledges and payments received so far for the period from 16 June to 15 December 1975, are listed in the attached table. In addition, Governments contributing contingents are continuing to bear at their own expense considerable extra costs incurred as a result of this operation (see foot-note a to the attached table).

The contributions received from Governments have not been sufficient however to cover expenditures for the maintenance of the Force. The accumulated deficit

for the period through 15 December 1975 now stands at \$34.6 million. One contribution of \$247,563 has been received so far towards the costs of maintaining the Force during the current six-month period ending 15 June 1976. These costs are estimated at \$11.8 million, as compared to \$13.4 million for the period 16 June-15 December 1975. The reduced level of expenditure is the result of the recent reduction in strength of UNFICYP, from 3,548 on 14 July 1975, when I issued my last appeal for voluntary contributions [S/11766], to 2,950 by the end of January 1976. Despite this helpful trend, the UNFICYP deficit has continued to grow because voluntary contributions have been made in insufficient amounts and by a disappointingly limited number of Governments.

As a result of the shortfall in contributions, the bills presented by the troop-contributing Governments to the United Nations for reimbursement of their extra and extraordinary costs have been met only to June 1972. The practical effect of this situation has been that these Governments have continued to shoulder a heavy, indeed a disproportionate, burden in providing contingents for a peace-keeping operation established and repeatedly extended by the Security Council in the exercise of its responsibilities for the maintenance of international peace and security. The Governments concerned have conveyed to me their growing and very serious concern over this situation, which cannot be allowed to continue indefinitely.

I need hardly emphasize that my responsibility in regard to UNFICYP can be discharged only if Gov-



ernments provide the necessary support for this important United Nations peace-keeping effort. I am therefore appealing again to the Governments of all States Members of the Organization or members of specialized agencies to respond promptly and gener-

ously with voluntary contributions to enable UNFICYP to carry on its important function.

(Signed) Kurt WALDHEIM  
Secretary-General

PLEDGES AND PAYMENTS TO THE UNFICYP SPECIAL ACCOUNT FOR THE PERIOD  
27 MARCH 1964-15 DECEMBER 1975 AS AT 30 JANUARY 1976  
(In US dollar equivalents)

Country	Pledges for 28th period 16 June- 15 December 1975	Total pledges	Payments received
Australia	46,872	1,913,619	1,913,619 <sup>a</sup>
Austria	125,000	1,970,000	1,970,000 <sup>a b</sup>
Belgium	—	2,152,971	2,152,971
Botswana	—	500	500
Cambodia	—	600	600
Canada	—	—	— <sup>a</sup>
Cyprus	—	1,115,666	1,115,666
Denmark	120,000	2,925,000	2,925,000 <sup>a b</sup>
Finland	—	600,000	600,000 <sup>b</sup>
Germany, Federal Republic of	500,000	14,500,000	14,500,000
Ghana	—	42,967	42,967
Greece	400,000	13,350,000	13,350,000
Guyana	—	11,812	11,812
Iceland	2,250	31,657	31,657
Iran	5,500	67,000	67,000
Iraq	—	10,000	10,000
Ireland	—	50,000	50,000
Israel	—	26,500	26,500
Italy	—	4,401,645	4,012,761
Ivory Coast	—	60,000	60,000
Jamaica	1,834	25,469	25,469
Japan	150,000	1,440,000	1,440,000
Lao People's Democratic Republic	—	1,500	1,500
Lebanon	—	3,194	2,894
Liberia	—	10,155	8,655
Libyan Arab Republic	—	30,000	30,000
Luxembourg	—	57,000	57,000
Malawi	—	5,590	5,590
Malaysia	—	7,500	7,500
Malta	—	1,820	1,820
Mauritania	—	4,370	4,370
Morocco	—	20,000	20,000
Nepal	—	400	—
Netherlands	—	1,421,000	1,421,000
New Zealand	—	42,000	42,000
Niger	—	2,041	2,041
Nigeria	—	10,800	10,800
Norway	151,542	3,200,234	3,200,234 <sup>c</sup>
Oman	—	5,000	5,000
Pakistan	—	29,791	29,791
Philippines	1,000	9,000	9,000
Republic of Korea	—	16,000	16,000
Republic of South Viet-Nam	—	4,000	4,000
Senegal	—	4,000	—
Sierra Leone	—	46,425	46,425
Singapore	—	6,000	6,000
Somalia	—	1,000	1,000
Sweden	200,000	4,520,000	4,520,000 <sup>a b</sup>

Country	Pledges for 28th period 16 June- 15 December 1975	Total pledges	Payments received
Switzerland .....	154,545	2,835,066	2,835,066
Thailand .....	—	2,500	2,500
Trinidad and Tobago .....	—	2,400	2,400
Turkey .....	—	1,839,253	1,839,253
United Kingdom of Great Britain and Northern Ireland .....	—	39,002,867 <sup>a</sup>	39,002,867 <sup>a b</sup>
United Republic of Cameroon .....	2,992	7,107	7,107
United Republic of Tanzania .....	—	7,000	7,000
United States of America .....	—	80,900,000 <sup>c</sup>	77,721,177
Uruguay .....	—	2,500	2,500
Venezuela .....	—	3,000	3,000
Yugoslavia .....	—	20,000	20,000
Zaire .....	—	30,000	30,000
Zambia .....	—	38,000	28,000
<b>TOTAL</b>	<b>1,861,535</b>	<b>178,843,919</b>	<b>175,260,012</b>

<sup>a</sup> Indicative figures for the six-month period ended 16 December 1975 of the amounts of extra and extraordinary costs absorbed by Governments providing contingents are as follows: Australia \$0.4 million, Austria \$0.2 million, Canada \$0.9 million,\* Denmark \$0.4 million, Sweden \$0.7 million and the United Kingdom \$1.2 million.\* (\*Exclusive of the normal cost of pay and allowances.)

<sup>b</sup> Payment has been made or will be made by means of an offset against the Government's claims for reimbursement of its costs.

<sup>c</sup> In addition, an amount of \$274,563 has been received from Norway for the 29th period (16 December 1975-15 June 1976).

<sup>d</sup> Maximum amount pledged.

<sup>e</sup> Maximum amount pledged. The ultimate contribution will be dependent on contributions of other Governments.

## DOCUMENT S/11977\* AND ADD.1\*\*

### Letter dated 11 February 1976 from the representative of France to the President of the Security Council

[Original: French]  
[11 February 1976]

On 4 February 1976, the French delegation, acting on the instructions of its Government, addressed a letter to you, issued as document S/11961, in which it informed you that a serious incident had occurred on 4 February at the post of Loyada, situated on the frontier between the French Territory of the Afars and the Issas and the Somali Republic. The French forces which were engaged in freeing a bus in which 30 children were being held hostage were fired on by heavy weapons from the Somali territory. They were obliged to react in order to protect themselves and the children. On the instructions of my Government, I requested you to convene a meeting of the Security Council as a matter of extreme urgency for the purpose of considering that serious incident.

However, since the incident did not lead to any immediate consequences and the situation on the spot returned to normal, we felt it was not necessary for the Council to convene immediately. We did, however, specify in the consultations which you initiated that we

\* Incorporating document S/11977/Corr.1, of 12 February 1976.

\*\* Document S/11977/Add.1, of 11 February 1976, contained the sketch-map appearing in the annex.

reserved the right to ask you to act on our request if circumstances should so require.

On 5 February, the Somali delegation, noting an alleged aggression committed by French forces against the post of Loyada, brought the details of the matter before the Council in its letter circulated as document S/11969.

On 10 February, in a second letter circulated as document S/11974, that same delegation repeated its accusation and furnished a list of Somali nationals allegedly killed or wounded during the incident of 4 February.

The French delegation rejects absolutely the accusation of aggression. In order to dissipate any ambiguity, it deems it necessary to present a detailed account of the events surrounding the incident in question.

On Tuesday, 3 February, at 7 a.m., four armed terrorists, claiming to be members of the Front for the Liberation of the Somali Coast (FLCS), seized in a suburb of Djibouti 30 children from six to 12 years of age who were on board a school bus. They made an adult charged with accompanying the children get off the bus and forced the driver, by threatening him

with their weapons, to run through a police barrier and head for the Somali frontier. As the alarm had been given, *inter alia*, by the person accompanying the children, police forces immediately set out in pursuit of the vehicle, but it proved impossible for them to catch up with it as the kidnapers were firing at them with automatic weapons.

The road from the spot where the terrorists seized the bus to the Somali frontier is about 15 kilometres long and in bad condition. Before the school bus was able to reach the French frontier post, the personnel guarding it were able to place a car across the road; this car was placed in front of a barrier leading to a no man's land under French sovereignty separating the French post from the Somali post about 250 metres away. The bus was thus forced to stop and was immediately surrounded by reinforcements brought in by helicopter. Before even revealing their intentions the four terrorists demanded that the bus be driven to the middle of the no man's land to a point midway between the two posts. They threatened to kill the children if their demand was not met and they fired several warning shots inside the vehicle to show their determination. As soon as their demand was accepted, they forced the bus driver, again threatening him with their weapons, to place the bus some 10 or 15 metres from the Somali barrier, which is located right on the frontier and parallel to it.

The terrorists then revealed the conditions, which were political in nature, under which they would free the children; they stated that if their demands were rejected, the children would not only be executed, but "their throats would be cut". At the end of the morning of 3 February, Abdullahi Hadj Archi, who calls himself the Vice-President of the Front for the Liberation of the Somali Coast, an organization whose headquarters is in Mogadiscio, claimed that his organization was responsible for the kidnapping of the 30 children. Also in Mogadiscio, another official of FLCS confirmed the political demands of the kidnapers to a correspondent of Radio Monte Carlo.

Anxious to avoid any bloodshed, the French authorities endeavoured to negotiate. The French Minister for Foreign Affairs immediately requested the Ambassador of Somalia in Paris to intervene with his Government out of humanitarian considerations. Furthermore, on 3 February the French Ambassador in Mogadiscio asked to be received by Mr. Omar Arteh, the Minister for Foreign Affairs. For 48 hours he was unable to make any contact with the Somali Government. It was not until 5 February at 7 p.m. that he finally was able to see Mr. Omar Arteh.

Throughout the day on 3 February the French authorities who had arrived on the spot from Djibouti tried in vain to establish a dialogue with the four terrorists in the school bus. The latter demanded that the Secretary-General of FLCS be present; failing that, they seemed to be awaiting the arrival of other officials of the movement.

On the morning of 4 February the Somali Consul in Djibouti, who had spent the night at the Somali frontier post, brought before the French officials following the situation at some distance from the bus three messengers from the Front who he said had arrived from Hargeissa. The messengers handed over to those officials a typewritten list recapitulating the political demands of the terrorists in more or less the same terms as they had been formulated by the kid-

nappers and repeated by FLCS's spokesmen in Mogadiscio. They specified that the French Government had 24 hours to comply or else the children would be executed.

When he was asked to intervene as a mediator and for humanitarian reasons, the Consul refused outright, saying that the matter concerned only France and FLCS and that he did not wish to be involved in any way.

The French authorities were prepared to let the terrorists cross over into Somali territory if they released the children, but at no time did the kidnapers seem ready to accept that offer. Furthermore the messengers who had come from Hargeissa joined the terrorists in maintaining an armed guard over the bus and the children.

On the afternoon of Wednesday, 4 February, the children's plight was growing more and more serious and their lives seemed gravely threatened by the behaviour of the terrorists, who appeared increasingly nervous. The French authorities decided to take action. Troops were ordered to take up the appropriate positions. Infantry and light armoured cars were arranged around the French post, approximately 200 metres from the school bus. Sharpshooters brought in specially from France were posted under palm trees in front of the post, about 180 metres from the bus.

At exactly 3.45 p.m. five marksmen fired simultaneously and killed four terrorists whose silhouettes were visible in the bus and a fifth who was on the ground behind the bus. A sixth terrorist then rushed from the Somali post; he reached the bus almost at the same time as two French soldiers who had run up from the palm grove to free the children. The sixth terrorist managed to fire a machine-gun volley at the children who had instinctively laid down inside the bus; he killed one and wounded five others as well as a social worker and the bus driver before being killed by one of the soldiers.

In the seconds which followed those shots, while the French soldiers rushed up from the palm grove to save the children, two rapid-fire automatic weapons opened fire from a small woods located in Somali territory to the east of the frontier post. Also at that same moment, several marksmen on the balconies of the Somali frontier post fired at the French soldiers. A French lieutenant was severely wounded. The French forces naturally returned the fire; in a few minutes they silenced the two automatic weapons and the marksmen on the balconies.

It cannot seriously be claimed that the French forces attacked the village of Loyada, as is stated in the Somali letter in document S/11969: the French forces merely responded to fire directed at them by troops in position on the Somali side of the frontier. It is equally false to claim that "all the buildings" of Loyada were destroyed: eye-witnesses have been able to ascertain that the village is still standing and suffered no damage; this can also be seen from the aerial photographs which I am placing at the disposal of the Council and which were taken on 6 February from a helicopter in French territory. It is also untrue that the French forces abducted Somali customs officials or civilians. No one was taken prisoner. However, when the children were brought back to Djibouti, it was discovered that one of them was missing. It was eventually established that he had been taken across the frontier after the bus had been brought up close to it.

The child was held for several days in northern Somalia by terrorists who claimed to belong to the Front for the Liberation of the Somali Coast. Fortunately, he was returned to the French Ambassador in Somalia on 7 February and we are pleased to express our appreciation for the positive contribution of the Somali authorities in securing the child's return.

If Somali civilians were killed or wounded during the brief encounter between French forces and the accomplices of the terrorists stationed on Somali territory, the French authorities deeply regret the loss. Undoubtedly those persons were, unfortunately for them, mixed in with armed elements positioned around the Somali frontier post and in the small woods nearby, positions from which the French forces were attacked

by rifle and machine-gun fire. They are the victims of that attack and of the response which necessarily followed. France rejects any accusation of aggression in this regard.

I should be grateful if you would have this letter circulated as an official document of the Security Council.

(Signed) L. DE GUIRINGAUD  
Permanent Representative of France  
to the United Nations

ANNEX

[Sketch-map. See p. 97.]

## DOCUMENT S/11978

### Note by the Secretary-General

[Original: English]  
[11 February 1976]

1. On 22 January and 6 February 1976, respectively, the Minister for Foreign Affairs of South Africa addressed letters to the Secretary-General on the question of assistance to Angolan refugees and displaced persons. At the request of the Permanent Representative of South Africa to the United Nations, who transmitted these letters, they were circulated as documents of the Security Council [S/11938 and S/11970].

2. In reply to the above-mentioned letters, the Secretary-General, on 11 February, addressed the following communication to the Minister for Foreign Affairs of South Africa:

"I wish to acknowledge receipt of your two letters dated 22 January and 6 February 1976, respectively, on the question of assistance to Angolan refugees and displaced persons.

"It is noted from the information provided that the persons concerned fall into two groups, namely the group which is to be found in four camps located in southern Angola near the border with Namibia, and the group consisting of those who had arrived by boats at Walvis Bay.

"With regard to the first group, it will be recalled that the communication of 22 January referred to more than 2,800 refugees at three locations near the South West Africa border. The precise location of the camps was not given in the communication of 22 January, but it is noted from your letter of 6 February that these three camps and a fourth one are all located on Angolan territory. This being the case, I am sure you will appreciate that the United Nations will not be able to respond to a request from South Africa for assistance to camps set up on Angolan territory. In this regard we have learned that a representative of the International Committee of the Red Cross has visited the area and that arrangements are in hand for the dispatch by that organization of urgently needed humanitarian supplies.

"On the question of those persons from Angola who sought entry at the Port of Walvis Bay, it will no doubt be recalled that the United Nations High Commissioner for Refugees and I immediately appealed that humanitarian considerations apply and that the group be allowed to disembark pending a solution to their problems. Contact was, *inter alia*, established through the ICRC representative in Namibia.

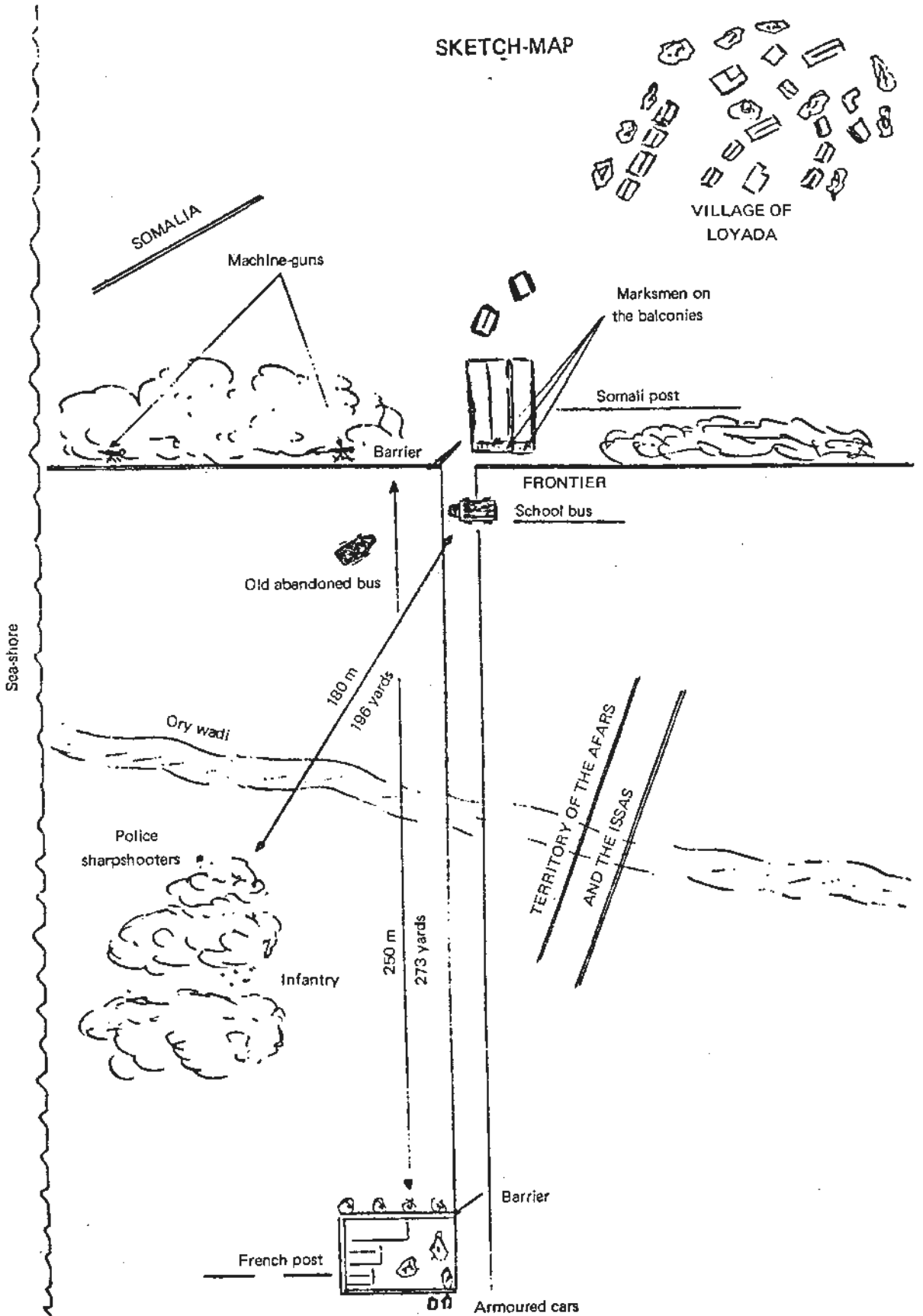
"Further, the Office of the High Commissioner was in continuous contact with the South African Mission in Geneva. In fact, the South African Ambassador in Geneva informed the High Commissioner on 30 January that all persons on board the vessels had been permitted to disembark and that those of Portuguese nationality would return to Portugal. It was also indicated that 324 Angolans returned of their own volition to Angola. On the strength of these reports, it was assumed that the problem of the group in Walvis Bay had been satisfactorily resolved. However, on 6 February the High Commissioner in Geneva received indications that some 100 Angolans were still on boats in Walvis Bay. I understand that, at the request of the High Commissioner, the South African Ambassador in Geneva is seeking a clarification of this matter.

"As I have frequently indicated, I am deeply concerned about the humanitarian aspects of the Angolan conflict. But, as is known, it has not been possible so far to institute a United Nations programme of humanitarian assistance. As soon as conditions permit, the United Nations system will certainly do whatever it can to meet the needs of the situation.

"In view of the circulation of your letters of 22 January and 6 February 1976 as documents of the Security Council [S/11938 and S/11970], instructions are being given to have my reply also circulated as a Council document."



SKETCH-MAP



2903 x

**DOCUMENT S/11979**

**Letter dated 13 February 1976 from the representative of Somalia  
to the President of the Security Council**

[Original: English]  
[13 February 1976]

I have the honour to refer to my letter of 11 February 1976, and to request you to circulate the letter as an official document of the Security Council [see annex].

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

**ANNEX**

**Letter dated 11 February 1976 from the representative of Somalia  
to the President of the Security Council**

Following further communication from my Government this morning, I have the honour to inform you that, while my request contained in document S/11969 of 6 February 1976 stands, my delegation will not press for a meeting of the Security Council until early next week.

This request for postponement of the Council's meeting has been made necessary as a result of certain initiatives taken by a third party to mediate in the matter.

Please bring the contents of this letter to the attention of the members of the Council.

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

**DOCUMENT S/11980**

**Letter dated 13 February 1976 from the representative of South Africa  
to the Secretary-General**

[Original: English]  
[13 February 1976]

I have the honour to attach the text of a letter addressed to you on 13 February 1976, by the South African Minister for Foreign Affairs, Mr. H. Muller, on the question of Angolan refugees.

I should be glad if this letter could be issued as a document of the Security Council.

(Signed) R. F. BOTHA  
Permanent Representative of South Africa  
to the United Nations

**ANNEX**

**Letter dated 13 February 1976 from the Minister for Foreign Affairs  
of South Africa to the Secretary-General**

I refer to your letter of 11 February 1976 [see S/11978] in which you responded to my letters of 22 January and 6 February relating to the problem of the Angolan refugees.

As I indicated in my earlier communication the South African Government cannot undertake indefinitely, and without assistance, the humanitarian task of providing all necessary services and provisions.

It is, however, noted that it is your view that the United Nations will not be able to respond to a request from South Africa for assistance, since the camps are set up in Angola. This implies that the sole obstacle to United Nations assistance is the fact that South Africa has assumed this humanitarian task.

It must therefore be assumed that if South Africa were to cease this task, the United Nations would undertake its responsibilities towards these refugees. In consequence South Africa will seriously have to consider terminating its role in this regard, and if it should do so, please advise urgently whether the United Nations will render all the services at present rendered by South Africa.

(Signed) H. MULLER  
Minister for Foreign Affairs  
of South Africa

**Letter dated 13 February 1976 from the representative of Madagascar  
to the Secretary-General**

[Original: French]  
[17 February 1976]

I have the honour to refer to the message, a copy of which is annexed hereto, addressed to you on 9 February 1976 by His Excellency Commander Didier Ratsiraka, President of the Democratic Republic of Madagascar.

On instructions from my Government, I have the honour to request you to have this text circulated to the permanent missions of Member States and to the offices of permanent observers as an official document of the Security Council and of the General Assembly.

The text of this message has been communicated to His Excellency Field Marshal Idi Amin Dada, President of the Republic of Uganda and current Chairman of the Organization of African Unity, and to His Excellency Mr. Houari Boumediène, President of the People's Democratic Republic of Algeria, and current Chairman of the Group of Non-Aligned Countries.

*(Signed)* Blaise RABETAFIKA  
*Permanent Representative of Madagascar  
to the United Nations*

**ANNEX**

**Message dated 9 February 1976 from the President of  
the Democratic Republic of Madagascar to the Secretary-General**

You will no doubt have noted that the Democratic Republic of Madagascar, which has clearly defined its position in respect of Western Sahara by pronouncing in favour of independence and self-determination for that country under the aegis of Polisario, and in respect of Angola by recognizing the People's Republic of Angola under the aegis of the Movimento Popular de Libertação de Angola, has not, however, raised its voice against the multifarious manoeuvres conducted in this area of the Indian Ocean, which are nevertheless a source of tensions and a cause of constant serious concern.

This attitude has been prompted by our desire not to add fuel to the flames. However, in the present circumstances, it is

\* Circulated under the double symbol A/31/52-S/11981.

no longer permissible to remain silent, silence has become intolerable, muteness condemnable, and any compromise synonymous with surrender.

The first referendum held by France in December 1974 should have settled once and for all the question of the Comoro Archipelago, 96 per cent of which voted "yes", since, in any event, the Comoros became a Member of the United Nations in November 1975. Under these circumstances, we fail to understand why another referendum should be held on the same question. We believe, for our part, that the balkanization of the Comoros will resolve nothing and that friendly co-operation between France and the Comoros would be more effective if conducted through a united, free and independent grouping of the Comoros, from which Mayotte will naturally benefit.

The Malagasy people, for their part, considers their independence incomplete as long as portions of African territory remain under foreign domination. It is for this reason that we have never renounced our rights over the small islands of the Indian Ocean, including Juan de Nova, which historically, geographically and legally, have always constituted an integral part of Malagasy national territory.

It is also for this reason that we continue to fight at the side of peoples struggling for their independence and liberty. This is particularly true in the case of Djibouti in which we favour true independence for the Territory, under the leadership of the authentic representatives of the people, and condemn the aggression perpetrated against our brothers of the Somali Democratic Republic.

I therefore have the honour to request that you, in co-operation with the Organization of African Unity and the Non-Aligned Group, do everything possible to eliminate these various sources of tension which stand to endanger the security of the countries in the region and to serve the imperialist aims of delaying the establishment of the Indian Ocean as a zone of peace, free of foreign military bases and of all foreign military presence.

*(Signed)* Didier RATSIRAKA  
*President of the Democratic  
Republic of Madagascar*

**DOCUMENT S/11982**

**Letter dated 14 February 1976 from the representative of Cyprus  
to the Secretary-General**

[Original: English]  
[17 February 1976]

Further to my previous communications and in further reference to the systematic harassment and expulsion of the Greek Cypriot inhabitants of the north, in flagrant and continuing breach by the Turkish side of the United Nations sponsored agreement in the Vienna talks of 2 August 1975 for the protection, normalization and freedom of movement of the remaining Greek Cypriots in the occupied areas, I have the honour to give in the annex attached hereto details of recent expulsions.

For these inhuman activities—in violation of solemn commitments under the Geneva Conventions of 1949

—to be pursued in demonstrable bad faith to the aforesaid agreement while such talks are about to be resumed in Vienna, is an unparalleled display of the decline of reason in the international field, to the point of irrationality in human communication. Such activities, running counter to the very essence of the talks, would reduce them to an almost perfunctory exercise contrary to the declared purport of such talks under your auspices.

In registering on behalf of my Government a relevant protest in respect of Ankara's policy, involved in the above activities, I express the hope and trust that

you, realizing the wider implications of the dangers involved and in your concern for constructive negotiations, will take all warranted steps for the termination and reversal of these activities so that the talks this time might prove meaningful and positive.

I should be grateful if this letter were circulated as a document of the Security Council.

(Signed) Zenon ROSSIDES  
Permanent Representative of Cyprus  
to the United Nations

#### ANNEX

On 10 January 1976, the following Greek Cypriot inhabitants of the village of Kazaphani were forcibly expelled:

1. Inini Grigoriou, 80 years old;
2. Gregoris Hatzathanasi, 86 years old;
3. Eleni Grigoriou, 35 years old.

On 12 January, Panayioto Georghiou, 37 years old, from the village of Ayios Epiktitos, was forcibly expelled.

On 22 January, the following Greek Cypriot inhabitants of Ayios Epiktitos were forcibly expelled:

1. Michael Tserkezos, 54 years old;
2. Olympia M. Tserkezos, 55 years old;

3. Dina M. Tserkezos, 16 years old;
4. Antonis G. Organos, 26 years old;
5. Anasthasios G. Orfanos, 21 years old;
6. Marios G. Orfanos, 5 months old;
7. Avraam Tserkezos, 96 years old;
8. Sotiris M. Mazonos, 69 years old.

On 2 February, the following Greek Cypriot inhabitants of Ayios Epiktitos were forcibly expelled:

1. George Christodoulou, 48 years old;
2. Eleni Christodoulou, 45 years old;
3. Costas Christodoulou, 15 years old;
4. Michael Christodoulou, 13 years old;
5. Chrysostomos Christodoulou, 12 years old;
6. Nicos Christodoulou, 5 years old;
7. Dimitra Christodoulou, 4 years old.

On 2 February, Irini Kaliadon, inhabitant of the township of Karavas, was forcibly expelled.

On 3 February, the following Greek Cypriot inhabitants of the township of Rizokarpaso were forcibly expelled:

1. Vasilios Melanariotis, 66 years old;
2. Eleni Melanariotis, 74 years old;
3. Nicos Melanariotis, 37 years old.

## DOCUMENT S/11983

### Note by the Secretary-General

[Original: English]  
[17 February 1976]

1. Subsequent to his letters of 22 January and 6 February 1976 [see S/11938 and S/11970] and the Secretary-General's reply of 11 February [see S/11978], the Minister for Foreign Affairs of South Africa on 13 February again addressed a letter to the Secretary-General on the question of assistance to Angolan refugees and displaced persons. At the request of the Permanent Representative of South Africa to the United Nations, who transmitted the letter, it was circulated as a document of the Security Council [S/11980].

2. On 17 February, the Secretary-General addressed the following reply to the Minister for Foreign Affairs of South Africa:

"Your letter of 13 February 1976 raises a subject of deep concern to me, namely, the plight of the displaced civilian population of Angola.

"However, your contention that the sole obstacle to United Nations assistance is the fact that South Africa is providing assistance to the camps in southern Angola is not correct. The point is, rather, that the United Nations can only undertake programmes of humanitarian assistance with a country at the request, and with the co-operation of the competent authorities in the country concerned.

"In view of the circulation of your letter as a document of the Security Council [S/11980], instructions are being given to have my reply also circulated as a Council document.



**Letter dated 17 February 1976 from the representative of Turkey  
to the Secretary-General**

[Original: English]  
[17 February 1976]

I have the honour to enclose herewith a letter dated 17 February 1976 addressed to you by Mr. Nail Atalay, Acting Representative of the Turkish Federated State of Cyprus.

I should be grateful if you would circulate this letter as a document of the Security Council.

(Signed) İLTER TÜRKMEN  
Permanent Representative of Turkey  
to the United Nations

**ANNEX**

**Text of the letter dated 17 February 1976 from  
Mr. Nail Atalay to the Secretary-General**

I have the honour to enclose herewith a letter dated 16 February 1976, addressed to you by Mr. Rauf R. Denktas, President of the Turkish Federated State of Cyprus.

I should be grateful if you would circulate this letter as a document of the Security Council.

**TEXT OF THE LETTER DATED 16 FEBRUARY 1976 FROM  
MR. RAUF R. DENKTAS, TO THE SECRETARY-GENERAL**

Mr. Zenon Rossides' letter of 10 February 1976 which has been circulated as document S/11975 of the Security Council has just been brought to my notice.

I deplore Mr. Rossides' attempt to influence our negotiations here in Vienna which are due to begin tomorrow, by false propaganda. His persistent assumption that he represents a government which can speak for the whole of Cyprus and his usage of this claim for furthering constantly and passionately a destructive policy contrary not only to the interests of the Turkish Community but also to the interests of Cyprus as a whole is only detrimental to the negotiations to which both communities attach so much hope.

In the shortest of terms, I firmly state that I do not recognize Mr. Zenon Rossides as representing anything except the community to which he belongs, namely the Greek Cypriot community. The constitutional government of Cyprus shall be established when the two national communities finally agree to the ways and means and principles of re-establishing it. The current negotiations under your guidance are being conducted for this very purpose.

What Mr. Rossides considers fit to put before the Security Council at this juncture under the presumption of "instructions from his Government" can therefore only be regarded as a propaganda appeal by those who are determined to undermine the process of negotiations.

It is false that the Turkish Force is doing in Cyprus anything which runs contrary to its solemn duties of keeping peace and of preventing the destruction of the bi-communal independence of Cyprus by *enosis*-bound Greek Cypriots. We have stated earlier in our public statements and reiterate here now that all towns, villages and areas within the territory of the Turkish Cypriot Federated State fall within the competence of its administration.

I therefore reject all the slanderous allegations of Mr. Rossides in regard to any town, village or area within the territory of the Turkish Cypriot Federated State as irrelevant and in this particular case, unfounded.

The Greek Cypriot leadership has once again shown its ill-will and insincerity towards the negotiations by coming forward with this unfounded allegation and by trying to put on record the views of the so-called "Government of Cyprus" which simply does not exist in law or in fact.

I fully and categorically reject each and every allegation made by Mr. Rossides in his aforementioned letter and call upon him and his leader to the realities of Cyprus which their obnoxious *enosis* policy has brought about in the island.

I shall be grateful if this letter is circulated as a document of the Security Council.

**DOCUMENT S/11985\***

**Letter dated 17 February 1976 from the representative of the Union of Soviet Socialist Republics  
to the Secretary-General**

[Original: Russian]  
[17 February 1976]

I request you to circulate as an official document of the Security Council and of the General Assembly the attached letter dated 12 February 1976 from Mr. A. A. Gromyko, Minister for Foreign Affairs of the Union of Soviet Socialist Republics, addressed to you on the question of the Middle East, which is a reply to your letter of 27 January 1976<sup>15</sup> in connexion with the conclusion of the consideration by the Security

Council of the Middle East question, including the Palestinian question.

(Signed) M. KHARLAMOV  
Acting Permanent Representative of the  
Union of Soviet Socialist Republics  
to the United Nations

**ANNEX**

**Letter dated 12 February 1976 from the Minister for  
Foreign Affairs of the Union of Soviet Socialist Re-  
publics to the Secretary-General**

Your message to the Co-Chairmen of the Geneva Peace Conference on the Middle East in connexion with the results

\* Circulated under the double symbol A/31/53-S/11985.

<sup>15</sup> The Secretary-General, in maintaining contacts with the Co-Chairmen of the Peace Conference on the Middle East, sent identical letters to them on 27 January 1976 in which he inquired about their thinking on ways of making progress towards a solution of the Middle East problem.

of the consideration of the Middle East problem in the Security Council has been carefully considered. Your initiative is duly appreciated in Moscow and we share your concern at the persisting tension in the area of the Middle East, which represents a danger to the cause of peace. It is quite evident that Israel's continuing occupation of the Arab territories and its disregard of the legitimate national rights of the Arab people of Palestine remain fraught with the threat of new military explosion, the consequences of which may seriously affect the whole international situation. Such a course would be in the interests only of those who would like to use the lack of a settlement of the Middle East crisis and the absence of a lasting peace in the area for their own narrow purposes.

The fact that Israel and those who support it continue their efforts to keep the whole problem of the Middle East settlement deadlocked cannot but cause concern. The results of the recent consideration of this question in the Security Council testify to this. That organ was unable to reach a decision because of the position of one of the permanent members of the Security Council, although the overwhelming majority of its members definitely spoke out in favour of specific measures to achieve a comprehensive political settlement of the Middle East problem.

In the course of the consideration of the situation in the Middle East in the General Assembly as well as in the Security Council, the Members of the United Nations, with very few exceptions, clearly expressed their opinion that genuine peace in the Middle East is impossible unless Israeli troops are withdrawn from all the Arab territories occupied by Israel in 1967 and unless the inalienable national rights of the Arab people of Palestine are safeguarded and the right of all States of the region to independent existence and development is guaranteed.

## DOCUMENT S/11986

### Letter dated 17 February 1976 from the representative of Indonesia to the Secretary-General

[Original: English]  
[17 February 1976]

I have the honour to transmit the text of a communication from the Provisional Government of East Timor. I would be grateful if you would arrange for it to be circulated as an official document of the Security Council.

(Signed) August MARPAUNG  
Deputy Permanent Representative of Indonesia  
to the United Nations

#### ANNEX

#### Text of the letter dated 13 February 1976 from Mr. Arnaldo dos Reis Araujo to the Secretary-General

Following Portuguese allegations concerning the assertedly illegal visit of the Foreign Minister of Indonesia, Mr. Adam Malik, to the Territory at our invitation, the Portuguese Government has again made allegations concerning the presence of Indonesian vessels on the southern coast of East Timor. In view of these allegations, I wish on behalf of the Provisional Government of East Timor to make the following statement.

Indonesia has been providing extensive humanitarian assistance to the people of East Timor for some time, reflecting the great sympathy and deep concern that Indonesia has felt for the suffering of its brothers in East Timor. The supply of this aid, which included large quantities of food, clothing, medicine, farming equipment and educational materials, has required the use of transportation and distribution facilities such as ships, planes and other vehicles.

While my Government was doing its utmost to restore life to normal in the area, armed remnants of the discredited FRETILIN minority were making the countryside unsafe by

The development of the situation around the problem of a Middle East settlement has clearly demonstrated that there is no other reliable way to achieve agreement on all the questions involved in a Middle East settlement except through the resumption of the work of the Geneva Conference—the international forum specially created for that purpose. That conference should, of course, be well prepared and all the parties directly concerned, including the Palestine Liberation Organization as well as the USSR and the United States, as the Co-Chairmen of the Conference, should participate in its work.

Without the participation of the Palestinians, the Geneva Conference would be not a forum for business-like negotiations but a camouflage aimed at creating a semblance of negotiations. I believe you will agree that such a turn of events would do nothing but harm since lack of progress would lead to a further aggravation of the situation in the Middle East and around it.

The Soviet Union considers that those Governments which impede the convening of the Geneva Conference, take upon themselves the responsibility for the consequences of such a policy.

The United Nations, with its high international prestige, can and should make an important statement on the questions relating to the establishment of a just and lasting peace in the Middle East. You may rest assured that the Soviet Union, for its part, will continue to do everything in its power to achieve this goal. Such is the position of principle of the USSR to which it will firmly adhere.

(Signed) A. GROMYKO  
Minister for Foreign Affairs of the  
Union of Soviet Socialist Republics

committing acts of terror and by stealing food from the destitute farmers. In order to return peace, law and order to the island, forces of the Provisional Government of East Timor have conducted mopping-up operations against these FRETILIN bandits in the area of Sama. Therefore it scarcely seemed necessary to note, that, while those actions were taking place, the safety of your special representative Mr. Guicciardi, in these areas could not be guaranteed by my Government. At present if you still wish to send your special representative to East Timor, we are prepared to welcome him.

The Provisional Government of East Timor finds the presence of Portuguese warships and troops in the area at this time rather surprising, particularly in view of the fact that the last semblance of Portuguese authority fled East Timor many months ago. Although the Portuguese Government still claims to be the administering authority in East Timor, in the past it has consistently failed to display any concern whatsoever for the plight of the people in the strife-torn Territory. In these circumstances it is not surprising that the people do not want East Timor to be occupied once more by a colonialist power which refuses even to acknowledge its essential responsibility to ensure the well-being of the Territory's inhabitants.

It is high time for the Portuguese Government to adopt a more positive and realistic attitude and to display a proper respect for the wishes of the majority of the people of Timor who have already demonstrated their strong desire to be reunited with the Indonesian people in the exercise of their right of self-determination. This view has been communicated to your special representative.

I should be grateful if you would direct that this communication be circulated as a document of the Security Council.

DOCUMENT S/11987

Letter dated 18 February 1976 from the representative of Somalia  
to the President of the Security Council

[Original: English]  
[18 February 1976]

I have the honour to refer to my letter dated 11 February 1976 [see S/11979] in which I asked for a postponement of the Security Council meeting previously requested by my Government until the following week.

The Government of the Somali Democratic Republic, with due regard to the purposes and principles of the United Nations and in compliance with Article 33 of the Charter, had hoped that serious efforts aimed at solving the matter at issue would be undertaken during the period of the postponement.

Since no serious, meaningful effort has been reciprocated by the other party during this reasonably long period of time, I have the honour to request you to convene an urgent meeting of the Security Council to consider my Government's complaint against France's aggression. I would be grateful if this letter be circulated as an official document of the Council.

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

DOCUMENT S/11990

Letter dated 18 February 1976 from the representative of Turkey  
to the Secretary-General

[Original: English]  
[19 February 1976]

I have the honour to enclose herewith a letter dated 18 February 1976 addressed to you by Mr. Nail Atalay, Acting Representative of the Turkish Federated State of Cyprus.

I should be grateful if this letter were circulated as a document of the Security Council.

(Signed) İlter TÜRKMEN  
Permanent Representative of Turkey  
to the United Nations

ANNEX

Text of the letter dated 18 February 1976 from  
Mr. Nail Atalay to the Secretary-General

I would like to make the following general observation in connexion with the recent letter-publishing campaign by the representative of the Greek Cypriot community to the United Nations.

It is a well-known practice of the Greek Cypriot representative to bombard the United Nations with his unnecessary and misleading correspondence full of the most blatant

lies about the conduct of the authorities of the Turkish Federated State of Cyprus. That he does this right before the convening of each and every intercommunal talk is both tiresome and most unfortunate.

It is hard to comprehend the fact that while the Greek Cypriot administration, which he is supposed to represent, accepts to participate in the intercommunal talks—we hope, in good faith—the representative of the Greek Cypriot community chooses to resort to such a tactic. This behaviour is either symptomatic of the Greek Cypriot representative's aversion to a peaceful solution or his administration's insincerity in this matter.

I sincerely hope, once again, that the Greek Cypriot administration and its representative to the United Nations recognize the necessity, at long last, of not trying to disrupt intercommunal negotiations each time a positive and hopeful development seems to take place. The Greek Cypriot representative would have been better advised and much more convincing if he could have, at least for once, shown patience and waited until the end of the intercommunal talks currently under way.

I should be grateful if you would circulate this letter as a document of the Security Council.

DOCUMENT S/11991\*

Letter dated 20 February 1976 from the representative of the United States of America  
to the Secretary-General

[Original: English]  
[23 February 1976]

I have the honour to transmit to you the following message from Secretary of State Kissinger:

"I have your letter of 27 January 1976, sent to me in my capacity as Co-Chairman of the Peace

Conference on the Middle East.<sup>16</sup> As you know, I always appreciate having your views on the situation in the area.

"You can be sure that I share your sense of the

\* Circulated under the double symbol A/31/54-S/11991.

<sup>16</sup> *Idem.*

urgency of pursuing the goal of a peaceful settlement in the Middle East. Our just-concluded discussions with the Prime Minister of Israel, Mr. Rabin, have been helpful in our consideration of further diplomatic activity, and we expect to be consulting with all the parties in the weeks ahead.

"The United States does not believe that stagnation is acceptable or inevitable. We are determined to continue our efforts towards meaningful negotiations.

"We believe, however, that there would be no chance of further progress if the negotiating framework, painfully erected over a period of years, were disrupted. This framework, erected fundamentally around resolutions 242 (1967) and 338 (1973), is sufficiently flexible, as we have previously noted, that it can provide the basis for working out fair and durable solutions to all of the issues involved, including the issues of withdrawal from occupied territories, of the termination of states or claims of belligerency, of reciprocal obligations to peace, and of the right to live in peace within secure and recognized boundaries. As you are aware, the United States has also repeatedly affirmed its recognition that there will be no permanent peace unless it in-

cludes arrangements that take into account the legitimate interests of the Palestinian people.

"We recognize the need for a degree of flexibility on the particular procedures through which the momentum of practical progress in the negotiating process may be maintained. We have agreed that a resumption of the Geneva Peace Conference after careful preparation would serve the goal of achieving such progress. As a practical way of proceeding, we have proposed a Preparatory Conference of those who have participated so far in negotiations looking towards a settlement within the Geneva Conference framework. The United States is also prepared to consider holding bilateral consultations with the USSR in advance of such a Preparatory Conference.

"I will keep in close touch with you as our efforts proceed."

I should be grateful if you would direct that this letter be circulated as an official document of the Security Council and of the General Assembly.

(Signed) Albert W. SHERER, Jr.  
*Chargé d'affaires a.i. of the  
Permanent Mission of the  
United States of America  
to the United Nations*

## DOCUMENT S/11992

### Letter dated 23 February 1976 from the representative of Cuba to the Secretary-General

[Original: Spanish]  
[23 February 1976]

On instructions from the Revolutionary Government of Cuba, I refer to the communications which the Ministry of Foreign Affairs of the South African régime addressed to you on 22 January [S/11938], 6 February [S/11970] and 13 February 1976 [S/11980], in which it refers to the problems of the "refugees" and "displaced persons" in Angola and seeks, in an exercise of cynicism as clumsy as it is futile, to confuse public opinion and to conceal the aggressive and totally illegitimate actions which the racist authorities are taking against the peoples of Angola and Namibia, and to disguise them by invoking so-called "humanitarian" objectives.

The whole world—and particularly the African peoples—knows the true nature of the Pretoria régime and the brutality of its conduct towards the African populations, and therefore understands the value that can be attached to its clumsy claims. It is a secret to no one that that régime is founded upon the most merciless exploitation of the African masses inhabiting the territory of South Africa, who have been subjected to the infamy of *apartheid*. Motivated by the selfsame desire for exploitation, the South African authorities are illegally occupying the Territory of Namibia, in which it has also introduced its abominable racist practices. From the Territory of Namibia, seeking to extend their odious system of oppression, the South African authorities invaded the People's Republic of Angola and launched the most dastardly and criminal aggression against its heroic people.

What moral authority could a Government such as that of the South African racists have—condemned by

the United Nations for its systematic violation of the most elementary rights of the peoples that it subjugates—to speak of "humanitarian" questions? Whom does that régime believe it can deceive with its hypocritical expressions of concern for the fate of the "refugees" or the "displaced persons"? Might such persons not be victims of a war unleashed by the same South African authorities? Is it not a fact that millions of Africans have been brutally dispossessed of their lands and transformed into refugees and displaced persons, discriminated against and hounded within their own country, in South Africa and Namibia, as a result of the ignominious practice of *apartheid*?

In its letter dated 22 January, the South African Minister for Foreign Affairs mentions the existence of 2,800 refugees at three locations "near the Angola-South West Africa border" and of some 2,200 in "the South African port of Walvis Bay". In his communication dated 6 February, Mr. Muller was more precise and explained that the "refugee camps" set up by the South African authorities are situated inside the territory of Angola at Calai, Chitado, Cuangar and Pereira de Eça. It is therefore obvious that such installations are violating the territorial integrity and the sovereignty of the People's Republic of Angola, which is an independent and sovereign State and a member of the Organization of African Unity, and is recognized by a constantly growing number of countries throughout the world. The first question that Mr. Muller should therefore answer is: by what right are South African troops operating in that area of southern Angola, and who requested their presence in those places?



Furthermore, it is not clear as to the actual status of the persons referred to in the letters from the South African Minister for Foreign Affairs. It may be recalled that, at the end of last year and the beginning of the current year, which is the period to which those communications refer, the invading South African troops occupied and exercised control over a part of the territory of Angola extending well beyond the area in which the so-called "refugee camps" are situated. Yet according to the same South African communications, there were at that time some 12,000 "displaced persons" in that area. If that was the case, if it was a question of settlers from the territory of southern Angola, hitherto occupied by the South Africans, who "displaced them"? Who caused and was responsible for such a displacement of the population?

In the light of the familiar background of practices of the racists of South Africa and Namibia and of the selfsame methods used by the former Portuguese colonizers in that area of Angola—when, in a vain attempt to reduce the support lent by its inhabitants to the revolutionary forces of MPLA, they dispossessed them of their lands and confined them to concentration camps and "strategic villages" along the lines of those which the United States imperialists made notorious in Vietnam—it is worth inquiring whether the refugees and displaced persons mentioned by Mr. Muller are not also victims of that criminal form of waging war so familiar to the racists of Pretoria.

If, on the other hand, the persons in question are not natives of Angola and, given the plentiful and proven information on the deployment of foreign mercenaries who, together with the South African troops and under their direction, fought the Angolan patriots, in the very area to which Mr. Muller refers, the question should be raised as to whether the "displacement" of persons and the setting up of "refugee camps" might not be linked with the mobilization of international murderers, in the pay of imperialism, aimed at imposing racist and colonialist slavery on the people of Angola.

I should also like to point out that the South African authorities themselves, on more than one occasion, have recognized the presence of their armed forces in the south of Angola and have declared their intention of occupying it and of converting it into a fortified zone controlled by its troops along the frontier with Namibia. It may be assumed that, in the context of those warlike and utterly illegal plans, the South Africans conceived such "camps" in order to confine the civilian population whom they themselves "displaced".

Given such a background and in view of the South African régime and its utter scorn for each and every

one of the principles and purposes of the Charter, which justified the most firm and repeated condemnation on the part of the Organization, it is an act of incredible shamelessness that the Pretoria authorities should seek to present themselves as carrying out a "humanitarian" task in Angola and Namibia and to that end request United Nations assistance.

If Mr. Muller had any "concern" for the welfare of the Angolan people, he need only recommend to his Government that it should bring to an end, immediately and without conditions, its criminal aggression and should withdraw forthwith all its troops and South African personnel, as well as the mercenaries in its service, from all the corners of the Angolan territory that they are still occupying. If his "concern" were also to extend further south, he might also suggest to his Government that it should respect the decisions of the General Assembly and the Security Council and of the International Court of Justice and should abandon, without further delay, the entire Territory of Namibia which it is occupying illegally, including the area of Walvis Bay, an inseparable part of Namibia.

The South African ruling circles and the imperialists who support and encourage them can no longer deceive anyone. Their countless crimes against the African masses demand the adoption of effective steps to put an end to their excesses and to speed up the hour of total liberation of the millions of men and women who are prisoners of their ignoble régime of exploitation and discrimination.

The glorious victories of the People's Republic of Angola, resulting from the selfless struggle of its heroic fighters under the direction of MPLA and from the unshakable solidarity of the community of socialists and revolutionaries throughout the world, have made it clear that the days of colonialist and racist slavery are numbered.

In order to bring about full African emancipation and to shorten the sufferings of those who are still victims of oppression, the fullest and most effective international action is needed, in which the United Nations, now as in the past, has an important role to play in order to overthrow and eliminate colonialism and racism in southern Africa.

I should be grateful if you could arrange for this letter to be circulated as a document of the Security Council.

(Signed) Ricardo ALARCON  
Permanent Representative of Cuba  
to the United Nations

## DOCUMENT S/11993

### Interim report of the Secretary-General pursuant to Security Council resolution 383 (1975)

[Original: English]  
[24 February 1976]

In paragraph 6 of its resolution 383 (1975) of 13 December 1975, the Security Council requested me to continue the mission of good offices entrusted to me by paragraph 6 of resolution 367 (1975), to keep the Council informed of the progress made and to submit a report not later than 31 March 1976. In pursuance

of my mission of good offices and in accordance with the procès-verbal agreed on by the Foreign Ministers of Greece and Turkey in Brussels on 12 December 1975, the Cyprus talks were resumed in Vienna from 17 to 21 February 1976. It will be recalled that this is the fifth round of the Cyprus talks under the auspices

of the Secretary-General. An agreed press communiqué was issued in Vienna on 21 February, the text of which is attached for the information of the members of the Security Council. The representatives of the two communities, Mr. Clerides and Mr. Denktas, have agreed to meet again under my auspices in Vienna in May 1976. They have also agreed to meet in Cyprus with my Special Representative in order to examine in a spirit of goodwill a number of humanitarian problems.

#### ANNEX

##### Text of the press communiqué on the Cyprus talks

As previously announced by the Secretary-General, in pursuance of his mission of good offices and in accordance with the procès-verbal agreed upon by the Foreign Ministers of Greece and Turkey in Brussels on 12 December 1975, the

Cyprus talks were resumed in Vienna from 17 to 21 February 1976. It will be recalled that this is the fifth round of the Cyprus talks under the auspices of the Secretary-General.

The representatives of the two communities held substantive discussions on the territorial and constitutional issues. It has been agreed that an exchange of written proposals, through the Special Representative of the Secretary-General, Mr. J. Pérez de Cuéllar, will take place in Cyprus within the next six weeks.

The representatives of the two communities will meet again under the auspices of the Secretary-General in Vienna in May, with a view to establishing a common basis prior to referring the matter to mixed committees in Cyprus.

Mr. Clerides and Mr. Denktas have also agreed to meet in Cyprus with the Special Representative of the Secretary-General in order to examine in a spirit of goodwill a number of humanitarian problems.

#### DOCUMENT S/11995

##### Letter dated 18 February 1976 from the representative of the United Kingdom of Great Britain and Northern Ireland to the President of the Security Council

[Original: English]  
[25 February 1976]

I have the honour to refer to the letter, together with its annex, which the Permanent Representative of Iceland addressed to the President of the Security Council on 23 January 1976 [S/11944] concerning the incident which took place between British and Icelandic vessels on 11 December 1975.

The United Kingdom Government has considered these documents. Nothing they contain causes the United Kingdom Government to wish to alter anything in the statement which the Permanent Representative of the United Kingdom made in the Council on 16 December [1866th meeting].

The documents circulated at the request of the Permanent Representative of Iceland cannot obscure the basic facts of the incident which are as follows. The British vessels had been sheltering from a storm and transferring water immediately before the incident. They were all unarmed. They were fired on by the Icelandic coastguard vessel. They did not provoke the incident in any way. The collisions were caused by the manoeuvring of the coastguard vessel at a time when the British vessels were making for the open sea.

With regard to the intimation made to the British Embassy in Reykjavik that it might be represented at the Inquiry [S/11944, annex, section A, appendix II], the suggestion was declined in accordance with the general policy of the United Kingdom Government with regard to such proceedings before foreign courts. It will in any event be observed that the stated purpose of the Inquiry ("to inquire into the ramblings of the coastguard vessel *Thor* by the British tugboats *Star Aquarius* and *Lloydsman*") prejudged the disputed issues of fact.

The reference in the annex to "the British underwater minefield" relates to mines laid by Britain in the 1940s but cleared by her after the war.

I have the honour to request that this letter be circulated as an official document of the Security Council.

(Signed) James MURRAY  
Chargé d'affaires a.i.  
of the Permanent Mission  
of the United Kingdom of  
Great Britain and Northern Ireland  
to the United Nations

#### DOCUMENT S/11996

##### Letter dated 18 February 1976 from the representative of the United Kingdom of Great Britain and Northern Ireland to the President of the Security Council

[Original: English]  
[25 February 1976]

I have the honour to refer to the letter which the Permanent Representative of Iceland addressed to the President of the Security Council on 29 January 1976 [S/11954].

In that letter the representative of Iceland attempted to refute the following passage in the statement of the representative of the United Kingdom in the Council on 16 December 1975 [1866th meeting]:

"During the 1960s the Icelandic fishermen seriously overfished the herring stocks around its shores, which by 1967 had sunk to a critically low level".

The United Kingdom Government stands by that statement. The herring stock off Iceland is a mixture consisting partly of fish spawned off the coast of Norway and partly of fish spawned off the coast of Iceland. The latter formed the major part of the total her-

ring catch in waters around Iceland during most of the years during the 1960s, and, in the view of the United Kingdom Government, they were the ones which were overfished by Icelandic fishermen. A recent Icelandic assessment of "Icelandic herring" contains the following paragraph:

"It appears that the dramatic decline of the Icelandic herring stocks was primarily due to a recruitment failure during a period of high fishing mortality and the stocks were reduced to such a low level that they became virtually unable to produce average or large year classes".<sup>17</sup>

The annex to the letter from the representative of Iceland consists of an extract from a report by the Liaison Committee of the International Council for the Exploration of the Sea which, in its own words, "deals solely with the Norwegian spring spawning component of the Atlanto-Scandian stock" [S/11954, annex,

<sup>17</sup> Document C.M. 1973/H:4 of the International Council for the Exploration of the Sea.

para. 69]. The statement made by the representative of the United Kingdom on 16 December 1975 concerned Icelandic spawned herring, not Norwegian.

An account of what in fact happened in connexion with the Atlanto-Scandian herring was set out in the Memorial submitted by the United Kingdom Government to the International Court of Justice on 31 July 1973 in the *Fisheries Jurisdiction Case (United Kingdom v. Iceland)*.<sup>18</sup> Paragraphs 85 and 86 of the Memorial refer particularly to the destruction of Icelandic spawned herring.

I have the honour to request that this letter be circulated as an official document of the Security Council.

(Signed) James MURRAY  
Chargé d'affaires a.i.  
of the Permanent Mission  
of the United Kingdom of  
Great Britain and Northern Ireland  
to the United Nations

<sup>18</sup> I.C.J. Pleadings, *Fisheries Jurisdiction*, Vol. I, p. 267.

## DOCUMENT S/11997\*

### Letter dated 26 February 1976 from the representative of Spain to the Secretary-General

[Original: French]  
[26 February 1976]

On instructions from my Government, I have the honour to call your attention to the following.

In numerous communications, I have had occasion to inform you of the willingness of the Spanish Government to proceed, in an orderly and peaceful manner, with the decolonization of the Territory of Western Sahara, in accordance with the principles of the Charter and the relevant resolutions of the General Assembly.

On 20 August 1974, the Spanish Government announced the holding of a referendum for the self-determination of the Territory during the first six months of 1975.<sup>19</sup> However, the General Assembly, in its resolution 3292 (XXIX) requested the International Court of Justice to give an advisory opinion and urged the Spanish Government to postpone the referendum.

Although that resolution prolonged Spain's responsibilities and created a climate of uncertainty, Spain acceded to the postponement because the resolution recognized the right of the indigenous population of the Territory to self-determination.

External factors did not contribute, as would have been required by respect for the principles and precepts of the Charter, to a climate of peace and order; on the contrary, they aggravated the instability of the situation in the Territory and the area.

In a communication dated 23 May 1975, I informed you that, if those disturbing factors did not cease, Spain would be obliged to end its presence and administering role, for which an appropriate date would be set.<sup>20</sup>

The serious situation that had arisen in the Territory led to the convening of the Security Council, on

20 October 1975, at Spain's request [S/11851]. The Spanish Government once again indicated its willingness to ensure a speedy and peaceful decolonization of the Territory of the Sahara, being ready to accept a temporary international administration of the Territory, as stated in your report to the Security Council [S/11874 of 8 November 1975].

In accordance with Security Council resolutions 377 (1975), 379 (1975) and 380 (1975), the Governments of Spain, Morocco and Mauritania entered into negotiations within the framework of Article 33 of the Charter. On 14 November 1975, in Madrid, as a result of those negotiations, a declaration of principles was signed which is set forth in document S/11880 and which, in accordance with Article 102 of the Charter, was registered with the Secretariat on 9 December 1975. In its resolution 3458 B (XXX), adopted on 10 December 1975, the General Assembly took note of the agreements contained in that declaration. In paragraph 2 of the declaration of principles, it was laid down that the termination of the Spanish presence in the Territory would be completed by 28 February 1976 at the latest.

In a communication dated 19 January 1976, I informed you that the Spanish Government had requested the co-operation of the Governments of Morocco and Mauritania with a view to implementing resolution 3458 (XXX), and I offered you co-operation and every possible and necessary assistance to the representative appointed by you so that he might proceed to the Territory and assess the situation with a view to ensuring the right of all Saharans to self-determination. That offer was to be reiterated in communications to you on 29 and 30 January. On the occasion of the visit to Madrid and the Territory of the Sahara by Ambassador Rydbeck, the representative appointed by you, the Spanish authorities co-operated with him, granting him

\*Circulated under the double symbol A/31/56-S/11997.

<sup>19</sup> See A/9714.

<sup>20</sup> See A/10095.



all possible facilities and assistance for the discharge of the mission entrusted to him in order to enable him to assess the situation in the Territory more accurately with a view to implementing the above-mentioned resolution, bearing particularly in mind that the termination of the Spanish presence in the Territory should take place before 28 February, as indicated above; that assessment has not been possible, since the relevant report has not yet been distributed.

The Spanish Government has repeatedly indicated that it has done its utmost to achieve speedy decolonization under peaceful conditions and with respect for the views of the population of the Territory. The persistence of circumstances beyond its control has made it impossible thus far to organize the popular consultation provided for in the agreements of 14 November 1975 and in resolution 3458 B (XXX).

In accordance with the provisions of paragraph 2 of the Madrid declaration of principles of 14 Novem-

ber 1975, the Spanish Government, as of today, definitively terminates its presence in the Territory of the Sahara and deems it necessary to place the following on record:

(a) Spain considers itself henceforth exempt from any responsibility of an international nature in connexion with the administration of the Territory, in view of the cessation of its participation in the temporary administration established for the Territory;

(b) The decolonization of Western Sahara will reach its climax when the views of the Saharan population have been validly expressed.

I should be grateful if you would arrange for this letter to be distributed as a document of the General Assembly and of the Security Council.

(Signed) Jaime DE PINIÉS  
Permanent Representative of Spain  
to the United Nations

## DOCUMENT S/12000

### Letter dated 1 March 1976 from the representative of the Libyan Arab Republic to the President of the Security Council

[Original: English]  
[1 March 1976]

I have the honour to refer to the letter dated 23 February 1976 addressed to you by the Acting Permanent Observer of the Palestine Liberation Organization to the United Nations concerning the violation of the sanctity of Al-Aqsa Mosque. Upon the instructions of my Government I would like to request that the above-mentioned letter be circulated as an official document of the Security Council.

(Signed) Mansur R. KIKHIA  
Permanent Representative of the  
Libyan Arab Republic  
to the United Nations

#### ANNEX

Letter dated 23 February 1976 from the Acting Permanent Observer of the Palestine Liberation Organization to the United Nations addressed to the President of the Security Council

Upon instructions of the Executive Committee of the Palestine Liberation Organization, I have the honour to present the attached report with the hope that you will bring it to the attention of Member States.

(Signed) Zehdi Labib TERZI  
Acting Permanent Observer of the  
Palestine Liberation Organization  
to the United Nations

#### ATTACHMENT

On Wednesday, 28 January 1976, a judge appointed by the racist Zionist forces of occupation to preside over a Jerusalem magistrate court ruled that "Jews have the right to pray" in the sacred Al-Haram Al-Sharif. In her statement, Judge Ruth Or is reported to have said: "If I hadn't heard this with my own ears, I wouldn't have believed it—i.e., that the ban on Jews praying on Temple Mount exists only since the Israel Government controls it. Since the site is holy to members of the two religions, the Ministry for Religious Affairs, in order to prevent disturbances, should have drawn up regulations clarifying who has the right of prayer, where and when".

According to Jewish *Halacha* (religious) law, Jews are forbidden from setting foot on the sacred sanctuary until the Messiah's return heralds the rebuilding of the Temple.

The magistrate exonerated the culprits who had earlier defied the ban.

In the wake of the magistrate's ruling, racist Zionist groups of Jewish faith have announced their plans to organize "prayers" in the Mosque.

The issue at hand is not an issue over prayer in a particular spot in Jerusalem. It is a political measure aiming at changing the status of Jerusalem. It is in pursuance of the persistent racist Zionist policy to eliminate the vestiges of Christian and Moslem heritage in occupied Palestine.

The ruling of the magistrate court is a violation of several Security Council resolutions, including resolution 252 (1968), in paragraph 2 of which the Council

"Considers that all legislative and administrative measures and actions taken by Israel . . . which tend to change the legal status of Jerusalem are invalid and cannot change that status".

Taking into consideration the Jewish *Halacha* and the centuries-old Moslem religious tradition, the ruling of the racist Zionist magistrate Ruth Or constitutes an act of profanation and desecration of the sacred site of Al-Haram Al-Sharif.

According to Moslem religious concepts and traditions, the entire area of Al-Haram Al-Sharif is one sacred entity. It is the third holiest Mosque in Islam. Moslems consider the linkage between Al-Israa' and the Mosque as a divine act. This sanctuary is considered a common property of all Moslems all over the world.

In its resolution 271 (1969), the Security Council determined that execrable acts of desecration and profanation of the holy Al-Aqsa Mosque emphasizes the immediate necessity of Israel's desisting from acting in violation of Security Council resolutions and rescinding forthwith all measures and actions taken by it to alter the status of Jerusalem.

The magistrate's ruling is designed to alter the status of Jerusalem. It carries more weight and authority than any administrative attempts to continue to enforce the ban on Jewish religious services on the site of the sacred sanctuary of Al-Haram Al-Sharif.



The Jewish Telegraphic Agency reported in its *Daily News Bulletin* of 11 February that the Israeli Government "has already appealed the magistrate's decision to a higher court". No move has been made to secure an injunction from a superior court. The culprits have been acquitted and the chief of the racist Zionist police, Shlomo Hilel, did not seek a stay of execution pending the decision of a higher court. The procedure of an appeal is lengthy, but in the meantime Jewish groups, according to the *Jerusalem Post* weekly overseas edition of 3 February, were planning "pray-ins" in the Mosque.

The magistrate's ruling sparked a wave of violent demonstrations in most major West Bank towns and in East Jerusalem. On 17 February the Agency reported violent demonstrations—near riots—over the Temple Mount are to protect the decision of the Jerusalem magistrate. The Agency reported that the forces of occupation imposed a ban on residents of Ramallah, Nablus, Jenin and Tulkarm, prohibiting them from visiting Jordan or receiving visitors from Jordan. The Agency reported also that Israeli police prevented attempts to organize demonstrations in Jenin and Tulkarm, that the disturbances began in East Jerusalem, and that scores of Palestinians were arrested. On 12 February the Agency reported the arrest of 26 Arab students; on 10 February, it reported the arrest of

two dozen Arab high school students after they threw stones at police during a day of demonstrations and a general strike.

The Jerusalem Arabic language daily *Al Fajr* has been reporting these daily demonstrations, mass arrests, beating of students, violations of schools and the use of tear gas bombs and armoured tanks against these demonstrations. American television stations have shown scenes of bloody confrontation between students and helmeted policemen.

The confrontation reached a climax on 22 February when, as a result of Nazi-like interrogation and torture at the hands of Major Shlomo Aharon, the Zionist intelligence officer in charge, four Palestinians died in the Nablus gaol.

Two other Palestinians were killed in an indiscriminate attack by planes, artillery and tanks on the villages of Hiwara and Burqa. This attack was followed by mass arrests of the residents of these villages and the imposition on them of arbitrary curfews.

Demonstrations and strikes continue in Jenin, Tulkarm, Jerusalem, Jericho, Al-Bira and Hebron. The continuing confrontation will inevitably lead to an increase in the severity of the oppressive methods which will lead to a situation threatening peace in the area.

## DOCUMENT S/12001

### Note verbale dated 3 March 1976 from the representative of Somalia to the Secretary-General

[Original: English]  
[4 March 1976]

The Chargé d'affaires, a.i., of the Permanent Mission of the Somali Democratic Republic to the United Nations has the honour to transmit to the Secretary-General on the instructions from his Government the attached position paper regarding the current developments in so-called French Somaliland (Djibouti) and requests the Secretary-General to circulate the contents of the paper as an official document of the Security Council.

#### ANNEX

#### The position paper of the Somali Democratic Republic on the question of so-called French Somaliland (Djibouti)

The Somali Government has been following with the utmost concern, the increasingly tense and dangerous situation prevailing in French Somaliland. Of late, the Territory has been experiencing a rigorous oppressive colonial policy of the worst kind. Ever since the French Government officially declared its intention to grant the Territory its independence, there has been a systematic application of political repression and mass deportations. This wave of multifaceted repressive measures, which are similar to those brutally carried out by the French authorities during the 1967 so-called referendum, is now more serious than ever. Acts of torture and intimidation had also escalated to alarming proportions. Although the exact figure of those subjected to this colonial inhuman treatment cannot be assessed with accuracy, due to its continuous occurrence and intensity, it is believed that thousands of people have been arbitrarily deported or illegally detained from early 1975, and especially since December 1975. The application of this inhuman colonial policy has recently culminated in the total eradication of the "shanty town" of Balbala situated in the suburbs of Djibouti and the deportations of its inhabitants across the border to Somalia. The border checkpoint of Loyada, which was the scene of the recent drama, has become the dumping ground for French Somaliland nationals whose sole crime was to demand their legitimate right to independence.

By using such inhuman practices, the French authorities make no secret of their firm intention to suppress all manifestations of opposition, on the one hand, and to encourage pro-

French collaborators, on the other. Such appalling conduct on the part of France can only produce a feeling of resentment and despair among those who have been arbitrarily deprived of their legitimate aspirations. In the ultimate analysis, such an explosive situation could lead to violence and bloodshed, which could well pose a serious threat to the peace and stability of the whole region.

It is a matter of utter disappointment to the Somali Government that these repressive measures should be taken at a time when France has formally declared to the world its intention to grant the Territory full independence.

The concern of regional and international organizations over the political future of the people of the Territory was clearly reflected in the successive resolutions in 1975 adopted by the Kampala Summit of OAU in July 1975 [CM/RES 431/Rev.I (XXV)],<sup>21</sup> by the Conference of Foreign Ministers of Non-Aligned States, held in Lima in August 1975 [NAC/FM/CONF.5/15, annex I]<sup>22</sup> and by the General Assembly at its thirtieth session [resolution 3480 (XXX)]. It is significant to note that in all these resolutions, OAU and other international organizations demanded, among other things, the granting of immediate and unconditional independence to the Territory. In view of the particular significance of General Assembly resolution 3480 (XXX) on the question of French Somaliland, it is necessary for purposes of further clarification and emphasis to cite its basic relevant provisions. In paragraph 1 the General Assembly reaffirmed unqualified support for the right of the people of the Territory to immediate and unconditional independence in accordance with resolution 1514 (XV). In paragraph 2 it considered that the situation in the Territory could become a threat to peace and stability in the region and might adversely affect international peace and security unless an urgent solution to it was found. In paragraph 3 it called on the administering Power to create the conditions necessary for accelerating the process of independence and referred particularly to the release of all political prisoners, the return of representatives of the liberation movements and of all refugees, in accordance with the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa.

<sup>21</sup> See A/10297, of 16 October 1975, annex I, p. 14.

<sup>22</sup> See A/10217 of 5 September 1975.

Now what has France's attitude been towards this all-important General Assembly resolution, and what does the record show for the past few months? Regrettably, it has been an attitude of contemptuous disregard of, and non-compliance with, any of the basic provisions of the aforementioned resolutions. Far from acceding to the call of the General Assembly for their return, within the established framework of international law, the French authorities have hastened to add to the numbers of the detainees, the expelled and the refugees and to promote their permanent exclusion from their homeland.

Basically, the official policy of France over the Territory has been explicitly stated in the official declaration issued by the French Government on 31 December 1975. Under the declaration, the French Government "confirmed that the French Territory of the Afars and the Issas is destined for independence". A basic condition laid down in the declaration is the responsibility assumed by the Government of France "to ensure the accession of the Territory to international sovereignty by maintaining the integrity of its frontiers and ensuring its security". In a more recent official statement issued about three weeks ago, the French Government refers, *inter alia*, to "the adoption of clear-cut positions with regard to respect for the frontiers of the future State". Since the French statement refers to the declaration of 31 December 1975, it is understood that the "clear-cut position" under reference implies the so-called French guarantee of the territorial integrity and security of the Territory on and after independence.

It is surprising how the French Government can unilaterally assume certain responsibilities on behalf of the Territory prior to its independence. This is inconsistent with the basic norms of the decolonization process. Neither France, nor, for that matter, any other external Power has any legal or moral right to impose terms or conditions upon the people of the Territory prior to independence. In essence, any qualified independence would be a clear violation of the letter and spirit of the General Assembly resolution, as well as other relevant resolutions of OAU and the non-aligned States.

Now that both Somalia and Ethiopia have simultaneously declared their full support for the immediate and unconditional independence of the Territory, the apprehension of France regarding the territorial integrity and security of the country is not clearly understood. It will be recalled that both Somalia and Ethiopia formally agreed to renounce all claims to the Territory, and this was specifically spelt out in the resolution passed by the OAU Kampala Summit. Both countries had again reiterated their respective positions at the Conference of Foreign Ministers in Lima and, subsequently, at the thirtieth session of the General Assembly. The President of the Somali Democratic Republic, Jaalle Mohamed Siad Barre, in his most recent address to the nation on the question of French Somaliland, reaffirmed that Somalia wants to see the Territory attain its independence in peace and harmony free from foreign interference or pressures. In his press interview granted to the French paper, *Le Quotidien de Paris*, on 23 February 1976, Mr. Wadajo, Ethiopia's Foreign Minister, stated that France has no right to claim responsibility for the preservation of the territorial integrity and security of the Territory. Once independent, the security of the future State will be guaranteed under the auspices of OAU. He, therefore, excluded the need for French military presence in Djibouti. The idea that the Territory should establish military arrangements with France is a matter for the people of the Territory to decide after they attain their complete independence.

Yet, despite all those pronouncements, France is still determined to maintain her military and, of course, political presence in the Territory. This is amply reflected by French insistence to maintain in power the pro-French puppet régime of Ali Aref, which has no political support in the Territory. In recent weeks, Ali Aref, backed by the French Government and some African Governments, has been touring a number of African countries in a desperate effort to win political support for his régime at the African level. It is pertinent to stress the point that any recognition accorded to the Ali Aref régime will be futile so long as he lacks support among his own people.

The French policy of maintaining Ali Aref in power is unwise and does not in any way reflect French public opinion,

let alone that of the people of the Territory. There is no precedent in French colonial history when an unpopular, colonially created régime was enforced on the local population against its will. In all the former French colonies, France transferred power peacefully and smoothly to prominent leading politicians, who, by virtue of their political wisdom and statesmanship, had won the confidence and support of their respective peoples. Mr. Ali Aref cannot reasonably claim to possess such political bases for leadership. The assessment that Ali Aref is politically bankrupt and a mere instrument of French colonialism is clearly reflected in the statements of prominent politicians and commentators of leading French papers. Thus, on 6 February 1976, following the Loyada incident, Mr. Mitterrand, leader of the opposition Socialist Party, is reported to have stated the following:

"The problem is not any more to talk about independence but to establish bases on which the power can be transferred. And it is essential to be clear about this. Mr. Ali Aref, who is at the head of the Territory is a creature of the colonial administration. He hardly represents anyone else but himself any more, in spite of institutional support which he continues to get from the French Government and from the French troops stationed in Djibouti" [*Le Monde*, 8-9 February 1976].

The French leading paper, while forcefully criticizing French policy in the Territory, recommended the convening of a round-table constitutional conference as the only practical solution. The paper said:

"How, in this feverish Africa, can the President of the Republic justify a policy which is contrary to the decolonization theme which is ours? How can the French Government hope to sustain the image of France, an image inherited from republican principles, by holding up a politician who was abandoned by an important part of his own deputies to the Territorial Assembly? I think that it is time to regain our self-control. Djibouti must not live any more in anguish and under repression, under the infernal mechanism of police raids and terrorism. This is what the Socialist Party has not stopped repeating in the past few months. This is what the representative sent to the Territory in a fact-finding tour confirmed. There is no other solution to this conflict of another age but soon to hold a 'round-table' meeting without anyone predominating.

"The validity of the next referendum on independence will widely depend on this meeting, since a vote of this importance can only be based on the truthfulness of such elections."

Regrettably, the French Government has hitherto failed to accord any official recognition to the overwhelmingly predominant opposition party in the Territory, the African Independence League, whose commendable role towards the cause of decolonization had won the full support of the Kampala Summit of the Organization of African Unity and of the General Assembly at its thirtieth session. The political images of Ali Aref's régime and the opposition party among the masses has been objectively appraised by *Le Figaro* of 9 February 1976 in the following terms:

"Today, Aref is going to be granted an independence for which he has been asking only reluctantly for a very short time. But Dini has behind him the large majority of the population. When Aref organizes a demonstration, he can gather 3,000 people. Dini can muster 30,000."

In the light of what has been stated, it is clear that France is determined to grant to the Territory nominal independence while at the same time maintaining her military base in Djibouti. France is also planning to transfer political power to a man who is unpopular, isolated and politically bankrupt. The maintenance of a French military base and the imposition of the puppet régime is part of a French manoeuvre to perpetrate a form of neo-colonialism in defiance of the resolutions of OAU, the United Nations and other international bodies.

If the French Government does not desist from pursuing this dangerous policy, the consequence will be violence and bloodshed and, no doubt, will have incalculable serious repercussions on the peace and stability of the Territory and the region

as a whole. The Somali Government, which has consistently called for immediate and unconditional independence to French Somaliland and the transfer of power to the genuine representatives of the people of the Territory in conformity with basic democratic principles, considers urgent the need for concerted international action in order to ensure that resolution 3480 (XXX) is strictly implemented in both its letter and

spirit. Any double-standard colonial tactic will not only delay the course of the decolonization process but will set in motion a state of chaos and confusion. African States must therefore abide by and respect the overwhelming wishes of the inhabitants of the Territory by denying recognition to Ali Aref's régime, which, in no way, represents the genuine will and aspirations of the people concerned.

## DOCUMENT S/12002\*

### Letter dated 8 March 1976 from the representative of Algeria to the Secretary-General

[Original: French]  
[8 March 1976]

I have the honour to send you herewith a statement by a spokesman of the Ministry of Foreign Affairs of the People's Democratic Republic of Algeria on the question of Western Sahara.

On the instructions of my Government I request that you kindly arrange for it to be issued as an official document of the General Assembly and of the Security Council.

(Signed) Fathih BOUAYAD-AGHA  
Chargé d'affaires, a.i., of the  
Permanent Mission of Algeria  
to the United Nations

#### ANNEX

#### Statement by a spokesman of the Ministry of Foreign Affairs of Algeria

1. As was stated by the President of the Council of Ministers of the Organization of African Unity, meeting at Addis Ababa from 23 to 29 February 1976, the Saharan people, like all other peoples, is entitled to exercise the right of self-determination.

2. The Council of Ministers of the Organization of African Unity has recognized the Frente Polisario as a liberation

movement since the report of the Liberation Committee recommending recognition of the Frente Polisario as a liberation movement was adopted by a majority and, besides, all recommendations of the Liberation Committee are adopted by a simple majority.

3. With regard to recognition of the Democratic Saharwi Arab Republic, such action is clearly a sovereign prerogative of all States forming part of the international community. It was in exercise of such sovereignty that the Democratic Republic of Madagascar and the Republic of Burundi recognized the Democratic Saharwi Arab Republic when its establishment was first announced.

4. Algeria's position derives from its unconditional support for all liberation movements, and particularly the African liberation movements. It accordingly endorses the initiatives taken by them with a view to the full attainment of their objectives.

5. In this spirit Algeria recognizes the Democratic Saharwi Arab Republic and will extend to its Government the political, moral and material support necessary for the fulfilment of the national aspirations of its people.

6. Algeria's position will remain unchanged until the people of Western Sahara have exercised their inalienable right to self-determination freely, authentically and without outside pressure, under United Nations control and in accordance with the relevant resolutions of that Organization.

\* Circulated under the double symbol A/31/59-S/12002.

## DOCUMENT S/12003

### Letter dated 5 March 1976 from the representative of Cyprus to the Secretary-General

[Original: English]  
[8 March 1976]

I have the honour to refer to a communication of 16 February 1976 circulated by the representative of Turkey and bearing the signature of Mr. Denktas [see S/11984] and wish to point out that it is, to say the least, ironic for the Turkish-Cypriot interlocutor to remonstrate over my letter to you of 10 February [S/11975] as trying to influence the intercommunal negotiations, whereas it was but a necessary alerting of the Secretary-General to the renewed wave of aggressive activities by the Turkish forces, embarked upon on the eve of the negotiations and calculated seriously to affect the whole negotiating process.

Such activities, aside from their other implications, manifestly create an oppressive and threatening climate, rendering it still more obvious that the negotiations in question are conducted from a position of force and violence, thereby tending to destroy their very meaning and purport as a means of seeking an agreed solution to the problem. Needless to recall, as required by the

relevant United Nations resolutions, the negotiations are to be conducted "freely" on an equal footing. These basic elements to any negotiation process are lamentably lacking.

It remains to be seen how far in the coming months Ankara will make the needed move for meaningful negotiations by initiating positive steps for the substantial withdrawal of its invasion forces and the return of the refugees to their homes, in compliance—long overdue—with the urgent appeal of the General Assembly and Security Council resolutions. Is it too much to expect that Mr. Denktas's professed concern for the negotiating process not being influenced may be expressed in that positive direction?

I shall be grateful if this letter were circulated as a document of the Security Council.

(Signed) Zenon ROSSIDES  
Permanent Representative of Cyprus  
to the United Nations



## Note by the Secretary-General

[Original: English]  
[8 March 1976]

## DOCUMENT S/12004

1. The Secretary-General wishes to inform the Security Council that he has received information concerning the situation in Southern Rhodesia and, particularly, the situation which has arisen as a result of the decision of the Government of Mozambique to impose sanctions against Southern Rhodesia in full implementation of the relevant decisions of the Security Council.

2. On 5 March 1976, the Secretary-General received a telegram from the President of the People's Republic of Mozambique, Mr. Samora Moisés Machel. This telegram, which has been circulated as a note verbale to all Member States, reads as follows:

"On behalf of the Council of Ministers we have the honour to inform the United Nations and to request you to inform Member States that, in order to support the just struggle for national liberation of the people of Zimbabwe against the racist minority régime, in keeping with the relevant decisions of the United Nations and the Organization of African Unity, the People's Republic of Mozambique, as of 3 March 1976, has imposed sanctions against the British colony of Southern Rhodesia.

"We should also like to draw your attention to the fact that the racist minority régime of Ian Smith, pursuing its traditional policy of aggression against our people, has made a new move in its criminal campaign, unleashing a veritable war of aggression against our country during the night of 23 February. Racist troops, with air support, invaded the villages of Pafúri and Mavúe and murdered old people and children, men and women.

"We are sure that, as Secretary-General of the United Nations, you will make the necessary approaches to Member States to support our country, which is the victim of racist aggression."

3. On 6 March, the Secretary-General received a cable from the Secretary-General of the Commonwealth, Mr. Shridath Ramphal. This telegram reads as follows:

"You will recall that in May 1975 my predecessor Arnold Smith communicated to you the decisions of Commonwealth Heads of Government at their meeting in Kingston, Jamaica, in regard to the maintenance and intensification of mandatory sanctions against the illegal Rhodesian régime. You were good enough subsequently to transmit the text of this communication to the Security Council Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia. At the emergency meeting today, 4 March 1976, of the Commonwealth Sanctions Committee I was asked to communicate to you and to the Chairman of the United Nations Sanctions Committee the outcome of the Committee's consideration, in the context of current circumstances in Rhodesia and Mozambique, of ways in which the decisions taken by Heads of Government at their Kingston meeting in May 1975 might be pursued.

"In principle, conclusions of the Committee were as follows:

"The Commonwealth Sanctions Committee welcomed the announcement by President Samora Machel that Mozambique is now fully implementing United Nations sanctions against Rhodesia.

"Recalling the decision of the Kingston Heads of Government meeting, the Committee agreed to recommend to Commonwealth Governments through the Commonwealth Secretary-General the need for them to react urgently in accordance with the agreement reached at Kingston. The way Commonwealth Governments may wish to react could be either bilaterally or multilaterally, or both, including co-ordinated action at the international level—all in accordance with the conclusions reached by Commonwealth Heads of Government at Kingston.

"The Committee specifically commended the initiatives already taken in this regard by some Commonwealth Governments at a bilateral level.

"The Committee agreed that the Government of Mozambique should now be contacted by the Commonwealth Secretary-General as a matter of urgency with a view to ascertaining possible areas of assistance to that Government as envisaged in paragraph 22 of the Kingston communiqué. This information would be conveyed to Commonwealth Governments with a view to facilitating the immediate provision of necessary assistance."

"You will recall that the context of the relevant paragraph of the communiqué was as follows:

"In considering the recommendations of the Commonwealth Sanctions Committee, and authorizing the Committee to continue its work, Heads of Government emphasized the importance of taking immediate practical steps to assist an independent Mozambique in applying sanctions, since the great bulk of Rhodesia's exports and imports is dependent on Mozambique's transit facilities. They were unanimously in favour of providing immediate financial assistance to the new Government of Mozambique. They also endorsed the recommendation that an initiative should be taken by Commonwealth Governments at the United Nations to establish a programme of assistance for Mozambique in terms of Articles 49 and 50 of the Charter."

"I am contacting the Government of the People's Republic of Mozambique as requested by the Commonwealth Sanctions Committee and I shall, of course, keep you fully informed of any developments. It would equally be of great assistance to me if I could be kept informed, as appropriate, of developments at the United Nations relevant to the recommendations of the Commonwealth Sanctions Committee. I have sent a similar communication to Ambassador Salim Salim of the United Republic of Tanzania in his capacity as Chairman of the United Nations Sanctions Committee."

4. In connexion with the matters raised in the above-mentioned communications it might be noted



that the Secretary-General on 4 March issued the following statement to the press:

"The measures taken by the Government of Mozambique including the closure of its border with Rhodesia and the application of full economic sanctions emphasize the gravity of the situation and the urgent need for a solution of the Rhodesian problem.

"The Secretary-General is confident that the United Nations will respond favourably to any request for assistance which the Government of Mozambique may make in order to offset the economic consequences of its application of full sanctions against Rhodesia."

### DOCUMENT S/12004/ADD.1

[Original: English/French]  
[15 March 1976]

1. The Secretary-General wishes to inform the Security Council, with reference to the communications brought to the Council's attention in document S/12004 of 8 March 1976, that he has received two telegrams on the same subject from the Secretary-General of the Organization of African Unity (OAU).

2. The first telegram, dated 12 March, reads as follows:

"I have the honour to inform you that on 3 March 1976 the Government of the Republic of Mozambique took the important decision to apply international sanctions energetically by severing all road, air and rail communications with Rhodesia in accordance with relevant United Nations resolutions. This decision of great historical significance is aimed at ensuring attainment of one of the primary objectives of the United Nations, namely the liberation

of the people of Zimbabwe from the domination of white racist minority colonists. Deeply concerned about the grave consequences of these measures which seriously affect the economy of the Republic of Mozambique, OAU appeals through the United Nations to the entire international community for massive assistance to the people and Government of the Republic of Mozambique to enable them to overcome these difficulties. The situation is aggravated by acts of armed aggression by the illegal Rhodesian régime against the Republic of Mozambique, a member of OAU and the United Nations. The racist minority Salisbury régime has attacked the villages of Pafúri and Mavúe, murdering old people, children and women. This disturbing situation threatens security and peace in this region. Request you kindly inform Member States of these facts, asking them to take necessary measures to back up the action taken by the Republic of Mozambique and support this country, victim of aggression by the racist rebels in Salisbury."

3. The second telegram, dated 15 March, reads as follows:

"On the eve of the Security Council meeting to discuss the question of aggression by the rebel régime in Southern Rhodesia against the Republic of Mozambique and the assistance to be given the latter following the decision to sever communications with the Salisbury régime in application of strict international sanctions, OAU is firmly convinced you will use all your influence to ensure that the Council energetically condemns the aggression by the Rhodesian régime and accords substantial assistance to the Republic of Mozambique, commensurate with the immense sacrifices made in the interest of international peace and security and for the good of the people of Zimbabwe, victims of racist domination."

### DOCUMENT S/12005\*

Letter dated 8 March 1976 from the Minister for Foreign Affairs of Mozambique to the Secretary-General

[Original: English]  
[8 March 1976]

I have the honour to send you herewith a full text of the statement made on 3 March 1976 by His Excellency President Samora Moisés Machel, President of the People's Republic of Mozambique. In his address, President Machel proclaimed the imposition of sanctions against the illegal minority racist régime of Southern Rhodesia, in accordance with the decisions of the United Nations.

In view of the significance of this statement and its relevance to the United Nations efforts against the minority racist régime in Southern Rhodesia, I shall be grateful if you would circulate the text as an official document of the General Assembly and of the Security Council.

For the Minister for Foreign Affairs of  
the People's Republic of Mozambique:  
(Signed) José Carlos LOBO  
Director of International  
Organizations and Conferences  
in the Ministry of Foreign Affairs

#### ANNEX

Statement made by Mr. Samora Moisés Machel, President of the People's Republic of Mozambique, on 3 March 1976

Comrades, members of the Central Committee, members of the Executive Committee, comrades, members of the Council of Ministers, comrades, Party, State and FPLM cadres, Excellencies, Ambassadors and Chargés d'affaires in the People's Republic of Mozambique, members of the national and foreign press, compatriots,

In the name of the Central Committee of FRELIMO and the Council of Ministers of the People's Republic of Mozambique, I have come to inform you that Mozambicans, men, women, old people, children, are being killed. Our territory is being attacked, our people are being massacred, the People's Republic of Mozambique is under attack.

The criminal and irresponsible régime of Ian Smith has launched a war of aggression against the People's Republic of Mozambique. Less than 18 months after signing the Peace Agreement with Portugal, the Mozambican people are once again forced to confront the desperate acts of aggression of a colonial Fascist.

After a long series of armed provocations against the People's Republic of Mozambique, on the night of 23 to 24 Feb-

\* Circulated under the double symbol A/31/61-S/12005.

ruary, the forces of Ian Smith's racist régime launched a large-scale attack against our national territory, concentrated against the villages of Pafúri and Mavúe. The attack began at 2100 hours on the 23rd and continued into the 24th. On the 24th there were air raids. Jets, bombers, helicopters, artillery and infantry troops participated in the attack.

As a result of the racist forces' criminal attack against the zone of Pafúri, the following were killed:

1. Albertina Maguguzo Cossa, aged 36;
2. Lucas Valentim Pedício, aged 35;
3. Picane Milane, aged 29;
4. Laurentina Valentim, aged 18 months.

Wounded were:

1. Ester Pedício, aged 60;
2. Mulhave Mulave, aged 48;
3. Feniase Vilanculos, aged 22;
4. Phefu Mulave, aged 21;
5. Berta Nhampule, aged 19.

Disappeared:

Sabão Munhangane, aged 65.

In the attack against Mavúe three women and a child were assassinated and a man and an 11-year-old child wounded.

The fighters of the Mozambique People's Liberation Forces, supported by the paramilitary forces of Customs and Immigration, repelled the invader, severely punishing him, shooting down two planes, a jet and a helicopter.

Ten fighters suffered various injuries, two of them seriously. Two other comrades sacrificed their lives in defence of the people and our sovereignty.

This act constitutes an open act of aggression, an act of war. It is a true crime against peace and a war crime, as defined by the International Nuremberg Tribunal.

Why does Ian Smith attack us? Why does the racist Salisbury régime make war on us?

What leads him to assassinate women and children, to burn houses, massacre peaceful peasants?

To answer this question correctly we must say that Ian Smith does this because this is what he has always done against Mozambique.

In 1965 when he proclaimed his pseudo-independence, Ian Smith joined in the Portuguese colonialist war of aggression against our people.

Thus, at that time his troops were sent to Niassa Province.

Since then the Salisbury régime has got used to committing crimes against our people, made a habit of attacking Mozambique.

Up to the end of the colonial-imperialist war, the forces of Ian Smith participated in the most serious crimes against our people, in Niassa, Tete and Manica.

The sadly famous Mucumbura massacres were perpetrated by Ian Smith's soldiers.

In August-September 1973, Salisbury's troops actively participated in the great tripartite offensive against the district of Zumbo.

In March-April 1974, numerous Rhodesian planes were shot down north of the Zambezi while they were bombing the populations in the liberated areas.

If the provocations and armed aggressions diminished in the transition period—in favour of subversion, the recruitment and training of armed bands of mercenaries and assassins—they were rapidly and progressively intensified in the period following independence, until they reached the present phase of aggressive war.

Without trying to present an exhaustive list of enemy actions in the last six months, we would like to draw attention to the following.

## 1. Tete Province

In the second two weeks of August 1975, in the lake region of Cabora Bassa, a group of Rhodesians was detained attempting to introduce illegally into the Republic an amount equivalent to 35,000 contos in Rhodesian money, destined to purchase national currency on the black market.

On 27 August, racist troops penetrated the locality of Gondo in the region of Luía and kidnapped a peasant. Two days later, on the 30th, in the same place, they killed a peasant and wounded two others.

On 1 September, racist troops set up an ambush against our force patrolling the region from Luía to Mucumbura and wounded three comrades.

On 20 January 1976, still in the zone of Luía, the enemy mined the paths and one of our patrols touched off an anti-personnel mine, and a combatant lost a leg. Shortly afterwards, two vehicles carrying enemy troops penetrated our national territory, supported by two helicopters and two reconnaissance planes.

From 17 February onwards, the racist air force began systematically to violate Mozambique air space in the regions of Mucumbura, Luía, Chioco and Changara.

## 2. Manica Province

On 5 August 1975, in Vista Alegre, while the people worked in the fields, enemy troops opened fire. One of our patrols came and neutralized the enemy's fire. On the following day the racist forces, supported by a helicopter, crossed into national territory at 0900 hours to a depth of one kilometre. The helicopter opened fire, mortally wounding one combatant. The enemy was repelled at 1330 hours.

On 11 August, in the same region, an enemy infantry group came deep into national territory to the north of Vista Alegre. Our forces intercepted and forced the enemy to withdraw.

On 13 August, a helicopter violated our air space in Vista Alegre.

At the same time in Timba, an enemy infantry force having penetrated our national territory to commit crimes, was punished by our patrols, abandoning four corpses.

On 28 August, in the same region, the enemy opened fire, wounding one fighter.

On 31 August, the enemy penetrated in the Timba region near the river Nhangalula and ransacked a shop, after wounding one child in the arm and another in the buttocks, having also murdered a peasant named Panzura Apalekwamanja. The racist soldiers remained in national territory from 0900 to 1400 hours, opening fire many times.

On 14 September, in Rotanda, the enemy opened fire with 120 mm mortars. Our forces answered back and forced the enemy into silence. The enemy suffered four casualties.

On 16 December, racist forces murdered two civilians in Inhamacaze.

On 9 January 1976, at 1030 hours an enemy aeroplane violated our air space in Espungabera. Enemy aircraft had bombed a neighbouring region on the previous day.

On 28 January, one reinforced enemy company, supported by four helicopters and three planes, penetrated to a depth of 1½ kilometres in the Penhalonga region.

On 8 February, at 0400 hours, the enemy penetrated in the region of Espungabera with 10 helicopters which bombed the zone of Mude.

## 3. Gaza Province

On 11 November 1975, four planes violated our air space in Choa for 15 minutes, before being expelled by anti-aircraft fire.

On 4 February 1976, at about 2400 hours, racist police attempted to penetrate national territory in the region of Malvéria. They were repelled by our fighters.

On 6, 7, 13, 14 and 15 February, our forces were obliged to open fire against enemy planes that violated our air space.

On 14 February, at about 2400 hours, the enemy penetrated the zone of Pafúri with infantry and artillery forces and began to ill-treat the local population. They captured a peasant and wounded two other people, a man and a woman.

The FPLM, supported by Customs, intervened at 0420 hours. Then two jets and three helicopters came to help out the enemy.

In the course of the combat at about 1300 hours, a bomber was hit and fell about 10 kilometres inside enemy territory.

Comrades, Excellencies, compatriots,

This far from exhaustive list of provocations and armed aggressions by Ian Smith along the borders between the People's Republic of Mozambique and the British colony of Southern Rhodesia shows the racist régime's insistence in wanting to launch a war of aggression against our people and our State.

The oppressive régime facing armed insurrection by the people of Zimbabwe is isolated internationally and tries to solve its internal contradictions by spreading out the conflict.

The Republic of Botswana and the Republic of Zambia have been, like ourselves, victims of numerous criminal actions by the Salisbury régime.

Ian Smith wants to deny the correctness of the liberation struggle of the people of Zimbabwe by trying to create the impression that there is war in Zimbabwe only because foreign forces want it.

In doing this Ian Smith is only imitating Portuguese colonialists and other aggressors who have always denied the existence of liberation struggles.

Ian Smith is trying to extinguish the flames of war which he kindled with his oppression, by committing new crimes, seeking to involve other countries in the conflict he has already unleashed at home. Like a madman he wants to extinguish the fire by pouring petrol on it.

Ian Smith wants to transfer to our country the contradictions and the struggle going on in his territory.

Ian Smith, who deliberately violated South African air space to attack us from South Africa on the 24 February attacks, also wants to divert our attention from the target, wants to set off an even greater conflict, a conflict over the whole sub-continent.

In the desperation of the aggressor condemned to defeat, Ian Smith is trying by all means to provoke a generalized war in the whole of southern Africa, with the criminal hope of avoiding his downfall by increasing the number of destructions and corpses.

He will fail, like all those who rise against the people, like all those who dare to attack the people. Ian Smith will be erased from history like other colonialists before him.

The war is in Zimbabwe. The war is a result of exploitation and oppression by Ian Smith's régime against the people of Zimbabwe. The war will end with the inevitable victory of the people of Zimbabwe.

Comrades, compatriots,

We liberated our country from colonialism. Today, we must defend our country, which is under attack; we must support the just fight of our brother people of Zimbabwe.

To fulfil our task we need the invincible strength of our unity, our organization. Our freedom is defended by the immense creative energy of the people, organized and led by FRELIMO.

We are going to apply our creative energy to defend our independence and support our brothers of Zimbabwe.

To this end:

1. In the villages, in the suburbs, in the schools, in the hospitals, in the factories, in the offices, in the shops, in the fields, at the wells, at the rivers, everywhere we must build air-raid shelters. With these air-raid shelters we can protect

ourselves from the enemy attacks. We must build these air-raid shelters after normal working hours.

We must intensify the creation of communal suburbs to better organize our defences.

The FPLM must raise their political and technical level to support the masses in the organizing of their defences.

2. Our production must be organized. During the liberation war we always said: production supports the war and the war creates the conditions for us to produce better.

To this end:

We must accelerate the formation of communal villages where, organized, we will produce; where, organized, we will defend ourselves against the enemy.

We must increase production in our factories. We must make our work more rapid and efficient in the ports, on the railways, in aviation. We must be quicker and more efficient in the construction and repair of roads, houses and buildings.

We want every worker, together with his comrades, to discuss and find ways of producing more, better and more quickly.

3. Owing to enemy aggression, some economic activities could be paralysed or slacken. The main consequence of this could be that our compatriots, workers, will be temporarily unemployed. It is the duty of all of us to support them, creating conditions so they can work. The main work we have, where our conditions permit us to absorb all the unemployed, is in the rural areas, in agriculture and animal husbandry. All those whose work is affected will be able, with the support of the State, to organize themselves in communal villages and start agricultural production and animal husbandry.

4. How can we fulfil our internationalist duty to Zimbabwe?

By supporting the struggle of Zimbabwe, we are defending Mozambique. By supporting the development of the fight of our Zimbabwe brothers we are pushing the enemy away from our frontiers, consolidating our independence and creating conditions for the establishment of peace. So we say, support and solidarity are not charity, they are not a favour, they are mutual help between forces that are fighting for the same objective.

Our support of the just fight of our brothers in Zimbabwe is:

Moral support;  
Political support;  
Material support.

We shall support morally and politically organizing ourselves in our *Grupos Dinamizadores* to study and learn about the struggle of Zimbabwe, to make the struggle of Zimbabwe live in our flesh and nerves. We shall support by singing about the struggle and our internationalist duty to support it; we shall support by explaining the struggle, discussing the struggle; we shall support by accepting sacrifices, overcoming sacrifices, in order to fulfil our internationalist duty.

We shall support materially, producing, producing to feed and clothe our country, producing to feed and clothe the fighters that defend our frontiers, producing to feed and clothe our brother guerrillas of Zimbabwe. We shall support materially by reducing our imports, ceasing to import that which is not fundamental for the economy of the country.

We shall support materially, paying every month our contribution to the Solidarity Bank that we created on 3 February, Mozambican Heroes' Day.

Comrades, Excellencies, compatriots,

The People's Republic of Mozambique has been in existence for little over eight months. From the very beginning of its existence it firmly declared that its internationalist duty was not subject to compromise or negotiations.

We are ardent defenders of peace. For 10 years we were subjected to a colonial-imperialist war of aggression. We are therefore well aware of the sacrifices demanded by the defence of our freedom and independence.



But as we did yesterday we accept everything. Our borders were sealed by the blood of our people. Our internationalist duty was fed by the countless sacrifices of the peoples of the whole world.

Conscious of this reality, the Central Committee of FRELIMO and the Council of Ministers of the People's Republic of Mozambique have charged me with taking appropriate measures to safeguard the inviolability of our borders, the territorial integrity and sovereignty of the People's Republic of Mozambique.

They also charged me with taking the necessary decisions to ensure the internationalist support of FRELIMO, our State and our people for the just liberation struggle of the brother people of Zimbabwe.

Ian Smith's aggressions have already mixed our blood with the blood of the people of Zimbabwe.

In support of the liberation struggle of the people of Zimbabwe and in accordance with the decisions of the United Nations and of the Organization of African Unity, as from today, 3 March 1976, the People's Republic of Mozambique closes all its borders with the British colony of Southern Rhodesia; forbids all forms of communication with territory dominated by the racist régime; denies passage through our territory and air space of any persons or goods to or from Southern Rhodesia. The People's Republic of Mozambique will apply full sanctions against the British colony of Southern Rhodesia.

The People's Republic of Mozambique confiscates all goods belonging to the illegal régime, to firms based in the territory of the British colony of Southern Rhodesia and to citizens of that territory who recognize the illegal régime.

Mozambicans,

On 25 September 1964, in order to liberate the land and the people, our oppressed country, the Central Committee of FRELIMO proclaimed the general insurrection of the Mozambican people. Today, once again, in order to defend our national territory the Central Committee of FRELIMO calls on the Mozambican people from the Rovuma to the Maputo to defend our country under attack.

Excellencies, Ambassadors and Chargés d'affaires accredited to the People's Republic of Mozambique,

All your countries have firmly and unanimously condemned the racist rebellion of Ian Smith. Your countries upheld sanctions against the criminal régime.

The measure taken by our State corresponds to the demands of all humanity to live free from colonial and racist domination.

We are conscious that your peoples and your States will know how to be in solidarity with us at this difficult moment in which our country is victim to aggression launched by the minority criminal régime.

This is the fight of the Mozambican people and also of the whole of Africa, of all progressive humanity.

We address ourselves to Africa, that it may be with us, that it may support us in the defence of our sovereignty and in the liberation of the continent.

We address ourselves to our natural allies, the socialist countries, so that they may be with us, as they always were, supporting our working people in the defence of their revolution and the fulfilment of their internationalist duty.

We address ourselves to all our friends, to all the States that value freedom and peace, so that they may support us in the defence of our freedom and the re-establishment of a just peace in our zone.

Comrades, compatriots,

We have started a new phase of our revolution, a phase in which our sacrifice, our blood will, as in the past, fertilize, cement and consolidate our unity, our freedom, our independence, our revolutionary conquests.

Fighters of FPLM and people, united will conquer the enemy, will smash the aggressor that violates peace and comes to massacre our people.

We pay vibrant homage to all our comrades who sacrificed themselves and, inspired by their example, united by FRELIMO, developing our production, reinforcing our vigilance, we shall build our victory.

We say firmly,

*A LUTA CONTINUA!*

And as we repeated yesterday,

**INDEPENDENCE OR DEATH! WE SHALL WIN!**

## DOCUMENT S/12006

### Letter dated 10 March 1976 from the representative of Turkey to the Secretary-General

[Original: English]  
[10 March 1976]

I have the honour to enclose herewith a letter dated 10 March 1976, addressed to you by Mr. Nail Atalay, Acting Representative of the Turkish Federated State of Cyprus.

I should be grateful if this letter were circulated as a document of the Security Council.

(Signed) Ilter TÜRKMEN  
Permanent Representative of Turkey  
to the United Nations

ANNEX

Text of the letter dated 10 March 1976 from  
Mr. Nail Atalay to the Secretary-General

I have the honour to refer to Mr. Rossides' letter of 5 March 1976 [S/12003] addressed to you, which represents a

lonely, dissident voice at a time when a negotiating time-table has been mutually agreed upon by the two communities of Cyprus, the two parties to the question of Cyprus, at the fifth round of intercommunal talks held in Vienna under your personal auspices.

This stand, emanating from a certain nostalgia of evident nature, and contrary to the present trend in the negotiations between the two communities, casts serious doubts on the credibility of the representation of the Greek Cypriot community in the United Nations. For its part, the Turkish Cypriot community, irrespective of the frequent outbursts on the part of the Greek Cypriot representative, will seek to negotiate seriously with its future partner, the Greek Cypriot community.

I should be grateful if this letter were circulated as a document of the Security Council.



DOCUMENT S/12007

Letter dated 10 March 1976 from the representative of Kenya  
to the President of the Security Council

[Original: English]  
[11 March 1976]

On behalf of the African Group at the United Nations, I have the honour to request you to take the necessary steps for the convening of a Security Council meeting to consider the act of aggression committed by South Africa against the People's Republic of Angola.

(Signed) Charles Gatere MAINA  
Permanent Representative of Kenya  
to the United Nations

DOCUMENT S/12008\*

Letter dated 8 March 1976 from the representative of Nigeria to the Secretary-General

[Original: English]  
[11 March 1976]

I have the honour, upon instructions from my Government, to forward herewith the text of a statement published by the Federal Military Government, in connexion with the recent attack on Mozambique by the forces of the illegal régime of Ian Smith. I should be grateful if you would please arrange to circulate the statement as an official document of the General Assembly and of the Security Council.

(Signed) L. O. HARRIMAN  
Permanent Representative of Nigeria  
to the United Nations

ANNEX

Statement of the Federal Military Government on the  
closure of the border between Mozambique and Rhodesia

1. The courageous decision of the Government of Mozambique to close its borders against the racist régime of Rhodesia must be seen as a positive contribution to the common effort by freedom-loving peoples the world over to bring down that obnoxious régime and rid Zimbabwe of the forces of darkness, oppression and exploitation. When Mozambique proclaimed its independence barely nine months ago, it inherited a war-torn economy already ravaged by colonial greed and exploitation. But true to its commitment of helping in the total liberation of Africa, the Government of Mozambique has put economic considerations aside and stood up in defence of

\* Circulated under the double symbol A/31/62-S/12008.

freedom, justice and human dignity. The Federal Military Government, which is totally committed to the cause of freedom on the African continent, applauds this act of the Government of Mozambique and salutes the foresight, courage, steadfastness and dedication of its leaders.

2. As far as the Federal Military Government is concerned, the battle for southern Africa has begun and there will be no turning back. Angola should be a lesson to all those colonialists, imperialists, exploiters and their fellow travellers who want to put the hand of the clock back in Africa. The struggle may be long and bitter, but history has assured us that victory is certain.

3. Africa will not be cowed by the threatening stick of multinational monopolies and big Powers whose aim is to keep Africa under perpetual subjection. We call on all friends of Africa, especially those who are now actively engaged in the liberation struggle, to continue with the same commitment and dedication and not allow themselves to be discouraged by threats and blackmail because the cause they are supporting is right and history will remember them.

4. The Federal Military Government expresses its active solidarity with the people of Zimbabwe in their struggle and proclaims its whole-hearted support for the important role that the Government and people of Mozambique are playing.

5. In this connexion, a special envoy of the Federal Military Government will visit Mozambique soon to ascertain in what areas the Federal Military Government can be of help to the peoples of Mozambique and Zimbabwe.

Lagos, 6 March 1976.

DOCUMENT S/12009

Telegram dated 10 March 1976 from the Minister for Foreign Affairs  
of Mozambique to the President of the Security Council

[Original: French]  
[11 March 1976]

On behalf of the Government of the People's Republic of Mozambique, I have the honour to inform you that in order to support the Zimbabwe people's just struggle for national liberation against the racist minority régime, in accordance with the relevant decisions of the United Nations and the Organization of African Unity, the People's Republic of Mozambique

has, as from 3 March 1976, imposed sanctions against the British Colony of Southern Rhodesia. This decision involves serious economic consequences for my country.

Therefore, on behalf of my Government and in conformity with Article 50 of the Charter of the United Nations, I request that a meeting of the Security Council be convened as a matter of urgency. I should be

grateful if such a meeting could be held on Tuesday, 16 March, in order to enable my country's delegation to arrive in New York.

I should also like to draw your attention to the fact that during the night of 23 to 24 February the racist minority régime of Ian Smith, pursuing its traditional policy of aggression against our people, took a new step in its criminal process of escalation, launching an outright war of aggression against our country. Racist troops, supported by aircraft, invaded the villages of Pafuri and Mavúe and murdered old people and children, men and women. This constitutes a threat to

peace and security in my country, in Africa and in the world.

My Government appeals to the Security Council to take the necessary steps to help the people of Mozambique defend itself by every means against the aggression to which it has been subjected by the rebel Ian Smith. The delegation of the People's Republic of Mozambique will have occasion to submit some proposals to the Council concerning this matter.

(Signed) Joaquim Alberto CHISSANO  
Minister for Foreign Affairs  
of the People's Republic of Mozambique

## DOCUMENT S/12010

### Letter dated 11 March 1976 from the representative of Turkey to the Secretary-General

[Original: English]  
[12 March 1976]

I have the honour to enclose herewith a letter dated 11 March 1976, addressed to you by Mr. Nail Atalay, Acting Representative of the Turkish Federated State of Cyprus.

I should be grateful if this letter were circulated as a document of the Security Council.

(Signed) İter TÜRKMEN  
Permanent Representative of Turkey  
to the United Nations

#### ANNEX

##### Text of the letter dated 11 March 1976 from Mr. Nail Atalay to the Secretary-General

A Greek Cypriot priest, Papatsestos of Nicosia, is reported to have made sensational disclosures to an Athens newspaper, *Ta Nea*, about Greek Cypriots "killed and buried like dogs" during the Sampson coup in Cyprus in the summer of 1974.

Papatsestos, who is described as a well-known priest in charge of the Nicosia Greek cemetery, is reported to have told a correspondent of *Ta Nea* that truck-loads of dead Greek Cypriots were hastily buried in mass graves without any record, and without any attempt to identify the bodies.

"But the most horrible experience of my life was seeing a wounded young Greek Cypriot buried alive," Papatsestos is quoted declaring. He is also quoted admitting that dead Turks were buried in the Greek cemetery.

The following are the highlights of Papatsestos' interview with the correspondent of *Ta Nea*, which was reproduced in all the local Greek newspapers on 28 February 1976:

Papatsestos: "Two days after the coup, on 17 July, I witnessed something which has perhaps never been witnessed by any mortal before. I saw a young Greek Cypriot buried alive. That was when two Junta officers came to my house and ordered me to accompany them to the cemetery. I thought they were going to kill me, but they said that they only wanted me for burying some dead people.

"In the cemetery there were two open graves and two bodies lying beside them. I went to see if I could recognize them. One was dead. But the other, a curly haired, fair complexioned 18-year-old youth was moving. Startled, I turned back and shouted, 'But Officer, this man is alive.' 'Shut up you dirty priest, or I will shut you up for good,' the Officer retorted. Then the youth was pushed into the open grave which was filled with earth. I swear to God that they buried this youth while he was still alive."

Pointing at the cemetery, Papatsestos said: "Here the people were buried like dogs by the Junta. There were also bodies which had been dumped outside the cemetery. They

were not identified, and not claimed. As a priest my conscience is troubled, but they were holding a pistol to my head at the time.

"I remember the day they first came to me. They said, 'Father, we have some dead bodies which we want you to bury.' 'With pleasure,' I replied and asked how many bodies they had. They said '77'. An hour later a lorry arrived and I heard someone order, 'Dump them outside.' They were the dead bodies. They were all put in one common grave without waiting for identification by their relatives. The Junta men produced some small crosses (seven only), wrote some names on them and put them on the grave. The Junta men scornfully called 'Muscos supporters,' persons loyal to Makarios, and wanted to bury them like dogs in a sheep-fold outside the cemetery. And this is what they did in the end. They dug two graves with excavators—one inside and the other outside the cemetery. They buried their own dead (27) inside the cemetery and others (50) outside."

*Ta Nea*: "Father about the young man buried alive, could he have been saved?"

Papatsestos: "Of course he could have been saved. He had a wound in the right leg. I went to the hospital and asked a doctor there, if a dead man could move. The doctor laughed, I could not. But I was not the one who had buried him alive."

*Ta Nea*: "Could you recognize any of the Junta men?"

Papatsestos: "They had all come from Greece for the coup. They were looting, and they even broke into my house. They entered the houses on the pretext of searching for deserters but actually stole valuable articles from them."

*Ta Nea*: "Have you witnessed any other atrocities?"

Papatsestos: "I listened to telephone conversations between Junta men. In one case, they were talking about the people resisting at Kaimakli suburb and saying, 'Shoot them all, have no mercy at all.' I also noticed that in the hospital they were giving polluted water to the sick."

*Ta Nea*: "Father, could you swear that you have not secretly buried dead Turks in the cemetery?"

Papatsestos: "Only about ten. We did not know who they were and where they were found."

*Ta Nea*: "How many bodies did you bury during the coup?"

Papatsestos: "127. Fifty of them were collected from streets and they were buried outside the cemetery. The other 77 were buried inside."

*Ta Nea*: "If the Turkish invasion had not taken place, would more Greek Cypriots have been killed in the coup?"

Papatsestos: "Oh, yes, many more. They wanted to kill me too. It is rather a hard thing to say, but it is true that the Turkish intervention saved us from a merciless internecine

war. They had prepared a list of all Makarios supporters and they would have slaughtered them all."

*Ta Nea*: "Now, Father, tell me sincerely, were people brutally killed in those days?"

*Papatsestos*: "Yes, my son. Massacres were committed outside Kykko Monastery and in Limassol. I heard with my own ears the order, 'All of them to the last man must be killed tonight.' Those who have witnessed these crimes are

afraid to speak. As a matter of fact most of them are Grivas supporters and they will never speak."

Finally, Papatsestos is reported to have declared that he would tell his story and worries to the Greek Premier, Mr. Karamanlis, because Makarios has done nothing about them.

I should be grateful if you would circulate this letter as a document of the Security Council.

## DOCUMENT S/12011

### Report of the Secretary-General in pursuance of Security Council resolution 384 (1975)

[Original: English]  
[12 March 1976]

1. Having discussed the item entitled "The situation in Timor" at its 1864th, 1865th, and 1867th to 1869th meetings, held between 15 and 22 December 1975, the Security Council at the last-mentioned meeting, adopted resolution 384 (1975), the operative part of which is contained in paragraph 20 of the annex to this report.

2. In paragraph 5 of the resolution, the Security Council requested me to send urgently a special representative to East Timor for the purpose of making an on-the-spot assessment of the existing situation and of establishing contact with all the parties in the Territory and all the States concerned in order to ensure the full implementation of the resolution.

3. In accordance with that request on 29 December, I appointed Mr. Vittorio Winspeare Guicciardi, Director-General of the United Nations Office at Geneva, as my Special Representative and asked him to initiate his mission without delay.

4. Mr. Winspeare Guicciardi came to Headquarters on 5 January 1976 in order to discuss with me the details of the mission. I asked him to inform me personally of its progress and to submit to me a report on its results for transmission to the Security Council. I also assigned an appropriate staff to assist him during the mission.

5. On 29 February, my Special Representative submitted to me a written report, the text of which is reproduced in the annex. Paragraphs 21 to 35 contain a detailed account of the mission. Paragraphs 36 to 44 contain the findings of my Special Representative.

6. In submitting the report of my Special Representative to the Security Council, I wish to express the hope that it will provide a useful basis for the Council's further consideration of the question.

7. Mindful of the request addressed to me in paragraph 6 of resolution 384 (1975), I shall continue to follow the implementation of the resolution.

8. Further, as the parties concerned have expressed their readiness to continue consultations with my Special Representative, I suggest that these consultations should be continued for the time being on the understanding that any developments will be reported to the Council.

#### ANNEX

#### Report by the Special Representative of the Secretary-General appointed under Security Council resolution 384 (1975)

##### *Appointment and terms of reference*

1. On 29 December 1975 you appointed me your Special Representative pursuant to paragraph 5 of Security Council

resolution 384 (1975) for the purpose of making an on-the-spot assessment of the existing situation in East Timor and of establishing contact with all the parties in the Territory and all States concerned in order to ensure the implementation of that resolution.

2. You advised me that the Governments concerned had been consulted and had informed you that they would accord me all possible assistance in order to facilitate my assignment.

3. Although on 26 December you had received a communication from the "Provisional Government" in Dili requesting postponement of a United Nations visit to East Timor, you instructed me at the time of my appointment to assemble a small team of Secretariat members, to make arrangements to initiate the mission without delay and to report to you in New York for briefing on 5 January 1976. I was requested to inform you personally of my progress and to prepare and submit to you for transmission to the Security Council a report on the results of the mission.

##### *Background information*

4. The events and circumstances which gave rise to resolution 384 (1975) were set forth in detail by the Governments and parties concerned in the course of the 1864th, 1865th, 1867th, 1868th and 1869th meetings of the Security Council, held between 15 and 22 December 1975.

5. It might nevertheless be relevant to summarize these events against the background of the geography and history of East Timor. The island of Timor lies at the extreme eastern tip of the Nusatenggara archipelago, some nine degrees south of the equator, and has a total area of approximately 30,000 square kilometres. The western half is part of the Republic of Indonesia. The area under Portuguese administration comprises 14,925 square kilometres,\* being the eastern part of the island, together with the enclave of Oucusi Amheno, the island of Ataúro off the northern coast, and the small island of Jacó off the extreme eastern tip. The Territory of East (Portuguese) Timor has a border with Indonesia of about 200 kilometres. The nearest neighbour, other than Indonesia, is Australia whose north-west coast lies some 600 kilometres to the south-east.

6. The terrain of Timor is rugged, high mountains rising abruptly from the sea along the northern coast. A central range of mountains creates a watershed with rivers running north and south. The southern coastal plain is generally wide with swampy areas at the river mouths and deltas. The climate of Timor is tropical under the influence of the north-east and south-west monsoons. During the season of heavy rains, lasting usually from December to May, communications suffer. Certain areas become entirely inaccessible by land, especially in the high altitude interior. Roads are largely impassable also in the coastal region where rivers in spate cannot be forded; there are very few bridges.

7. According to the census of 1970,<sup>b</sup> the population of the Territory of East Timor was 609,477. Recent population estimates vary from 650,000 to 670,000. Less than 10 per cent

\* United Nations *Demographic Yearbook*, 1972, p. 123.

<sup>b</sup> Portugal, *Anuário Estatístico*, 1973, vol. II.

of the population are reported as literate. Although many primary schools have been established in recent years, there is but one secondary school, at Dili the capital. Fewer than 10 East Timorese hold university degrees.<sup>6</sup>

8. Outside the main population centres the tribal system remains entrenched. The traditional Timorese social organization is based on the *cnua* or village comprising a small number of families. Villages are grouped in *sucos* headed by a *suco* chief. Groupings of *sucos* come under the leadership of *liurais*.

9. The Portuguese first visited the island in 1514 and began to establish themselves in the second half of the sixteenth century when the Dutch also came to the area and disputes over territorial control arose. In 1893 a border agreement was reached between Portugal and Holland,<sup>4</sup> binding each party wishing to dispose of its Timor territory to give first offer to the other. The Dutch half of the island of Timor became part of Indonesia in 1947. Portuguese East Timor remained as the Province of Timor an integral, but autonomous, region of the Portuguese Republic.<sup>5</sup>

10. With few exceptions open support for separation from Portugal did not emerge until the change of régime in Lisbon in April 1974. Although it made no specific reference to Timor, Law No. 7/74, which revised the 1933 Constitution of Portugal, laid down the constitutional framework for Portugal's decolonization policy and recognized the right of peoples to self-determination in conformity with the Charter of the United Nations.

11. By the time Law No. 7/74 was enacted three major political parties had emerged in East Timor: the Associação Popular Democrática Timorense (APODETI), the Frente Revolucionária Timor Leste Independente (FRETILIN) and the União Democrática de Timor (UDT). APODETI, founded on 27 May 1974, advocated the integration of East Timor with Indonesia. (APODETI claimed to have among its members persons who had participated in an early revolt against Portuguese colonialism in 1959 at Viqueque [see 1865th meeting].) FRETILIN, which was reportedly first formed as an underground movement in 1970, had always advocated full independence for the Territory<sup>4</sup> [see also 1864th and 1865th meetings]. UDT, formed on 11 May 1974, advocated union or federation with Portugal gradually leading towards independence [see 1865th meeting]. Later the same year two other parties were formed, Klíbnr Oan Timor Aswain (KOTA) and Partido Trabalhista. KOTA, founded on 10 November 1974, argued for preserving the traditional tribal system with *liurais* as leaders of the people [ibid.]. Trabalhista, or Labour Party, founded in October 1974, advocated the "independence of East Timor, under a system somewhat similar to the Commonwealth system" [ibid.].

12. Towards the end of 1974 the Portuguese Government had initiated negotiations with the three major parties on the form of a transitional government for the Territory. Early in 1975, FRETILIN and UDT formed a coalition and issued a communiqué criticizing APODETI for advocating integration with Indonesia. The communiqué called for negotiations with Portugal leading to a transitional government and subsequent independence for East Timor.<sup>6</sup> The coalition, however, dissolved as ideological differences and increasing misunderstanding led to clashes between the two parties.

13. In June 1975 the Portuguese Government convened a meeting in Macau with the three major parties. FRETILIN, finally, did not participate, refusing to accept APODETI as representative, but talks took place with APODETI and UDT on a decolonization programme. Following the Macau Con-

ference, in late June there were reports of clashes between FRETILIN and UDT in Dili.

14. On 17 July 1975 the Portuguese Government promulgated Law No. 7/75. By this law the Portuguese Government confirmed "the right of the people of Timor to self-determination, with all its consequences, including acceptance of its independence . . . in accordance with the relevant resolutions of the United Nations Organization and the scrupulous safeguard of the principle of respect for the wishes of the people of Timor". That law also provided for the formation of a transitional government to prepare for election of a popular assembly in October 1976. The transitional government was to consist of a High Commissioner appointed by Portugal and five members, two of whom would be representatives of the Portuguese Government and the other three chosen from among representatives of the political parties in the Territory. The popular assembly, to be elected by direct, secret and universal suffrage, was to be responsible for determining the future political status of the Territory. Unless otherwise agreed between the popular assembly and the Portuguese Government, Portuguese sovereignty was to be terminated as of the third Sunday of October 1978.

15. In the early morning of 11 August 1975, UDT staged a coup d'état in Dili, claiming this to be a pre-emptive strike given information that FRETILIN was planning to carry out an armed coup on 15 August [ibid.]. An attempted counter-coup by FRETILIN was followed by armed confrontation between the two parties, during which FRETILIN regained control of Dili and the Portuguese Governor and garrison withdrew to the island of Ataúro. By letter dated 22 August, the Minister for Foreign Affairs of Portugal stated that armed conflict had spread so widely that the Portuguese authorities were no longer able to control the situation or even fully to assess it with the limited possibilities of communication. The Portuguese Foreign Minister summarized the situation "as one of near civil war", adding that his Government had made an urgent appeal to Indonesia and Australia, and to the International Committee of the Red Cross for humanitarian assistance.<sup>3</sup>

16. On 28 November 1975, FRETILIN stated its intention to declare unilaterally the independence of Timor. In justification, FRETILIN claimed that the Territory had been a victim of aggression by Indonesia and that the anticipated talks between Portugal and the various parties had been delayed, for which they held the Portuguese Government responsible [see S/11890, annex]. Later FRETILIN maintained that this declaration of independence establishing the "Democratic Republic of East Timor" had been merely a formal act to legalize an already existing situation [see 1864th meeting].

17. On 30 November 1975, following the unilateral declaration of independence by FRETILIN, a coalition comprising APODETI, KOTA, Trabalhista and UDT issued a proclamation denouncing FRETILIN's action and declaring "the independence and integration of the whole former colonial Territory of Portuguese Timor with the Republic of Indonesia".<sup>1</sup> On 17 December the same coalition announced the establishment of a "Provisional Government of the Territory of East Timor", to ensure the maintenance of government and the administration of law and order given "the fact that the capital of East Timor and practically the entire Territory has been liberated from terrorist influence" and that "there exists a vacuum of authority in East Timor due to the incapacity and irresponsibility of Portugal" [see S/11923, annex].

18. By letter dated 7 December 1975, the Permanent Representative of Portugal on behalf of his Government informed the President of the Security Council that early that same day naval, air and land forces of the Republic of Indonesia had launched an offensive action against the Territory of Portuguese Timor and particularly against the town of Dili where naval bombardment had occurred and troops had landed. The Permanent Representative requested the President of the Council to convene an urgent meeting of the Council [S/11899].

<sup>6</sup> See *Official Records of the General Assembly, Thirtieth Session, Supplement No. 23*, chap. VIII, annex, paras. 55 and 56.

<sup>4</sup> Later enshrined in the Luso-Holandesa Treaty of 1904.  
<sup>5</sup> Portugal, Overseas Organic Law of 1972 and Decree No. 547/72 of 22 December 1972.

<sup>6</sup> See A/AC.109/L.1006, of 28 April 1975, para. 44.  
<sup>1</sup> See *Official Records of the General Assembly, Thirtieth Session, Supplement No. 23*, chap. VIII, annex, para. 15.

<sup>3</sup> See A/10208 of 22 August 1975, annex.

<sup>2</sup> See A/C.4/808 and Corr.1 of 4 December 1975, annex.



19. Prior to the Security Council being seized of the question of East Timor, the Territory had been under consideration in the General Assembly since its fifteenth session. In June 1975 the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples adopted a census in Lisbon with reference also to Timor.<sup>1</sup> The Fourth Committee at the thirtieth session of the General Assembly approved a draft resolution on the question of Timor which was adopted as resolution 3485 (XXX). In the resolution the General Assembly drew the attention of the Security Council, in conformity with Article 11, paragraph 3, of the Charter, to the critical situation in the Territory of Portuguese Timor and recommended that it take urgent action to protect the territorial integrity of Portuguese Timor and the inalienable right of its people to self-determination.

20. At its 1869th meeting, on 22 December 1975, the Security Council adopted resolution 384 (1975). The operative paragraphs read:

"1. *Calls upon* all States to respect the territorial integrity of East Timor as well as the inalienable right of its people to self-determination in accordance with General Assembly resolution 1514 (XV);

"2. *Calls upon* the Government of Indonesia to withdraw without delay all its forces from the Territory;

"3. *Calls upon* the Government of Portugal as administering Power to co-operate fully with the United Nations so as to enable the people of East Timor to exercise freely their right to self-determination;

"4. *Urges* all States and other parties concerned to co-operate fully with the efforts of the United Nations to achieve a peaceful solution to the existing situation and to facilitate the decolonization of the Territory;

"5. *Requests* the Secretary-General to send urgently a special representative to East Timor for the purpose of making an on-the-spot assessment of the existing situation and of establishing contact with all the parties in the Territory and all States concerned in order to ensure the implementation of the present resolution;

"6. *Further requests* the Secretary-General to follow the implementation of the present resolution and, taking into account the report of his special representative, to submit recommendations to the Security Council as soon as possible;

"7. *Decides* to remain seized of the situation."

#### *Activities of the mission*

21. Following the instructions given me on my appointment, I left Geneva for New York on 4 January 1976. During the next three days, after being briefed by you on 5 January, I held meetings with the Permanent Representatives of Indonesia and Portugal, the two States directly concerned, and Mr. José Ramos Horta, "Minister for Foreign Affairs of the Democratic Republic of East Timor" and Secretary-General of the Political Committee of FRETILIN. On 8 January in Lisbon I met Portugal's Minister for Foreign Affairs, Major Ernesto Melo Antunes, the Minister for External Co-operation, Major Vitor Crespo, the Governor of Portuguese Timor, Colonel Lemos Pires, and other senior government officials. In Geneva afterwards I spoke to the Permanent Representatives of Indonesia and Portugal, as well as the International Committee of the Red Cross, to obtain information about its activities in the area.

22. On 13 January I received a communication from the Permanent Representative of Indonesia in Geneva, stating that the "Provisional Government of East Timor" had now agreed, upon the insistence of Indonesia's Foreign Minister, Mr. Adam Malik, to receive as from 19 January the visit of the Special Representative of the Secretary-General in areas of East Timor under the control of the "Provisional Government". On the same day a cable arrived from Mr. C. Santos,

"Information Officer, Foreign Affairs, Democratic Republic of East Timor Office in Australia", inviting me to visit areas under the control of his "Government", stating that the "Democratic Republic of East Timor" would be willing to attempt to arrange a visit through Australia and adding that such a visit was imperative. On 14 January, having already assembled my team,<sup>2</sup> I departed from Geneva, arriving in Jakarta on 15 January, one member of the mission having reached Jakarta the previous day to make preliminary arrangements.

23. On the following days I was received in audience by President Soeharto and held several meetings with the Foreign Minister, Mr. Adam Malik, and other senior officials of the Indonesian Government. I also met with the Chairman of Indonesia's Task Force for the Refugees from East Timor, the Chairman of the Indonesian Red Cross Society and the UNICEF representative in Jakarta.

24. On 19 January I flew from Jakarta to Kupang in West Timor. In Kupang I met the Provincial Governor and members of his administration. Representatives of the "Provisional Government" had flown from Dili to discuss details regarding the visit of my mission to East Timor; I made clear to them my wish to go to as many centres in the Territory as possible, leaving them to specify which places might be inaccessible for technical or security reasons.

25. The following day I flew by chartered light aircraft to the enclave of Ocussi, the island of Atauro and then to Dili. In all three places I had the opportunity to speak to senior representatives of the administration and political parties, local community leaders and others. In Dili I had two lengthy meetings, on the evening of my arrival and again the following morning, with members of the "Provisional Government" and persons representing APODETI, FRETILIN, KOTA, Trabalhista and UDT. I subsequently flew by helicopter—made available especially, since there was no landing-place for a fixed-wing aircraft at Manatuto—to Manatuto and on to Baucau. In both places I again met with representatives, as above, of the administration and political parties and local community leaders. After a final meeting on the morning of 22 January I departed from Baucau and returned to Indonesia, since at the time the "Provisional Government" did not deem it possible on technical and/or security grounds for me to visit other centres, roads being largely impassable.

26. After my return to Jakarta I had further meetings with Mr. Adam Malik and other senior officials of the Indonesian Government.

27. I received in Jakarta a cable containing a message from Mr. Horta in which he suggested that I visit four places (Suai, Same, Viqueque and Com) in East Timor. It was said that Same had an airstrip and I was asked to make arrangements through a representative of FRETILIN in Darwin (Australia). I immediately contacted the representative concerned. It transpired that Same could be approached by air only from Indonesia or Australia, since no light aircraft capable of landing on the airstrip would have the autonomy to fly greater distances. For security reasons the Government of Australia and Indonesia felt unable to permit the use of, respectively, Australian and Indonesian aircraft and crews or to clear flights of foreign aircraft from their territories to East Timor.

28. The situation was further complicated by reports that the FRETILIN representatives in Australia were no longer able to maintain effective radio communications with the "Government of the Democratic Republic of East Timor" inside the Territory and it was therefore impossible to make proper arrangements. There were therefore two problems to resolve: the first, to see if means could be found to enable the FRETILIN representatives abroad to communicate with the "Government of the Democratic Republic of East Timor" inside the Territory, and the second to find appropriate means of transport. At this stage the Portuguese Government agreed to make available the communications facilities of one of two

<sup>2</sup> Mr. Erik Jensen, Special Assistant; Mr. Gilberto Schlittler-Silva, Political Officer; and Mr. Harald Smaage, Administrative Assistant.

<sup>1</sup> See *Official Records of the General Assembly, Thirtieth Session, Supplement No. 23*, chap. VIII, para. 26.

naval corvettes stationed in the Timor Sea, and also to place a vessel at my disposal to carry my mission to Timor, should an appropriate landing-place be agreed.

29. I flew to Darwin from Jakarta on 1 February, as soon as I had been given to understand that communications were being established. However, there continued to be technical difficulties and it was several days before the FRETILIN representatives in Australia were able to transmit messages and to receive clear and complete replies. To assist them in this they had the use, in Darwin, of the ship's radio equipment, as well as supplementary facilities on land made available at my suggestion by the Australian authorities to ensure that no technical obstacles should impede contact.

30. Meanwhile, the Portuguese corvettes stood by to carry my mission to any landing-place suggested in the FRETILIN-controlled areas of East Timor. On 4 February I received assurance, through the Indonesian Embassy in Canberra, of Indonesian Government guarantees of free passage and the concurrence of the Dili authorities to my visit on condition that (a) the Portuguese vessel carrying the mission would fly the United Nations flag; (b) the sloop used to bring the mission ashore would also display the United Nations flag and be clearly marked "United Nations"; (c) only the members of the mission would be permitted to disembark; (d) the crew of the sloop would not be permitted to carry arms; (e) the Portuguese vessel would not be permitted to come within four nautical miles of the coast; and (f) the Special Representative of the Secretary-General would notify in advance the "Provisional Government of East Timor" of the time and place of landing.

31. While in Darwin I was in continuous contact with Mr. Horta and had repeated conversations with him, in which I made clear my willingness to travel to the FRETILIN-held areas of East Timor by any reasonable means, to go ashore by small boat should this be necessary or to meet the FRETILIN leaders at sea if they so wished. He was initially hopeful of arranging a visit but, after a full communication received from East Timor, Mr. Horta told me, and subsequently stated publicly, on the morning of 6 February that the "Government of the Democratic Republic of East Timor" could not guarantee the safety of the United Nations delegation so long as the Indonesian forces had not been withdrawn from the Territory of East Timor. He also mentioned having received a message to the effect that the airstrips which had again been mentioned for landing had come under attack. I reiterated my continuing availability should circumstances permit my reaching FRETILIN-controlled areas.

32. After Mr. Horta had left Darwin I flew on 7 February to Sydney to report to you on your arrival in Australia on 8 February. Subsequent to our meeting I departed from Sydney and returned to Geneva on 9 February. On 10 February I flew to Lisbon where, the following day, I had further meetings with Major Melo Antunes, Mr. Vitor Crespo, Colonel Lemos Pires and other senior government officials.

33. On 13 February I received through the Permanent Mission of Indonesia a cable from the "Provisional Government" in Dili inviting me to visit Suai, Same, Viqueque and Lautém (Lautém is in the same district as Com) adding that these places were under "its territorial jurisdiction".

34. Immediately after my return to Europe, before flying to Lisbon, I conveyed to the Chargé d'affaires of the Permanent Mission of Indonesia in Geneva the proposals put to me by Mr. Horta (see para. 40 below) and requested the comments of the "Provisional Government" in Dili as well as of the Government of Indonesia. On 16 February the Permanent Representative of Indonesia in New York passed through Geneva expressly to pursue conversations regarding these proposals on behalf of his Government.

35. On 23 February I received from the "Provisional Government of East Timor" through the Permanent Mission of Indonesia in Geneva their reply (see para. 42 below) and the following day the comments of the Government of Indonesia (see para. 43 below), also through the Permanent Mission.

## Findings

36. In accordance with paragraph 5 of resolution 384 (1975) I visited East Timor for the purpose of making an on-the-spot assessment of the existing situation. As the account of the activities of my mission makes clear, I went to certain places only and was unable to travel widely. Quite apart from the general difficulty of communications, security reasons were advanced by the "Provisional Government" as well as by the representatives of the "Government of the Democratic Republic of East Timor" against my going to other centres of population or moving about the countryside. Places first specifically suggested by the "Government of the Democratic Republic of East Timor" were then reported as affected by military activity and subsequently as being under control of the "Provisional Government". Travel outside the towns visited was said by members of the "Provisional Government" to be susceptible to hit-and-run action or other isolated incidents. This fear appeared to be substantiated by an unauthenticated message dated 18 February from FRETILIN sources referring to "guerilla tactics".

37. Any accurate assessment of the situation as a whole remains elusive. Without doubt it continues to evolve. The terrain and conditions generally are such as to rule out front lines and to favour guerilla warfare. In the places visited and at that time local military personnel were in evidence. There were signs of a functioning administration, and schools as well as health services were working. Indonesian flags were widely displayed as well as banners proclaiming allegiance to Indonesia. Other banners expressed resentment against Portugal, which individuals explained as deriving from a sense of having been abandoned by the country to which they had cultural ties and from which they had expected support.

38. I was able to establish useful contact with the parties and States concerned regarding implementation of resolution 384 (1975). My conversations both before and after the visit to East Timor with the Governments of Portugal and Indonesia were comprehensive and constructive. In Dili I had full discussions with the members of the "Provisional Government" and I met at length high-level representatives of FRETILIN in New York, as well as in Australia.

39. In response to my specific reference to paragraph 2 of the resolution regarding the immediate call for the withdrawal of forces, the Government of Indonesia pointed out that the presence of Indonesian volunteers in East Timor was upon the request of APODETI, UDT, KOTA and Trabalhista and later of the "Provisional Government of East Timor", in which the four parties were represented, in order to give whatever assistance was necessary to restore peace and order in the Territory, as a prerequisite for the proper exercise of the right of self-determination by the people of East Timor. Consequently, the termination of their presence in, and their withdrawal from the Territory should be carried out upon the request of the "Provisional Government of East Timor". The Government of Indonesia would be in contact with the "Provisional Government of East Timor" and would co-operate fully in the implementation of such a request.

40. With a view to achieving a peaceful solution and to establishing the status of the Territory following its decolonization, the representative of the "Government of the Democratic Republic of East Timor" called for:

(a) A cease-fire without delay;

(b) The withdrawal of Indonesian forces and military assistance and their simultaneous replacement by an international force composed of Portuguese and contingents from West European countries (preferably Nordic) or composed exclusively of Nordic contingents should it not prove possible for Portugal to participate;

(c) A referendum (one man—one vote) to be held not less than one month, not more than three months, after the Indonesian withdrawal, with a choice between (i) integration with Indonesia, and (ii) independence under FRETILIN.

41. The Government of Portugal expressed full support for points (a) and (b) of these proposals, adding that were a Portuguese contingent to be included in an international force,



the Portuguese Government would insist on over-all command (on behalf of the United Nations) being held by a Portuguese commanding officer, since Portugal still had legal responsibility as the administering Power. However, the Portuguese Government would not oppose an international force being dispatched without inclusion of a Portuguese contingent. Regarding point (c), while in principle favourable to a referendum, the Government of Portugal would wish the people of East Timor to decide on the procedure for themselves, possibly on the lines of the proposal contained in Portuguese Government Law No. 7/75 of 17 July 1975. But they could not agree to terms of reference for popular consultation offering only a choice between integration with Indonesia and independence under FRETILIN. The Portuguese Government was unable to accept FRETILIN as the only valid political entity in East Timor and would suggest the alternatives be (i) integration with Indonesia, and (ii) independence in consultation with all political forces in East Timor. Furthermore, any referendum should be preceded by consultations with all political groups and with the assistance of the United Nations and the Portuguese Government.

42. The "Provisional Government of East Timor" stated that

"1. The people and the Provisional Government of East Timor have decided for complete integration with the Republic of Indonesia. As far as the people are concerned, they have already exercised their right of self-determination; they consider themselves Indonesian nationals and their territory an integral part of the Republic of Indonesia.

"2. The Provisional Government of East Timor decided to constitute a Provincial People's Representative Council representing all the people of East Timor. In deference to the wishes of the United Nations the first task of the Council will be to ratify the decision of the people for complete integration with the Republic or to formulate any other form of the future political structure of East Timor.

"3. The Provisional Government of East Timor will invite representatives of the United Nations as observers during the entire process.

"4. The Provisional Government of East Timor is not prepared to accept the so-called leaders of FRETILIN agitating outside East Timor as valid representatives, even of part of the people of East Timor. They are, however, free to return to the Territory and will be guaranteed the necessary freedom to work for their political ideals among the people of East Timor, provided they do not resort to acts of armed violence and terrorism.

"5. The Provisional Government of East Timor would like to point out, however, that the political parties in East Timor have decided on 30 January 1976 to dissolve themselves and to unite in a national front in order to work together for the solution of the problems which the people of East Timor are facing.

"6. The Provisional Government has the honour to invite the Special Representative of the Secretary-General of the United Nations to make another visit to East Timor to discuss further the implementation of its decision with a view to a solution of the question of East Timor."

43. The Government of Indonesia commented that its position in this regard was not and could not be of a decisive nature. The Government of Indonesia was of the view that,

in the first instance, the question was for the people of East Timor to decide, as they had the right to determine for themselves the political future of their Territory. The "Provisional Government of East Timor" had already proclaimed the Territory of East Timor as being part of the national territory of the Republic of Indonesia. While welcoming this proclamation, the Government of Indonesia believed that a formal decision embodying the wish for such an integration should be ratified by the people of East Timor. Moreover, the Government of Indonesia for its part had to take the necessary steps to accommodate such a desire of the people of East Timor within the framework of the existing Constitution of the Republic of Indonesia. The establishment of the "Provisional Government of East Timor" constituted an extension of the proclamation issued on 30 November 1975 by APODETI, UDT, KOTA and Trabalhista, representing the majority of the people of East Timor, to the effect that the Territory of East Timor was integrated into the national territory of the Republic of Indonesia and that the people of East Timor had become Indonesian citizens. The Government of Indonesia further stated that this proclamation had been made after FRETILIN had unilaterally proclaimed the independence of East Timor on 28 November 1975. The Government of the Republic of Indonesia recognized and acknowledged the "Provisional Government of East Timor" as the *de facto* authority in power in the Territory of East Timor at present. Based first on the requests of APODETI, UDT, KOTA and Trabalhista and subsequently of the "Provisional Government of East Timor", the Government of Indonesia had provided assistance in the fields of civil administration, people's welfare and the re-establishment of peace and order in East Timor.

44. Among the divergent views of the Governments and parties concerned on the future of East Timor there is one common element: the need for consultation. This is, however, interpreted very differently both in its scope and procedure:

(a) The "Government of the Democratic Republic of East Timor", through Mr. Horta, suggests a referendum with a simple choice between integration with Indonesia and independence under FRETILIN.

(b) The Portuguese Government, while in principle favouring a referendum, would wish the people of East Timor themselves to decide on the procedure. The Portuguese Government expresses a preference for a choice between integration with Indonesia and independence in consultation with all political parties in the Territory.

(c) The "Provisional Government" in Dili proposes that a People's Representative Council should either ratify the decision of the people for complete integration with Indonesia or formulate other suggestions for the future political structure of East Timor.

(d) The Indonesian Government maintains that, since it is for the people of the Territory to determine for themselves the future of East Timor, the decision of the "Provisional Government" for integration with Indonesia should be subject to ratification by the East Timorese people.

As a first step, it might be possible to build on the slender common assumption that the people of East Timor should be consulted on the future status of the Territory.

(Signed) V. WINSPEARE GUICCIARDI

Geneva, 29 February 1976.

## DOCUMENT S/12012\*

Letter dated 12 March 1976 from the representative of Saudi Arabia to the Secretary-General

[Original: English]  
[15 March 1976]

Aside from my being the Ambassador of Saudi Arabia to the United Nations I am writing you in my

capacity as the Chairman of the Islamic Conference, which consists of 41 members.

I have conveyed to the members of the Islamic Conference that met today the report which you gave

\*Circulated under the double symbol A/31/63-S/12012.

to me regarding your laudable efforts in connexion with what the Muslim world has considered a sacrilege of the Holy Places in Jerusalem and other religious sites in occupied Palestine.

I am sure you will be interested to read the enclosed statement, which I was authorized by members of the Islamic Conference to submit for your prompt attention, and may I ask you to be kind enough to have it circulated as an official document of the General Assembly and of the Security Council.<sup>23</sup>

Allow me to thank you once again for the attention you have given this matter, which is of deep concern to all the people of the Muslim world.

(Signed) Jamil M. BAROODY  
Ambassador of Saudi Arabia  
to the United Nations

#### ANNEX

#### Statement by members of the Islamic Conference concerning recent developments in occupied Arab Jerusalem

The members of the Islamic Conference at the United Nations met to consider the grave situation in Jerusalem resulting from the recent Israeli violations of Security Council resolutions 252 (1968), 267 (1969), 271 (1969) and 298 (1971) and General Assembly resolutions 2253 (ES-V) and 2254 (ES-V), concerning the status of Jerusalem and the profanation and desecration of Al Aqsa Mosque, and to express their deep concern about the present situation in Jerusalem and in particular the ruling of the Magistrate Court, to the effect that Jews have the right to pray in Al Aqsa Mosque. The members of the Islamic Conference cannot but view this ruling in the context of the systematic and persistent policy of the Israeli occupation authorities to change the status of Jerusalem and gradually obliterate the Moslem and Christian heritage in the Holy City.

<sup>23</sup> A similar letter was addressed to the President of the Security Council for the month of March 1976, Mr. Thomas S. Boya, requesting that the attached document be brought to the attention of the Council.

#### DOCUMENT S/12014

#### Letter dated 16 March 1976 from the representative of Cyprus to the Secretary-General

[Original: English]  
[16 March 1976]

According to reliable and confirmed information, Turkey is preparing for the construction of a military air base in the area of Ayios Epiktitos, including Karakoumi, Kazaphani and Klepini, near Kyrenia in occupied northern Cyprus. To this end the Turkish occupation forces have given orders to the inhabitants of these villages to evacuate their homes and move elsewhere within a fortnight, "as their villages will be used for the settlement of Turkish military". The victims of this action are the remaining Greek Cypriots of the area, a great number of Turkish Cypriots—about 2,000 who were transported from the south—and a number of imported colonists from Turkey.

The element of aggressive possessiveness over the territory of an independent and sovereign country is amply discernible in this action by Turkey. It reveals still more emphatically Turkey's expansionist aims as the actual motivation behind its invasion of Cyprus. In addition, the violation of the fundamental human rights

This deliberate policy aims at radically changing the religious, cultural, demographic and political status of occupied Jerusalem and undermining the spiritual values of the Holy City and its universal sacred character. The attitude of Israel in this matter is reflected in the statement made by the Chief Rabbi of Israel, as published in the Israeli daily *Ma'ariv* on 22 July 1969, in which "he appealed to all Jews in Israel and elsewhere to observe as usual the Jewish traditions of mourning in remembrance of the destroyed Temple of Solomon. The Chief Rabbi drew the attention of world Jewry to the fact that Israeli occupation of the Old City of Jerusalem did not return to the Jews their Temple. They had no alternative but to continue spending that sorrowful day in fasting and prayer until the Temple was reconstructed in the courtyard of Al-Haram Al-Sharif."

The Israeli policy of Judaization of the Holy City is being implemented *inter alia* by the following:

1. Expropriation of Arab land in Jerusalem and setting up of new Jewish quarters on this land culminating in the recent project of building 30,000 housing units in and around Jerusalem by 1980 with 3,000 units to be completed by the end of this year.
2. Attempted alienation of the indigenous Arab population from their history, civilization and culture by the Israelization of educational programmes and curricula.
3. Exploitation of the economy of occupied Jerusalem and its absorption within the Israeli economy.
4. Measures designed to compel the Arab population of Jerusalem to leave their homes and property.
5. Suppression of Islamic and Christian heritage and institutions.

The members of the Islamic Conference take note with appreciation of the efforts made by Mr. Waldheim, Secretary-General, in the present case as a result of the representations made to him by the Islamic group.

They request the President of the Security Council and the Secretary-General to keep under urgent attention the situation in Jerusalem and in the rest of the occupied territories, which might be further aggravated. They reaffirm that immediate steps must be taken in order to stop such violations and defiance of the Security Council and General Assembly resolutions on Jerusalem and to rescind measures already taken by the occupation authorities in violation of these resolutions.

of the people involved, including a large number of Turkish Cypriots, clearly demonstrates that Ankara's professed concern for the rights of the Turkish Cypriots is but a pretence, strikingly reminiscent of similar developments of sad memory that led to the subjugation of a small country in the period that preceded the Second World War. It is abundantly obvious that the continuing military stranglehold on the territory of Cyprus is an evil of increasing dimensions, engulfing the whole of its population, whether of Greek, Turkish or other origin, with wider repercussions.

It is to be hoped that you will give this situation the serious consideration it deserves.

I should be grateful if this letter were circulated as a document of the Security Council.

(Signed) Zenon ROSSIDES  
Permanent Representative of Cyprus  
to the United Nations



## Letter dated 18 March 1976 from the representative of Turkey to the Secretary-General

[Original: English]  
[18 March 1976]

I have the honour to enclose herewith a letter dated 18 March 1976, addressed to you by Mr. Nail Atalay, Acting Representative of the Turkish Federated State of Cyprus.

I should be grateful if this letter were circulated as a document of the Security Council.

(Signed) İlter TÜRKMEN  
Permanent Representative of Turkey  
to the United Nations

## ANNEX

Text of the letter dated 18 March 1976 from  
Mr. Nail Atalay to the Secretary-General

The tragic irony in the most recent outburst of the Greek Cypriot representative, Mr. Rossides [S/12014], is his self-styled concern for the well-being of the Turkish Cypriot community. As world public opinion bears witness, if the Greek Cypriot community which he represents had during the past decades demonstrated the minimum of such a concern, the tragedy of Cyprus would not have occurred.

It is blatantly hypocritical on the part of Mr. Rossides and his leadership to claim any rights on behalf of the Turkish Cypriots who were regarded as their national enemies and hence to be eradicated from Cyprus. Such pretensions, making a mockery of history, can be fabricated only on a belief in universal naiveté.

The allegations of the Greek Cypriot representative concerning the areas in northern Cyprus hardly deserve any reply since those areas are under the full control and jurisdiction of the Turkish Federated State of Cyprus. There are no undertakings in the area under the control of the Turkish Cypriot community which would contravene the conviction of the Turkish Federated State of Cyprus that the island should be a non-aligned country. Strategic bases which might jeopardize the non-alignment of Cyprus are located outside the territory which is under the jurisdiction of the Turkish Federated State of Cyprus and, as is generally known, are in the south.

I should be grateful if this letter were circulated as a document of the Security Council.

## DOCUMENT S/12016

## Letter dated 18 March 1976 from the representative of Cyprus to the Secretary-General

[Original: English]  
[18 March 1976]

Upon instructions from my Government, I have the honour to draw the following to your attention.

In a document issued by Mr. Celik on the instructions of Mr. Denktas, the Turkish Cypriot negotiator, and circulated through the representative of Turkey [S/11859 of 24 October 1975], it was stated that "there are more than 300,000 Turks of Cypriot origin in Turkey alone". Yet in a subsequent statement on 23 February 1976, Mr. Denktas gave a drastically reduced figure, when at the end of the last round of the Vienna talks, in an interview with the British Broadcasting Corporation, he stated that, "In Turkey alone live 90,000 Turkish Cypriots".

The plain truth of the matter is that the total number of Turkish Cypriots who emigrated during the 20 years from 1955 to July 1975 does not exceed 17,164, of whom only 302 went to Turkey. The corresponding number of Greek Cypriots who emigrated during that period is 79,185. These figures are taken from the official statistics data under British administration and after independence as shown in the annex attached.

Such gross misrepresentations reveal the degree of responsibility and veracity that can be attached to statements emanating from that source. They are but an example demonstrating the methods of a campaign calculated to deceive world opinion, in an attempt to cover Ankara's schemes for altering the demographic character of the island, with an eye to annexation.

I should be grateful if this letter were circulated as a document of the Security Council.

(Signed) Zenon ROSSIDES  
Permanent Representative of Cyprus  
to the United Nations

## ANNEX

I. Turkish Cypriots emigrated from Cyprus  
from 1955 until July 1975

Total number: 17,164

1955	862	1966	538
1956	893	1967	900
1957	928	1968	503
1958	608	1969	337
1959	1,248	1970	567
1960	2,220	1971	612
1961	2,543	1972	449
1962	870	1973	430
1963	453	1974	587
1964	992	1975	58
1965	566		

II. Cypriot citizens of Turkish origin who have emigrated  
to Turkey during the years 1956-1974

Total number: 302

1956	5	1966	21
1957	13	1967	15
1958	16	1968	30
1959	7	1969	12
1960	12	1970	14
1961	1	1971	35
1962	4	1972	19
1963	—	1973	3
1964	47	1974	12
1965	36		

III. Greek Cypriots emigrated from Cyprus  
from 1955 until July 1975

Total number: 79,185

1955	4,817	1966	2,855
1956	3,621	1967	2,540
1957	3,534	1968	2,169
1958	3,897	1969	2,027
1959	4,211	1970	1,741
1960	11,764	1971	1,649
1961	10,726	1972	868
1962	5,056	1973	881
1963	2,305	1974	2,757
1964	3,995	1975	5,392
1965	2,380		

DOCUMENT S/12017

Letter dated 19 March 1976 from the representatives of the Libyan Arab Republic and Pakistan to the President of the Security Council

[Original: English]  
[19 March 1976]

Upon instructions from our Governments, we have the honour to request you to call a meeting of the Security Council urgently in order to consider the serious situation arising from recent developments in the occupied Arab territories. On 28 January 1976, an Israeli magistrate in Jerusalem ruled that Jews could not be prevented from praying in the Mosque of Al Aqsa, revered by Muslims all over the world as one of their holiest shrines. In his letter dated 23 February [S/12000, annex], the Acting Permanent Observer of the Palestine Liberation Organization drew attention to the widespread protests and demonstrations against this decision by Arabs living in East Jerusalem and other major West Bank towns and to the large-scale arrests and other repressive measures ordered by the Israeli authorities to quell the disturbances. Subsequently, in his letter dated 12 March [S/12012] addressed to you and to the Secretary-General, the representative of Saudi Arabia conveyed a statement by the members of the Islamic Conference concerning these developments in which, *inter alia*, they requested the President of the Security Council and the Secretary-General to keep under urgent attention the situation in Jerusalem and in the rest of the occupied territory and warned that it might be further aggravated.

The situation has indeed continued to deteriorate in Jerusalem and other parts of the occupied West Bank and is becoming explosive. The magistrate's ruling concerning the Al Aqsa Mosque can no longer be viewed in isolation but must be seen, along with recent expro-

priations of Arab-owned lands in Jerusalem and the establishment of Jewish settlements in Arab areas, as part of a policy of absorbing occupied Jerusalem into Israel and changing its cultural and demographic character in calculated defiance of the Security Council and General Assembly resolutions on the subject. The extensiveness, violence and tenacity of the demonstrations reflect the determination of the people of the occupied territories to resist Israel's attempt to annex East Jerusalem. According to press reports, the occupation authorities have fired on demonstrators and are carrying out mass arrests and intimidation of the civilian population with the help of the Israeli armed forces. Such actions will aggravate the situation and jeopardize the prospects for a just and peaceful settlement in the Middle East.

Accordingly, we call on the Security Council to take prompt and effective measures which would halt the deterioration of the situation and put an end to Israeli defiance of its existing decisions on Jerusalem. We also request that representatives of the Palestine Liberation Organization be invited to participate in the debate as on previous occasions.

(Signed) Mansur Rashid KIKHIA  
Permanent Representative of the Libyan Arab  
Republic to the United Nations  
(Signed) Iqbal AKHUND  
Permanent Representative of Pakistan  
to the United Nations

DOCUMENT S/12019

Letter dated 21 March 1976 from the representative of South Africa to the Secretary-General

[Original: English]  
[21 March 1976]

I have the honour to enclose the text of a statement issued by Mr. B. J. Vorster, Prime Minister of the Republic of South Africa, at Cape Town on 21 March 1976 in regard to the question of the withdrawal of South African troops from the area of the Calueque dam in Angola.

I should be grateful if you would be good enough to have this letter and annexes circulated as a Security Council document in the usual way.

(Signed) R. F. BOTHA  
Permanent Representative of South Africa  
to the United Nations

ANNEX I

Statement by Mr. B. J. Vorster, Prime Minister  
of the Republic of South Africa

It will be recalled that on 9 August 1975 while the Portuguese were still legally responsible for and were in fact the governing power in Angola, South Africa was, because of the complete breakdown of law and order, forced to occupy the Calueque Dam site. We did this solely for the purpose of pro-

tecting the lives of the workers and of safeguarding the installations.

Immediately thereafter, the South African Government informed the Portuguese Government of the steps taken and urged them to take over this task. The Portuguese Government could not do so at the time and requested South Africa to continue its protective measures and to remain *in situ* until such time as they could assume this responsibility.

The South African Government has on a number of occasions stated its position clearly, namely that it was there only for the protection of the workers and the works and would withdraw from the area as soon as assurances were received that no harm would come to the workers, that the work would continue and that the flow of water to Owambo would be assured. It will be recalled that the Minister of Defence in his statements on the withdrawal of troops from refugee camps [see annexes II and III], the Minister for Foreign Affairs, as well as myself, clearly stated South Africa's position. As recently as Sunday, 14 March, I outlined our position succinctly in an interview with *The Sunday Telegraph* of London. I stated that:

"they asked us to hang on until such time as they could do it. They never came. So it is solely for that reason and not for any ulterior motives that we are still there.

"We will withdraw our troops immediately steps are taken to safeguard lives and property; the moment that is done we will get out."

We have during the past few days received, through a third party, assurances which in general terms appear to be acceptable to us. We are checking whether we are interpreting these assurances correctly, and if this is so, South Africa will withdraw its troops also from the Calueque area not later than 27 March.

## ANNEX II

### Text of statement by Minister of Defence released Friday, 12 March 1976

All the refugees in southern Angola whom the Portuguese Government found acceptable for repatriation to Portugal have now been transported out of Angola.

The remaining refugees who stayed in the four centres, Chitado, Pereira de Eça, Cuangar and Calai, are now gathered in Cuangar and Calai, near the South West African-Angola border.

Here the International Red Cross is caring for the refugees while the South African Defence Force is assisting with medical treatment and food supplies.

The International Red Cross is trying to find a solution with regard to these refugees within a couple of weeks.

With the refugee responsibility in Pereira de Eça carried out without any interference, the South African forces, with the exception of elements at Calueque and Ruacana, now find themselves south of the border.

Forces of the Republic of South Africa are still protecting the workers at Calueque and Ruacana and ensuring that the work continues until satisfactory arrangements can be made to maintain order there.

Obviously, the South African Defence Force is still positioned for the protection of the South West Africa border.

## ANNEX III

Supplementary statement by Minister of Defence on Monday, 15 March 1976 (with reference to press reports that the International Red Cross would take over two refugee camps in south Angola, and to the subsequent statement by the International Red Cross that it was not in control of the camps)

I reiterate the explanation as furnished to the press on Friday. The South African Defence Force has done more than its duty in connexion with refugees. We shall provide no further services at the two refugee camps after Saturday, 27 March.

## DOCUMENT S/12019/ADD.1

### Letter dated 23 March 1976 from the representative of South Africa to the Secretary-General

[Original: English]  
[23 March 1976]

I have the honour to refer to our telephone conversation of this morning.

It will be recalled that in his statement of 21 March 1976, my Prime Minister, *inter alia*, said:

"We have during the past few days received, through a third party, assurances which in general terms appear to be acceptable to us. We are checking whether we are interpreting these assurances correctly, and if this is so, South Africa will withdraw its troops also from the Calueque area not later than 27 March."

In this connexion, I wish to confirm that the reference to the Calueque area in my Prime Minister's statement applies to the northern portion of the Ruacana construction site which falls within Angola and to any other part of Angola.

I should be grateful if you would be good enough to have this letter circulated as a Security Council document.

(Signed) R. F. BOTHA  
Permanent Representative of South Africa  
to the United Nations

## DOCUMENT S/12020

### Letter dated 22 March 1976 from the representative of Israel to the President of the Security Council

[Original: English]  
[23 March 1976]

In my statement before the Security Council on 22 March 1976 [1894th meeting], I referred to the resolutions of the third plenary meeting of the Jerusalem Committee, established by Mayor Kollek seven

years ago, which includes 70 outstanding international personalities.

This Committee serves as a world advisory council on matters pertaining to the restoration and beau-



tification of the City. In view of the relevance of its work to the matter under discussion in the Council, I have the honour to request that the resolutions of its third plenary meeting, which I am enclosing, be circulated as a document of the Security Council.

(Signed) Chaim HERZOG  
Permanent Representative of Israel  
to the United Nations

#### ANNEX

#### Resolutions adopted by the Jerusalem Committee at its third plenary meeting, held in Jerusalem from 16 to 19 December 1975

More than two years have passed since the last meeting of the Jerusalem Committee, a period of crucial events in this ancient city, this region and throughout the world.

The Committee was satisfied to discover that the delicate fabric of intercommunal relations has largely withstood the challenges of the October War and its aftermath. Indeed the Committee was deeply impressed with evidence of a spirited quality of life clearly related to the mobility and interchange provided by a united city and also due to marked improvement in the physical environment with new and better housing and a growing system of parks and recreational and cultural facilities. The Committee believes that this has been achieved by the implementation, in letter and spirit, of that universal brotherhood which was discussed by the Committee at its second plenary meeting. In a world of distressing frictions and intolerance, Jerusalem observes and encourages religious and communal freedom, full access to its holy places and shrines of worship, a deep respect for the cultural and historical heritage of all its citizens, and beyond that, for all mankind. Attempts to break the peace through acts of terror or civil disturbance that have recently occurred or may recur should not deflect or deter the responsible guardians of this universal city from the continued policy and practice of ever-increasing intercommunal co-operation.

The Committee acknowledges the energy, imagination and sensitivity which Mayor Kollek and his colleagues are applying to the problems as well as the opportunities to be found in the now unified city. Especially is it impressed by the dedication, objectivity and sophistication being brought to bear on the excavation and restoration of the relics and the rich past of the city, carried out with due respect for the integrity of all the existing holy and historical places. Recognizing their unique and heavy responsibility, a group of highly qualified archaeologists is uncovering heretofore unsuspected and important physical aspects of all of the great cultures and faiths—Judaism, Christianity, and Islam—to which Jerusalem has been home for thousands of years. It is already evident that when these projects are completed, investigation, excavation and restoration will have become revelation and historical clarification. The commitment of the Government and the skill of its archaeologists have put the civilized world in their debt.

Having once again visited Jerusalem and recalling its earlier recommendations for physical planning and development, the Committee notes with gratification that much has been accomplished in implementing its proposals. We are happy to note a sense of orderly growth and stability mindful of change.

The Committee is pleased with the fact that a clear and definitive delineation of the boundaries of the city has been made. It is pleased with the establishment of the two significant green belts, i.e., the inner green belt surrounding the walled Old City and the outer green belt along the boundaries of the entire municipality.

The Committee acknowledges that the city has made a strong effort to adjust its physical development to the actual rate of growth of population at the present time.

The Committee notes with satisfaction that the extensive superhighway system proposed in an earlier version of the city's master plan has been withdrawn with the exception of one major arterial road from north to south.

Since the city is embarking on a significant programme of development and redevelopment of its business areas, the Committee expresses its concern about the proper re-use and preservation of existing buildings and sections that continue to be of value and utility. We feel that at this juncture it would be desirable and advantageous to develop comprehensive area-wide plans for the central business district and for other business districts that the city may wish to promote.

The Committee is pleased to note that the municipality has made a strong effort towards a more decisive control of the height of buildings and that in fact it has succeeded in persuading developers who already possessed building permits to discontinue their plans for high-rise construction. We highly recommend that concrete efforts be made to limit further construction to the height of a maximum of eight storeys and it is satisfying to observe that where taller buildings are already constructed or are under construction, a careful counter-balance is provided in terms of corresponding low-rise construction and open space.

The Committee notes with satisfaction that strong efforts have been undertaken for the purpose of historic preservation with the registration of 1,100 buildings for special protection and preservation along with the general attempt to maintain and revitalize streets and sites of historic value as well as entire neighbourhoods of that nature. The Committee recommends that greater efforts be made in the direction of *tout ensemble* (i.e. complete planning unit) planning.

The Committee supports the municipality's continued efforts toward social planning. These consist, among other things, of protective measures in neighbourhoods and local communities for the advancement of "the mosaic approach". The role of neighbourhood committees in co-operation with the municipality in the promotion of diversity of local community life as well as the creation of such physical developments as local playgrounds, small parks, small green places, schools, libraries, and other community facilities should be strengthened.

The Committee recommends that citizen participation in planning and development be further enhanced by considering at an appropriate time the adoption of a more formal status for existing neighbourhood committees which may further contribute to the achievement of even smaller-scale diversity and self-fulfilment on the part of the residents.

The Committee is impressed by the extraordinary and careful efforts of the municipality in bringing the walled Old City to its former charm and splendour. The Committee notes the substantial progress in rebuilding the Jewish Quarter of the Old City, with respect both for tradition and contemporary requirements, wherein architectural imperfections appear to be subordinated to the over-all quality.

Equally impressive is the outstanding achievement of the Jerusalem Moslem Council (*Waqf*) in restoration of the Moslem holy places and especially the reconstruction of the Al Aqsa Mosque, which is being carried forward with consummate care, skill, and craftsmanship.

Outstanding is the initiative, imagination and planning which is leading to the creation of an "archaeological garden" adjacent to the South Wall of the Temple Mount which is being carried out with the utmost care and skill.

Another important contribution to the life and resources of the community is the tastefully designed Armenian Seminary which was most recently completed, thus adding a new dimension to Christian activity within the City.

In reviewing the full range of planning and development activity in Jerusalem, the Committee is disturbed by the prolonged absence of both a chief planner and city engineer. While recognizing that final responsibility for municipal planning decisions must appropriately lie in the hands of those concerned with the totality of facets involved, namely the Jerusalem administrative authority, the Committee stresses the immense importance of the aesthetic and technical contribution of a chief city planner, without whom the planning process can be seriously impaired. In view of the current difficulties encountered in filling this post, the Jerusalem Committee undertakes to assist in finding suitable candidates.



The Committee strongly recommends that the planning be formally supported by an extension of existing tools; these include a working physical model to facilitate solving complicated problems of three-dimensional urban design, technical measures for dealing with invisible interactions such as travel and environmental pollution and extended records for keeping track of the social and physical changes within the city. We are especially pleased by the aggressive programme of placing contemporary works of art throughout the city. We earnestly encourage the continuation of this programme including the commissioning of original works of art where possible.

The Committee senses the need for creating a plan document primarily concerned with the entire planning process and guidelines for future action thus providing for a continuous process of planning responsible to experience and change rather than producing a rigid stationary plan. It is likely that through a wide dissemination of such a document, a more equal distribution of development can be achieved throughout the community.

The Committee recommends that the Jerusalem municipality, jointly with the Jerusalem Committee, undertake a strong effort toward a wide dissemination of information on the physical as well as the educational, scientific and cultural achievements in Jerusalem and that furthermore the municipality take advantage of the offer of the members of the Jerusalem Committee to be helpful even when the Committee is not in session.

The Committee further recommends that a consolidated effort be undertaken between itself and the Jerusalem Foundation. It further suggests that the Mayor consider convening the Town Planning Sub-Committee with a somewhat greater frequency so that it can be of greater assistance.

The Committee would like to acknowledge the successful efforts made in the field of education. Everywhere we observed the building of new schools, appropriately located, serving all ethnic and religious groups. Especially does the Committee applaud the action within the educational system of Jerusalem, permitting schools, Christian and Moslem alike, to allow their students to choose a curriculum that gives them the opportunity of choice to continue their education in Israeli universities as well as universities in Arab countries.

The Committee finds it necessary to express its conviction that Jerusalem is and should remain a united city, humane and universal. In the view of the Committee, those at present responsible for administering the city have proved themselves conscions of the trust to serve the best interests not only of its inhabitants but of all mankind.

Finally, the Committee calls upon the peoples of the world and on all international organizations to recognize their responsibility to assist those engaged in planning and executing the restoration and development of this universal city, Jerusalem, by intensifying their interest and concern and providing support for this important work.

#### PARTICIPANTS

<i>Name</i>	<i>Title</i>	<i>Country</i>
Mr. Manuel Aguilar	Publisher	Madrid, Spain
Prof. Jaap Bakema	Architect	Rotterdam, Holland
Prof. Hellmut Becker	Director, Max Planck Institute	Berlin, Germany
Prof. Max Bill	Architect, sculptor, painter, writer	Zurich, Switzerland
Mr. Etienne Boegner	Civic leader	New York, New York
Rev. W. G. M. Brandful	General Secretary, Christian Council of Ghana	Accra, Ghana
Justice Haim Cohn	Israel Supreme Court Justice	Jerusalem, Israel
Prof. Jacques Courvoisier	Professor of ecclesiastical history	Geneva, Switzerland
Prof. Mario Cravo, Jr.	Sculptor, art historian	Salvador, Bahia, Brazil
The Hon. Sixto A. Durán Ballén	Mayor	Quito, Ecuador
Prof. Leon A. Feldman	Historian	New York, New York
Prof. Luigi Gedda	Director, Instituto di Genetica Medica	Rome, Italy
Prof. Charles M. Haar	Chairman, Joint Center for Urban Studies, Harvard and MIT	Cambridge, Massachusetts
Mr. Lawrence Halprin	Architect, town planner	San Francisco, California
Prof. Britton Harris	Architect	Philadelphia, Pennsylvania
Mr. Karl Katz	Museum director	New York, New York
Mr. Denys Lasdun	Architect	London, England
Prof. Saul Lieberman	Rector, Jewish Theological Seminary	New York, New York
H.E. Dr. Enrique De Marchena D.	Statesman, diplomat	Santo Domingo, Dominican Republic
Mr. Harry Mayerovitch	Architect	Montreal, Canada
Prof. Benjamin Mazar	Archaeologist, educator	Jerusalem, Israel
Mr. Samuel R. Mozes	Architect	New York, New York
Dr. Franklin D. Murphy	Chairman, Los Angeles Times Mirror Co.	Beverly Hills, California
Prof. Jacques Nantet	Writer	Paris, France
Prof. Andre Neher	Rabbi, educator	Jerusalem, Israel
Dr. Ursula Niebuhr	Theologian	Stockbridge, Massachusetts
Rev. Dr. Roger Ortmyer	Educator	Orlando, Florida

<i>Name</i>	<i>Title</i>	<i>Country</i>
Dr. Paul Peters	Architect, Editor, <i>Baumeister</i>	Munich, Germany
Prof. Luigi Piccinato	Architect, town planner	Rome, Italy
Mrs. Monica Pidgeon	Editor, <i>Journal of the Royal Institute of British Architects</i>	London, England
Mrs. Diana Rowntree	Architect, journalist	Hexham, England
Dr. Willem Sandberg	Museum Director, humanist	Amsterdam, Holland
Mr. Arie Sharon	Architect, town planner	Tel Aviv, Israel
Prof. Goran Sidenblad	Architect, town planner	Stockholm, Sweden
Sir George Weidenfeld	Publisher	London, England
Prof. Zwi Werblowsky	Professor of religion	Jerusalem, Israel
Prof. Bruno Zevi	Architect	Rome, Italy

#### GUEST PARTICIPANTS

Lord Bernstein	Chairman, Granada Group Ltd.	London, England
Mr. Paul Bevan	Architect	London, England
Mr. Kenneth Bialkin	Attorney	New York, New York
Mrs. Jean Floud	Principal, Newnham College	Cambridge, England
Prof. Suzanne Keller	Sociologist	Princeton, New Jersey
Prof. Bernard Lewis	Professor, Islamic and Middle East Affairs	Princeton, New Jersey
Prof. Paolo Parisi	Professor of Genetics	Rome, Italy

### DOCUMENT S/12021\*

#### Letter dated 17 March 1976 from the representative of Rwanda to the Secretary-General

[Original: French]  
[23 March 1976]

I have the honour to request you to circulate to States Members of the United Nations as an official document of the General Assembly and of the Security Council, the full text of the message dated 12 March 1976 from His Excellency Major-General Juvénal Habyarimana, Founding President of the National Revolutionary Movement for Development and President of the Rwandese Republic, addressed to the President of Mozambique, His Excellency Mr. Samora Moisés Machel.

The message sent by President Juvénal Habyarimana pledges the unconditional support of the Government and the people of Rwanda to the Government and the courageous fraternal people of Mozambique in their

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just struggle against the white minority racist régime of Ian Smith.

(Signed) Callixte HABAMENSHI  
Permanent Representative of Rwanda  
to the United Nations

#### ANNEX

Telegram dated 12 March 1976 from the President of the Rwandese Republic to the President of the People's Republic of Mozambique

His Excellency Major-General Juvénal Habyarimana assures President Samora Moisés Machel and the Mozambican people of the solidarity and unconditional support of the Rwandese people. He further reiterates to the President and the courageous people of Mozambique his best wishes for complete success in the hard and just combat they are waging alongside the people of Zimbabwe against the enemy of Africa.

### DOCUMENT S/12022

#### Benin, Guyana, Pakistan, Panama and United Republic of Tanzania: draft resolution

[Original: English]  
[24 March 1976]

The Security Council,  
Having considered recent developments in the occupied Arab territories,

Deeply concerned at the serious situation which has arisen in these territories as a result of continued Israeli occupation,

Deeply concerned further at the measures taken by the Israeli authorities leading to the present grave situation, including measures aimed at changing the physical, cultural, demographic and religious character of the occupied territories and, in particular, the City of Jerusalem, the establishment of Israeli settlements in

the occupied territories and other violations of the human rights of the inhabitants of those territories.

*Emphasizing* the inadmissibility of the acquisition of territory by war,

*Recalling and reaffirming* the resolutions of the General Assembly and the Security Council calling upon Israel to rescind all measures already taken and to desist from taking any further action which would alter the status of the City of Jerusalem and the character of the occupied Arab territories,

*Noting* that, notwithstanding the aforementioned resolutions, Israel persists in its policy aimed at changing the physical, cultural, demographic and religious character of the City of Jerusalem in particular,

*Reaffirming* the urgent need for establishing a just and lasting peace in the Middle East,

1. *Deplores* Israel's failure to put a stop to actions and policies tending to change the status of the City

of Jerusalem and to rescind measures already taken to that effect;

2. *Calls* on Israel, pending the speedy termination of its occupation, to refrain from all measures against the Arab inhabitants of the occupied territories;

3. *Calls* on Israel to respect and uphold the inviolability of the Holy Places which are under its occupation and to desist from the expropriation of or encroachment upon Arab lands and property or the establishment of Israeli settlements thereon in the occupied Arab territories and to desist from all other actions and policies designed to change the legal status of the City of Jerusalem and to rescind measures already taken to that effect;

4. *Decides* to keep the situation under constant attention with a view to meeting again should circumstances so require.

### DOCUMENT S/12023

Letter dated 23 March 1976 from the representative of Portugal  
to the Secretary-General

[Original: English]  
[25 March 1976]

I have the honour to refer to the letter addressed to you by the Permanent Representative of South Africa on the 21st of this month, and circulated as Security Council document S/12019.

Annex I of the above-mentioned letter contains a statement made by the Prime Minister of the Republic of South Africa, Mr. B. J. Vorster, on 21 March, regarding the question of withdrawal of South African troops from the area of the Calueque dam, in Angola.

In a portion of this statement, the Prime Minister of South Africa affirms that his country's troops occupied the Calueque dam site as of August 1975, with the alleged purpose "of protecting the lives of the workers and of safeguarding the installations", having immediately informed the Portuguese Government of that fact and urging them to take over that task. Mr. Vorster adds that "the Portuguese Government could not do so at the time and requested South Africa to continue its protective measures and to remain *in situ* until such time as they could assume this responsibility".

It must not fail to be noted that, contrary to what was stated by the Defence Minister of South Africa, in November 1975, Mr. Vorster now admits that his country's troops penetrated Angolan territory on 9 August 1975, with neither the knowledge nor the advance authorization of the Portuguese Government, which only became aware of that action after it had already taken place.

As a matter of fact, on 12 August, the Ambassador of Portugal in Pretoria was called to the Ministry of Foreign Affairs of the Republic of South Africa and informed that a South African military force had been sent to Calueque. Later on that occasion, the Portuguese Ambassador protested against that territorial violation.

On 18 August, these protests were repeated in Lisbon to the South African Ambassador, who had been called for that purpose to the Ministry of Foreign Affairs. They were again reiterated in a note addressed to him on 3 September.

Consequently, the affirmation that the Portuguese Government had asked South Africa to remain in the Calueque area and to continue to assume the safety of work in progress at the dam, is completely without foundation.

My Government gave no advance authorization to the Government of South Africa to undertake such action and did not fail to protest, once it became aware of it.

I would be grateful if you would have this letter circulated as an official document of the Security Council.

(Signed) José Manuel GALVÃO TELES  
Permanent Representative of Portugal  
to the United Nations

### DOCUMENT S/12024

Letter dated 25 March 1976 from the representative of South Africa  
to the Secretary-General

[Original: English]  
[25 March 1976]

I have the honour to refer to our discussion yesterday concerning the presence of South African troops in the southern part of Angola and to confirm that

the South African Minister of Defence made a statement in the South African House of Assembly today in regard to the withdrawal of the troops from Angola.

The relevant parts of the statement read as follows:

*As regards the Calueque area*

"The South African Defence Force gave protection to the workers at Calueque in order to ensure the vital water supply to Owambo. In this connection it will be recalled that the Honourable the Prime Minister, in a statement released on 21 March, referred to assurances which we had received through a third party—incidentally, the British Government—and which broadly speaking, appeared to be acceptable to us. Before any final action on our side, however, we wanted clarity on our interpretation of these assurances.

"Since then we have obtained the necessary clarification through the Secretary-General of the United Nations. Seen as a whole, the assurances by the Government of the People's Republic of Angola amount to this—that it will not damage the hydro-electric project concerned or endanger the workers and that it will respect the international boundary. That Government has already indicated that it does not wish to harm the people of South West Africa by depriving them of the electricity supply.

"In these circumstances, the Government has decided that all our troops will be out of Angola by Saturday, 27 March 1976.

"South Africa's only interest is that the Calueque and Ruacana schemes, in both Angola and Owambo, should be secured. It is expected that after our withdrawal and when conditions in the area are again normal, it will be feasible to arrange practical matters concerning the scheme with those concerned."

*As regards the refugee camps*

"In order to prevent suffering when South Africa completely withdraws all its troops from these camps, an appeal was again made yesterday to the Secretary-General of the United Nations to do everything possible to ensure a smooth and orderly takeover of the task which South Africa has had to perform alone for so long. It was very clearly put to him that the alternative will be chaos and suffering and that South Africa wished to state unambiguously in advance that it accepts no responsibility for this."

I should be grateful if this letter could be circulated as a document of the Security Council.

(Signed) R. F. BOTHA  
Permanent Representative of South Africa  
to the United Nations

## DOCUMENT S/12025\*

Letter dated 25 March 1976 from the representative of Algeria  
to the Secretary-General

[Original: French]  
[26 March 1976]

I have the honour to transmit herewith the text of two messages, one from President Boumediène, President of the Council of the Revolution and President of the Council of Ministers and current Chairman of the group of non-aligned countries, and the other from Mr. Abdelaziz Bouteflika, member of the Council of the Revolution and Minister for Foreign Affairs, addressed respectively to all the Heads of State and Government and to the Ministers for Foreign Affairs of the non-aligned countries concerning the situation resulting from the decision taken by Mozambique to impose sanctions against Southern Rhodesia in strict application of the relevant decisions of the Security Council.

I should be grateful if you would arrange for the text of these two messages to be circulated as an official document of the General Assembly and of the Security Council.

(Signed) F. BOUAYAD-AGHA  
Chargé d'affaires, a.i. of the  
Permanent Mission of Algeria  
to the United Nations

### ANNEX I

Message from President Boumediène to the Heads of State and Government of the non-aligned countries

On 3 March 1976, the Government of the People's Republic of Mozambique took the historic decision to put an end to all exchanges with the racist colonialist régime in Salisbury by closing its frontiers with Rhodesia. This is a substantial contribution to the acceleration of the process of liberation of

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the fraternal people of Zimbabwe since it creates serious difficulties for the illegal Salisbury régime. This measure is all the more commendable in that it demands enormous sacrifices of the Mozambican people and has a direct and immediate effect on the economy of a country which is still suffering from the after-effects of a long period of colonialist exploitation.

Although it is aware of the particularly serious consequences of this decision for the security and economy of Mozambique, the Mozambican Government, faithful to the traditions of the anti-colonialist struggle of its people, has not hesitated to assume a responsibility which must be shared by the international community as a whole since it derives from the many resolutions of the United Nations relating to the problem of Zimbabwe.

The non-aligned countries, one of whose fundamental aims is to put an end to any form of domination, must give support and practical assistance to the People's Republic of Mozambique in its heroic act, which does honour to the defenders of just causes. I am convinced that the traditional solidarity of the non-aligned countries will manifest itself once again on this occasion to ensure the success of the struggle undertaken by the Mozambican people, who seek to bring about the realization of this priority objective of non-alignment and the elimination of colonialism and racism.

### ANNEX II

Message from Mr. Abdelaziz Bouteflika to the Ministers for Foreign Affairs of the non-aligned countries

I have the honour to draw your attention to the particularly difficult situation with which the People's Republic of Mozambique is faced as a result of its courageous decision to put an end to exchanges of any kind with the illegal minority régime in Salisbury.



This measure, which will strike a serious blow at the illegal régime of Ian Smith, is one which is likely to accelerate the process of liberation of Zimbabwe and imposes very heavy sacrifices on the Mozambican people. The damage done to the economy of Mozambique by this decision must be alleviated by the practical solidarity of the international community, in particular of the non-aligned countries, since the action taken

by Mozambique is in conformity with the relevant decisions and resolutions of both the United Nations and the fourth summit Conference of the non-aligned countries.

It is therefore a responsibility which is incumbent upon all countries which love peace and justice. I am convinced that it will find expression in assistance and effective support to help the fraternal people of Mozambique to survive this test.

#### DOCUMENT S/12026

##### Letter dated 28 March 1976 from the representative of South Africa to the Secretary-General

[Original: English]  
[29 March 1976]

With reference to my telephone conversation with you today, I have the honour to confirm that the withdrawal of South African troops from Angola was completed by 27 March 1976.

I should be grateful if this letter could be circulated as a document of the Security Council in the usual way.

(Signed) R. F. BOTHA  
Permanent Representative of South Africa  
to the United Nations

#### DOCUMENT S/12027

##### Letter dated 25 March 1976 from the representative of Panama to the Secretary-General

[Original: Spanish]  
[29 March 1976]

Last week maritime traffic through the Panama Canal fell to an insignificant trickle, resulting in a piling up of hundreds of ships on both sides of the Canal and causing considerable prejudice to international trade which depends on that interoceanic passage for speedy and economic exchanges.

This interruption was due to an illegal strike of some 700 workers, in protest against new administrative policies introduced by the United States Government that, in effect, eliminated certain discriminatory practices favouring a group of United States workers.

Accordingly, note must be taken of the attitude of these Americans, known as "Zonians", who are pressing for the maintenance of sinecures and discriminatory practices in a colonial situation that is clearly unfair to the Government and people of Panama and contrary to the letter and spirit not only of the Charter of the United Nations but also of several General Assembly resolutions.

The Government of Panama wishes to draw your attention and that of the international community to this fact which demonstrates, once again, the threat that the present colonial situation in the Panama Canal Zone poses to peace and security in the region and to the normal operation of that interoceanic passage.

In particular, we would like to stress the dangers of the colonialist attitude of the "Zonians", who are determined to wreck the negotiations which our Government is pursuing with the United States Government in the search for a reasonable solution to the problem that will permit the United States to operate and defend

the Canal for a reasonable period of time not beyond the year 2000.

The essence of such a treaty would be recognition of Panama's effective sovereignty over its entire territory and of its right to benefit fully from its main natural resource.

It is pertinent to note that, in the history of the Panama Canal, no Panamanian has ever been involved in any act of sabotage against this waterway of international character, for we are fully aware that the Canal is an international public service which we must provide for all the ships of the world, without discrimination of any kind and at reasonable rates.

I should be grateful if you would have the contents of this note circulated as an official document of the Security Council, together with the communiqué from the Head of Government of Panama, General Omar Torrijos, issued in Panama City, on 21 March 1976.

(Signed) Aquilino E. BOYD  
Permanent Representative of Panama  
to the United Nations

#### ANNEX

##### Text of the communiqué

The Government of Panama declares that the virtual closing of the Panama Canal is due exclusively to the decision taken by United States workers and employees against the United States agency administering the Canal.

We have stated on numerous occasions that the treaty on the future régime of the Canal, now being negotiated by Panama and the United States, will not result in any diminution

in the rights of the workers and employees of the Canal, irrespective of their nationality.

It is pertinent to point out that the Panamanian workers and employees working in the Canal Zone have at all times demonstrated their high sense of responsibility with a view to keeping the Canal in operation on conditions of equality, with-

out preference for any flag. Accordingly, if it were so decided, the Panamanian workers and employees would be in a position to normalize traffic through the Canal within 24 hours.

Panama's legitimate interest in seeing that the Canal operates effectively and permanently, compels us to observe that great power is not a good counsellor in matters of labour conflict.

## DOCUMENT S/12028\*

### Letter dated 29 March 1976 from the representative of Israel to the Secretary-General

[Original: English]  
[30 March 1976]

At the 1897th meeting of the Security Council the representative of Libya stated: "This racist entity in the Middle East must be destroyed and it will be destroyed one day".

The Security Council, in accordance with Article 24 of the Charter of the United Nations, is the United Nations organ entrusted with "the primary responsibility for the maintenance of international peace and security", and the elections of its non-permanent members are guided by the provisions of Article 23 of the Charter as follows:

"The General Assembly shall elect ten other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization."

\* Circulated under the double symbol A/31/73-S/12028.

I wish to record the Government of Israel's most emphatic protest against this call for the destruction of a Member State, which was made by a member of the Security Council, at a public meeting of the Security Council, in flagrant violation of the Charter.

The fact that such a statement could be made by a member of the Security Council, whose Government, according to the official spokesmen of Egypt and Tunisia, sends assassins to kill the leaders of neighbouring countries, only serves to emphasize the serious decline in the moral standing of this important organ of the United Nations.

I have the honour to request that this letter be circulated as an official document of the General Assembly and of the Security Council.

(Signed) Chaim HERZOG  
Permanent Representative of Israel  
to the United Nations

## DOCUMENT S/12029

### Letter dated 30 March 1976 from the representative of the Libyan Arab Republic to the President of the Security Council

[Original: English]  
[30 March 1976]

I have the honour to refer to the letter dated 30 March 1976 addressed to you by the Acting Permanent Observer of the Palestine Liberation Organization to the United Nations concerning the persistent policy of brutal repression against the Palestine people in occupied Palestine. Upon the instructions of my Government, I would like to request that the above-mentioned letter be circulated as an official document of the Security Council.

(Signed) Mansur R. KIKHIA  
Permanent Representative of the  
Libyan Arab Republic  
to the United Nations

#### ANNEX

Letter dated 30 March 1976 from the Acting Permanent Observer of the Palestine Liberation Organization to the United Nations addressed to the President of the Security Council

Upon instructions from the Executive Committee of the Palestine Liberation Organization, I have the honour to bring to

your attention and, through you, to the members of the Security Council the following.

The racist Zionist forces of occupation are still pursuing their persistent policy of brutal repression against the Palestinian people in occupied Palestine.

On 28 March 1976, Zionist armed forces stormed a girls' school in Jerusalem and, after brutal and barbaric mistreatment of the students and teachers, arrested 50 students and 3 teachers. The *Washington Post* could not help but print a photo of an atrocious brutality in the front page of its 29 March issue. I am enclosing a copy of the photo.<sup>a</sup>

On the same day, 28 March 1976, the occupation authorities arbitrarily expelled two Palestinians and forced them out of their homeland across the northern frontiers into Lebanese territory: they are Dr. Ahmad Hamzeh Natsheh, from Hebron, and Dr. Abdel Aziz Haj Ahmad, from Al Bira.

As a manifestation of their protest against prolonged occupation and the persistent policy and practices of racial dis-

<sup>a</sup> The photograph attached to the mimeographed version of the present document may be consulted in the archives of the Secretariat.

crimination and the requisition of Arab-owned land to provide housing for Jewish settlers, Palestinians under alien Zionist domination have declared a general strike today, 30 March, the Day of the Land. This marks a new phase in our people's struggle for national liberation. Zionist armed forces opened fire on demonstrators, causing the death and wounding of a number of innocent civilians.

I am instructed to request the Security Council to assume its responsibility and take immediate and effective measures

to put an end to the explosive situation and to deal with the prolonged occupation—the true cause of the mounting resistance.

(Signed) Zehdi Labib TERZI  
Acting Permanent Observer of the  
Palestine Liberation Organization  
to the United Nations

## DOCUMENT S/12031

### Report of the Secretary-General pursuant to Security Council resolution 383 (1975) and General Assembly resolution 3395 (XXX)

[Original: English]  
[31 March 1976]

1. In paragraph 6 of its resolution 383 (1975) of 13 December 1975, the Security Council requested me to continue the mission of good offices entrusted to me by paragraph 6 of resolution 367 (1975) to keep the Security Council informed of the progress made and to submit a report not later than 31 March 1976. In pursuance of my mission of good offices, and in accordance with the agreement reached in Brussels between the Foreign Ministers of Greece and Turkey on 12 December 1975, the Vienna talks were resumed without pre-conditions on 17 February 1976, with a view to arriving at a comprehensive agreement on the Cyprus question. I submitted an interim report to the Council on 24 February [S/11993] transmitting the text of the agreed press communiqué issued at the conclusion of those talks on 21 February.

2. In paragraph 8 of its resolution 3395 (XXX) of 20 November 1975, the General Assembly requested the Secretary-General to bring that resolution to the attention of the Security Council and to report on its implementation as soon as appropriate and not later than 31 March 1976. The resolution of the General Assembly was brought to the attention of the Council by my letter of 10 December addressed to the President of the Council [S/11906].

3. I have continued to follow closely developments in Cyprus relating to the agreements contained in the press communiqué of 21 February 1976. My Special Representative, Mr. Pérez de Cuéllar, has held seven meetings, on 5, 9, 12, 17, 24, 27 and 31 March, with the representatives of the two communities in order to examine in a spirit of goodwill a number of humanitarian problems.

4. During the first two meetings, the question of missing persons of both sides was discussed. The discussion of this question was continued at the 4th, 5th, 6th and 7th meetings on 17, 24, 27 and 31 March. The representative of the International Committee of the Red Cross (ICRC) was present during part of these meetings; he was joined at the 5th and 6th meetings by the Deputy Director of the ICRC Central Tracing Agency.

5. Problems relating to Greek Cypriots in the north were discussed at the 3rd, 4th, 5th, 6th and 7th meetings. During the 3rd meeting, teaching arrangements for the Greek Cypriot pupils in the north were dealt with. Several decisions were taken and it was agreed that a number of Greek Cypriot teachers would go to the north on 17 March. At the 4th meeting it was agreed

that educational facilities for Greek Cypriot pupils would be made available in the villages of Lithrangomi, Vathylakkas, Leonarisso, Vassili, Ephtakomi, Komi Kebir, Patriki, Neta and Ayios Andronikos. At the end of the 6th meeting, it was announced that the schools in the nine villages listed above, having been repaired, would open on 29 March, and that transport arrangements have been made for the Greek Cypriot pupils; at the 7th meeting, Mr. Denktas confirmed that the schools were now functioning. With regard to allegations that Greek Cypriots were being induced to move south by signing applications to that effect (see para. 7 below), the interlocutors agreed upon a procedure for better screening of such applications; no movement is to take place until such screening. Mr. Denktas affirmed that there was no policy of forcing out of the north Greek Cypriots who wished to stay. Lastly, it was announced that several Greek Cypriots who had come south for medical treatment had been cleared to return to the north and that other such cases were under consideration.

6. Concerning the implementation of the agreement recorded in the second paragraph of the Vienna communiqué of 21 February, my Special Representative has been in close touch with the two interlocutors with regard to the exchange of written proposals on the territorial and constitutional issues that is foreseen in the communiqué.

7. The situation regarding the implementation of the agreements recorded in the communiqué of 2 August 1975 [S/11789], at the end of the third round of talks in Vienna, has remained as outlined in my report of 8 December [S/11900, paras. 24 and 47-56]. Reports of the United Nations Peace-keeping Force in Cyprus (UNFICYP) indicate that since 2 August 1975, 1,103 Greek Cypriots have been transferred from the north to the south, including 264 since the conclusion of the fifth round of talks on 21 February 1976. In most cases, UNFICYP has not been in a position to verify the circumstances of the transfers. It is hoped that the agreements mentioned in paragraph 5 above will have a favourable effect on the situation in this regard.

8. Since the adoption of the resolutions of the General Assembly and of the Security Council on 20 November and on 13 December 1975, the Permanent Representative of Cyprus has addressed to me a number of communications on matters relating to the implementation of those resolutions, as well as of the agreements recorded in the communiqué of 2 August

1975 issued at the conclusion of the third round of intercommunal talks in Vienna. These communications, which have been circulated as Security Council documents, are dated 30 December 1975 [S/11926] and 15 January [S/11933], 29 January [S/11952], 2 February [S/11956], 10 February [S/11975], 14 February [S/11982], 5 March [S/12003], 16 March [S/12014] and 18 March 1976 [S/12016]. During the same period, the Permanent Representative of Turkey has addressed to me a number of letters transmitting communications from the Turkish Cypriot community on similar or related subjects, dated 12 January [S/11930], 3 February [S/11957 and S/11958], 17 February [S/11984], 18 February [S/11990], 10 March [S/12006], 11 March [S/12010] and 18 March 1976 [S/12015].

9. As stated in paragraph 1 of this report, the talks between the representatives of the two communities under my auspices were resumed on 17 February, with

a view to arriving at a comprehensive agreement on the Cyprus question. In these talks, and in their contacts through my Special Representative in Nicosia, the interlocutors have mainly, in the first instance, addressed themselves to the territorial and constitutional issues, and to humanitarian questions. Other aspects of the Cyprus problem, set out in the operative paragraphs of resolution 3395 (XXX), remain in urgent need of solution. It may be expected that these aspects will also be dealt with in the context of the efforts towards a comprehensive agreement on the Cyprus problem. I shall continue to make available my good offices in order to assist in making progress towards that goal.

10. An account of developments in this connexion will be included in my report to the Security Council on the United Nations operation in Cyprus for the current period, which is due for circulation during the first half of June 1976.

## DOCUMENT S/12032

### Letter dated 30 March 1976 from the representative of Cyprus to the Secretary-General

[Original: English]  
[31 March 1976]

Turkey's recent activities to establish a military base on territory of the Republic, as though it had been annexed to Turkey, rendered manifest its possessory moves over such territory and were the subject of my protest to the Secretary-General [S/12014] of 16 March 1976. The protest also referred to the illegal and inhuman expulsion of the remaining Greek Cypriots from their homes and lands in the area, including all Turkish Cypriots, in a striking unconcern even for the latter's suffering.

Responsibility for reply obviously lay with Ankara. Yet its representative to the United Nations, presumably in an effort to evade such responsibility, circulated a letter [S/12015] signed by the representative of a self-styled "Turkish Federated State of Cyprus", whereas it is well known that there is no federation in Cyprus, and no such Federated State is recognized or in existence at all. That phantom State, in its reference to an 18 per cent ethnic minority, is put forward by way of covering up Turkey's aggressive occupation of 40 per cent of the territory of Cyprus. Ironically, it is moreover represented as having "control and jurisdiction" over the invaded area, although it is common knowledge that a Turkish Cypriot leadership exists and acts only on the directions of Ankara, from whom they openly take all their instructions.

It has been amply demonstrated that the real interests of the Turkish Cypriots, individually and collectively as an entity, are of little concern to that ruling set up, whose main target has been to promote division and strife, with partition in prospect.

What the present projection of a so-called "Turkish Federated State of Cyprus" vividly, though tragically, recalls is the unprecedented international crime of invasion against a small non-aligned State Member of the United Nations, the wholesale expulsion of the indigenous majority people from their homes and lands in the invaded area, and its racial colonization by mas-

sive population currently transported from Turkey. All this is in flagrant violation of resolutions on Cyprus unanimously adopted by the General Assembly and the Security Council.

Such contemptuous defiance of basic principles of international law and of the Charter of the United Nations, and even of elementary standards of civilized international conduct, remaining in effect unremedied, has no parallel in the history of the United Nations or even before it. An analogous situation of aggressive occupation of a small country was not long tolerated by the international community and led to the Second World War.

In present times, because of the advent of the nuclear weapon, there cannot be world wars. But, situations of such rampant aggression and anarchy cannot be allowed to prevail. Furthermore, a most dangerous precedent will be set, with all engulfing consequences and repercussions. The remedy lies in providing for basic collective security through the due implementation of the Charter, a matter which has become an imperative call.

The victims in this case may be only the people of Cyprus, of whatever origin, whose inherent attachment to their homeland is common and inseparable, and whose legitimate rights and interests to preserve its independence, sovereignty and territorial integrity, are being sacrificed in the service of alien aims and purposes. But the issue is far wider, for those aims and purposes are in themselves negative and destructive to the moral fibre and the essential structure of a world community so manifestly interdependent in our days.

The sense of common interests between the Greek and Turkish Cypriots as the rightful inhabitants of this island more clearly emerged since the foreign invasion. Many are the instances reported of such feelings of solidarity, despite all ruthless military measures for their suppression.



In his report, Mr. Kenneth Ziebel, Executive Secretary of the World Council of Churches, on a visiting mission to Cyprus after the invasion, writes the following:

"Numerous incidents are related in which Turkish Cypriots aided Greek Cypriots against the Turkish invaders or even, incredibly enough, in which Turkish Cypriots sought the help of Greek Cypriot friends for protection of themselves from the Turkish invaders."

The good spirit of friendliness and solidarity is not lacking in the Cypriot people, Greek and Turkish alike. It is ever alive and can at any moment flower, when not deliberately and tyrannically frustrated from outside.

I should be grateful if this letter were circulated as a document of the Security Council.

(Signed) Zenon ROSSIDES  
Permanent Representative of Cyprus  
to the United Nations

## DOCUMENT S/12033

### Letter dated 31 March 1976 from the representative of South Africa to the President of the Security Council

[Original: English]  
[31 March 1976]

I have the honour to refer to the statement by the Permanent Representative of Portugal in the Security Council this morning [1905th meeting] in connexion with the protection of the Calueque dam in southern Angola.

That statement did not disclose any substantial divergence in the viewpoints of South Africa and Portugal on the principal issues relating to this aspect of the debate currently in progress in the Council, although there was a clear difference in emphasis, some differences of interpretation and several omissions in the statement. I wish to focus the attention of the Council on the elements about which there would appear to be no dispute.

Firstly, the Portuguese authorities were requested as early as April 1975, to provide protection for Calueque dam in terms of the international agreement on the development of the Cunene River, between Portugal and South Africa but they were unable to comply.

Secondly, the note delivered by the South African Ambassador in Lisbon to the Portuguese Government at the beginning of September 1975, a copy of which was transmitted to the Secretary-General on 5 September, is, as far as we are aware, not disputed. In it South Africa welcomed the Portuguese decision that Portuguese troops were at that time in a position to protect workers in the area concerned; undertook to withdraw the South African personnel concerned in co-operation with the Portuguese commander, and commented on the practical question of provisioning the Portuguese force from South West Africa. An important fact to be noted in this letter is that South Africa expressed readiness to withdraw from Angola on 5 September 1975, long before Angola became an independent State.

Thirdly, the Portuguese in fact never came to Calueque in a protective capacity.

Because the Portuguese Government found itself unable to assume this role, South Africa had no choice but to protect the workers and the construction work

at the dam. After the Portuguese departure from Angola, the works and workers at Calueque still required protection. Immediately assurances on this, and related matters, were received, South African troops were withdrawn.

The representative of Portugal apparently implies that because contacts between his and my Government concerning Calueque had been "at the highest level, through the diplomatic representatives accredited to the two capitals", South Africa could not rely on "imaginary oral statements of an unknown envoy of the High Commissioner in Luanda". I find it difficult to reconcile this attitude with paragraph 4 of the note of 2 September, handed by the Portuguese Government to the South African Ambassador in Lisbon, and referred to both by the Portuguese representative today and by me at yesterday afternoon's meeting [1904th meeting]. The extract I quoted then reads as follows:

"4. If at the start it was not immediately possible for the Portuguese authorities to transfer military units to the above-mentioned area, they meanwhile had direct contacts in Windhoek between representatives of the High Commissioner in Luanda and the Pretoria Government. At present the Portuguese are in Calueque".

In other words the Portuguese authorities themselves admit that contacts took place between representatives of the High Commissioner in Luanda and the South African authorities.

I wish to reiterate that arrangements were made with the Portuguese authorities for them to assume protection of the Calueque dam, and for South Africa to carry out the task until they arrived.

I should be glad if this letter could be issued as a document of the Security Council.

(Signed) R. F. BOTHA  
Permanent Representative of South Africa  
to the United Nations





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